ALTA/ACSM LAND TITLE SURVEY A PART OF BLOCK 7, OGDEN FIVE ACRE PLAT 'A', OGDEN CITY

SURVEY, BEING PART OF THE WEST HALF, OF THE NORTHEAST QUARTER, OF SEC. 29, TOWNSHIP 6 NORTH, RANGE 1 WEST SALT LAKE BASE AND MERIDIAN, OGDEN CITY, COUNTY OF WEBER, STATE

NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO ESTABLISH THE POSITION OF THE BOUNDARY LINES THE SUBJECT PROPERTY ON THE GROUND AND TO GATHER THE NECESSARY DATA TO DETERMINE THE TOPOGRAPHIC CONFIGURATION OF THE GROUND AND THE PLANIMETRIC LOCATION OF EXISTING IMPROVEMENTS AND OCCUPATIONS. THE INTENDED USE OF THIS PLAT IS TO PROVIDE A BASE MAP FOR DESIGN AND DEVELOPMENT OF A COMMERCIAL

THE FIELD SURVEY WAS PERFORMED: 4-18-2007 TO 5-08-2007 AND ADDITIONAL FIELD SURVEY PERFORMED 11-2-2007 TO 11-5-2007. THE DATE THE SURVEY DRAWING WAS COMPLETED: JANUARY 9, 2007 THE SITE CONDITIONS WERE FIELD VARIFIED SEPTEMBER 9, 2008

BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE UTAH COORDINATE SYSTEM NAD 83 (1994) NORTH ZONE, AS DETERMINED BETWEEN THE FOLLOWING THREE NGS HARN STATIONS: "RED BUTTE CORS ARP" (PID: AF9633), ADJUSTED BY NGS IN MARCH 2002, " EAST OGDEN

THE BASIS OF BEARINGS MAY BE DETERMINED LOCALLY BY THE CENTER LINE OF WALL AVENUE BETWEEN THE OGDEN CITY SURVEY MONUMENTS AT 18TH SOUTH AND 21ST SOUTH,

GPS BASE STATION ARP" (PID: AI5835), ADJUSTED BY NGS IN JUNE 2000, AND "NORTH ANTELOPE ISLAND GPS BASE STA ARP" (PID: AI5836), ADJUSTED BY NGS IN JUNE 2000

BENCH MARK:

THE BENCHMARKS FOR THIS SURVEY ARE THE NGS FIRST ORDER CLASS I BENCHMARKS DESIGNATED M-92 PID# MR0398 AND F-92 PID# MR0400 WITH PUBLISHED NAVD 88 DATUM ELEVATIONS, DESCRIBED MORE PARTICULARLY AS FOLLOWS:

MONUMENT IS LOCATED AT THE NORTHWEST CORNER OF INTERSECTION 24TH AND GRANT AVENUE, BRASS CAP IS SET VERTICALLY IN THE SOUTH GRANITE FOUNDATION WALL OF THE OLD POST OFFICE BUILDING. CAP FALLS 0.9 FEET EAST OF THE SOUTHWEST CORNER OF THE BUILDING AND 1.7 FEET ABOVE THE GROUND.

ELEVATION: 1311.981 METERS; 4304.391 US SURVEY FEET

F-92 PID# MR0400

MONUMENT IS LOCATED AT THE NORTH END OF THE NORTHERLY BRICK BUILDING (APPROX. 90'X40') OF THE U.P.R.R. STATION AT 25TH AND WALL AVE. BRASS CAP IS SET VERTICALLY IN THE WEST CONCRETE FOUNDATION WALL, 1.4 FEET OF THE NORTHWEST CORNER. 21.3 FEET EAST OF THE EAST RAIL OF THE MAIL SPUR, AND FALLS 2 FEET ABOVE

ELEVATION: 1311.315 METERS; 4302.206 US SURVEY FEET

NOTES

1. FOR ALL TITLE RELATED MATTERS, CLC ASSOCIATES, INC. RELIED UPON THE FOLLOWING COMMITMENTS FOR TITLE INSURANCE ISSUED BY METRO NATIONAL TITLE:

ORDER NO. 07049830-B; EFFECTIVE DATE-AUGUST 04, 2008 AT 7:45 A.M. SEE SHEET 6 OF 7 FOR DISPLAY OF CURRENT PARCELS.

2. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

3. THIS ALTA SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED IN THE CERTIFICATE HEREON. SAID CERTIFICATION DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT AN EXPRESS RE—CERTIFICATION BY THE

4. COORDINATES SHOWN HEREON ARE BASED ON THE UTAH COORDINATE SYSTEM NAD 83 (1994) NORTH ZONE; MULTIPLY GROUND DISTANCES SHOWN HEREON BY 0.999751549 TO OBTAIN GRID DISTANCES USED WITH GIVEN COORDINATES.

5. CURRENT ZONING IS, "M-1 & M-2" GENERAL COMMERCIAL; WHICH ALLOWS;

20 FT: BUILDING SET BACK FOR MINIMUM FRONT YARD 20 FT: BUILDING SET BACK FOR MINIMUM SIDE YARD FACING A STREET NONE: BUILDING SET BACK FOR MINIMUM SIDE YARD

20 FT: BUILDING SET BACK FOR MINIMUM REAR YARD

NONE: MAXIMUM BUILDING HEIGHT

10 FEET: BUILDING SET BACK FOR MINIMUM FRONT YARD 10 FEET: BUILDING SET BACK FOR MINIMUM SIDE YARD FACING A STREET NONE: BUILDING SET BACK FOR MINIMUM SIDE YARD NONE: BUILDING SET BACK FOR MINIMUM REAR YARD

THIS PROPERTY IS IN ZONE X, OF OTHER AREAS, DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAN; AND ZONE AE, SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD EVENT, BASE ELEV DETERMINED; AND FLOODWAY AREAS IN ZONE AE, PER THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL

NO. 49057C0426E, WHICH BEARS AN EFFECTIVE DATE OF DECEMBER 16, 2005.

SURVEYOR'S CERTIFICATION:

TO: WAL-MART REAL ESTATE BUSINESS TRUST, A DELAWARE STATUTORY TRUST, WAL-MART STORES, INC., A DELAWARE CORPORATION, WAL-MART TRS, LLC, A DELAWARE LIMITED LIABILITY COMPANY: METRO NATIONAL TITLE; CHICAGO TITLE INSURANCE COMPANY; MIRI LESHAM, AS TRUSTEE OF THE MIRI LESHAM TRUST, CREATED UNDER INSTRUMENT DATED

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS IN 2005, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6, 7A, 8, 9, 10, 11B, AND 13 OF TABLE A THEREOF. PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA AND NSPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, UNDERSIGNED FURTHER CERTIFIES THAT IN MY PROFESSIONAL OPINION, AS A LAND SURVEYOR REGISTERED IN THE STATE OF UTAH, THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN.



PROFESSIONAL LAND SURVEYOR #271154 FOR AND ON BEHALF OF CLC ASSOCIATES, INC. 420 E. SOUTH TEMPLE, SUITE 550 SLC, UT 84111-1913

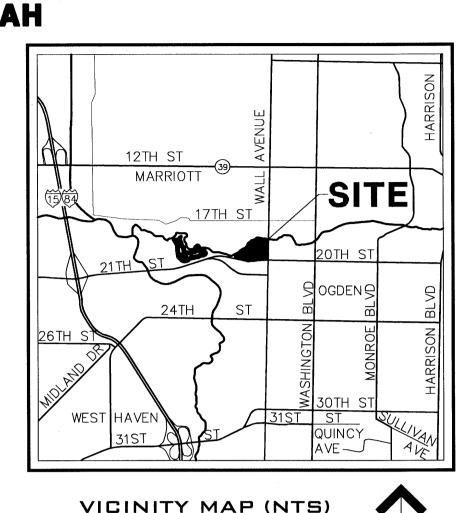
LEGAL DESCRIPTION WAL-MART

ALL THAT LAND BEING A PART OF BLOCK 7, OGDEN FIVE ACRE PLAT "A", OGDEN CITY SURVEY, ALSO BEING A PART OF THE WEST HALF, OF THE NORTHEAST QUARTER, OF SECTION 29, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, OGDEN CITY, WEBER COUNTY, STATE OF UTAH, MORE PARTICULARLY DESCRIBED AS

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF 20TH

WALL AVENUE, SAID POINT BEING NO1"18'26"E ALONG THE CENTERLINE OF SAID WALL AVENUE 40.00 FEET, AND N88'42'00"W 40.00 FEET, TO THE INTERSECTION OF THE NORTH LINE OF SAID 20TH STREET AND THE WEST LINE OF SAID WALL AVENUE, AND N88'42'00"W ALONG SAID NORTH LINE 30.96 FEET, FROM THE CENTERLINE MONUMENT AT THE INTERSECTION OF SAID 20TH STREET AND WALL AVENUE; THENCE ALONG SAID NORTH LINE OF 20TH STREET THE FOLLOWING SEVEN (7) COURSES: 1) N88'42'00"W 353.20 FEET, 2) S00'43'55"E 36.54 FEET, s) S85'38'53"W 263.25 FEET, 6) N80'42'04"W 57.71 FEET, AND ') N87'51'46"W 120.88 FEET; THENCE N00'58'38"E 212.63 FEET; THENCE N51'45'38"E 19.58 FEET; THENCE N01'08'14"E 26.58 FEET; THENCE NO1'18'27"E 98.07 FEET; THENCE S88'41'33"E 31.33 FEET; THENCE NO1'18'27"E 179.68 FEET; THENCE N34'25'17"E 109.83 FEET; THENCE S88'41'33"E 86.33 FEET; THENCE NO1'18'27"E 76.36 FEET; THENCE N51"59"54"E 55.06 FEET; THENCE S88"41"33"E 212.02 FEET; THENCE NO1'03'17"E 164.11 FEET; THENCE S89'40'14"E 488.98 FEET TO THE WEST LINE OF SAID WALL AVENUE; THENCE S01118'26"W ALONG SAID WEST LINE 820.81; THENCE S46'18'30"W 43.78 FEET, TO THE POINT OF BEGINNING.

CONTAINS 16.75 ACRES, MORE OR LESS



VICINITY MAP (NTS)

REFERRAL AGENCIES:

SENIOR PROJECT COORDINATOR

MIKE KUHN 2974 WASHINGTON BLVD. OGDEN, UTAH 84402 801-395-6726 2549 WASHINGTON BLVD. SUITE 420 1425 W. 3100 S

UDOT REGION ONE 169 NORTH WALL OGDEN, UTAH 84112-2580 801-620-1600

UTAH POWER 1438 WEST 2550 SOUTH

SLC, UTAH 84119

801-879-4357

OGDEN SEWER 133 W 29TH ST OGDEN, UTAH 84075

CITY OF OGDEN, UTAH

ECONOMIC & BUSINESS

TAMMIE A. NALDER

OGDEN, UTAH 84401

DEVELOPMENT

801-629-8995

133 W 29TH ST OGDEN, UTAH 84401 801-629-8321

STORM WATER 133 W 29TH ST OGDEN, UTAH 84401 801-629-8325

UTILITY NOTES:

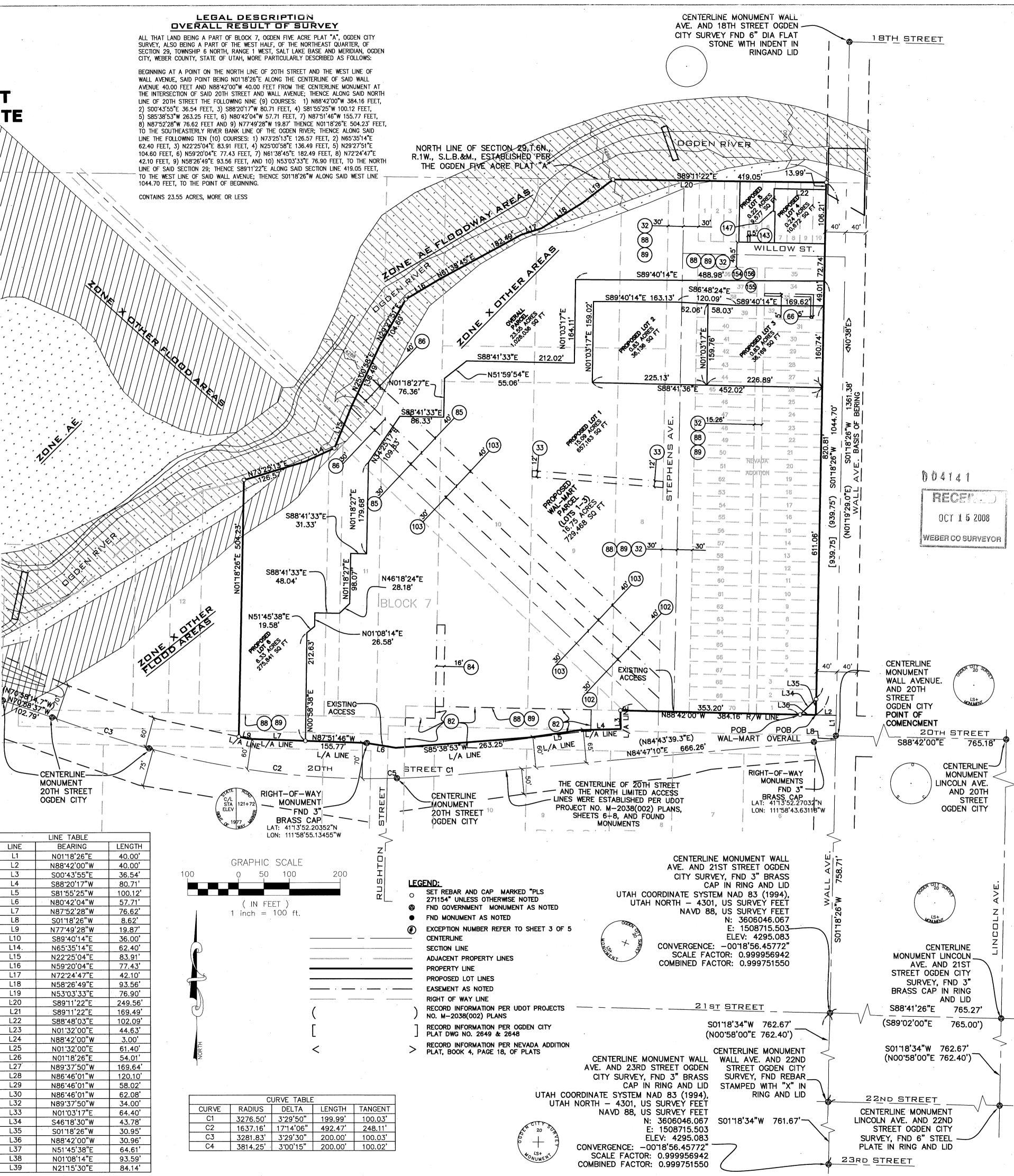
THE TYPICAL DEPTH OF COVER FOR WATER LINES ON OR NEAR THIS PROPERTY IS 4 TO 5 FEET.

