

SCHEDULE B - SECTION 2: EXCEPTIONS

- Taxes or assessments which 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. **NON-SURVEY ISSUE.**
- Any facts, rights, interest or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof. **NONE NOTED IN THE COURSE OF THIS SURVEY.**
- Easements, claims of easements or encumbrances which are not shown by the public records. **NONE NOTED IN THE COURSE OF THIS SURVEY.**
- Discrepancies, conflicts in boundary lines, shortage in area, encroachments and any other facts which a correct survey would disclose, and which are not shown by public records. **SEE ITEMS 4 SHOWN HEREON.**
- Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water. **NON-SURVEY ISSUE.**
- 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. **NON-SURVEY ISSUE.**
- Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this commitment. **NON-SURVEY ISSUE.** (The following affects Parcel 1)
- General property taxes for the year 2016 have been assessed in the amount of \$15,637.15, and are now due and payable, but will not become delinquent until November 30, 2016. Tax Parcel No. 12-120-0036. **NON-SURVEY ISSUE.** (The following affects Parcel 2)
- General property taxes for the year 2016 have been assessed in the amount of \$12,312.86, and are now due and payable, but will not become delinquent until November 30, 2016. Tax Parcel No. 12-120-0039. **NON-SURVEY ISSUE.** (The following affects this and other property)
- Any charge upon the land by reason of its inclusion in Central Weber Sewer, Weber Area Dispatch 911 and Emergency Services District and Ogden City. **NON-SURVEY ISSUE.** (The following affects this and other property)
- Certificate of Creation of the Northern Utah Environmental Resource Agency (NUERA) recorded January 20, 2015 as Entry No. 2718461 of Official Records. **SUBJECT PARCELS LIE WITHIN THE BOUNDARIES THEREOF.** (The following affects Parcel 1 and Parcel 2)
- Easement and the terms, conditions and limitations contained therein, in favor of Utah Power and Light Company, a corporation, recorded July 1, 1943 in Book 167 at Page 315 of Official Records. **BLANKET EASEMENT, COVERS FULL PARENT PARCEL.** (The following affects Parcel 2)
- An unrecorded Outdoor Advertising Lease Agreement and the terms, conditions and limitations contained therein, dated December 30, 2005 between Ralph and Julie Oman, as Lessor and R.O. Reagan Outdoor Advertising, Inc. as Lessee as disclosed by certain Notice of Claim of Interest recorded January 10, 2008 as Entry No. 2153730 of Official Records. NOTE: The Lease disclosed above contains a Right of First Refusal. Partial Release of Notice of Interest recorded September 8, 2009 as Entry No. 2433576 of Official Records. Defects, liens, encumbrances or other matters affecting the leasehold estate, whether or not shown by the public records are not shown herein. **SIGN LOCATION AS DEPICTED HEREON.** (The following affects Parcel 2)
- Public Utility Easement and the terms, conditions and limitations contained therein, in favor of Ogden City Corporation, a Utah municipal corporation recorded December 5, 2006 as Entry No. 2228521 of Official Records. **AS DEPICTED HEREON.** (The following affects Parcel 1 and Parcel 2)
- Right of Way Easement and the terms, conditions and limitations contained therein, in favor of PacifiCorp, an Oregon corporation recorded August 21, 2007 as Entry No. 2286118 of Official Records. **AS DEPICTED HEREON.** (The following affects Parcel 2)
- Deed of Trust dated October 31, 2007 by and between Ralph S. Oman, Trustee of the Ralph S. Oman Revocable Living Trust dated September 18, 2001 and Julie W. Oman, Trustee of the Julie W. Oman Revocable Living Trust dated September 18, 2001, as tenants in common as Trustee in favor of American Securities Company of Utah, a Utah corporation as Trustee and Wells Fargo Bank, National Association as Beneficiary, to secure an original indebtedness of \$1,400,000.00 and any other amounts or obligations secured thereby, recorded November 2, 2007 as Entry No. 2302636 of Official Records. **NON-SURVEY ISSUE.** (The following affects Parcel 2)
