

SECOND AMENDMENT TO DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS

This Second Amendment is executed this 8<sup>th</sup> day of Sept, 1995, amending that certain Declaration of Covenants, Conditions and Restrictions dated the 31st day of December, 1991 (The Declaration of Covenants) executed by GFI-Park City Investments Ltd. Partnership, a Utah limited partnership ("GFI") and John W. Jarman and Helen B. Jarman, and Bailey & Sons Company, a Utah corporation (collectively "Jarman"). O'Brien - Kiernan Investment Company, Inc. is the successor to GFI. This Second Amendment amends that Declaration of Covenants, Conditions and Restrictions which covers property located near Kimball Junction, Summit County, Utah, more particularly described in the Declaration of Covenants and on Exhibit "A" attached hereto.

00441261 Bk00920 Pg00109-00131

R E C I T A L S: ALAN SPRIGGS, SUMMIT COUNTY RECORDER  
1995 OCT 27 16:41 PM FEE \$79.00 BY MAT  
REQUEST: PARK CITY TITLE

A. GFI and Jarman as owners entered into the Declaration of Covenants laying out the property described therein into certain parcels as shown by survey on Exhibit "D" attached thereto. A First Amendment to the Declaration has heretofore been recorded.

B. The Food Store on Parcel 2 has been proposed to be reduced to 54,000 square feet, possibly leaving some excess land and some excess building potential.

C. It is advantageous to the parties to amend the Declaration of Covenants by this Second Amendment.

NOW, THEREFORE, the undersigned as Owners and Mortgagees of all of the property covered by the Declaration of Covenants do hereby amend the Declaration of Covenants in and only in the following particulars.

1. Paragraph 4.2 of the Declaration of Covenants is amended with regard to the limit on building height for Lot 2, such that the building to be located within the building area on the northerly portion of Lot 2 (the Food Store) may be of a height not exceeding 36 ½ feet.

2. Section 4.04 of the Declaration of Covenants regarding location of buildings is amended as follows:

(a) There may be created on Lot 2 a lot denominated Lot 2A, which Lot is determined by striking a line parallel to the southerly boundary of Lot 2 and northerly from that southerly boundary. There is allowed to be constructed on Lot 2A a building within the Building Area of Lot 2A which building shall be of a footprint square footage not exceeding 10,000 square feet and 5,000 square feet if the building use is as a restaurant. The construction of the building on Lot 2A shall be as far south and as far east as Summit County Planning shall allow and the construction plans shall be subject to Smith's approval, which approval shall not be unreasonably withheld or delayed. The construction of this

building would additionally be subject to the regulations and authorizations of Summit County and the Summit County Planning Department.

(b) The building construction allowed in the Declaration of Covenants with regard to Lots 3 and 4 is amended to allow the construction on Lots 3 and 4 of three buildings in the location and of the maximum square footage size per floor shown on the plat attached hereto as Exhibit "B". Remaining restrictions concerning Lots 3 and 4 in the Declaration of Covenants are unchanged, and the construction herein granted is additionally subject to the regulations and authorizations of Summit County and the Summit County Planning Department.

(c) The authorizations granted in this Paragraph 2 of this Second Amendment constitute the specific approvals required by the Owners pursuant to Paragraph 3.03 of the Declaration of Covenants regarding the construction for Lot 2A and Lots 3 and 4.

3. The east connecting service drive shown on the Plat which is Exhibit "D" to the Declaration of Covenants is narrowed in width from the southerly and the westerly direction to an amended width of 25 feet. This amendment in this subparagraph is a result of requests by Summit County, and not requests by Lot Owners, nonetheless is consented to by the Owners hereby.

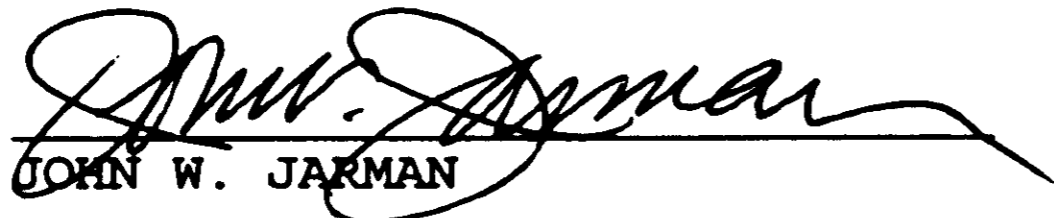
4. No portion of Lots 2A, 3 or 4 shall be used or permitted to be used for a supermarket or grocery store, or for the sale (other than "Incidental Sales") for off-premises consumption of groceries, meats, produce, bakery products (but not prohibiting a bagel store), prescription pharmaceuticals, video rentals or quick film development, or any of them. "Incidental Sales" shall mean such total sales as do not exceed 10% of the gross sales of the particular business.

