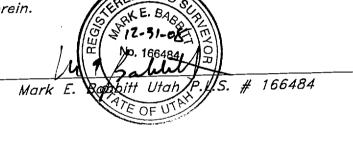


# SURVEYORS CERTIFICATE

To Liberty Junction, LLC, Boyer Ogden Mall, L.C., Boyer Ogden Mall Residential Holdings, L.C., TCF WF-5, LLC, First American Title Insurance Company, Landmark Title Company, and Wells Fargo Bank, N.A.:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA and NSPS in 2005, and includes Items 2, 3, 4, 6, 7a, 7b(1), 8, 9, 10, 11b, 13, 14, 16, 17, & 18, 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 Accurage States survey does not exceed that which is specified therein.



# Overall Boundary Description For The Junction Condominiums

#### Parcel A

All of Lot 10B, Ogden City Entertainment Subdivision — Phase 2 (Amended), according to the official plat thereof, filed at page 78 in Book 64 of Plats in the official records of Weber County, Utah.

## Parcel E

All of Lot 11B and a portion of Lot 11C, Ogden City Entertainment Subdivision — Phase 2 (Amended) Lot 11 2nd Amendment, according to the official plat thereof, filed at Page 56 in Book 65 of Plats in the official records of Weber County, Utah, and more particularly described as follows:

Beginning at the Northwest Corner of Lot 11A, Ogden City Entertainment Subdivision — Phase 2 (Amended) Lot 11 2nd Amendment, Ogden City, Weber County, Utah, which point is 377.10 feet South 88°48'45" East; 180.56 feet North 1°18'53" East and 30.02 feet South 88°41'51" East from the Ogden City Monument located at the intersection of 24th Street and Grant Avenue and running thence Northeasterly five (5) courses along he Easterly right-of-way line of Kiesel Avenue as follows: North 1°18'08" East 87.74 feet; along the arc of a 70.00 foot radius curve to the right a distance of 39.68 feet (Central Angle equals 32°28'35" and Long Chord bears North 16°43'17" East 39.15 feet); North 33°38'38" East 165.02 feet; along the arc of a 130.00 foot radius curve to the left a distance of 73.24 feet (Central Angle equals 32°16'46" and Long Chord bears North 16°59'55" East 72.27 feet); and North 1°18'08" East 11.77 feet; thence South 88°41'52" East 99.53 feet; thence South 30°00'04" East 8.49 feet; thence South 88°40'03" East 83.34 feet to the West right-of-way line of Washington Boulevard; thence South 1°18'08" West 338.95 feet along said West right of way line to the North boundary line of said Lot 11A; thence North 88°41'50" West 305.52 feet along said North boundary line to the point of beginning.

The above Boundary Description comprises the perimeter description of THE JUNCTION CONDOMINIUMS, a Utah condominium project as identified in the Condominium Plat recorded in the office of the Weber County Recorder, Weber County, Utah on October 21, 2008 as Entry No. 2371302, in Book 69 of Plats, at Page 20.

### BOUNDARY DESCRIPTION

### Parcel 1

The SUB-LEASEHOLD ESTATE and interest (TO BE CREATED) pursuant to a Ground Sublease Agreement dated \_\_\_\_\_, executed by and between BOYER OGDEN MALL RESIDENTIAL HOLDINGS, L.C., a Utah limited liability company ("Sub-Landlord"), and LIBERTY JUNCTION, LLC, a Utah nonprofit corporation ("Subtenant"), the existence of which Ground Sublease Agreement is disclosed by a Memorandum Of Ground Sublease Agreement (to be) recorded \_\_\_\_\_ as Entry No. \_\_\_\_\_, of the Official Records of the Weber County Recorder, in and to the following described property:

RESIDENTIAL UNIT A-101, RESIDENTIAL UNIT B-101, RESIDENTIAL UNIT F-101, RESIDENTIAL PARKING UNIT A, and RESIDENTIAL PARKING UNIT B, all contained within THE JUNCTION CONDOMINIUMS, a Utah condominium project as identified in the Condominium Plat recorded in the office of the Weber County Recorder, Weber County, Utah on October 21, 2008 as Entry No. 2371302, in Book 69 of Plats, at Page 20 through 35, (as said Condominium Plat may have heretofore been amended or supplemented), and in the Declaration Of Condominium for The Junction Condominiums recorded in the office of the Weber County Recorder, Weber County, Utah on October 21, 2008 as Entry No. 2371303 (as said Declaration may have heretofore been amended or supplemented). TOGETHER WITH the undivided ownership interest in said Project's Common Elements that is appurtenant to said Units as more particularly described in said Declaration (as heretofore amended ad/or supplemented).

