

WHEN RECORDED RETURN TO:
GRANT KESLER
3739 BRIGHTON POINT DRIVE
SALT LAKE CITY, UTAH 84121


9980863
1/23/2007 2:52:00 PM \$67.00
Book - 9412 Pg - 2069-2078
Gary W. Ott
Recorder, Salt Lake County, UT
SUTHERLAND TITLE
BY: eCASH, DEPUTY - EF 10 P.

AFFIDAVIT

GRANT S. KESLER, being duly sworn deposes and says:

1. That he is a Managing Member of a Utah Limited Liability Company known as L.C. Canyon Partners, LLC.
2. That in February 2006 L.C. Canyon Partners, LLC entered into an Agreement with the U.S. Environmental Protection Agency (EPA) which Agreement is known as the Agreement and Covenant Not to Sue-EPA Docket No. CERCLA-08-2006-0004 (Agreement).
3. That pursuant to the above described Agreement, L.C. Canyon Partners, LLC completed remediation of a site now known as the Granite Oaks Subdivision.
4. That attached hereto as Exhibit "A" is a Notice of Completion for a portion of the site now known as Lot 39, Granite Oaks Subdivision.
5. That attached hereto as Exhibit "B" is the legal description of Lot 39, Granite Oaks Subdivision.
6. That the EPA has requested that the Notice of Completion be recorded in Salt Lake County and that this Affidavit with the attachments are being recorded pursuant to the Agreement with the EPA and pursuant to their request.
7. That subsequent to the Notice of Completion attached hereto the entire area known as Operable Unit 3 has been cleaned to the satisfaction of the EPA and that a similar Notice of Completion has been granted for the entire project undertaken by L.C. Canyon Partners, LLC.

FURTHER AFFIANT SAYETH NOT.



 Grant S. Kesler Managing Member of L.C. Canyon Partners, LLC

Dated this 23rd day of January, 2007.

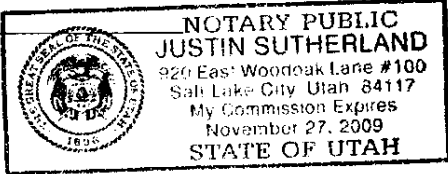
State of Utah)
) ss:
County of Salt Lake)

On this 23rd day of January, 2007, personally appeared before me Grant S. Kesler, the signer of the above instrument who duly acknowledged to me that he executed the same in the capacity indicated.



 Notary Public residing in Salt Lake County

My Commission Expires _____





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18TH STREET- SUITE 200

DENVER, CO 80202-2466

Phone 800-227-8917

<http://www.epa.gov/region08>

August 22, 2006

Ref: 8EPR-SA

Grant Kesler
L.C. Canyon Partners, LLC
3739 Brighton Point Dr.
Salt Lake City, UT 84121

Re: Notice of Completion for Lot 39 – a Portion of the Operable Unit 3 of Davenport and Flagstaff Smelters Superfund Site (Agreement and Covenant Not to Sue – EPA Docket No. CERCLA-08-2006-0004) (“Agreement”)

Dear Mr. Kesler:

The U.S. Environmental Protection Agency (EPA) has completed a review of the ***Sampling Results and Request for Removal Completion Letter for Lot 39, Granite Oaks Subdivision, Flagstaff and Davenport Smelters Site OU3 (“Final Removal Action Report for Lot 39”)*** submitted by Resource Environmental Management Consultants (RMC) on August 11, 2006 representing L.C. Canyon Partners, LLC, pursuant to the Agreement and Covenant Not to Sue – EPA Docket No. CERCLA-08-2006-0004. Lot 39 is a portion of the Operable Unit 3 (OU3). The removal and sampling activities conducted for the Lot 39 portion have fulfilled the requirements set forth in the Statement of Work and the Removal Action Work Plan dated November 15, 2005. Therefore, by this letter, EPA accepts and approves L.C. Canyon Partners’ Final Removal Action Report for Lot 39 of the referenced Site.


