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WHEN RECORDED, RETURN TO:
Rosecrest Communities, L.L.C.
6900 South 900 East, Suite 230
Salt Lake City, Utah 84047
Attn: General Counsel

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ADAM GARDINER
RECORDER, SALT LAKE COUNTY, UTAH
ROSECREST COMMUNITIES
ATTN: GENERAL COUNSEL
6900 S 900 E, STE 230
SLC UT 84047
BY: RWP, DEPUTY - WI 8 P.

DECLARATION OF ACCESS EASEMENT

THIS DECLARATION OF ACCESS EASEMENT (“Declaration”) is made December 21, 2018 (the “**Effective Date**”), by **ROSECREST COMMUNITIES, LLC**, a Utah limited liability company (“**Rosecrest**”), and **ROSECREST COMMUNITIES MASTER HOMEOWNERS ASSOCIATION**, a Utah nonprofit corporation (“**RCMHA**”).

A. Rosecrest is the owner of five (5) adjacent parcels of real property (referred to in this Declaration respectively as “**Parcel 3**”, “**Parcel 4**”, “**Parcel 5**”, “**Parcel 6**”, and “**Parcel 7**”, and, collectively, the “**Parcels**”), and Juniper Bend Drive (defined later), in Herriman City, Salt Lake County, State of Utah, each of which are more particularly described on the attached **Exhibit A**.

B. Pursuant to that certain Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for Rosecrest Communities Planned Unit Development recorded on February 21, 2012 as Entry No. 11336225 in the Salt Lake County Recorder’s Office, RCMHA owns or manages certain real property located in Herriman City, Salt Lake County, State of Utah, including, but not limited to, a private road commonly referred to as “**Juniper Bend Drive**”, as depicted generally on the attached **Exhibit B**.

C. Rosecrest and RCMHA execute this Declaration to provide (i) a non-exclusive easement to provide the Parcels access over Juniper Bend Drive to and from and the nearest public road, and (ii) access to and from Parcels 6 and 7 over the Access Easement Area (defined below), in accordance with the terms herein.

NOW, THEREFORE, Rosecrest and RCMHA declare as follows:

1. **Juniper Bend Drive Easement**. Each of RCMHA and Rosecrest, each as the owner or manager of Juniper Bend Drive, as their respective interests may appear, hereby conveys, declares, and grants, a non-exclusive and continuous easement and right-of-way (the “**Juniper Bend Drive Easement**”), over, upon, and across Juniper Bend Drive for the benefit of the Parcels. The purpose of the Juniper Bend Drive Easement is to provide vehicular and pedestrian ingress and egress over Juniper Bend Drive to and from the Parcels and the nearest public road. The Juniper Bend Drive Easement connects to the public road nearest to the Parcels.

2. **Access Easement**. Rosecrest conveys, declares, and grants for the benefit of each of Parcel 6 and Parcel 7, a thirty foot (30’) wide non-exclusive and continuous easement and right-of-way (the “**Access Easement**”), appurtenant to Parcel 6 and Parcel 7, over, upon, and across Parcel 4 in the location(s) upon which roadways are constructed now or in the future (“**Access Easement Area**”), subject to the terms and conditions set forth herein. The purpose of the Access Easement declared

hereby is limited to vehicular and pedestrian ingress and egress to and from Parcel 6 and Parcel 7 and the public or private streets adjoining the Access Easement Area.

3. **Term.** The term of the Juniper Bend Drive Easement shall commence on the Effective Date and continue until indefeasible public or private access for the Parcels is established over Juniper Bend Drive. The term of the Access Easement shall commence on the Effective Date and continue until indefeasible public or private access for Parcel 6 and Parcel 7 is established over the Access Easement Area.

4. **No Public Dedication; No Merger.** The provisions of this Declaration are not intended to and do not constitute a dedication for public use of any portion of Juniper Bend Drive or the Access Easement Area. Common ownership of the Parcels described herein shall not effect a merger or termination of the interests created hereby.

5. **Running of Benefits and Burdens.** All provisions of this Declaration, including the benefits and burdens stated and implied, touch, concern, and shall run with the land and title to the Parcels, and are binding upon and inure to the benefit of the successors and assigns of the parties.

