

RETURN TO GRANTEE  
AND MAIL TAX NOTICES TO  
Garff Rogers Ranch, LLC  
531 South State Street  
Salt Lake City, Utah 84111

00713066 BK01651 Pg00285-00292  
ALAN SPRIGGS, SUMMIT CO RECORDER  
2004 OCT 06 16:07 PM FEE \$32.00 BY GGB  
REQUEST: HIGH COUNTRY TITLE

**SPECIAL WARRANTY DEED**

David K. Broadbent in his capacity as Receiver for Legacy Capital, LLC, a subsidiary and/or affiliate of Merrill Scott & Associates, Ltd., (hereinafter "Grantor"), for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, does hereby convey and warrant against all persons claiming by, through or under it, but not otherwise, to Garff Rogers Ranch, LLC, a Utah limited liability company, Grantee, all of GRANTOR'S right, title and interest in and to the following described real property which is located in Summit County, Utah, and is more particularly described as follows:

See the attached Exhibit "A," which is incorporated herein.

Together with the following water rights, without any covenant or warranty, express or implied: Water Right No. 35-1876 (D1378; 0.022 cfs from Armstrong Spring); Water Right No. 35-1877 (D1379; 0.033 cfs from Upper Meadow Spring "A"); Water Right No. 35-1878 (D1380; 0.013 cfs from Upper Meadow Spring "B"); Water Right No. 35-1879 (D1381; a21952 (approved) 0.05 cfs from Dynamite Spring and/or well) and all claims, applications, and other rights related thereto, whether perfected or unperfected and any and all other water rights and interests in the use of water encumbered by the December 3, 1999 Deed of Trust (described below) that has not been separately conveyed. Said Deed of Trust was originally executed December 3, 1999 by Gordon Warner and Deanne Warner, husband and wife, as Trustors, for the benefit of Legacy Capital, LLC, as the Lender/beneficiary and Meridian Title Company as Trustee and filed for record on December 3, 1999, in the office of the Summit County Recorder, State of Utah, as Entry No. 00554541 in Book 01298 at Pages 00886 to 00895.

For reference purposes only, the Tax Parcel/Serial Numbers of the real property covered by this deed are: SS-54, SS-79-A-1, SS-79; SS-79-A; and SS-79-A-A.

SUBJECT current general taxes, easements restrictions and rights of way of record.

Dated this 5<sup>th</sup> day of October, 2004.

GRANTOR:

David K Broadbent  
David K. Broadbent, Receiver

BK1651 PG0285

LTC # 35743

38

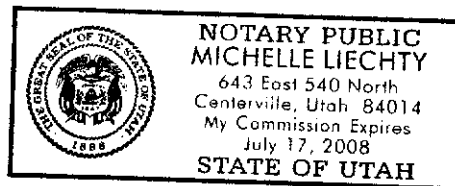
STATE OF UTAH                    )  
  : ss.  
COUNTY OF SALT LAKE        )

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of October, 2004, by David K. Broadbent., in his capacity as Receiver for Legacy Capital

  
NOTARY PUBLIC  
Residing at: Centerville, Utah

My Commission Expires:  
07-17-2008

3286981\_1.DOC



**RECORDERS NOTE**  
DUE TO THE COLOR OF THE INK  
OF THE NOTARY SEAL AFFIXED  
TO THIS DOCUMENT, THE  
SEAL MAY BE UNSATISFACTORY  
FOR COPYING.

**EXHIBIT 'A'**

**PARCEL 1:**

The East half of the Northeast quarter; and the Northeast quarter of the Southeast quarter of Section 25; Township 1 South, Range 4 East, Salt Lake Base and Meridian.

**EXCEPTING THEREFROM THE FOLLOWING:**

Beginning at a point which is North  $00^{\circ}03'36''$  East 1321.45 feet along the Easterly line of Section 25 from the Southeast corner of Section 25, Township 1 South, Range 4 East; thence continuing along said Easterly line of said Section 25, 50.00 feet to the true point of beginning of a 100.00 foot road parcel measured 50.00 feet either side at right angles to the following described centerline.

From the said true point of beginning; thence Southwesterly along an arc of a 350.00 foot radius curve concave to the Southeast through a central angle of  $90^{\circ}$ , more or less, to the North line of the Southeast one-quarter of the Southeast one-quarter of said Section 25, said point being the terminus of said centerline.

**PARCEL 2:**

The Northeast quarter; the Northeast quarter of the Northwest quarter; and all of Government Lots 1, 2 and 3 in Section 30, Township 1 South, Range 5 East, Salt Lake Base and Meridian.