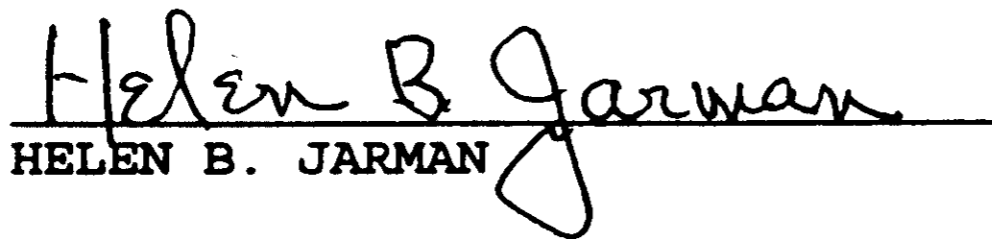
5. On Exhibit "D" to the Plat, in the northeasterly area of Lot 5 adjacent to the east connecting service drive is showed a retail area. It is currently contemplated that portions of this retail area be utilized as a post office. During such period of time as portions of that retail area are utilized as a post office and thereafter unless objected to, there shall be allowed a canopy overhang on the rear portion of the retail area onto the area constituting the east connecting service drive of no more than 10 feet over the roadway, which overhang shall allow for protection from rain, snow and moisture while trucks are loading and unloading from the rear of the retail area. The overhang shall be of a height as to not impede or prevent truck traffic over the entire east connecting service drive.

6. Article VII of the Declaration of Covenants contains sections concerning the management of the common areas of the Shopping Center. Wherever in that Article and throughout the Declaration of Covenants, GFI is appointed as the administrator or operator of the common areas of the

Shopping Center, GFI is deleted and the word "Manager" is inserted. Further, the "Manager" will be appointed by contract from time to time, which contract and which Manager will be selected by a vote of a majority of the Owners of property contained within the Shopping Center based upon square footage of land, but not including the square footage of any common areas, and so long as K-Mart is in existence in the Shopping Center and Smith's Food and Drug Center is in existence in the Shopping Center with the specific approval of K-Mart and Smith's.

7. Article XII of the Declaration of Covenants provides that amendment may be had upon approval of 100% of the Owners and Mortgagees of property constituting the subject land. All such owners and mortgagees are signator hereto. As specifically amended hereby, the Declaration of Covenants remains in full force and effect regarding the Shopping Center.

  
JOHN W. JARMAN

  
HELEN B. JARMAN

BAILEY & SONS COMPANY, a Utah corporation

By   
John W. Jarman, President

NEW YORK LIFE INSURANCE COMPANY

By \_\_\_\_\_  
Its \_\_\_\_\_

COMMERCIAL REAL ESTATE INVESTMENTS,  
L.C., a Utah limited liability  
company

By \_\_\_\_\_  
Lowell L. Leishman, Manager

O'BRIEN-KIERNAN INVESTMENT  
COMPANY, INC.

By \_\_\_\_\_  
Jana K. Sperring

SMITH'S FOOD & DRUG CENTERS,  
INC., a \_\_\_\_\_

By \_\_\_\_\_  
Its \_\_\_\_\_

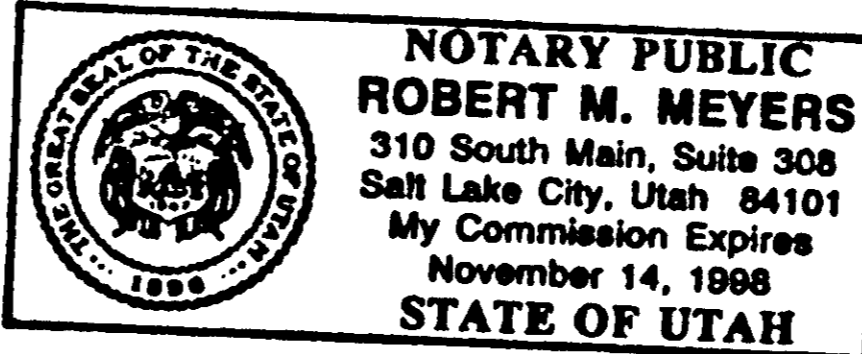
STATE OF UTAH )  
 ) ) ss.  
COUNTY OF UTAH )

SUBSCRIBED AND SWORN TO before me by John W. Jarman this 8<sup>TH</sup>  
day of SEPTEMBER, 1995.