As shown in the attached figures for Lot 39, Figures 1 and 2, two small areas encompass a total of approximately 0.18 acres of the 10.86-acres Lot 39 and contain impacted soils that were not required to be remediated pursuant to the Record of Decision (ROD, September 2002) exemption. Cell 1 is located adjacent to Little Cottonwood Creek. Removal of this small area would have comprised the integrity of the stream bank and would have potentially flooded the impacted area. Cell 2 consists of steep slopes that will not be developed due to geotechnical considerations. The ROD exemption states: *“This site contains several sloped areas that are steep enough that access is naturally limited. It was determined by EPA and UDEQ (sic) that there was minimal risk of exposure to the COCs due to the steepness of these slopes. These steep slopes are not being recommended for remediation.”*

In general, the Final Report, is only one of several tasks required by the EPA Agreement and its Statement of Work. EPA's approval of the Final Report should not, in any way, be construed to imply that all the tasks required under the Agreement have been fulfilled. Although certain physical work at the site has been completed, other provisions of the Agreement have yet to be completed, including, but not limited to, record retention requirements, and recovery of costs incurred by the United States in association with the Agreement.

By this letter, EPA acknowledges that the physical site work for Lot 39 has been completed and no further site work for Lot 39 will be required under the terms of this Agreement. The Agreement will remain in effect, however, until all required tasks have been completed.

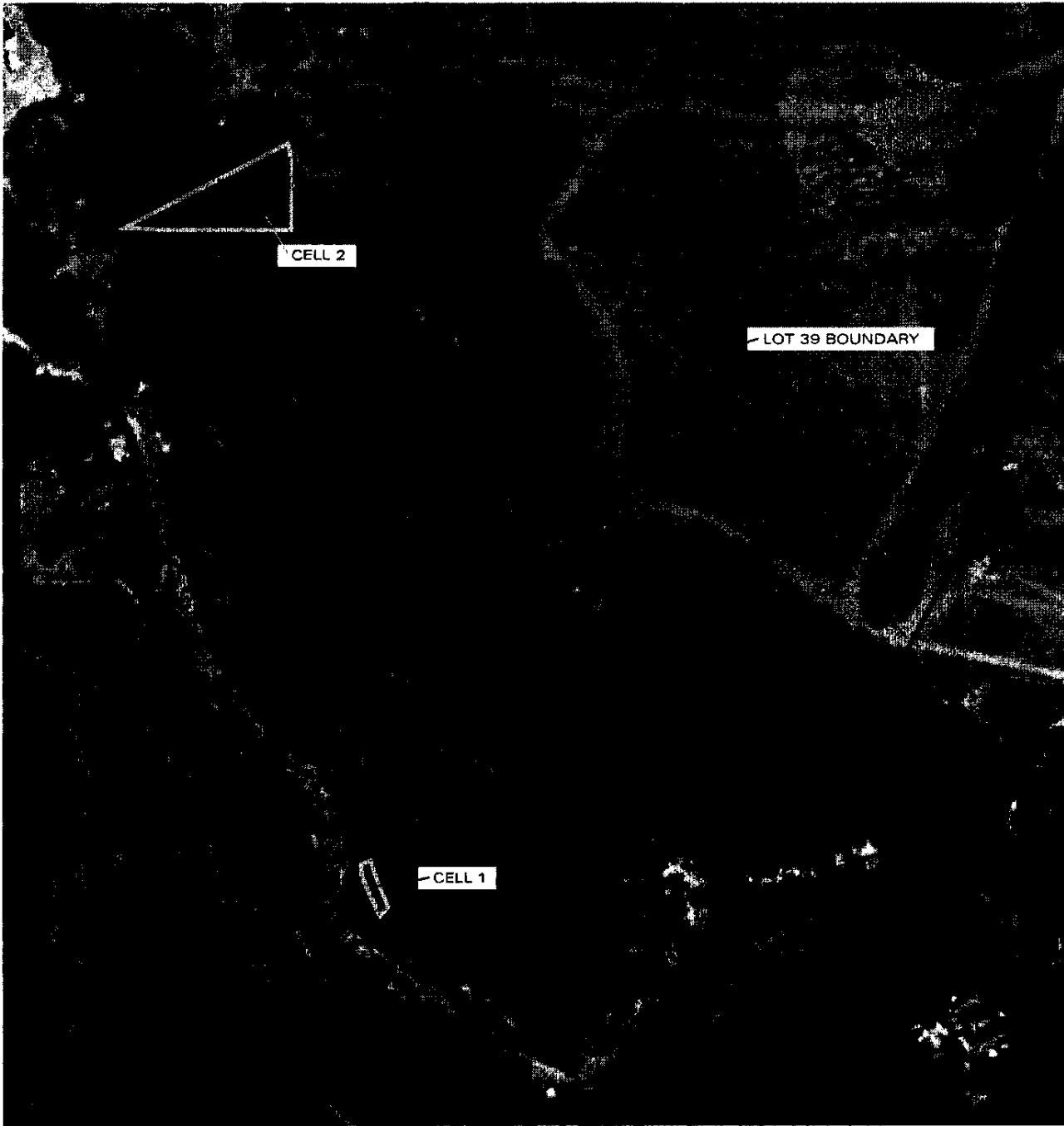
If you have any questions regarding this matter, please contact me at 303-312-6509.