**EXCEPTING THEREFROM THOSE PORTIONS LYING WITHIN THE FOLLOWING:**

**EXCEPTION PARCEL 1:**

A tract of land for highway known as Project No. 0189 situated in Lot 3 of Section 30, Township 1 South, Range 5 East, Salt Lake Meridian. Said tract of land is bounded on the Southeasterly side by a line parallel to and 50.0 feet distant Southeasterly from the center line of Survey of said project and bounded on the Northwesterly side by the Northwesterly right of way fence of the existing highway. Said center line is described as follows:

BEGINNING at the intersection of the South line of said Lot 3 and said center line of survey at Engineers Station 80+72 which point is approximately 318 feet West along said South line from the Southeast corner of said Lot 3; thence North  $35^{\circ}45'$  East 740 feet to the intersection of said center line of survey at Engineers Station 88+12 and the East line of said Lot 3, which point is approximately 665 feet North along said East line from said Southeast corner.

(Continued)

**BK1651 PG0287**

EXCEPTION PARCEL 2:

A tract of land for highway known as project No. 0189 situated in the West half of the Northeast quarter and the Northeast quarter of the Northeast quarter of Section 30, Township 1 South, Range 5 East, Salt Lake Meridian. Said tract of land is contained within two side lines parallel to and at distances of 50.0 feet Northwesterly and 50.0 feet Southeasterly from the center line of survey of said project. Said center line is described as follows:

BEGINNING at the intersection of the West line of said West half of the Northeast quarter and said center line of survey at Engineers Station 108+48.5 which point is 1881.2 feet South along said West line from the North quarter corner of said Section 30; thence North  $58^{\circ}51'$  East 3111.4 feet to the intersection of said center line of survey at Engineers Station 139+59.9 and the East line of said Section 30, which point is 278.1 feet South along said East line from the Northeast corner of said Section 30.

EXCEPTION PARCEL 3:

Beginning at a point which is North  $00^{\circ}03'36''$  East 1321.45 feet along the Westerly line of Section 30 from the Southwest corner of Section 30, Township 1 South, Range 5 East; thence continuing along said Westerly line of said Section 30, 50.00 feet to the TRUE POINT OF BEGINNING of a 100.00 foot road parcel, measured 50.00 feet either side at right angles to the following described centerline:

From the true point of beginning, thence Easterly along a line 50.00 feet Northerly of and parallel to the Northerly line of the Southwest one-quarter of the Southwest one-quarter of said Section 30, 990 feet, more or less, to the Westerly right-of-way of Brown's Canyon Road (formerly State Highway No. 196) with both the Northerly and Southerly right-of-way extending as required to intersect said Westerly right-of-way of said Brown's Canyon Road, said point also being the terminus of said 100.00 foot road parcel.

EXCEPTION PARCEL 4:

Those portions of Government Lot 3, Section 30, Township 1 South, Range 5 East, Salt Lake Base and Meridian, lying Southeasterly of the Northwesterly right of way line of the State Highway as presently existing.

EXCEPTION PARCEL 5:

Beginning at a point that is South 1370.71 feet and West 3957.16 feet from the Northeast corner of Section 22, Township 1 South, Range 5 East, Salt Lake Base and Meridian; said point being the Northwest corner of Lot 169, GARFF RANCHES; thence North a distance of 236.07 feet to a stream; thence along said stream the following courses: North  $67^{\circ}18'15''$  East a distance of 64.18 feet; thence North  $36^{\circ}59'36''$  East a distance of 48.53 feet; thence North  $55^{\circ}50'37''$  East a distance of 51.76 feet; thence North

(Continued)

