

After Recording, Return To:
The Boyer Company
Suite 310
127 South 500 East
Salt Lake City, Utah 84102
Attention: Boyd Anderson

4978442
17 OCTOBER 90 10:32 AM
KATIE L. DIXON
RECORDER, SALT LAKE COUNTY, UTAH
METRO NATIONAL TITLE
REC BY: SHARON WEST , DEPUTY

4978442

AMENDMENT TO DEVELOPMENT AGREEMENT

THIS AMENDMENT TO DEVELOPMENT AGREEMENT entered into this 16th day of October, 1990, by and between BOYER 900 EAST ASSOCIATES and SMITH'S FOOD & DRUG CENTERS, INC., successor by merger to Smith's Food King Properties, Inc., shall serve to amend that certain Development Agreement dated April 22, 1987, between the above referenced parties.

In consideration of the mutual covenants and promises to be kept and performed as described, the parties hereby agree as follows:

The legal description of the Smith's Parcel 2, as attached as an exhibit to the above referenced Development Agreement, shall be modified to represent the legal description attached as Exhibit "A" to this Amendment to Development Agreement.

The legal description of the Shops Parcel, as attached as an exhibit to the above referenced Development Agreement, shall be modified to represent the legal description attached as Exhibit "B" to this Amendment to Development Agreement.

Except as herein modified, all other terms and conditions as set forth in the Development Agreement shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to Development Agreement to be executed on the day and year first above written.

BOYER 900 EAST ASSOCIATES

By H. Roger Boyer
H. Roger Boyer
General Partner

SMITH'S FOOD & DRUG CENTERS, INC.,
SUCCESSOR BY MERGER TO THE INTERESTS OF
SMITH'S FOOD KING PROPERTIES, INC.

By William P. [Signature]
Its Sr. V.P.

MNT 90002785

BK6261PG0339

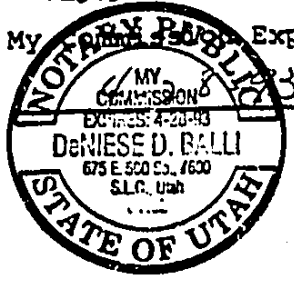
STATE OF Utah
COUNTY OF Salt Lake

33

On this 15th day of October, 1990,
personally appeared before me D. Roger Taylor,
who duly acknowledged to me that he executed the foregoing
Lease as one of the General Partners in
a Buyer 900 East Associated
Utah Limited Partnership.

My Notary Public Commission Expires: _____

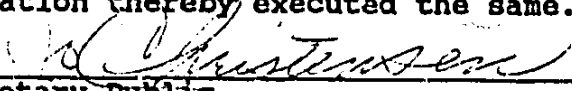
Deniese D. Balli
Notary Public
Residing At Salt Lake County



DK 6261 PG 0340

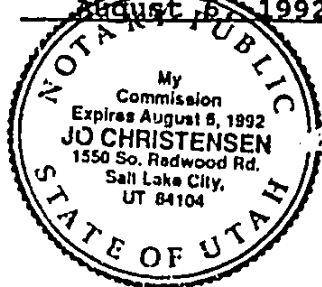
STATE OF UTAH)
)
) SS.
COUNTY OF SALT LAKE)

On the 15th day of October, 1990, personally appeared before me, a notary public, Michael C. Frei, who being first duly sworn, acknowledged to me that he is Senior Vice President of SMITH'S FOOD & DRUG CENTERS, INC., a Delaware corporation, and that he executed the foregoing instrument on behalf of said corporation pursuant to authority of its Bylaws and/or a Resolution of its Board of Directors, and that such corporation thereby executed the same.

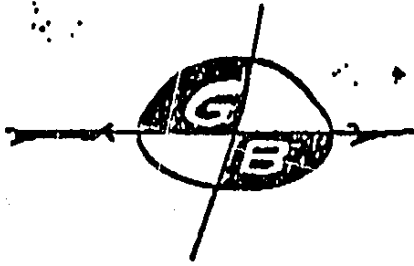


Notary Public
Residing at: Salt Lake City, Utah

My Commission Expires:
August 8, 1992



BK6261Pg0341



GREAT BASIN ENGINEERING, INC.

