

After Recording Return to:

Davis Graham & Stubbs LLP
Attn: Joel A. Mayo
1550 17th Street, Suite 500
Denver, Colorado 80202

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is dated October 17, 2019, and is made by ENTELCO CORPORATION, an Ohio Corporation "Grantor," and HOME RANCH, LLC, a Colorado limited liability company, the "Grantee," whose street address is 54880 County Road 129, Clark, Colorado 80428.

WITNESS, that Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, conveys and confirms unto Grantee, all of the real property, together with any improvements thereon, located in the County of Routt, and State of Colorado, described on the attached **Exhibit A** ("Property");

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, the reversions, remainders, rents, issues and profits thereof, and all the right, title, interest, claim and demand whatsoever of Grantor, either in law or equity, of, in and to the Property, with the hereditaments and appurtenances, including (a) all easements, rights-of-way, reversions, remainders, development rights, mineral rights, water rights, well rights and air rights appurtenant to the Property, (b) any rights of Grantor to any adjoining strips or gores of property and any land lying within the bed of any adjoining street, and (c) any other rights or privileges appurtenant to such Property or used in connection therewith.

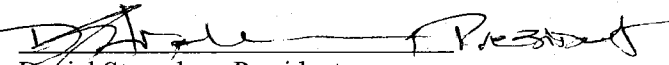
TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto Grantee forever. Grantor does covenant and agree that Grantor shall and will WARRANT THE TITLE AND DEFEND the above described premises in the quiet and peaceable possession of Grantee, against all and every person or persons claiming the whole or any part thereof, by, through or under Grantor, subject to taxes for the current year and subsequent years, and subject to those matters described on the attached **Exhibit B**.

(Signature page follows)

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed and acknowledged on the date set forth above.

GRANTOR:

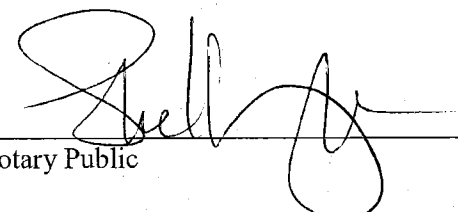
ENTELCO CORPORATION, an Ohio corporation

By: 
Daniel Stranahan, President

STATE OF COLORADO)
) ss.
COUNTY OF ROUTT)

The foregoing instrument was acknowledged before me this 17th day of October, 2019, by Daniel Stranahan as President of Entelco Corporation, an Ohio corporation.

Witness my hand and official seal.


Notary Public

My commission expires: 12-4-2021

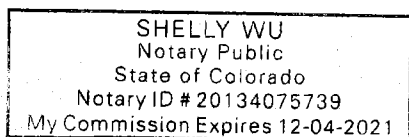


Exhibit A to Special Warranty Deed

Legal Description

(To Be Inserted)

PARCEL ONE (PART OF PIN 919274001):

A portion of the following described property lying north of Routt County Road 60:

Township 9 North, Range 85 West of the 6th P.M., County of Routt, State of Colorado

Original Survey	Resurvey
Section 27: E1/2E1/2	Tract 86
Section 27: S1/2NW1/4, NE1/4NW1/4, NW1/4NE1/4	Tract 87
Section 27: SW1/4NE1/4, W1/2SE1/4, SE1/4SW1/4	Tract 88
Section 27: N1/2SW1/4	Tract 89

Excepting and excluding therefrom:

Those tracts of land conveyed by deeds recorded in Book 216 at Page 437; Book 264 at Page 385; Book 329 at Page 94; and Book 341 at Page 484 and excepting the land South of Routt County Road 60 right of way in Section 27, AKA Tract 88.

A tract of land located in Tracts 86, 87 and 88 of Section 27, Township 9 North, Range 85 West of the 6th P.M., being more particularly described as follows:

BEGINNING at a point from which AP 3 Tract 87 bears N 73°53'54" W, 2845.64 feet;
thence N 01°13'00" E, 1320.00 feet;
thence N 88°47'00" W, 1316.70 feet;
thence S 01°13'00" W, 1320.00 feet;
thence S 88°47'00" E, 1316.70 feet to the POINT OF BEGINNING.