Sincerely,

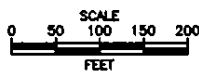


Duc T. Nguyen, OSC
Emergency Response Program

cc: Tom Daniels (UDEQ)
Sheldon Muller (EPA)
Maureen Oreilly (EPA)



NOTE: Locations not surveyed.
 Locations may differ from original aerial photograph projection.



LC CANYON PARTNERS, LLC

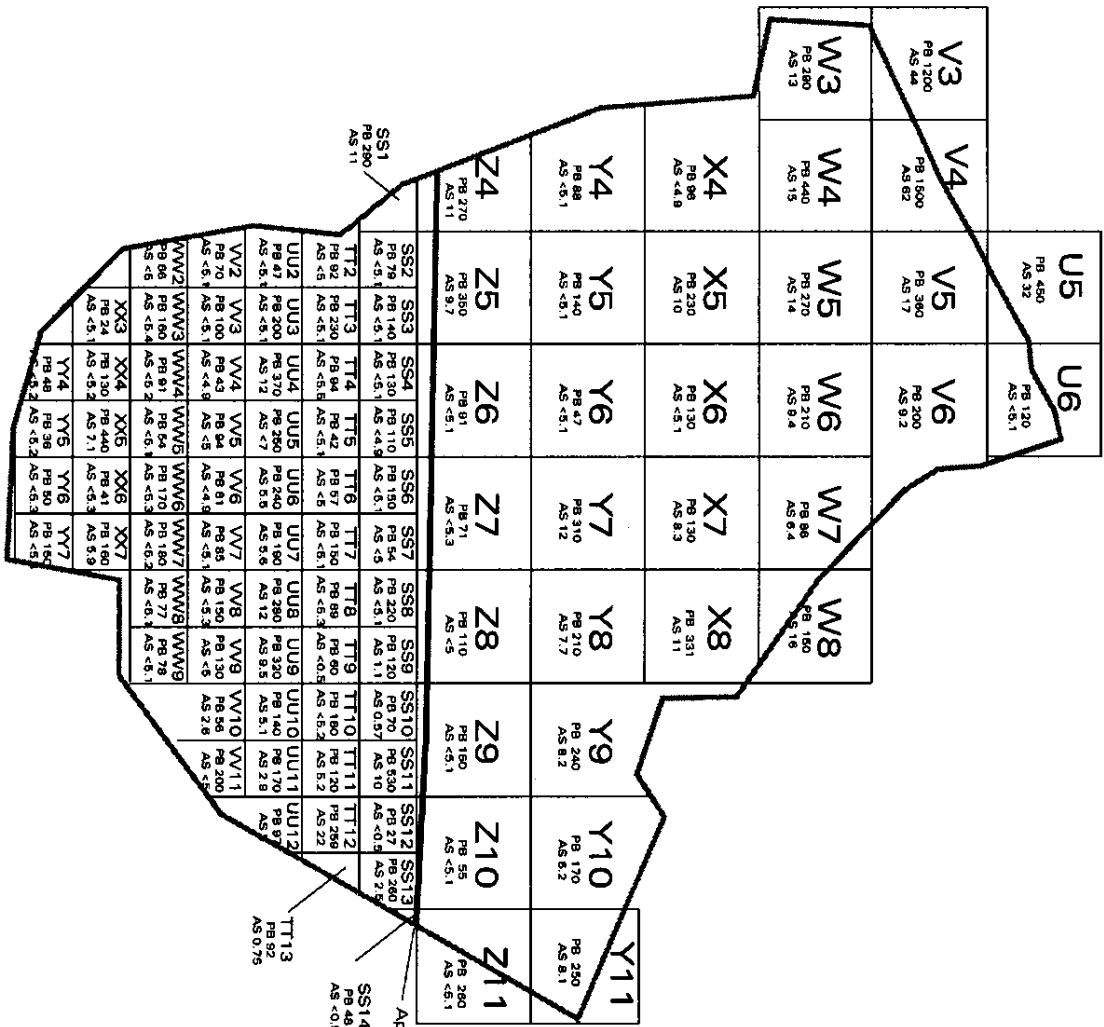
FIGURE 1
 SITE MAP

RESOURCE MANAGEMENT CONSULTANTS
 8138 SOUTH STATE ST.
 SUITE 2A
 MIDVALE, UT 84047
 801-255-2628



AUGUST 2006

lcc steep slopes.dwg



LEGEND

X6 GRID LOCATION
 PB 230 LEAD (PARTS PER MILLION)
 AS <5.1 ARSENIC (PARTS PER MILLION)

NOTE: Locations not surveyed.
 Sample grid measured on the ground. May differ from original aerial photograph projection.



