

0

When recorded return to:

Stephen K. Christensen
Nelson Christensen & Helsten
68 South Main Street, 6th Floor
Salt Lake City, Utah 84101

10554765
11/4/2008 9:03:00 AM \$26.00
Book - 9656 Pg - 3664-3672
Gary W. Ott
Recorder, Salt Lake County, UT
INTEGRATED TITLE INS. SERVICES
BY: eCASH, DEPUTY - EF 9 P.

FIRST AMENDMENT TO CONSTRUCTION, OPERATION AND RECIPROCAL EASEMENT AGREEMENT

THIS FIRST AMENDMENT TO CONSTRUCTION, OPERATION AND RECIPROCAL EASEMENT AGREEMENT ("Amendment") is entered into as of the 12 day of September, 2008 by and between HARVEST VILLAGE CORP., a Utah corporation ("Developer"), RH RETAIL, LLC, a Utah limited liability company ("RH Retail") and COSTCO WHOLESALE CORPORATION ("Costco").

WHEREAS Developer and Costco entered into a Construction, Operation and Reciprocal Easement Agreement dated September 14, 2007 and recorded as Entry No. 10222869 in the Official Records of Salt Lake County, Utah (the "OEA"); and

WHEREAS RH Retail owns a certain parcel of property which is adjacent to the Developer Parcels and the Costco Parcel (the "**RH Retail Parcel**"), which parcel is more particularly described on Exhibit "A" hereto; and

WHEREAS Developer and Costco desire to amend the OEA to specifically include the RH Retail Parcel.

NOW THEREFORE, the parties agree as follows:

1. **RH Retail.** RH Retail is hereby added as a party to the OEA and shall be bound as an Owner by all of the obligations under the OEA.
2. **RH Retail Parcel.** The OEA is hereby amended to include the RH Retail Parcel. The RH Retail Parcel shall be included as a Parcel as defined in the OEA and shall be subject to all of the terms and conditions set forth in the OEA.
3. **Exhibits.** Exhibits B-1 and B-2 are hereby supplemented by Exhibits B-1(a) and B-2(a) attached hereto.

Except as set forth in this Amendment, all other terms contained in the OEA remain in full force and effect.

[Signature Page Follows]

IN WITNESS WHEREOF the parties have executed this Amendment as of the day and date first set forth above.

HARVEST VILLAGE CORP.
a Utah corporation

COSTCO WHOLESALE CORPORATION
a Washington corporation

Barrett Peterson
By: Barrett Peterson
Its: Managing Member

By: _____
Its: _____

RH RETAIL, LLC
a Utah limited liability company

Ron S. Jones
By: Ron S. Jones
Its: Manager

CONSENT

The undersigned, having an interest in the Developer Parcels, hereby consent to the foregoing First Amendment.

Ronnie Jones
Ruth S. Jones
Ruth S. Jones, Trustee of the
Kenneth L. Jones Trust

RJ Kenneth L. Jones Trust
~~RUTH S. JONES FAMILY TRUST~~
Ronnie Jones
Ruth S. Jones
Ruth S. Jones, Trustee

RUTH S. JONES FAMILY PARTNERSHIP

Ronnie Jones
Ronnie Jones, General Partner

IN WITNESS WHEREOF the parties have executed this Amendment as of the day and date first set forth above.

HARVEST VILLAGE CORP.
a Utah corporation

By: Ryan Peterson
Its: PRESIDENT

COSTCO WHOLESALE CORPORATION
a Washington corporation

By: RICHARD J. OLIN
Its: V.P./Asst. Secretary

RH RETAIL, LLC
a Utah limited liability company

By: Paul J. Thompson
Its: Manager

CONSENT

The undersigned, having an interest in the Developer Parcels, hereby consent to the foregoing First Amendment.

Ruth S. Jones, Trustee of the
Kenneth L. Jones Trust

RUTH S. JONES FAMILY TRUST

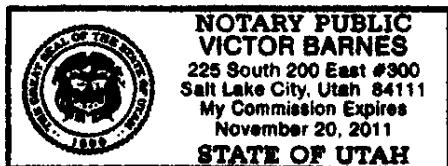
Ruth S. Jones, Trustee

RUTH S. JONES FAMILY PARTNERSHIP

Ronnie Jones, General Partner

STATE OF UTAH
COUNTY OF SALT LAKE

This instrument was acknowledged before me on the 5th day of November, 2008,
by Ryan Peterson, as President of HARVEST VILLAGE
CORP.



