

D37644

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

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 SLC, 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 water 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.

REC-5928 REG-1580

DATED this 11th day of May, 1987.

"Grantor"

SunArbor Apartments Limited Partnership

By: Empire West Companies, a partnership

Its: General Partner

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

By: [Signature]

Its: President

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

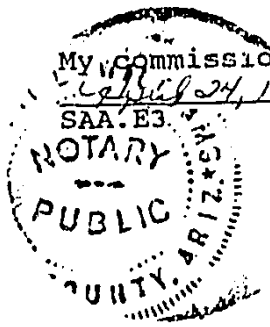
On the 11th day of May, 1987, personally appeared before me Cary Marmis, who being by me duly sworn or affirmed, did say that he is a general partner of Empire West Companies, a partnership, who is the General Partner of SunArbor Apartments Limited Partnership, and that said instrument was signed in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

REC-5928 REV 1581

My commission expires:

April 24, 1991

SAA.E3



[Signature]  
NOTARY PUBLIC  
Residing at: Sierrita, Arizona

EXHIBIT "A"

CULINARY WATER EASEMENT ACROSS SUNARBOR  
APARTMENTS FOR AIRPORT EAST BUSINESS PARK

Culinary water easement 10 feet wide for construction and maintenance purposes, Northerly 10 feet of the SunArbor Apartments (Empire West Companies) property described as follows:

Beginning on the North line of North Temple Street at a point South 0 Degrees 11 Minutes 08 Seconds East along the section line 1,827.25 feet, more or less, and North 89 Degrees 58 Minutes 38 Seconds East 972.665 feet from the West Quarter Corner of Section 34, Township 1 North, Range 1 West, Salt Lake Base and Meridian, said point of beginning being also North 89 Degrees 58 Minutes 38 Seconds East 972.665 feet and North 0 Degrees 11 Minutes 08 Seconds West 55.40 feet from the Salt Lake city Survey Monument at North Temple and the West line of said Section 34, and running thence North 0 Degrees 11 Minutes 08 Seconds West 1,560.55 feet to the South line of Morton Meadows Plat C; thence South 89 Degrees 51 minutes 50 Seconds East along said line 434.06 feet; thence South 0 Degrees 04 Minutes 28 Seconds West 798.72 feet to the Southwest Corner of Morton Meadows Plat B; thence South 89 Degrees 51 Minutes 50 Seconds East 111.54 feet to the East line of Chas S. Desky's Fifth Addition; thence South 0 Degrees 08 Minutes 36 Seconds East along said East line 628.81 feet to the centerline of a 13 foot wide alley in Block 1 of said addition; thence South 89 Degrees 58 Minutes 38 Seconds West 226.875 feet; thence South 0 Degrees 08 Minutes 36 Seconds East 131.50 feet to the North line of North Temple Street; thence South 89 Degrees 58 Minutes 38 Seconds West 314.53 feet to the point of beginning.

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09 JUNE 27 04:29 PM  
KATIE L. DIXON  
RECORDER, SALT LAKE COUNTY, UTAH  
ASSOCIATED TITLE  
REC BY: EVELYN FROGGET , DEPUTY