1304 S. FOOTHILL DR  
NOTARY PUBLIC Residing at SLC, UT  
Salt Lake County, Utah 84108

My Commission Expires:

11-14-98



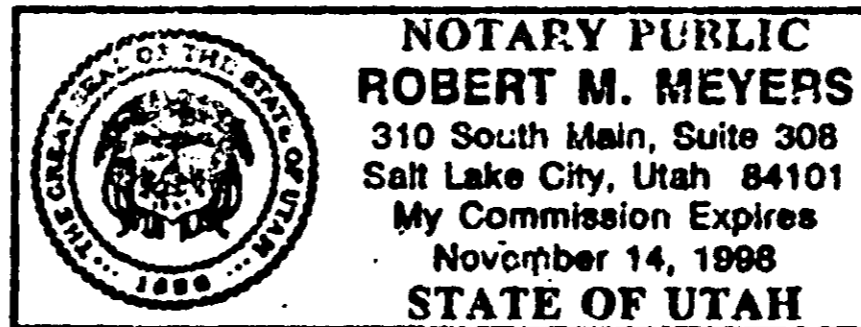
STATE OF UTAH )  
 ) ) ss.  
COUNTY OF UTAH )

SUBSCRIBED AND SWORN TO before me by Helen B. Jarman this 8<sup>TH</sup>  
day of SEPTEMBER, 1995.

1304 S. FOOTHILL DR  
NOTARY PUBLIC Residing at SLC, UT  
Salt Lake County, Utah 84108

My Commission Expires:

11-14-98



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

00441261 Bk00920 Pg00112

On the 8<sup>TH</sup> day of SEPTEMBER 1995, personally appeared before  
me John W. Jarman, who being by me duly sworn, did say that he is the  
President of Bailey & Sons Company, a corporation, and that the  
foregoing instrument was signed on behalf of said corporation by  
authority of its Bylaws or a resolution of its Board of Directors, and

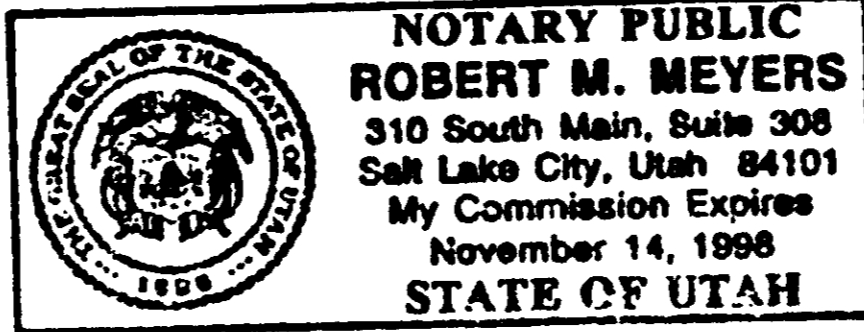
said John W. Jarman acknowledged to me that said corporation executed the same.

*Robert M. Meyers*  
NOTARY PUBLIC

Residing at: 1304 S. FOOTHILL DR

My Commission Expires:

11-14-98



*SLC, UT  
84108*

STATE OF UTAH )  
: ss.  
COUNTY OF SALT LAKE )

On the \_\_\_\_ day of \_\_\_\_\_, 1995, personally appeared before me \_\_\_\_\_, who being by me duly sworn, did say that he is the \_\_\_\_\_ of Smith's Food & Drug Centers, Inc., a corporation, and that the foregoing instrument was signed on behalf of said corporation by authority of its Bylaws or a resolution of its Board of Directors, and said \_\_\_\_\_ acknowledged to me that said corporation executed the same.

\_\_\_\_\_  
NOTARY PUBLIC  
Residing at: \_\_\_\_\_

My Commission Expires:

\_\_\_\_\_

STATE OF UTAH )  
: ss.  
COUNTY OF SALT LAKE )

00441261 Bk00920 Pg00113

On the \_\_\_\_ day of \_\_\_\_\_, 1995, personally appeared before me Lowell L. Leishman, who being by me duly sworn, did say that he is the Manager of Commercial Real Estate Investments, a limited liability company, and that the foregoing instrument was signed on

behalf of said company, and said Lowell L. Leishman acknowledged to me  
that said company executed the same.

\_\_\_\_\_  
NOTARY PUBLIC

Residing at: \_\_\_\_\_

My Commission Expires:

\_\_\_\_\_

0044 1261 Bk00920 Pg00114

Shopping Center, GFI is deleted and the word "Manager" is inserted. Further, the "Manager" will be appointed by contract from time to time, which contract and which Manager will be selected by a vote of a majority of the Owners of property contained within the Shopping Center based upon square footage of land, but not including the square footage of any common areas, and so long as K-Mart is in existence in the Shopping Center and Smith's Food and Drug Center is in existence in the Shopping Center with the specific approval of K-Mart and Smith's.

7. Article XII of the Declaration of Covenants provides that amendment may be had upon approval of 100% of the Owners and Mortgagees of property constituting the subject land. All such owners and mortgagees are signator hereto. As specifically amended hereby, the Declaration of Covenants remains in full force and effect regarding the Shopping Center.

