

MAINTENANCE AND USE AGREEMENT

This Agreement made this 22ND day of AUGUST, 1997, by, between and among IRENE PEREZ, party of the first part and ROBERT N. LAMBETH AND TERRI LAMBETH party of the second part.

WITNESSETH

Whereas, the parties are desirous of establishing a Covenant and Agreement between themselves for the joint use and maintenance of a certain private road way on the North side of the property described on EXHIBIT "A" ATTACHED

Now therefore in consideration of the Covenants and Conditions hereinafter to be kept and performed, the parties hereby agree as follows:

- 1. Each party shall enjoy the unobstructed use of said right of way at all times.
2. Each party shall share equally in the expense of general repair and maintenance of said right of way, as agreed to by both parties.
3. Each party shall share equally in the cost of snow removal should same be required, as agreed to by both parties.

In witness whereof, the parties hereto have executed said document on the day and year first above written.

IRENE PEREZ

Robert N. Lambeth
ROBERT N. LAMBETH

Terri Lambeth
TERRI LAMBETH

E: 1489344 BK1877 PG2445
DOUG CROFTS, WEBER COUNTY RECORDER
25-AUG-97 428 PM FEE \$17.00 DEP MH
REC FOR: ASSOCIATED.TITLE

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

On the _____ day of AUGUST, 1997 personally appeared before me IRENE PEREZ, signers of the foregoing instrument who duly acknowledged to me that they executed the same.

Residing at: _____
Commission Expires: _____ Notary Public

STATE OF Missouri)
)
) ss.
)
COUNTY OF Howell)

On the 22nd day of AUGUST, 1997, personally appeared me ROBERT N. LAMBETH AND TERRI LAMBETH signer of the foregoing instrument who duly acknowledged to me that she executed the same.

Residing at: _____
Commission Expires: Sept. 25, 1997 Patricia A. Hageman
Notary Public

PATRICIA A HAGEMAN
NOTARY PUBLIC STATE OF MISSOURI
HOWELL COUNTY
MY COMMISSION EXP. SEPT 25, 1997

EXHIBIT "A"

PART OF LOTS 3 AND 4, BLOCK 1, PLAT B, OGDEN CITY SURVEY; BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 3, AND RUNNING THENCE SOUTH 8.5 FEET; THENCE EAST 148.5 FEET; THENCE NORTH 46 FEET; THENCE WEST 148.5 FEET; THENCE SOUTH 37.5 FEET TO THE PLACE OF BEGINNING.

SUBJECT TO A RIGHT OF WAY OVER THE SOUTH 5 FEET OF SUCH TRACT AND TOGETHER WITH A RIGHT OF WAY OVER THE NORTH 3 FEET OF THE TRACT IMMEDIATELY ADJOINING SAID LAND ON THE SOUTH.

01-048-0017

BEGINNING AT A POINT 8.5 FEET SOUTH FROM THE NORTHWEST CORNER OF LOT 3, BLOCK 1, PLAT B, OGDEN CITY SURVEY, WEBER COUNTY, UTAH, AND RUNNING THENCE SOUTH 57.5 FEET, THENCE EAST 148.5 FEET; THENCE NORTH 57.5 FEET, THENCE WEST 148.5 FEET TO THE PLACE OF BEGINNING.

01-048-0013

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TOTAL P.04