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CAROL DEAN PAGE, DAVIS CNTY RECORDER  
1994 AUG 30 9:59 AM FEE 14.00 DEP REC  
REC'D FOR FIRST AMERICAN TITLE CO OF UTA

FIRST AMERICAN TITLE

JM No. 03-71335  
D-3648

PARTY WALL AGREEMENT

THE LAND REFERRED TO IN THIS PARTY WALL DECLARATION IS SITUATED IN THE COUNTY OF DAVIS, STATE OF UTAH, AND IS DESCRIBED AS FOLLOWS:

36 32 30-200

BEGINNING ON THE WEST LINE OF 2000 WEST STREET AT A POINT 1524.01 FEET NORTH OD06'55" EAST ALONG THE SECTION LINE AND 33.0 FEET WEST FROM THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE MERIDIAN: WHICH POINT IS 199.5 FEET NORTH OD06'55" EAST AND 33 FEET WEST OF THE SOUTHEAST CORNER OF THE NORTH ONE-HALF OF THE SOUTHEAST QUARTER OF SAID SECTION, AND RUNNING THENCE WEST 135 FEET,... ECT. CONTAINS .29 ACRES. (SEE ATTACHED FOR COMPLETE LEGAL DESCRIPTION)

14-055-0093

PARTY WALL DECLARATION

That portion of the boundary line of any lot upon said property occupied or covered by a building containing a division wall will be construed to exactly longitudinally bisect said division wall, the owners of the wall on each half of said wall shall have an easement of support on the other one-half of said wall, and said wall shall be a party wall for the benefit of both parties, subject to the following rights and obligations:

1. Should said party wall at any time be damaged or destroyed by the default or negligence of one of said parties; such party shall rebuild or repair said wall to a condition equal to or better than immediately prior to its being damaged and shall compensate the other party for any damage to the property of such other party.

2. Should said party wall be damaged or destroyed by any cause other than the act or negligence of the other party the same shall rebuild or repair to a condition equal to or better than immediately prior to its being damaged at the joint expense of both parties, provided that any sum received by insurance against such damage or destruction shall first be applied to such restoration.

3. In the event either party desires to extend their respective buildings either longitudinally along said boundary line or vertically from the location of said party wall, said extension shall be on top of and/or on the same line as the present wall or any extension thereof. When either party shall so extend said wall, the other party shall have the right to use as a party wall and join the same by paying the other party one-half of the cost of such wall, as he shall use in being understood that any such extension shall at all times be a party wall.

4. The rights and obligations of said parties in and to said party wall shall be perpetual and shall run with the land and shall benefit and apply to their respective heirs, administrators, executors, and assigns.

THE PARTIES HEREBY AGREE TO ABIDE BY AND RECORD WITH DAVIS COUNTY, THE PARTY WALL AGREEMENT

PARTY AT 607 N. 2000 W.  
WEST POINT, UTAH 84015

*David L. Rupe*  
\_\_\_\_\_  
*Susan K. Rupe*  
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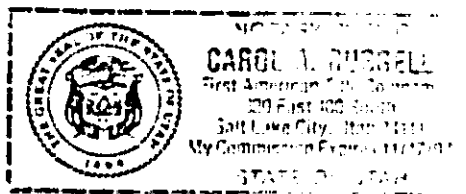
PARTY AT 627 N. 2000 W.  
WEST POINT, UTAH 84015

*Tony Gallegos*  
\_\_\_\_\_  
*Susan M. Gallegos*  
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STATE OF UTAH        )  
                          ) ss.  
COUNTY OF DAVIS    )

On the 31st day of July, 1994, A.D., personally appeared before me, DAVID L. RUPE, SUSAN K. RUPE, TONY GALLEGOS, AND SUSAN M. GALLEGOS, the signers of the within instrument, who duly acknowledged to me that THEY executed the same.

*Carol A. Russell*  
\_\_\_\_\_  
NOTARY PUBLIC



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BEGINNING ON THE WEST LINE OF 2000 WEST STREET AT A POINT 1617.00 FEET NORTH  $0^{\circ}06'55''$  EAST ALONG THE SECTION LINE AND 33.0 FEET WEST FROM THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE MERIDIAN, IN THE CITY OF WEST POINT; AND RUNNING THENCE WEST 135.0 FEET; THENCE SOUTH  $0^{\circ}06'55''$  WEST 46.50 FEET MORE OR LESS TO A POINT WEST OF AN EXTENDED LINE OF A COMMON WALL; THENCE EAST ALONG SAID EXTENDED LINE 135.0; THENCE NORTH  $0^{\circ}06'55''$  EAST 46.50 FEET MORE OR LESS TO THE POINT OF BEGINNING.

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