Victor Barnes
Notary Public

STATE OF WASHINGTON
COUNTY OF KING

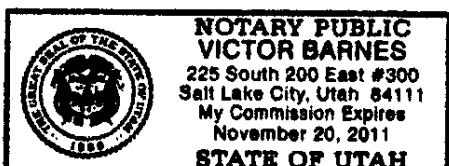
This instrument was acknowledged before me on the 17th day of October, 2008,
by Richard J. Olin, as Vice President, Secretary of COSTCO
WHOLESALE CORPORATION.



Teri L. Finney
Notary Public TERI L. Finney

STATE OF UTAH
COUNTY OF SALT LAKE

This instrument was acknowledged before me on the 30th day of October, 2008,
by Paul Stringham, as Manager of RH RETAIL, LLC.



Victor Barnes
Notary Public

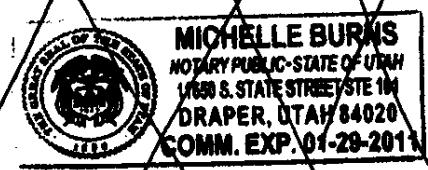
STATE OF UTAH
COUNTY OF SALT LAKE

This instrument was acknowledged before me on the _____ day of _____, 2008,
by RUTH S. JONES as Trustee of the KENNETH L. JONES TRUST and as Trustee of the RUTH S.
JONES FAMILY TRUST.

Notary Public

STATE OF UTAH
COUNTY OF SALT LAKE

This instrument was acknowledged before me on the 12th day of September, 2008,
by CORP. as of HARVEST VILLAGE




Michelle Burns
Notary Public

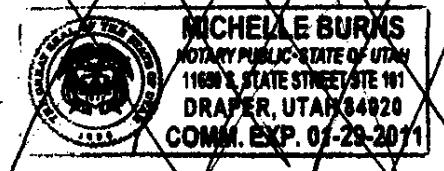
STATE OF WASHINGTON
COUNTY OF KING

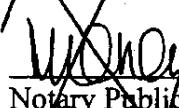
This instrument was acknowledged before me on the _____ day of _____, 2008,
by _____ as _____ of COSTCO
WHOLESALE CORPORATION.


Notary Public

STATE OF UTAH
COUNTY OF SALT LAKE

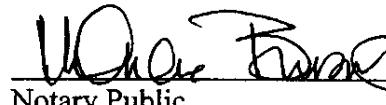
This instrument was acknowledged before me on the 12th day of September, 2008,
by _____ as of RH RETAIL, LLC.

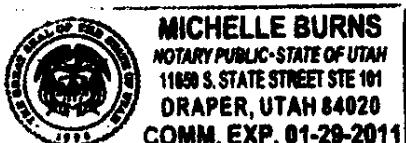



Michelle Burns
Notary Public

STATE OF UTAH
COUNTY OF SALT LAKE

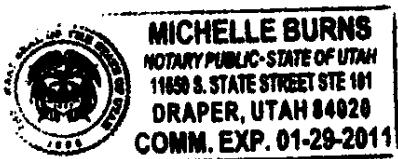
This instrument was acknowledged before me on the 12th day of September, 2008,
by RUTH S. JONES as Trustee of the KENNETH L. JONES TRUST and as Trustee of the RUTH S.
JONES FAMILY TRUST.


Ruth S. Jones
Notary Public



STATE OF UTAH
COUNTY OF SALT LAKE

This instrument was acknowledged before me on the 12th day of September, 2008,
by RONNIE JONES, General Partner of RUTH J. JONES FAMILY PARTNERSHIP.