6. **No Interference; Use.** Except to the extent reasonably necessary (on a temporary basis) for reasonable construction, for repair and maintenance, for traffic regulation and control or to prevent a public dedication or the accrual of any rights to the public, no fence, gate, wall, barricade or other obstruction, whether temporary or permanent in nature, that limits or impairs the free and unimpeded use of the Juniper Bend Drive Easement or the Access Easement shall be constructed or erected, nor shall any party in any other manner obstruct or interfere with the use of the Juniper Bend Drive Easement or the Access Easement.

7. **Amendments.** No modification, waiver, or amendment of this Declaration shall be made except by written agreement signed and acknowledged by Rosecrest, RCMHA, and the owner(s) of the Parcels.

8. **Severability.** If any term, provision or condition contained in this Declaration shall to any extent be deemed invalid or unenforceable, the remainder of the Declaration shall not be affected thereby, and each remaining term, provision and condition of this Declaration shall be valid and enforceable to the fullest extent permitted by law.

9. **Applicable Law; Construction.** This Declaration shall be construed and interpreted under, and governed and enforced according to, the laws of the State of Utah. This Declaration shall be given a reasonable construction so that the parties' intention to provide access to and from the Parcels and public or private roads is implemented.

10. **Integration.** This Declaration constitutes the entire understanding of the parties pertaining to the subject matter contained in this Declaration.

[Signatures and Acknowledgements Follow]

IN WITNESS WHEREOF, the parties have executed this Declaration as of the Effective Date.

ROSECREST:

ROSECREST COMMUNITIES, LLC,
a Utah limited liability company
By: RE Management, L.L.C,
A Utah limited liability company
In its capacity as Manager

By: Charles W. Anderson
Name: Charles W. Anderson
Its: Manager

STATE OF UTAH)
) : ss
COUNTY OF Salt Lake)

The foregoing instrument was acknowledged before me this 21st day of December, 2018 by Charles W. Anderson, as manager of RE Management, L.L.C., a Utah limited liability company, the manager of ROSECREST COMMUNITIES, LLC, a Utah limited liability company, on behalf of such company.

Lisa Meiling
Notary Public

Residing at: Sandy, Utah
My Commissions Expires: 7.31.21



RCMHA:

**ROSECREST COMMUNITIES MASTER
HOMEOWNERS ASSOCIATION,**
a Utah nonprofit corporation

By: [Signature]
Name: Corey A. Leiseth
Its: Treasurer

STATE OF UTAH)
) : ss
COUNTY OF Salt Lake)

The foregoing instrument was acknowledged before me this 21 day of December, 2018 by Corey Leiseth, as Treasurer of ROSECREST COMMUNITIES MASTER HOMEOWNERS ASSOCIATION, a Utah nonprofit corporation, on behalf of such corporation.

[Signature]
Notary Public

Residing at: Sandy, UT
My Commissions Expires: 7.31.21



Exhibit A
Legal Description of the Parcels

PARCEL 3:

Beginning at a point North 00°09'32" West 973.51 feet along the section line and South 89°50'28" West 23.24 feet from the monument located at the Southeast corner of Section 12, Township 4 South, Range 2 West, Salt Lake Base and Meridian and running thence South 00°35'04" West 386.50 feet; thence North 89°24'56" West 100.00 feet; thence North 00°35'04" East 261.06 feet; thence 92.46 feet along the arc of a 315.00 foot radius curve to the left through a central angle of 16°49'07" (Long Chord Bears North 07°49'29" West 92.13 feet); thence North 73°45'58" East 118.54 feet to the point of beginning.

PARCEL 4:

