#### AS-SURVEYED OVERALL BOUNDARY DESCRIPTION

Beginning at a point North 02°30'31" East 5274.84 feet from the Southwest Corner of Section 31, Township 8 North, Range 2 East, Salt Lake Base and Meridian (basis of bearing is South 89°29'29" East 2535.02 feet from said Southwest Corner to the South Quarter Corner of said Section 31) and running thence North 02°30'31" East 2637.42 feet to the West Quarter Corner of Section 30, Township 8 North, Range 2 East, Salt Lake Base and Meridian; thence South 89°53'27" East 5181.62 feet to the East Quarter Corner of said Section 30: thence South 89°57'09" East 1321.62 feet to the Northeast Corner of the Northwest quarter of the Southwest quarter of Section 29, Township 8 North, Range 2 East, Salt Lake Base and Meridian; thence South 01°28'17" West 1324.45 feet to the Southeast Corner of said Northwest quarter of the Southwest quarter; thence South 89'55'11" East 1327.86 feet; thence South 01'12'02" West 1325.07 feet to the South Quarter Corner of said Section 29: thence South 03"17'12" WEst 5317.77 feet to the South Quarter Corner of Section 32, Township 8 North, Range 2 East, Salt Lake Base and Meridian; thence North 89°32'49" West 292.82 feet to the North Quarter Corner of Section 5, Township 7 North, Range 2 East, Salt Lake Base and Meridian; thence South 00°06'30" West 2669.27 feet to the center of said Section 5; thence South 00°06'30" West 1175.46 to the Weber-Cache County line; thence along said County line the following 7 courses: 1) South 85°40'38" East 684.31 feet, 2) North 51°00'22" East 311.10 feet, 3) North 50°59'56" East 762.67 feet, 4) North 64°33'56" East 1678.18 feet, 5) North 68°06'56" East 1724.96 feet, 6) South 84°54'04" East 727.30 feet. 7) North 72°55'56" East 43.77 feet to the Quarter Section line of Section 4, Township 7 North, Range 2 East, Salt Lake Base and Meridian; thence along said Quarter Section line South 00°19'06" East 3595.99 feet to the North quarter corner of Section 9, Township 7 North, Range 2 East, Salt Lake Base and Meridian; thence South 00"03'35" West 5405.90 feet to the South auarter corner of said Section 9; thence South 86°20'47" East 2617.49 feet to the Southeast Corner of said Section 9; thence South 46"37'20" West 3639.90 feet to the Northeast Corner of the Southwest quarter of Section 16, Township 7 North, Range 2 East, Salt Lake Base and Meridian; thence South 00°43'08" West 2358.71 feet to the South quarter corner of said Section 16; thence South 86°47'40" West 2650.21 feet to the Southwest Corner of said Section 16; thence North 85°54'28" West 2614.70 feet to the South quarter corner of Section 17, Township 7 North, Range 2 East, Salt Lake Base and Meridian; thence South 87'20'03" West 2432.26 feet to the Southwest Corner of said Section 17: thence North 03°35'27" West 2575.97 feet to the East Quarter Corner of said Section 17: thence North 85'39'14" West 1270.03 feet to the Southwest Corner of the East Half of the Northeast Quarter of Section 18, Township 7 North, Range 2 East, Salt Lake Base and Meridian; thence North 04'19'32" West 3520.00 feet along the West line of said East Half and the extension thereof to a point 866.76 feet northerly of the Northwest Corner of said East Half; thence West 2460.69 feet; thence South 02°20'05" East 659.64 feet to the Southeast Corner of the Southwest Quarter of the Southwest Quarter of Section 7, Township 8 North, Range 2 East, Salt Lake Base and Meridian; thence North 84°07'08" West 1197.28 feet to the Southwest Corner of said Section 7; thence North 89°35'40" West 1321.94 feet to the Southwest Corner of the East Half of the Southeast Quarter of Section 12, Township 7 North, Range 1 East, Salt Lake Base and Meridian; thence North 00°07′30" West 2679.50 feet along the West line of said East Half: thence North 89°50'14" West 1322.49 feet to the Southwest Corner of the Northeast Quarter of said Section 12; thence North 00'04'52" West 1344.10 feet to the Southwest Corner of the Northwest Quarter of the Northeast Quarter of said Section 12; thence South 89'45'43" East 1319.67 feet to the Southeast Corner of said Northwest Quarter of the Northeast Quarter; thence North 0012'08" West 1340.37 feet to the Northeast Corner of said Northwest Quarter of the Northeast Quarter; thence North 89°45'21" West 1317.72 feet to the North Quarter Corner of said Section 12: thence North 89°50'36" West 2635.43 feet to the Northwest Corner of said Section 12; thence South 00°01'44" East 5346.97 feet to the Southwest Corner of said Section 12; thence South 89'26'58" West 2647.58 feet to the South Quarter Corner of Section 11, Township 7 North, Range 1 East; thence South 89°26'58" West 2647.58 feet to the Southwest Corner of said Section 11; thence North 89"17'41" West 2127.72 feet along the South line of Section 10, Township 7 North, Range 1 East; thence North 2641.87 feet; thence North 03\*52'25" East 3942.57 feet; thence North 38\*42'06" East 668.17 feet: thence North 64°01'06" East 1766.53 feet to the West Quarter Corner of Section 2, Township 7 North, Range 1 East, SLB&M; thence North 02°39'45" East 2514.91 feet to the Northwest Corner of said Section 2: thence North 01°11'03" East 5275.00 feet to the Northwest Corner of Section 35, Township 8 North, Range 1 East, SLB&M; thence North 89\*35'53" East 5293.41 feet to the Northeast Corner of said Section 35; thence North 89°58'49" East 5297.23 feet to the Northwest Corner of Section 31, Township 8 North, Range 2 East, SLB&M and the point of beginning.

### SURVEYOR'S CERTIFICATE

TO: Western America Holding, LLC, Powder Mountain Group Holding, LLC., Powder Mountain Group, III, LLC., Lawyers Title Insurance Corporation, and Heritage West Title Insurance Agency, Inc.:

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, 4, 5, 8, 10, 11a, & 13 of Table A thereof. Persuant 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.

DATE

RUSSELL E. CAMPBELL
Registration No. 316833

#### NARRATIVE:

The survey was prepared for Western America Holding, LLC., Powder Mountain Group Holding, LLC., and Powder Mountain Group III, LLC.

The purpose of the survey is to resurvey the property shown hereon according to ALTA standards.

The Basis of Bearing of this survey is the monumented North line of Section 1, Township 7 North, Range 2 East, SLB&M. The bearing was established by static GPS and is based on Geodetic North.

The Title Report used for this survey were provided by Heritage West Title Insurance Agency, Inc., agents for Lawyers Title Insurance Corporation, as Commitment No. 27386 and with an effective date of December 1, 2008. Items depicted as "Exception No." on the survey refer to Schedule B, Section 2, "Exceptions", to said title commitments. This ALTA survey includes the Parcels located in both Weber and Cache Counties as described in said Title Report.

#### Vertical Datum is NAVD 88.

Improvements were located by aerial survey performed by Aerographics from photography taken May, 2001. The improvements were field verified in the spring/summer of 2008.

An Original Survey performed by Arthur F. Benson, approved 1890, was used as the basis for the re—survey of Township 7 North, Range 1 East, SLB&M. The found original corners and supplemental corners set by Weber County were used to locate the sections. Lost corners were single or double proportioned according to BLM Manual of Surveying Instructions, 1973. The controlling monuments for the proportioning are shown and labeled hereon.

The Dependant Re—survey performed by R. Gentry, W. McConkie, and R. Yundt, approved 1947, was used as the basis for the re—survey of Township 7 North, Range 2 East, SLB&M. The found original corners were used to locate the sections. Most of the corners set for this Dependant Re—survey were found intact and were marked with brass cap monuments. Lost corners were single or double proportioned according to BLM Manual of Surveying Instructions, 1973. The controlling monuments for the proportioning are shown and labeled hereon. In certain cases, the corner was relocated by bearing and distance from the adjoining corners.