LC CANYON PARTNERS, LLC

FIGURE 2
 LOT 39
 CONFIRMATION SAMPLE

RESIDENT MANAGEMENT CONSULTANTS
 1125 SOUTH STATE ST.
 SUITE 201
 DENVER, CO 80202
 303-733-1544
 AUGUST 2006
 lcc confirmation lot 39.dwg

Exhibit "B"

Beginning at the Northwest Corner of Section 12, Township 3 South, Range 1 East, Salt Lake Base and Meridian, and running: thence North 89°51'03" East 467.76 feet along the section line; thence North 10°08'30" East 526.57 feet; thence South 79°51'30" East 415.83 feet to the West line of the North Little Cottonwood Canyon Road; thence South 02°33'54" West 39.16 feet along the west line of the North Little Cottonwood Canyon Road; thence Southeasterly 79.86 feet along the arc of a 1030.37 foot radius curve to the left, (center bears South 87°26'06" East and long chord bears South 0°20'41" West 79.85 feet with a central angle of 4°26'26") along the west line of North Little Cottonwood Canyon Road; thence South 10°05'03" West 330.13 feet; thence North 89°51'07" East 121.61 to the West line of North Little Cottonwood Canyon Road; thence Southeasterly 319.52 feet along the arc of a 1030.37 foot radius curve to the left (center bears North 69°38'34" East and the long chord bears South 29°14'28" East 318.25 feet with a central angle of 17°46'04") along the West line of North Little Cottonwood Canyon Road; thence South 38°07'30" East 183.62 feet along the West line of North Little Cottonwood Canyon Road; thence South 85°41'58" West 194.22 feet; thence South 26°13'19" West 204.64 feet; thence South 63°46'41" East 104.10 feet; thence South 28°55'38" West 686.70 feet to the North line of the LaCaille Subdivision; thence South 89°18'23" West 350 feet along the North line of the LaCaille Subdivision; thence South 47°23'24" West 105.00 feet along the North line of the LaCaille Subdivision; thence South 38°48'00" West 158.00 feet along the North line of the LaCaille Subdivision; thence South 70°26'22" West 43.55 feet along the North line of the LaCaille Subdivision; thence North 49°17'33" West 61.00 feet along the North line of the LaCaille Subdivision; thence North 55°51'00" West 144.52 feet along the North line of the LaCaille Subdivision; thence North 20°22'26" West 193.38 feet along the North line of the LaCaille Subdivision; thence North 50°04'00" West 101.40 along the North line of the LaCaille Subdivision; thence North 28°36'10" West 119.50 along the North line of the LaCaille Subdivision; thence North 11°19'35" West 79.75 feet along the North line of the LaCaille Subdivision; thence North 09°00'00" West 140.00 feet along the North line of the LaCaille Subdivision; thence North 82°58'30" West 91.90 feet along the North line of the LaCaille Subdivision; thence North 47°24'00" West 69.87 feet along the North line of the LaCaille Subdivision to the Section line; thence North 00°38'44" West 726.33 feet along the Section line of the Northwest Corner of said Section 12 to the point of beginning.

RXLP GRANITE OAKS AMD

B FLG	BLK/BLDG	IND FLG	LOT/QUAR	BLK, LOT-QUAR PARCEL NUMBER	OBSOLETE?
		L	1	28-01-353-001-0000	VTR
		L	1	28-01-353-003-0000	NO
		L	2	28-01-353-002-0000	VTR
		L	2	28-01-353-004-0000	NO
		L	4	28-12-104-001-0000	VTR
		L	4	28-12-104-004-0000	NO
		L	5	28-12-104-002-0000	VTR
		L	5	28-12-104-005-0000	NO
		L	6	28-12-104-003-0000	VTR
		L	6	28-12-104-006-0000	NO
		L	7	28-12-101-032-0000	VTR
		L	7	28-12-101-041-0000	NO
		L	8	28-12-101-031-0000	VTR
		L	8	28-12-101-040-0000	NO
		L	9	28-12-101-030-0000	VTR
		L	9	28-12-101-039-0000	NO
		L	10	28-12-101-029-0000	VTR
		L	11	28-12-101-028-0000	VTR
		L	12	28-12-101-027-0000	VTR