Beginning at a point on the North right-of-way line of Juniper Crest Road, as established per the Juniper Crest Road Roadway Dedication as recorded in the office of the Salt Lake County Recorder as Entry No. 12524370 in Book 2017 at Page 91, said point being South 89°16'06" East 806.46 feet along the section line North 123.97 feet from the monument located at the Southeast corner of Section 12, Township 4 South, Range 2 West, Salt Lake Base and Meridian and running thence Southwesterly 5.03 feet along the arc of an 892.00 foot radius curve to the right through a central angle of 00°19'22" (Long Chord Bears South 84°11'00" West 5.03 feet) along the North line of Juniper Crest Road; thence North 10°42'19" West 250.13 feet; thence North 89°24'56" West 887.09 feet to the East right-of-way line of Juniper Bend Drive; thence North 00°35'04" East 74.50 feet to a point of curvature; thence Northeasterly 39.27 feet along the arc of a 25.00 foot radius curve to the right through a central angle of 90°00'00" (Long Chord Bears North 45°35'04" East 35.36 feet); thence North 00°35'04" East 30.00 feet to a point of curvature; thence Northwesterly 39.27 feet along the arc of a 25.00 foot radius curve to the left through a central angle of 90°00'00" (Long Chord Bears North 44°24'56" West 35.36 feet); thence North 00°35'04" East 65.50 feet; thence South 89°24'56" East 100.00 feet; thence South 00°35'04" West 90.50 feet; thence South 89°24'56" East 75.00 feet to a point of curvature; thence Northeasterly 39.27 feet along the arc of a 25.00 foot radius curve to the left through a central angle of 90°00'00" (Long Chord Bears North 45°35'04" East 35.36 feet); thence South 89°24'56" East 30.00 feet to a point of curvature; thence Southeasterly 39.27 feet along the arc of a 25.00 foot radius curve to the left through a central angle of 90°00'00" (Long Chord Bears South 44°24'56" East 35.36 feet); thence South 89°24'56" East 150.00 feet to a point of curvature; thence Northeasterly 39.27 feet along the arc of a 25.00 foot radius curve to the left through a central angle of 90°00'00" (Long Chord Bears North 45°35'04" East 35.36 feet); thence South 89°24'56" East 30.00 feet to a point of curvature; thence Southeasterly 39.27 feet along the arc of a 25.00 foot radius curve to the left through a central angle of 90°00'00" (Long Chord Bears South 44°24'56" East 35.36 feet); thence South 89°24'56" East 156.73 feet; thence North 84°52'26" East 58.10 feet to a point of curvature; thence Northeasterly 41.70 feet along the arc of a 25.00 foot radius curve to the left through a central angle of 95°34'45" (Long Chord Bears North 37°05'04" East 37.03 feet); thence North 79°17'41" East 30.00 feet; thence South 10°42'19" East 9.19 feet to a point of curvature; thence Southeasterly 19.36 feet along the arc of a 25.00 foot radius curve to the left through a central angle of 44°21'43" (Long Chord Bears South 32°56'43" East 18.88 feet) to a non-tangent curve; thence Northeasterly 56.44 feet along the arc of a 595.00 foot radius curve to the left through a central angle of 05°26'07" (Long Chord Bears North 86°00'44" East 56.42 feet, Center Bears North 06°42'19" West); thence North 83°17'41" East 21.39 feet; thence North 36°17'41" East 21.18 feet; thence North 72°58'07" East 5.04 feet to the West right-of-way line of Juniper Trail Drive, as established per the Juniper Trail Drive Road Dedication as recorded in the office of the Salt Lake County Recorder as Entry No. 12694071 in Book 2018 at Page 10; thence along the said West right-of-way line the following five (5) courses: Southwesterly 32.81 feet along the arc of a 20.00 foot radius curve to the right through a central angle of 93°58'57" (Long Chord Bears South 36°17'41" West 29.25 feet), South 13°38'44" East 54.40 feet, Southeasterly 30.02 feet along the arc of a

20.00 foot radius curve to the right through a central angle of 86°00'00" (Long Chord Bears South 53°42'19" East 27.28 feet), South 10°42'19" East 330.83 feet to the point of beginning.

PARCEL 5:

