

WHEN RECORDED, MAIL TO:
BAC Layton, LLC
500 N. Marketplace Dr., Suite 250
Centerville, UT 84014

RETURNED
JUN 05 2014

E 2806963 B 6033 P 108-112
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
06/05/2014 09:25 AM
FEE \$19.00 Pgs: 5
DEP RT REC'D FOR BAC LAYTON LLC

Parcel Nos. 10-063-0025 and 10-063-0035

NOTICE OF EASEMENT

This Notice of Easement is made and executed this 15th day of May 2014 by BAC Layton, LLC, a Utah limited liability company (the "**Owner**"). Owner owns that certain real property located in Davis County, Layton, Utah as more fully described in Exhibit A attached hereto and incorporated herein. Gordon Street II, LLC ("**Gordon**") owns that certain real property located in Davis County, Layton, Utah as more fully described in Exhibit B attached hereto and incorporated herein. The Owner Property and the Gordon Property share a common boundary. The existing fence and tree line separating the properties is not solely located on the recorded boundary but that in certain locations encroaches upon the Owner Property. The existing fence line is described in Exhibit C hereto (the "**Fence Line**").

The fence and tree line were installed on or around the year 1993 and are open, notorious and adverse to Owner. As such, pursuant to Utah law, there exists a prescriptive easement for the use, access and maintenance with respect to that portion of the Owner Property located west of the Fence Line (the "**Prescriptive Easement**").

This Notice of Easement is intended to notify all affected parties and future owners of the Owner Property and Gordon Property of the Prescriptive Easement. Pursuant to Utah law: (i) the Prescriptive Easement is for the scope of historical use by Gordon and its invitees; (ii) the Owner and/or its successors and assigns shall do nothing to impair the easement rights of Gordon; and (iii) Gordon shall be responsible for the maintenance of the Prescriptive Easement area at its sole cost and expense and shall maintain the Prescriptive Easement area in good repair and condition free from any liens arising out of any work performed, materials furnished, or obligations incurred by, through, for or under Gordon, and shall indemnify, hold harmless and agree to defend Owner from any liens that may be placed on the Prescriptive Easement parcel and/or the Owner Property pertaining to any work performed, materials furnished or obligations incurred by, through, for, or under Gordon or any of its agents.

Consistent with Utah law, the Prescriptive Easement is granted and accepted in "as is", "where is" condition without warranties, either express or implied, "will all faults" including but not limited to both latent and patent defects, and the existence of hazardous materials, if any. Gordon and its successors and assigns are responsible for and shall indemnify, defend and hold harmless Owner and its successors and assigns, from and against any and all liens, encumbrances, costs, demands, claims, judgments, and/or damage caused by or arising out of: (i) the acts and/or omissions of Gordon, and its agents, servants, employees, and/or contractors relating to this easement; and (ii) the use of the Easement parcel by Gordon its agents, servants, employees, or contractors.

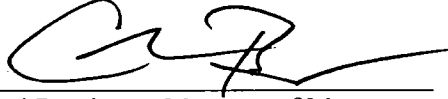
Further in accordance with Utah law, Owner retains the right to use the Prescriptive Easement parcel for any use not inconsistent with Gordon's permitted use of the Prescriptive Easement parcel.

[SIGNATURE TO FOLLOW]

IN WITNESS WHEREOF, the Owner has caused these presents to be executed as of the day and year first above written.

OWNER:

BAC LAYTON, LLC
a Utah limited liability company



Chad Bessinger, Manager of Manager

STATE OF UTAH)

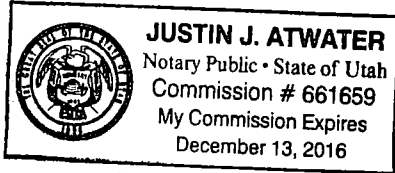
: ss.

COUNTY OF DAVIS)

On this 15th day of May 2014, before me, the undersigned, a Notary Public in and for said State, personally appeared Chad Bessinger, to me known and acknowledged to me that the he is the Manager of the Manager of BAC Layton, LLC and that said instrument is the free and voluntary act and deed, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument.