PF1=VTDI PF5=RXKP PF7=RXAB LIST PF12=PREV ENTER=NEXT CURSOR DOWN AND ENTER=RXPN
 PF4=RETURN TO RXEN PF10=LAST RECORDS

RXLP GRANITE OAKS AMD

B FLG	BLK/BLDG	IND FLG	LOT/QUAR	BLK, LOT-QUAR PARCEL NUMBER	OBSOLETE?
		L	12	28-12-101-027-0000	VTR
		L	13	28-12-101-026-0000	VTR
		L	14	28-12-101-025-0000	VTR
		L	15	28-12-101-024-0000	VTR
		L	17	28-12-101-023-0000	VTR
		L	18	28-12-101-022-0000	VTR
		L	19	28-12-101-021-0000	VTR
		L	19	28-12-101-037-0000	NO
		L	20	28-12-101-020-0000	VTR
		L	20	28-12-101-036-0000	NO
		L	21	28-12-101-019-0000	VTR
		L	21	28-12-101-035-0000	NO
		L	22	28-12-101-018-0000	VTR
		L	22	28-12-101-034-0000	NO
		L	23	28-12-102-001-0000	VTR
		L	23	28-12-102-002-0000	NO
		L	24	28-01-352-013-0000	VTR
		L	24	28-01-352-017-0000	NO
		L	25	28-01-352-014-0000	VTR

PF1=VTDI PF5=RXKP PF7=RXAB LIST PF12=PREV ENTER=NEXT CURSOR DOWN AND ENTER=RXPN
 PF4=RETURN TO RXEN PF10=LAST RECORDS

RXLP GRANITE OAKS AMD

B FLG	BLK/BLDG	IND FLG	LOT/QUAR	BLK, LOT-QUAR PARCEL NUMBER	OBSOLETE?
		L	25	28-01-352-014-0000	VTR
		L	25	28-01-352-018-0000	NO
		L	26	28-01-352-012-0000	VTR
		L	26	28-01-352-016-0000	NO
		L	27	28-01-352-011-0000	VTR
		L	27	28-01-352-015-0000	NO
		L	28	28-12-103-006-0000	VTR
		L	28	28-12-103-017-0000	NO
		L	29	28-12-103-007-0000	VTR
		L	29	28-12-103-018-0000	NO
		L	30	28-12-103-008-0000	VTR
		L	30	28-12-103-019-0000	NO
		L	31	28-12-103-009-0000	VTR
		L	31	28-12-103-020-0000	NO
		L	32	28-12-103-010-0000	VTR
		L	32	28-12-103-021-0000	NO
		L	33	28-12-103-011-0000	VTR
		L	33	28-12-103-022-0000	NO
		L	34	28-12-103-004-0000	VTR

PF1=VTDI PF5=RXKP PF7=RXAB LIST PF12=PREV ENTER=NEXT CURSOR DOWN AND ENTER=RXPN
 PF4=RETURN TO RXEN PF10=LAST RECORDS

RXLP GRANITE OAKS AMD

B FLG	BLK/BLDG	IND FLG	LOT/QUAR	BLK, LOT-QUAR PARCEL NUMBER	OBSOLETE?
		L	34	28-12-103-004-0000	VTR
		L	34	28-12-103-015-0000	NO
		L	35	28-12-103-003-0000	VTR
		L	35	28-12-103-014-0000	NO
		L	36	28-12-103-002-0000	VTR
		L	36	28-12-103-013-0000	NO
		L	37	28-12-103-001-0000	VTR
		L	37	28-12-103-012-0000	NO
		L	38	28-12-103-005-0000	VTR
		L	38	28-12-103-016-0000	NO
		L	39	28-12-101-038-0000	NO
		P	A	28-12-101-017-0000	VTR
		P	A	28-12-101-033-0000	NO

PF1=VTDI PF5=RXKP PF7=RXAB LIST PF12=PREV ENTER=NEXT CURSOR DOWN AND ENTER=RXPN
 PF4=RETURN TO RXEN PF10=LAST RECORDS