An Original Survey performed by J.H. Martineau, approved 1878, was used as the basis for the re-survey of Township 8 North, Range 1 East, SLB&M. The found original corners were used to locate the sections. The corners of Section 33, set by Dependent Survey by Fred R. Chappell, approved 1968, were used to proportion the last corners. Lost corners were single or double proportioned according to BLM Manual of Surveying Instructions, 1973. The controlling monuments for the proportioning are

An Original Survey performed by Arthur F. Benson, approved 1890, was used as the basis for the re-survey of Township 8 North, Range 2 East, SLB&M. The found original corners were used to locate the sections. Few original corners were found during the field survey, and geographic features shown on the 1890 Township Plat did not match those features as located by field surve, aerial photography, and 7.5 minute Quadrangle Map. The Township Line between Townships 8 North, Range 1 and 2 East was single proportioned from found mouments as noted. These calculated corners were subsequently used for porportioning. Lost corners were single or double proportioned according to BLM Manual of Surveying Instructions, 1973. The controlling monuments for the proportioning are shown and labeled hereon.

The road aligment for the Powder Mountain public road was provided by the Weber County Surveyor's Office. This alignment is as shown on this survey plat. The alignment does not match the deed and platted location of the right of way in several areas that are shown on the detail sheets.

This survey was performed with both static and RTK GPS measurement. Multiple projections were used to approximate the ground distances as closely as possible due to the significant elevation variations on this survey.

The unmarked perimeter Section corners were monumented with a 4" aluminum cap and disc stamped with the appropriate section data and the surveyor license number L.S. 316833. The unmarked non—section perimeter boundary corners were set with a 5/8" rebar and cap marked L.S. 316833.

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SHEET 2 - WEBER COUNTY PARCEL DESCRIPTIONS FROM TITLE REPORT

SHEET 3 - CACHE COUNTY PARCEL DESCRIPTIONS FROM TITLE REPORT
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SHEET 5 — TITLE REPORT PARCEL LOCATIONS, TAX ID NUMBERS, ADJOINING LAND OWNERS

SHEET 6 - OVERALL BOUNDARY NORTHWEST QUADRANT

SHEET 7 - OVERALL BOUNDARY NORTHEAST QUADRANT

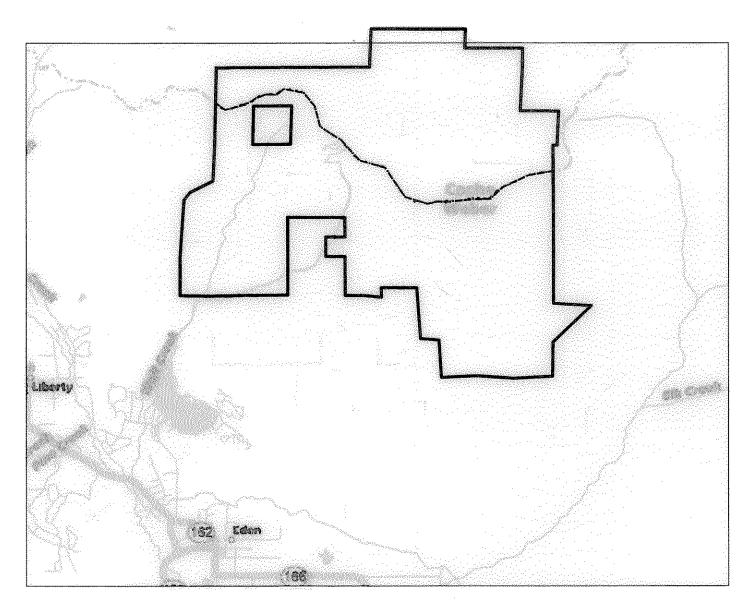
SHEET 8 - OVERALL BOUNDARY SOUTHWEST QUADRANT

SHEET 9 — OVERALL BOUNDARY SOUTHEAST QUADRANT

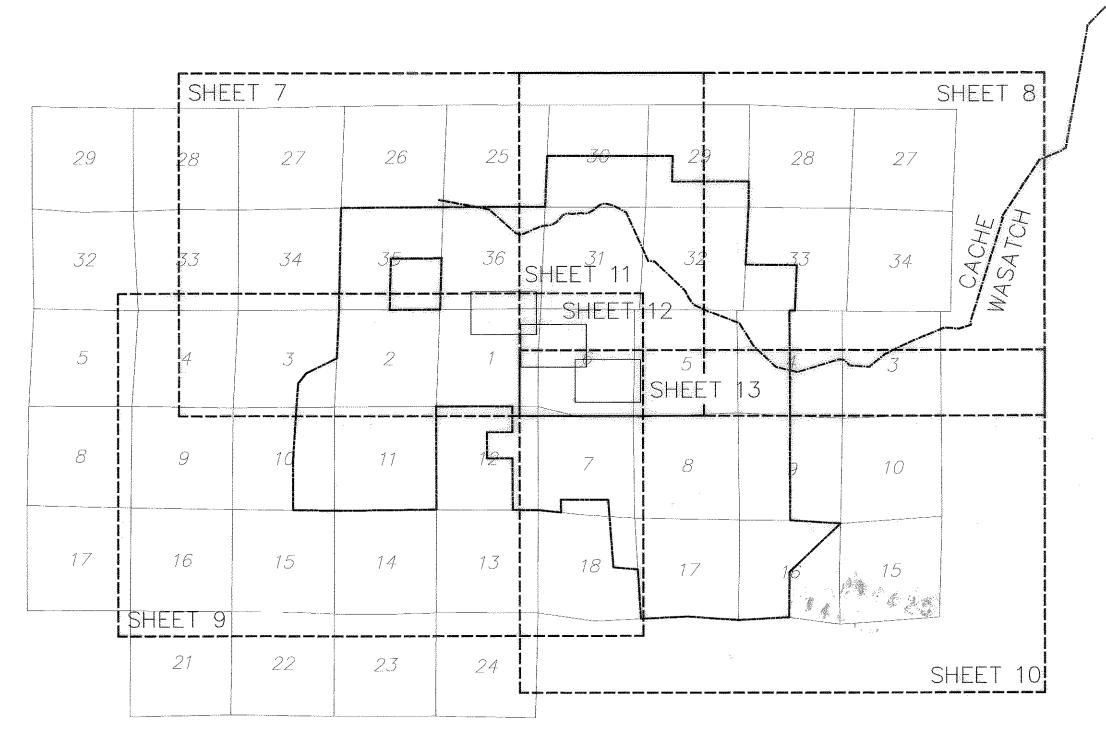
SHEET 11 — OUTPARCEL DETAIL

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SHEET 10 - OUTPARCEL DETAIL



VICINITY MAP





SHEET INDEX

## POWDER MOUNTAIN RESERVE

ALTA SURVEY

LOCATED IN:
SECTIONS 1, 2, 3, 9, 10, 11, 12, 14, 15 & 16,TNSP 7 NORTH, RNG 1 EAST,
SECTIONS 4, 5, 6, 7, 8, 9, 16, 17 & 18, TNSP 7 NORTH, RNG 2 EAST,
SECTIONS 35 & 36, TNSP 8 NORTH, RNG 1 EAST,
SECTIONS 29, 30, 31, 32 & 33, TNSP 8 NORTH, RNG 2 EAST,
SALT LAKE BASE AND MERIDIAN
WEBER and CACHE COUNTY, UTAH

SHEET 1 OF 12

# BASELINE SURVEYING, Inc.

1058 E. 2100 S.

Salt Lake City, UT 84106

The South one—half of the south one—half of Section 1. All of Section 2 and a part of Section 3, Township 7 North, Range 1 East, Salt Lake Base and Meridian, U.S. Survey, described as follows: Beginning at the southwest corner of said Section 3; running thence East to the southeast corner of Section 3; thence North to the northeast corner of the southeast quarter of said Section 3; thence southwesterly to the southwest corner of said Section and the point of beginning.

Except the Country Road (906—117) and a 30 foot right of way for public use (1002—488). Except that portion deeded to Rulon K. Jones and Kathy I. Jones (entry no. 1947340).

Parcel W-2: (22-001-0003)

The South 660 feet of the northeast quarter of Section 1, Township 7 North, Range 1 East, Salt Lake Base and Meridian, U.S. Survey. Except County Road (906-117).

Parcel W-3: (22-001-0004)

The northwest quarter and the North half of the South half of Section 1, Township 7 North, Range 1 East, Salt Lake Base and Meridian, U.S. Survey.

Except County Road (906-117) (1425-480).

