

Return to Haws-Ivory
370 East South Temple #500
Salt Lake City, Utah 84111

ENT12537 BK 2400 PG 674
NINA B REID UTAH COUNTY RECORDER DEP NB
1987 APR 3 10:25 AM FEE 42.50
RECORDED FOR VALLEY TITLE COMPANY

FIRST AMENDMENT TO DECLARATION OF EASEMENTS, COVENANTS

VALLEY TITLE
20615

AND RESTRICTIONS AFFECTING LAND

The First Amendment to Declaration is made this 2 day of April, 1987, by Granada, Inc., a Utah corporation, and Plum Tree Associates, a Utah general partnership, amending that certain Declaration of Easements, Covenants and Restrictions Affecting Land (ECR) executed July 23, 1986, and recorded on Sept. 4, 1986, as Instrument No. 29349, records of Utah County, Utah.

1. Deletion of references to Pad 6. The ECR is hereby amended deleting all references to Pad 6, and amending all references to Pad 6 throughout. Specific references within the ECR are amended as follows:

Section A.1. (last paragraph appearing on page 7) is hereby amended deleting the reference to Pad 6, and amending the reference of "Pad 1 through 7 inclusive", to "Pads 1-5, and 7 inclusive."

Section B.1.(g) (appearing on page 8) is hereby amended deleting the references to Pad 6.

Section B.2.(b) (appearing on page 9) is hereby amended changing the reference of "including Pads 5 through 7" to "including Pads 5 and 7".

Exhibit A - "Site Plan" is hereby amended substituting "Revised Exhibit A", illustrating various modifications including the elimination of Pad 6.

2. Height Limitations. Section B.2.(c) (appearing at page 10) is hereby amended changing references to the 22 foot height restrictions to provide as follows: "No building shall be higher than twenty-two (22) feet above finished grade, nor shall any building be permitted to have any signs, antennas, satellite dishes or other appurtenances whatsoever which are higher than twenty-two (22) feet above finished grade, except for the building to be constructed on the parcel identified as "Shopko" on Revised Exhibit A", which shall not exceed 26' above finished grade, excepting antennae, and other projections as approved by Plum Tree Associates in the Shopko building plans and specifications.

3. Parking Ratio. Section B.5 (appearing at page 12) is hereby amended changing the ratio of car spaces from three (3) to provide "not less than five and one-half (5.5) car spaces for each one thousand (1,000) square feet of Building Area in the Shopping Center."

4. Pylon Sign. Section B.8 (appearing at page 14) as it incorporates by reference Revised Exhibit A now illustrates the

location of an additional pylon sign at the Shopping Center entrance easterly of University Parkway.

5. Limit on Liability Insurance Coverage. Section B.9.(b) (appearing at page 14-15) is hereby amended changing the reference of \$1,000,000 insurance coverage to provide "coverage in an amount not less than \$2,000,000 single limit combined bodily injury and property damage each occurrence."

6. Shopko Restriction. Section B.11 (appearing at page 16-17) is hereby amended adding the following provision as the last paragraph to that section:

"So long as the parcel marked "Shopko" on Exhibit A is being used for the operation of a general merchandise discount department store, no portion of the Entire Parcel other than on the Shopko parcel may be used for a general merchandise discount department store, pharmacy or drugstore, dental clinic, or "mega" optical center in excess of 3000 square feet. This restriction shall not be deemed to prevent or prohibit any sale of health and beauty aid items which are customarily sold from other types of retail stores, nor shall it be deemed to prevent other sites or parcels from being leased, occupied, or used for

the sale of miscellaneous items similar to those which may be sold by Shooko."

7. Child Care Facility Restriction. Section 11 (appearing at page 16) is hereby amended deleting the restriction against a child care facility located within 300' of the front door of the Supermarket, or otherwise within the Center.

8. Revised Phase I, II and III Legal Descriptions. The Legal Descriptions for Phases I, II and III appearing in Section A.1. are hereby deleted, substituting the revised Phase I, II and III Legal Descriptions attached hereto. The property described in the revised Legal Descriptions shall be deemed fully subject to all provisions of the ECR as herein amended from the date of its original recordation.

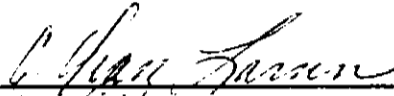
9. Release of BYU Exchange Parcels. Those certain parcels of land identified as Exchange Parcels 1 and 3, attached hereto and incorporated by reference are hereby released and shall no longer be subject to the covenants and provisions of the ECR, or this First Amendment.

10. Execution in Counterpart. This Agreement may be executed in any number of counterparts, each of which shall for all purposes be deemed an original and all of which together

shall constitute but one and the same instrument, and shall become effective only upon execution of one or more of such counterparts by each of the parties.

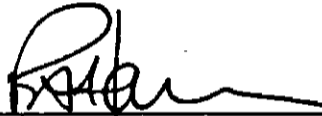
EXECUTED the day and year first above written.

GRANADA, INC.
a Utah corporation

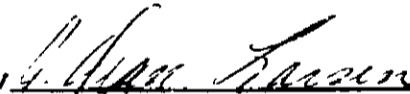
By 
Its *S.A.H.*

PLUM TREE ASSOCIATES,
a Utah general partnership,

By: Plum Tree Partnership
an Idaho general partnership, a general partner

By 
Richard A. Haws
Designated Agent

By: Granada, Inc., a Utah
corporation, a general
partner

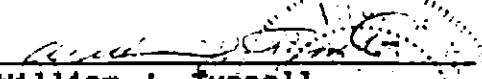
By 
Its *S.A.H.*

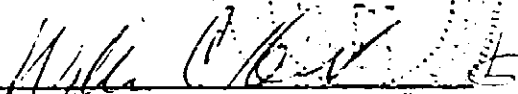
The undersigned hereby consent to the foregoing First Amendment to Declaration of Easements, Covenants and Restrictions Affecting Land, and to its recordation in the records of Utah County.