- An Assignment of Rents and Leases recorded November 2, 2007 as Entry No. 2302637 of Official Records, wherein Ralph S. Oman, Trustee of the Ralph S. Oman Revocable Living Trust dated September 18, 2001 and Julie W. Oman, Trustee of the Julie W. Oman Revocable Living Trust dated September 18, 2001, as tenants in common assigns all rents, leases, income and profits accruing from the land to Wells Fargo Bank, National Association. **NON-SURVEY ISSUE.** (The following affects Parcel 1)
- Revolving Credit Deed of Trust dated August 18, 2009 by and between Ralph S. Oman and Julie W. Oman, husband and wife as Trustee in favor of Bank of Utah as Trustee and Bank of Utah as Beneficiary, to secure an original indebtedness of \$750,000.00 and any other amounts or obligations secured thereby, recorded August 19, 2009 as Entry No. 2430633 of Official Records. Note: The herein-above mentioned deed of trust secures a revolving line of credit. The Company requires signed authorization from Trustor(s) closing said line of credit. **NON-SURVEY ISSUE.** (The following affects Parcel 1)
- Assignment of Rents and Leases recorded August 19, 2009 as Entry No. 2430634 of Official Records, wherein Ralph S. Oman and Julie W. Oman, husband and wife assigns all rents, leases, income and profits accruing from the land to Bank of Utah. **NON-SURVEY ISSUE.** (The following affects Parcel 1)
- Unrecorded Lease Agreement and the terms, conditions and limitations contained therein, dated June 30, 2009 between Ralph S. Oman and Julie W. Oman, as Landlord and First Student, Inc., as Tenant, disclosed by that certain Subordination, Non-Disturbance and Attornment Agreement and Estoppel Certificate recorded May 31, 2011 as Entry No. 2529016 of Official Records. Defects, liens, encumbrances or other matters affecting the leasehold estate, whether or not shown by the public records are not shown herein. **NON-SURVEY ISSUE.** (The following affects Parcel 1 and Parcel 2)
- Unrecorded Lease Agreement and the terms, conditions and limitations contained therein, dated January 1, 2008 between Ralph S. Oman and Julie W. Oman, as Landlord and Allstar Refrigeration, LLC, as Tenant, disclosed by that certain Subordination, Non-Disturbance and Attornment Agreement and Estoppel Certificate recorded March 27, 2013 as Entry No. 2627116 of Official Records. Defects, liens, encumbrances or other matters affecting the leasehold estate, whether or not shown by the public records are not shown herein. **NON-SURVEY ISSUE.** (The following affects Parcel 1 and Parcel 2)
- Unrecorded Lease Agreement and the terms, conditions and limitations contained therein, dated March 1, 2011 between Ralph S. Oman and Julie W. Oman, as Landlord and Nestle Dreyer's Ice Cream Company (formerly known as Dreyer's Grant Ice Cream, Inc., DBA Nestle DSD Company), as Tenant, disclosed by that certain Subordination, Non-Disturbance and Attornment Agreement and Estoppel Certificate recorded December 2, 2013 as Entry No. 2666504 of Official Records. Defects, liens, encumbrances or other matters affecting the leasehold estate, whether or not shown by the public records are not shown herein. **NON-SURVEY ISSUE.** (The following affects Parcel 1 and Parcel 2)
- Any loss or claim due to, or as a result of, that fact that the Weber County Tax Rolls and County Plat shows the division of the subject property does not comply with Utah Code Section 10-9A-605(3). **PARENT PARCEL WAS SUBDIVIDED WITHOUT APPROVAL OF THE LAND USE AUTHORITY.** (The following affects Parcel 1 and Parcel 2)
- Any facts, rights, interest or claims which would be disclosed by a correct ALTA/ACSM survey. **AS NOTED HEREON.** (The following affects Parcel 1)
- Lack of a legal right of access to and from the land. **PROPERTY HAS LEGAL ACCESS FROM SR-39 AND GIBSON AVENUE.** (The following affects Parcel 1)
- Access to Parcel 1 is presumed to be over and across Parcel 2, but the Company does not insure against any contrary state of fact. **NON-SURVEY ISSUE.** (The following affects Parcel 1 and Parcel 2)
- Vehicle access is limited to openings permitted by the Utah State Department of Transportation in accordance with Section 41-6a-714, Utah Code Annotated, as amended 2005. **ACCESS TO SR-39 AS SHOWN HEREON.** (The following affects Parcel 1 and Parcel 2)
- The State Construction Registry discloses the following Preliminary Notice(s): (None found within the last 12 months). **NON-SURVEY ISSUE.**