Except that part of the following in Section 1: part of the northwest quarter of Section 1, Township 7 North, Range 1 East, and the southwest quarter of Section 36, Township 8 North, Range 1 East, Salt Lake Base and Meridian, U.S. Survey, Weber County, Utah: Beginning at the southeast corner of the southwest quarter of Section 36; running thence North 400 feet, more or less; thence South 48'31'27" West 1270 feet to a point 3532.52 feet West and 462.17 feet South of the southeast corner of Section 36; thence South 41'28'33" East 900.00 feet to the northerly line of County Road; thence along said North line to the East line of the northwest quarter of Section 1; thence North along section line to the place of beginning.

Parcel W-4: (22-001-0006)

That part of the following described property lying southwesterly of the Weber-Cache County line (40-21): Part of the northeast quarter of Section 1, Township 7 North, Range 1 East, Salt Lake Base and Meridian, U.S. Survey, described as follows:

Beginning at the northeast corner of said Section 1; and running thence South 1675.08 feet; thence West to the West line of the northeast quarter of Section 1; thence North to the line of county road; thence easterly to a point 1660.09 feet west and 1043.28 feet south of the northeast corner of said Section 1; thence North 65' east 325 feet; thence East 500 feet; thence North 400 feet; thence North 46'28'31" West to the North line of Section 1; thence easterly along section line to the place of beginning. Except county road (906-177).

Except county road (1425-480).

Except that part deeded to Powder Mountain Development Company (1441-2453).

Part of Section 1, Township 7 North, Range 1 East, Salt Lake Base and Meridian, U.S. Survey, and part of Section 36 Township 8 North, Range 1 East, Salt Lake Base and Meridian: Beginning at point located South 89°52'18" West 2400.00 feet and North 00°07'42" West 170.00 feet from the southeast corner of Section 36, Township 8 North, Range 1 East, Salt Lake Base and Meridian: said point of beginning also being the northwest corner Lot 12, Powder Mountain West Subdivision, Phase 1, thence

South 00°07'42" East 100 feet; thence South 84°46'21" East 160.70 feet; thence South 68°01'08" East 172.70 feet; thence North 89:52'18" East 230:00 feet; thence North 60°23'45" East 53.24 feet; thence South 07°16'30" East 120:25 feet; thence North 82°43'30" East 32.86 feet; thence along a 225.14 foot radius curve to the right 135.56 feet; thence along a 310.00 foot radius curve to the left 148.00 feet; thence North 89:52'18" East 66:43 feet; thence along a 10 foot radius curve to the left 15.71 feet; thence North 00'07'42" West 144.00 feet, more or less, to the Weber-Cache County line; thence along said line South 26'52'17" East 457.03 feet; thence South 36'58'19" East 374.24 feet; thence South 67'07'19" East 65 feet; thence South 180.00 feet; thence West 500.00 feet; thence South 65'00' West 130 feet, more or less; thence North 115 feet; thence North 77°24'24" West 253 feet; thence South 42°17'29" West 80.92 feet; thence North 87'49'39" West 537.97 feet; thence South 41'28'33" East 300.82 feet to County Road; thence along County Road to the West line of the northeast quarter; thence North along said West line to a point South 48'31'27" West from a point given as 2175.04 feet West and 737.78 feet North of the southeast corner of Section 36; thence North 48'31'27" East to said point; thence South 46'28'33" East 300.55 feet; thence South 43:31'27" West 59:49 feet; thence along a 450 foot radius curve 5.55 feet; thence North 4710'59" West 75.97 feet; thence South 89'52'18" West 50.00 feet; thence South 32'52'18" West 167.50 feet; thence South 83'52'18" West 206.88 feet; thence South 00'07'42" West 217.90 feet to point of

Except that part deeded to Edith Gaspard (1379-595).

Except County Road (1425-480). Subject to access road easement (1445-407).

Except that part deeded to Powder Mountain Water and Sewer Improvement District (1566-207). Except that part deeded (1573-2503) to Alvin F. & June H. Cobabe, described as follows: part of the northeast quarter, Section 1, Township 7 North, Range 1 East, Salt Lake Base and Meridian; Beginning at a point located South 89:52'18" West 1296.65 feet along the section line and South 00'07'42" East 383.91 feet from the northeast corner of Section 1, Township 7 North, Range 1 East, Salt Lake Base and Meridian; running thence South 25'24'11" East 140.00 feet; thence South 64'35'49" West 162.98 feet; thence North 28'57'00" West 140:27 feet; thence North 64'35'49" East 171.66 feet to the point of beginning.

Except Powder Mountain West Subdivision Phase 4. Except Moonridge Subdivision.

Except that portion within Cache County.

Subject to a right of way for access for ingress and egress for the following legal description more particularly described as follows: part of Section 1, Township 7 North, Range 1 East, Salt Lake Base and Meridian. Beginning at a point located South 89°52'18' West 1380.95 feet from the northeast corner of Section 1, Township 7 North, Range 1 East, Salt Lake Base and Meridian; running thence South 26'51'00" East 193.63 feet; thence South 1913'29" West 24.64 feet to the County Road; thence left along the arc of a 290.00 foot radius curve a distance of 172.60 feet (chord bears North 87\*49'34" West 170.07 feet) along said road; thence right along the arc of a curve along the northerly line of Aspen Drive (chord bears North 82'22'46" West 52.99 feet) to a point of reverse curvature; thence North 14'21'01" East 34.88 feet to the southwest corner of the James G Batchelor property; thence along said Batchelor property the following four courses: (1) left along the arc of a 310:00 foot radius curve a distance of 58.73 feet (chord bears South 84'42'03" East 58:64 feet); (2) North 89'52'18" East 66:43 feet; (3) left along the arc of a 10:00 foot radius curve a distance of 15.71 feet (chord bears North 44.52'18" East 14.14 feet); (4) North 00'07'42" West 144.00 feet to the point of beginning. Entry number 1827489 Book 2209 Page 2448. Except that portion deeded to Uintah Family Properties LLC (Entry number 1967468). Except that portion deeded to Glenn Pauls & wf Dianne (Entry number 1967467).

Except that portion deed to Utah Sliding Alliance LLC (Entry number 2063993) described as follows: Part of the North half of Section 1, Township 7 North, Range 1 East, Salt Lake Base and Meridian, Beginning at a point 1765.07 feet West and 290.33 South from the northeast corner of said section 1, thence as fallows: South 0716'30" East 11.59 feet along the westerly line of Powder Mountain Village to the northerly line of Powder Mountain Road; thence along said Powder Mountain Road the following 6 courses: South 69'10'14" West 24.00 feet to a tangent curve to the left; thence southwesterly 165.75 feet along said curve to a reverse curve (R=817.33, Delta=11'37'10" Tan=83.16, Ch=165.47, ChB=South 63'21'39" West); thence southwesterly 396.69 feet along said curve (R=611.67, Delta=37'09'31", Tan=205.60, Ch=389.78, ChB=South 76"07'49" West); thence North 85"14'08" West 50.00 feet to a tangent curve to the left; thence southwesterly 270.47 feet along said curve (R=232.09, Delta=66\*46'14", Tan=152.95, Ch=255.42, ChB=South 61°22'45" West); thence South 27°59'45" West 36.38 feet; thence North 24°23'09" West 397.38 feet; thence North 46'55'29" East 72.31 feet; thence South 88'24'26" East 142.94 feet to the southerly boundary of Powder Mountain West Phase 3; thence South 39'56'02" East 19.25 feet along the southerly boundary of Powder Mountain West Phase 3; thence South 39'56'02" East 19.25 feet along the southerly boundary of Powder Mountain West Phase 3; thence South 78'34'06" East 449.11 feet along the southerly boundary of Powder Mountain West Phase 3; thence North 84'27'03" East 355.87 feet along the southerly boundary of Powder Mountain West Phase 3 to the point of beginning.

Except a parcel of land located in Weber County, Utah in Section 1, Township 7 North, Range 1 East, Salt Lake Base and Meridian, being more particularly described as follows: Beginning at a point located South 89'39'28" West 1294.03 feet and South 373.02 feet from the northeast corner of said Section 1; thence South 25'22'10" East 362.71 feet; thence South 68'45'53" West 122.75 feet; thence North 44'41'30" West 15.41 feet to the arc of a curve leading northwesterly; thence northwest along and ground the arc of a curve, concave northeasterly having a radius of 631.66 feet an arc distance of 187.97 feet said arc being subtended by a chord bearing and distance of North 3716'21" West 187.28 feet to the point of tangency of said curve; thence North 28'44'50" West 156.77 feet; thence North 64'47'59" East 175.14 feet back to the point of beginning.

#### TITLE COMMITMENT No. 27386 — EXHIBIT "A"

WEBER COUNTY PARCEL DESCRIPTIONS

Parcel W-6: (22-001-0011) Part of the northwest quarter of Section 1, Township 7 North, Range 1 East and southwest quarter of Section 36, Township 8 North, Range 1 East, Salt Lake Base and Meridian, U.S. Survey, Weber County, Utah: Beginning at the southeast corner of southwest quarter of Section 36; running thence North 400 feet, more or less; thence South 48'31'27" West 1270 feet to a point 3532.52 feet West and 462.17 feet South of the southeast corner of Section 36; thence South 41°28'33" East 900.00 feet to the northerly line of County Road; thence along said North line to the East line of the northwest quarter of Section 1; thence North along section line to the place of beginning. Except County Road (1425-480).

Excepting that part deeded to Powder Mountain Water and Sewer Improvement District (1566-207). Excepting therefrom the following described parcel part of the North half of Section 1, Township 7 North, Range 1 East, Salt Lake Base and Meridian; Beginning at a point 1765.07 feet West and 290.33 South from the northeast corner of said Section 1 thence as follows: South 07°16'30" East 11.59 feet along the westerly line of Powder Mountain Village to the northerly line of Powder Mountain Road; along said Powder Mountain Road the following 6 courses: South 69'10'14" West 24.00 feet to a tangent curve to the left; thence southwesterly 165.75 feet along said curve to a reverse curve (R=817.33 Delta=11°37'10" Tan=83.16, Ch=165.47, ChB=South 63'21'39" West); thence southwesterly 396.69 feet along said curve (R=611.67, Delta=37'09'31" Tan=205.60, Ch=389.78, ChB=South 76'07'49" West); thence North 85'14'08" West 50.00 feet to a tangent curve to the left; thence southwesterly 270.47 feet along said curve (R=232.09 Delta=66'46'14" Tan=152.42, Ch=\*\*\* ChB=South 61"22'45" West); thence South 27"59'45" West 36.38 feet; thence North 24'23'09" West 397.38 feet; thence North 46'55'29" East 72.31 feet; thence South 88'24'26" East 142.94 feet to the southerly boundary of Powder Mountain West Phase 3; thence South 39°56'02" East 19.25 feet along the southerly boundary of Powder Mountain West Phase 3; thence South 39'56'02" East 19.25 feet along the southerly boundary of Powder Mountain West Phase 3; thence South 78'34'06" East 449.11 feet along the southerly boundary of Powder Mountain West Phase 3; thence North 84'27'03" East 355.87 feet along the southerly boundary of Powder Mountain West Phase 3 to the point of beginning. (Entry

Parcel W-7: (22-006-0005)
All of Section 11, Township 7 North, Range 1 East, Salt Lake Base and Meridian, U.S. Survey, and part of Section 10, Township 7 North, Range 1 East, Salt Lake Base & Meridian, described as follows: Beginning at the West quarter corner of said Section 10; running thence South 89'32'53" East 3142.32 feet; thence North 03°52'25" East to the North line of said Section; thence easterly along the Section line to the northeast corner of said Section; thence southerly along the Section line to the southeast corner of said Section; thence westerly along said Section line to the southwest corner of said Section; thence northerly along said Section line to the point of beginning

Except County Road (906-117) and a 30 foot right of way for public use (1002-488). Except Snowflake Subdivision Phase 3 open space (Book 54 Page 73). Also excepting any portion of the following within said Section 10, part of Sections 10 and 15, Township 7 North, Range 1 East, Salt Lake Base and Meridian, U.S. Survey, and described as follows: Beginning at the West quarter corner of said Section 10; running thence South 89°32'53" East 3142.32 feet; thence South 5790 feet, more or less, to a point intersecting the North line of County Road (220060012); thence in a northeasterly direction along the North line of said road to the intersection of the East line of Section 15 and the North line of said road; thence South along the East line of Section 15, 4426.25 feet, more or less, to the southeast corner of Section 15; thence West 2780.80 feet, more or less, to the East line of Snowflake Subdivision No. 2; thence North 33°21'37" East along the East line of said subdivision 448.00 feet; thence North 28°47'14" East 212.18 feet; thence North 07°18'56" East 174.75 feet; thence North 01°02'19" East 93.65 feet; thence North 43'57'41" West 91.06 feet; thence North 46'02'19" East 60 feet; thence westerly along the North side of a road 16.70 feet; thence North 17"29'55" East 205.94 feet; thence North 00°35°18" East 175 feet to the South line of the Dickens property (220060017); thence East along said South line 1058.25 feet, more or less, to the southeast corner of said Dickens property, thence North 660 feet, more or less, to the northeast corner of said Dickens property; thence West 1320 feet, more or less, to the northwest corner of said Dickens property, thence South 660.00 feet, more or less, to the North line of Snowflake Subdivision No. 2; thence North 77\*43'19" West 396.99 feet; thence South 14\*43'12" East 201 feet to the North line of Snowflake Subdivision No. 3; thence South 83"13'57" West 761.53 feet to the East line of the West 1/2 of the southwest 1/4 of Section 15 (220060019); thence North along said East line 1531.23 feet, more or less, to the northeast corner of said West 1/2 of said southwest 1/4; thence West

he East one—half of the southeast quarter of Section 12, Township 7 North, Range 1 East, Salt Lake Base and Meridian, U.S. Survey.

1845 feet, more or less, to the West line of Section 15; thence North along said West line 5280 feet, more

Parcel W-9: (22-006-0018)

or less, to the point of beginning.

The East one—half of the northeast quarter of Section 12, Township 7 North, Range 1 East, Salt Lake Base and Meridian, U.S. Survey.

Parcel W-10: (22-006-0020) The southwest quarter of northeast quarter of Section 12, Township 7 North, Range 1 East, Salt Lake Base and Meridian, U.S. Survey.

Parcel W-11: (23-012-0027) hat part of the South one—half of the northwest quarter of Section 4, Township 7 North, Range 2 East, Salt Lake Base and Meridian, U.S. Survey, lying South of the Weber—Cache County line.

<u>Parcel W-12: (23-012-0028)</u> The southwest quarter of Section 4, Township 7 North, Range 2 East, Salt Lake Base and Meridian, U.S. Parcel W-13: (23-012-0029)

That part of the southeast quarter of Section 5, Township 7 North, Range 2 East, Salt Lake Base and Meridian, U.S. Survey, lying southwesterly of the Weber-Cache County line.

All of Lots 6 and 7, and that part of the East half of the southwest quarter of Section 6, Township 7 North, Range 2 East, Salt Lake Base and Meridian, U.S. Survey, Ivina South of the Weber-Cache County line Except that part deeded in Books 1405-215 and 1405-217 Also except private road (24-80, 81, 82).

Parcel W-15: (23-012-0032)
All of Section 8, Township 7 North, Range 2 East, Salt Lake Base and Meridian, U.S. Survey.

Parcel W-16: (23-012-0033) The West one—half of Section 9. Township 7 North, Range 2 East, Salt Lake Base and Meridian, U.S. Survey.

Parcel W-17: (23-012-0034)
The West one-half of Section 16, Township 7 North, Range 2 East, Salt Lake Base and Meridian, U.S. Survey, and Beainning at the northeast corner of said Section 16; running thence southwesterly to the center of Section; thence North to the North quarter corner; thence East to the point of beginning.

Parcel W-18: part of (23-012-0035) All of Section 17, the northeast quarter and the East 1/2 of the northwest quarter of Section 18, Township 7 North, Range 2 East, Salt Lake Base and Meridian, U.S. Survey. Less the following described property: part of the North 1/2 of Section 18 and the South 1/2 of Section 7, Township 7 North, Range 2 East, Salt Lake Base and Meridian, U.S. Survey: Beginning at a point 1320 feet West along the East-West center line from the East corner of Section 18 to the southeast corner of the southwest 1/4 of the northeast 1/4 of said Section 18; running thence North along the center line of said northeast 1/4 3520.00 feet to a point 880 feet North of the South line of Section 7; thence West 2640 feet; thence South 3520.00 feet to the southwest corner of the southeast 1/4 of the northwest 1/4 of Section 18; thence East along the East-West center line of Section 18, 2640.00 feet, more or less, to the point of beginning.

That part of the North one—half of Section 5, Township 7 North, Range 2 East, Salt Lake Base and Meridian, U.S. Survey, lying southeasterly of the Weber-Cache County line.