. THE APPROXIMATE WATER FLOW AND PRESSURE IN THE AREA ARE AS FOLLOWS: FLOW = 1343 GALLONS PER MINUTE (GPM) STATIC PRESSURE = 93.0 PSIG, PER WATER SUPPLY SITE SURVEY DATED 3-10-2008, PREPARED UNDER THE DIRECTION OF KENT F. RABE.

THE TYPICAL DEPTH OF COVER FOR BURIED GAS LINES ON OR NEAR THIS PROPERTY IS NOT RECORDED, THUS UNDETERMINED ACCORDING TO QUESTAR GAS CO.

PARCEL RESULT OF SURVEY

STREET AND THE WEST LINE OF THE PROPOSED CORNER CUTOFF AT



CLC ASSOCIATES

420 EAST SOUTH TEMPLE

F 801 363 5604

TTP://CLCASSOC.COM

ARCHITECTURE ENGINEERING PLANNING

DIRECT SUPERVISION OF

BRAD T MORTENSEN UTAH REGISTRATION NO.

PROJECT #: 06-0046

SHEET

1 of 5

C 1.10

DRAWN BY: DESIGNED BY:

CHECKED BY:

271154 FOR AND ON BEHALF OF CLC

ASSOCIATES

NDSCAPE ARCHITECTURE
LAND SURVEYING

CALL UTILITY NOTIFICATION CENTER OF BLUE STAKES

800-662-411 CALL Z-BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR

EXCAVATE FOR THE MARKING OF

UNDERGROUND MEMBER UTILITIES.

CAUTION: NOTICE TO CONTRACTOR

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE LOCAL UTILITY LOCATION CENTER AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS

ALTA/ACSM LAND TITLE SURVEY

SHEET 2 OF 5

LEGAL DESCRIPTION FROM TITLE REPORT ORDER #07049830-B DATED AUGUST 04, 2008

PARCEL 1: LOTS 16 AND 17, BLOCK 2, NEVADA ADDITION, ACCORDING TO THE OFFICIAL PLAT THEREOF, AS RECORDED IN THE OFFICE OF THE WEBER COUNTY RECORDER. TAX ID NO. 03-012-0001 PARCEL 2: LOTS 18 AND THE SOUTH HALF OF LOT 19, BLOCK 2, NEVADA ADDITION, ACCORDING TO THE OFFICIAL PLAT THEREOF, AS RECORDED IN THE OFFICE OF THE WEBER COUNTY RECORDER. TAX ID NO.

PARCEL 3: LOT 20 AND THE NORTH HALF OF LOT 19, BLOCK 2, NEVADA ADDITION, ACCORDING TO THE OFFICIAL PLAT THEREOF, AS RECORDED IN THE OFFICE OF THE WEBER COUNTY RECORDER. TAX ID NO. 03-012-0003 PARCEL 4: LOTS 21 AND 22, BLOCK 2, NEVADA ADDITION, ACCORDING TO THE OFFICIAL PLAT THEREOF, AS RECORDED IN THE OFFICE OF THE WEBER COUNTY RECORDER. TAX ID NO. 03-012-0004

OFFICIAL PLAT THEREOF, AS RECORDED IN THE OFFICE OF THE WEBER COUNTY RECORDER. TAX ID NO. PARCEL 6: THE NORTH HALF OF LOT 24, AND ALL OF LOT 25, BLOCK 2, NEVADA ADDITION, ACCORDING TO THE

PARCEL 5: LOT 23 AND THE SOUTH HALF OF LOT 24, BLOCK 2, NEVADA ADDITION, ACCORDING TO THE

OFFICIAL PLAT THEREOF, AS RECORDED IN THE OFFICE OF THE WEBER COUNTY RECORDER. TAX ID NO. PARCEL 7: LOTS 51 AND 52, BLOCK 2, NEVADA ADDITION, ACCORDING TO THE OFFICIAL PLAT THEREOF, AS

RECORDED IN THE OFFICE OF THE WEBER COUNTY RECORDER. TAX ID NO. 03-012-0020 PARCEL 8: LOTS 53 AND 54, BLOCK 2, NEVADA ADDITION, ACCORDING TO THE OFFICIAL PLAT THEREOF, AS RECORDED IN THE OFFICE OF THE WEBER COUNTY RECORDER. TAX ID NO. 03-012-0021

THE OFFICE OF THE WEBER COUNTY RECORDER. TAX ID NO. 03-012-0022 PARCEL 10: LOTS 1 TO 5. AND THE SOUTH 4 FEET OF LOT 6, BLOCK 2, NEVADA ADDITION, ACCORDING TO THE OFFICIAL PLAT THEREOF, AS RECORDED IN THE OFFICE OF THE WEBER COUNTY RECORDER. TAX ID NO.

PARCEL 9: LOT 55, BLOCK 2, NEVADA ADDITION, ACCORDING TO THE OFFICIAL PLAT THEREOF, AS RECORDED IN

PARCEL 11: THE NORTH 21 FEET OF LOT 6, ALL OF LOTS 7 AND 8, BLOCK 2, NEVADA ADDITION, ACCORDING TO THE OFFICIAL PLAT THEREOF, AS RECORDED IN THE OFFICE OF THE WEBER COUNTY RECORDER. TAX ID NO.

PARCEL 12: LOTS 9 AND 10, AND THE SOUTH 17.5 FEET OF LOT 11, BLOCK 2, NEVADA ADDITION, ACCORDING TO THE OFFICIAL PLAT THEREOF, AS RECORDED IN THE OFFICE OF THE WEBER COUNTY RECORDER. TAX ID NO.

PARCEL 13: THE NORTH 7.5 FEET OF LOT 11, ALL OF LOTS 12, 13 AND 14, AND THE SOUTH 17.5 FEET OF LOT 15, BLOCK 2, NEVADA ADDITION, ACCORDING TO THE OFFICIAL PLAT THEREOF, AS RECORDED IN THE OFFICE OF THE WEBER COUNTY RECORDER. TAX ID NO. 03-014-0014

PARCEL 14: THE NORTH 7.5 FEET OF LOT 15, BLOCK 2, NEVADA ADDITION, ACCORDING TO THE OFFICIAL PLAT THEREOF, AS RECORDED IN THE OFFICE OF THE WEBER COUNTY RECORDER. TAX ID NO. 03-014-0016 PARCEL 15: LOT 56 AND THE NORTH HALF OF LOT 57, BLOCK 2, NEVADA ADDITION, ACCORDING TO THE OFFICIAL PLAT THEREOF, AS RECORDED IN THE OFFICE OF THE WEBER COUNTY RECORDER. TAX ID NO.

PARCEL 16: THE SOUTH HALF OF LOT 57 AND ALL OF LOTS 58 AND 59, BLOCK 2, NEVADA ADDITION, ACCORDING TO THE OFFICIAL PLAT THEREOF, AS RECORDED IN THE OFFICE OF THE WEBER COUNTY RECORDER.

PARCEL 17: LOTS 60 AND 61, BLOCK 2, NEVADA ADDITION, ACCORDING TO THE OFFICIAL PLAT THEREOF, AS RECORDED IN THE OFFICE OF THE WEBER COUNTY RECORDER. TAX ID NO. 03-014-0019

PARCEL 18: LOTS 62, 63, 64, 65 AND THE NORTH 12 FEET OF LOT 66, BLOCK 2, NEVADA ADDITION, ACCORDING TO THE OFFICIAL PLAT THEREOF, AS RECORDED IN THE OFFICE OF THE WEBER COUNTY RECORDER.

PARCEL 19: THE SOUTH 13 FEET OF LOTS 66 AND ALL OF LOTS 67, 68, 69, 70, BLOCK 2, NEVADA ADDITION. ACCORDING TO THE OFFICIAL PLAT THEREOF, AS RECORDED IN THE OFFICE OF THE WEBER COUNTY RECORDER. TAX ID NO. 03-014-0021

PARCEL 20: PARTS OF LOTS 8, 9 AND 10, BLOCK 7, OGDEN FIVE ACRE PLAT "A", IN OGDEN CITY SURVEY: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 8; AND RUNNING THENCE SOUTH 89'11' EAST 92.46 FEET ALONG THE NORTH LINE OF SAID LOT 8 TO THE WEST LINE OF STEPHENS AVENUE: THENCE SOUTH 00'58' WEST 330 FEET; THENCE NORTH 89'02' WEST 438.96 FEET TO THE WEST LINE OF LOT 10; THENCE NORTH 0'58' EAST 170.3 FEET TO THE NORTHWEST CORNER OF LOT 10; THENCE NORTH 4918'27" EAST 242.94 FEET TO THE NORTHWEST CORNER OF LOT 9; THENCE SOUTH 89"11' EAST 165 FEET TO THE POINT OF BEGINNING MORE OR LESS. TAX ID NO. 03-015-0004

PARCEL 21: PART OF LOTS 8 AND 9, BLOCK 7, OGDEN FIVE ACRE PLAT "A", OGDEN CITY SURVEY, WEBER COUNTY, UTAH: BEGINNING ON THE NORTH LINE OF 20TH STREET, 321.5 FEET NORTH AND 125 FEET EAST FROM THE SOUTHWEST CORNER OF SAID LOT 9; RUNNING THENCE NORTH TO THE SOUTHWEST LINE OF THE OREGON SHORT LINE RAILROAD COMPANY'S RIGHT-OF-WAY; THENCE SOUTH 47'02' EAST ALONG SAID RIGHT-OF-WAY TO THE NORTH LINE OF 20TH STREET; THENCE WEST TO THE POINT OF BEGINNING. TAX ID NO. 03-015-0008

PARCEL 22: LOTS 44, 45, 46, AND 47 BLOCK 2, NEVADA ADDITION TO OGDEN CITY, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE WEBER COUNTY RECORDER. TAX ID NO. 03-012-0016/03-012-0017

PARCEL 23: LOT 50 AND THE SOUTH HALF OF LOT 49, IN BOOK 2, NEVADA ADDITION TO OGDEN CITY, UTAH, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE WEBER COUNTY RECORDER. TAX ID NO. 03-012-0019

PARCEL 24: LOTS 36 AND 37, BLOCK 2, NEVADA ADDITION, ACCORDING TO THE OFFICIAL PLAT THEREOF AS RECORDED IN THE OFFICE OF THE WEBER COUNTY RECORDER. TAX ID NO. 03-012-0013

PARCEL 25: LOTS 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 38, 39, 40, 41, 42, 43, , BLOCK 2, NEVADA ADDITION TO OGDEN CITY, WEBER COUNTY ACCORDING TO THE OFFICIAL PLAT THEREOF. TAX ID NO. 03-012-0007/0009 THRU 0012/0014/0015 & 03-012-0029

PARCEL 26: PART OF LOT 11, BLOCK 7, OGDEN FIVE ACRE PLAT "A", OGDEN CITY SURVEY, WEBER COUNTY UTAH, BEGINNING AT A POINT NORTH 89'02' WEST 115.64 FEET FROM THE SOUTHEAST CORNER OF SAID LOT 11; RUNNING THENCE NORTH 89'02' WEST 75.06 FEET ALONG THE SOUTH LINE OF SAID LOT 11: THENCE NORTH 0'58' EAST 534.4 FEET TO THE SOUTH LINE OF O.S.L. RAILROAD RIGHT-OF-WAY; THENCE FOLLOWING IN AN EASTERLY DIRECTION TO A POINT NORTH 0.58' EAST FROM THE POINT OF BEGINNING; THENCE SOUTH 0.58' WEST 460.20 FEET TO THE POINT OF BEGINNING. (03-015-0028.)