53°43'03" East a distance of 57.50 feet; thence North 35°01'57" East a distance of 37.15 feet; thence South 77°41'21" East a distance of 35.11 feet; thence North 38°44'17" East a distance of 36.32 feet; thence North 23°02'07" East a distance of 40.45 feet; thence North 87°08'37" East a distance of 67.55 feet to the point of curve of a non-tangent curve to the left of which the radius point lies North 01°19'14" West a radial distance of 35.73 feet; thence Northeasterly along the arc through a central angle of 85°23'24" a distance of 53.25 feet to a point of reverse curve to the right having a radius of 63.86 feet and a central angle of 64°55'09"; thence Northeasterly along the arc a distance of 72.36 feet; thence North 68°12'30" East a distance of 55.44 feet to a point of curve to the right having a radius of 100.00 feet and a central angle of 26°46'58"; thence Easterly along the arc a distance of 46.74 feet; thence South 85°00'31" East a distance of 108.60 feet; thence North 79°19'21" East a distance of 63.96 feet; thence North 21°25'04" East a distance of 94.84 feet; thence North 32°47'36" West a distance of 29.15 feet; thence North 51°11'56" East a distance of 24.67 feet; thence South 78°39'49" East a distance of 20.68 feet to the point of curve of a non tangent curve to the right of which the radius point lies South 65°02'16" East a radial distance of 242.83 feet; thence Northeasterly along the arc through a central angle of 35°28'42" a distance of 150.36 feet; thence North 70°24'08" East a distance of 50.21 feet; thence North 08°38'18" East a distance of 16.16 feet; thence South 84°31'30" East a distance of 65.78 feet; thence North 75°22'46" East a distance of 73.11 feet; thence North 23°27'06" East a distance of 59.81 feet; thence North 19°46'39" East a distance of 42.27 feet; thence North 61°56'57" East a distance of 50.58 feet; thence North 17°02'39" East a distance of 89.83 feet; thence North 68°28'13" East a distance of 32.88 feet; thence South 84°31'25" East a distance of 31.52 feet; thence North 79°36'09" East a distance of 24.32 feet; thence North 59°40'43" East a distance of 82.41 feet, thence North 41°43'28" East a distance of 36.80 feet; thence South 00°06'46" East a distance of 1124.76 feet; thence South 89°24'33" West a distance of 1320.01 feet to the point of beginning.

EXHIBIT "B"

David K. Broadbent, 0442  
Richard D. Clayton, 0678  
HOLLAND & HART LLP  
60 E. South Temple, Suite 2000  
Salt Lake City, Utah 84111-1031  
(801) 595-7800

FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH  
AUG 30 2004  
BY MARKUS B. ZIMMER, CLERK  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

SECURITIES AND EXCHANGE COMMISSION, )

Plaintiff, )

v. )

MERRILL SCOTT & ASSOCIATES, LTD.; )  
MERRILL SCOTT & ASSOCIATES, INC.; )  
PHOENIX OVERSEAS ADVISERS, LTD.; )  
GIBRALTAR PERMANENTE ASSURANCE, )  
LTD.; PATRICK M. BRODY, DAVID E. ROSS II )  
and MICHAEL G. LICOPANTIS, )

Defendants. )

ORDER CONFIRMING PRIVATE  
SALE OF RECEIVERSHIP'S BROWN'S  
CANYON PROPERTY

Civil No. 2:02CV-0039C

DAVID K. BROADBENT, ESQ., as RECEIVER )  
for MERRILL SCOTT & ASSOCIATES, LTD.; )  
MERRILL SCOTT & ASSOCIATES, INC.; )  
PHOENIX OVERSEAS ADVISERS, LTD.; )  
GIBRALTAR PERMANENTE ASSURANCE, )  
LTD.; and each of their respective SUBSIDIARIES )  
and AFFILIATED ENTITIES, )

Third-Party Plaintiff, )

v. )

CERTAIN UNDERWRITERS AT LLOYDS, )  
LONDON; and JAMES P. LANDIS, )

Third-Party Defendants. )

Judge Tena Campbell  
Magistrate Judge David Nuffer

Based upon the pleadings, the matters coming before the Court at the hearing on August 30,

BK1651 PG0290

2004 at 4:00 P.M. and being otherwise informed in the premises, the Court

HEREBY FINDS AND ORDERS that:

1) The Receiver's notice and procedure for proposing the private sale to the Court of the Receivership's property located in Summit County, Utah ("Brown's Canyon Property") is approved and confirmed;


2) The private sale of the Brown's Canyon Property is in the best interest of the Receivership;

3) The Receiver is authorized and directed to finalize the private sale of the Brown's Canyon Property under the terms of the proposed private sale outlined in the pleadings and at the hearing and such sale is hereby confirmed by the Court, subject to the following conditions:

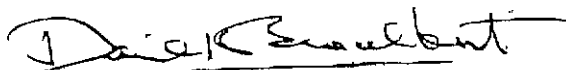
- A. The proceeds of the private sale of the Brown's Canyon Property (net reasonable attorneys' fees and costs and the reasonable costs incurred by the Receiver, including the three requested appraisals) shall be placed in a segregated, interest-bearing account [meeting the requirements of a "control account" under the Utah Commercial Code] and shall remain in said account pending resolution by the Court or mutual agreement of the parties of the dispute between the Receiver and Charles Cozean regarding the enforceability of Cozean's claimed security interest in the Brown's Canyon Property; and
- B. Pursuant to the stipulation and agreement between the Receiver and Charles Cozean, Cozean's security interest in the Warner Note and Warner Deed of Trust [the subject of the prior trustee's sale] and the Brown's Canyon Property shall attach to the proceeds of the sale to be held in the above described segregated account and shall continue a first-priority security interest with respect to the proceeds of the private sale, subject to a final determination by Court order or mutual agreement between Cozean and the Receiver of the Receiver's dispute of the enforceability of Cozean's claimed security interest in the Brown's Canyon Property.

