

When filed return to:
C. Burton
1363 East Second Ave.
Salt Lake City, UT 84103

00664539 Bk01549 Pg01189-01190

ALAN SPRIGGS, SUMMIT CO RECORDER
2003 JUL 08 11:48 AM FEE \$12.00 BY DNG
REQUEST: WILD WILLOW

EASEMENT

Whereas The C. Taylor Burton Trust owns certain real property situated in Summit County, Utah (" The Trust Property "), the legal description of which is as follows:

All of the North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 29, Township 2 South, Range 6 East, Salt Lake Base and Meridian, except the following: Commencing at the Northeast corner of the Southeast quarter of the Southeast quarter of said Section 29, and running thence West 20.00 rods, thence South 15.00 rods, thence East 20.00 rods, thence North 15.00 rods to the place of beginning.

Whereas, Wild Willow L.L.C. conveyed to the Town of Francis all its right and interest in the Eskelson Spring (" the Spring ") for the purpose of providing culinary water rights for the Wild Willow Subdivision; and

Whereas the State Engineer required that the Eskelson Spring water be returned to the Provo River as a condition for the water change application, and

Whereas the Eskelson Spring water flows west from the Spring across The Trust Property which was previously owned by Wild Willow L.L.C. and which it distributed to the C. Taylor Burton Trust in 1999 (the Trust being an owner and its Trustee being a manager of the Company prior to said distribution), and

Whereas Wild Willow L.L.C. and the C. Taylor Burton Trust (and its successors) desire to replace the easement by implication with an express, written easement;

Therefore, for good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged, Carl T. Burton, Trustee of the C. Taylor Burton Trust hereby grants, conveys and warrants to Wild Willow L.L.C., a limited liability company with its principal place of business at 1363 East Second Avenue, Salt Lake City, Utah, and its successors and assigns (hereinafter "Grantee") an easement and right of way to use, maintain, repair, and enlarge an existing ditch that runs along the southern border of the property and then crosses to the Washington Irrigation Ditch at the northern border of the property, which easement shall be thirteen feet wide to be measured from the center of the ditch and extending three feet to the south or west and ten feet to the north or east of the center of the ditch and shall include reasonable access for Grantee to clean and maintain the ditch, for the purpose of transporting Eskelson Spring water across the property for its return to the Provo River.

Grantee and the C. Taylor Burton Trust expressly agree that the Grantee shall have the right to assign this easement to the Town of Francis.

The easement shall be perpetual, shall run with the land, and shall be recorded.

In Witness Whereof, this easement is made this 2nd day of July, 2003.

Carl T. Burton
Carl T. Burton

STATE OF NEW YORK

) ss.

COUNTY OF NEW YORK

On July 2, 2003, personally appeared before me, Carl T. Burton, Trustee of the C. Taylor Burton Trust, the signer of the foregoing instrument, who duly acknowledged to me that he executed the same.

My Commission Expires:

ELIZABETH A. MURPHY
Notary Public, State of New York
No. 31-4650348
Qualified in New York County
Commission Expires October 31, 2005

Elizabeth A. Murphy
Notary Public
Residing at: