

11360902 When recorded, return to: Allen J. Lynch, SCLS, President  
Doerken Properties, Inc., 1448 15th Street, Suite 100  
Santa Monica, CA 90404

**FOURTH MODIFICATION OF DECLARATION OF RESTRICTIONS  
AND GRANT OF EASEMENTS**

THIS FOURTH MODIFICATION OF DECLARATION OF RESTRICTIONS AND GRANT OF EASEMENTS ("**Amendment**") is made as of the 5 day of April, 2011, by and between the New Albertson's, Inc., an Ohio corporation ("**Albertson's**"), Oakwood 900 Partners, LLC, a California limited liability company ("**Oakwood**"), **One Putt Ventures, LLC and The 1988 Machan Property Trust, each as to an undivided 50% interest.** The foregoing are collectively referred to as "**Owners**" and individually as "**Owner**"

**RECITALS**

A. The Owners are parties to that certain Declaration of Restrictions and Grant of Easement dated August 9, 1978 and recorded as Entry No. 3163910, Book 4734, Page 1213 of the Official Records of Salt Lake County, Utah, as amended by that certain Modification of Declaration of Restrictions and Grant of Easements dated October 26, 1979 and recorded as Entry No. 3359704, Box 4978, Page 719, of the Official Records of Salt Lake County, Utah, and by that certain Second Modification of Declaration of Restrictions and Grant of Easements dated November 30, 1979 and recorded as Entry No. 3374315, Box 5001, Page 10-24, of the Official Records of Salt Lake County, Utah, and by that certain Third Modification of Declaration of Restrictions and Grant of Easements dated July 1, 1981, but not recorded (collectively, the "**Declaration**").

B. The Declaration concerns that certain real property situated at the northwest corner of the intersection of 900 East and 5600 South Streets in the City of Murray, County of Salt Lake, State of Utah as described on Schedule I attached thereto and incorporated herein, and shown as Parcels I, II, III and IV on the plot plan attached hereto as Exhibit A (the "**Shopping Center**").

C. One Putt Ventures, LLC and The 1988 Machan Property Trust are the Owners of Parcels I and II, Oakwood is the Owner of Parcel III and IV, Albertsons is the holder of the leasehold interest on Parcel III.

D. The Owners desire to Amend the Declaration pursuant to Article V., Section 5, in accordance with the terms and condition of this Amendment.

**AGREEMENTS:**

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. **Definitions.** Capitalized terms not otherwise defined herein shall have the respective meanings ascribed to such terms in the Declaration.

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3/30/2012 1:36:00 PM \$32.00  
Book - 10004 Pg - 2981-2990  
Gary W. Ott  
Recorder, Salt Lake County, UT  
FOUNDERS TITLE  
BY: eCASH, DEPUTY - EF 10 P.

2. **Restrictions.** Article IV. Section 1. Food Market Restrictions of the Declaration is hereby amended to delete in its entirety the first full sentence of said section, the intent of the parties being to remove the supermarket restriction on Parcel 4 (IV).

3. **Execution/Effective Date.** This Amendment may be signed in counterparts, each of which shall be deemed an original and together shall be deemed one instrument. This Amendment shall be effective as of the date of recording in Salt Lake County, Utah, of an original of this Amendment properly executed and acknowledged by the parties hereto. In connection therewith, (i) Oakwood warrants and represents that it is the Owner, and there are no lenders or other lienholders, of Parcel III or IV, except City National Bank; (ii) One Putt Ventures, LLC and The 1988 Machan Property Trust warrant and represents that it is the Owner, and there are no lenders or other lienholders, of Parcels I and II, except Cyprus Credit Union, P.O. Box 9002, West Jordan, Utah 84084.

4. **Ratification/No Other Amendments.** The Declaration, as modified herein, is hereby ratified and confirmed. Except as amended herein, the Declaration remains in full force and effect.

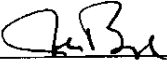

5. **Counterparts.** This Amendment may be executed in counterparts that together shall constitute one agreement.