PARCEL THREE (PIN 919221001):

A tract of land located in a portion of Tract 87 of Section 22 and Section 27 and in a portion of Tract 78, Section 22, Township 9 North, Range 85 West of the 6th P.M., County of Routt, State of Colorado more particularly described as follows:

That portion of Tract 87 lying North of the Centerline of Elk River (more particularly defined in that certain Affidavit and Agreement recorded in Book 455 at Page 582, Routt County Records), and that portion of Tract 78 lying South of the centerline of Seed House Road.

Exception and excluding therefrom:

That certain tract of land conveyed by deed recorded in Book 338 at Page 130.

PARCEL FOUR (PIN 919272002):

A tract of land located in the NW1/4NW1/4 of Section 27, Township 9 North, Range 85 West of the 6th P.M. (described under the resurvey as Tract 90) bounded by a line described as follows:

Commencing at angle point #3 of said Tract 90,

thence N 89°15'00" E 203.93 feet along the south line of said Tract 90,

thence N 03°02'00" E 68.98 feet to a point of curvature,

thence on a curve to the right a distance of 96.63 feet and whose chord bears N 06°27'32" E 96.57 feet to THE TRUE POINT OF BEGINNING, said point being the NE corner of Glen Eden Townhouses, Phase I;

thence along a curve to the right (whose radius point bears S 80°06'57" E 808.15 feet) a distance of 150.67 feet and whose chord bears N 15°13'31" E 150.45 feet;

thence N 20°34'00" E 175.05 feet;

thence N 13°59'16" E 174.57 feet;

thence N 20°34'09" E 169.53 feet to a point of curvature;

thence along a curve to the left a distance of 66.39 feet and whose chord bears N 18°31'09" E 66.38 feet;

thence N 16°28'00" E 43.65 feet to the center of Elk

River;

thence along the centerline of said Elk. River for the following 5 courses,

S80°25'00" E 37.09 feet,

S76°34'00" E 254.00 feet,

S84°43'00" E 226.0 feet,

N78°57'00" E 120.0 feet,

N64°21'14" E 251.10 feet to the East line of said Tract 90;

Thence S00°27'40" E. 938.00 feet along said East line to angle point #4 of said Tract 90;

Thence S89°15'00" W 1111.17 feet along the South line of said Tract 90;

Thence N03°02'00" E 68.98 feet to a point of curvature;

Thence on a curve to the right a distance of 96.63 feet and whose chord bears N06°27'32" E 96.57 feet to THE TRUE POINT OF BEGINNING, County of Routt, State of Colorado

PARCEL FIVE (PIN 919284006):

That part of Tract 92, Section 28, Township 9 North, Range 85 West of the 6th P.M., County of Routt, State of Colorado which lies southeasterly of County Road No. 129, southwesterly of County Road No. 60, and Northwesterly of "Future County Road No. 60" as shown on the Plat of Clark Ranch recorded June 26, 1978 at File No. 8184 and designated as "Not a Part".

Exhibit B to Special Warranty Deed

Permitted Matters

1. Intentionally deleted.
2. Intentionally deleted.
3. Intentionally deleted.
4. Intentionally deleted.
5. Intentionally deleted.
6. Water rights, claims of title to water, whether or not these matters are shown by the Public Records.
7. All taxes and assessments for the year 2019 and subsequent years, a lien but not yet due or payable.
8. Any loss or damage arising from the fact that any fence lines on or near the perimeter of the Property may not coincide with property lines.

THE FOLLOWING EXCEPTIONS AFFECT PARCEL ONE (PART OF PIN 919274001) LANDS

9. Reservations contained in the Patent

From: The United States of America
To: Samuel A. Pettit
Recording Date: February 06, 1906
Recording No: Book 28 at Page 365 (Tract 88)

Which among other things recites as follows:

A right of way thereon for ditches or canals constructed by the authority of the United States of America.

Any vested and accrued water rights for mining, agricultural, manufacturing or other purposes and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by local customs, laws and decisions of courts.

The right of the proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises hereby granted as provided by law.

10. Reservations contained in the Patent

From: The United States of America
To: George B. Kinney
Recording Date: January 15, 1907
Recording No: Book 49 at Page 188 (Tract 87)

Which among other things recites as follows:

A right of way thereon for ditches or canals constructed by the authority of the United States of America.

Any vested and accrued water rights for mining, agricultural, manufacturing or other purposes and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by local customs, laws and decisions of courts.

The right of the proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises hereby granted as provided by law.