Beginning at a point on the North right-of-way line of Juniper Crest Road, as established per the Juniper Crest Road Roadway Dedication as recorded in the office of the Salt Lake County Recorder as Entry No. 12524370 in Book 2017 at Page 91, said point being South 89°16'06" East 801.45 feet along the section line North 123.40 feet from the monument located at the Southeast corner of Section 12, Township 4 South, Range 2 West, Salt Lake Base and Meridian and running thence along the said North right-of-way line the following two (2) courses: Southwesterly 97.08 feet along the arc of an 892.00 foot radius curve to the right through a central angle of 06°14'08" (Long Chord Bears South 87°27'45" West 97.03 feet), North 89°25'11" West 704.81 feet to the section line and the North right-of-way line of Juniper Crest Road, as established per the Rosecrest Plat T as recorded in the office of the Salt Lake County Recorder as Entry No. 9898750 in Book 2006 at Page 327; thence North 89°25'01" West 102.36 feet along the said North right-of-way line per Rosecrest Plat T to a point of curvature; thence Northwesterly 31.42 feet along the arc of a 20.00 foot radius curve to the right through a central angle of 90°00'05" (Long Chord Bears North 44°24'58" West 28.28 feet); thence North 00°35'04" East 76.12 feet to a point of curvature; thence Northeasterly 39.27 feet along the arc of a 25.00 foot radius curve to the right through a central angle of 90°00'00" (Long Chord Bears North 45°35'04" East 35.36 feet); thence North 21°13'01" West 32.31 feet to a point of curvature; thence Northwesterly 39.27 feet along the arc of a 25.00 foot radius curve to the right through a central angle of 90°00'00" (Long Chord Bears North 44°24'56" West 35.36 feet); thence North 00°35'04" East 74.50 feet; thence South 89°24'56" East 887.09 feet; thence South 10°42'19" East 250.12 feet to the point of beginning.

PARCEL 6:

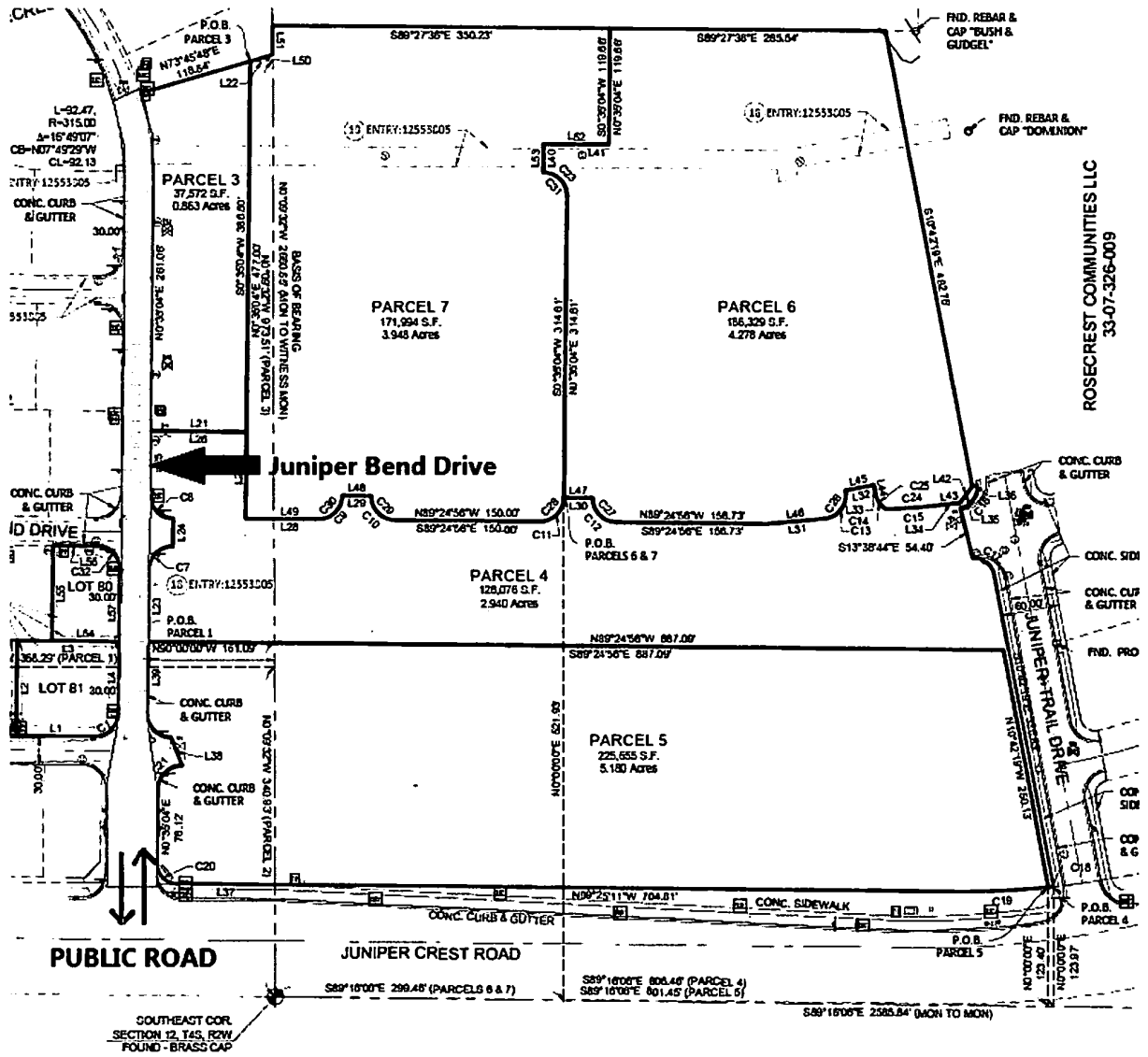
Beginning at a point being South 89°16'06" East 299.46 feet along the section line North 521.93 feet from the monument located at the Southeast corner of Section 12, Township 4 South, Range 2 West, Salt Lake Base and Meridian and running thence North 00°35'04" East 314.61 feet to a point of curvature; thence Northwesterly 39.27 feet along the arc of a 25.00-foot radius curve to the left through a central angle of 90°00'00" (Long Chord Bears North 44°24'56" West 35.36 feet); thence North 00°35'04" East 30.00 feet; thence South 89°24'56" East 67.98 feet; thence North 00°35'04" East 119.66 feet; thence South 89°27'36" East 285.54 feet; thence South 10°42'19" East 482.75 feet; thence South 36°17'41" West 21.18 feet; thence South 83°17'41" West 21.39 feet to a point of curvature; thence Southwesterly 56.44 feet along the arc of a 595.00-foot radius curve to the right through a central angle of 05°26'06" (Long Chord Bears South 86°00'45" West 56.42 feet); thence Northwesterly 19.36 feet along the arc of a 25.00-foot radius curve to the right through a central angle of 44°21'43" (Long Chord Bears North 32°56'43" West 18.88 feet); thence North 10°42'19" West 9.19 feet; thence South 79°17'41" West 30.00 feet to a point of curvature; thence Southwesterly 41.70 feet along the arc of a 25.00-foot radius curve to the right through a central angle of 95°34'45" (Long Chord Bears South 37°05'04" West 37.03 feet); thence South 84°52'26" West 58.10 feet; thence North 89°24'56" West 156.73 feet to a point of curvature; thence Northwesterly 39.27 feet along the arc of a 25.00-foot radius curve to the right through a central angle of 90°00'00" (Long Chord Bears North 44°24'56" West 35.36 feet); thence North 89°24'56" West 30.00 feet to the point of beginning.