That part of the southwest quarter of Section 5, Township 7 North, Range 2 East, Salt Lake Base and Meridian, U.S. Survey, lying South of the Weber-Cache County line.

Parcel W-21: (23-012-0054)

That part of the following property lying southwesterly of the Weber-Cache County line (40-21). The southeast quarter of Section 6, Township 7 North, Range 2 East, Salt Lake Base and Meridian, U.S. Survey. Except that part deeded in Book 1405-215.

Also except that part deeded to Weber State College (1592-1024). Subject to a 50 foot right of way 25 feet each side of the following center line: Beginning at a point in the northerly line of the above described private road, said point being North 00°57'08" East along the Section line 1216.92 feet and West 2186.87 feet from the southeast corner of said Section 6; thence North 87°33'51" East 254.12 feet to a point on the arc of a 900.00 foot radius curve, the center of which bears North 02°26'09" West; thence northeasterly along the arc of said curve to the left, through a central angle of 17°00' a distance of 267.04 feet; thence North 70°33'51" East 185.00 feet to a point of the arc of a 700.00 foot radius curve, the center of which bears North 19°26'09" West; thence northeasterly along the arc of said curve to the left, through a central angle of 21°51'21" East 317.07 feet.

Parcel W-22: (23-012-0068) All of the northwest quarter of Section 6, Township 7 North, Range 2 East, Salt Lake Base and Meridian, U.S. Survey, lying South of the Weber-Cache County line (40-21). Except private road (24-80, 81, 82).

Parcel W-23: (23-012-0069)
The West one-half of the northwest quarter of Section 7, Township 7 North, Range 2 East, Salt Lake Base and Meridian, U.S. Survey.

All of Section 7, Township 7 North, Range 2 East, Salt Lake Base and Meridian, U.S. Survey.

Except the West 1/2 of the northwest quarter. Also except the following described parcel: part of the North 1/2 of Section 18 and the South 1/2 of Section 7, Township 7 North, Range 2 East, Salt Lake Base and Meridian, U.S. Survey, Beginning at a point 1320 feet West along the East-West center line from the East corner of Section 18 to the southeast 1/4 of the northeast 1/4 of said Section 18; running thence North along the center line of said northeast 1/4 3520.00 feet to the point 880 feet North of the South line of Section 7; thence West 2640 feet; thence South 3520 feet to the southwest corner of the southeast 1/4 of the northwest 1/4 of Section 18; thence East along the East-West center line of Section 18, 2640.00 feet, more or less, to the point of beginning.

Parcel W-25: (23-044-0008) hat part of the North half of Section 36, Township 8 North, Range 1 East, Salt Lake Base and Meridian, U.S. Survey, lying within Weber County.

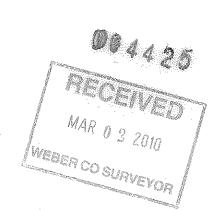
Parcel W-26: (23-044-0010) That part of the North one—half and the southwest quarter of Section 35, Township 8 North, Range 1 East, Salt Lake Base and Meridian, U.S. Survey, lying within Weber County.

Parcel W-27: (23-044-0011) The southwest quarter of Section 36, Township 8 North, Range 1 East, Salt Lake Base and Meridian. U.S.

Except that part of the following in Section 36: part of the northwest quarter of Section 1, Township 7 North, Range 1 East, and the southwest quarter of Section 36, Township 8 North, Range 1 East, Salt Lake Base and Meridian, U.S. Survey, Weber County, Utah: Beginning at the southeast corner of the southwest quarter of Section 36; running thence North 400 feet, more or less; thence South 48°31'27" West 1270 feet to a point 3532.52 feet West and 462.17 feet South of the southeast corner of Section 36; thence South 41°28'33" East 900.00 feet to the northerly line of County Road; thence along said North line to the East line of the northwest quarter of Section 1; thence North along the Section line to the place of beginning.

Part of the southeast quarter of Section 36, Township 8 North, Range 1 East Salt Lake Base and Meridian, U.S. Survey, described as follows: Beginning at a point South 89°52'18" West 1380.95 feet, North 46°28'33" West 255.80 feet, South 43°31'27" West 14.99 feet, North 46°28'33" West 94.20 feet, North 43°31'27" East 15.00 feet, and North 46°28'33" West 836.80 feet, from the southeast corner of said quarter section; running thence South 48"31'27" West to the West line of the southeast quarter of Section 36; thence North 865 feet, more or less to the Weber-Cache County line; thence southeasterly along said line to the point of

Parcel W-29: (22-006-0022) Part of Section 15, Township 7 North, Range 1 East Salt Lake Base and Meridian, U.S. Survey, Beginning at the Northeast Corner of Section 15 and running thence West along the north line of Section 15, 2137.68 feet more or less to the east line of the property deeded to Eden Heights, LLC (22-006-0027) thence South along said east line 3176.84 feet more or less to a point intersecting the north line of a county road (22-006-0012) thence in a northeasterly direction along said north line of road to the east line of said Section 15, thence North along the east line of said section 862.04 feet more or less to the point of



POWDER MOUNTAIN RESERVE

**ALTA SURVEY** 

LOCATED IN: SECTIONS 1, 2, 3, 9, 10, 11, 12, 14, 15 & 16, TNSP 7 NORTH, RNG 1 EAST SECTIONS 4, 5, 6, 7, 8, 9, 16, 17 & 18, TNSP 7 NORTH, RNG 2 EAST, SECTIONS 35 & 36, TNSP 8 NORTH, RNG 1 EAST, SECTIONS 29, 30, 31, 32 & 33, TNSP 8 NORTH, RNG 2 EAST, SALT LAKE BASE AND MERIDIAN WEBER and CACHE COUNTY, UTAH

SHEET 2 OF 12

BASELINE SURVEYING, Inc

1058 E. 2100 S. Salt Lake City, UT 84106

Parcel C-1: (16-001-0007)

The northeast quarter of Section 6, Township 7 North, Range 2 East, Salt Lake Base and Meridian, U.S.

<u>Parcel C-2: (16-001-0008)</u> That part of Section 1, Township 7 North, Range 1 East, Salt Lake Base and Meridian, U.S. Survey, lying in Caehe County, Utah. Less and excepting the following: a parcel of land that lies in the northeast quarter of section 1, Township 7 North, Range 1 East, Weber County, Salt Lake Base and Meridian, U.S. Survey, further described as follows: Beginning at a point that lies South 89'39'28" West 1376.08 feet along the North line of said Section 1 and South 28'39'41" East 456.90 feet and South 36'45'41" East 15.33 feet along the Weber-Cache County line from the northeast corner of Section 1, Township 7 North, Range 1 East, Salt Lake Base and Meridian, U.S. Survey; thence North 62°55'07" East 126.81 feet; thence South 36°45'41" East 337.81 feet; thence South 5314'19" West 125.00 feet; thence North 36'45'41" West 359.14 feet to the point of beginning.

Parcel C-3: (16-001-0009)
That part of the South half of Section 6, Township 7 North, Range 2 East, Salt Lake Base and Meridian, U.S. Survey, lying in Cache County, Utah. Less: Beginning North 00°57'08" East 1457.55 feet and West 391.09 feet from the southeast corner of said Section 6; thence South 21\*51'21" West 127.94 feet; thence along a curve to the left 546.3 feet; thence North 45°00'59" West 33.94 feet; thence North 13°01'28" East 60.75 feet; thence North 27°33'36" West 169.15 feet; thence North 68"08'39" West 123.43 feet; thence North 21°51'21" East 129.28 feet; thence South 68"08'39" East 800 feet to beginning. (part of parcel 16-001-0011 Weber State College)

Parcel C-4: (16-001-0010)

That part of the northwest quarter of Section 6, Township 7 North, Range 2 East, Salt Lake Base and Meridian, U.S. Survey, lying in Cache County, Utah.

That part of the southwest quarter of Section 5, Township 7 North, Range 2 East, Salt Lake Base and Meridian, U.S. Survey, lying in Cache County, Utah.

Parcel C-6: (16-001-0018)
The northwest quarter of Section 5, Township 7 North, Range 2 East, Salt Lake Base and Meridian, U.S.

That part of the North half, the North half of the southeast quarter, and the southwest quarter of Section 36, Township 8 North, Range 1 East, Salt Lake Base and Meridian, U.S. Survey, lying in Cache County, Utah.