PART OF LOTS 11 AND 12, BLOCK 7, OGDEN FIVE ACRE PLAT "A", OGDEN CITY SURVEY, WEBER COUNTY, UTAH, BEGINNING AT A POINT ON THE SOUTH LINE OF SAID LOT 11, 72.5 FEET SOUTH 89'02' EAST FROM THE SOUTHWEST CORNER THEREOF; RUNNING THENCE NORTH 89'02' WEST 166.5 FEET ALONG THE SOUTH LINE OF SAID LOTS: THENCE NORTH 58 EAST 505 FEET TO THE SOUTH BANK OF THE OGDEN RIVER AS AT PRESENT SITUATED; THENCE FOLLOWING THE SOUTH BANK OF SAID RIVER AS AT PRESENT SITUATED IN A NORTHEASTERLY DIRECTION TO A POINT 578,8 FEET NORTH 58' EAST FROM THE PLACE OF BEGINNING; THENCE SOUTH 58' WEST 578.8 FEET TO THE PLACE OF BEGINNING. (03-015-0029).

THAT PORTION OF THE FOLLOWING STRIP OF LAND 66.00 FEET WIDE SITUATE IN LOTS 8, 9, 10 AND 11, BLOCK 7. FIVE ACRE PLAT A. OGDEN CITY SURVEY. IN SECTION 29, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE MERIDIAN, WEBER COUNTY, UTAH, BEING 33.0 FEET WIDE ON EACH SIDE, MEASURED AT RIGHT ANGLES AND/OR RADIALLY, OF THE HEREINAFTER DESCRIBED CENTERLINE OF THE ABANDONED MAIN TRACT OF THE ORIGINAL MAIN LINE OF THE OREGON SHORT LINE RAILROAD COMPANY (PREDECESSOR TO UNION PACIFIC RAILROAD COMPANY). AS FORMERLY CONSTRUCTED AND OPERATED AND EXTENDING NORTHWESTERLY FROM THE SOUTH AND EAST LINES OF SAID LOT 8 AND TO THE SOUTH BANK OF THE OGDEN RIVER. SAID CENTERLINE OF ABANDONED MAIN TRACT, HEREINABOVE REFERRED TO IS DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE NORTH LINE OF SAID SECTION 29 THAT IS 748.1 FEET DISTANT EASTERLY, MEASURED ALONG SAID NORTH LINE FROM THE NORTHWEST CORNER THEREOF: THENCE SOUTHEASTERLY DEFLECTING 4210' FROM EAST TO SOUTHEAST FROM SAID NORTH LINE OF SECTION 29, A DISTANCE OF 1,407.5 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 1,432.69 FEET; THENCE SOUTHEASTERLY ALONG A PORTION OF SAID CURVE THROUGH A CENTRAL ANGLE OF 21 06', A DISTANCE OF 527.5 FEET, MORE OR LESS TO A POINT IN SAID SOUTH LINE OF SAID LOT 8 AND THE END OF THE CENTERLINE HEREBY BEING DESCRIBED. (03-015-0038). LESS AND EXCEPTING THEREFROM ANY AND ALL OUTSTANDING OIL AND GAS, MINING AND MINERAL RIGHTS, ETC.. TOGETHER WITH THE RIGHT OF THE PROPRIETOR OF A VEIN OR LODE TO EXTRACT HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES, AND THE RIGHT OF INGRESS AND EGRESS FOR THE USE OF SAID RIGHTS.

PARCEL 27: PART OF LOT 10, BLOCK 7, OGDEN FIVE ACRE PLAT "A", OGDEN CITY SURVEY, WEBER COUNTY, UTAH: BEGINNING AT A POINT ON THE WEST LINE OF SAID LOT 10, WHERE THE NORTH LINE OF 20TH STREET INTERSECTS WITH SAID WEST LINE OF SAID LOT 10; THENCE NORTH 335 FEET; THENCE EAST 20 FEET; THENCE SOUTH 174.75 FEET; THENCE WEST 4 FEET; THENCE 160.25 FEET; THENCE WEST 16 FEET TO THE PLACE OF BEGINNING. SUBJECT TO THE RIGHT-OF-WAY HELD BY ALIDA DE GROOT AND HUSBAND JOHN DE GROOT AS SHOWN BY WARRANTY DEED DATED APRIL 29, 1905 AND RECORDED IN BOOK 49 OF DEEDS AT PAGE 214, WEBER COUNTY RECORDS. TOGETHER WITH THAT PORTION OF VACATED 20TH STREET ABUTTING SAID PROPERTY ON THE SOUTH. SUBJECT TO AND TOGETHER WITH A 16 FOOT RIGHT-OF-WAY ABUTTING SAID PROPERTY ON THE SOUTH. TAX ID NO. 03-015-0015

PART OF LOTS 9 AND 10, BLOCK 7 FIVE ACRE PLAT "A" OGDEN CITY SURVEY: BEGINNING AT A POINT 16.00 FEET SOUTH 89'02' EAST ALONG THE NORTH LINE OF 20TH STREET FROM THE INTERSECTION OF SAID NORTH LINE AND THE WEST LINE OF SAID LOT 10; RUNNING THENCE NORTH 0'58' EAST 160.25 FEET; THENCE SOUTH 89'02' EAST 4.00 FEET; THENCE NORTH 0'58' EAST 153.46 FEET TO THE SOUTHWEST LINE OF THE OREGON SHORT LINE RAILROAD COMPANY'S RIGHT-OF-WAY; THENCE SOUTH 46'50' EAST 157.94 FEET ALONG SAID SOUTHWEST LINE; THENCE SOUTH 0'58' WEST 47.37 FEET; THENCE SOUTH 89'02' EAST 44.50 FEET TO THE EAST LINE OF SAID LOT 10 AT A POINT 160.25 FEET NORTH 0'58' EAST FROM THE NORTH LINE OF 20TH STREET; THENCE NORTH 0'58' EAST 7.02 FEET TO SAID SOUTHWEST LINE OF THE OREGON SHORT LINE RAILROAD. COMPANY'S RIGHT-OF-WAY: THENCE SOUTH 46'50' EAST ALONG SAID SOUTHWEST LINE. AND SOUTH 0'58' WEST TO THE NORTH LINE OF 20TH STREET AT A POINT WHICH IS 125 FEET EAST FROM THE WEST LINE OF SAID LOT 9; THENCE NORTH 89'02' WEST 290.50 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING. TOGETHER WITH THAT PORTION OF VACATED 20TH STREET ABUTTING SAID PROPERTY ON THE SOUTH (1591-299). TAX ID NO. 03-015-0016

PART OF LOT 10, BLOCK 7, OGDEN FIVE ACRE PLAT "A", OGDEN CITY SURVEY, WEBER COUNTY, UTAH: BEGINNING 160.25 FEET NORTH OF A POINT ON THE EAST LINE OF LOT 10, WHERE THE NORTH LINE OF 20TH STREET INTERSECTS WITH SAID EAST LINE OF LOT 10; THENCE WEST 44.5 FEET; THENCE NORTH TO THE OREGON SHORT LINE R.R. RIGHT-OF-WAY: THENCE IN A SOUTHEASTERLY DIRECTION ALONG THE WEST LINE OF SAID RIGHT-OF-WAY TO THE SAID EAST LINE OF LOT 10' THENCE SOUTH ALONG THE EAST LINE OF LOT 10 TO THE PLACE OF BEGINNING. TAX ID NO. 03-015-0017

PART OF LOT 11, BLOCK 7, OGDEN FIVE ACRE PLAT "A", OGDEN CITY SURVEY; BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 11; AND RUNNING THENCE NORTH 89'02' WEST 115.64 FEET ALONG THE SOUTH LINE OF SAID LOT 11 (SAID SOUTH LINE IS ALSO THE NORTH LINE OF 20TH STREET); THENCE NORTH 0°58' EAST 460.20 FEET TO THE SOUTHWEST LINE OF THE OREGON SHORT LINE RAILROAD COMPANY'S RIGHT-OF-WAY; THENCE SOUTH 46°50' EAST 156.10 FEET ALONG SAID SOUTHWEST LINE TO THE EAST LINE OF SAID LOT 11: THENCE SOUTH 0'58' WEST 355.34 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING. TOGETHER WITH THAT PORTION OF VACATED 20TH STREET ABUTTING SAID PROPERTY ON THE SOUTH (1591-299), SUBJECT TO 16 FEET RIGHT-OF-WAY ABUTTING SAID PROPERTY ON THE SOUTH (1591-299). TAX ID NO. 03-015-0025

PARCEL 28: PART OF LOTS 8, 9 AND 10, BLOCK 7, OGDEN FIVE ACRE PLAT "A", OGDEN CITY SURVEY, WEBER COUNTY, UTAH: BEGINNING AT A POINT ON THE WEST LINE OF STEPHENS AVENUE, OGDEN CITY WEBER COUNTY, UTAH. 400 FEET SO'58'W FROM THE NORTH LINE OF SAID LOT 8; THENCE N89'02'W 438.96 FEET TO THE WEST LINE OF SAID LOT 10; THENCE SO'58'W ALONG THE WEST LINE OF LOT 10, A DISTANCE OF 209.87 FEET TO THE NORTH LINE OF PROPERTY AS DEEDED TO BOYCE EQUIPMENT AND PARTS COMPANY INC. AS RECORDED IN SPECIAL WARRANTY DEED IN BOOK 1804 AT PAGE 1472 OF OFFICIAL RECORDS ALSO BEING THE FORMER NORTHERLY LINE OF THE OREGON SHORT LINE RAILROAD; THENCE SOUTHEASTERLY ALONG SAID RIGHT-OF-WAY AND DEED LINE TO THE WEST LINE OF STEPHENS AVENUE; THENCE NO 58'E ALONG THE WEST LINE OF STEPHENS AVENUE TO BEGINNING.

EXCEPTING THEREFROM:

THAT PORTION OF LOT 9, DISTRIBUTED TO HENRY SANDBERG BY DECREE RECORDED IN BOOK 304 OF RECORDS,

ALSO A PART OF PARCEL 28: PART OF LOT 9, BLOCK 7, OGDEN FIVE ACRE PLAT "A", OGDEN CITY SURVEY, WEBER COUNTY, UTAH:

BEGINNING AT A POINT ON THE EAST LINE OF SAID LOT 9, WHICH IS 358.0 FEET NORTH OF THE NORTH FENCE LINE OF OREGON SHORTLINE RAILROAD COMPANY RIGHT-OF-WAY: THENCE WEST 60.0 FEET ALONG THE NORTH BOUNDARY LINE OF A VEHICULAR RIGHT-OF-WAY; THENCE NORTH 90.0 FEET; THENCE EAST 60.0 FEET; THENCE SOUTH 90.0 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

TOGETHER WITH THE FOLLOWING DESCRIBED RIGHT-OF-WAY:

BEGINNING AT A POINT ON THE WEST LINE OF SAID LOT 9, 195.0 FEET NORTH OF THE NORTH FENCE LINE OF THE OREGON SHORTLINE RAILROAD COMPANY RIGHT-OF-WAY; THENCE EASTERLY ALONG THE SOUTH LINE OF THE VEHICULAR RIGHT-OF-WAY AS IT NOW EXISTS ACROSS LOTS 8 AND 9, SAID BLOCK 7, TO THE WEST LINE OF STEPHENS AVENUE; THENCE NORTH ALONG THE WEST LINE OF STEPHENS AVENUE 20.0 FEET TO THE NORTH LINE OF SAID RIGHT-OF-WAY: THENCE WESTERLY ALONG THE NORTH LINE OF SAID RIGHT-OF-WAY TO A POINT 20.0 FEET NORTH OF THE POINT OF BEGINNING; THENCE SOUTH 20.0 FEET TO THE POINT OF BEGINNING.

PARCEL 29: PART OF LOTS 8, 9, AND 10 BLOCK 7, OGDEN FIVE ACRE PLAT "A", OGDEN CITY SURVEY: BEGINNING SOUTH 8911'EAST 92.46 FEET AND SOUTH 58' WEST 3300 FEET ALONG WEST LINE OF STEPHENS AVENUE FROM THE NORTHWEST CORNER OF LOT 8; THENCE SOUTH 58' WEST 70 FEET; THENCE NORTH 89'02' WEST 438.96 FEET TO WEST LINE OF LOT 10; THENCE NORTH 58' EAST 70 FEET; THENCE SOUTH89'02' EAST 438.96 FEET TO BEGINNING. (03-015-0002)

PART OF LOT 11, BLOCK 7, OGDEN FIVE ACRE PLAT "A", OGDEN CITY SURVEY: BEGINNING 444.49 FEET NORTH OF SOUTHEAST CORNER OF LOT 11; THENCE NORTH 47°02 WEST 128.85 FEET; THENCE NORTH 58' EAST 275 FEET TO THE SOUTH BANK OF THE OGDEN RIVER; THENCE NORTH 49°18'27" EAST TO NORTHEAST CORNER OF LOT 11; THENCE SOUTH 0°58' WEST, MORE OR LESS, 150 FEET TO BEGINNING AND THE NORTH RIGHT-OF-WAY LINE OF THE OREGON SHORT LINE RAILROAD. (03-015-0024)

PART OF LOT 11, BLOCK 7, OGDEN FIVE ACRE PLAT "A", OGDEN CITY SURVEY: BEGINNING ON NORTHERLY LINE OF U.S.L.R.R. RIGHT-OF-WAY, 444.49 FEET NORTH AND 128.85 FEET NORTH 47°02' WEST OF THE SOUTHFAST CORNER OF LOT 11; THENCE NORTH 58' EAST 275 FEET TO SOUTH BANK OF OGDEN RIVER: THENCE SOUTHWESTERLY ALONG RIVER TO NORTHERLY LINE OF SAID R.R. RIGHT-OF-WAY: THEN SOUTH 47 02' EAST ALONG RIGHT-OF-WAY TO BEGINNING. (03-015-0027)

PLAT THEREOF ON FILE AND OF RECORD IN THE WEBER COUNTY RECORDERS OFFICE. TAX ID NO. 03-012-0018 PARCEL 31: LOT 1, BLOCK 3, NEVADA ADDITION TO OGDEN CITY SURVEY, WEBER COUNTY, UTAH. TAX ID NO.