SURVEYORS CERTIFICATE:

TO: Ralph S. Oman and Julie W. Oman, The Ralph S. Oman Revocable Living Trust, Dated September 18, 2001 and The Julie W. Oman Revocable Living Trust, Dated September 18, 2001, their successors and assigns, Mary A. Ravarino Trust, their successors and assigns and First American Title Insurance Company, its successors and assigns. This is to certify that this map and the survey on which it is based were made in accordance with the 2016 "Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys" jointly established and adopted by ALTA and NSPS, and includes no items from Table A thereof. The field work was completed on November 04, 2016.

David E. Hawkes PLS #356548
 DATE: Nov. 09, 2016

This ALTA/ACSM Land Title Survey was prepared using that certain Commitment For Title Insurance issued by First American Title Insurance Company, Order Number NCS-817294-SLC1, with an effective date of September 23, 2016 at 7:30 a.m.

NARRATIVE:

Boundary Consultants was retained by Ralph Oman to perform an ALTA Survey of the subject parcels. This survey was carried out using a Trimble S6 Total Station and a Trimble 5800 GPS System, with ground distances being determined by GEOID Model CONUS 12B @ height 4215.353 feet and no calibration. Basis of Bearing for this survey is Geodetic North as determined by GPS or South 00°58'47" True 703.05 feet between the Ogden City Survey Monuments at the intersections of 12th (SR-39) and 13th Streets and Gibson Avenue.

DESCRIPTIONS:

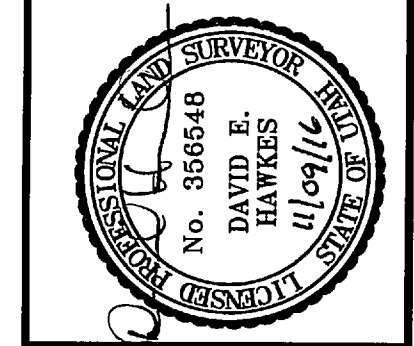
PARCEL 1:
 PART OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY; BEGINNING AT THE INTERSECTION OF AN EXISTING FENCE LINE AND THE SOUTH LINE OF 12TH STREET, SAID POINT BEING SOUTH 331.0 FEET AND WEST 466.3 FEET FROM THE CENTER OF THE NORTHWEST QUARTER OF SAID SECTION 20; SAID POINT ALSO BEING SOUTH 0°58' WEST 33.0 FEET AND SOUTH 89°03'15" EAST 340.0 FEET FROM THE OGDEN CITY SURVEY MONUMENT AT THE INTERSECTION OF THE CENTER LINE OF GIBSON AVENUE AND THE MONUMENT LINE OF 12TH STREET; RUNNING THENCE SOUTH 0°58'15" WEST 596 FEET ALONG SAID FENCE LINE; THENCE NORTH 89°03'15" WEST 310.2 FEET TO THE EAST LINE OF GIBSON AVENUE; THENCE NORTH 0°58'15" EAST 596 FEET ALONG SAID EAST LINE TO THE SOUTH LINE OF 12TH STREET; THENCE SOUTH 89°03'15" EAST 310.0 FEET ALONG THE SOUTH LINE OF SAID STREET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING FROM PARCEL 1 THE FOLLOWING DESCRIBED PROPERTY:

PARCEL 2:
 PART OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; BEGINNING AT A POINT SOUTH 0°58'00" WEST 33.0 FEET AND SOUTH 89°03'15" EAST 30.0 FEET FROM THE OGDEN CITY MONUMENT AT THE INTERSECTION OF THE CENTER LINE OF GIBSON AVENUE AND THE MONUMENT LINE OF 12TH STREET; RUNNING THENCE SOUTH 89°03'15" EAST 310.0 FEET ALONG THE SOUTH LINE OF 12TH STREET; THENCE SOUTH 0°58'30" WEST 177.83 FEET; THENCE NORTH 89°03'15" WEST 310.0 FEET; THENCE NORTH 0°58'00" EAST 177.83 FEET TO THE POINT OF BEGINNING.