[Signatures on next page.]

EXECUTED as of the date and year first above written.

**OWNERS:**


**New Albertson's, Inc.,**  
an Ohio corporation

By:  \_\_\_\_\_   
John Boyd  
Vice President

**PARCELS I & II**

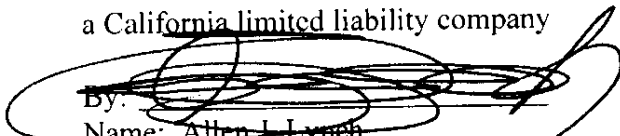
**One Putt Ventures, LLC and The  
Machan 1988 Property Trust, each as to  
an undivided 50% interest**

One Putt Ventures, LLC

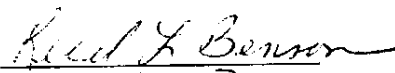
By:  \_\_\_\_\_  
John Hampshire  
Manager

**PARCELS III & IV:**

**Oakwood 900 Partners, LLC,**  
a California limited liability company

By:  \_\_\_\_\_  
Name: Allen J. Lynch  
Its: President

The 1988 Machan Property Trust

By:  \_\_\_\_\_  
Name: Reed L. Benson  
As Trustee and not individually

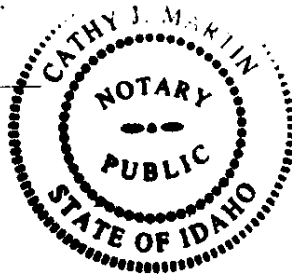
STATE OF Idaho )  
 ) ss.  
County of Ada )

On this 21 day of July, 2011, before me, the undersigned, a Notary Public in and for said State, personally appeared John Boyd, to me known to be the Vice President of **New Albertson's, Inc.**, an Ohio corporation, the corporation that executed the foregoing instrument, and acknowledged to me that the said instrument is the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument.

WITNESS MY HAND and official seal hereto affixed the day, month and year in this certificate first above written.

My commission expires:

11/19/2017



Cathy Martin  
Notary Public in and for the  
State of Idaho  
Residing at Boise

STATE OF \_\_\_\_\_ )  
 ) ss.  
County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, to me known to be the \_\_\_\_\_ of **Oakwood 900 Partners, LLC**, a California limited liability company, who executed the foregoing instrument, and acknowledged to me that the said instrument is the free and voluntary act and deed of said individual, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument.

WITNESS MY HAND and official seal hereto affixed the day, month and year in this certificate first above written.

My commission expires:

\_\_\_\_\_

\_\_\_\_\_  
Notary Public in and for the  
State of \_\_\_\_\_  
Residing at \_\_\_\_\_

**ACKNOWLEDGMENT**

State of California  
County of Los Angeles )

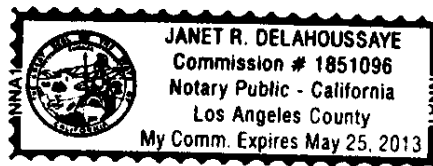
On June 30, 2011 before me, Janet R. Delahoussaye, Notary Public  
(insert name and title of the officer)

personally appeared Allen J. Lynch  
who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is/~~are~~  
subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in  
his/~~her/their~~ authorized capacity~~(ies)~~, and that by his/~~her/their~~ signature~~(s)~~ on the instrument the  
person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Janet R. Delahoussaye (Seal)

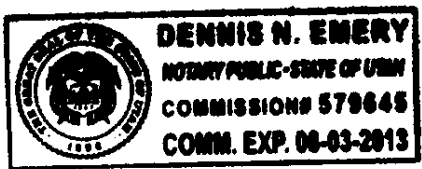


STATE OF Utah )  
 ) ss.  
County of Salt Lake )

On this 22nd day of April, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared John Hampshire, to me known to be the Manager of One Putt Ventures, LLC, a limited liability company, who executed the foregoing instrument, and acknowledged to me that the said instrument is the free and voluntary act and deed of said individual, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument.

