

18

Yuka Jenkins
168310 801 Pg 1308
Box Elder Co. UT

ORIGINAL

PREPARED BY AND RETURN TO:
AT&T WIRELESS SERVICES, INC.
4393 South Riverbend Rd., Ste. 400
Twin Falls, UT 84123

CELL SITE: Wheelon Peak
STATE: Utah
COUNTY: Box Elder

MEMORANDUM OF EASEMENT AGREEMENT

THIS MEMORANDUM OF EASEMENT AGREEMENT ("Memorandum") is entered into by and between Garth M. Kidman and Veda S. Kidman, Trustees of the Garth M. Kidman Trust (hereinafter "Grantor") and AT&T Wireless Services of Utah, Inc., d/b/a AT&T Wireless, a Nevada Corporation (hereinafter "Grantee")

A. Grantor and Grantee have entered into a certain Easement Agreement ("Easement") pursuant to which Grantor has agreed to convey to Grantee an easement 20 ft. in width along an existing road for purposes of ingress and egress over, under, across and along the property described in Exhibit 1 attached hereto and incorporated herein by this reference; and

B. The parties desire to enter into this Memorandum of Easement for the purpose of setting forth certain terms and conditions of the Easement; and

C. Grantee and Grantor now desire to execute this Memorandum to provide constructive knowledge of Grantee's Easement.

NOW, THEREFORE, in consideration of the foregoing, the parties hereby agree as follows.

1. **Terms of Easement.** Grantor conveys to Grantee an easement 20 ft. in width along an existing road for a term of five (5) years, commencing on the 15th day of June, 2002 ("Commencement Date") and terminating on the last day of the month in which the fifth annual anniversary of the Commencement Date occurs, upon the terms and conditions set forth in the Easement. Grantee shall have the right to renew this Easement for five (5) additional 5-year terms.

2. **Provisions Binding on Grantor.** The Easement shall be binding upon and inure to the benefit of the parties and their respective heirs, successors and assigns, subject to the provisions of the Easement.

3. **Governing Law.** This Memorandum and Easement are governed by the laws of the state of Utah.

Ent **168310** Bk **801** Pg **1308**
Date 14-Jun-2002 4:24PM Fee \$18.00
LuAnn Adams - Filed By mm
Box Elder Co., UT
For YUKA JENKINS

06-164-0003
06-001-0004

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Easement on this 6 day of June, 2002.

GRANTOR:

**Garth M. Kidman and Veda S. Kidman,
Trustees of the Garth M. Kidman Trust**

By: 
Garth M. Kidman

Its: Trustee

Address: 16425 Beaver Dam Road,
Collinston, UT 84306

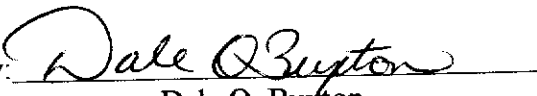
By: 
Veda S. Kidman

Its: Trustee

Address: 16425 Beaver Dam Road,
Collinston, UT 84306

GRANTEE:

**AT&T Wireless Services of Utah, Inc.,
d/b/a AT&T Wireless, a Nevada
Corporation**

By: 
Dale O. Buxton

Its: System Development Manager

Address: 4393 South Riverboat Rd.,
Ste. 400, Taylorsville, UT 84123

STATE OF UTAH)

) ss:

COUNTY OF BOX ELDER)

On this 3 day of June, 2002 before me personally appeared Garth M. Kidman and Veda S. Kidman, known to me to be the individual described herein, who executed the within and foregoing instrument, and acknowledged that they signed the same as a free and voluntary act and deed for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Notary Public
TED J. WILLIAMS
 1407 West North Temple
 Salt Lake City, Utah 84114
 My Commission Expires
 February 11, 2003
 State of Utah

Notary Public
 My Commission Expires: 2/11/03

CORPORATE ACKNOWLEDGMENT

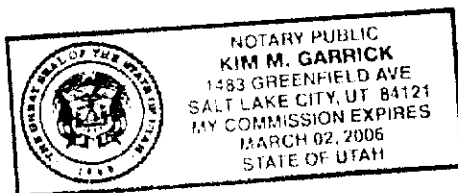
STATE OF UTAH),

) ss:

COUNTY OF SALT LAKE)

I CERTIFY that on June 6, 2002, Dale O. Buxton personally came before me and acknowledged under oath that he:

- (a) is the System Development Manager of AT&T Wireless Services of Utah, Inc., the corporation named in the attached instrument,
- (b) was authorized to execute this instrument on behalf of the corporation and
- (c) executed the instrument as the act of the corporation.



