

SERIAL # 12-142-0035

08/14/90 15:53 FAX 801 827 4800

ASSO.TITLE OGDEN

0003/012

MAIL: AUTOZONE, INC.
DEPARTMENT 4040
3030 POPLAR AVENUE
MEMPHIS, TENNESSEE 38111

E# 1111828 BK1582 PG0929
DOUG CROFTS, WEBER COUNTY RECORDER
19-JUN-90 447 PM FEE \$22.00 DEP MH
REC FOR: ASSOCIATED_TITLE

PLATTED

VERIFIED

~~INDEXED~~

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DECLARATION OF EASEMENTS

THIS DECLARATION OF EASEMENTS is made and entered into this 1st day of JUNE, 1990, by and between AUTOZONE, INC., a Delaware corporation, hereinafter called AUTOZONE, WILLIAM L. STEPHENS, JR., of Weber County, Utah, hereinafter called STEPHENS and DREAM HOUSE, INCORPORATED, a Utah corporation, hereinafter called DREAM HOUSE, Declarants.

W I T N E S S E T H:

WHEREAS, each of Declarants are the owners of parcels of real property situate in Weber County, State of Utah, as follows:

AUTOZONE owns Parcel A as described at the attached Exhibit A.

STEPHENS owns Parcel B as described at the attached Exhibit B.

DREAM HOUSE owns Parcel C as described at the attached Exhibit C; and

WHEREAS, the Declarants have commenced or in the future shall commence the development of their various parcels, including the construction of buildings and utility structures; and

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WHEREAS, each of Declarants desire to establish and to have established, for their joint use and benefit, certain easements and rights-of-way as provided for hereinafter.

NOW, THEREFORE, in consideration of the premises, the sum of TEN (\$10.00) DOLLARS each paid to the other, the receipt whereof is hereby acknowledged and the covenants and conditions herein contained, and other good and valuable consideration, it is hereby agrees as follows:

The Declarants hereby reserve to themselves and grant to each other the easements and rights-of-way as provided for hereinafter, which shall inure to the benefit of and be a burden on the Declarants, their successors and assigns and shall be appurtenant to and for the benefit of and a burden on Parcels A, B, and C aforesaid and shall run with the land.

The easements and rights-of-way are not for the public, as such, but are for the use of Declarants, their tenants, customers, patrons, suppliers, business guests, invitees and employees.

UTILITY DRAINAGE AND LANDSCAPING

Described as follows, to-wit:

Being 7.5 feet either side of the following described centerline:

E# 111828 8K1582 PG931

Beginning at a point 192.5 feet South 89 degrees 32'09" East from the Northwest corner of the Southwest Quarter of said Northwest Quarter of Section 24, Township 5 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey; running thence South 0 degrees 27'51" West 142.00 feet.

for installation and maintenance of all utilities, including but not restricted to water, sewer, gas, electrical and telephone and for drainage of the respective properties. The surface shall be timely landscaped and maintained by AUTOZONE at its cost and expense. Provided, however, the costs and expenses of installation of any utility and repair of the surface shall be borne by the one for whose benefit the utility was installed.

PARKING, UTILITY, DRAINAGE AND LANDSCAPING

Described as follows:

Beginning at a point on the East boundary line at 1900 West Street being 142.00 feet South 0 degrees 27'51" West along the Section line and 50.00 feet South 89 degrees 32'09" East from the Northwest corner of the Southwest Quarter of said Northwest Quarter; running thence South 89 degrees 32'09" East 150.00 feet; thence South 0 degrees 27'51" West 17.75 feet; thence North 89 degrees 32'09" West 150.00 feet to the East boundary line of 1900 West Street; thence North 0 degrees 27'51" East 17.75 feet along said East line to the point of beginning.

E# 1111828 BK1582 PG932

for the installation and maintenance of all utilities, including but not restricted to water, sewer, gas, electrical and telephone and for drainage of the respective properties. The surface shall be timely maintained by AUTOZONE at its cost and expense. Provided, however, the costs and expenses of installation of any utility and repair of the surface shall be borne by the one for whose benefit the utility was installed.

AUTOZONE, at its cost and expense, shall timely construct and maintain the surface for parking of vehicles, a 25 foot driveway and landscaping areas consisting of the West 25 feet and the East 15 feet. AUTOZONE shall have the exclusive right to 50% of the parking area.

