



W3006724

When recorded, return to:

J. Scott Buehler
Smith Knowles, P.C.
2225 Washington Blvd., Ste. 200
Ogden, UT 84401

E# 3006724 PG 1 OF 14
Leann H. Kilts, WEBER COUNTY RECORDER
30-Sep-19 0241 PM FEE \$40.00 DEP DA
REC FOR: SMITH KNOWLES PC
ELECTRONICALLY RECORDED

**MEMORANDUM OF UNDERSTANDING AND
EASEMENT MAINTENANCE AGREEMENT**

THIS MEMORANDUM OF UNDERSTANDING AND EASEMENT MAINTENANCE AGREEMENT (the "Memorandum") is entered into among the undersigned as of May 1, 2018 (the "Effective Date") for the purposes hereinafter set forth.

RECITALS

A. The properties which are the subject of this Memorandum and the current vesting are as follows:

| Legal Description | Land Tax Serial No. | Parcel | Vesting |
|---|------------------------|--------|---|
| PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN, U S SURVEY; BEGINNING AT A POINT WHICH IS 394 FEET EAST AND 555 FEET NORTH OF THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, RUNNING THENCE FROM SAID POINT OF BEGINNING 105 FEET NORtherly parallel to the west boundary of said section 17, thence easterly 132 feet parallel to the south line of said quarter quarter of section 17, thence southerly 105 feet parallel to the west boundary line of said section 17, thence westerly 132 feet to the point of beginning. EXCEPTING THEREFROM THE NORTH 33 FEET OF SAID TRACT OF LAND USED, OR INTENDED TO BE USED, FOR ROADWAY PURPOSES. SUBJECT TO A RIGHT OF WAY ACROSS THE EAST 20 FEET AND THE SOUTH 10 FEET THEREOF. | 07-067-0040 | 1 | G & E Properties (nka G & E 2 Properties LLC) |

