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Alan Spriggs, Summit County Utah Recorder

10/31/2011 12:53:26 PM Fee \$16.00

By Smith Hartvigsen PLLC

Electronically Recorded

When Recorded Return to:

Coalville City

c/o Sheldon Smith, City Attorney

P.O. Box 972

Coalville, UT 84017

## **TRUSTEE'S DEED**

This Deed is made and executed by J. Craig Smith, an active member of the Utah State Bar, as the duly appointed Trustee ("Trustee") under the Notice of Default and Designation of Trustee referred to in Paragraph C below.

A. Under Coalville City Ordinance No. 2008-1 ("the Assessment Ordinance"), Coalville City levied a special assessment tax on the properties located within the Coalville City, Utah Special Improvement District No. 2001-1, which properties include the property described in **EXHIBIT A**. A Notice of Proposed Assessment was recorded on April 10, 2009, as Entry No. 00869528, in the official records of the Summit County Recorder.

B. A breach and default occurred under the terms of the Assessment Ordinance in the particulars set forth in the Notice of Default and Designation of Trustee referred to in Paragraph C below, including an election to sell the property. Such default continued until the time of sale.

C. Coalville City appointed J. Craig Smith, Esq., as Trustee and provided notice of default under the Notice of Default and Designation of Trustee, recorded on August 26, 2010, in Book 2045, Page 1020, as Entry No. 00905583, in the official records of the Summit County Recorder.

D. Not later than 15 days after the Notice of Default and Designation of Trustee was recorded, the Trustee mailed, by certified mail, postage prepaid, copies of the Notice of Default and Designation of Trustee, addressed to the property owners, other interested parties, and each person—if any—whose name and address were set forth in a request for notice of default, recorded prior to the recording of the Notice of Default and Designation of Trustee, directed to the address designated in the request.

E. A period of not less than three months did elapse after the filing and giving of the Notice of Default and Designation of Trustee, and the default was not cured.

F. The Trustee executed a Notice of Trustee's Sale Under Assessment Lien, stating that the property described therein would be sold at public auction to the highest bidder, payable in lawful money of the United States and fixing the time and place for said sale as October 19, 2011 at 10:00 a.m., at the Third District Courthouse building located at 6300 North Silver Creek Drive, Park City, Utah. The Notice of Trustee's Sale Under Assessment Lien was recorded September 12, 2011, in Book 2095, Page 0223, as Entry No. 00930071, in the official records of the Summit County Recorder. The Trustee caused copies of said Notice of Trustee's Sale to be published once a week for three consecutive weeks, the last publication being at least 10 but not more than 30 days prior to the sale, in the Summit County News, a newspaper having general circulation in Summit County, Utah. The Trustee also caused the Notice of Trustee's Sale Under Assessment Lien to be published on the website established in the manner required by Utah Code section 45-1-10 for at least 30 days before the scheduled sale date. The Trustee also caused copies of the Notices of Trustee's Sale Under Assessment Lien to be posted at least 20

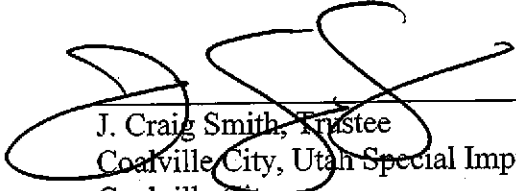
days before the date of the sale in a conspicuous place on the property to be sold and at the Summit County Recorder's Office. The Trustee also mailed by certified mail, postage prepaid, copies of the Notice of Trustee's Sale Under Assessment Lien, at least 20 days before the date of the sale, addressed to the property owners, other interested parties, and each person—if any—whose name and address were set forth in a request for notice of default, recorded prior to the recording of the Notice of Default and Designation of Trustee, directed to the address designated in the request.

G. The Trustee properly held a Trustee's sale at the date, time, and place as noticed in the Notice of Trustee's Sale Under Assessment Lien, all in compliance with applicable Utah law, at which sale the Coalville City, was the high bidder and purchaser of the property after bidding an amount equal to the amount due under the assessment lien, including accrued interest, attorney fees, trustee fees, and other costs of sale.

H. All other applicable statutory requirements pertaining to the assessment lien, notice of default, notice of sale, and the conduct of the sale, including the applicable requirements of Utah Code sections 57-1-19 through 57-1-36, were strictly complied with by the Trustee.

NOW, THEREFORE, the Trustee, J. Craig Smith, an active member of the Utah State Bar, for the consideration bid and paid by Coalville City, and by virtue of the authority vested in him, does hereby grant and convey to Coalville City, without any covenant or warranty, express or implied, all right, title, and interest of Allen Hollow LLC, and any other person or claiming by, through, or under them, all of that certain property in Summit County, Utah, as more particularly described in **EXHIBIT A**, together with any buildings, fixtures, improvements, easements, rights of way and appurtenances belonging to the property.

DATED this 31st day of October, 2011.

  
\_\_\_\_\_  
J. Craig Smith, Trustee  
Coalville City, Utah Special Improvement District 2001-1  
Coalville City

STATE OF UTAH                    )  
  :ss.  
COUNTY OF SALT LAKE    )

On the 31st day of October, 2011, personally appeared before me J. Craig Smith, known to me to be the person who executed the foregoing Trustee's Deed, who duly acknowledged to me that he is the Trustee, that he is an active member of the Utah State Bar, and that he executed the foregoing Trustee's Deed in his capacity as Trustee.