By consenting, the undersigned hereby acknowledge that their respective interests with respect to the property described in paragraph 8 above, shall be subject and subordinate to the provisions of the ECR and this First Amendment, in the same manner and as fully as if their respective Mortgage, Deed of Trust, Fee or Leasehold interests were recorded subsequently to the recordation of the ECR and this First Amendment. The foregoing shall not be deemed to in any way alter the priority of interests among the undersigned or as to any other interest or lien in the property except as expressly provided herein.

DATED This 2 day of April, 1987.

SHOPKO STORES, INC., d/b/a
UVALKO SHOPKO STORES, INC.
a Minnesota Corporation

BY: 
William J. Tyrrell,
Its President

BY: 
William C. Hunt
Its Secretary

DATED This _____ day of _____, 1987.

MOORE FINANCIAL SERVICES, INC.,
an Idaho Corporation

By: David Gray
Its: General Administration
Officer

DATED This _____ day of _____, 1987.

~~_____
 LEROY JOHNSON
 DATED This _____ day of _____, 1987.

 BRIAN DELL COX
 DATED This _____ day of _____, 1987.~~

Deleted

GATX REALTY CORPORATION, a
Delaware corporation

By: _____
Its: _____

DATED This 1 day of April, 1987.

PROVO LIMITED PARTNERSHIP, a
Nevada limited partnership

By: Michael A. Saltman
Michael A. Saltman,
general partner

DATED This ____ day of _____, 1987.

MOORE FINANCIAL SERVICES, INC.,
an Idaho Corporation

By: _____

Its: _____

DATED This ____ day of _____, 1987.

LEROY JOHNSON

DATED This ____ day of _____, 1987.

BRIAN DELL COX

DATED This ____ day of _____, 1987.

deleted

GATX REALTY CORPORATION, a
Delaware corporation

By: *[Signature]*

Its: *Vice President*

DATED This ____ day of _____, 1987.

PROVO LIMITED PARTNERSHIP, a
Nevada limited partnership

By: _____

Michael A. Saltman,
general partner

STATE OF Utah)
) ss.
County of Salt Lake)

On this 2nd day of April, 1987, before me, the undersigned, a Notary Public in and for said State, personally appeared RICHARD A. HAWS, known or identified to me to be the Designated Agent of PLUM TREE PARTNERSHIP, an Idaho general partnership, known or identified to me to be a general partner of PLUM TREE ASSOCIATES, a Utah general partnership, the partnership that executed the within and foregoing instrument, and acknowledged to me that such partnership executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Chunizid. Mattai
Notary Public for Utah
Residing at Salt Lake Co.
My commission expires: 5-28-90

STATE OF Utah)
) ss.
County of Salt Lake)

On this 2nd day of April, 1987, before me, the undersigned, a Notary Public in and for said State, personally appeared C. Dean Larsen, known or identified to me to be the President of GRANADA, INC., a Utah corporation, known or identified to me to be a general partner of PLUM TREE ASSOCIATES, a Utah general partnership, the partnership that executed the within and foregoing instrument, and acknowledged to me that such partnership executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Chunizid. Mattai
Notary Public for Utah
Residing at Salt Lake Co.
My commission expires: 5-28-90

STATE OF WISCONSIN)
) ss.
County of BROWN)

On this 24th day of March, 1987, before me, the undersigned, a Notary Public in and for said State, personally appeared WILLIAM J. TYRRELL, known or identified to me to be the President of SHOPKO STORES, INC. d/b/a UVALKO SHOPKO STORES, INC., a Minnesota corporation, the corporation that executed the within and foregoing instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



[Signature]
Notary Public for Wisconsin
Residing at Green Bay
My commission expires: 12/31/90

STATE OF MINNESOTA)
) ss.
County of HENNEPIN)

On this 30th day of March, 1987, before me, the undersigned, a Notary Public in and for said State, personally appeared WILLIAM C. HUNT, known or identified to me to be the secretary of SHOPKO STORES, INC., d/b/a UVALKO SHOPKO STORES, INC., a Minnesota corporation, the corporation that executed the within and foregoing instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[Signature]
Notary Public for Minnesota
Residing at Alle Plaine
My commission expires: 10/10/90



STATE OF _____)
) ss.
County of _____)

On this _____ day of _____, 19____, before me, the undersigned, a Notary Public, in and for said State, personally appeared BRIAN DELL COX, known or identified to me to be the person whose name is subscribed to the within and foregoing instrument, and acknowledged to me that he executed the same.

deleted

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for _____
Residing at _____
My commission expires: _____

STATE OF California)
City and San Francisco) ss.
County of San Francisco)

On this 31st day of March, 1987, before me, the undersigned, a Notary Public in and for said State, personally appeared Douglas S. Brodie, known or identified to me to be the Vice President of GATX REALTY CORPORATION, a Delaware corporation, the corporation that executed the within and foregoing instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

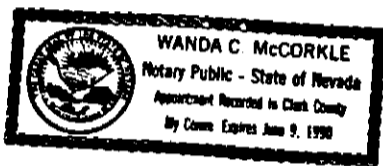


Evangeline F. Fujita
Notary Public for California
Residing at San Francisco
My commission expires: 3/28/88