11. Reservations contained in the Patent

From: The United States of America
To: George W. Grossman
Recording Date: March 10, 2009
Recording No: Book 64 at Page 272 (Tract 89)

Which among other things recites as follows:

A right of way thereon for ditches or canals constructed by the authority of the United States of America.

Any vested and accrued water rights for mining, agricultural, manufacturing or other purposes and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by local customs, laws and decisions of courts.

The right of the proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises hereby granted as provided by law.

12. Reservations contained in the Patent

From: The United States of America
To: Samuel T. Wells
Recording Date: May 27, 1910
Recording No: Book 49 at Page 272 (Tract 86)

Which among other things recites as follows:

A right of way thereon for ditches or canals constructed by the authority of the United States of America.

Any vested and accrued water rights for mining, agricultural, manufacturing or other purposes and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by local customs, laws and decisions of courts.

The right of the proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises hereby granted as provided by law.

13. Reservations contained in the Patent

From: The United States of America
To: Martha Wells
Recording Date: December 28, 1925
Recording No: Book 124 Page 470 (Tract 122)

Which among other things recites as follows:

A right of way thereon for ditches or canals constructed by the authority of the United States of America.

Any vested and accrued water rights for mining, agricultural, manufacturing or other purposes and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by local customs, laws and decisions of courts.

14. Intentionally deleted.

15. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:

In favor of:	The Mountain States telephone and Telegraph company
Purpose:	Right of Way
Recording Date:	May 03, 1971
Recording No:	<u>Book 347 at Page 551</u>

(Affects Tracts 86 and 87)

16. Intentionally deleted.

17. Intentionally deleted.

18. Easement and right of way granted to The Mountain States Telephone and Telegraph Company, a Colorado corporation by instrument recorded May 1, 1980 in Book 503 at Page 398.

19. Intentionally deleted.

20. Intentionally deleted.

21. Intentionally deleted.

22. Terms, agreements, provisions, conditions, obligations and easements as contained in Easement Agreement by and between Intelco, Inc., an Ohio corporation and The Home Ranch Company, a Colorado corporation recorded February 23, 1993 in Book 682 at Page 2475.

23. Easement and right of way for telecommunications facilities, as granted to US West Communications Inc., a Colorado corporation by Bay Enterprises, Inc., recorded January 28, 1993 in Book 682 at Page 0743, in which the specific location is more particularly described in said instrument.

24. Intentionally deleted.

25. Intentionally deleted.

26. Intentionally deleted.

27. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to:	Yampa Valley Electric Association, Inc.
Purpose:	Electric utilities
Recording Date:	March 14, 1996
Recording No:	<u>Book 718 Page 586</u>

- 28. Intentionally deleted.
- 29. Intentionally deleted.
- 30. Any rights, interest or easements in favor of the United States, the State of Colorado or the Public, which exists or are claimed to exist in and over the present and past bed, banks or waters of Elk River
- 31. Any increase or decrease in the area of the land and any adverse claim to any portion of the land which has been created by or caused by accretion or reliction, whether natural or artificial; and the effect of the gain or loss of area by accretion or reliction upon the marketability of the title of the land.

END OF EXCEPTIONS AFFECTING PARCEL ONE (PART OF PIN 919274001) LANDS

THE FOLLOWING EXCEPTIONS AFFECT PARCEL THREE (PIN 919221001) LANDS

- 32. Reservations contained in the Patent

From: The United States of America
To: George B. Kinney
Recording Date: January 15, 1907
Recording No: Book 49 at Page 188 (Tract 87)

Which among other things recites as follows:

A right of way thereon for ditches or canals constructed by the authority of the United States of America.

Any vested and accrued water rights for mining, agricultural, manufacturing or other purposes and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by local customs, laws and decisions of courts.

The right of the proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises hereby granted as provided by law.

- 33. The traverse and right of way of the following ditches: Pettie Ditch File No. 59; Kinney & Grossman Ditch File No. 759; Kinney Ditch File No. 1673; and McLaughlin-Tuflly extension of Wheeler Brothers ditch File No. 6387
- 34. One-half of all oil, gas and other minerals lying in, under and upon said lands as reserved by Dwight E. Barcus and Petrea M. Barcus in the Deed to Robert G. Moss and Martha J. Moss recorded April 30, 1965 in Book 321 at Page 368, and any and all assignments thereof or interests therein.
- 35. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:

In favor of: The Mountain States Telephone and Telegraph Company
Purpose: Right of Way
Recording Date: May 03, 1971
Recording No: Book 347 at Page 538
- 36. Intentionally deleted.