WITNESS MY HAND and official seal hereto affixed the day, month and year in this certificate first above written.

My commission expires:  
08-03-2013



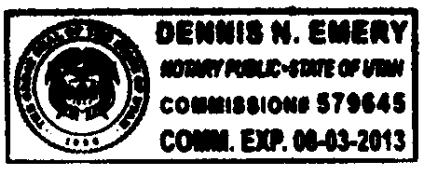
Dennis N. Emery  
Notary Public in and for the  
State of UTAH  
Residing at 8503 JACKSON HOLE DR  
SANDY, UT 84093

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

On this 22nd day of April, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared Reed L Benson, to me known to be the Trustee of Machen 1988 Property Trust a Trust, who executed the foregoing instrument, and acknowledged to me that the said instrument is the free and voluntary act and deed of said individual, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument.

WITNESS MY HAND and official seal hereto affixed the day, month and year in this certificate first above written.

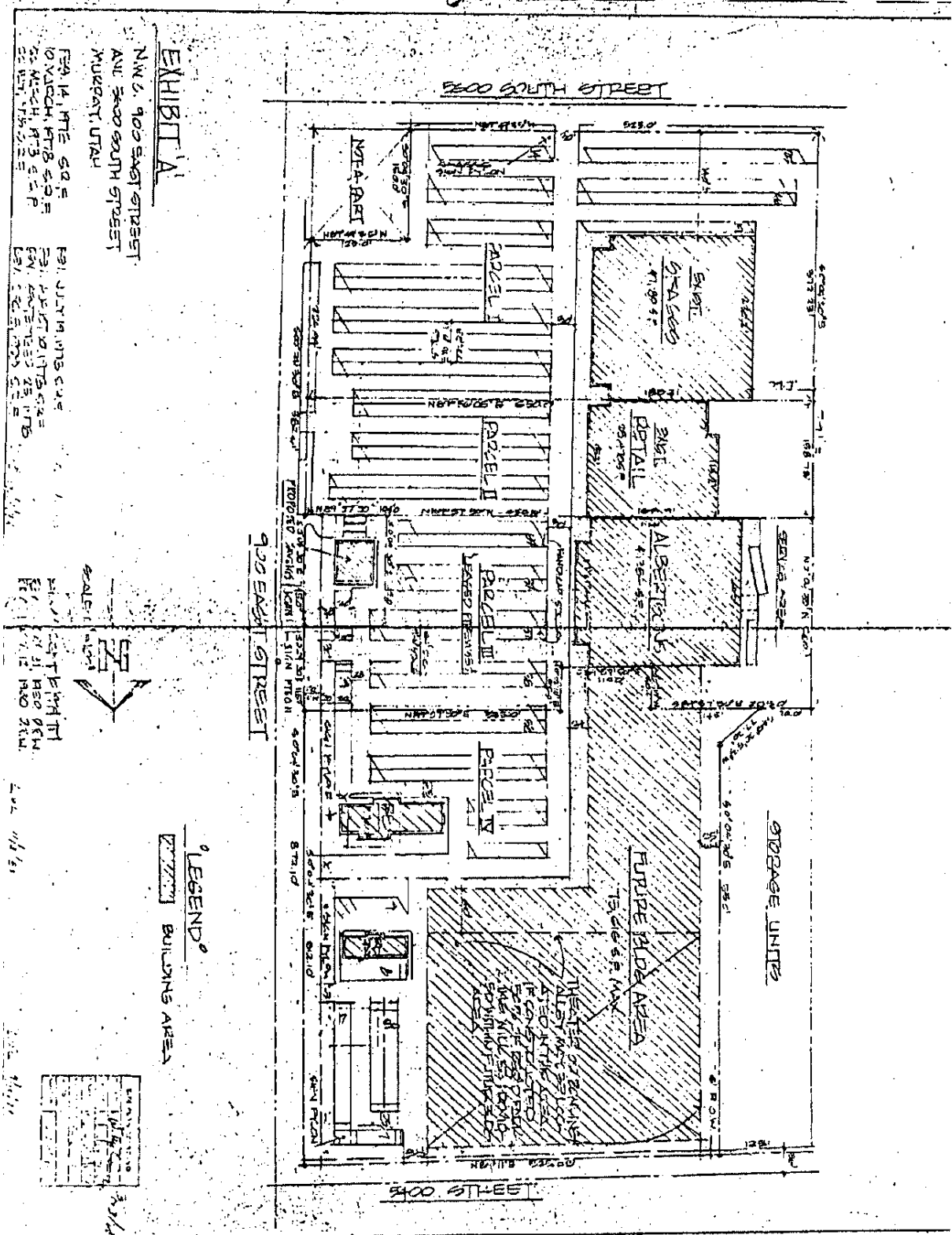
My commission expires:  
08-03-2013



Dennis N. Emery  
Notary Public in and for the  
State of UTAH  
Residing at 8503 JACKSON HOLE DR  
SANDY, UT 84093



Exhibit A





## LEGAL DESCRIPTION

### Parcel I

Beginning at a point on the West line of 900 East Street at a point North 89°48'51" East along the Section line 1712.44 feet and South 0°04'30" East 905.08 feet from the Northwest corner of Section 17, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running thence South 0°04'30" East along said West line of 900 East Street 224.94 feet; thence North 89°49'35" West 125 feet; thence South 0°04'30" East 150.00 feet to the North line of 5600 South Street; thence North 89°49'35" West along said North line 525.00 feet; thence North 0°04'30" West 372.23 feet; thence North 89°56'05" East 650.00 feet to the point of beginning.

### Parcel II

Beginning at a point on the West line of 900 East Street at a point North 89°48'51" East along the Section line 1712.44 feet and South 0°04'30" East 746.71 feet from the Northwest corner of Section 17, Township 2 South, Range 1 East, Salt Lake Base and Meridian and running thence South 0°04'30" East along said West line of 900 East Street 158.78 feet; thence South 89°56'05" West 650.00 feet; thence North 0°04'30" West 158.78 feet; thence North 89°56'05" East 650.00 feet to the point of beginning.