STATE OF Nevada)
) ss.
County of Clark)

On this 1 day of April, 1987, before me, the undersigned, a Notary Public in and for said State, personally appeared MICHAEL A. SALTMAN, known or identified to me to be the general partner of PROVO LIMITED PARTNERSHIP, a Nevada limited partnership, the partnership that executed the within and foregoing instrument, and acknowledged to me that such partnership executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Wanda C. McCorkle
Notary Public for _____
Residing at Nevada
My commission expires: _____

STATE OF Oklahoma)
) ss.
County of Oklahoma)

On this 31st day of March, 1987, before me, the undersigned, a Notary Public in and for said State, personally appeared, Robert W. Smith, known or identified to me to be the Vice President of FLEMING COMPANIES, INC., an Oklahoma corporation, the corporation that executed the within and foregoing instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

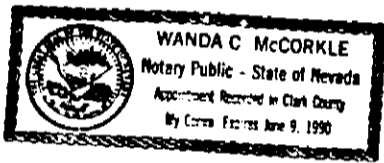


Jerris L. Walker
Notary Public for Okl. Co.
Residing at Okl. City
My commission expires: 12-6-88

STATE OF Nevada)
) ss.
County of Clark)

On this 1 day of April, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared Michael A. Saltman, known or identified to me to be the Vice President of PROVO FOOD CORPORATION, a Nevada corporation, the corporation that executed the within and foregoing instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Wanda C. McCorkle
Notary Public for
Residing at Las Vegas, NV
My commission expires: June 9, 1990

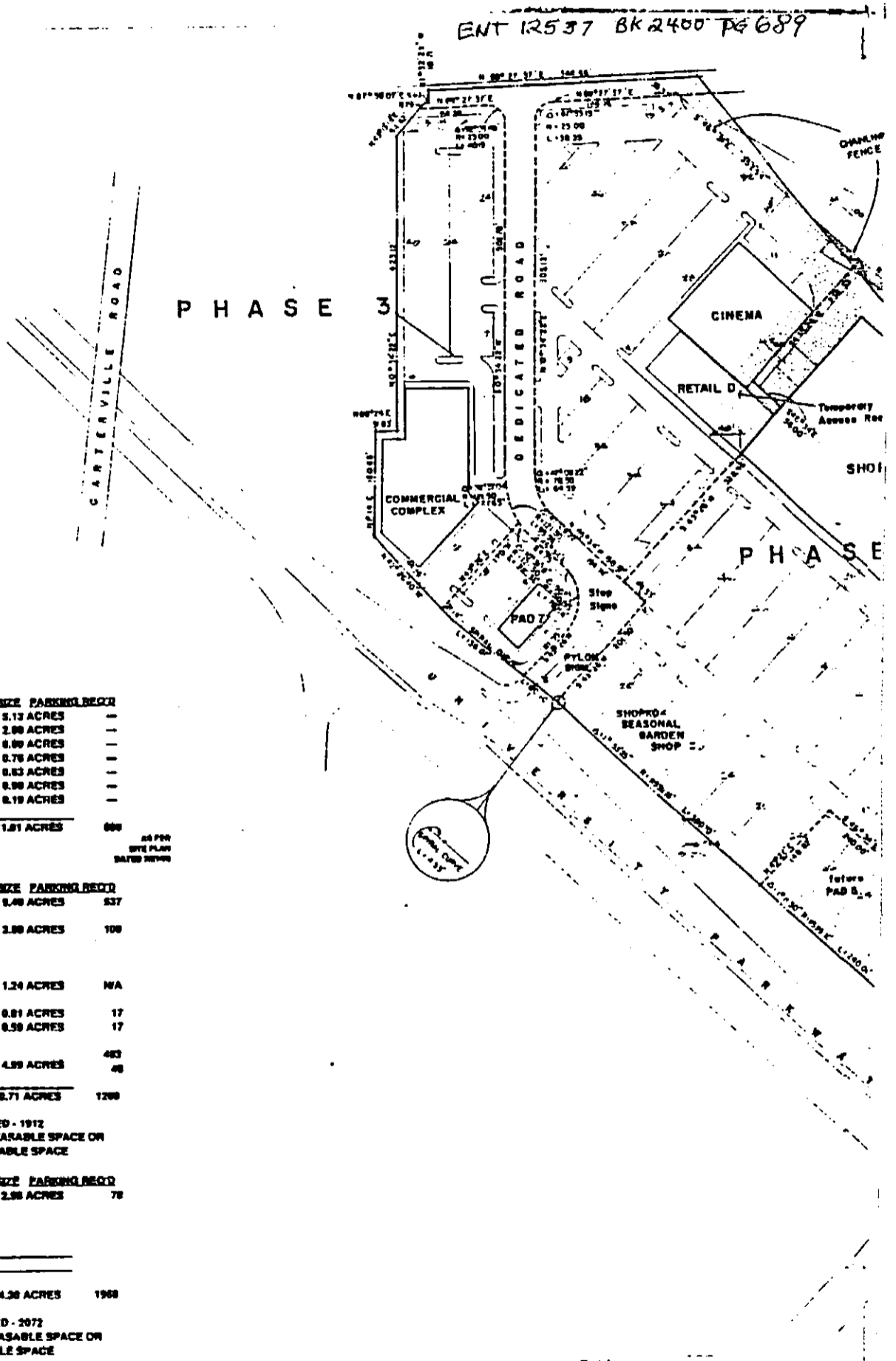
ENT12537 BK 2400 PG 688

REVISED EXHIBIT "A"

