

D37044

4472116 1987
9 June 1987 4:26 p.m.

When recorded, mail to:
Henry Perras, P.C.
5656 E. Grant Rd., #500
Tucson, AZ 85712

900

ASSOCIATED TITLE
DEPUTY

EASEMENT

This Grant of Easement, between SunArbor Apartments Limited Partnership, a Utah limited partnership ("Grantor"), whose address is 5656 East Grant Road, Suite 100, Tucson, Arizona, 85712, and Airport East Joint Venture II ("Grantee"), whose address is 265 East 100 South Salt Lake City Utah is made in Salt Lake City, County of Salt Lake, State of Utah, and is entered into as of the date grantor signs this Easement.

1. Recital. Grantor is the owner of certain real property, (the "Property") known as SunArbor Apartments which fronts on North Temple Street, Salt Lake City, Utah, and which property is adjacent to grantee's real property.

2. Grant of Easement. The Grantor grants to grantee a permanent easement with warranty covenants (the "Easement") in, over, upon and across the Property for an 8 inch sewer line. The Easement is more particularly described in the attached Exhibit "A".

The grant of the Easement includes the right of Grantee to enter upon the easement at any time for inspections, installation, maintenance, repair or modification and the right to remove trees, bushes, undergrowth and any other obstacles if Grantee determines they interfere with the appropriate use of the Easement. This grant includes the right of access to the easement across Grantor's adjoining property.

Grantor agrees for itself and its successors in interest that it has been paid in valuable consideration and that the grant of this Easement is not a gift or donation.

3. Warranty. Grantor covenants and warrants that it is the owner in fee simple of the Property and that it has a good lawful right to convey the Property or any part thereof, that the Property is free from all encumbrances except encumbrances of record and taxes due and owing, and that the Grantor will forever warrant and defend the title to the Property against all claims from all persons or entities.

4. Binding on Grantor's Property. The grant and other provisions of this Easement constitute covenants running with the land for the benefit of Grantee and its successors and assigns.

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DATED this 11th day of May, 1987.

"Grantor"

SunArbor Apartments Limited Partnership

By: Empire West Companies, a partnership

Its: General Partner

By: Nu-Cary Companies, Inc. a General Partner

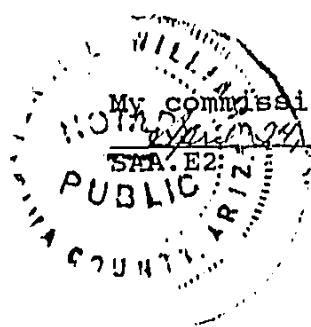
By: [Signature]

Its: President

STATE OF ARIZONA)
) :ss.
County of Pima)

On the 11th day of May, 1987, personally appeared before me Cary Marmis, who being by me duly sworn or affirmed, did say that he is a general partner of Empire West Companies, a partnership, who is the General Partner of SunArbor Apartments Limited Partnership, and that said instrument was signed in behalf of said partnership by authority, and said Cary Marmis acknowledged to me that he as such general partner executed the same in the name of the partnership.

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Dennis D. Williams
NOTARY PUBLIC
Residing at: ucson, Arizona

EXHIBIT "A"

SANITARY SEWER EASEMENT ACROSS SUNARBOR
APARTMENTS FOR AIRPORT EAST BUSINESS PARK

Sanitary sewer easement, 15 feet wide for construction and maintenance purposes, centerline of which is described as follows:

Beginning on the West line of SunArbor Apartments (Empire West Companies) property at a point 38.05 feet South 0 Degrees 11 Minutes 08 Seconds East from the Northwest corner of said property said point being also South 0 Degrees 11 Minutes 08 Seconds East along the section line 1,827.25 feet, more or less, North 89 Degrees 58 Minutes 38 Seconds East 972.665 feet, and North 0 Degrees 11 Minutes 08 Seconds West 1,522.5 feet from the West Quarter Corner of Section 34, Township 1 North, Range 1 East, Salt Lake Base and Meridian, and running thence South 89 Degrees 51 Minutes 50 Seconds East 320 feet, more or less, to the existing 48 inch diameter Salt Lake City Sanitary Sewer Trunk Line.

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