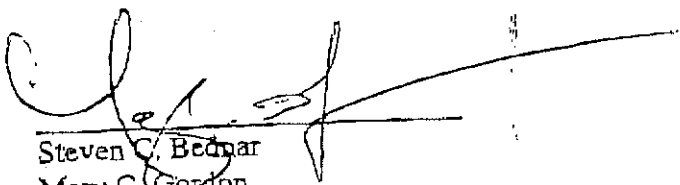
4) Nothing in this Order shall be construed to waive, dilute and/or otherwise modify any rights that Charles Cozean might have with respect to his right to seek control of the private sale of Brown's Canyon Property (as he has previously requested) if the proposed sale of Brown's Canyon Property does not close within 45 calendar days' of the Court's granting approval of the sale as set forth in the Stipulation (or as may further be agreed upon by Mr. Cozean and the Receiver).

Dated this 30 day of August 2004.

  
The Honorable Judge Tena Campbell  
United States District Court for the  
District of Utah

APPROVED AS TO FORM:

  
David K. Broadbent  
Holland & Hart LLP

  
Steven C. Bednar  
Mary C. Gordon  
Manning Curtis Bradshaw & Bednar, LLC

**RECORDER'S NOTE**  
LEGIBILITY OF WRITING, TYPING OR  
PRINTING UNSATISFACTORY IN THIS  
DOCUMENT WHEN RECEIVED.



RECORDING REQUESTED BY  
Garff Rogers Ranch, LLC

WHEN RECORDED MAIL TO  
Garff Rogers Ranch LLC  
405 S. Main, #1200  
Salt Lake City, Utah 84111

**ENTRY NO. 01067950**

04/24/2017 11:43:36 AM B: 2406 P: 0948

Warranty Deed PAGE 1/4

MARY ANN TRUSSELL, SUMMIT COUNTY RECORDER

FEE 18.00 BY LARRY WILLIAMS



SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

## SPECIAL WARRANTY DEED

For the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged DON MERRICK AND ROBERT LYONS SULLIVAN, JR., hereby CONVEYS AND WARRANTS against all claiming by, through or under them to

GARFF ROGERS RANCH, LLC.  
405 S. MAIN, #1200  
SALT LAKE CITY, UTAH 84111  
(hereinafter "GRANTEE")

All of their right, title and interest in and to a parcel of land located in SUMMIT COUNTY, UTAH, being more particularly described on **EXHIBIT A**, which is attached hereto and incorporated herein,

excepting therefrom all reservations, covenants and restrictions of record, existing easements and rights-of-way, and taxes for the year 2016 and thereafter.

IN WITNESS WHEREOF, this SPECIAL WARRANTY DEED is executed to be effective as of the date first above written.

DON MERRICK

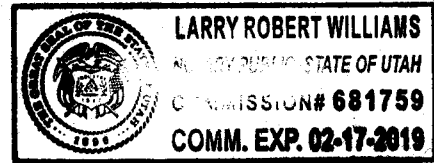
  
Don Merrick, Individually

ROBERT LYONS SULLIVAN, JR.

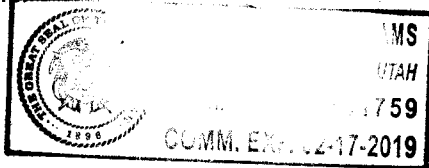
  
Robert Lyons Sullivan Individually

ACKNOWLEDGMENT

STATE OF UTAH }  
COUNTY OF Summit } ss.



On this 24<sup>th</sup> day of April, 2017 before me personally appeared DON MERRICK known to me (or proved to me on the basis of satisfactory evidence) to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same.

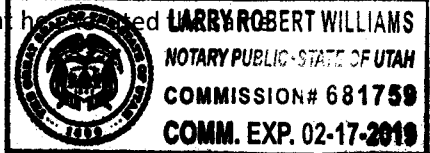


Larry R Williams  
Notary Public

ACKNOWLEDGMENT

STATE OF UTAH }  
COUNTY OF Salt Lake } ss.

On this 24<sup>th</sup> day of April, 2017 before me personally appeared ROBERT LYONS SULLIVAN, JR. known to me (or proved to me on the basis of satisfactory evidence) to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same.