37. Intentionally deleted.

38. Easement(s) for the purpose(s) shown below and rights incidental thereto, and terms, conditions and provisions of the agreement as set forth in Agreement and Grant of Easement shown below:

Granted to: The Home Ranch Company, a Colorado corporation
Purpose: Access road
Recording Date: February 23, 1993
Recording No: Book 682 Page 2475

39. Intentionally deleted.

40. Any rights, interest or easements in favor of the United States, the State of Colorado or the Public, which exists or are claimed to exist in and over the present and past bed, banks or waters of Elk River.

41. Any increase or decrease in the area of the land and any adverse claim to any portion of the land which has been created by or caused by accretion or reliction, whether natural or artificial; and the effect of the gain or loss of area by accretion or reliction upon the marketability of the title of the land.

END OF EXCEPTIONS AFFECTING PARCEL THREE (PIN 919271001) LANDS

THE FOLLOWING EXCEPTIONS AFFECT PARCEL FOUR (PIN 919272002) LANDS

42. Reservations contained in the Patent

From: The United States of America
To: Mary J. Tyler
Recording Date: June 07, 1906
Recording No: Book 28 at Page 380 (Tract 90)

Which among other things recites as follows:

A right of way thereon for ditches or canals constructed by the authority of the United States of America.

Any vested and accrued water rights for mining, agricultural, manufacturing or other purposes and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by local customs, laws and decisions of courts.

The right of the proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises hereby granted as provided by law.

43. Easement and right of way for telecommunications facilities, as granted to US West Communications Inc., a Colorado corporation by Bay Enterprises, Inc., recorded January 28, 1993 in Book 682 at Page 743, in which the specific location is more particularly described in said instrument.

44. Easement and right of way for telecommunications facilities, as granted to US West Communications Inc., a Colorado corporation by Bay Enterprises, Inc., recorded January 28, 1993 in Book 682 at Page 744, in which the specific location is more particularly described in said instrument.

45. Any rights, interest or easements in favor of the United States, the State of Colorado or the Public, which exists or are claimed to exist in and over the present and past bed, banks or waters of Elk River.
46. Any increase or decrease in the area of the land and any adverse claim to any portion of the land which has been created by or caused by accretion or reliction, whether natural or artificial; and the effect of the gain or loss of area by accretion or reliction upon the marketability of the title of the land.

END OF EXCEPTIONS AFFECTING PARCEL FOUR (PIN 919272002) LANDS

THE FOLLOWING EXCEPTIONS AFFECT PARCEL FIVE (PIN 919284006) LANDS

47. Reservations contained in the Patent

From: The United States of America
To: Laura B. Bucey
Recording Date: July 19, 1899
Recording No: Book 28 at Page 149

Which among other things recites as follows:

A right of way thereon for ditches or canals constructed by the authority of the United States of America.

Any vested and accrued water rights for mining, agricultural, manufacturing or other purposes and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by local customs, laws and decisions of courts.

The right of the proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises hereby granted as provided by law.

48. Oil, gas and other mineral rights as reserved by Felix Farrell and Lois Farrell in the Deed to William F. Bush recorded April 20, 1962 in Book 307 at Page 546 and any interest therein or rights thereunder.
49. Intentionally deleted.
50. Intentionally deleted.
51. Intentionally deleted.
52. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
- Granted to: Yampa Valley Electric Association, Inc.
Purpose: Electric utilities
Recording Date: March 14, 1996
Recording No: Book 718 Page 573
53. Intentionally deleted.

END OF EXCEPTIONS AFFECTING PARCEL FIVE (PIN 919284006) LANDS

54. Any rights, interests, or claims which may exist or arise by reason of the following matters disclosed by Improvement Survey Plat.

Job No.: 1163-007

Dated: 9-6-2019

Prepared by: Four Points Surveying Engineering

Matters shown: a) Encroachment of fence line onto boundary property along the east boundary of Parcel One. b) Notes: 4 and 10 (Sheet 1) c) Driveway encroachment onto Lot 1 of Clark Ranch. d) Traverse of Routt County Highway 129 (Parcel 4). e) Encroachment of building onto boundary property (Parcel 5). Traverse of Routt County Road 60 gravel roadway (Parcel 5). Encroachment of roadway onto boundary property (Tract 122).