\_\_\_\_\_  
JOHN W. JARMAN

\_\_\_\_\_  
HELEN B. JARMAN

BAILEY & SONS COMPANY, a Utah  
corporation

By \_\_\_\_\_  
John W. Jarman, President

NEW YORK LIFE INSURANCE COMPANY

O'BRIEN-KIERNAN INVESTMENT  
COMPANY, INC.

By \_\_\_\_\_  
Its \_\_\_\_\_

By \_\_\_\_\_  
Jana K. Sperring

COMMERCIAL REAL ESTATE INVESTMENTS,  
L.C., a Utah limited liability  
company

SMITH'S FOOD & DRUG CENTERS,  
INC., a \_\_\_\_\_

By *Lowell L. Leishman*  
Lowell L. Leishman, Manager

By \_\_\_\_\_  
Its \_\_\_\_\_

G:\PEGGY\JCH\DOCUMENT\MGA-PC.AMD  
June 29, 1995/3:48 pm  
4508.1

said John W. Jarman acknowledged to me that said corporation executed the same.

\_\_\_\_\_  
NOTARY PUBLIC  
Residing at: \_\_\_\_\_

My Commission Expires:  
\_\_\_\_\_

STATE OF UTAH            )  
                                  : ss.  
COUNTY OF SALT LAKE    )

On the \_\_\_\_ day of \_\_\_\_\_, 1995, personally appeared before me \_\_\_\_\_, who being by me duly sworn, did say that he is the \_\_\_\_\_ of Smith's Food & Drug Centers, Inc., a corporation, and that the foregoing instrument was signed on behalf of said corporation by authority of its Bylaws or a resolution of its Board of Directors, and said \_\_\_\_\_ acknowledged to me that said corporation executed the same.

\_\_\_\_\_  
NOTARY PUBLIC  
Residing at: \_\_\_\_\_

My Commission Expires:  
\_\_\_\_\_

STATE OF UTAH            )  
                                  : ss.  
COUNTY OF SALT LAKE    )

00441261 Bk00920 Pg00116

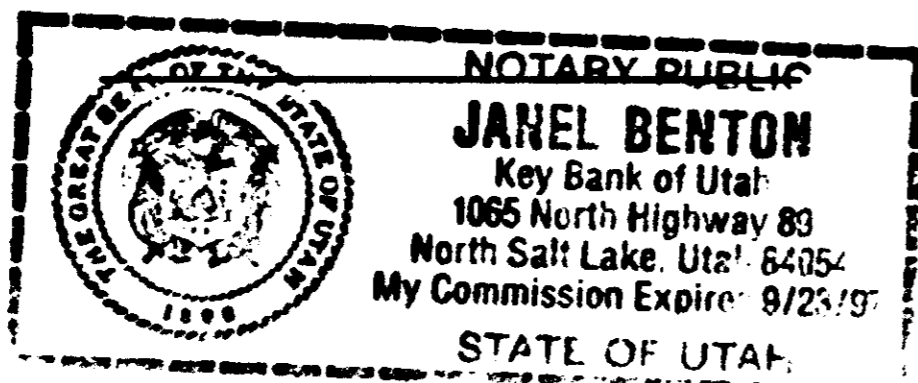
On the 13 day of Sept, 1995, personally appeared before me Lowell L. Leishman, who being by me duly sworn, did say that he is the Manager of Commercial Real Estate Investments, a limited liability company, and that the foregoing instrument was signed on



behalf of said company, and said Lowell L. Leishman acknowledged to me that said company executed the same.

Janel Benton  
NOTARY PUBLIC  
Residing at: North Salt Lake

My Commission Expires:



00441261 Bk00920 Pg00117

"GFI LAND"

"KMART PARCEL" or "LOT 1"

Beginning at the Northwest Corner of Section 19, Township 1 South, Range 4 East, Salt Lake Base and Meridian, Summit County, Utah; thence South 89°46'57" East 2667.41 feet, said point being North Quarter Corner of Section 19, Township 1 South, Range 4 East, Salt Lake Base and Meridian, Summit County, Utah; thence South 00°16'14" East 1173.67 feet along center section line of Section 19 to the true point of beginning.

Thence commencing from said true point of beginning; thence South 00°16'14" East 683.38 feet; thence South 89°43'46" West 676.33 feet; thence North 00°16'14" West 556.00 feet; thence North 89°43'46" East 336.50 feet; thence South 00°16'14" East 49.58 feet; thence North 89°43'46" East 162.77 feet; thence North 00°16'14" West 176.96 feet; thence North 89°43'46" East 177.06 feet to said true point of beginning, containing 8.96 acres, more or less.