Parcel C—8: (16—007—0005)
That part of the following lying in Cache County: the North half of Section 35, Township 8 North, Range T

Parcel C-9: (16-007-0006)

That part of the following lying in Cache County, Utah: Beginning at the southeast corner of Section 36, Township 8 North, Range 1 East; thence South 89°52'18" West 1380.95 feet; thence North 46°28'33" West 255.8 feet; thence South 43°31'27" West 14.99 feet; thence North 46°28'33" West 94.2 feet; thence North 43°31'27" West to the West line of the southeast quarter of said Section; thence North to a point 1320 feet North of the southwest corner of said southeast quarter; thence East 2640 feet; thence South 1320 feet to beginning. Less: Beginning North 489.06 feet and East 1310.1 feet from the southeast corner of Section 36, Township 8 North, Range 1 East; thence South 89°52'18" West 180 feet; thence North 00°07'42" West 200 feet; thence North 89°52'18" East 435.6 feet; thence South 00°07'42" East 200 feet; thence South 89°52'18" West 255.6 feet to the beginning.

<u>Parcel C-10: (16-017-0003)</u>
The South half of the southwest quarter of Section 29, Township 8 North, Range 2 East, Salt Lake Base and Meridian, U.S. Survey, also the northwest quarter of the southwest quarter of said-Section.

<u>Parcel C-11: (16-017-0005)</u> The South half of Section 30, Township 8 North, Range 2 East, Salt Lake Base and Meridian, U.S. Survey.

Parcel C-12: (16-017-0006)

The North half; the northwest quarter of the southwest quarter; the North half of the southeast quarter of Section 31, Township 8 North, Range 2 East, Salt Lake Base and Meridian, U.S. Survey.

<u>Parcel C-13: (16-017-0007)</u> West half Section 32, Township 8 North, Range 2 East, Salt Lake Base and Meridian, U.S. Survey.

The South half of the southwest quarter of Section 31, Township 8 North, Range 2 East, Salt Lake Base and Meridian, U.S. Survey.

Meridian, U.S. Survey.

Parcel C=15: (16-017-0009)

The northeast quarter of the southwest quarter of Section 31, Township 8 North, Range 2 East, Salt Lake Base and Meridian, U.S. Survey.

The South half of the southeast quarter of Section 31, Township 8 North, Range 2 East, Salt Lake Base and

Rights of way for roads, ditches, canals, pipelines, radio towers, or transmission line now existing over and across the

Survey Findings: All visible improvements located by survey to date and aerial mapping (photography from June, 2001) have been shown. The exterior boundary was observed for improvements during the boundary staking portion of the survey. Certain items may exist on the interior of the boundary which may be obscured or in inaccessible or remote areas. A reasonable effort has been made to identify all exception items.

Reservations in Bargain and Sale Deed recorded in Book 93 of Deeds at Page 463 in the office of the Recorder of Cache County, Utah. (affects all parcels)

Survey Findings: The reservations in the Barqain and Sale deed affect all parcels,

Notices recorded April 22, 1964 in Book 772 at Page 127 and 146 of official records wherein the State of Utah claims all minerals in and under part of Section 4 and Section 8 in Township 7 North, Range 1 East. Survey Findings: Affects Parcels W-14, W-15, and W-18.

Exception 24
Reservation for roads as reserved in Warranty Deed from Alvin F. Cobabe and June H. Cobabe to Powder Mountain, Inc., recorded June 9, 1971, in Book 968 at Page 173 of official records. (affects parcels C4,C13,C15) Survey Findings: Affects those parcels located in Section 8, T8N, R1E, and the North half of Section 1 and the North half of the South half of Section 1, T7N, R1E, SLB&M. The area is plotted on Sheet 5.

Reservations in Warranty Deed recorded January 21, 1975 as Entry No. 382689 in Book 172 at Page 886 in the office of

the Recorder of Cache County, Utah. (affects parcels C16-C25, C26-C29)

Survey Findings: A one half interest in the reservations of all minerals, gas, and mineral resources. The easement is plotted on Sheet 5.

A Lease Agreement for a microwave station executed by and between Western American Development Corporation Inc., and R.W. Davis Livestock Company, Lessors, to Utah Power and Light Company, Lessee, recorded May 9, 1974 in Book 1053 at Page 229 of Official Records.

Survey Findings: The lease area is 100'x100' and located on Weber County Parcel W-20. The easement is plotted on

Contract between Weber Basin Water Conservancy District and Powder Mountain Inc., for the sale and use of untreated water, recorded as Entry No. 775338 in Book 1300 at Page 289 of official records. Survey Findings: The 3 springs for the withdrawal of the underground water (noted on page 288 of the above document)

have been plotted on Sheet 6. The "Place of Delivery and Use" is noted on page 290 of the above document.

Reservations in Warranty Deed recorded June 18, 1980 as Entry No. 433868 in Book 269 at Page 480 in the office of the Recorder of Cache County, Utah, and recorded in Book 1358 at Page 621 in the office of the Recorder of Weber/Cache County, Utah.

Survey Findings: Affects Parcels W-10, W-14, W-13, W-20, W-21, and W-25, C-1, C-3 thru C-6, C-10 thru C-16.

Subject to certain Reservation by Powder Mountain Inc., its successors and assigns, for the right of ingress and egress over and across the private portion of Powder Mountain Road as dedicated November 24, 1982 in Plat Book 24 at pages 80, 81 and 82.

Survey Findings: The Private Road is plotted on Sheet 6.

The following contained in Warranty Deed recorded February 28, 1983 as Entry No. 457727 and various deeds of record, Grantor grants a right of way to run with the land for access to the Ski Inn Hotel site through the Powder Mountain parking area to build a hotel unit for lodging, food and beverage service. Other use will require authorization by Powder Mountain Inc. to run with subject property.

Survey Findings: The location and size of the right-of-way is not disclosed in the Warranty Deed. The location of the Ski Inn Hotel site and the parking lot is shown hereon.

A Right of Way and Easement Grant over said land as granted by Powder Mountain Inc., and Powder Mountain Development, to Sundown Homeowners Association, its successors and assigns by instrument recorded April 27, 1984 in Book 1445 at Page 407 of Official Records.

Survey Findings: The ingress-egress easement is plotted on Sheet 10. The existing driveway extends outside the

Exception 32
A Right of Way and Easement Grant over said land as granted to Utah Power and Light Company by instrument recorded October 16, 1984 as Entry No. 921285 in Book 1455 at Page 2071 of Official Records.

Survey Findings: The underground utility easement is plotted on Sheet 10. The section corner from which the easement description starts from does not exist and the easement location is approximate based on the existing utility boxes.

Exception 33

Easement granted to All Year Paradise, Inc., for the purpose of ingress and egress to the Powder Ridge Condominium Development, by easement recorded April 7, 1987 as Entry No. 1005710 in Book 1513 at Page 2185 of Official Records.

Survey Findings: The westerly 3608.44' of the Private Road easement located in Section 1, T7N, R1E SLB&M, and Section 6, T7N, R2E, SLB&M.

Exception 34
A Right of Way and Easement Grant over said land as granted to Mountain States Telephone and Telegraph Company by instrument recorded January 25, 1988 as Entry No. 1035256 in Book 1533 at Page 953 of Official Records. (affects

Survey Findings: A 6.0' foot wide right-of-way, located 3.0' feet on each side of the existing telephone facilities. The easement is located in that portion of the Private Road as plotted on Sheet 10 and located in Section 1, T7N, R1E SLB&M, and Section 6, T7N, R2E, SLB&M. There were Telephone improvements found in the right of way and they are

A Right of Way for access for ingress and egress and a ski trail easement as disclosed in Quit Claim Deed by and between West Wide Enterprises Inc., and Brent L. Clyde by instrument recorded February 13, 2002 as Entry No. 1827489 in Book 2209 at Page 2448 of Official Records of Weber County, Utah.

Conveyance of above Right of Way and Ski Trail Easement by Quit Claim Deed by and between Brent L. Clyde and Uinta Family Properties, L.L.C. recorded February 13, 2002 as Entry No. 1827490 in Book 2209 at Page 2450 records of

Survey Findings: The ski easement is plotted on Sheet 10.

The effect of the 1969 Farmland Assessment Act, wherein there is a five year roll-back provision with regard to Assessment and taxation which becomes due upon a change in the use of all or part of the eligible land, by reason of that certain Annual Application for Assessment and Taxation of Agricultural Land recorded February 6, 2004, as Entry No. 2010265 at Page 1 of 2, Records of Weber County, Utah.