PARCEL 32: LOT 2 AND 3, BLOCK 3, NEVADA ADDITION, OGDEN CITY, WEBER COUNTY, UTAH, AND A PART OF LOT 4, BLOCK 3, NEVADA ADDITION, OGDEN CITY, WEBER COUNTY, UTAH, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 4 AND RUNNING THENCE EAST 5 FEET 6 INCHES; THENCE SOUTH 119.37 FEET TO THE NORTH LINE OF WILLOW STREET; THENCE WEST 5 FEET 6 INCHES TO THE SOUTHWEST CORNER OF SAID LOT 4; THENCE NORTH 119.37 FEET TO THE POINT OF BEGINNING. TAX ID NO. 03-012-024.

NEVADA ADDITION, OGDEN CITY, ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDS OF WEBER COUNTY, UTAH: TAX ID NO. 03-012-0025.

BEGINNING AT THE SOUTHWEST CORNER OF LOT 6; AND RUNNING THENCE SOUTH 8911' EAST 25.47 FEET;

PARCEL 34: PART OF LOTS 6, 7, 8, 9, AND 10, BLOCK 3, NEVADA ADDITION, OGDEN CITY, WEBER COUNTY,

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 10; AND RUNNING THENCE NORTH 89'02' WEST ALONG THE NORTH LINE OF WILLOW STREET 99.53 FEET; THENCE NORTH 1'03' EAST 61.4 FEET; THENCE NORTH 89'02' WEST 3 FEET. TO THE CENTER OF 8" WALL: THENCE NORTH 1'03' EAST IN CENTER OF SAID WALL 44.63 FEET TO THE SOUTH LINE OF AN EXISTING RIVER; THENCE EAST ALONG THE SOUTH LINE OF SAID RIVER TO A POINT NORTH 0'58' WEST OF THE POINT OF BEGINNING; THENCE SOUTH 0'58' WEST 106.21 FEET TO THE POINT OF BEGINNING.

SUBJECT TO A PARTY WALL ON THE WEST SIDE OF DESCRIBED PROPERTY AND THE RIGHTS OF THE OWNER OF ADJOINING PROPERTY ON THE WEST.

ALL THAT LAND BEING A PART OF BLOCK 7, OGDEN 5 ACRE PLAT "A", OGDEN CITY SURVEY, ALSO BEING A PART OF THE WEST HALF OF THE NORTHEAST QUARTER SECTION 29, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, BEING IN OGDEN, WEBER COUNTY, STATE OF UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF 20TH STREET AND THE WEST LINE OF WALL AVENUE. SAID POINT BEING NO1"18'26"E ALONG THE CENTERLINE OF SAID WALL AVENUE 40.00 FEET AND N88'42'00"W 40.00 FEET FROM THE CENTERLINE MONUMENT AT THE INTERSECTION OF SAID 20TH STREET AND WALL AVENUE; THENCE ALONG SAID NORTH LINE OF 20TH STREET THE FOLLOWING NINE (9) COURSES: 1) N88'42'00"W 384.16 FEET, 2) S00'43'55"E 36.54 FEET, 3) S88'20'17"W 80.71 FEET, 4) S81'55'25"W 100.12 FEET, 5) S85'38'53"W 263.25 FEET, 6) N80'42'04"W 57.71 FEET, 7) N87'51'46"W 155.77 FEET, 8) N87'52'28"W 76.62 FEET AND 9) N77'49'28"W 19.87' THENCE N01'18'26"E 504.23' FEET, TO THE SOUTHEASTERLY LINE OF THE OGDEN RIVER: THENCE ALONG SAID SOUTHEASTERLY LINE THE FOLLOWING TEN (10) COURSES: 1) N73°25'13"E 126.57 FEET, 2) N65'35'14"E 62.40 FEET, 3) N22'25'04"E 83.91 FEET, 4) N25'00'58"E 136.49 FEET, 5) N29'27'51"E 104.60 FEET, 6) N59'20'04"E 77.43 FEET, 7) N61'38'45"E 182.49 FEET, 8) N72'24'47"E 42.10 FEET, 9) N58'26'49"E 93.56 FEET. AND 10) N53'03'33"E 76.90 FEET, TO THE SECTION LINE; THENCE S89"1'22"E ALONG SAID SECTION LINE 419.05 FEET, TO THE WEST LINE OF SAID WALL AVENUE; THENCE S0118'26"W ALONG SAID WEST LINE 1044.70 FEET, TO THE POINT OF BEGINNING.

PARCEL 30: LOT 48 AND THE NORTH 1/2 OF LOT 49, BLOCK 2, NEVADA ADDITION, ACCORDING TO THE OFFICIAL

03-012-0023.

PARCEL 33: THE EAST 19.5 FEET OF LOT 4, ALL OF LOT 5, AND PART OF LOTS 6, 7, 8, 9, AND 10 BLOCK 3,

THENCE NORTH 1'03' EAST 61.4 FEET; THENCE NORTH 89'11' WEST 3.0 FEET TO THE CENTER OF AN 8 INCH WALL; THENCE NORTH 1'03' EAST IN THE CENTER OF SAID WALL 44.63 FEET TO THE SOUTH LINE OF AN EXISTING RIVER; THENCE EAST ALONG THE SOUTH LINE OF SAID RIVER TO THE WEST LINE OF WALL AVENUE; THENCE NORTH 0'58' EAST 13.99 FEET TO THE NORTHEAST CORNER OF LOT 10; THENCE NORTH 89'11' WEST 125 FEET; THENCE SOUTH 0'58' WEST 120.20 FEET TO THE POINT OF BEGINNING.

UTAH: TAX ID NO. 03-012-0028.

PROPOSED PLAT OF OGDEN WAL-MART SUBDIVISION:

004141

RECEIVED OCT 1 5 2008 WEBER CO SURVEYOR

CLC ASSOCIATES 420 EAST SOUTH TEMPLE SAL T LAKE CITY P 801 363 5605

HTTP://CLCASSOC.COM

ENGINEERING PLANNING LANDSCAPE ARCHITECTURE LAND SURVEYING

PREPARED UNDER THE DIRECT SUPERVISION OF UTAH REGISTRATION NO.

ASSOCIATES

PROJECT #: 06-0046 DRAWN BY: DESIGNED BY: CHECKED BY:

> SHEET 2 of 5

SHEET 3 OF 5

EXCEPTIONS FROM TITLE REPORT ORDER #07049830-B DATED AUGUST 04, 2008

1. (A) TAXES OR ASSESSMENTS THAT ARE NOT SHOWN AS EXISTING LIENS BY THE RECORDS OF ANY TAXING AUTHORITY THAT LEVIES TAXES OR ASSESSMENTS ON REAL PROPERTY OR BY THE PUBLIC RECORDS: (B) PROCEEDINGS BY A PUBLIC AGENCY THAT MAY RESULT IN TAXES OR ASSESSMENTS, OR NOTICES OF SUCH PROCEEDINGS, WHETHER OR NOT SHOWN BY THE RECORDS OF SUCH AGENCY OR BY THE PUBLIC RECORDS. (NOT A SURVEY MATTER.)

2. ANY FACTS, RIGHTS, INTEREST OR CLAIMS THAT ARE NOT SHOWN BY THE PUBLIC RECORDS BUT THAT COULD BE ASCERTAINED BY AN INSPECTION OF THE LAND OR THAT MAY BE ASSERTED BY PERSONS IN POSSESSION OF THE LAND. (THOSE MATTERS THAT AFFECT THE SUBJECT PARCEL AS FOUND BY THE SURVEY ARE PLOTTED AND SHOWN HEREON.)

3. EASEMENTS, LIENS, ENCUMBRANCES, OR CLAIMS THEREOF, THAT ARE NOT SHOWN BY THE PUBLIC RECORDS. (THOSE MATTERS THAT AFFECT THE SUBJECT PARCEL AS FOUND BY THE SURVEY ARE PLOTTED

4. ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND AND NOT SHOWN BY THE PUBLIC RECORDS. (THOSE MATTERS THAT AFFECT THE SUBJECT PARCEL AS FOUND BY THE SURVEY ARE PLOTTED AND SHOWN HEREON.)

5. (A) UNPATENTED MINING CLAIMS; (B) RESERVATIONS OR EXCEPTIONS IN PATENTS OR IN ACTS AUTHORIZING THE ISSUANCE THEREOF; (C) WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT THE MATTERS EXCEPTED UNDER (A), (B), OR (C) ARE SHOWN BY THE PUBLIC RECORDS. (NOT A SURVEY

6. ANY LIEN, OR RIGHT TO A LIEN, FOR SERVICES, LABOR OR MATERIAL HERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW AND NOT SHOWN BY THE PUBLIC RECORDS. (NOT A SURVEY MATTER.) 7. DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS, IF ANY, CREATED, FIRST APPEARING IN THE PUBLIC RECORDS OF ATTACHING SUBSEQUENT TO THE EFFECTIVE DATE HEREOF BUT PRIOR TO THE DATE THE PROPOSED INSURED ACQUIRES OF RECORD FOR VALUE THE ESTATE OR INTEREST

9. TAXES FOR THE YEAR 2008 ARE NOW A LIEN, BUT NOT YET DUE. TAX ID NO. 03-012-0001. (2007 TAXES WERE PAID IN THE AMOUNT OF \$262.50.) (NOT A SURVEY MATTER.)

OR MORTGAGE THEREON COVERED BY THIS COMMITMENT. (NOT A SURVEY MATTER.)

10. TAXES FOR THE YEAR 2008 ARE NOW A LIEN, BUT NOT YET DUE. TAX ID NO. 03-012-0002. (2007 TAXES WERE PAID IN THE AMOUNT OF \$196.90.) (NOT A SURVEY MATTER.)

11. TAXES FOR THE YEAR 2008 ARE NOW A LIEN, BUT NOT YET DUE. TAX ID NO. 03-012-0003. (2007 TAXES WERE PAID IN THE AMOUNT OF \$196.90.) (NOT A SURVEY MATTER.)

12. TAXES FOR THE YEAR 2008 ARE NOW A LIEN, BUT NOT YET DUE. TAX ID NO. 03-012-0004. (2007 TAXES WERE PAID IN THE AMOUNT OF \$2,754.35.) (NOT A SURVEY MATTER.)

13. TAXES FOR THE YEAR 2008 ARE NOW A LIEN, BUT NOT YET DUE. TAX ID NO. 03-012-0005. (2007 TAXES WERE PAID IN THE AMOUNT OF \$196.09.) (NOT A SURVEY MATTER.)

14. TAXES FOR THE YEAR 2008 ARE NOW A LIEN, BUT NOT YET DUE. TAX ID NO. 03-012-0006. (2007 TAXES WERE PAID IN THE AMOUNT OF \$196.90.) (NOT A SURVEY MATTER.)

15. TAXES FOR THE YEAR 2008 ARE NOW A LIEN, BUT NOT YET DUE. TAX ID NO. 03-012-0020. (2007) TAXES WERE PAID IN THE AMOUNT OF \$78.79.) (NOT A SURVEY MATTER.)

16. TAXES FOR THE YEAR 2008 ARE NOW A LIEN, BUT NOT YET DUE. TAX ID NO. 03-012-0021. (2007 TAXES WERE PAID IN THE AMOUNT OF \$78.79.) (NOT A SURVEY MATTER.)

17. TAXES FOR THE YEAR 2008 ARE NOW A LIEN, BUT NOT YET DUE. TAX ID NO. 03-012-0022. (2007 TAXES WERE PAID IN THE AMOUNT OF \$39.49.) (NOT A SURVEY MATTER.)

18. TAXES FOR THE YEAR 2008 ARE NOW A LIEN, BUT NOT YET DUE. TAX ID NO. 03-014-0011. (2007 TAXES WERE PAID IN THE AMOUNT OF \$677.26.) (NOT A SURVEY MATTER.) 19. TAXES FOR THE YEAR 2008 ARE NOW A LIEN, BUT NOT YET DUE. TAX ID NO. 03-014-0012. (2007

TAXES WERE PAID IN THE AMOUNT OF \$372.75.) (NOT A SURVEY MATTER.) 20, TAXES FOR THE YEAR 2008 ARE NOW A LIEN, BUT NOT YET DUE, TAX ID NO. 03-014-0013. (2007

TAXES WERE PAID IN THE AMOUNT OF \$354.35.) (NOT A SURVEY MATTER.) 21. TAXES FOR THE YEAR 2008 ARE NOW A LIEN, BUT NOT YET DUE. TAX ID NO. 03—014—0014. (2007 TAXES WERE PAID IN THE AMOUNT OF \$1314.66.) (NOT A SURVEY MATTER.)