Michelle Burns

Notary Public

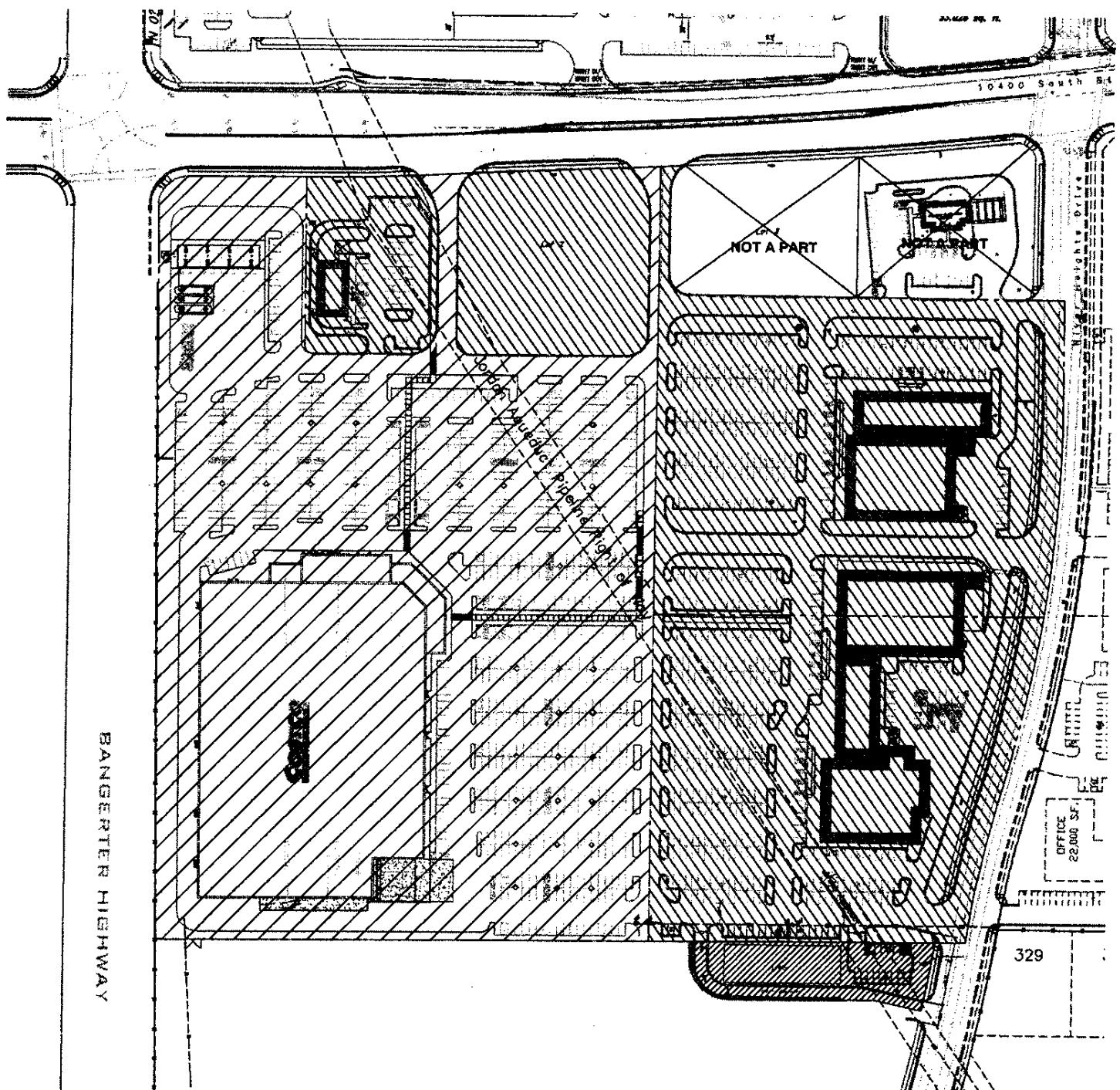
EXHIBIT "A"
Legal Description - RH Retail Parcel

Beginning at a point on the south line of Harvest Village at South Jordan Subdivision Phase 1, as found and on file at the Salt Lake County Recorders Office, Book 2007, Page 367, said point being South $0^{\circ}08'50''$ East 26.58 feet along the Quarter Section line and being the east line of the Bangerter Highway and North $89^{\circ}57'07''$ East 774.91 feet along the south line of said Harvest Village at South Jordan Subdivision Phase 1 from the Center of Section 17, Township 3 South, Range 1 West, Salt Lake Base and Meridian, and running: thence North $89^{\circ}57'07''$ East 356.47 feet along the south line of said Harvest Village at South Jordan Subdivision Phase 1 to a point on the west line of River Heights Drive; thence Southwesterly 100.95 feet along the arc of a 2948.00 foot radius curve to the right (center bears North $79^{\circ}34'54''$ West and the long chord bears South $11^{\circ}23'57''$ West 100.95 feet with a central angle of $1^{\circ}57'43''$) along the west line of said River Heights Drive; thence North $77^{\circ}35'19''$ West 73.88 feet; thence North $89^{\circ}57'07''$ East 208.29 feet; thence Southeasterly 87.96 feet along the arc of a 56.00 foot radius curve to the right (center bears North $00^{\circ}02'53''$ East and the chord bears North $45^{\circ}02'53''$ West 79.20 feet with a central angle of $90^{\circ}00'00''$); thence North $00^{\circ}22'40''$ East 26.16 feet to the point of beginning.