ROADWAY AND UTILITIES

Described as follows:

09-142-0034 ✓

- Beginning at a point being 159.75 feet South 0 degrees 27'51" West along the Section line and 50.00 feet South 89 degrees 32'09" East from the Northwest corner of the Southwest Quarter of said Northwest Quarter; running thence South 89 degrees 32'09" East 150.00 feet; thence South 0 degrees 27'51" West 25.00 feet; thence North 89 degrees 32'09" West 150.00 feet; thence North 0 degrees 27'51" East 25.00 feet to the point of beginning.

1111828 BK1582 PG933

DREAM HOUSE, at its cost and expense, shall timely maintain the roadway which shall be used for ingress and egress to the various parcels and to the parking easement, and for the installation and maintenance of all utilities, including but not restricted to water, sewer, gas, electrical and telephone and for drainage of the respective properties. Provided, however, the costs and expenses of installation of any utility and repair of the surface shall be borne by the one for whose benefit the utility was installed.

IN WITNESS WHEREOF the parties have executed this Declaration of Easements on the day and year first above written.

AUTOZONE, INC., a Delaware corporation

By: Thomas J. Day
Title: _____

By: Charles J. Ben
Title: U.P.

William L. Stephens, Jr.
William L. Stephens, Jr.

E# 1111828 BK1582 PG934

DREAM HOUSE, INCORPORATED, a
Utah corporation

By: William L. Stephens, Jr.
William L. Stephens, Jr.
President

STATE OF TENNESSEE)
) :SS.
COUNTY OF SHELBY)

The foregoing instrument was acknowledged before me this
15th day of June, 1990, by Thomas L. Wittinger
the Dr. V.T. Development of AUTOZONE, INC., a Delaware
corporation and by Charles J. Bell, the Vice President
of AUTOZONE, INC., a Delaware corporation.

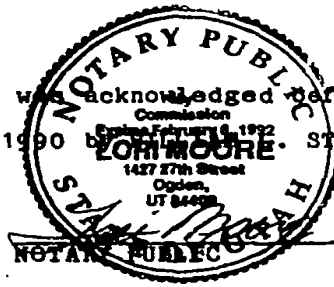
My Commission Expires Nov. 4, 1990

Jacqueline M. Moore
NOTARY PUBLIC



STATE OF UTAH)
) :SS.
COUNTY OF WEBER)

The foregoing instrument was acknowledged before me this
17th day of June, 1990 by LOH MOORE. STEPHENS, JR.



E# 1111828 BK1582 P6935

STATE OF UTAH)
)
COUNTY OF WEBER) :ss.
)

The foregoing instrument was acknowledged before me this
14th day of June, 1990, by WILLIAM L. STEPHENS,
JR., President of DREAM HOUSE INCORPORATED, a Utah
corporation.

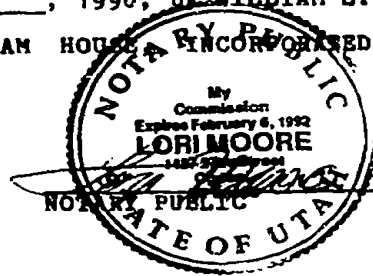


EXHIBIT A E# 1111828 BK1582 PG936

PARCEL A

09-142-0039 ✓

A part of the Southwest Quarter of the Northwest Quarter of Section 24, Township 5 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey: Beginning at the Northwest Corner of the Southwest Quarter of said Northwest Quarter, running thence South 89 degrees 32'09" East 200.00 feet; thence South 0 degrees 27'51" West 142.00 feet; thence North 89 degrees 32'09" West 200.00 feet to the Section line; thence North 0 degrees 27'51" East 142.00 feet along the Section line to the point of beginning.

Subject to a 15.0 foot wide Utility and Drainage across the East 15.0 feet of the above described parcel and less the West 50.00 feet lying within State Highway. Contains 0.489 acre

E# 1111828 BK1582 PG937

EXHIBIT B

PARCEL B

09-27-0084 ✓
Part of the Southwest Quarter of the Northwest Quarter of Section 24, Township 5 North, Range 2 West, Salt Lake Meridian, U.S. Survey: Beginning at a point 11.5 rods South from the Northwest Corner of said Southwest Quarter of the Northwest Quarter; running thence East 150 feet; thence North 30 feet; thence West 150 feet; thence South 30 feet to the point of beginning.