00441261 Bk00920 Pg00118

EXHIBIT "A" /

"JARMAN LAND"

"FOOD MARKET PARCEL or LOT 2"

Beginning at the Northwest Corner of Section 19, Township 1 South, Range 4 East, Salt Lake Base and Meridian, Summit County, Utah; thence South 89°46'57" East 2667.41 feet, said point being North Quarter Corner of Section 19, Township 1 South, Range 4 East, Salt Lake Base and Meridian, Summit County, Utah; thence South 00°16'14" East 1857.05 feet along center section line of Section 19; thence South 89°43'46" West 676.33 feet to the true point of beginning.

Commencing at the true point of beginning, thence South 89°43'46" West 342.08 feet; thence North 00°16'14" West 941.57 feet to a point on the southerly right-of-way of the so-called East Frontage Road; thence South 89°17'51" East 254.16 feet to the beginning of a radial curve, concave to the north, having a radius of 555.87 feet; thence easterly along said curve 79.62 feet through a central angle of 08°12'25"; thence South 07°30'00" East 67.70 feet; thence South 00°16'14" East 133.92 feet; thence North 89°43'46" East 111.50 feet; thence South 00°16'14" East 184.53 feet; thence South 89°43'46" West 111.50 feet; thence South 00°16'14" East 556.00 feet to said true point of beginning, containing 7.84 acres, more or less.

00441261 Bk00920 Pg00119

EXHIBIT "B"

"JARMAN LAND" CONTINUED

"OUTLOT ONE PARCEL OF LOT 3"

Beginning at the Northwest Corner of Section 19, Township 1 South, Range 4 East, Salt Lake Base and Meridian, Summit County, Utah; thence South 89°46'57" East 2667.41 feet, said point being North Quarter Corner of Section 19, Township 1 South, Range 4 East, Salt Lake Base and Meridian, Summit County, Utah; thence South 00°16'14" East 1857.05 feet along center section of Section 19; thence South 89°43'46" West 1018.41 feet to the true point of beginning.

Commencing at the true point of beginning, thence South 89°43'46" West 95.87 feet; thence South 00°27'00" West 15.00 feet; thence North 89°33'00" West 82.91 feet; thence North 00°27'00" East 46.95 feet; thence North 89°33'00" West 22.10 feet; thence North 00°27'00" East 369.11 feet; thence North 89°43'46" East 195.46 feet; thence South 00°16'14" East 432.34 feet to said true point of beginning, containing 1.90 acres, more or less.

00441261 Bk00920 Pg00120

EXHIBIT "B" CONTINUED

"JARMAN LAND" CONTINUED

"RETAIL SHOPS PARCEL or LOT 5"

Beginning at the Northwest Corner of Section 19, Township 1 South, Range 4 East, Salt Lake Base and Meridian, Summit County, Utah; thence South 89°46'57" East 2667.41 feet, said point being North Quarter Corner of Section 19, Township 1 South, Range 4 East, Salt Lake Base and Meridian, Summit County, Utah; thence South 00°16'14" East 1173.67 feet along center section line of Section 19; thence South 89°43'46" West 177.06 feet to the true point of beginning.

Commencing at the true point of beginning, thence South 00°16'14" East 176.96 feet; thence South 89°43'46" West 162.77 feet; thence North 00°16'14" West 49.58 feet; thence South 89°43'46" West 225.00 feet; thence North 00°16'14" West 184.53 feet; thence North 89°43'46" East 28.36 feet; thence North 00°16'14" West 175.63 feet; thence North 18°15'57" West 61.05 feet to the beginning of a radial curve concave to the north having a radius of 555.87 feet; thence northeasterly along said curve 2.63 feet through a central angle of 00°16'16"; thence North 68°25'28" East 67.49 feet; thence South 18°15'57" East 119.57 feet; thence North 89°43'46" East 159.04 feet; thence South 30°16'14" East 233.93 feet to said true point of beginning, containing 2.93 acres, more or less.

00441261 Bx00920 Pg00121

EXHIBIT "B" CONTINUED

"JARMAN LAND" CONTINUED

"LOT 6"

Beginning at the Northwest Corner of Section 19, Township 1 South, Range 4 East, Salt Lake Base and Meridian, Summit County, Utah; thence South 89°46'57" East 2667.41 feet, said point being North Quarter Corner of Section 19, Township 1 South, Range 4 East, Salt Lake Base and Meridian, Summit County, Utah; thence South 00°16'14" East 752.13 feet; along center section line of Section 19 to the true point of beginning.

Commencing at the true point of beginning, thence South 00°16'14" East 218.95 feet; thence South 89°43'46" West 453.07 feet; thence North 18°15'57" West 119.57 feet; thence North 68°25'28" East 329.71 feet to the beginning of a radial curve concave to the south and having a radius of 251.48 feet; thence easterly along said curve 173.34 feet through a central angle of 39°29'32"; thence South 34°19'06" East 23.15 feet to the true point of beginning, containing 2.20 acres, more or less.