Survey Findings: The affected Parcels are Parcels W-1 and W-7.

Subject to the rights of Ingress and Egress across any and all existing rights of ways including but not limited to improved and unimproved roads and trails as disclosed by a Quit Claim Deed recorded in Book 1340 at Page 536 as Entry No. 883462 and in Book 1317 at Page 291 as Entry No.871717 and Book 1355 at Page 928 as Entry No. 891594 all of the records of the Cache County Recorder.

Survey Findings; The Parcel granted in the above deeds is located in Section 33, T8N, R3E, SLB&M, which is outside the bounds of this survey. The Ingress and Egress to said Parcel is granted across "existing roads and trails" and may affect all parcels.

Exception 38

The affects therein of the Corrective Warranty Deed giving Grantee access across all existing rights of ways, improved or not improved roads and trails. Warranty Deed recorded June 14, 2004 as Entry No. 864242. Survey Findings; The legal description shown as "Exhibit A" does not follow common surveying principle for describing

tracts of land and contains conflicting information. The Parcel is plotted on Sheet 6 using the "calls" to specific section corners and ignores the "calls" along section lines (which are in conflict with the calls to the section corners). Together with access accross all and any existing roads and trails. Subject to the right of Powder Mountain Ski Resort to use the area for skiing and snowmobiling.

The effect of the 1969 Farmland Assessment Act, wherein there is a five year roll-back provision with regard to Assessment and taxation which becomes due upon a change in the use of all or part of eligible land, by reason of that certain Annual Application for Assessment and Taxation of Agricultural Land recorded October 24, 2006 in Weber County, as Entry No. 2217229 in Book n/a, Page n/a, Records of County, Utah.

Survey Findings: Affects Western America Holdings Parcels as follows: Weber County Serial Numbers 22-001-0003, 22-001-0004, 22-001,0006, 22-001-0008, 22-001-0011, 23-044-0011, 23-044-0013, 22-006-0020, 22-006-0020, 22-006-0018, 22-006-0007, 23-012-0068, 23-012-0051, 23-012-0027, 23-012-0029, 23-012-0052 23-012-0028, 23-012-0118, 23-012-0035, 23-012-0069, 23-012-0033, 23-012-0032, 23-012-0034, 22-006-0005, 22-006-0022, 23-044-0010, 22-001-0017, 22-001-0002, 23-012-0054, 23-012-0030. Some of these Parcels may not be located within the survey boundary, see Parcel Sheet 6.

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POWDER MOUNTAIN RESERVE **ALTA SURVEY** 

LOCATED IN: SECTIONS 1, 2, 3, 9, 10, 11, 12, 14, 15 & 16, TNSP 7 NORTH, RNG 1 (18)

SECTIONS 4, 5, 6, 7, 8, 9, 16, 17 & 18, TNSP 7 NORTH, RNG 2 EAST. SECTIONS 35 & 36, TNSP 8 NORTH, RNG 1 EAST, SECTIONS 29, 30, 31, 32 & 33, TNSP 8 NORTH, RNG 2 EAST, SALT LAKE BASE AND MERIDIAN WEBER COUNTY, UTAH

SHEET 3 OF 12

BASELINE SURVEYING, Inc.

1058 E. 2100 S. Salt Lake City, UT 84106

# TITLE COMMITMENT No. 27386 - SCHEDULE "B" - SECTION 2 EXCEPTIONS ASSESSMENTS AND SURVEY FINDINGS

The effect of the 1969 Farmland Assessment Act, wherein there is a five year roll—back provision with regard to Assessment and taxation which becomes due upon a change in the use of all or part of the eligible land, by reason of that certain Annual Application for Assessment and Taxation of Agricultural Land recorded September 16, 2004, as Entry No. 872458 in Book 1318, Page 324, Records of Cache County, Utah.

Survey Findings: Affects Tax Parcels 16-001-0006, 16-0001-0019, 16-016-0005, and 16-017-0011.

Exception 41
The effect of the 1969 Farmland Assessment Act, wherein there is a five year roll—back provision with regard to Assessment and taxation which becomes due upon a change in the use of all or part of the eligible land, by reason of that certain Annual Application for Assessment and Taxation of Agricultural Land recorded January 7, 2005, as Entry No. 880942 in Book 1335, Page 1849, Records of Cache County, Utah.

Survey Findings: Affects Tax Parcel 16-017-0012.

Exception 42
The effect of the 1969 Farmland Assessment Act, wherein there is a five year roll—back provision with regard to Assessment and taxation which becomes due upon a change in the use of all or part of the eligible land, by reason of that certain Annual Application for Assessment and Taxation of Agricultural Land recorded March 4, 2005, as Entry No. 884787 in Book 1342, Page 1464, Records of Cache County, Utah.

Survey Findings: Affects Tax Parcel 16-0001-0005, 16-001-0006, 16-001-0017, 16-001-0019, 16-001-0009, and 16-017-0011.

Exception 43
The effect of the 1969 Farmland Assessment Act, wherein there is a five year roll-back provision with regard to Assessment and taxation which becomes due upon a change in the use of all or part of the eligible land, by reason of that certain Annual Application for Assessment and Taxation of Agricultural Land recorded March 4, 2005, as Entry No. 884788 in Book 1342, Page 1465, Records of Cache County, Utah.

Survey Findings: Affects Tax Parcels 16-016-0013 and 16-017-0014.

Exception 44
The effect of the 1969 Farmland Assessment Act, wherein there is a five year roll—back provision with regard to Assessment and taxation which becomes due upon a change in the use of all or part of the eligible land, by reason of that certain Annual Application for Assessment and Taxation of Agricultural Land recorded March 4, 2005, as Entry No. 884789 in Book 1342, Page 1466, Records of Cache County, Utah.

Survey Findings: Affects Tax Parcel 16-016-0013 and 16-017-0014.

The effect of the 1969 Farmland Assessment Act, wherein there is a five year roll-back provision with regard to Assessment and taxation which becomes due upon a change in the use of all or part of the eligible land, by reason of that certain Annual Application for Assessment and Taxation of Agricultural Land recorded March 4, 2005, as Entry No. 884790 in Book 1342, Page 1467, Records of Cache County, Utah.

Survey Findings: Affects Tax Parcel 16-017-0012.

The effect of the 1969 Farmland Assessment Act, wherein there is a five year roll-back provision with regard to Assessment and taxation which becomes due upon a change in the use of all or part of the eligible land, by reason of that certain Annual Application for Assessment and Taxation of Agricultural Land recorded March 4, 2005, as Entry No. 884791 in Book 1342, Page 1468, Records of Cache County, Utah.

Survey Findings: Affects Tax Parcel 16-016-0014.

Exception 47
The effect of the 1969 Farmland Assessment Act, wherein there is a five year roll—back provision with regard to the use of all or part of the eliable land, to Assessment and taxation which becomes due upon a change in the use of all or part of the eligible land, by reason of that certain Annual Application for Assessment and Taxation of Agricultural Land recorded March 4, 2005, as Entry No. 884792 in Book 1342, Page 1469, Records of Cache County, Utah.

Survey Findings: Affects Tax Parcel 16-016-0005.

The effect of the 1969 Farmland Assessment Act, wherein there is a five year roll—back provision with regard to Assessment and taxation which becomes due upon a change in the use of all or part of the eligible land, by reason of that certain Annual Application for Assessment and Taxation of Agricultural Land recorded March 4, 2005, as Entry No. 884793 in Book 1342, Page 1470, Records of Cache County, Utah.

Survey Findings: Affects Tax Parcel 16-016-0011, 16-016-0012, and 16-017-0013.

Exception 49
Grant of Right of Way and Utility Easement dated March 4, 2005 whereas Western American Development Corporation, Inc. does hereby Grant a Non-exclusive 60 foot right of way and roadway easement over the property as described in said document. This easement is exclusive to the property owners and their assigns as described in this commitment. Recorded March 31, 2005 as Entry No. 886639 in Book 1346 at Page 376 of the Weber and Cache County Recorders office. (Affects all parcels listed in said document)

Survey Findings: All Parcels are listed as part of a blanket easement for a 60' right of way and utility easement, the exact location of which is not described, to access the parcel of land shown on Sheet 5 as "Exception 38". Said easement may affect all Parcels of this survey.

