

~~THE FOLLOWING RIGHT OF WAY CONVEYANCE IS TO BE EXECUTED BY BUYER OF PARCEL 1 (NORTH PARCEL) AND PARCEL 2 (SOUTH PARCEL), WHO WILL BEATLY OWN PARCEL 2 (SOUTH PARCEL) AT THE TIME OF RECORDING OF THE DEED OF PARCEL 1. CURRENTLY, ACCESS TO PARCEL 2 IS BY A DRIVEWAY THROUGH PARCEL 1. PARCEL 2 HAS LEGAL ACCESS FROM MAIN STREET, BUT ACTUAL ACCESS IS THROUGH AN EXISTING DRIVEWAY OVER PARCEL 1.~~

RIGHT OF WAY AGREEMENT

This Agreement is made this 25th day of August, 1997, by and between ROBERT V. SUNDARA, MAI SUNDARA and LOC DUY NGUYEN, Party of the First Part, of Salt Lake County, State of Utah, and MARGARET J. KERKMAN and FRED W. KERKMAN, Party of the Second Part, of Salt Lake County, State of Utah. Trustees

WHEREAS, Party of the First Part has purchased and is now the owner in Fee Simple of the property described in Exhibit "A" (Parcel 1) attached hereto, and made a part hereof, and;

WHEREAS, Party of the Second Part is the owner in fee simple of the property immediately to the South of said property, and being more particularly described in Exhibit "B", (Parcel 2), attached hereto, and made a part hereof, and;

WHEREAS, there currently exists a driveway over and across a portion of the property owned by Party of the First Part which is used jointly by the parties and provides, among other things, access to the property owned by Party of the Second Part, and

WHEREAS, said parties wish to establish their rights and obligations pertaining to said driveway;

THEREFORE Party of the First Part does hereby grant, and convey to Party of the Second Part, its successors and assigns, the right to use said driveway for ingress and egress for vehicular and pedestrian traffic for the benefit of property described in said Exhibit "B" herein.

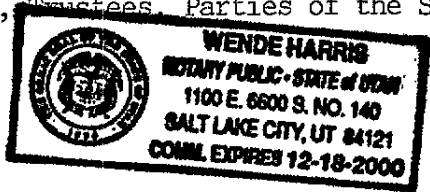
BOTH Parties agree to share 50/50 in the costs of maintaining and repair to said driveway in so far as such maintenance and repairs may be required by normal wear and tear on the driveway. IF one party or the other should be the cause of excessive wear or damage to the driveway that party will bear the financial burden of the repairs. All repairs and maintenance is to be done in a timely and workman like manner.

Margaret J. Kerkman
Fred W. Kerkman
Party of the ~~XXXXXX~~ Second Part

Robert V. Sundara
Mai Sundara
Loc DUY NGUYEN
Party of the ~~XXXXXX~~ First Part

STATE OF UTAH)
 :ss.
Salt Lake County)

Subscribed and sworn to before me this 25th day of August, 1997 by ROBERT V. SUNDARA, MAI SUNDARA and LOC DUY NGUYEN, Parties of the First Part and FRED W. KERKMAN and MARGARET J. KERKMAN, Trustees, Parties of the Second Part.



Wende Harris
Notary Public

-POOR COPY-
CO. RECORDER

BK 7878 PG 2033

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4. 30537

EXHIBIT "A"

PARCEL 1:

COMMENCING 4 rods East from the Northwest corner of Lot 13, Block 6, Five Acre Plat "A", Big Field Survey, and running thence South 67 feet; thence East 310 feet; thence North 67 feet; thence West 310 feet to BEGINNING.

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EXHIBIT "B"

PARCEL 2:

COMMENCING 4 rods East and 67 feet South from the Northwest corner of Lot 13, Block 6, Five Acre Plat "A", Big Field Survey, and running thence South 65 feet; thence East 310 feet; thence North 65 feet; thence West 310 feet to BEGINNING.

6862320
02/11/98 4:33 PM 15.00
NANCY WORKMAN
RECORDER, SALT LAKE COUNTY, UTAH
FOUNDERS TITLE
REC BY:V ASHBY ,DEPUTY - WI

BK7878P62035