00441261 Bk00920 Pg00122

EXHIBIT "B" CONTINUED

"LOT 7"

Beginning at the Northwest Corner of Section 19, Township 1 South, Range 4 East, Salt Lake Base and Meridian, Summit County, Utah; thence South 89°46'57" East 2667.41 feet, said point being North Quarter Corner of Section 19, Township 1 South, Range 4 East, Salt Lake Base and Meridian, Summit County, Utah; thence South 00°16'14" East 1930.80 feet along center section line of Section 19 to the true point of beginning.

Commencing at the true point of beginning, thence South 00°16'14" East 2060.75 feet to the East Corner of the Southwest Quarter of Section 19, Township 1 South, Range 4 East, Salt Lake Base and Meridian, Summit County, Utah; thence South 89°46'27" West 1306.14 feet; thence North 00°27'00" East 2023.65 feet; thence North 89°43'46" East 755.85 feet; thence South 00°16'14" East 45.00 feet; thence North 89°43'46" East 150.00 feet; thence North 00°16'14" West 45.00 feet; thence North 89°43'46" East 70.00 feet; thence South 00°16'14" East 85.24 feet; thence North 68°00'00" East 328.15 feet to said true point of beginning, containing 59.81 acres, more or less.

00441261 Bk00920 Pg00123

EXHIBIT "E"

"JARMAN LAND" CONTINUED

"SOUTH ENTRY ROAD PARCEL"

Beginning at the Northwest Corner of Section 19, Township 1 South, Range 4 East, Salt Lake Base and Meridian, Summit County, Utah; thence South 89°46'57" East 2667.41 feet; said point being North Quarter Corner of Section 19, Township 1 South, Range 4 East, Salt Lake Base and Meridian, Summit County, Utah; thence South 00°16'14" East 1857.05 feet along center section line of Section 19; thence South 89°43'46" West 304.83 feet to the true point of beginning.

Commencing at the true point of beginning, thence South 00°16'14" East 110.00 feet; thence South 89°43'46" West 70.00 feet; thence North 00°16'14" West 40.00 feet; thence South 89°43'46" West 740.34 feet; thence South 00°27'00" West 15.00 feet; thence North 89°33'00" West 165.00 feet; thence North 00°27'00" East 100.00 feet; thence South 89°33'00" East 165.00 feet; thence South 00°27'00" West 15.00 feet; thence North 89°43'46" East 809.46 feet to said true point of beginning, containing 1.74 acres, more or less.

00441261 Bk00920 Pg00124

EXHIBIT "B" CONTINUED



"JARMAN LAND" CONTINUED

PARCEL "A"

Beginning at the Northwest Corner of Section 19, Township 1 South, Range 4 East, Salt Lake Base and Meridian, Summit County, Utah; thence South 89°46'57" East 2667.41 feet, said point being North Quarter Corner of Section 19, Township 1 South, Range 4 East, Salt Lake Base and Meridian, Summit County, Utah; thence South 00°16'14" East 1173.67 feet along center section line of Section 19; thence South 89°43'46" West 1114.29 feet; thence North 00°27'00" East 15.00 feet; thence North 89°33'00" West 82.91 feet to the true point of beginning.

Commencing at the true point of beginning, thence North 89°33'00" West 82.09 feet to a point on the easterly right-of-way of Utah Highway 224; thence North 00°27'00" East 517.64 feet; thence North 04°57'15" East 250.47 feet; thence North 07°04'10" West 151.37 feet; thence North 00°07'59" East 11.39 feet to the intersection of the U-224 right-of-way and the southerly right-of-way of the so-called East Frontage Road; thence South 89°17'51" East 59.15 feet; thence South 07°04'10" East 160.62 feet; thence South 04°57'15" West 254.43 feet; thence South 00°27'00" West 468.70 feet; thence South 89°33'00" East 22.10 feet; thence South 00°27'00" West 46.95 feet to said true point of beginning, containing 1.31 acres, more or less.

00441261 Bk00920 Pg00125

EXHIBIT "B" CONTINUED

"JARMAN LAND" CONTINUED

PARCEL "B"

Beginning at the Northwest Corner of Section 19, Township 1 South, Range 4 East, Salt Lake Base and Meridian, Summit County, Utah; thence South 89°46'57" East 2667.41 feet, said point being North Quarter Corner of Section 19, Township 1 South, Range 4 East, Salt Lake Base and Meridian, Summit County, Utah; thence South 00°16'14" East 1930.80 feet along center section line of Section 19; thence South 68°00'00" West 328.15 feet; thence North 00°16'14" West 85.24 feet; thence South 89°43'46" West 70.00 feet to the true point of beginning.