Consulting Engineers and Land Surveyors

3544 Lincoln Ave., Suite 11

P.O. Box 9307

Ogden, Utah 84409

Ogden (801) 394-4215

Salt Lake (801) 521-8529

FAX (801) 392-7544



July 2, 1990

SMITH'S MANAGEMENT
4500 SOUTH AND 900 EAST
SMITH'S PARCEL 2
DESCRIPTION

A part of Block 5, 10-Acre Plat "A", Big Field Survey in
Section 5, Township 2 South, Range 1 East, Salt Lake Base and Meridian,
U.S. Survey:

Beginning at a point 319.75 feet North $0^{\circ}05'44''$ East along the
East line of said Block 5 and 7.00 feet South $89^{\circ}54'14''$ West from the
Southeast Corner of said Lot 1; said point of beginning being
40.00 feet perpendicularly distant Westerly from the Centerline of
900 East Street; and running thence South $89^{\circ}54'14''$ West 72.10 feet;
thence North $0^{\circ}05'44''$ East 165.24 feet; thence North $89^{\circ}54'14''$ East
72.10 feet to a point being 40.00 feet perpendicularly distant Westerly
from the Centerline of 900 East Street; thence South $0^{\circ}05'44''$ West
165.24 feet along a line parallel to and being 40.00 feet
perpendicularly distant Westerly from said centerline of
900 East Street to the point of beginning.

Contains 11,914 Square Feet
Or 0.274 Acre

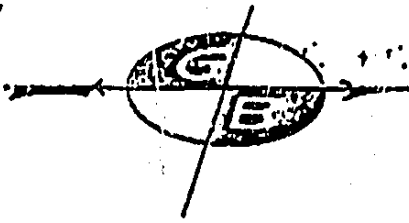
EXHIBIT "A"

MEMBER OF AMERICAN SOCIETY OF CIVIL ENGINEERS / MEMBER OF UTAH COUNCIL OF LAND SURVEYORS
MEMBER OF AMERICAN CONSULTING ENGINEERS COUNCIL

-FOOT COPY-
CO. RECORDER

BK 6261 PG 0342

EXHIBIT "B"



GREAT BASIN ENGINEERING, INC.

Consulting Engineers and Land Surveyors
3544 Lincoln Ave., Suite 11
P.O. Box 9307
Ogden, Utah 84409

Ogden (801) 394-4515
Salt Lake (801) 521-8529
FAX (801) 392-7544



October 10, 1990

**SMITH'S STORE #133
SHOPS PARCEL**

A part of Block 5, 10 Acre Plat 'A', Big Field Survey in Section 5,
Township 2 South, Range 1 East, Salt Lake Base and Meridian, U.S. Survey:

Beginning at a point 304.75 feet North 0°05'44" East along the East line
of said Block 5, and 7.00 feet South 89°54'14" West from the Southeast
Corner of Lot 1 of said Block 5, said point of beginning being 40.00 feet
perpendicularly distant Westerly from the centerline of 900 East Street; and
running thence South 89°54'14" West 130.42 feet; thence South 44°59'59" West
37.19 feet; thence South 89°54'14" West 117.60 feet; thence
North 0°05'46" West 221.49 feet along the East line of the Smith's Building;
thence North 89°54'14" East 275.00 feet to a point being 40.00 feet
perpendicularly distant Westerly from the centerline of 900 East Street;
thence South 0°05'44" West 15.00 feet along a line parallel to and being
40.00 feet perpendicularly distant Westerly from the centerline of
900 East Street; thence South 89°54'14" West 72.10 feet; thence
South 0°05'44" West 165.24 feet; thence North 89°54'14" East 72.10 feet to a
point being 40.00 feet perpendicularly distant Westerly from the centerline
of 900 East Street; thence South 0°05'44" West 15.00 feet along a line
parallel to and being 40.00 feet perpendicularly distant Westerly from the
centerline of said 900 East Street to the point of beginning.

Contains 45,147 Square Feet
or 1.036 Acres

EXHIBIT "B"

MEMBER OF AMERICAN SOCIETY OF CIVIL ENGINEERS / MEMBER OF UTAH COUNCIL OF LAND SURVEYORS
MEMBER OF AMERICAN CONSULTING ENGINEERS COUNCIL

-POOR COPY-
CD. RECORDED

BK 6261 PG 0343