### Parcel III

Beginning at a point on the West line of 900 East Street at a point North 89°48'51" East along the Section line 1712.44 feet and South 0°04'30" East 487.45 feet from the Northwest corner of Section 17, Township 2 South, Range 1 East, Salt Lake Base and Meridian; and running thence South 0°04'30" East along said West line of 900 East Street 260.00 feet; thence North 89°57'50" West 650.00 feet; thence North 0°04'30" West 260.00 feet; thence South 89°57'50" East 205.00 feet; thence South 0°02'10" West 60.00 feet; thence South 89°57'50" East 110.00 feet; thence North 0°02'10" East 60.00 feet; thence South 89°57'50" East 335.00 feet to the point of beginning.

Parcel IV

Beginning on the West line of 900 East Street at a point North 89°48'51" East along the Section line 1712.44 feet and North 0°04'30" West 124.65 feet from the Northwest corner of Section 17, Township 2 South, Range 1 East, Salt Lake Base and Meridian; and running thence South 0°04'30" East along said West line of 900 East Street 612.10 feet; thence North 89°57'50" West 335.00 feet; thence South 0°02'10" West 60.00 feet; thence North 89°57'50" West 110.00 feet; thence North 0°02'10" East 60.00 feet; thence North 89°57'50" West 135.00 feet; thence North 45°20'53" East 77.20 feet; thence North 0°04'30" West 550.00 feet; thence North 89°11' East 525.05 feet to the point of beginning.

Parcels III and IV will be subject to a 20-foot set-back along the East side of said Parcels and Parcel IV will be subject to a 6-foot set-back along the North side of said Parcel, as indicated on Exhibit "A", for roadway purposes and related uses as required by governmental authorities in connection with the issuance of approvals and permits for the development of said Parcels III and IV.

The following is shown for information purposes only:  
Tax ID No. 22-17-126-007 and 22-17-126-012