22. TAXES FOR THE YEAR 2008 ARE NOW A LIEN, BUT NOT YET DUE. TAX ID NO. 03-014-0016. (2007

TAXES WERE PAID IN THE AMOUNT OF \$39.30.) (NOT A SURVEY MATTER.) 23. TAXES FOR THE YEAR 2008 ARE NOW A LIEN, BUT NOT YET DUE. TAX ID NO. 03-014-0017. (2007

TAXES WERE PAID IN THE AMOUNT OF \$59.05.) (NOT A SURVEY MATTER.)

24. A SALE TO WEBER COUNTY FOR TAXES FOR THE YEAR 2006; AMOUNT OF SALE \$25.99, PLUS INTEREST, PENALTY AND COSTS. TAX SIDWELL NO. 03-014-0017. (NOT A SURVEY MATTER.)

25. TAXES FOR THE YEAR 2008 ARE NOW A LIEN, BUT NOT YET DUE. TAX ID NO. 03-014-0018. (2007 TAXES WERE PAID IN THE AMOUNT OF \$164.91.) (NOT A SURVEY MATTER.)

26. TAXES FOR THE YEAR 2008 ARE NOW A LIEN, BUT NOT YET DUE. TAX ID NO. 03-014-0019. (2007 TAXES WERE PAID IN THE AMOUNT OF \$132.37.) (NOT A SURVEY MATTER.)

27. TAXES FOR THE YEAR 2008 ARE NOW A LIEN, BUT NOT YET DUE. TAX ID NO. 03-014-0020. (2007 TAXES WERE PAID IN THE AMOUNT OF \$7,406.87.) (NOT A SURVEY MATTER.)

TAXES WERE PAID IN THE AMOUNT OF \$296.15.) (NOT A SURVEY MATTER.)

28. TAXES FOR THE YEAR 2008 ARE NOW A LIEN, BUT NOT YET DUE. TAX ID NO. 03-014-0021. (2007

29. TAXES FOR THE YEAR 2008 ARE NOW A LIEN, BUT NOT YET DUE. TAX ID NO. 03-015-0008. (2007

TAXES WERE PAID IN THE AMOUNT OF \$4.49.) (NOT A SURVEY MATTER.)

30. TAXES FOR THE YEAR 2008 ARE NOW A LIEN, BUT NOT YET DUE. TAX SIDWELL NO. 03-015-0004. (2007 TAXES WERE PAID IN THE AMOUNT OF \$5,693.92.) (NOT A SURVEY MATTER.)

31. SAID PROPERTY IS INCLUDED WITHIN THE BOUNDARIES OF WEBER AREA DISPATCH 911 AND EMERGENCY SERVICES DISTRICT, OGDEN CITY SCHOOLS, WEBER BASIN WATER - OGDEN, CENTRAL WEBER SEWER AND OGDEN CITY, AND IS SUBJECT TO THE CHARGES AND ASSESSMENTS THEREOF (NOT A SURVEY MATTER.)

RECORDED PLAT OF NEVADA ADDITION, RECORDED MARCH 3, 1903, IN BOOK 4 AT PAGE 13. (DOES AFFECT

THE OVERALL SUBJECT PARCEL AND IS PLOTTED AND SHOWN HEREON.) (DOES AFFECT THE WAL-MART PARCEL AND IS PLOTTED AND SHOWN HEREON.) (33) 33. EASEMENT AND CONDITIONS CONTAINED THEREIN: GRANTEE: MOUNTAIN FUEL SUPPLY COMPANY

(32) 32. EASEMENTS, NOTES AND/OR SETBACK LINES AS DELINEATED AND/OR DEDICATED ON THE OFFICIAL

- RECORDED: MAY 25, 1954 ENTRY NO.: 219632 BOOK 445 PAGE: 48. (DOES AFFECT THE OVERALL SUBJECT PARCEL AND IS PLOTTED AND SHOWN HEREON.) (DOES AFFECT THE WAL-MART PARCEL AND IS PLOTTED
- 34. INTENTIONALLY DELETED
- 35. INTENTIONALLY DELETED

36. PUBLIC IMPROVEMENT COVENANT AND AGREEMENT AND THE TERMS, CONDITIONS AND LIMITATIONS CONTAINED THEREIN: RECORDED: OCTOBER 17, 1986 ENTRY NO.: 985854 BOOK: 1501 PAGE: 988. (NOT A

37. ORDINANCE NO. 94-3 AMENDING THE OGDEN CITY MUNICIPAL CODE BY ADOPTING A NEW CHAPTER 4.30 CONFIRMING THE ASSESSMENT ROLLS. RECORDED: FEBRUARY 2, 1994 ENTRY NO: 1272592 BOOK: 1701 PAGE: 1316. (NOT A SURVEY MATTER.)

38. ORDINANCE NO. 2000-27 FOR NEW ASSESSMENTS WITHIN THE UTAH CENTRAL BUSINESS IMPROVEMENT DISTRICT NO. 1 ENTRY NO.: 1255293 BOOK 1687 PAGE: 1110 RECORDED: JUNE 7, 2000 ENTRY NO.:1709915 BOOK 2076 PAGE: 217 ALSO RECORDED: JANUARY 9, 2004 ENTRY NO. 2004067 AND RE-RECORDED: MARCH 23, 2004 ENTRY NO.: 2019270. (NOT A SURVEY MATTER.)

- 39. INTENTIONALLY DELETED 40. INTENTIONALLY DELETED
- 41. INTENTIONALLY DELETED
- 42. INTENTIONALLY DELETED
- 43. INTENTIONALLY DELETED

44. DEED OF TRUST TRUSTOR: MIRI LESHEM, AS TRUSTEE OF THE MIRI LESHEM TRUST TRUSTEE: BANK OF AMERICAN FORK; BENEFICIARY: BANK OF AMERICAN FORK AMOUNT: \$210,000.00, PLUS INTEREST DATED: DECEMBER 1, 2005 RECORDED: DECEMBER 2, 2005 ENTRY NO.: 2146152 AFFECTS PARCEL 19. (NOT A SURVEY MATTER.)

45. DEED OF TRUST; TRUSTOR: MIRI LESHEM, TRUSTEE OF MIRI LESHEM TRUST DATED APRIL 29, 2003 TRUSTEE: FIRST AMERICAN TITLE INSURANCE AGENCY, LLC; BENEFICIARY: EAST WEST BANK; AMOUNT: \$140,000.00, PLUS INTEREST; DATED: AUGUST 23, 2006 RECORDED: AUGUST 31, 2006 AS ENTRY NO.: 2204990 AFFECTS PARCEL 13. (NOT A SURVEY MATTER.)

46. DEED OF TRUST TRUSTOR: MIRI LESHEM, TRUSTEE OF THE MIRI LESHEM TRUST, DATED APRIL 29, 2003 TRUSTEE: FIRST AMERICAN TITLE; BENEFICIARY: EAST WEST BANK; AMOUNT: \$350,000.00, PLUS INTEREST DATED: SEPTEMBER 26, 2006; RECORDED: OCTOBER 4, 2006 AS ENTRY NO.: 2212880 AFFECTS PARCEL 1, 2, 3, 4, 5, 6, 7, 8, 9, 14, 15. (NOT A SURVEY MATTER.)

47. DEED OF TRUST, AND THE TERMS AND CONDITIONS THEREOF: STATED AMOUNT: \$260,000.00: TRUSTOR: MIRI LESHEM DATED APRIL 29, 2003; TRUSTEE: EAST WEST INVESTMENT, INC., A CALIFORNIA CORPORATION; BENEFICIARY: EAST WEST BANK; DATED: OCTOBER 23, 2006; RECORDED: NOVEMBER 30, 2006; ENTRY NO. 2225496. AFFECTS PARCEL 20 (NOT A SURVEY MATTER.)

- 48. INTENTIONALLY DELETED
- 49. INTENTIONALLY DELETED
- 50. INTENTIONALLY DELETED 51. INTENTIONALLY DELETED
- 52. INTENTIONALLY DELETED

53. LIEN OF TAXES, NOW ACCRUING AS A LIEN, BUT NOT YET DUE AND PAYABLE: YEAR 2008: TAX ID NO. 03-012-0016; PRIOR YEAR 2007 PAID; AMOUNT \$803.00. LIEN OF TAXES, NOW ACCRUING AS A LIEN, BUT NOT YET DUE AND PAYABLE; YEAR 2008; TAX ID NO. 03-012-0017; PRIOR YEAR 2007 PAID; AMOUNT \$803.00. (NOT A SURVEY MATTER.)

- 54. INTENTIONALLY DELETED
- 55. INTENTIONALLY DELETED

56. DEED OF TRUST, AND THE TERMS AND CONDITIONS THEREOF: STATED AMOUNT \$25,000.00; TRUSTOR: JOHN A. GARCIA; TRUSTEE: AMERICA FIRST CREDIT UNION; BENEFICIARY: AMERICA FIRST CREDIT UNION AMOUNT: DATED: AUGUST 4, 2005; RECORDED: AUGUST 8, 2005; ENTRY NO. 2120717 (LOTS 46 & 47) (NOT A SURVEY MATTER.)

57. TAXES FOR THE YEAR 2008 ARE NOW A LIEN, BUT NOT YET DUE. TAX ID NO. 03-012-0019. (2007) TAXES WERE PAID IN THE AMOUNT OF \$588.13.) (NOT A SURVEY MATTER.) 58. INTENTIONALLY DELETED

59. TAXES FOR THE YEAR 2008 ARE NOW A LIEN, BUT NOT YET DUE. TAX ID NO. 03-012-0013. (2007 TAXES WERE PAID IN THE AMOUNT OF \$132.37.) (NOT A SURVEY MATTER.)

- 60. INTENTIONALLY DELETED
- 61. INTENTIONALLY DELETED
- 62. INTENTIONALLY DELETED

63. LIEN OF TAXES, NOW ACCRUING AS A LIEN, BUT NOT YET DUE AND PAYABLE; YEAR 2008; TAX ID NO. 03-012-0007; PRIOR YEAR 2007 PAID; AMOUNT \$261.38.) (NOT A SURVEY MATTER)

LIEN OF TAXES, NOW ACCRUING AS A LIEN, BUT NOT YET DUE AND PAYABLE; YEAR 2008; TAX ID NO. 03-012-0009; PRIOR YEAR 2007 PAID; AMOUNT \$1,125.87.) (NOT A SURVEY MATTER.)

LIEN OF TAXES, NOW ACCRUING AS A LIEN, BUT NOT YET DUE AND PAYABLE: YEAR 2008: TAX ID NO.

03-012-0010; PRIOR YEAR 2007 PAID; AMOUNT \$3,232.86.) (NOT A SURVEY MATTER.) LIEN OF TAXES, NOW ACCRUING AS A LIEN, BUT NOT YET DUE AND PAYABLE: YEAR 2008: TAX ID NO.

03-012-0011; PRIOR YEAR 2007 PAID; AMOUNT \$261.38.) (NOT A SURVEY MATTER.) LIEN OF TAXES, NOW ACCRUING AS A LIEN, BUT NOT YET DUE AND PAYABLE; YEAR 2008; TAX ID NO.

03-012-0012; PRIOR YEAR 2007 PAID; AMOUNT \$1,471.46.) (NOT A SURVEY MATTER.)

LIEN OF TAXES, NOW ACCRUING AS A LIEN, BUT NOT YET DUE AND PAYABLE; YEAR 2008; TAX ID NO. 03-012-0014; PRIOR YEAR 2007 PAID; AMOUNT \$195.19.) (NOT A SURVEY MATTER.)

LIEN OF TAXES, NOW ACCRUING AS A LIEN, BUT NOT YET DUE AND PAYABLE: YEAR 2008: TAX ID NO. 03-012-0015; PRIOR YEAR 2007 PAID; AMOUNT \$132.37.) (NOT A SURVEY MATTER.)

- LIEN OF TAXES, NOW ACCRUING AS A LIEN, BUT NOT YET DUE AND PAYABLE; YEAR 2008; TAX ID NO. 03-012-0029; PRIOR YEAR 2007 PAID; AMOUNT \$62.82.) (NOT A SURVEY MATTER.)
- 64. INTENTIONALLY DELETED 65. INTENTIONALLY DELETED
- (66) 66. EASEMENT AND THE TERMS AND CONDITIONS THEREOF: GRANTEE: MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY; RECORDED: JULY 5, 1978; ENTRY NO. 744568; BOOK: 1251 PAGE: 286. (DOES AFFECT THE OVERALL SUBJECT PARCEL AND IS PLOTTED AND SHOWN HEREON.) (DOES AFFECT THE

WAL-MART PARCEL AND IS PLOTTED AND SHOWN HEREON.) 67. THE RIGHT, TITLE AND INTEREST OF UNITED DEVELOPMENT CORPORATION AS DISCLOSED BY NOTICE OF CONTRACT, DATED JUNE 24, 1976, AND RECORDED JULY 7, 1976, AS ENTRY NO. 669701, IN BOOK: 1133, AT PAGE 416, OF OFFICIAL RECORDS. (LOTS 30, 31, 32, 33) (NOT A SURVEY MATTER.)