Pt 27-17-400-029

Contains 28,846 square feet or 0.66 acres.

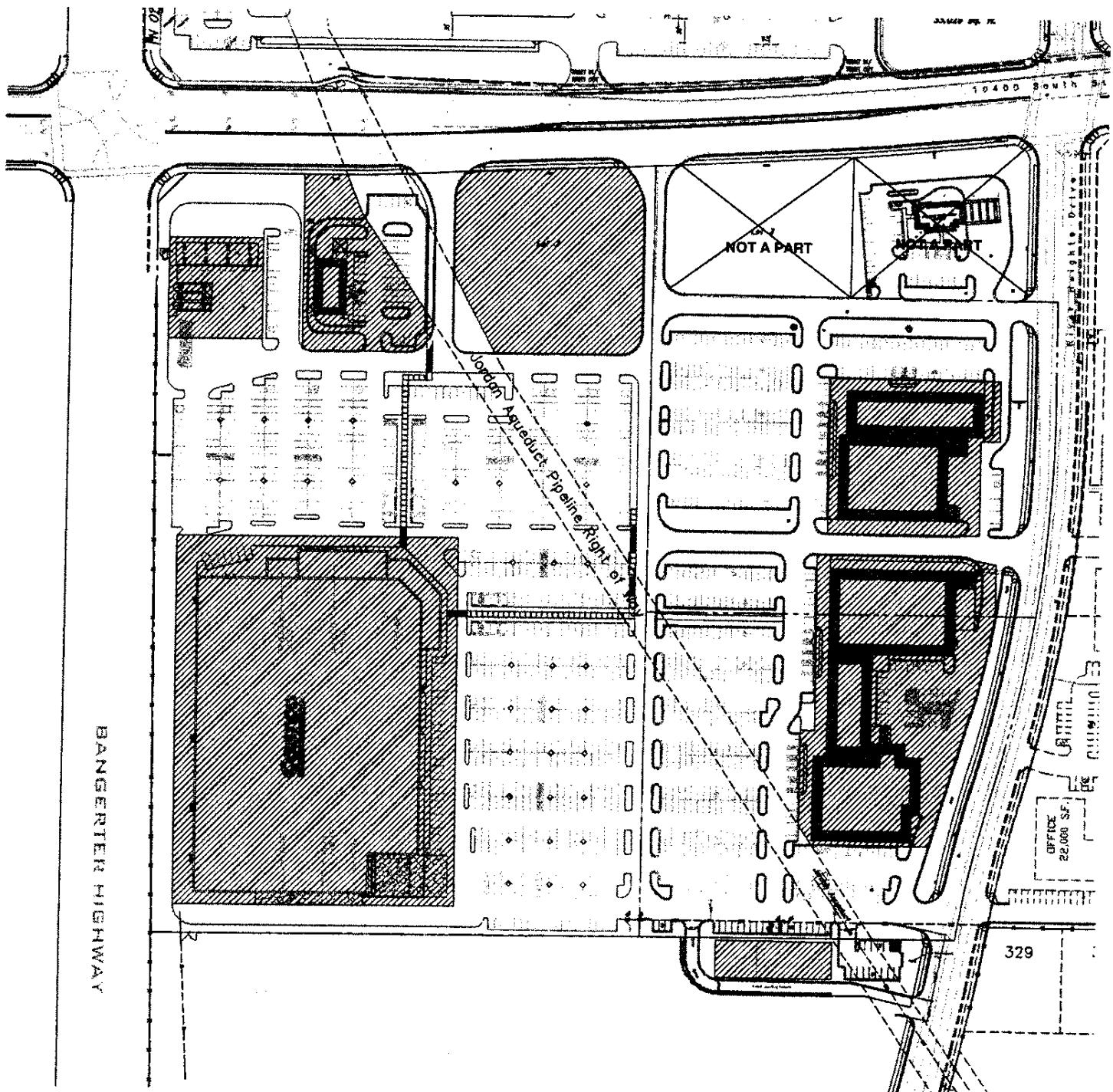
Exhibit "B-1(a)"



- Costco Parcel
- Developer Parcels
- RH Retail Parcel

↑North
Scale: 1"=200'

Exhibit "B-2(a)"



Buildable Areas

↑ North
Scale: 1" = 200'