  
\_\_\_\_\_  
Notary Public



## EXHIBIT A

A tract of land located in the South half of Section 4 and in the North half of Section 9, Township 2 North, Range 5 East, Salt Lake Base and Meridian and having a basis of bearing taken as South between the Northwest corner and the Southwest corner of said Section 9, described as follows:

BEGINNING at a point which is North 88°46'24" West 450.52 feet along the Section line from the North quarter corner of Section 9, Township 2 North, Range 5 East, Salt Lake Base and Meridian, a monument in concrete (said point of beginning being a rebar and cap monumenting the Southeast corner of Cedar Crest subdivision) and running thence North 17°15'06" East 420.73 feet along the Easterly boundary of said subdivision to a rebar and cap monumenting an angle point on the Easterly boundary of said subdivision; thence North 22°33'41" East 580.03 feet along the Easterly boundary of said subdivision; thence North 35°37'26" East 201.26 feet along the Easterly boundary of said subdivision to a rebar and cap monumenting an angle point on the Easterly boundary of said subdivision and the center of section line; thence North 00°43'44" East along the center of section line 214.59 feet to the Northwest corner of the Southwest quarter of the Southeast quarter of Section 4; thence South 88°32'37" East along the quarter-quarter section line 1329.33 feet to the Northeast corner of the Southwest quarter of the Southeast quarter of Section 4; thence South 00°23'40" West along the quarter-quarter section line 1320.13 feet to the Southeast corner of the Southwest quarter of the Southeast quarter of Section 4; thence North 88°46'25" West along the Section line 539.07 feet to the crest of a cedar ridge; the following 3 calls being along said crest: 1) thence South 26°35'09" West 245.46 feet; 2) thence South 18°16'04" West 307.89 feet; 3) thence South 31°09'41" West 471.75 feet; thence North 50°56'01" West 301.69 feet to a rebar and cap monumenting the Northeast corner of that certain parcel of land conveyed to CRA Enterprises Investments, L.C., by that certain Special Warranty Deed recorded January 14, 2000 as Entry No. 557193 in Book 1303 at Page 1079 of the official records in the office of the Summit County Recorder; the following 8 calls being along the Northerly boundary of the CRA Parcel: (Note: rotation of 2°06'19" to the right has been applied) 1) thence North 48°49'51" West 188.47 feet to a rebar and cap; 2) thence North 42°54'15" West 57.25 feet to a rebar and cap; 3) thence North 48°49'51" West 96.07 feet to a rebar and cap; 4) thence South 86°48'09" West 73.64 feet to a rebar and cap; 5) thence South 31°30'39" West 221.86 feet to a rebar and cap; 6) thence South 56°58'29" West 108.74 feet to a rebar and cap; 7) thence South 52°56'29" West 115.32 feet to a rebar and cap; 8) thence South 29°37'11" West 327.46 feet to the Northerly line of an existing road (30 feet perpendicular from the centerline of said road); thence North 63°34'07" West 296.43 feet along said line; thence along the arc of a curve to the left 753.44 feet (radius 483.56 feet, chord bearing South 66°06'08" West 679.51 feet) along said line; thence South 15°45'06" West 29.69 feet, along said line to the Southerly line of the Northwest quarter of the Northwest quarter of Section 9; thence North 88°49'44" West 687.48 feet, along said line to the edge of a rock ledge; thence North 43°38'35" East 64.40 feet, along said ledge to a nail set in ledge; thence North 31°10'07" East 57.35 feet, along said ledge; thence North 17°53'08" East 176.08 feet, along said ledge; thence North 36°16'43" East 650.31 feet, along said ledge; thence North 33°39'13" East 334.86 feet, along said ledge; thence North 19°30'51" East 257.91 feet, along said ledge to the Northerly

line of Section 9, said line also being the Southerly boundary line of Cedar Crest subdivision; thence South 88°46'24" East 1021.86 feet, along said Section line to the POINT OF BEGINNING.

Excepting therefrom those portions conveyed by that Quit Claim Deed of Dedication of Roadway to Municipal Corporation, with Allen Hollow LLC as Grantor and Coalville City as Grantee, recorded November 16, 2007 as Entry No. 830742 in Book 1899 at Page 1815 of the official records of the Summit County Recorder.

Parcel No. CT-301-C.

Less and excepting the following property:

That portion of the Small Business and Technology Park in the City of Coalville, County of Summit, State of Utah, per the official plat thereof, located in the Northwest Quarter of Section 9, Township 2 North, Range 5 East, Salt Lake Base and Meridian, and being a strip of land 60.00 feet in width described as follows:

**COMMENCING** at the North Quarter Corner of said Section 9; thence South 89°47'19" West 594.06 feet along the northerly line of said Section 9 and the southerly line of the Cedar Crest Subdivision to the **TRUE POINT OF BEGINNING**; thence South 34°30'14" East 345.26 feet to Northwesterly right-of-way line of Summit Business Park Drive, 60.00 feet wide, and the beginning of a curve concave Northerly having a radius of 270.00 feet; thence Westerly 28.65 feet along said curved right-of-way through a central angle of 06°04'46"; thence, continuing along said right-of-way South 75°12'23" East 34.59 feet; thence North 34°30'14" West 366.30 feet to said Northerly line of Section 9; thence North 89°47'19" East 72.62 feet along said Northerly line to the **TRUE POINT OF BEGINNING**.