68. DEED OF TRUST, AND THE TERMS AND CONDITIONS THEREOF: STATED AMOUNT: \$39,028.83; TRUSTOR: WHITMORE OXYGEN COMPANY; TRUSTEE: SECURITY TITLE COMPANY OF OGDEN; BENEFICIARY: SCOTT F. STEELE AND MARSHA J. STEELE; DATED: JUNE 3, 1983; RECORDED: JUNE 6, 1983; ENTRY NO. 881750;

BOOK 1426 PAGE: 245. (NOT A SURVEY MATTER.) 69. LIEN OF TAXES, NOW ACCRUING AS A LIEN, BUT NOT YET DUE AND PAYABLE; YEAR 2008; TAX ID NO. 03-015-0028. PRIOR YEAR 2007 PAID; AMOUNT \$335.21. (NOT A SURVEY MATTER.)

LIEN OF TAXES, NOW ACCRUING AS A LIEN, BUT NOT YET DUE AND PAYABLE; YEAR 2008; TAX ID NO. 03-015-0029. PRIOR YEAR 2007 PAID; AMOUNT \$4,857.12. (NOT A SURVEY MATTER.)

LIEN OF TAXES, NOW ACCRUING AS A LIEN, BUT NOT YET DUE AND PAYABLE; YEAR 2008; TAX ID NO. 03-015-0038. PRIOR YEAR 2007 PAID; AMOUNT \$257.81. (NOT A SURVEY MATTER.)

- 70. INTENTIONALLY DELETED
- 71. INTENTIONALLY DELETED

72. RESERVATION OF MINERAL RIGHTS IN THE SUBJECT LAND AS RESERVED IN INSTRUMENT DATED APRIL 1. 1971, AND RECORDED AUGUST 14, 1990, AS ENTRY NO. 111601, IN BOOK 1584, AT PAGE 2639, OF OFFICIAL RECORDS. (NOT A SURVEY MATTER.)

73. UNRECORDED LEASE; LESSEE: REAGAN OUTDOOR ADVERTISING, INC., DISCLOSED BY: COLLATERAL ASSIGNMENT OF LEASE RECORDED APRIL 9, 1992 AS ENTRY NO. 11733515 IN BOOK 1623 AT PAGE 1496. (NOT A SURVEY MATTER.)

74. INTENTIONALLY DELETED

75. A DEED OF TRUST, AND THE TERMS AND CONDITIONS THEREOF: STATED AMOUNT: \$326,500.00; TRUSTOR: BOYCE EQUIPMENT & PARTS COMPANY, INC., TRUSTEE: FIRST AMERICAN TITLE COMPANY, BENEFICIARY: FIRST NATIONAL BANK OF LAYTON, DATED: APRIL 30, 1996, RECORDED: MAY 1, 1996, ENTRY NO.: 1403471, BOOK: 1804 PAGE: 1474. (NOT A SURVEY MATTER.)

- 76. INTENTIONALLY DELETED
- 77. INTENTIONALLY DELETED

78. OPTION AGREEMENT, INCLUDING THE TERMS AND CONDITIONS THEREOF: BETWEEN BOYCE EQUIPMENT & PARTS COMPANY, INC., AND BETWEEN OGDEN CITY, OR ASSIGNS, RECORDED FEBRUARY 7, 2007, ENTRY NO. 2239864. (NOT A SURVEY MATTER.)

79. A DEED OF TRUST, AND THE TERMS AND CONDITIONS THEREOF: STATED AMOUNT \$422,932.00, TRUSTOR: MARK R. BOYCE AND DEBBIE BOYCE BOYCE EQUIPMENT & PARTS COMPANY, TRUSTEE: BANK OF UTAH; BENEFICIARY: BANK OF UTAH; DATED MAY 9, 2007; RECORDED MAY 11, 2007, ENTRY NO. 2263128. (NOT A SURVEY MATTER.)

80. LIEN OF TAXES, NOW ACCRUING AS A LIEN, BUT NOT YET DUE AND PAYABLE, YEAR 2008, TAX ID NO. 03-015-0015, PRIOR YEAR 2007 PAID, AMOUNT \$48.46. (NOT A SURVEY MATTER.)

LIEN OF TAXES, NOW ACCRUING AS A LIEN, BUT NOT YET DUE AND PAYABLE. YEAR 2008. TAX ID NO. 03-015-0016, PRIOR YEAR 2007 PAID, AMOUNT \$1,324.53. (NOT A SURVEY MATTER.)

LIEN OF TAXES, NOW ACCRUING AS A LIEN, BUT NOT YET DUE AND PAYABLE, YEAR 2008, TAX ID NO. 03-015-0017, PRIOR YEAR 2007 PAID, AMOUNT \$7.48. (NOT A SURVEY MATTER.)

LIEN OF TAXES, NOW ACCRUING AS A LIEN, BUT NOT YET DUE AND PAYABLE, YEAR 2008, TAX ID NO.

03-015-0025, PRIOR YEAR 2007 PAID, AMOUNT \$3,752.42. (NOT A SURVEY MATTER.)

- 82. ORDINANCE CLOSING AND VACATING A PORTION OF 20TH STREET, RECORDED: DECEMBER 3, 1990. ENTRY NO.: 1125839, BOOK: 1591 PAGE: 299. (DOES AFFECT THE OVERALL SUBJECT PARCEL AND IS PLOTTED AND SHOWN HEREON.) (DOES AFFECT THE WAL-MART PARCEL AND IS PLOTTED AND SHOWN
 - 83. INTENTIONALLY DELETED
- 84. EASEMENT, AND THE TERMS AND CONDITIONS THEREOF: GRANTOR: JOHN DE GROOT AND ALIDA DE GROOT, DATED: APRIL 29, 1905, BOOK: 49 PAGE: 214. (DOES AFFECT THE OVERALL SUBJECT PARCEL AND IS PLOTTED AND SHOWN HEREON.) (DOES AFFECT THE WAL-MART PARCEL AND IS PLOTTED AND SHOWN
- 85. EASEMENT, AND THE TERMS AND CONDITIONS THEREOF: GRANTOR: THOMAS A. CLARK AND CATHERINE GRANTEE: OGDEN CITY CORP, DATED: SEPTEMBER 28, 1944, RECORDED: OCTOBER 9, 1944, BOOK: 199 PAGE: 160. (DOES AFFECT THE OVERALL SUBJECT PARCEL AND IS PLOTTED AND SHOWN HEREON.) (DOES AFFECT THE WAL-MART PARCEL AND IS PLOTTED AND SHOWN HEREON.)
- 86. EASEMENT, AND THE TERMS AND CONDITIONS THEREOF: GRANTOR: CLYDE HALLS AND ANNIE E., GRANTEE: OGDEN CITY CORP. DATED: OCTOBER 2, 1944, RECORDED: OCTOBER 9, 1944, ENTRY NO. 199/184. (DOES AFFECT THE OVERALL SUBJECT PARCEL AND IS PLOTTED AND SHOWN HEREON.) (DOES NOT AFFECT THE WAL-MART PARCEL AND IS PLOTTED AND SHOWN HEREON.) 87. INTENTIONALLY DELETED
- 88. ANY EXISTING EASEMENT FOR UTILITIES WHICH MAY HAVE BEEN CONSTRUCTED THROUGH, OVER OR UNDER THAT PORTION OF THE ABOVE DESCRIBED PREMISES SHOWN AS BEING A PORTION OF VACATED STREETS AND ALLEYS. (DOES AFFECT THE OVERALL SUBJECT PARCEL AND IS PLOTTED AND SHOWN HEREON.) (DOES AFFECT THE WAL-MART PARCEL AND IS PLOTTED AND SHOWN HEREON.)
- 89. SAID VACATION IS MADE EXPRESSLY SUBJECT TO ALL EXISTING RIGHTS OF WAY AND EASEMENTS OF ALL PUBLIC UTILITIES OF ANY AND EVERY DESCRIPTION NOW LOCATED IN, ON, UNDER OR OVER THE CONFINES OF THE ABOVE DESCRIBED PROPERTY; AND ALSO SUBJECT TO THE RIGHTS OF ENTRY THEREON FOR THE PURPOSE OF INSPECTING, MAINTAINING, REPAIRING, REPLACING, REMOVING, ALTERING OR REPOUTING SAID UTILITIES, AND ALL OF THEM. (DOES AFFECT THE OVERALL SUBJECT PARCEL AND IS PLOTTED AND SHOWN HEREON.) (DOES AFFECT THE WAL-MART PARCEL AND IS PLOTTED AND SHOWN HEREON.)
- 91. INTENTIONALLY DELETED
- 92. INTENTIONALLY DELETED

93. INTENTIONALLY DELETED

94. OPTION AGREEMENT, INCLUDING THE TERMS AND CONDITIONS THEREOF: RECORDED: FEBRUARY 7, 2002, ENTRY NO.: 2239866. (NOT A SURVEY MATTER.)

95. DEED OF TRUST, AND THE TERMS AND CONDITIONS THEREOF: STATED AMOUNT: \$532,500.00, TRUSTOR: GRANTING SYSTEMS INC., TRUSTEE: ZIONS FIRST NATIONAL BANK, BENEFICIARY: ZIONS FIRST NATIONAL BANK, DATED: SEPTEMBER 21, 2007, RECORDED: SEPTEMBER 24, 2007, ENTRY NO.: 2293596. (NOT A SURVEY MATTER.)

97. TAXES FOR THE YEAR 2008 ARE NOW A LIEN, BUT NOT YET DUE. TAX SIDWELL NO. 03-015-0003. A SALE TO WEBER COUNTY FOR TAXES FOR THE YEAR 2007; AMOUNT OF SALE \$2,397.39, PLUS INTEREST, PENALTY AND COSTS. TAX SIDWELL NO. 03-015-0003. (NOT A SURVEY MATTER)

98. TAXES FOR THE YEAR 2008 ARE NOW A LIEN, BUT NOT YET DUE. TAX SIDWELL NO. 03-015-0013. A SALE TO WEBER COUNTY FOR TAXES FOR THE YEAR 2006; AMOUNT OF SALE \$2,569.63, PLUS INTEREST, PENALTY AND COST. TAX SIDWELL NO. 03-015-0003. (NOT A SURVEY MATTER)

99. A SALE TO WEBER COUNTY FOR TAXES FOR THE YEAR 2007; AMOUNT OF SALE \$143.59, PLUS INTEREST, PENALTY AND COST. TAX SIDWELL NO. 03-015-0013. (NOT A SURVEY MATTER)

100. A SALE TO WEBER COUNTY FOR TAXES FOR THE YEAR 2006; AMOUNT OF SALE \$153.90, PLUS INTEREST, PENALTY AND COST. TAX SIDWELL NO. 03-015-0013. (NOT A SURVEY MATTER) 101. INTENTIONALLY DELETED

- 102. EASEMENT AND CONDITIONS CONTAINED THEREIN: GRANTEE: OGDEN CITY RECORDED: APRIL 13, 1945 ENTRY NO.: 91400 BOOK: 209 PAGE: 38. (DOES AFFECT THE OVERALL SUBJECT PARCEL AND IS PLOTTED AND SHOWN HEREON.) (DOES AFFECT THE WAL-MART PARCEL AND IS PLOTTED AND SHOWN HEREON.)
- 103, EASEMENT AND CONDITIONS CONTAINED THEREIN: GRANTEE: OGDEN CITY RECORDED: JANUARY 9, 1946 ENTRY NO.: 106189 BOOK: 228 PAGE: 187. (DOES AFFECT THE OVERALL SUBJECT PARCEL AND IS PLOTTED AND SHOWN HEREON.) (DOES AFFECT THE WAL-MART PARCEL AND IS PLOTTED AND SHOWN HEREON.)
 - 104. INTENTIONALLY DELETED
 - 105. INTENTIONALLY DELETED

106. DEED OF TRUST TRUSTOR: MIRI LESHEM, NOT PERSONALLY BUT AS TRUSTEE ON BEHALF OF THE MIRI LESHEM TRUST TRUSTEE: BANK OF AMERICAN FORK BENEFICIARY: BANK OF AMERICAN FORK AMOUNT: \$125,000.00, PLUS INTEREST DATED: APRIL 27, 2006 RECORDED: MAY 5, 2006 ENTRY NO.: 2178103: MODIFICATION OF DEED OF TRUST AND THE TERMS, CONDITIONS AND LIMITATIONS CONTAINED THEREIN: RECORDED: JUNE 14, 2006, ENTRY NO.: 2186654. (NOT A SURVEY MATTER.)

107. INTENTIONALLY DELETED

109. TAXES FOR THE YEAR 2008 ARE NOW A LIEN, BUT NOT YET DUE. TAX ID NO. 03-015-0002. (2007 TAXES WERE PAID IN THE AMOUNT OF \$284.93.) (NOT A SURVEY MATTER.)

