



# COTTONWOODTITLE

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## 1st Amended REAL PROPERTY TITLE REPORT

### NOTICE

At your request, Cottonwood Title Insurance Agency, Inc. ("Cottonwood") has conducted a search of public records and provides the following Report based on that search. **Please note that this Report is NOT: (i) title insurance; (ii) a commitment for title insurance; (iii) an abstract of title; or (iv) a guarantee of the status of title or of any information reflected in this Report.** No representation is made or liability assumed as to the effect, completeness, validity, priority or the accuracy of any disclosure herein or the various documents reported herein. The Report is provided as an accommodation to you for informational purposes only, and any liability of Cottonwood in connection with this Report is strictly limited to the compensation Cottonwood receives from you for issuing the Report.

If you desire title insurance or a guarantee respecting any information reflected in this Report, please notify Cottonwood so that Cottonwood may assist you in obtaining such coverage through one of our title insurance underwriters.

### REPORT

File Number: 133787-TOF

1. Effective Date: January 8, 2021 at 7:30AM
2. The estate or interest in the land described or referred to in this Report is Fee Simple and title thereto is at the effective date hereof vested in:  
[Ogden 3, LLC, a Utah limited liability company](#)
3. The land referred to in this Report is situated in the County of Weber, State of Utah, and is described as follows:

**See Exhibit A attached hereto**

NOTE: Parcel Identification Number: 15-078-0002 (for reference purposes only)

## RECORD MATTERS

The search of public records conducted by Cottonwood for this Report did not include a search of the State Construction Registry or any other non-public record sources. Cottonwood makes no representations, and disclaims any liability, concerning the existence or absence of any filings or other information on the State Construction Registry.

The following items of record may affect title to the land:

1. Taxes for the year 2021 are accruing as a lien not yet due and payable under Parcel No. 15-078-0002. Taxes for the year 2020 have been paid in the amount of \$8,948.00 under Parcel No. 15-078-0002.
2. The herein described Land is located within the boundaries of Weber County, Weber Basin Water Conservancy District, West Weber-Taylor Cemetery Maintenance District, Weber County Mosquito Abatement District, Taylor-West Weber Water Improvement District, Weber Fire District, Weber Area Dispatch 911 and Emergency Services District, Western Weber Park District, Weber Fire District Bond, and is subject to any and all charges and assessments levied thereunder.
3. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the Public Records or listed herein. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
4. Claim, right, title or interest to water or water rights whether or not shown by the Public Records.
5. The effects, if any, of easements and rights-of-way for existing roads, streets, alleys, ditches, reservoirs, utilities, canals, pipelines and power, telephone, sewer, gas or water lines, which may be ascertained by an inspection or survey of the subject Land.
6. Reservation and recitals set forth in that certain Patent in favor of the United States of America recorded April 1, 1896 in [Book 27 at Page 196](#).
7. Right of Way Easement in favor of the American Telephone and Telegraph Company of Wyoming, to construct, operate, maintain and remove communication equipment and other facilities and incidental purposes, from time to time, upon, over, under and across a portion of the subject Land, recorded May 31, 1929, in [Book S of Liens and Leases, at Page 146](#).
8. Right of Way Easement in favor of the American Telephone and Telegraph Company of Wyoming, to construct, operate, maintain and remove communication equipment and other facilities and incidental purposes, from time to time, upon, over, under and across a portion of the subject Land, recorded May 31, 1929, in [Book S of Liens and Leases, at Page 155](#).
9. Right of Way Easement in favor of the Mountain States Telephone and Telegraph Company, to construct, operate, maintain and remove communication equipment and other facilities and incidental purposes, from time to time, upon, over, under and across a portion of the subject Land, recorded March 15, 1973, as Entry No. [589253](#), in Book 1019, at Page 51.
10. Right of Way Easement in favor of the Mountain States Telephone and Telegraph Company, to construct, operate, maintain and remove communication equipment and other facilities and incidental purposes, from time to time, upon, over, under and across a portion of the subject Land, recorded March 15, 1973, as Entry No. [589254](#), in Book 1019, at Page 52.