SITE PLAN

FIRST AMENDMENT TO DECLARATION OF EASEMENTS,
COVENANTS AND RESTRICTIONS AFFECTING LAND - 15
7/3-24-87/112/FATDECRA

ENT 12537 BK 2400 PG 689



PHASE 1	BUILDING AREA	PARCEL SIZE	PARKING REQ'D
SUPERMARKET	61,100 S.F.	5.12 ACRES	—
TOTAL SHOPS A & B	30,000 S.F.	2.88 ACRES	—
PAD 1	5,000 S.F.	0.80 ACRES	—
PAD 2	5,000 S.F.	0.78 ACRES	—
PAD 3	8,999 S.F.	0.83 ACRES	—
PAD 4	16,000 S.F.	0.98 ACRES	—
ENTRANCE ROAD		0.19 ACRES	—
PHASE 1 TOTALS	126,100 S.F.	11.81 ACRES	600

AS PER
SITE PLAN
DATED 10/1/99

PHASE 2	BUILDING AREA	PARCEL SIZE	PARKING REQ'D
SHOPRO	94,000 S.F.	8.48 ACRES	537
RETAIL SHOPS C (Parcels A & B)	30,000 S.F.	2.88 ACRES	100
DEDICATED ROAD & ENTRANCE	NA	1.24 ACRES	NA
PAD 5 (future)	5000 S.F.	0.81 ACRES	17
PAD 7	5000 S.F.	0.58 ACRES	17
CINEMA	22,500 S.F.	4.89 ACRES	483
REMAINING PARCEL	13,875 S.F.	4.89 ACRES	48
PHASE 2 TOTALS	170,375 S.F.	28.71 ACRES	1200

PHASES 1 AND 2 PARKING STALLS PROVIDED - 1912
PARKING RATIO - 1 STALL / 151.92 S.F. OF LEASABLE SPACE OR
6.38 STALLS / 1000 S.F. OF LEASABLE SPACE

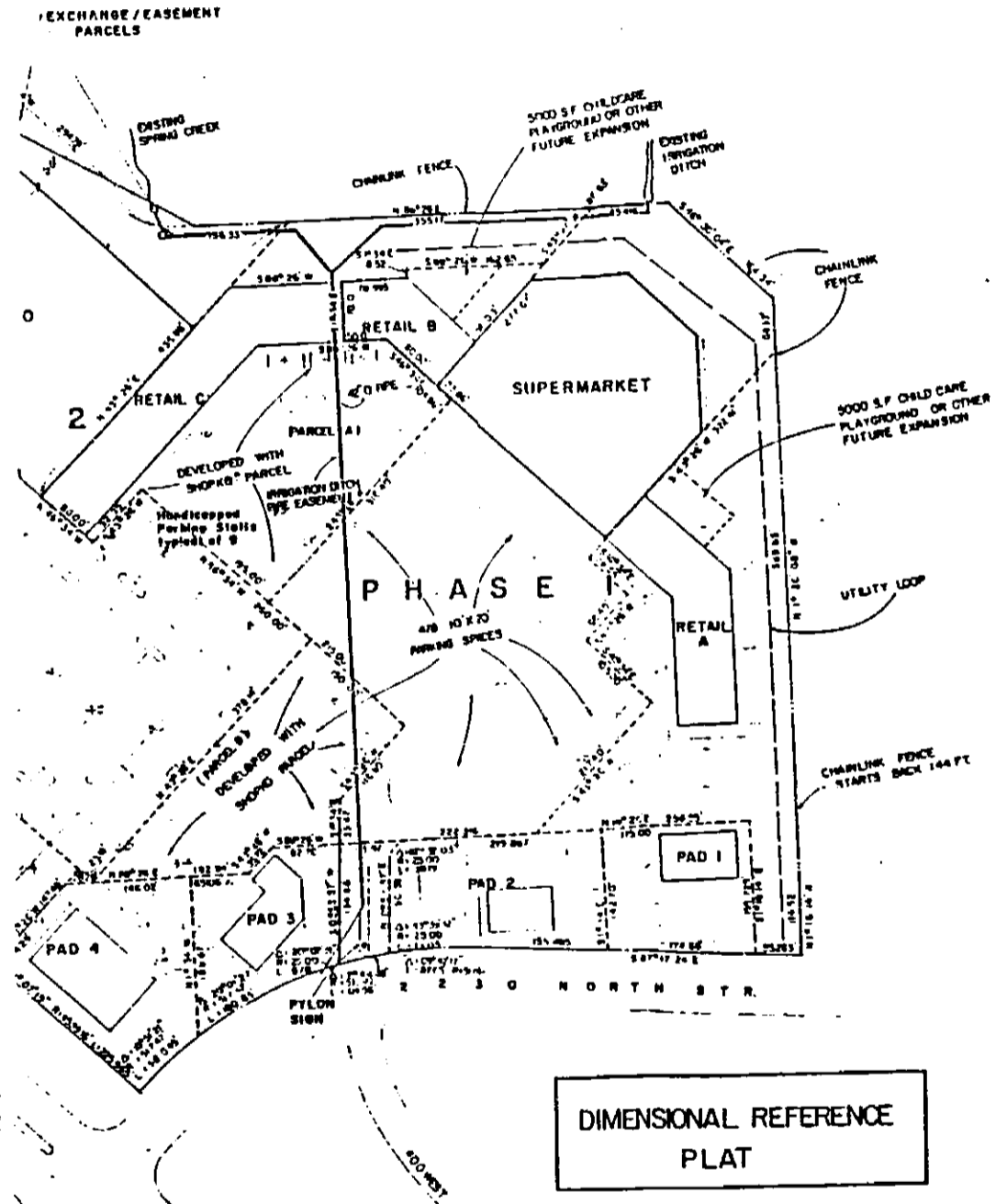
PHASE 3	BUILDING AREA	PARCEL SIZE	PARKING REQ'D
COMMERCIAL COMPLEX	35,000 S.F.	2.88 ACRES	78