TAXES FOR THE YEAR 2008 ARE NOW A LIEN, BUT NOT YET DUE. TAX ID NO. 03-015-0024. (2007 TAXES WERE PAID IN THE AMOUNT OF \$41.51.) (NOT A SURVEY MATTER.) TAXES FOR THE YEAR 2008 ARE NOW A LIEN, BUT NOT YET DUE. TAX ID NO. 03-015-0027. (2007 TAXES

WERE PAID IN THE AMOUNT OF \$30.30.) (NOT A SURVEY MATTER.) 110. INTENTIONALLY DELETED

111. RIGHTS OF INGRESS AND OR EGRESS FROM A DEDICATED STREET OR HIGHWAY ARE NOT DISCLOSED OF RECORD AND SUCH RIGHTS WILL BE EXCLUDED FROM THE COVERAGE OF OUR POLICY. (NOT A SURVEY

- 112. INTENTIONALLY DELETED
- 113. INTENTIONALLY DELETED
- 114. INTENTIONALLY DELETED
- 115. INTENTIONALLY DELETED 116. INTENTIONALLY DELETED
- 117. INTENTIONALLY DELETED 118. INTENTIONALLY DELETED

119. DEED OF TRUST TRUSTOR: JJJ, INC. D/B/A JOE'S TOWING & PARTS, JANET JENSEN TRUSTEE: KEY BANK OF UTAH BENEFICIARY: KEY BANK OF UTAH AMOUNT: \$50,000.00, PLUS INTEREST, RECORDED: AUGUST 15, 1996, ENTRY NO.:1424053, BOOK: 1821 PAGE: 461 MODIFICATION AND EXTENSION AND THE TERMS, CONDITIONS AND LIMITATIONS CONTAINED THEREIN: RECORDED: DECEMBER 5, 1997 ENTRY NO .: 1508366 BOOK: 1895 PAGE: 994. (NOT A SURVEY MATTER.)

120. ASSIGNMENT OF RENTS AND LEASES: EXECUTED BY: JJJ, INC. D/B/A JOE'S TOWING & PARTS JANET JENSEN ASSIGNEE: KEY BANK OF UTAH AMOUNT: \$50,000.00 RECORDED: AUGUST 15, 1996 ENTRY NO.: 1424055, BOOK: 1821 PAGE: 471. (NOT A SURVEY MATTER.)

121. FINANCING STATEMENT DEBTOR: JANET JENSEN CREDITOR: KEY BANK OF UTAH RECORDED: AUGUST 15. 1996 ENTRY NO.: 1424054 BOOK 1821 PAGE: 467 CONTINUATION STATEMENT AND THE TERMS. CONDITIONS AND LIMITATIONS CONTAINED THEREIN: RECORDED: MARCH 23, 2001 ENTRY NO.: 1759276 BOOK 2124 PAGE: 2966 CONTINUATION STATEMENT AND THE TERMS, CONDITIONS AND LIMITATIONS CONTAINED THEREIN: RECORDED: MARCH 21, 2006 ENTRY NO.: 2167264. (NOT A SURVEY MATTER.)

122. TAXES FOR THE YEAR 2008 ARE NOW A LIEN, BUT NOT YET DUE. TAX ID NO. 03-012-0018. (2007 TAXES WERE PAID IN THE AMOUNT OF \$488.40.) (NOT A SURVEY MATTER.)

- 123. INTENTIONALLY DELETED
- 124. INTENTIONALLY DELETED

125. OGDEN CITY NONCONFORMING USE CERTIFICATE AND THE TERMS, CONDITIONS AND LIMITATIONS CONTAINED THEREIN: RECORDED FEBRUARY 20, 2001 ENTRY NO.: 1752652 BOOK: 2117 PAGE: 947. (NOT A SURVEY MATTER.)

126. DEED OF TRUST TRUSTOR: JASON REESE TRUSTEE: MERIDIAN TITLE COMPANY BENEFICIARY: CONSOLIDATED KITCHEN AMOUNT: \$27,766.09, PLUS INTEREST DATED: SEPTEMBER 19, 2005 RECORDED: SEPTEMBER 29, 2005 ENTRY NO.: 2132224. (NOT A SURVEY MATTER.)

127. DEED OF TRUST TRUSTOR: MIRI LESHEM, A MARRIED WOMAN AS HER SOLE AND SEPARATE PROPERTY TRUSTEE: FOUNDERS TITLE COMPANY BENEFICIARY: WELLS FARGO BANK, N.A. AMOUNT: \$32,300.00, PLUS INTEREST DATED: APRIL 26, 2006 RECORDED: MAY 2, 2006 ENTRY NO.: 2177152. (NOT A SURVEY MATTER.)

128. DEED OF TRUST TRUSTOR: MIRI LESHEM, A MARRIED WOMAN AS HER SOLE AND SEPARATE PROPERTY TRUSTEE: WELLS FARGO BANK NORTHWEST, N.A. BENEFICIARY: WELLS FARGO BANK, N.A. AMOUNT: \$10,000.00, PLUS INTEREST DATED: APRIL 28, 2006 RECORDED: MAY 2, 2006 ENTRY NO.: 2177153. (NOT A

129. ANY MATTERS THAT MIGHT BE DISCLOSED BY AN ACCURATE SURVEY OF SAID PREMISES. (THOSE MATTERS THAT AFFECT THE SUBJECT PARCEL AS FOUND BY THE SURVEY ARE PLOTTED AND SHOWN

130. INTENTIONALLY DELETED

131. LIEN OF TAXES, NOW ACCRUING AS A LIEN, BUT NO YET DUE AND PAYABLE. YEAR 2008, TAX ID NO. 03-012-0023. PRIOR YEAR 2007 PAID, AMOUNT \$30.88, (NOT A SURVEY MATTER.)

132. LIEN OF TAXES, NOW ACCRUING AS A LIEN, BUT NO YET DUE AND PAYABLE. YEAR 2008, TAX ID NO. 03-012-0024, PRIOR YEAR 2007 PAID, AMOUNT \$1,194.17. (NOT A SURVEY MATTER.)

03-012-0025, PRIOR YEAR 2007 PAID, AMOUNT \$1,764.51. (NOT A SURVEY MATTER.) 134. LIEN OF TAXES, NOW ACCRUING AS A LIEN, BUT NO YET DUE AND PAYABLE. YEAR 2008, TAX ID NO.

133. LIEN OF TAXES, NOW ACCRUING AS A LIEN, BUT NO YET DUE AND PAYABLE. YEAR 2008, TAX ID NO.

03-012-0028, PRIOR YEAR 2007 PAID, AMOUNT \$2,012.38. (NOT A SURVEY MATTER.)

135. INTENTIONALLY DELETED

136. INTENTIONALLY DELETED

137. INTENTIONALLY DELETED

138. INTENTIONALLY DELETED

139. INTENTIONALLY DELETED 140. INTENTIONALLY DELETED

141. INTENTIONALLY DELETED 142. INTENTIONALLY DELETED

143. EASEMENT, AND THE TERMS AND CONDITIONS THEREOF: GRANTOR: RETTA SWENSON, GRANTEE: MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY, DATED: APRIL 28, 1971, RECORDED: AUGUST 17. 1971, ENTRY NO. 555936, BOOK 973, PAGE 506. (DOES AFFECT THE WAL-MART PARCEL AND IS PLOTTED AND SHOWN HERE ON.)

- 144. INTENTIONALLY DELETED
- 145. INTENTIONALLY DELETED
- 146. INTENTIONALLY DELETED
- 147. WARRANTY DEED (PARTY WALL) WITH ANY RIGHT INCIDENTAL THERETO AS DISCLOSED BY MESNE INSTRUMENTS OF RECORDED INCLUDING BUT NOT LIMITED TO THAT CERTAIN: RECORDED: AUGUST 12, 1988, ENTRY NO. 1054826, BOOK 1545, PAGE 0853. (DOES AFFECT SUBJECT PARCEL AND IS PLOTTED AND SHOWN HEREON.)

148. INTENTIONALLY DELETED

149. INTENTIONALLY DELETED

150. A DEED OF TRUST, AND THE TERMS AND CONDITIONS THEREOF: STATED AMOUNT \$398.362.00. TRUSTOR ARROWHEAD CAPITAL CORPORATION, WALLSTREET ENTERPRISES, INC., TRUSTEE KEYBANK NATIONAL ASSOCIATION, BENEFICIARY KEYBANK NATIONAL ASSOCIATION, DATED FEBRUARY 3, 1999, RECORDED FEBRUARY 10, 1999, ENTRY NO. 1612523, BOOK 1991, PAGE 2167. ASSIGNMENT OF RENTS, ISSUES, PROFIT AND OTHER MONIES ACCRUING FROM SAID LAND TO SECURE AN INDEBTEDNESS: BETWEEN ARROWHEAD CAPITAL CORPORATION AND WALLSTREET ENTERPRISES, INC. AND KEYBANK NATIONAL ASSOCIATION, DATED FEBRUARY 3, 1999, RECORDED FEBRUARY 10, 1999, ENTRY NO. 1612524, BOOK 1991, PAGE 2177. (NOT A

151. DEED OF TRUST TRUSTOR: ARROWHEAD CAPITAL CORPORATION TRUSTEE: TIMOTHY W. BLACKBURN, ATTORNEY BENEFICIARY: AMERICA FIRST FEDERAL CREDIT UNION AMOUNT: \$100,000.00, PLUS INTEREST DATED: AUGUST 3, 2005 RECORDED: AUGUST 5, 2005 ENTRY NO.: 2120610. (NOT A SURVEY MATTER.)

152. A DEED OF TRUST, AND THE TERMS AND CONDITIONS THEREOF: STATED AMOUNT \$98,000.00 TRUSTOR MIRI LESHEM, TRUSTEE OF MIRI LESHEM TRUST DATED 29TH DAY OF APRIL 2003 TRUSTEE EXECUTIVE TITLE INSURANCE AGENCY, INC. BENEFICIARY EAST WEST BANK DATED JANUARY 3, 2007 RECORDED JANUARY 22, 2007 ENTRY NO. 2236961. (NOT A SURVEY MATTER.)

- 153. INTENTIONALLY DELETED
- 154. (THE FOLLOWING EFFECTS TAX ID NOS. 03-012-0013, 03-012-0025, 03-012-0028)(PARCEL 24) PARKING EASEMENT AGREEMENT AND THE TERMS, CONDITIONS AND LIMITATIONS CONTAINED THEREIN: RECORDED: MARCH 7, 2008 ENTRY NO.: 2326368. (DOES AFFECT SUBJECT PARCEL AND IS PLOTTED AND

155. (THE FOLLOWING EFFECTS TAX ID NOS. 03-012-0013, 03-012-0025, 03-012-0028)(PARCEL 24)

PARKING EASEMENT AGREEMENT AND THE TERMS, CONDITIONS AND LIMITATIONS CONTAINED THEREIN: RECORDED: MARCH 7, 2008 ENTRY NO.: 2326401. (DOES AFFECT SUBJECT PARCEL AND IS PLOTTED AND 156. (THE FOLLOWING EFFECTS TAX ID NOS. 03-012-0013, 03-012-0025, 03-012-0028)(PARCEL 24) PARKING EASEMENT AGREEMENT AND THE TERMS, CONDITIONS AND LIMITATIONS CONTAINED THEREIN: RECORDED: MARCH 7, 2008 ENTRY NO.: 2326404. (DOES AFFECT SUBJECT PARCEL AND IS PLOTTED AND

TRUSTOR: 1943STRPHENS250, LLC TRUSTEE: CENTENNIAL BANK, INC. BENÉFICIARY: CENTENNIAL BANK, INC. AMOUNT: \$3,000,000.00, PLUS INTEREST DATED: JANUARY 11, 2008 RECORDED: JANUARY 17, 2008 ENTRY NO.: 2316325. (NOT A SURVEY MATTER.) 158. AN ASSIGNMENT OF RENTS, ISSUES, PROFITS AND OTHER MONIES ACCRUING FROM SAID LAND TO SECURE AN INDEBTEDNESS: EXECUTED BY: 1943STEPHENS250, LLC ASSIGNEE: CENTENNIAL BANK, INC.

AMOUNT: 3,000,000.00 DATED: JANUARY 11, 2008 RECORDED: JANUARY 17, 2008 ENTRY NO.: 2316326.

157. (THE FOLLOWING EFFECTS TAX ID NOS. 03-015-0003, 03-015-0013)(PARCEL 28) DEED OF TRUST

159. DEED OF TRUST TRUSTOR: MIRI LESHEM, AS TRUSTEE OF THE MIRI LESHEM TRUST, CREATED UNDER INSTRUMENT DATED APRIL 29, 2003 TRUSTEE: METRO NATIONAL TITLE INSURANCE COMPANY BENEFICIARY: WAL-MART REAL ESTATE BUSINESS TRUST, A DELAWARE STATUTORY TRUST AMOUNT: \$300,00.00, PLUS INTEREST DATED: MARCH 20, 2008 RECORDED: APRIL 4, 2008 ENTRY NO.: 2332839. (NOT A SURVEY

160. A DEED OF TRUST, AND THE TERMS AND CONDITIONS THEREOF: STATED AMOUNT \$1,665,261.00

TRUSTOR MARK R. BOYCE AND DEBBIE BOYCE AND BOYCE EQUIPMENT AND PARTS COMPANY, INC. TRUSTEE

BANK OF UTAH BENEFICIARY BANK OF UTAH DATED MARCH 31, 2008 RECORDED APRIL 2, 2008 ENTRY NO.

2332269. ASSIGNMENT OF RENTS AND LEASES: BETWEEN MARK R. BOYCE AND DEBBIE BOYCE AND BOYCE

EQUIPMENT AND PARTS COMPANY, INC. AND BANK OF UTAH DATED MARCH 31, 2008 RECORDED APRIL 2,

2008 ENTRY NO. 2332270. (NOT A SURVEY MATTER.) 161. A DEED OF TRUST, AND THE TERMS AND CONDITIONS THEREOF: STATED AMOUNT \$42,500.00 TRUSTOR MIRI LESHEM, TRUSTEE OF THE MIRI LESHEM TRUST DATED APRIL 29, 2003 TRUSTEE BANK OF AMERICAN FORK BENEFICIARY BANK OF AMERICAN FORK DATED JULY 10, 2008 RECORDED JULY 25, 2008 ENTRY NO. 2355873. (NOT A SURVEY MATTER.)