The nonexclusive easements, rights, and benefits which are appurtenant to or are intended to benefit PARCEL 1 described above, pursuant to that certain "Declaration And Establishment Of Protective Covenants, Condition And Restrictions And Grant Of Easements For The Junction Condominiums", recorded October 21, 2008 as Entry No. 2371304 in the Office of the Weber County Recorder. The easements, rights and benefits herein referred pertain to and are situated within the following described property of which the above-described PARCEL 1 is a part:

Lots 10A and 10B, OGDEN CITY ENTERTAINMENT SUBDIVISION — PHASE 2 (AMENDED), according to the official plat thereof, filed in Book 64 of Plats, at Page 78 of the Official Records of the Weber County Recorder.

Lots 11A, 11B, and 11C, OGDEN CITY ENTERTAINMENT SUBDIVISION — PHASE 2 (AMENDED) LOT 11 2ND AMENDMENT, according to the official plat thereof, a Page 65 of Plats, at Page 56 of the Official Records of the Weber County Recorder.

## Parcel 3

The nonexclusive rights for parking and for vehicular and pedestrian access, appurtenant to the interest of Liberty Junction, L.C., a Utah limited liability company, in PARCEL 1 above, pursuant to that certain instrument entitled Residential Parking License Agreement, the existence of which Residential Parking License Agreement is disclosed by a Memorandum Of Residential Parking License Agreement (TO BE RECORDED) recorded \_\_\_\_ as Entry No. \_\_\_\_\_ of the Official Records of the Weber County Recorder, in and to the following described property:

Lots 4 and 9, OGDEN CITY ENTERTAINMENT SUBDIVISION - PHASE 2 (AMENDED), according to the official plat thereof, filed in Book 64 of Plats, at Page 78 of the Official Records of the Weber County

# EXCEPTIONS TO COVERAGE

The following items are listed as exceptions to coverage in a title report by Landmark Title Company, Commitment No. 43377 (Third Amended), with an effective date October 24, 2008. at 6:59 am.

Exception No. 13. A right of way and easement 12.0 feet in width to lay, maintain, operate, repair, inspect, protect, remove and replace pipelines, valves, valve boxes and other gas transmission and distribution facilities, with other recited terms and conditions, as created in favor of MOUNTAIN FUEL SUPPLY COMPANY, a Corporation of the State of Utah, by instrument recorded September 26, 1979 as Entry no. 790717, in Book 1324, at Page 868 of the Official Records, through and across said property as provided for and described in said instrument. (Plotted using an attached plat Designated Exhibit "A" dated 4/27/79.— recorded September 26, 1979 as Entry no. 790717, in Book 1324, at Page 868 of the Official Records)

Exception No. 14. A right of way and easement 10 feet in width for the construction, operation and continued maintenance, repair, alteration, inspection, relocation and replacement of underground electric transmission and distribution circuits, with the necessary transformers, transformer pads, pull boxes, service pedestals and other facilities related thereto, with other recited terms and conditions, as created in favor of UTAH POWER & LIGHT COMPANY, a corporation, its successors and assigns, by instrument recorded December 7, 1981 as Entry No. 848390, in Book 1394, at Page 182 of the Official Records, and re-recorded June 17, 1982 as Entry No. 859287, in Book 1404, at Page 1107 of the Official Records, through and across said property as provided for and described in said instrument. (Plotted)

Exception No. 15. Easements, notes and recitals as shown on the recorded plat of Ogden City Entertainment Subdivision - Phase 2, recorded in Book 61 of Plats, at Page 90 of the Official Records, and as shown on the recorded plat of Ogden City Entertainment Subdivision - Phase 2 (Amended), recorded in Book 64 of Plats, at Page 78 of the Official Records, and as shown on the recorded plat of Ogden City Entertainment Subdivision — Phase 2 (Amended) Lot 11 2nd Amendment recorded in Book 65 of Plats, at Page 56 of the Official Records. (Blanket Easement)

Exception No. 17. The terms of that certain instrument entitled Parking License Agreement, including all provisions, covenants, conditions, restrictions, easements, charges, assessments, liens or rights, if any, created therein, but deleting those matters based upon race, color, creed, religion, sex, handicap, familial status or national origin unless and only to the extent that said matters, or any portion thereof, are exempt under relevant provisions of the United States Code or relate to handicap, but do not discriminate against handicapped persons, the existence of which Parking License Agreement being disclosed by that certain Memorandum Of Parking License Agreement recorded March 1, 2007 as Entry No. 2245550 of the Official Records.