PARCEL 7:

Beginning at a point being South 89°16'06" East 299.46 feet along the section line North 521.93 feet from the monument located at the Southeast corner of Section 12, Township 4 South, Range 1 West, Salt Lake Base and Meridian and running thence Southwesterly 39.27 feet along the arc of a 25.00 foot radius curve

to the right through a central angle of 90°00'00" (Long Chord Bears South 45°35'04" West 35.36 feet); thence North 89°24'56" West 150.00 feet to a point of curvature; thence Northwesterly 39.27 feet along the arc of a 25.00 foot radius curve to the right through a central angle of 90°00'00" (Long Chord Bears North 44°24'56" West 35.36 feet); thence North 89°24'56" West 30.00 feet to a point of curvature; thence Southwesterly 39.27 feet along the arc of a 25.00 foot radius curve to the right through a central angle of 90°00'00" (Long Chord Bears South 45°35'04" West 35.36 feet); thence North 89°24'56" West 75.00 feet; thence North 00°35'04" East 477.00 feet; thence North 73°45'58" East 24.18 feet; thence North 00°09'32" West 30.00 feet; thence South 89°27'36" East 350.23 feet; thence South 00°35'04" West 119.66 feet; thence North 89°24'56" West 67.98 feet; thence South 00°35'04" West 30.00 feet to a point of curvature; thence Southeasterly 39.27 feet along the arc of a 25.00 foot radius curve to the right through a central angle of 90°00'00" (Long Chord Bears South 44°24'56" East 35.36 feet); thence South 00°35'04" West 314.61 feet to the point of beginning.

Exhibit B
General Depiction of Juniper Bend Drive



ROSECREST COMMUNITIES LLC
 33-07-326-009