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ENGINEERING PLANNING ANDSCAPE ARCHITECTURE LAND SURVEYING

DIRECT SUPERVISION OF RAD T MORTENSEN UTAH REGISTRATION NO 371154 FOR AND ON

ASSOCIATES

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PROJECT #:06-0046

DRAWN BY:

DESIGNED BY:

CHECKED BY:

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SHEET 3 of 5

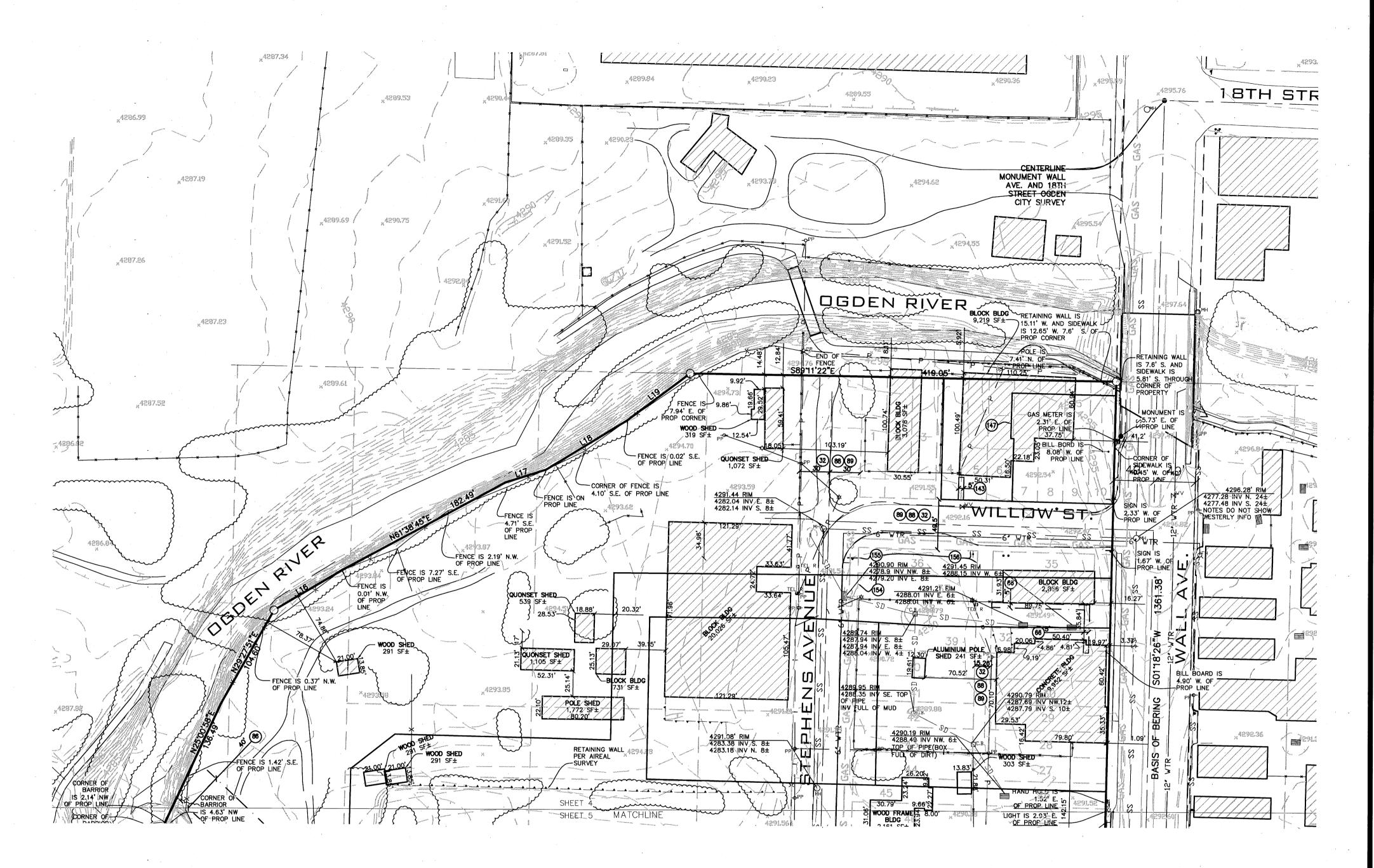
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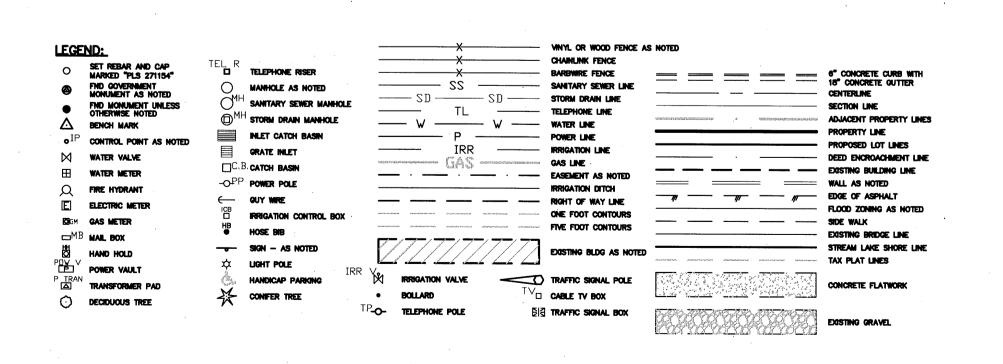
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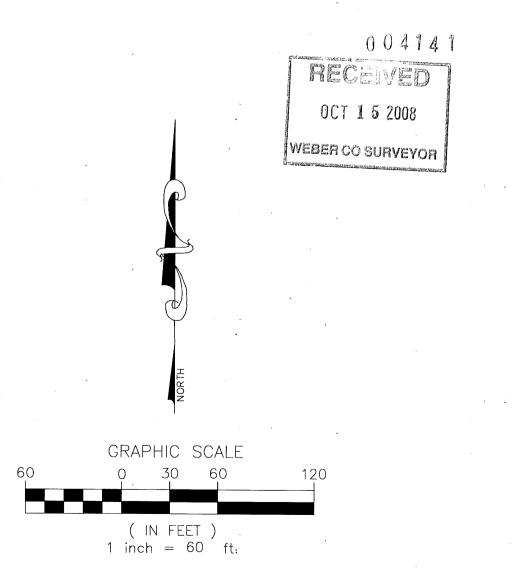
SHEET 4 OF 5

	LINE TABLE	
LINE	BEARING	LENGTH
L1	N01'18'26"E	40.00'
L2	N88'42'00"W	40.00'
L3	S00'43'55"E	36.54'
L4	S88'20'17"W	80.71
L5	S81'55'25"W	100.12'
L6	N80°42'04"W	57.71
L7	N87*52'28"W	76.62'
L8	S01'18'26"W	8.62'
L9	N77'49'28"W	19.87'
L10	S89'40'14"E	36.00'
L14	N65'35'14"E	62.40'
L15	N22 : 25'04"E	83.91'
L16	N59°20'04"E	77.43'
L17	N72 : 24'47"E	42.10'
L18	N58 : 26'49"E	93.56'
L19	N53°03'33"E	76.90'
L20	S89'11'22"E	249.56'
L21	S89'11'22"E	169.49
L22	S88*48'03"E	102.09'
L23	N01°32'00"E	44.63'
L24	N88'42'00"W	3.00'
L25	N01°32'00"E	61.40'
L26	N01"18'26"E	54.01'
L27	N89'37'50"W	169.64
L28	N86°46'01"W	120.10'
L29	N86°46'01"W	58.02'
L30	N86°46'01"W	62.08'
L32	N89'37'50"W	34.00'
L33	N01°03'17"E	64.40'
L34	S46'18'30"W	43.78'
L35	S01'18'26"W	30.95'
L36	N88'42'00"W	30.96'
L37	N51°45'38"E	64.61
L38	N01'08'14"E	93.59'
L39	N21'15'30"E	84.14'

	C	URVE TABLE	-	,
CURVE	RADIUS	DELTA	LENGTH	TANGENT
C1	3276.50'	3'29'50"	199.99'	100.03
C2	1637.16'	17'14'06"	492.47'	248.11'
C3	3281.83	3'29'30"	200.00'	100.03
C4	3814.25	3'00'15"	200.00'	100.02'







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SUITE 550
SAL T LAKE CITY
UTAH 84111
P 801 363 5605
F 801 363 5604
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ARCHITECTURE ENGINEERING PLANNING LANDSCAPE ARCHITECTURE LAND SURVEYING

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MART (OGDEN ERALL PARCEL) ST & WALL AVENUE

PREPARED UNDER THE DIRECT SUPERVISION OF BRAD T MORTENSEN UTAH REGISTRATION NO. 271154 FOR AND ON BEHALF OF CLC ASSOCIATES

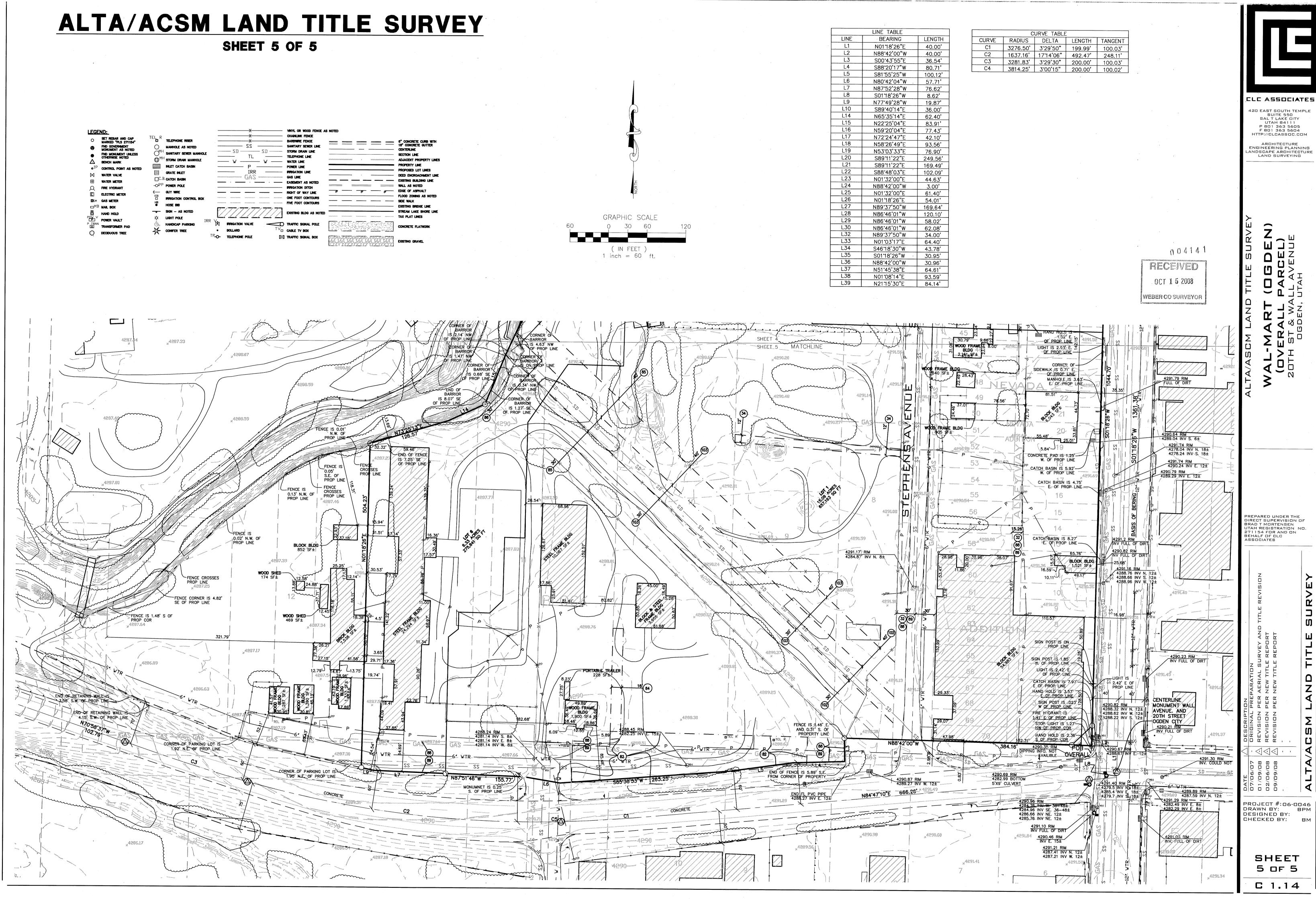
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PER NEW TITLE REPORT

SHEET

SHEET 4 of 5

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DESIGNED BY: CHECKED BY:



CLC ASSOCIATES

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PREPARED UNDER THE DIRECT SUPERVISION OF BRAD T MORTENSEN

UTAH REGISTRATION NO. 271154 FOR AND ON BEHALF OF CLC ASSOCIATES

SHEET 5 of 5