PROJECT TOTALS	325,475 S.F.	34.38 ACRES	1968
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TOTAL PROJECT PARKING STALLS PROVIDED - 2072
PARKING RATIO - 1 STALL / 157.88 S.F. OF LEASABLE SPACE OR
6.37 STALLS / 1000 S.F. OF LEASABLE SPACE

BABCOCK PACE
AND ASSOCIATES

Address: 52 Parkway Place
Salt Lake City, Utah 84111 Phone: 531-1122



DIMENSIONAL REFERENCE PLAT

SCHEME No. 2
SITE PLAN
1" = 100' - 0"

QHR DEVELOPMENT INC.
PO BOX 27492
SALT LAKE CITY, UT 84127
1801364-6125

JOB 136-86-001

PLUM TREE SHOPPING CENTER
a joint development by:
• HAWS-IVORY COMPANY
• WRIGHT-LEASURE DEVELOPMENT COMPANY

PROVO, UTAH

Sheet No. 108277
Issue JAN. 16, 1987
REVISED JAN. 27, 1987
REVISED FEB. 5, 1987
REVISED FEB. 9, 1987
REVISED FEB. 12, 1987
REVISED FEB. 23, 1987
REVISED FEB. 25, 1987

ENT12537 BK 2400 PG 691

REVISED PHASE I, II AND III LEGAL DESCRIPTIONS

FIRST AMENDMENT TO DECLARATION OF EASEMENTS,
COVENANTS AND RESTRICTIONS AFFECTING LAND - 16
7/3-24-87/A12/FATDECRA

LEGAL DESCRIPTION

PLUM TREE SHOPPING CENTER - PAD 1 PARCEL

REVISION DATE 10/14/86

Beginning at a point on the North right-of-way line of 2200 North Street at a point which is North 1062.99 feet and East 319.24 feet from the South Quarter Corner of Section 25, Township 6 South, Range 2 East, Salt Lake Base and Meridian (based on the Utah Coordinate System, Central Zone, bearings of section lines) and running thence North 1°34' West 142.70 feet; thence North 88°26' East 175.00 feet; thence South 1°16'14" East 155.725 feet to a point on the aforementioned right-of-way line; thence along said right-of-way line North 87°17'24" West 174.68 feet to the point of beginning.

Contains 0.5981 Acres

LEGAL DESCRIPTION

PLUM TREE SHOPPING CENTER - ENTRANCE ROAD

REVISION DATE 10/14/86

Beginning on the North right-of-way line of 2200 North Street at a point which is North 1053.89 feet and East 7.79 feet from the South Quarter corner of Section 25, Township 6 South, Range 2 East, Salt Lake Base and Meridian (based on the Utah Coordinate System, Central Zone, bearings of section lines) said point also being on a 517.47 foot radius curve to the left (radius point bears South 14°44'29" East) and running thence Easterly along the arc of said curve and said right-of-way line 69.96 feet through a central angle of 7°44'48" to a point on a 25.00 foot radius curve to the right (radius point bears North 47°14'22" East); thence Northerly along the arc of said curve 19.05 feet through a central angle of 43°39'32"; thence North 0°53'57" East 90.59 feet to the point of tangency with a 25.00 foot radius curve to the right; thence Easterly along the arc of said curve 38.19 feet through a central angle of 87°32'03"; thence South 88°26' West 83.97 feet; thence South 0°53'57" West 134.88 feet to the point of tangency with a 25.00 foot radius curve to the right; thence Southwesterly along the arc of said curve 8.78 feet through a central angle of 20°07'31" to the point of beginning.

Contains 0.1929 Acres

LEGAL DESCRIPTION

PLUM TREE SHOPPING CENTER - PAD 2 PARCEL

REVISION DATE 10/14/86

Beginning at a point on the North right-of-way line of 2200 North Street at a point which is North 1062.99 feet and East 319.24 feet from the South Quarter corner of Section 25, Township 6 South, Range 2 East, Salt Lake Base and Meridian (based on the Utah Coordinate System, Central Zone, bearings of section lines) and running thence along said right-of-way line North 87°17'24" West 155.485 feet to the point of tangency with a 517.47 foot radius curve to the left, thence Westerly along the arc of said curve and right-of-way line 87.65 feet through a central angle of 9°42'17" to a point on a 25.00 foot radius curve to the right; thence leaving said right-of-way Northerly along the arc of said curve 19.05 feet through a central angle of 43°39'32"; thence North 0°53'57" East 90.59 feet to the point of tangency with a 25.00 foot radius curve to the right; thence Easterly along the arc of said curve 38.19 feet through a central angle of 87°32'03"; thence North 88°26' East 219.887 feet; thence South 1°34' East 142.70 feet to the point of beginning.