Larry R Williams  
Notary Public

# EXHIBIT A

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## LEGAL DESCRIPTION

A parcel of land located in Summit County, Utah and being more particularly described as:

### **PARCEL #SS-70-12**

Lot 24, being located in Section 19, Township 1 South, Range 5 East, Salt Lake Base and Meridian, and being more particularly described as –

Beginning at a point that is S89°23'18"W along the South Section line of Section 19, Township 1 South, Range 5 East, Salt Lake Base and Meridian, 1,107.225 feet, N00°30'00"E 1,417.732 feet and S85°30'00"W 84.652 feet from the Southeast Corner of said Section 19, (said Southeast Corner bearing N89°23'18"E from the Southwest Corner and being the basis of bearing for this description).

Thence S85°23'14"W 1,273.331 feet; Thence N02°30'00"W 1,484.608 feet; thence S85°00'00" E 1,431.177 feet; Thence S7°29'45"W 243.128 feet; Thence S03°22'59"W 1,016.772 feet to the Point of Beginning,

Together with and subject to a 50 foot right of way designated as Rights-of-Way "E" and "J".

### RIGHT-OF-WAY "J"

A 50 foot right-of-way, 25 feet on each side of its centerline described as follows:

Beginning at a Point which is N89°23'18"E along the Section line 3,902.797 feet and due North 3,125.830 feet from the Northwest Corner of section 19, Township 1 South, Range 5 East, Salt Lake Base and Meridian, which Section Corner is N00°33'56"E (used as the basis of bearing of this description) from the Southwest Corner of said section 19; Thence N65°02'14"W 319.883 feet; Thence N34°45'21"E 298.203 feet; Thence North 80.000 feet; Thence N37°12'29"W 339.006 feet; Thence S20°08'11"W 159.765 feet; Thence S32°28'16"W 130.384 feet; Thence S67°47'48"W 264.622 feet; Thence N59°02'11"W 116.619 feet; Thence N04°05'08"W 140.357 feet; Thence N23°57'45"W 98.489 feet; Thence N64°32'12"W 116.297 feet; Thence S72°17'25"W 624.600 feet; Thence S55°03'16"W 506.285 feet; Thence S39°14'15"W 387.331 feet; Thence S18°26'06"W 347.851 feet; Thence S03°55'49"W 656.544 feet; Thence S06°38'14"W 1,384.278 feet; Thence S11°05'37"W 779.567 feet; Thence S06°57'11"W 206.519 feet; Thence S06°20'25"E 181.108 feet; Thence S15°28'43"E 337.231 feet; Thence S06°50'34"E 251.794 feet; Thence S02°52'55"W 2,187.767 feet; Thence S13°19'28"W 195.256 feet; Thence S20°31'03"W 870.201 feet; Thence S08°25'37"W 136.473 feet; Thence S32°11'45"E 159.530 feet; Thence S67°14'57"E 168.077 feet; Thence N70°05'47"E 616.847 feet; Thence N80°22'49"E 299.207 feet; Thence N85°23'14"E 2,051.646 feet to its point of intersection with the centerline of right-of-way "E" on sheet 3 of 8.

### RIGHT OF WAY "E"

A 50 foot right-of-way, 25 feet on each side of its centerline described as follows:

Beginning at a point on the northerly right-of-way line of State Highway no. 196, said point being S00°06'48"E along the Section line 219.745 feet and N58°51'00"E 670.250 feet from the

Southwest Corner of Section 20, Township 1 South, Range 5 East, Salt Lake Base and Meridian, which corner is N89°23'18"E (used as the basis of bearing in this description) from the Northwest Corner of Section 30, Township 1 South, Range 5 East, Salt Lake Base and Meridian; Thence N31°00'00"W 566.366 feet; Thence N43°00'00"W 620.00 feet; Thence N50°30'00"W 475.00 feet; Thence N86°18'55"W 588.992 feet; Thence S86°30'00"W 84.652 feet; Thence N03°22'59"E 1016.772 feet; Thence N07°29'45"E 574.913 feet; Thence N17°54'16"E 341.541 feet; Thence N44°12'55"E 258.118 feet; Thence N72°53'50"E 204.022 feet; Thence S84°35'46"E 371.652 feet; Thence N72°08'07"E 635.649 feet; Thence N54°41'42"E 1574.587 feet; Thence N34°50'27"E 621.390 feet; Thence N55°36'04"E 672.625 feet; Thence N73°21'40"E 908.020 feet; Thence N58°21'44"E 1,239.163 feet; Thence N42°18'58"E 906.091 feet; Thence N74°30'00"E 356.746 feet to its point of intersection with the centerline of another 50 foot right-of-way running north-south.