Exception 50

A Trust Deed dated March 29, 2005 executed by Powder Mountain Group Holdings, LLC, as Trustor in the amount of \$1,100,000.00 in favor of Guardian Title Company of Utah, as Trustee and A.W. Hardy Family Investments, Limited and NUPETCO, LP, as Beneficiary, recorded August 30, 2005, as Entry No. 898499, in Book 1369, at Page 1976, records of Cache County, Utah.

Assignment of said Deed of Trust dated June 22, 2006 whereas said beneficiary assigns to Daniels Capital Partners I, LLC, recorded June 7, 2005 as Entry No. 919672.

Assigned to DCP Holdings, II, LLC, a Utah limited liability company, by assignment recorded November 20, 2007 as Entry No. 959231 in Book 1491, Page 512 of Official Records.

Survey Findings: The trust deed is for parcel 16-001-0020, which is located in the North half of Section 4, T7N, R2E, SLBam (see sheet 5), and is not within the bounds of this survey. Together with ingress and egress across all existing roads and easments, which may affect all Parcels of this survey.

Exception 51
The effect of the 1969 Farmland Assessment Act, wherein there is a five year roll—back provision with regard to Assessment and taxation which becomes due upon a change in the use of all or part of the eligible land, by reason of that certain Annual Application for Assessment and Taxation of Agricultural Land recorded March 24, 2006, as Entry No. 912724 in Book 1398, Page 16, Records of Cache County, Utah.

Survey Findings: Affects Parcel 16-017-0012.

Contract between Weber Basin Water Conservancy District and Western America Holding, LLC for the sale and use of untreated water, recorded April 10, 2006 as Entry No. 913952 in Book 1400 Page 1099, records of Cache County, Utah. (Affects all parcels)

Survey Findings: All Parcels are listed as subject to the contract.

Exception 53

A Trust Deed dated June 27, 2006 executed by Powder Mountain Group Holding, LLC, as Trustor in the amount of \$1,782,604.17 in favor of Paul M Johnson, a member of the Utah State Bar, as Trustee and Daniels Capital Partners I, LLC, as Beneficiary, recorded June 27, 2006, as Entry No. 919670, in Book 1412, at Page 1807, records of Cache County,

Assigned to DCP Holdings, II, LLC, a Utah limited liability company, by assignment recorded November 20, 2007 as Entry No. 959229 in Book 1491 at Page 506 of Official Records. Survey Findings: Affects Tax Parcel 16-001-0017.

Exception 54

A Trust Deed dated June 29, 2006 executed by Western America Holdings, LLC, as Trustor in the amount of \$6,710,185.86 in favor of Paul M. Johnson, a member of the Utah State Bar, as Trustee and Daniels Capital Partners I, LLC, as Beneficiary, recorded October 18, 2006, as Entry No. 2215783 (Weber County) and Entry No. 928678, in Book 1431, at Page 1201, records of Cache County, Utah.

Notice of Additional Advance in the sum of \$968,839.99 and the conditions and limitations contained therein:

Recorded: January 26, 2007 Entry No: 2238085, records of Weber County, Utah, and Recorded: January 30, 2007

Entry No.: 935932 Book/Page: 1446/1003, records of Cache County, Utah.

Assigned to DCP Holdings, II, LLC, a Utah limited liability company, by assignment recorded November 20, 2007 as Entry No. 959227 in Book 1491 Page 500 of Official Records.

Survey Findings: Affects Tax Parcels 16-001-0018, 16-001-0019, 16-001-0009, 23-012-0035, 23-012-0033, 23-012-0032, and 23-012-0034.

Grant of right of way and utility easement dated September 14, 2006, whereas Western American Holdings, LLC does hereby Grant a non-exclusive 60 foot right of way and roadway easement over the property as described in said document to Eden Heights II, LLC. This easement is exclusive to the Grantees and their assigns as described in this commitment. Recorded October 12, 2006 as Entry No. 928246 in Book 1430 at Page 1454 of the Cache County Recorders office and October 10, 2006 Entry No. 2214041 of the Weber County Records (Affects all parcels)

Survey Findings: The document states that the easement is granted on all Weber County Parcels. Exhibit A, which lists the affected parcels, lists all Cache and Weber County Parcels owned by Western America Holding, LLC.

Exception 56

Grant of right of way and utility easement dated September 14, 2006, whereas Western American Holdings, LLC does hereby Grant a non—exclusive 60 foot right of way and roadway easement over the property as described in said document to Western American Development Corp. This easement is exclusive to the Grantees and their assigns as described in this commitment. Recorded October 12, 2006 as Entry No. 928247 in Book 1430 at Page 1467 of the Cache County Recorders office and October 10, 2006 Entry No. 2214042 of the Weber County Records (Affects all

Survey Findings: The document states that the easement is granted on all Weber County Parcels. Exhibit A, which lists the affected parcels, lists all Cache and Weber County Parcels owned by Western America Holding, LLC.

Easement and the conditions contained therein: In favor of: PacificCorp, an Oregon Corporation Recorded: December 8, 2006 Entry No.: 932438

not disclosed. Together with the right of access.

Book/Page: 1439/1026 Survey Findings: The utility right of way is 10 feet wide and located on Tax Parcel 16-001-0009, the exact location is

The effect of the 1969 Farmland Assessment Act, wherein there is a five year roll-back provision with regard to Assessment and taxation which becomes upon a change in the use of all or part of eligible land, by reason of that certain Annual Application for Assessment and Taxation of Agricultural Land recorded November 3, 2006 in Cache County, as Entry No. 930018 in Book 1434, Page 818, records of Cache County, Utah.

Survey Findings: Affects Parcel 16-016-0009.

The effect of the 1969 Farmland Assessment Act, wherein there is a five year roll—back provision with regard to Assessment and taxation which becomes upon a change in the use of all or part of eligible land, by reason of that certain Annual Application for Assessment and Taxation of Agricultural Land recorded November 3, 2006 in Cache County, as Entry No. 930019 in Book 1434, Page 819, records of Cache County, Utah.

Survey Findings: Affects Cache County Tax Parcel 16-001-0020 and 16-016-0014.

The effect of the 1969 Farmland Assessment Act, wherein there is a five year roll-back provision with regard to Assessment and taxation which becomes upon a change in the use of all or part of eligible land, by reason of that certain Annual Application for Assessment and Taxation of Agricultural Land recorded November 3, 2006 in Cache County, as Entry No. 930020 in Book 1434, Page 820, records of Cache County, Utah.

Survey Findings: Affects Cache County Tax Parcels 16-001-0007, 16-007-0004, 16-007-0005, 16-007-0006, 16-017-0003, 16-017-0005, 16-017-0006, 16-017-0007, 16-017-0008, 16-017-0009, and 16-017-0010.

The effect of the 1969 Farmland Assessment Act, wherein there is a five year roll—back provision with regard to Assessment and taxation which becomes upon a change in the use of all or part of eligible land, by reason of that certain Annual Application for Assessment and Taxation of Agricultural Land recorded November 3, 2006, as Entry No. 2258605, records of Weber County, Utah.

Survey Findings: Affects Tax Parcel 22-006-0022.

The affects therein if any of a Contract between Weber Basin Water Conservancy District and Eden Heights, LLC for the sale and use of untreated water, recorded January 10, 2007 as Entry No. 2261365, records of Weber County, Utah.

Survey Findings: Affects Parcel W-29. Eden Heights. LLC is not the record owner of said Parcel.

The affects therein of the Weber County Site Plan Development Agreement dated December 30, 2008 between Powder Mountain as Developer and Weber County, Recorded January 6, 2009 as Entry No. 2383602.

Survey Findings: Affects all Weber County Parcels.

Any matters disclosed by an accurate ALTA/ACSM Survey.

Survey Findings: All items required by ALTA/ACSM are shown hereon.

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POWDER MOUNTAIN RESERVE

**ALTA SURVEY** 

LOCATED IN:

SECTIONS 1, 2, 3, 9, 10, 11, 12, 14, 15 & 16, TNSP 7 NORTH, RNG 1 EAST, SECTIONS 4, 5, 6, 7, 8, 9, 16, 17 & 18, TNSP 7 NORTH, RNG 2 EAST, SECTIONS 35 & 36, TNSP 8 NORTH, RNG 1 EAST, SECTIONS 29, 30, 31, 32 & 33, TNSP 8 NORTH, RNG 2 EAST, SALT LAKE BASE AND MERIDIAN WEBER COUNTY, UTAH

SHEET 4 OF 12

BASELINE SURVEYING, Inc

1058 E. 2100 S. Salt Lake City, UT 84106