Exception No. 23. (AFFECTS A PORTION OF PARCEL 3) A right of way and easement 15 feet in width for the construction of a sanitary sewer and appurtenant structures, with other recited terms and conditions, as created in favor of OGDEN CITY, a Municipal Corporation of the State of Utah, by instrument recorded June 12, 1979 as Entry No. 779837, in Book 1307, at Page 494 of the Official Records, through and across said property as provided for and described in said instrument. (Not Plotted — Does Not Affect Surveyed Parcel)

Exception No. 24. (AFFECTS A PORTION OF PARCEL 3) A right of way easement 10 feet in width for the construction, operation and continued maintenance, repair, alteration, inspection, relocation and replacement of underground electric transmission and distribution circuits, with the necessary transformers, transformer pads, pull boxes, service pedestals and other facilities related thereto, with other recited terms and conditions, as created in favor of UTAH POWER & LIGHT COMPANY, a corporation, its successors and assigns, by instrument recorded February 9, 1981 as Entry No. 829701, in Book 1376, at Page 184 of the Official Records, through and across said property as provided for and described in said instrument. (Not Plotted — Does Not Affect Surveyed Parcel)

Exception No. 25. (AFFECTS A PORTION OF PARCEL 2) A right of way easement for the construction, operation and continued maintenance, repair, alteration, inspection, relocation and replacement of underground electric transmission and distribution circuits, with the necessary fransformers, transformer pads, pull boxes, services pedestals and other facilities related thereto, with other recited terms and conditions, as created in favor of UTAH POWER & LIGHT COMPANY, a corporation, its successors and assigns, by instrument recorded October 26, 1982 as Entry No. 866504, in Book 1411, at Page 1163 of the Official Records, through and across said property as provided for and described in said instrument. (Not Plotted - Does Not Affect Surveyed Parcel)

Exception No. 27. (AFFECTS A PORTION OF LOT 10A OF PARCEL 2) Any existing easements which may be located and/or constructed through, over or under that portion of the herein described property shown as being a portion of the vacated 23rd Street, and any rights incident thereto, as disclosed by a Resolution recorded May 31, 2006 as Entry No. 2183346 of the Official Records. (Not Plotted — Does Not Affect Surveyed Parcel)

Exception No. 28. (AFFECTS LOT 4 OF PARCEL 3 AND OTHER LAND) The terms of that certain instrument entitled "Declaration Of Access Easement", recorded June 16, 2005 as Entry No. 2109693 of the Official Records, including all provisions, covenants, conditions, restrictions, easements, charges, assessments, liens or rights created therein. (Not Plotted — Does Not Affect Surveyed Parcel)

Exception No. 30. All easements, notes and recitals set forth on the Condominium Plat of The Junction Condominiums, recorded October 21, 2008 as Entry No. 2371302, in Book 69 of Plats, at Pages 20 through 35 of the Official Records. (Blanket Easement)

Exception No. 31. The terms of that certain instrument entitled "Declaration Of Condominium for The Junction Condominiums", recorded October 21, 2008 as Entry No. 2371303 of the Official Records, including all provisions, covenants, conditions, restrictions, easements, charges, assessments, liens or rights, if any, created therein, but deleting those matters based upon race, color, creed, religion, sex, handicap, familial status or national origin unless and only to the extent that said matters, or any portion thereof, are exempt under relevant provisions of the United States Code or relate to handicap, but do not discriminate against handicapped persons. (Blanket Easement)

Exception No. 32. The terms of that certain instrument entitled "Declaration And Establishment Of Protective Covenants, Conditions And Restrictions And Grant Of Easements For The Junction Condominiums", recorded October 21, 2008 as Entry No. 2371304 of the Official Records, including all provisions, covenants, conditions, restrictions, easements, charges, assessments, liens or rights, if any, created therein, but deleting those matters based upon race, color, creed, religion, sex, handicap, familial status or national origin unless and only to the extent that said matters, or any portion thereof, are exempt under relevant provisions of the United States Code or relate to handicap, but do not discriminate against handicapped persons. (Blanket Easement)

Exception No. 34. The terms of that certain instrument entitled Residential Parking License Agreement, including all provisions, covenants, conditions, restrictions, easements, charges, assessments, liens or rights, if any, created therein, but deleting those matters based upon race, color, creed, religion, sex, handicap, familial status or national origin unless and only to the extent that said matters, or any portion thereof, are exempt under relevant provisions of the United States Code or relate to handicap, but do not discriminate against handicapped persons, the existence of which Residential Parking License Agreement being disclosed by that certain Memorandum Of Residential Parking License Agreement [TO BE] recorded \_\_\_\_\_\_ as Entry No. \_\_\_\_\_ of the Official Records. (Blanket Easement)

This Survey was performed at the request of Boyer Ogden Mall, L.C. in order to obtain Title Insurance for the subject property located in Ogden,

Ogden City Street Monuments were found at the Intersection of 22nd Street and Grant Avenue, and 24th Street and Grant Avenue; a line bearing N 1°17'39" E between these two monuments was used as the Bearing Base.

No Property corners were set at this time.

Gas line contained within Exception 13 has been abandoned and removed.

Central Building District — Intensive District Min. Lot Area: None Setbacks: Front & Side: None Parking Structure Setbacks: 15' Side & Rear: None, Except 10' Adjacent to Residential Building Height: Min: 1 Story Max: None

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Survey

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15 Dec, 2008

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