Contains 0.7579 Acres

LEGAL DESCRIPTION

PLUM TREE SHOPPING CENTER - PAD 3 PARCEL

REVISION DATE 10/14/86

Beginning on the North right-of-way line of 2200 North Street at a point which is North 1053.89 feet and East 7.79 feet from the South Quarter corner of Section 25, Township 6 South, Range 2 East, Salt Lake Base and Meridian (based on the Utah Coordinate System, Central Zone, bearings of section lines), said point also being on a 517.47 foot radius curve (radius point bears South 14°44'29" East) and running thence Westerly along the arc of said curve and said right-of-way line 180.85 feet through a central angle of 20°01'27"; thence leaving said curve and said right-of-way line North 1°34' West 188.87 feet; thence North 88°26' East 65.106 feet; thence North 43°26' East 35.72 feet; thence North 88°26' East 82.76 feet; thence South 0°53'57" West 134.88 feet to the point of tangency with a 25.00 foot radius curve to the right (radius point bears North 68°58'35" West); thence Southwesterly along the arc of said curve 6.78 feet through a central angle of 20°07'31" to the point of beginning.

Contains 0.6269 Acres

PLUM TREE SHOPPING CENTER
(PHASE 1)

Pad 4 Parcel - Boundary Description

July 19, 1986

Beginning at a point which is the intersection of the North right-of-way line of 2200 North Street and the Easterly right-of-way line of University Parkway, said point being North 915.37 feet and West 230.39 feet from the South quarter corner of Section 25, Township 6 South, Range 2 East, Salt Lake Base and Meridian (based on the Utah Coordinate System, Central Zone, bearings of section lines) and running thence Northwesterly along said right-of-way line and along the arc of a 11539.16 foot radius curve to the left (radius point bears South 44°49'53" West) 225.965 feet through a central angle of 1°07'19"; thence North 43°26' East 124.29 feet; thence North 88°26' East 146.02 feet; thence South 1°34' East 188.87 feet to a point on the Northerly right-of-way line of 2200 North Street, said point also being on a 517.47 foot radius curve to the left (radius point bears South 34°45'59" East); thence Westerly along the arc of said curve and said right-of-way line 98.045 feet through a central angle of 10°51'21" to the point of beginning.

Contains 0.9017 Acres

LEGAL DESCRIPTION

PLUM TREE SHOPPING CENTER - SUPERMARKET PARCEL

REVISION DATE 10/14/86

Beginning at a point which is North 1756.280 feet and East 531.61 feet from the South Quarter corner of Section 25, Township 6 South, Range 2 East, Salt Lake Base and Meridian (based on the Utah Coordinate System, Central Zone, bearings of section lines) and running thence South 43°26' West 322.41 feet; thence South 46°34' East 58.86 feet; thence South 43°26' West 66.40 feet; thence South 46°34' East 105.00 feet; thence South 43°26' West 217.40 feet; thence South 88°26' West 222.316 feet; thence North 1°34' West 53.47 feet; thence North 43°26' East 116.80 feet; thence North 46°34' West 215.00 feet; thence North 43°26' East 316.40 feet; thence North 46°34' West 23.86 feet; thence North 43°26' East 277.67 feet; thence North 88°26' East 85.416 feet; thence South 46°30'04" East 164.34 feet; thence South 1°26'08" East 64.170 feet to the point of beginning.

Contains 5.1267 Acres

LEGAL DESCRIPTION

PLUM TREE SHOPPING CENTER - RETAIL SHOPS A

REVISION DATE 10/14/86

Beginning at a point on the West boundary line of a Brigham Young University access roadway at a point which is North 1756.28 feet and East 531.61 feet from the South Quarter corner of Section 25, Township 6 South, Range 2 East, Salt Lake Base and Meridian (based on the Utah Coordinate System, Central Zone, bearings of section lines) and running thence South 43°26' West 322.41 feet; thence South 46°34' East 58.86 feet; thence South 43°26' West 66.40 feet; thence South 46°34' East 105.00 feet; thence South 43°26' West 217.40 feet; thence North 88°26' East 256.55 feet; thence South 1°16'14" East 155.725 feet; thence South 87°17'24" East 55.263 feet to the aforementioned right-of-way; thence along said right-of-way the following two courses: North 1°16'14" West 114.52 feet; thence North 1°26'08" West 589.85 feet to the point of beginning.

Contains 2.3797 Acres

LEGAL DESCRIPTION

PLUM TREE SHOPPING CENTER - RETAIL SHOPS B

REVISION DATE 10/14/86

Beginning at a point which is North 1853.184 feet and East 24.53 feet from the South Quarter corner of Section 25, Township 6 South, Range 2 East, Salt Lake Base and Meridian (based on the Utah Coordinate System, Central Zone, bearings of section lines) and running thence North 88°26' East 78.995 feet; thence North 1°34' West 8.52 feet; thence North 88°26' East 162.65 feet; thence South 43°26' West 191.03 feet; thence North 46°34' West 80.00 feet; thence South 88°26' West 50.00 feet; thence North 1°34' West 70.00 feet to the point of beginning.

Contains 0.4228 Acres

LEGAL DESCRIPTION

Retail C - Parcel A

2/19/87

Beginning at a point on the Northeasterly line of the Plum Tree Shopping Center boundary said point being North 1921.51 feet and West 29.62 feet from the South Quarter corner of Section 25, Township 6 South, Range 2 East, Salt Lake Base and Meridian (Based on the Utah Co-ordinate System, Central Zone, bearing of Section lines) and running thence North 88°26' East 355.17 feet; thence South 43°26' West 86.63 feet; thence South 88°26' West 162.65 feet; thence South 1°34' East 8.52 feet; thence South 88°26' West 78.995 feet; thence South 1°34' East 70.00 feet; thence South 88°26' West 50.00 feet; thence South 46°34' East 103.86 feet; thence South 43°26' West 316.40 feet; thence North 46°34' West 195.00 feet; thence South 43°26' West 92.95 feet; thence North 46°34' West 80.00 feet; thence North 43°26' East 435.88 feet to the point of beginning.