WITNESS MY HAND and official seal hereto affixed the day, month and year in this certificate first above written.

My commission expires:



Notary Public in and for the
State of Utah
Residing at Davis, Utah

EXHIBIT A
(Owner's Property Description)

The following real property is located in Davis County, State of Utah:

BEGINNING AT A POINT ON THE SOUTH LINE OF GORDON AVENUE (1000 NORTH) SAID POINT BEING SOUTH 89°50'40" WEST 917.33 FEET ALONG THE SECTION LINE AND SOUTH 0°09'20" EAST 42.00 FEET FROM THE NORTH QUARTER CORNER OF SECTION 19, TOWNSHIP 4 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING; THENCE SOUTHEASTERLY 25.67 FEET ALONG THE ARC OF A 16.28 FOOT RADIUS CURVE TO THE RIGHT (CENTRAL BEARS SOUTH 0°09'20" EAST, CHORD BEARS SOUTH 44°59'05" EAST 23.09 FEET THROUGH A CENTRAL ANGLE OF 90°20'30") ALONG THE SOUTH LINE OF GORDON AVENUE TO THE WEST LINE OF COLD CREEK WAY; THENCE SOUTH 0°11'10" WEST 99.56 FEET; THENCE SOUTH 02°40'39" EAST 60.05 FEET; THENCE SOUTH 0°11'10" WEST 1024.08 FEET; THENCE SOUTH 89°50'40" WEST 112.03 FEET; THENCE NORTH 0°11'10" EAST 1200.00 FEET TO THE SOUTH LINE OF GORDON AVENUE (1000 NORTH); THENCE NORTH 89°50'40" EAST 92.66 FEET ALONG THE SOUTH LINE OF GORDON AVENUE (1000 NORTH) TO THE POINT OF BEGINNING.

PARCEL NO. 10-063-0024

EXHIBIT B
(Gordon' Property Description)

The following real property is located in Davis County, State of Utah:

BEGINNING AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF GORDON AVENUE AND THE EAST RIGHT OF WAY LINE OF 2200 WEST STREET, SAID POINT BEING 33.0 FEET NORTH 89°50'40" EAST ALONG THE SECTION LINE AND 42.0 FEET SOUTH 0°11'10" WEST FROM THE NORTHWEST CORNER OF SECTION 19, TOWNSHIP 4 NORTH, RANGE 1 WEST, SALT LAKE MERIDIAN, IN THE CITY OF LAYTON, AND RUNNING THENCE NORTH 89°50'40" EAST 1597.23 FEET ALONG SAID SOUTH RIGHT OF WAY LINE; THENCE SOUTH 0°11'10" WEST 1200.00 FEET; THENCE SOUTH 89°50'40" WEST 1597.23 FEET TO THE EAST RIGHT OF WAY LINE OF SAID 2200 WEST STREET; THENCE NORTH 0°11'10" EAST 1200.00 FEET ALONG SAID RIGHT OF WAY LINE TO THE POINT OF BEGINNING.

Parcel No. 10-063-0035

EXHIBIT C
(Fence Line Description)

BEGINNING AT A POINT ON THE SOUTH RIGHT OF WAY LINE OF GORDON AVENUE, SAID POINT BEING LOCATED NORTH 89°50'40" EAST ALONG SECTION LINE 1630.23 FEET AND SOUTH 00°11'10" WEST 42.00 FEET FROM THE NORTHWEST CORNER OF SECTION 19, TOWNSHIP 4 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN, AND RUNNING THENCE NORTH 89°50'40" EAST 2.30 FEET; THENCE TO AND ALONG AND EXISTING CHAIN LINK FENCE LINE THE FOLLOWING TWO (2) CALLS: 1) SOUTH 00°13'48" WEST 695.72 FEET; 2) SOUTH 00°24'12" WEST 467.00 FEET; THENCE NORTH 00°11'10" EAST 1162.71 FEET TO SAID SOUTH LINE AND THE POINT OF BEGINNING.

CONTAINS: 1,831 SQ. FT. / 0.04 AC.