

189598

GRANT OF EASEMENT

DEC 29 1995  
*Grant*  
Beaver County Recorder  
Fee \$ 252

CIRCLE FOUR REALTY, a North Carolina general partnership authorized to do business in the State of Utah, GRANTOR, of P.O. Box 100, Milford, UT 84751, hereby GRANTS AND CONVEYS to DEAN S. CARTER and DONA I. CARTER, GRANTEES, of P.O. Box 245, Minersville, UT 84752, for the sum of TEN AND 00/100 DOLLARS (\$10.00) and other good and valuable consideration, a perpetual easement and right-of-way for cattle to cross over the unimproved and unfenced portions of the following described land located in Beaver County, State of Utah to move to and from federal grazing allotment lands and other lands leased from governmental entities for grazing use and private holdings for as long as Dean S. Carter and Dona I. Carter and their successors graze cattle on the described lands:

PARCEL 1: Lots 1, 2 and 3 and the South half of the North half of Section 3, Township 30 South, Range 12 West, Salt Lake Base & Meridian.

PARCEL 2: The South half of Section 3, Township 30 South, Range 12 West, Salt Lake Base & Meridian.

EXCEPTING THEREFROM Beginning at a point North 00°01'12" East along the section line 620.98 feet from the Southeast corner of Section 3, Township 30 South, Range 12 West, Salt Lake Base & Meridian and running thence North 89°58'48" West 660 feet; thence North 00°01'12" East 660 feet; thence South 89°58'48" East 660 feet; thence South 00°01'12" West along the section line 660 feet to the point of beginning.

PARCEL 3: Lots 1, 2, 6 and 7 and the Southeast quarter of Section 4, Township 30 South, Range 12 West, Salt Lake Base & Meridian.

PARCEL 4: The Northeast quarter of Section 9, Township 30 South, Range 12 West, Salt Lake Base & Meridian.

EXCEPTING THEREFROM Beginning at a point North 00°05'20" West along the section line 382 feet from the East quarter corner of Section 9, Township 30 South, Range 12 West, Salt Lake Base & Meridian and running thence North 00°05'20" West 660 feet; thence South 89°54'40" West 660 feet; thence South 00°05'20" East 660 feet; thence North 89°54'40" East 660 feet to the point of beginning.

SECURITY TITLE COMPANY

PARCEL 5: The West half of Section 22, Township 30 South, Range 13

West, Salt Lake Base & Meridian.

PARCEL 6: All of Section 23, Township 30 South, Range 13 West, Salt Lake Base & Meridian.

EXCEPTING THEREFROM Beginning at the South quarter corner of Section 23, Township 30 South, Range 13 West, Salt Lake Base & Meridian and running thence North  $00^{\circ}03'13''$  West along the quarter section line 660 feet; thence South  $89^{\circ}52'40''$  West 660 feet; thence South  $00^{\circ}03'13''$  East 660 feet; thence North  $89^{\circ}52'40''$  East along the section line 660 feet to the point of beginning.

PARCEL 7: The West half and the Southeast quarter of Section 24, Township 30 South, Range 13 West, Salt Lake Base & Meridian.

PARCEL 8: All of Section 25, Township 30 South, Range 13 West, Salt Lake Base & Meridian.

EXCEPTING THEREFROM Beginning at the North quarter corner of Section 25, Township 30 South, Range 13 West, Salt Lake Base & Meridian and running thence South  $00^{\circ}04'36''$  East along the quarter section line 660 feet; thence North  $89^{\circ}56'53''$  East 660 feet; thence North  $00^{\circ}04'36''$  West 660 feet; thence South  $89^{\circ}56'23''$  West along the section line 660 feet to the point of beginning.

PARCEL 9: The North half of Section 26, Township 30 South, Range 13 West, Salt Lake Base & Meridian.

PARCEL 10: The North half of the Southeast quarter; the South half of the Southwest quarter; the Southeast quarter of the Southeast quarter; the East half of the Southwest quarter of the Southeast quarter and the East 60 rods (990 feet) of the Northeast quarter of the Southwest quarter of Section 27, Township 30 South, Range 13 West, Salt Lake Base & Meridian.

PARCEL 11: All of Section 33, Township 30 South, Range 13 West, Salt Lake Base & Meridian.

EXCEPTING THEREFROM Beginning at a point North  $89^{\circ}57'59''$  East along the section line 300 feet from the North quarter corner of Section 33, Township 30 South, Range 13 West, Salt Lake Base & Meridian and running thence South  $00^{\circ}02'01''$  East 660 feet; thence North  $89^{\circ}57'59''$  East 660 feet; thence North  $00^{\circ}02'01''$  West 660 feet; thence South  $89^{\circ}57'59''$

West along the section line 660 feet to the point of beginning.

PARCEL 12: The West half of Section 34, Township 30 South, Range 13 West, Salt Lake Base & Meridian.

The easement granted hereby shall include only the right to use of the surface as is necessary to enjoy the use of said easement for the purposes as set out herein.

THIS EASEMENT IS GRANTED SUBJECT TO the right of Grantor to exclude up to 3116.25 acres of the above described land from the easement granted hereby as provided in Paragraph 9.4 of that certain Amendment to Agreement For Sale and Purchase of Real Estate by and between Grantor and Grantees dated December 29, 1995. Said Paragraph 9.4 reads:

9.4. Once the 3116.25 acres or any portion thereof have been designated by Circle Four as provided in Paragraph 9.1 of this Amendment, the easement granted to Carters pursuant to Paragraph 6.4 of this Amendment shall apply only to such portion of the 3116.25 acres so designated as are subject to a duly executed lease from Circle Four or its successors to Carters; provided, however, that the easement shall continue in effect as to all of the land described in Exhibit "B" even without an executed lease from the date of this Amendment until a designation of such 3116.25 acres or any portion thereof has been made and for sixty (60) days thereafter to allow time for the parties to prepare and execute such a lease as provided in Paragraph 9.3 of this Amendment.

IN WITNESS WHEREOF, Grantor caused this Grant of Easement to be executed in its name by its authorized agent on this 28<sup>th</sup> day of December, 1995.

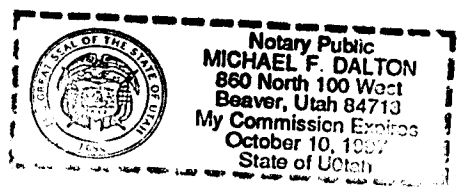
**CIRCLE FOUR:**

SMITHFIELD OF UTAH, INC., as a general partner of Circle Four Realty, a partnership

By:   
ROBERT G. ADAMS  
Authorized Agent

STATE OF UTAH )  
 : ss.  
COUNTY OF BEAVER )

On the 28<sup>th</sup> day of December, 1995, personally appeared before me ROBERT G. ADAMS, who, being by me duly sworn, did say, that he, the said ROBERT G. ADAMS is the authorized agent of Smithfield of Utah, Inc., and that the within and foregoing instrument was signed on behalf of said corporation by authority of a resolution of its Board of Directors and the said ROBERT G. ADAMS duly acknowledged to me that said corporation executed the same as a partner of Circle Four Realty, a partnership.



*Michael F. Dalton*  
Notary Public