Contains: 2.6223 Acres

LEGAL DESCRIPTION

Retail C - Parcel B

2/19/87

Beginning at a point on the Plum Tree Shopping Center Phase I boundary said point being North 1438.73 feet and West 18.49 feet from the South Quarter Corner of Section 25, Township 6 South, Range 2 East, Salt Lake Base and Meridian (Based on the Utah Co-ordinate System, Central Zone, bearings of Section lines) and running thence South 46°34' East 150.00 feet; thence South 43°26' West 116.80 feet; thence South 1°34' East 53.47 feet; thence South 88°26' West 82.76 feet; thence South 43°26' West 35.72 feet; thence South 88°26' West 182.84 feet; thence North 43°26' East 378.14 feet to the point of beginning.

Contains: 1.0597 Acres

LEGAL DESCRIPTION

ENT.12537 BK 2400 PG 697

Shopko Parcel

2/19/87

Beginning at a point on the North Right-of-Way line of University Parkway, said point being on the arc of a 11539.16 foot radius curve (Radius point bears South 42°31'04" West), said point also being North 1237.125 feet and West 567.40 feet from the South Quarter Corner of Section 25, Township 6 South, Range 2 East, Salt Lake Base and Meridian (Based on the Utah Co-ordinate System, Central Zone, Bearings of Section Lines) and running thence North 43°26' East 148.82 feet; thence South 46°34' East 240.00 feet; thence South 43°26' West 23.18 feet; thence North 88°26' East 28.28 feet; thence North 43°26' East 378.14 feet; thence North 46°34' West 260.00 feet; thence South 43°26' West 92.95 feet; thence North 46°34' West 80.00 feet; thence North 43°26' East 435.88 feet; thence South 88°26' West 156.33 feet; thence North 46°34' West 294.79 feet; thence South 43°26' West 238.33 feet; thence South 46°34' East 56.00 feet; thence South 43°26' West 328.96 feet; thence South 46°34' East 44.33 feet; thence South 43°26' West 201.50 feet to a point on 200.70 foot long spiral curve, said point also being on the Northerly Right-of-Way line of University Parkway; thence South Easterly along the arc of said spiral curve 4.53 feet to a point on a 11539.16 foot radius curve to the right. (Radius point bears South 40°37'39" West); thence Southeasterly along the arc of said curve and said Right-of-Way line 380.70 feet through a central angle of 1°53'25" (L.C. bears South 48°25'39" East) to the point of beginning.

Contains: 9.4000 Acres

LEGAL DESCRIPTION

Pad 5

2/19/87

Beginning at a point on the North Right-of-Way line of University Parkway, said point being on the arc of a 11539.16 foot radius curve (Radius point bears South 42°31'04" West), said point also being North 1237.125 feet and West 567.40 feet from the South Quarter Corner of Section 25, Township 6 South, Range 2 East, Salt Lake Base and Meridian (Based on the Utah Co-ordinate System, Central Zone, Bearings of Section Lines) and running thence North 43°26' East 148.82 feet; thence South 46°34' East 240.00 feet; thence South 43°26' West 147.48 feet to the afore mentioned North Right-of-Way line; thence Northwesterly along the arc of a 11539.16 foot radius curve to the left 240.01 feet thru a central angle of 1°11'30" (LC bears North 46°53'14" West) to the point of beginning.

Contains: 0.8140 Acres

LEGAL DESCRIPTION

Pad 7

2/19/87

Beginning on the Northerly Right-of-Way line of University Parkway said point being North 1634.70 feet and West 1019.90 feet from the South Quarter Corner of Section 25, Township 6 South, Range 2 East, Salt Lake Base and Meridain (Based on the Utah Coordinate System, Central Zone, bearings of Section lines) and running thence North 43°26' East 170.31 feet to a point on a 121.50 foot radius curve to the left (Radius point bears N53°57'18" East); thence South Easterly along the arc of said curve 22.31 feet through a central angle of 10°31'18"; thence South 46°34' East 84.75 feet to a point of tangency with a 50.00 foot radius curve to the right (Radius point bears South 43°26' West); thence Southeasterly along the arc of said curve 78.54 feet through a central angle of 90°; thence South 43°26' West 111.95 feet to a point on the Northerly Right-of-Way line of University Parkway, said point also being on a 200.70 foot long spiral curve (LC bears 49°51'55"); thence Northwesterly along said spiral curve and said Right-of-Way line 136.07 feet; thence North 42°26'40" West along said Right-of-Way 21.14 feet to the point of beginning.

Contains: 0.5871 Acres

LEGAL DESCRIPTION

Cinema Parcel

2/19/87

Beginning at a point on the Northerly line of the Plum Tree Shopping Center Boundary said point being North 2119.90 feet and West 399.97 feet from the South Quarter Corner of Section 25, Township 6 South, Range 2 East, Salt Lake Base and Meridian (Based on the Utah Coordinate System, Central Zone, bearings of Section Lines) and running thence South 43°26' West 238.33 feet; thence South 46°34' East 56.00 feet; thence South 43°26' West 328.96 feet; thence North 46°34' West 150.41 feet to a point of tangency with a 78.50 foot radius curve to the right (Radius point bears North 43°26' East); thence Northwesterly along the arc of said curve 64.59 feet through a central angle of 47°08'22"; thence North 0°34'22" East 505.13 feet to a point of tangency with a 25.00 foot radius curve to the right (Radius point bears South 89°25'38" East); thence Northeasterly along the arc of said curve 38.35 feet through a central angle of 87°53'15"; thence North 88°27'37" East 194.16 feet to a point on the aforementioned Northerly line of the Plum Tree Shopping Center Boundary; thence South 46°34' East 357.54 feet along said boundary to the point of beginning.