Commencing at the true point of beginning, thence South 00°16'14" East 45.00 feet; thence South 89°43'46" West 150.00 feet; thence North 00°16'14" West 45.00 feet; thence South 89°43'46" West 755.85 feet; thence North 00°27'00" East 27.08 feet; thence South 89°33'00" 165.00 feet; thence North 00°27'00" East 15.00 feet; thence North 89°43'46" East 740.34 feet; thence South 00°16'14" East 40.00 feet to said true point of beginning, containing 0.93 acres, more or less.

00441261 Bk00920 Pg00126

EXHIBIT "B" CONTINUED

"JARMAN LAND" CONTINUED

PARCEL "C"

Beginning at the Northwest Corner of Section 19, Township 1 South, Range 4 East, Salt Lake Base and Meridian, Summit County, Utah; thence South 89°46'57" East 2667.41 feet, said point being North Quarter Corner of Section 19, Township 1 South, Range 4 East, Salt Lake Base and Meridian, Summit County, Utah; thence South 00°16'14" East 1173.67 feet along center section line of Section 19 to the true point of beginning.

Commencing at the true point of beginning, thence South 00°16'14" East 73.75 feet; thence South 68°00'00" West 328.15 feet; thence North 00°16'14" West 195.24 feet; thence North 89°43'46" East 304.83 feet to said true point of beginning, containing 0.94 acres, more or less.

00441261 Bk00920 Pg00127

EXHIBIT "B" CONTINUED

"JARMAN LAND" CONTINUED

PARCEL "D"

Beginning at the Northwest Corner of Section 19, Township 1 South, Range 4 East, Salt Lake Base and Meridian, Summit County, Utah; thence South 89°46'57" East 2667.41 feet, said point being North Quarter Corner of Section 19, Township 1 South, Range 4 East, Salt Lake Base and Meridian, Summit County, Utah; thence South 00°16'14" East 971.08 feet along center section line of Section 19 to the true point of beginning.

Commencing at the true point of beginning, thence South 00°16'14" East 202.59 feet; thence South 89°43'46" West 177.06 feet; thence North 30°16'14" West 233.93 feet; thence North 89°43'46" East 294.03 feet to said true point of beginning, containing 1.09 acres, more or less.

00441261 Bk00920 Pg00128

EXHIBIT "B" CONTINUED

**"JARMAN LAND" CONTINUED**

**PARCEL "E"**

Beginning at the Northwest Corner of Section 19, Township 1 South, Range 4 East, Salt Lake Base and Meridian, Summit County, Utah; thence South 89°46'57" East 2667.41 feet, said point being North Quarter Corner of Section 19, Township 1 South, Range 4 East, Salt Lake Base and Meridian, Summit County, Utah; thence South 00°16'14" East 1173.67 feet along center section line of Section 19; thence South 89°43'46" West 676.33 feet; thence North 00°16'14" West 740.53 feet to the true point of beginning.

Thence commencing from said true point of beginning, thence North 00°16'14" West 133.92 feet; thence North 07°30'00" West 67.70 feet to a point on a radial curve along the southerly right-of-way line of the so-called East Frontage Road, said curve being concave to the north and having a radius of 555.87 feet; thence easterly along said curve 133.88 feet through a central angle of 13°48'00" thence South 18°15'57" East 61.05 feet; thence South 00°16'14" East 175.63 feet; thence South 89°43'46" West 139.86 feet to said true point of beginning, containing 0.69 acres, more or less.

00441261 Bk00920 Pg00129

**EXHIBIT "B" CONTINUED**

"JARMAN LAND" CONTINUED

"OUTLOT TWO PARCEL or LOT 4"

Beginning at the Northwest Corner of Section 19, Township 1 South, Range 4 East, Salt Lake Base and Meridian, Summit County, Utah; thence South 89°46'57" East 2667.41 feet, said point being North Quarter Corner of Section 19, Township 1 South, Range 4 East, Salt Lake Base and Meridian, Summit County, Utah; thence South 00°16'14" East 1857.05 feet along center section of Section 19; thence South 89°43'46" West 1018.41; thence North 00°16'14" West 432.34 feet to the true point of beginning.

Commencing at the true point of beginning, thence South 89°43'46" West 195.46 feet; thence North 00°27'00" East 99.59 feet; thence North 04°57'15" East 254.43 feet; thence North 07°04'10" West 160.62 feet to a point on the southerly right-of-way of the so-called East Frontage Road; thence South 89°17'51" East 190.08 feet; thence South 00°16'14" East 509.23 feet to said true point of beginning, containing 2.16 acres, more or less.

