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REC'D FOR FIRST AMERICAN TITLE CO OF UTA

CROSS-EASEMENT DECLARATION

THIS CROSS-EASEMENT DECLARATION is made this 16<sup>th</sup> day of February, 1994, by AVALON PROPERTIES, L.C., a Utah limited liability company (hereinafter referred to as "AVALON"), the owner of the property hereinafter described:

WHEREAS, AVALON is the owner of the real property located in Davis County, State of Utah, described as follows:

Part of the Northwest quarter of Section 34, Township 4 North, Range 1 West, Salt Lake Base and Meridian described as follows:

11-100-0044

Beginning on the Easterly right-of-way line of State Highway 106 at a point which is North 46°25' West 703.50 feet and North 75°10' West 249.27 feet from the Southwest corner of Block 17, Plat D, Kaysville Townsite Survey, part of which lies in Section 34, Township 4 North, Range 1 West, Salt Lake Base and Meridian, and running thence North 75°10'00" West 35.36 feet along the said Easterly right-of-way line; thence North 43°35'00" East 159.67 feet; thence North 75°10'00" West 478.29 feet to the Southeasterly line of 600 North Street; thence North 14°12'00" East 43.64 feet along said Southeasterly line to a point of curve; thence Northeasterly 275.94 feet along an 1132.00 foot radius curve to the right to a point of reverse curve (radius point bears North 61°50'00" West); thence Northeasterly 190.31 feet along a 431.36 foot radius curve to the left to a point of reverse curve (radius point bears South 87°06'39" East); thence Northeasterly 143.26 feet along a 255.51 foot radius curve to the right to a point (radius point bears South 54°59'09" East) on said curve; thence South 43°14'00" East 725.47 feet; thence South 43°35'00" West 459.96 feet to the point of beginning (hereinafter referred to as "Parcel A"); and

D-8015

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WHEREAS, AVALON is also the owner of the real property located in Davis County, State of Utah, described as follows:

Part of the Northwest quarter of Section 34, Township 4 North, Range 1 West, Salt Lake Base and Meridian described as follows:

Beginning on the Easterly right-of-way line of State Highway 106 at a point which is North 46°25' West 703.50 feet and North 75°10' West 423.99 feet along said Easterly line from the Southwest corner of Block 17, Plat D, Kaysville Townsite Survey, part of which lies in Section 34, Township 4 North, Range 1 West, Salt Lake Base and Meridian, and running thence North 75°10'00" West 260.58 feet to the Southerly line of 600 North Street; thence North 14°12'00" East 140.00 feet along said Southerly line; thence South

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75° 10'00" East 262.13 feet; thence South 14° 50'00" West 139.99 feet to the point of beginning (hereinafter referred to as "Parcel B"); and

WHEREAS, AVALON desires that the owners and users of Parcel A shall have an easement across a portion of Parcel B and that the owners and users of Parcel B shall have an easement across a portion of Parcel A, both for the present and in the event of a separation of use or of title to Parcel A and Parcel B;

NOW, THEREFORE, AVALON hereby declares that the owners of Parcel A shall have an easement for ingress to and egress from Parcel A, for the benefit of themselves, their tenants, customers, guests and invitees, and the customers, guests and invitees of their tenants, over the following described portion of Parcel B:

Beginning at a point on the Easterly line of State Highway 106 at a point which is North 46° 25'00" West 703.50 feet and North 75° 10'00" West 423.99 feet from the Southwest corner of Block 17, Plat "D", Kaysville Townsite Survey, a part of which lies in Section 34, Township 4 North, Range 1 West, Salt Lake Base and Meridian, and running thence North 75° 10'00" West 30.00 feet along said Easterly line; thence North 14° 50'00" East 139.99 feet; thence South 75° 10'00" East 30.00 feet; thence South 14° 50'00" West 139.99 feet to the point of beginning.

FURTHER, AVALON hereby declares that the owners and users of Parcel B shall have an easement for ingress to and egress from Parcel B, and the non-exclusive right to park vehicles within, so long as a 30 feet wide driveway is left open for ingress to and egress from both Parcel A and B, for the benefit of themselves, their tenants, customers, guests and invitees, and the customers, guests and invitees of their tenants, over the following described portion of Parcel A:

Beginning at a point on the Easterly line of State Highway 106 at a point which is North 46° 25'00" West 703.50 feet and North 75° 10'00" West 249.27 feet from the Southwest corner of Block 17, Plat "D", Kaysville Townsite Survey, a part of which lies in Section 34, Township 4 North, Range 1 West, Salt Lake Base and Meridian, and running thence North 75° 10'00" West 35.36 feet along said Easterly right-of-way line; thence North 43° 35'00" East 159.67 feet; thence North 75° 10'00" West 478.29 feet to the Southeasterly line of 600 North Street; thence North 14° 12'00" East 43.64 feet along said Southeasterly line to a point of curve; thence Northeasterly 21.36 feet along an 1132.00 foot radius curve to the right to a point (radius point bears South 74° 43'08" East) on said curve; thence South 75° 10'00" East 549.83 feet; thence South 43° 35'00" West 233.81 feet to the point of beginning.

FURTHER, AVALON declares that the owner of Parcel A and the owner of Parcel B shall each be responsible to pay one-half of the costs of repairs, maintenance and upkeep, including snow removal, of these easements.

IN WITNESS WHEREOF, AVALON has caused the name of its duly authorized members to be signed hereunder.


AVALON PROPERTIES, L.C.,  
a Utah limited liability company

By *Harden W. Breinholt*  
Harden W. Breinholt, Member

By *Keith Romney, Jr.*  
Keith Romney, Jr., Member

STATE OF UTAH            )  
                                  ) ss.  
County of Salt Lake    )

On the 11<sup>th</sup> day of February, 1994, personally appeared before me HARDEN W. BREINHOLT and KEITH ROMNEY, JR., known to me to be the members of AVALON PROPERTIES, L.C., a Utah limited liability company, signers of the foregoing instrument, who duly acknowledged to me that they executed the same as Members of AVALON PROPERTIES, L.C.

 Notary Public  
CINDI HART  
185 South State St. #1300  
Salt Lake City, Utah 84111  
My Commission Expires  
April 23, 1995

*Cindi Hart*  
NOTARY PUBLIC