

27058MNT

When Recorded, Mail to:

Parr Brown Gee & Loveless
185 South State Street, Suite 800
Salt Lake City, Utah 84111
Attn: Robert McConnell



E# 2586656 PG 1 OF 4
ERNEST D ROWLEY, WEBER COUNTY RECORDER
20-Jul-12 0152 PM FEE \$23.00 DEP TT
REC FOR: METRO NATIONAL TITLE
ELECTRONICALLY RECORDED

Space Above for Recorder's Use

Affects Tax Parcel Nos: 18-084-0001, 18-084-0002, 18-084-0003, 18-084-0004, 18-084-0005, 18-084-0007, 18-084-0008, 18-084-0009

ASSIGNMENT AND ASSUMPTION OF DECLARANT'S RIGHTS AND OBLIGATIONS

This Assignment and Assumption of Declarant's Rights and Obligations ("**Assignment**") is entered into as of July 19, 2012 by Acres, L.L.C., a Utah limited liability company ("**Acres**") and HAI North Ogden Marketplace, LLC, a Utah limited liability company ("**HAI**").

BACKGROUND

A. Acres is the Declarant under that certain Declaration of Restrictions, Grant of Easements and Common Facilities Maintenance Agreement dated January 8, 1998 and recorded in the Official Records of Weber County as Entry No. 1515578, in Book 1902, at Page 7 ("**Declaration**"). Capitalized terms used but not defined in this Assignment will have the respective meanings ascribed to them in the Declaration.

B. The Declaration encumbers certain property located in Weber County, Utah, and legally described on Exhibit A to this Assignment ("**Property**").

C. Acres is the Declarant under the Declaration.

D. By deed recorded concurrently with this Assignment, Acres has transferred all of its interest in the Property (which interest only constitutes a portion of the Property) to HAI.

E. Acres desires to transfer and assign all of its rights and obligations as Declarant under the Declaration to HAI.

AGREEMENT

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor and Assignee agree as follows:

Acres hereby assigns to HAI all of Acres's right, title, and interest as Declarant under the Declaration. HAI hereby accepts the foregoing assignment, designation, and appointment as Declarant and assumes all of the obligations, liabilities, duties, and responsibilities of Acres as Declarant.

Acres and HAI, each for itself, hereby represents and warrants it has the authority to enter into this Assignment and that each undersigned has the authority to execute this agreement on behalf of Acres and HAI, as applicable.

Acres and HAI have executed this Assignment effective as of the date first set forth above.

Acres, L.L.C.,
a Utah limited liability company,

HAI North Ogden Marketplace, LLC, a
Utah limited liability company, by its Manager

By: _____
Name: Jon L. Richards
Title: _____

HAI North Ogden Marketplace Manager, Inc., a Utah corporation

By: _____

Name: Robert Harris

Title: President

State of Utah)
County of _____) ss.

The foregoing instrument was acknowledged before me on _____, 2012, by _____, the _____ of Acres, L.L.C., a Utah limited liability company.

Notary Public

State of Utah)
County of Pavis) ss.



The foregoing instrument was acknowledged before me on July, 2012, by Robert Harris, the President of HAI North Ogden Marketplace Manager, Inc., a Utah corporation, the Manager of HAI North Ogden Marketplace, LLC, a Utah limited liability company.

Notary Public

Assignment and Assumption of Declarant's Rights and Obligations

Acres and HAI have executed this Assignment effective as of the date first set forth above.

Acres, L.L.C.,
a Utah limited liability company,

HAI North Ogden Marketplace, LLC, a
Utah limited liability company, by its Manager

By: [Signature]
Name: Jon L. Richards
Title: MANAGER

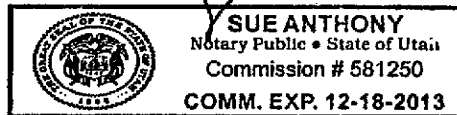
HAI North Ogden Marketplace Manager,
Inc., a Utah corporation

By: _____
Name: Robert Harris
Title: President

State of Utah)
County of Salt Lake) ss.

The foregoing instrument was acknowledged before me on JULY 19, 2012, by Jon L. Richards the Manager of Acres, L.L.C., a Utah limited liability company.

[Signature]
Notary Public



State of Utah)
County of _____) ss.

The foregoing instrument was acknowledged before me on _____, 2012, by Robert Harris, the President of HAI North Ogden Marketplace Manager, Inc., a Utah corporation, the Manager of HAI North Ogden Marketplace, LLC, a Utah limited liability company.

Notary Public

Assignment and Assumption of Declarant's Rights and Obligations


Exhibit A

Legal Description of the Property

All of Lots 1, 2, 3, 4, 5 and 7 of the Acre's Subdivision, a part of Lots 42, 44, 45, 46 and 47, Plat "B" North Ogden Survey, a part of the Southeast Quarter of Section 29 and the Northeast Quarter of Section 32, Township 7 North, Range 1 West, Salt Lake Base and Meridian, as such plat is recorded in the records of the Weber County, Utah Recorder.

18-084-0001,0008

18-084-0002

LLK 

18-084-0003

18-084-0005,0009

Assignment and Assumption of Declarant's Rights and Obligations