0044 1261 Bk00920 Pg00130

EXHIBIT "B" CONTINUED

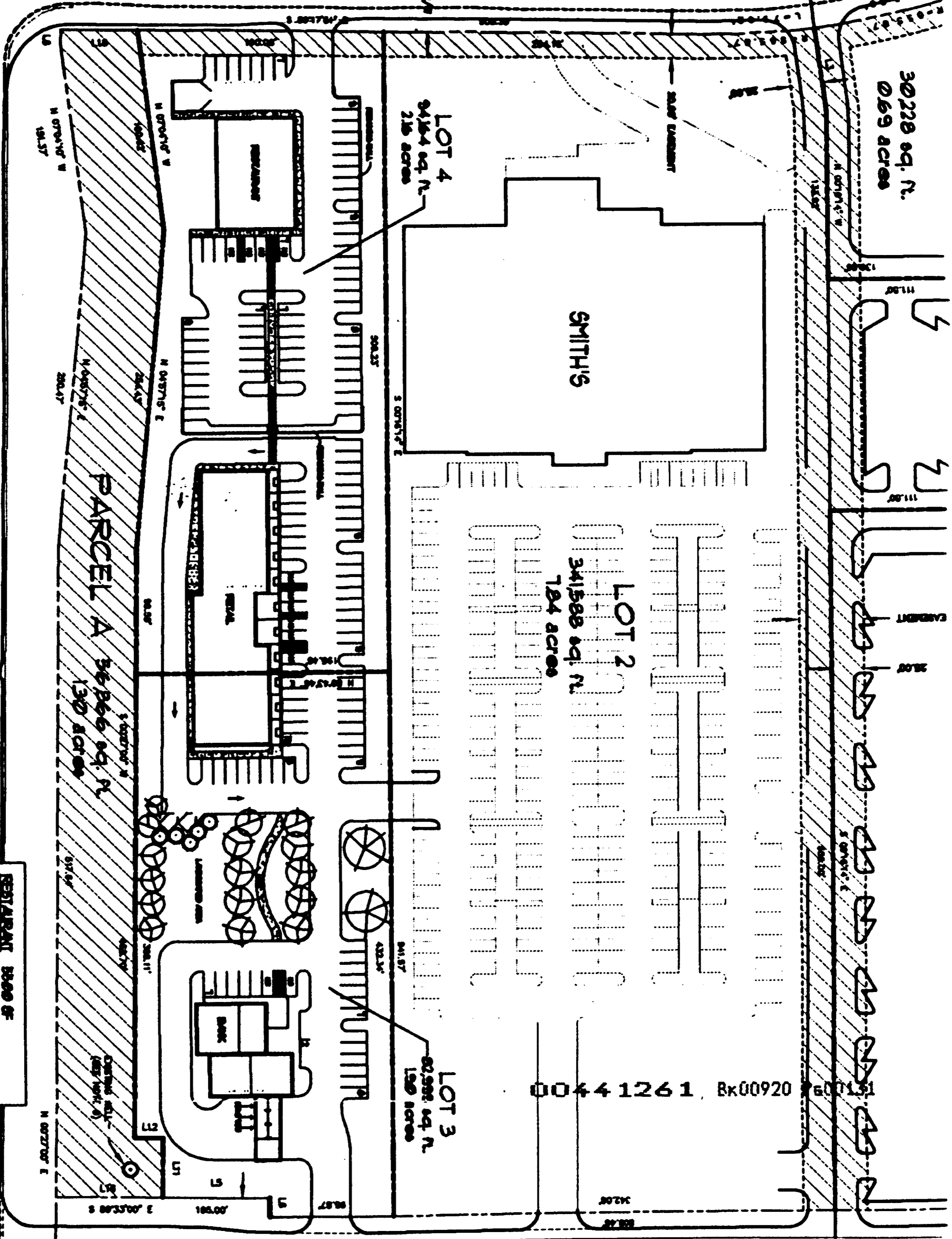
JACK W. & HELEN B. JARMAN

EXHIBIT "B"

EAST FRONTAGE ROAD

STATE HIGHWAY 224

SCHEMATIC SITE PLAN



|                  |           |           |
|------------------|-----------|-----------|
| RESTAURANT       | 15,000 SF | 55 STALLS |
| PARKING REQUIRED |           | 63 STALLS |
| PARKING PROVIDED |           | 63 STALLS |
| RETAIL           | 10,000 SF | 40 STALLS |
| PARKING REQUIRED |           | 54 STALLS |
| PARKING PROVIDED |           | 54 STALLS |
| PARK             | 4,000 SF  | 5 STALLS  |
| PARKING REQUIRED |           | 22 STALLS |
| PARKING PROVIDED |           | 22 STALLS |

0044 1261, Bk00920

**a/c architecture**

331 1/2 grade cove 310 east lake city, utah 84101

telephone 801-530-1788 fax 801-530-1287

KIMBALL JUNCTION  
PARK CITY, UTAH

9494