

RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:  
**Woodside Homes Corporation**  
Attn: Post Closing Dept.  
39 E. Eagleridge Drive, #100  
North Salt Lake, UT 84054

10110060  
5/24/2007 8:04:00 AM \$12.00  
Book - 9468 Pg - 3358-3359  
Gary W. Ott  
Recorder, Salt Lake County, UT  
US TITLE OF UTAH  
BY: eCASH, DEPUTY - EF 2 P.

U.S. Title Order # SL26082SG

**Memorandum of Covenant of Use During Occupancy Period and Lien**

This Memorandum of Covenant of Use During Occupancy Period and Lien (the "Memorandum") is made this 18 day of May, 2007, by and between Mary Deborah Don, Lacey Rae Maldonado ("Buyer") and OQUIRRH HIGHLANDS CONDOMINIUMS, LLC ("Seller").

Buyer and Seller have entered into that certain Purchase Agreement dated July 12, 2006, and all addenda thereto (the "Purchase Agreement") for the property located in the County of SALT LAKE, State of Utah, more particularly described as:

UNIT B in Building 213, contained within PHASE 2, PLAT D, OQUIRRH HIGHLANDS CONDOMINIUMS, an expandable Utah condominium project, as the same is identified in the Condominium Plat recorded in Salt Lake County, Utah as Entry No. 8973882 in Book 2004P at Page 33 of the official records of the County Recorder of Salt Lake County, Utah (as said Condominium Plat may have heretofore been amended or supplemented) and in the Declaration of Condominium of OQUIRRH HIGHLANDS CONDOMINIUMS, an expandable Utah condominium project recorded in Salt Lake County, Utah as Entry No. 8973883 in Book 8943 at Page 5656 of the official records of the County Recorder of Salt Lake County, Utah (as said Declaration may have heretofore been supplemented), together with an undivided percentage of ownership interest in the common areas and facilities.

TAX ID: 20-23-354-118-0000 (the "Property").

1. Pursuant to the terms of the Purchase Agreement, and in order to induce Seller to convey the Property to Buyer, Buyer has agreed that if Buyer sells, leases, or otherwise transfers (a "Transfer") the Property prior to one year after the close of escrow to Buyer (the "Occupancy Period"), Buyer shall be obligated to pay Seller certain sums as described in the Purchase Agreement. Subject to the terms of the Purchase Agreement, such sums shall be payable out of the proceeds of any sale that closes during the Occupancy Period and this Memorandum shall constitute a lien to secure Seller's rights herein.
2. Notwithstanding the foregoing, unless Seller has provided Buyer written notice of its claim hereunder, all rights and duties under this Memorandum shall automatically terminate on the date which is two years after the original close of escrow to Buyer, with no further action required by either Buyer or Seller, and without regard to whether a Transfer occurred during the Occupancy Period.
3. Seller and Buyer hereby agree that a violation of the Covenants herein by either party shall not invalidate or defeat the lien of any first mortgage or deed of trust made in good faith and for value, and the Covenants and provisions of the Memorandum and of the Agreement shall be

inferior and subordinate to the lien of any such first mortgage or deed of trust recorded concurrently with the deed conveying the Property to Buyer.

This Memorandum has been executed this 18 day of May, 2007.

Buyer(s):

CONDOMINIUMS, LLC

Mary Deborah Don  
Mary Deborah Don

Lacey Rae Maldonado  
Lacey Rae Maldonado

Seller(s):

OQUIRRH HIGHLANDS

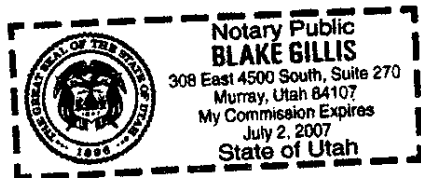
Cheryl Tarbet  
By Cheryl Tarbet, Closing Crdntr

STATE OF UTAH )

: ss.

County of Davis )

On the 18<sup>th</sup> day of May, 2007, before me, the undersigned, a notary public, personally appeared Mary Deborah Don and Lacey Rae Maldonado, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.



Residing in:

State of Utah )

:ss

County of Davis )

Blake Gillis  
Notary Public

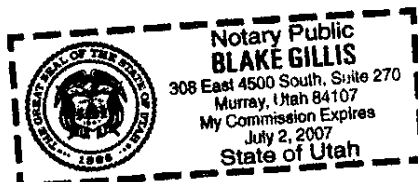
My Commission Expires:

7-2-2007

On the 18<sup>th</sup> day of May, 2007, personally appeared before me Cheryl Tarbet, who being by me duly sworn did say, that she, the said Cheryl Tarbet is the Closing Coordinator of OQUIRRH HIGHLANDS CONDOMINIUMS, LLC, a Utah limited liability Company and that the within and foregoing instrument was signed on behalf of said Limited Company by authority of its Articles of Organization and each duly acknowledged to me that said Limited Company executed the same.

My Commission Expires: 7-2-2007

Residing at: Sent Lane



Cheryl Tarbet  
Notary Public