**RECORD MATTERS  
(CONTINUED)**

11. Any easements and/or rights-of-way for the water distribution system and appurtenances of the Wilson Irrigation Company and/or parties claiming by, through or under it, as the same may be found to intersect the Land, as disclosed by various instruments of record, including that certain Easement To Use Distribution System recorded May 17, 1996 as Entry No. [1406858](#) in Book 1806 at Page 2985.
12. Resolution No. 27-2012 Confirming the Tax to be Levied for Municipal Services Provided to the Unincorporated Area of Weber County, dated December 11, 2012 and recorded December 13, 2012 as Entry No. [2610456](#).
13. Certificate of Creation of the Northern Utah Environmental Resource Agency ("NUERA"), recorded January 20, 2015 as Entry No. [2718461](#).
14. Rights of the public and others entitled thereto, to use for street, public utilities, and incidental purposes, that portion of the land lying within 1800 South Street.
15. Any loss or claim arising from the accretion or avulsion of the waters of the slough along the East boundary line of said Land.
16. Irrigation ditches along the North, West and South boundary lines as evidenced by a visual inspection of subject Land.
17. Easements, notes and restrictions as shown on the proposed plat for Winston Park Subdivision.
18. Rights of tenant(s) in the Land, if any, and rights of all parties claiming by, through or under said tenant(s).
19. A Deed of Trust to secure an indebtedness in the amount shown below, and any other obligations secured thereby: Trustor: Ogden 3, LLC, a Utah limited liability company; Trustee: Cottonwood Title; Beneficiary: Cache Valley Bank; Amount: \$724,099.00; Dated: September 10, 2020; Recorded: September 11, 2020 as Entry Number [3084033](#).
20. Notwithstanding those items described herein-above, the Land is also subject to any additional discrepancies, conflicts in the boundary lines, shortage in area, encroachments, or any other facts which an ALTA/NSPS Survey, (made in accordance with the current Minimum Standard Detail Requirements for Land Title Surveys jointly established and adopted by (ALTA) American Land Title Association and (NSPS) National Society of Professional Surveyors) may disclose.

**NOTE:** The following names have been checked for judgments:

**Ogden 3, LLC, a Utah limited liability company**

No unsatisfied judgments appear of record in the last eight years except as shown herein.

**EXHIBIT A  
LEGAL DESCRIPTION**

PROPOSED WINSTON PARK SUBDIVISION, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EXISTING FENCE LINE EXTENDED DEFINED AS THE WESTERLY BANK OF A SLOUGH BY PREVIOUS SURVEYS, SAID POINT BEING NORTH 89°15'08" WEST ALONG THE SECTION LINE 152.35 FEET FROM THE NORTHEAST CORNER OF SECTION 28, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE ALONG SAID EXISTING FENCE AND WESTERLY BANK OF SAID SLOUGH THE FOLLOWING SEVEN (7) COURSES: 1) SOUTH 38°02'07" WEST 414.75 FEET; 2) SOUTH 37°51'05" WEST 188.07 FEET; 3) SOUTH 38°06'04" WEST 513.12 FEET; 4) SOUTH 43°27'51" WEST 42.80 FEET; 5) SOUTH 39°10'43" WEST 191.74 FEET; 6) SOUTH 41°15'28" WEST 152.02 FEET; 7) SOUTH 33°50'24" WEST 170.55 FEET TO A POINT ON THE 40 ACRE LINE; THENCE NORTH 89°14'12" WEST 812.89 FEET ALONG SAID 40 ACRE LINE; THENCE NORTH 00°41'23" EAST 1327.75 FEET TO THE QUARTER SECTION LINE; THENCE SOUTH 89°15'08" EAST ALONG SAID QUARTER SECTION LINE 1830.36 FEET TO THE POINT OF BEGINNING.