09-14-0085 ✓
Part of the Southwest Quarter of the Northwest Quarter of Section 24, Township 5 North, Range 2 West, Salt Lake Meridian, U.S. Survey: Commencing at the Northwest corner of the Southwest Quarter of the Northwest Quarter of Section 24, running thence East to the West line of the U.O.R.R. Co. right-of-way; thence Southwesterly along said right-of-way to a point which is 11.50 rods South of Quarter of Quarter Section line; thence West to a point 11.50 rods South and 150 feet East of the Northwest Corner of said Southwest Quarter of the Northwest Quarter; thence North 30 feet; thence West 150 feet; thence North 159.75 feet to the place of beginning.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED REAL PROPERTY:

A part of the Southwest Quarter of the Northwest Quarter of Section 24, Township 5 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey: Beginning at the Northwest Corner of the Southwest Quarter of said Northwest Quarter, running thence South 89 degrees 32'09" East 200.00 feet; thence South 0 degrees 27'51" West 142.00 feet; thence North 89 degrees 32'09" West 200.00 feet to the Section line; thence North 0 degrees 27'51" East 142.00 feet along the Section line to the point of beginning.

Subject to a 15.0 foot wide Utility and Drainage across the East 15.0 feet of the above described parcel and less the West 50.00 feet lying within State Highway. Contains 0.489 acre

111328 BK1582 P6938

EXHIBIT C

PARCEL C

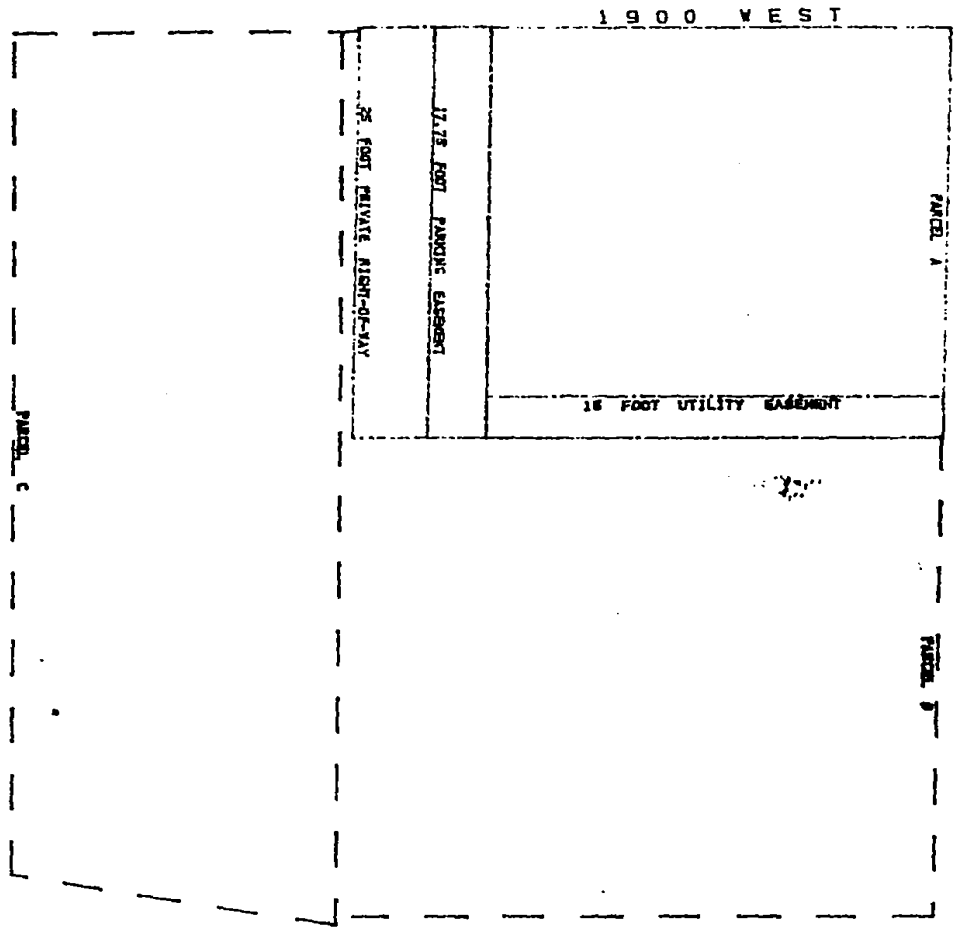
09-142-0032 ^{2257 ONLY}

Beginning at a point 11.50 rods South of the Northwest Corner of the Southwest Quarter of the Northwest Quarter of Section 24, Township 5 North, Range 2 West, Salt Lake Meridian; running thence East 375 feet, more or less, to the West line of the right-of-way of the Interstate Highway No. 15; thence South 10 degrees 42' West along said West line of right-of-way 101.77 feet; thence West 356 feet, more or less, to Section line; thence North 100 feet along said Section line to the point of beginning.

B/15/90



Associated Title Company



15-FT-EA
 AUTOZONE
 DREAMWOU
 EASE-
 EASE-25
 PARCEL-B

SCALE: 1" =

50.00'