PARCEL 2:
 PART OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; BEGINNING AT A POINT SOUTH 0°58'00" WEST 33.0 FEET AND SOUTH 89°03'15" EAST 30.0 FEET FROM THE OGDEN CITY MONUMENT AT THE INTERSECTION OF THE CENTER LINE OF GIBSON AVENUE AND THE MONUMENT LINE OF 12TH STREET; RUNNING THENCE SOUTH 89°03'15" EAST 310.0 FEET ALONG THE SOUTH LINE OF 12TH STREET; THENCE SOUTH 0°58'30" WEST 177.83 FEET; THENCE NORTH 89°03'15" WEST 310.0 FEET; THENCE NORTH 0°58'00" EAST 177.83 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING FROM PARCEL 2 THAT PORTION CONVEYED TO THE UTAH DEPARTMENT OF TRANSPORTATION BY THAT CERTAIN WARRANTY DEED RECORDED APRIL 17, 2008 AS ENTRY NO. 2335493 OF OFFICIAL RECORDS, BEING A PARCEL OF LAND IN FEE, SITUATE IN THE SW1/4, NW1/4 OF SECTION 20, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, TO FACILITATE THE WIDENING AND RECONSTRUCTION OF THE EXISTING STATE HIGHWAY SR-39, ALSO KNOWN AS 12TH STREET IN OGDEN CITY, UTAH. SAID PARCEL OF LAND IS DESCRIBED AS FOLLOWS: BEGINNING IN THE SOUTH RIGHT OF WAY LINE OF SAID STATE HIGHWAY AT A POINT 33.0 FEET PERPENDICULARLY DISTANT SOUTHERLY FROM THE EXISTING OGDEN CITY MONUMENT LINE OPPOSITE PROJECT ENGINEERS STATION 1+85.63 SAID POINT OF BEGINNING BEING 38.29 FEET SOUTH 88°43'38" EAST ALONG THE OGDEN CITY MONUMENT LINE AND 33.00 FEET SOUTH 0°16'22" WEST FROM THE OGDEN CITY MONUMENT LOCATED WITHIN THE GIBSON AVENUE AND STATE HIGHWAY SR-39 INTERSECTION; RUNNING THENCE NORTH 88°43'38" WEST 8.00 FEET ALONG SAID SOUTH RIGHT OF WAY LINE TO THE EAST RIGHT OF WAY LINE OF SAID GIBSON AVENUE; THENCE SOUTH 1°18'55" WEST 6.00 FEET ALONG SAID EAST RIGHT OF WAY LINE; THENCE NORTH 54°23'33" EAST 10.00 FEET TO THE POINT OF BEGINNING AS SHOWN ON THE OFFICIAL MAP ON FILE IN THE OFFICE OF THE UTAH DEPARTMENT OF TRANSPORTATION.



DATE: 11-09-16
 SCALE: 1"=40'
 PROJECT NUMBER: 1641001

ALTA/NSPS LAND TITLE SURVEY
 TAX PARCELS 12-120-0036, -0039
 RALPH AND JULIE OMAN
 LYING AND SITUATE IN THE NORTHWEST QUARTER OF SECTION 20,
 TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN

Boundary Consultants
 Professional Land Surveyors
 1295 North 1700 West, Farr West, Utah
 801-792-1569 801-690-7158 FAX

DESIGNED	DEH	CHECKED	DEH
PLANNED	DEH	CHECKED	DEH
SHEET	1	OF	1

