

Amendments Page 1 of 5
Gary Christensen Washington County Recorder
01/09/2024 08:34:13 AM Fee \$40.00 By CHASE
STRATTON

WHEN RECORDED RETURN TO:

Wal-Mart Stores, Inc.
Attention: Kelly Halstead
2001 S.E. 10th Street
Bentonville, AR 72712-6489

Space above for County Recorder's Use

Tax I.D. Nos.: H-WALM-1; H-WALM-2;
H-WALM-3; H-WALM-4; H-WALM-5;
H-WALM-6; H-WALM-7; H-WALM-8;
H-WALM-A; H-3-1-31-3000;
H-3-1-31-3004; H-3-1-31-3009

**FIRST AMENDMENT TO
EASEMENTS WITH COVENANTS AND RESTRICTIONS AFFECTING LAND**

THIS FIRST AMENDMENT TO EASEMENTS WITH COVENANTS AND RESTRICTIONS AFFECTING LAND (this "**Amendment**") is made effective this 14 day of December, 2023 (the "**Effective Date**"), by and between WAL-MART REAL ESTATE BUSINESS TRUST, a Delaware business trust ("**Wal-Mart**") and STRATTON BROTHERS LLC, a Utah limited liability company ("**Developer**"). Wal-Mart and Developer are referred to collectively as the "**Parties**" and individually as a "**Party**".

A. Wal-Mart and **Developer** previously entered into the Easements with Covenants and Restrictions Affecting Land (the "**ECR**") dated July 10, 2007, and recorded in the Recorder's Office of Washington County, State of Utah, on July 11, 2007, as Entry No. 20070035567.

B. Wal-Mart is the owner of Wal-Mart Tract under the ECR, and Developer is the owner of Developer Tract under the ECR.

C. Paragraph 14 of the ECR requires that any modification to the ECR be made by mutual agreement between Wal-Mart or its successor in interest and Developer or its successor(s) in interest.

D. The Parties constitute all of the parties required under Paragraph 14 of the ECR to amend the ECR and desire to amend certain provisions defined by the ECR with respect to the Development Parcels pursuant to the terms and conditions of this Amendment.

E. Section 6.2 requires 5 car spaces for each 1,000 square feet of buildings on the Wal-Mart Tract and the Developer Tract.

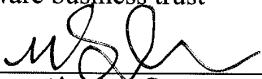
FOR GOOD AND VALUABLE CONSIDERATION, the receipt and consideration of which are hereby acknowledged, the Parties agree as follows:

1. **Recitals.** The Parties acknowledge that the Recitals are true and correct and are incorporated into this Amendment.
2. **Amendment.**
 - (a) Section 6.2 is amended to require 4 car spaces for each 1,000 square feet of buildings on the Wal-Mart Tract.
3. **Ratification of ECR.** The Parties ratify and affirm the ECR and except for as amended by this Amendment, the ECR shall remain in full force and effect.
4. **Further Assurances.** Each Party will perform, execute, and deliver, or cause to be performed, executed and delivered, any and all further acts, documents, and assurance as may be necessary to effectuate the terms of this Amendment.
5. **Capitalized Terms.** Except as otherwise expressly provided herein, capitalized terms used in this Amendment have the meanings given them in the ECR.
6. **Entire Agreement.** This Amendment constitutes the entire understanding among the Parties with respect to the subject matter hereof and shall not be modified except by written agreement signed by all of the Parties.
7. **Recording.** This Amendment shall be recorded by the Parties in the official records of the Washington County Recorder's Office promptly after the Effective Date.
8. **Binding Effect.** This Amendment is binding upon the Parties and their respective successors and assigns.
9. **Conflicting Provisions.** If any of the provisions of the ECR conflict with this Amendment, the provisions of this Amendment control.
10. **Counterparts.** This Amendment may be executed in any number of counterparts, provided each counterpart is identical in its terms. Each counterpart, when executed and delivered will be deemed to be an original, and all counterparts will be deemed to constitute one and the same instrument. For convenience in recording, signature pages from multiple counterparts may be detached from their counterparts and attached to a single counterpart to be recorded.

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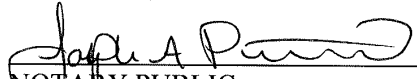
THE PARTIES have executed this Amendment as of the Effective Date.

Wal-Mart: WAL-MART REAL ESTATE BUSINESS TRUST, a
Delaware business trust

By: 
Name: Matt Dean
Title: Sr Manager

STATE OF Arkansa)
:ss.
COUNTY OF Benton)

The foregoing instrument was acknowledged before me this 13 day of December,
2023, by Matt Dean, the Sr Manager of WAL-MART REAL
ESTATE BUSINESS TRUST, a Delaware business trust.


NOTARY PUBLIC

JOSEPH A PRITCHARD
NOTARY PUBLIC
BENTON COUNTY, ARKANSAS
COMM. EXP. 07/01/33
COMMISSION NO. 12724265

LEGAL DESCRIPTION

ALL THAT LAND IN THE STATE OF UTAH, COUNTY OF WASHINGTON, CITY OF HURRICANE, BEING PART OF THE SOUTHWEST QUARTER OF SECTION 31 TOWNSHIP 41 SOUTH, RANGE 13 WEST, AND THE NORTH WEST QUARTER OF SECTION 6, TOWNSHIP 42 SOUTH, RANGE 13 WEST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF 3400 WEST STREET, SAID POINT BEING S88°53'15"E GRID (NAO 83 (1994) UTAH SOUTH ZONE) ALONG THE SOUTH LINE OF SAID SECTION 31 75.09 FEET, AND N01°15'49"E ALONG SAID EAST LINE 1063.67 FEET, FROM THE SOUTHWEST CORNER OF SAID SECTION 31; THENCE N01°15'49"E ALONG SAID EAST LINE 390.96 FEET; THENCE S88°50' 19"E 172.20 FEET, TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTH WITH A RADIUS OF 200.00 FEET; THENCE EASTERLY 121.29 FEET ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 34°44'46"; THENCE S54°05'33"E 60.84 FEET, TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE NORTH, WITH A RADIUS OF 200.00 FEET: THENCE EASTERLY 121.87 FEET ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 34°54'49"; THENCE S89°00'22"E 1449.85 FEET; THENCE S01°41'44"W 1112.80 FEET, TO THE NORTH LINE STATE HIGHWAY SR-9, AS SHOWN ON THE RIGHT-OF-WAY PLANS FOR STATE PROJECT NO. SP-0009(3)4, IN UOOT RECORDS; THENCE S74°49'03"W ALONG SAID NORTH LINE 928.48 FEET; THENCE N01°15'49"E 1083.04 FEET; THENCE N88°44'1 1"W 1001.90 FEET, TO THE POINT OF BEGINNING.

CONTAINS 1,430,553 SQUARE FEET, OR 32.84 ACRES, MORE OR LESS.

AND

LOTS 1, 2, 3, 4, 5, 6, 7, AND 8 OF THE HURRICANE WALMART SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, WHICH IS ON FILE WITH THE WASHINGTON COUNTY RECORDER.