Notary Public
 My Commission Expires: 3/2/06

EXHIBIT 1

The Easement Area is described as follows:

An easement 20 ft. in width along an existing road over, under, across and along the property described as follows:

NW $\frac{1}{4}$ of Section 2, T12N, R2W, SLM, shown as assessor's parcel 06-001-0004
Lot 1 of NE $\frac{1}{4}$ & SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 3, T12N, R2W, SLM. Less: To Beaver Dam Road, shown as assessor's parcel 06-164-0003

18

Yuka Jenkins
168310 801 Pg 1308
Date 14-Jun-2002 4:24PM Fee \$18.00
LuAnn Adams - Filed By mm
Box Elder Co., UT
For YUKA JENKINS

ORIGINAL

PREPARED BY AND RETURN TO:
AT&T WIRELESS SERVICES, INC.
4393 South Riverbend Rd., Ste. 400
Twin Falls, UT 84123

CELL SITE: Wheelon Peak
STATE: Utah
COUNTY: Box Elder

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C. Grantee and Grantor now desire to execute this Memorandum to provide constructive knowledge of Grantee's Easement.

NOW, THEREFORE, in consideration of the foregoing, the parties hereby agree as follows.

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3. **Governing Law.** This Memorandum and Easement are governed by the laws of the state of Utah.

Ent 168310 Bk 801 Pg 1308
Date 14-Jun-2002 4:24PM Fee \$18.00
LuAnn Adams - Filed By mm
Box Elder Co., UT
For YUKA JENKINS

06-164-0003
06-001-0004

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GRANTOR:

**Garth M. Kidman and Veda S. Kidman,
Trustees of the Garth M. Kidman Trust**

By: 
Garth M. Kidman

Its: Trustee

Address: 16425 Beaver Dam Road,
Collinston, UT 84306

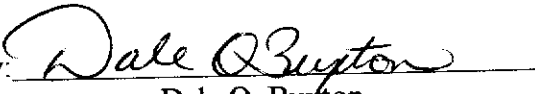
By: 
Veda S. Kidman

Its: Trustee

Address: 16425 Beaver Dam Road,
Collinston, UT 84306

GRANTEE:

**AT&T Wireless Services of Utah, Inc.,
d/b/a AT&T Wireless, a Nevada
Corporation**

By: 
Dale O. Buxton

Its: System Development Manager

Address: 4393 South Riverboat Rd.,
Ste. 400, Taylorsville, UT 84123

STATE OF UTAH)

) ss:

COUNTY OF BOX ELDER)

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IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Notary Public
TED J. WILLIAMS
1407 West North Temple
Salt Lake City, Utah 84114
My Commission Expires
February 11, 2003
State of Utah

Notary Public

My Commission Expires: 2/11/03CORPORATE ACKNOWLEDGMENT

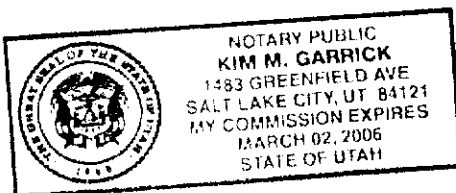
STATE OF UTAH),

) ss:

COUNTY OF SALT LAKE)

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- (b) was authorized to execute this instrument on behalf of the corporation and
- (c) executed the instrument as the act of the corporation.



NOTARY PUBLIC
KIM M. GARRICK
1483 GREENFIELD AVE
SALT LAKE CITY, UT 84121
MY COMMISSION EXPIRES
MARCH 02, 2006
STATE OF UTAH

Notary Public

My Commission Expires: 3/2/06

EXHIBIT 1

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NW $\frac{1}{4}$ of Section 2, T12N, R2W, SLM, shown as assessor's parcel 06-001-0004
Lot 1 of NE $\frac{1}{4}$ & SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 3, T12N, R2W, SLM. Less: To Beaver Dam Road, shown as assessor's parcel 06-164-0003