Contains: 4.9932 Acres

LEGAL DESCRIPTION

Entrance Road and Dedicated Road

2/19/87

Beginning at a point on the North Right-of-Way of University Parkway, said point being on the arc of a 200.70 feet spiral curve, said point also being North 1531.39 feet and West 901.60 feet from the South Quarter Corner of Section 25, Township 6 South, Range 2 East, Salt Lake Base and Meridain (Based on the Utah Co-ordinate System, Central Zone, bearings of Section lines) and running thence North 43°26' East 111.95 feet to a point of tangency with a 50.00 foot radius curve to the left (Radius point bears North 46°34' West); thence Northwesterly along the arc of said curve 78.54 feet through a central angle of 90°; thence North 46°34' West 84.75 feet to the point of tangency with a 121.50 foot radius curve to the right (Radius point bears North 43°26' East); thence Northerly along the arc of said curve 99.96 feet through a central angle of 47°08'22"; thence North 0°34'22" East 501.70 feet to the point of tangency with a 25.00 foot radius curve to the left (Radius point bears North 89°25'38" West); thence Northwesterly along the arc of said curve 40.19 feet through a central angle of 92°06'45"; thence South 88°27'37" West 94.28 feet to the West property line of Plum Tree Shopping Center, thence the following three courses along said West property line, North 43°13'18" East 8.79 feet; North 87°58'07" East 5.63 feet; and North 1°32'23" West 18.71 feet to the North property line of said Plum Tree Shopping Center; thence along said North property line North 88°27'37" East 344.65 feet to the Northeasterly property line of said Plum Tree Shopping Center; thence South 46°34' East along said property line 35.37 feet; thence leaving said property line South 88°27'37" West 194.16 feet to the point of tangency with a 25.00 foot radius curve to the left (Radius point bears South 1°32'23" East); thence Southwesterly along the arc of said curve 38.35 feet through a central angle of 87°53'15"; thence South 0°34'22" West 505.13 feet to the point of tangency with a 78.50 foot radius curve to the left (Radius point bears South 89°25'38" East); thence Southeasterly along the arc of said curve 64.59 feet through a central angle of 47°08'22"; thence South 46°34' East 194.74 feet; thence South 43°26' West 201.50 feet to the North Right-of-Way line of University Parkway, said point also being on a 200.70 foot long spiral curve; thence Northwesterly along the arc of said spiral curve and Right-of-Way line 60.10 feet to the point of beginning.

Contains: 1.2405 Acres

LEGAL DESCRIPTION

Phase 3

2/19/87

Beginning on the Northerly Right-of-Way line of University Parkway said point being North 1634.70 feet and West 1019.90 feet from the South Quarter Corner of Section 25, Township 6 South, Range 2 East Salt Lake Base and Meridian (Based on the Utah Co-ordinate System, Central Zone, bearings of Section lines) and running thence North 42°26'40" West 144.36 feet along said Right-of-Way line; thence leaving said Right-of-Way line North 1°14' East 150.65 feet; thence North 88°26' East 31.63 feet; thence North 0°34'22" East 423.12 feet; thence North 43°13'18" East 54.42 feet; thence North 88°27'37" East 94.28 feet to a point of tangency with a 25.00 foot radius curve to the right (Radius point bears South 1°32'23" East); thence Southeasterly along the arc of said curve 40.19 feet through a central angle of 92°06'45"; thence South 0°34'22" West 501.70 feet to a point of tangency with a 121.50 foot radius curve to the left (Radius point bears South 89°25'38" East); thence Southeasterly along the arc of said curve 77.65 feet through a central angle of 36°37'04"; thence South 43°26' West 170.31 feet to the point of beginning.

Contains: 2.5725 Acres

ENT12537 BK 2400 PG 701

BYU EXCHANGE PARCELS

FIRST AMENDMENT TO DECLARATION OF EASEMENTS,
COVENANTS AND RESTRICTIONS AFFECTING LAND - 17
7/3-24-87/A12/FATDECRA

PARCEL 1 - Exchange Parcel

2/19/87

Beginning at a point on the Northerly line of the Plum Tree shopping Center Development said point being North 1918.45 feet and West 141.27 feet from the South Quarter Corner of Section 25, Township 6 South, Range 2 East, Salt Lake Base and Meridian (Based on the Utah Coordinate System, Central Zone, bearings of Section Lines) and running thence North 61°48'49" West 120.044 feet; thence South 46°34' East 84.25 feet; thence North 88°26' East 44.65 feet to the point of beginning.

Contains: 0.0305 Acres

PARCEL 3 - Exchange Parcel

2/19/87

Beginning at a point on the Northerly line of the Plum Tree Shopping Center Development said point being North 2391.414 feet and West 633.97 feet from the South Quarter Corner of Section 25, Township 6 South, Range 2 East, Salt Lake Base and Meridian (Based on the Utah Coordinate System, Central Zone, bearings of Section lines) and running thence South 88°27'37" West 51.337 feet; thence South 46°34' East 286.523 feet; thence North 38°18'55" West 252.822 feet to the point of beginning.

Contains: 0.1193 Acres