

WHEN RECORDED MAIL TO:  
Fred Jonas, Esquire  
USA PETROLEUM CORPORATION  
Post Office Box 1839  
Santa Monica, California 90406

Recorded MAR 16 1976 at 10:23 AM  
Request of UTAH TITLE & ABSTRACT COMPANY

KATIE L. DIXON  
Recorder Salt Lake County, Utah  
450 By [Signature] Deputy  
Book \_\_\_\_\_ Page \_\_\_\_\_ Ref \_\_\_\_\_

2794723

DECLARATION

DEE:3  
1-15-76  
1-19-76  
2-27-76

Sandy,  
Utah

The S. S. Kresge Company is the Tenant under that certain Lease and Memorandum of Lease (which was recorded on November 5, 1973, in Book 3452, page 148, Official Records of Salt Lake County, Utah), dated September 10, 1973, as amended, for demised premises located at 9000 South Street in Sandy, Utah, more particularly described in said Lease and the Exhibit entitled "Legal Descriptions," attached hereto and made a part hereof; and EGSmetro Construction Corporation is the Declarant under that certain Declaration of Covenants and Restrictions and Grant of Easements dated November 9, 1975, made by EGSmetro Construction Corporation and recorded December 19, 1975, in Book 4359, page 384, Official Records, Salt Lake County, Utah.

The S. S. Kresge Company and EGSmetro Construction Corporation hereby give their written consent that no part of the premises identified on page 4 of Exhibit "A-1" to said Lease (as amended) as the "Landlord Building Parcel" (and more particularly described on said Exhibit entitled "Legal Descriptions") shall be considered as common area or common facilities (as that term is defined in Article 9 of said Lease), as long as the primary business conducted on said Landlord Building Parcel is that of an automotive fuel center.

The S. S. Kresge Company and EGSmetro Construction Corporation also give their written consent to the owner of said Landlord Building Parcel, and its successors and assigns, that in lieu of five (5) parking spaces, only five (5) service stalls used in conjunction with the business of an automotive fuel center on said Landlord Building Parcel need be provided for and maintained, as long as said Landlord Building Parcel is used primarily for an automotive fuel center.

These consents are given in accordance with Paragraph 10 and subparagraph (c) of Paragraph 4 of said Declaration, and are binding on the successors and assigns of both S. S. Kresge Company and EGSmetro Construction Corporation.

S. S. KRESGE COMPANY

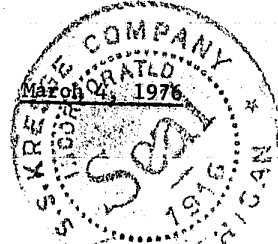
BY [Signature]  
Vice President

BY [Signature]  
Assistant Secretary

EGSmetro CONSTRUCTION CORPORATION

BY [Signature]  
Vice President

BY [Signature]  
Assistant Secretary



UT-23793

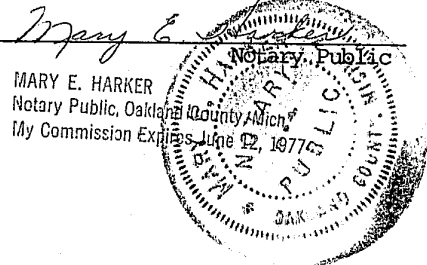
BOOK 4135 PAGE 274

STATE OF MICHIGAN )  
 ) ss.  
COUNTY OF OAKLAND )

I do hereby certify that on this 4th day of March 1976, before me, Mary E. Harker, a Notary Public in and for the County and State aforesaid, residing therein and duly commissioned, personally appeared J. P. JOHNSON and BEATRICE L. McGAW, known to me to be the Vice President and Assistant Secretary of S.S. Kresge Company, who, being by me duly sworn, did depose and say that they reside in Birmingham, Michigan and Troy, Michigan respectively; that they are the Vice President and Assistant Secretary respectively of S.S. Kresge Company, the corporation described in and which executed the foregoing instrument; that they know the seal of said corporation; that the seal affixed to said instrument is the corporate seal of said corporation; that, on behalf of said corporation and by order of its board of directors, they signed, sealed and delivered said instrument for the uses and purposes therein set forth, as its and their free and voluntary act; and that they signed their names thereto by like order.

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

My commission expires: JUNE 12, 1977



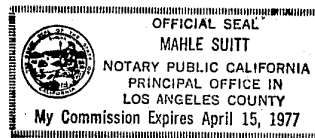
STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF LOS ANGELES )

I do hereby certify that on this 1 day of MARCH 1976, before me, MAHLE SUITT, a Notary Public in and for the County and State aforesaid, residing therein and duly commissioned, personally appeared DAVE J. MIELKE and D.E. ELLIS, known to me to be the Vice President and Assistant Secretary of EGSmetro Construction Corporation, who, being by me duly sworn, did depose and say that they reside in SAN MARINO and PACIFIC PALISADES respectively; that they are the Vice President and Assistant Secretary respectively of EGSmetro Construction Corporation, the corporation described in and which executed the foregoing instrument; that they know the seal of said corporation; that the seal affixed to said instrument is the corporate seal of said corporation; that, on behalf of said corporation and by order of its board of directors, they signed, sealed and delivered said instrument for the uses and purposes therein set forth, as its and their free and voluntary act; and that they signed their names thereto by like order.

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

My commission expires: APRIL 15, 1977

Mahle Suitt  
Notary Public



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LEGAL DESCRIPTIONS

S. S. KRESGE DEMISED PREMISES

Beginning at a point on the South line of 9000 South Street, said point being North 89° 59' 19" West along the center section line 1,351.022 feet and North 58.955 feet from the East 1/4 corner of Section 1, Township 3 South, Range 1 West, Salt Lake Base and meridian; Thence along a line bearing South a distance of 115.26 to the Point of Beginning of the S. S. KRESGE DEMISED PREMISES; Thence South 563.395 feet to the Northeast corner of R. E. and O. N. Tarvor property; thence West 869.399 feet to the East line of 255 West Street; Thence along said easterly line North 0° 04' 57" West 56 feet +; Thence East 285.782 feet to a projection of the westerly building line of the S. S. Kresge Department Store; Thence North 0° 00' 51" West along said building line a projection thereof a distance of 543.816 feet; Thence South 89° 59' 19" East 39.49 feet +; Thence North 0° 00' 41" East 20 feet to a State Right-of-Way marker on the South line of 9000 South Street; Thence along said South line North 60° 45' 46" East 88.478 feet to a State Right-of-Way marker; Thence North 87° 07' 53" East 306.662 feet; Thence North 89° 53' 55" East 13.854 feet +; Thence South 115.0 feet; Thence East 147 feet to said Point of Beginning, containing 8.8798 acres, more or less.

LANDLORD BUILDING PARCEL

Beginning at a point on the south line of 9000 South Street, said point being North 89° 59' 19" West along the center section line 1,351.022 feet and North 58.955 feet from the East 1/4 corner of Section 1, Township 3 South, Range 1 West, Salt Lake Base and Meridian; thence along a line bearing South a distance of 115.26 feet thence West 147.00 feet; thence North 115.0 feet to the south line of 9000 South Street; thence North 89° 53' 55" East along said South line 147 feet to the Point of Beginning, containing 0.3885 acres.