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| PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN, U S SURVEY, BEGINNING AT A POINT WHICH IS SOUTH 89D34' EAST 452 FEET ALONG THE QUARTER QUARTER SECTION LINE AND NORTH 0D22' WEST 425.00 FEET PARALLEL TO THE WEST LINE OF SAID NORTHWEST QUARTER SECTION LINE FROM THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 17, RUNNING THENCE SOUTH 89D34' EAST 74.00 FEET, PARALLEL TO THE SOUTH LINE OF SAID QUARTER QUARTER SECTION LINE, THENCE NORTH 0D22' WEST 130.00 FEET PARALLEL TO THE WEST LINE OF SAID NORTHWEST QUARTER SECTION LINE, THENCE NORTH 89D34' WEST 74.00 FEET, PARALLEL TO THE SOUTH LINE OF SAID QUARTER QUARTER SECTION LINE, THENCE SOUTH 0D22' EAST 130.00 FEET TO THE POINT OF BEGINNING. SUBJECT TO A RIGHT OF WAY OVER THE EAST 20 FEET AND THE NORTH 10 FEET, THEREOF. TOGETHER WITH A RIGHT OF WAY OVER THE EAST 20 FEET AND SOUTH 10 FEET OF PARCEL NO. 1 HEREIN GIVEN. | 07-067-0048 | 2 | G & E Properties (nka G & E 2 Properties LLC) |
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| <p>PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY: BEGINNING AT A POINT WHICH IS EAST (SOUTH 89D34' EAST) 394 FEET ALONG THE QUARTER QUARTER SECTION LINE AND NORTH (NORTH 0D22' WEST) 425.00 FEET PARALLELING THE WEST LINE OF SAID NORTHWEST QUARTER SECTION, FROM THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER SECTION; RUNNING THENCE EAST (SOUTH 89D34' EAST) 58.00 FEET, PARALLELING THE SOUTH LINE OF SAID QUARTER QUARTER SECTION; THENCE NORTH (NORTH 0D22' WEST) 130.00 FEET, PARALLELING THE WEST LINE OF SAID NORTHWEST QUARTER SECTION; THENCE WEST (NORTH 89D34' WEST) 58.00 FEET, PARALLELING THE SOUTH LINE OF SAID QUARTER QUARTER SECTION; THENCE SOUTH (SOUTH 0D22' EAST) 130.00 FEET TO THE POINT OF BEGINNING. TOGETHER WITH AND SUBJECT TO A RIGHT-OF-WAY AND UTILITIES EASEMENT DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS EAST 394 FEET ALONG THE QUARTER QUARTER SECTION LINE, NORTH 330 FEET PARALLELING THE WEST LINE OF SAID NORTHWEST QUARTER SECTION, AND EAST 132 FEET PARALLELING THE SOUTH LINE OF SAID QUARTER QUARTER SECTION FROM THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER SECTION; RUNNING THENCE NORTH 0D22' WEST 299.89 FEET TO THE SOUTH LINE OF 4900 SOUTH STREET; THENCE NORTH 89D31' WEST 20.00 FEET; THENCE SOUTH 0D22' EAST 64.89 FEET; THENCE NORTH 89D34' WEST 112.00 FEET; THENCE SOUTH 0D22' EAST 20.00 FEET; THENCE SOUTH 89D34' EAST 112.00 FEET; THENCE SOUTH 0D22' EAST 215.00 FEET; THENCE SOUTH 89D34' EAST 20.00 FEET TO THE POINT OF BEGINNING.</p> | 07-067-0044 | 3 | Timothy R. and M. LeAnn Hughes |
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| PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY: BEGINNING AT A POINT WHICH IS EAST (SOUTH 89D34' EAST) 394 FEET ALONG THE QUARTER QUARTER SECTION LINE AND NORTH (NORTH 0D22' WEST) 360.0 FEET PARALLELING THE WEST LINE OF SAID NORTHWEST QUARTER SECTION FROM THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER SECTION; RUNNING THENCE EAST (SOUTH 89D34' EAST) 132.00 FEET, PARALLELING THE SOUTH LINE OF SAID QUARTER QUARTER SECTION; THENCE NORTH (NORTH 0D22' WEST) 65.00 FEET, PARALLELING THE WEST LINE OF SAID NORTHWEST QUARTER SECTION; THENCE WEST (NORTH 89D34' WEST) 132.00 FEET, PARALLELING THE SOUTH LINE OF SAID QUARTER QUARTER SECTION; THENCE SOUTH (SOUTH 0D22' EAST) 65.00 FEET TO THE POINT OF BEGINNING. SUBJECT TO A RIGHT-OF-WAY ACROSS THE EAST 20 FEET (1157-236). | 07-067-0043 | 4 | Claire A. Nielsen Revocable Trust as to an undivided 1/2 interest Shirley M. Nielsen Revocable Trust as to an undivided 1/2 interest |
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| <p>PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY: BEGINNING AT A POINT WHICH IS SOUTH 89D34' EAST 394.00 FEET ALONG THE QUARTER QUARTER SECTION LINE FROM THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER SECTION; RUNNING THENCE SOUTH 89D34' EAST 132.00 FEET PARALLEL TO THE SOUTH LINE OF SAID QUARTER QUARTER SECTION; THENCE NORTH 0D22' EAST 169.00 FEET PARALLEL TO THE WEST LINE OF SAID NORTHWEST QUARTER SECTION; THENCE SOUTH 89D34' EAST 132 FEET, MORE OR LESS, PARALLEL TO THE SOUTH LINE OF SAID QUARTER QUARTER SECTION TO A POINT WHICH IS WEST 666 FEET FROM THE EAST LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER SECTION; THENCE NORTH 0D22' EAST 324.73 FEET PARALLEL TO THE WEST LINE OF SAID NORTHWEST QUARTER SECTION TO A POINT WHICH IS 136 FEET SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF 4900 SOUTH STREET; THENCE NORTH 89D31' WEST 132.00 FEET PARALLEL TO SAID SOUTH LINE OF STREET; THENCE SOUTH 0D22' WEST 133.85 FEET PARALLEL TO THE WEST LINE OF SAID NORTHWEST QUARTER SECTION; THENCE NORTH 89D34' WEST 132.00 FEET PARALLEL TO THE SOUTH LINE OF THE QUARTER QUARTER SECTION; THENCE SOUTH 0D22' WEST 360.00 FEET PARALLEL TO THE WEST LINE OF SAID NORTHWEST QUARTER SECTION TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THE SOUTH 33.0 FEET THEREOF LYING WITHIN THE RIGHT-OF-WAY OF 5000 SOUTH STREET. TOGETHER WITH A 20 FOOT RIGHT-OF-WAY AND DRAINAGE EASEMENT DESCRIBED AS FOLLOWS: BEGINNING AT A POINT NORTH 89D31' WEST 132.00 FEET FROM THE NORTHEAST CORNER OF THE ABOVE DESCRIBED PROPERTY; RUNNING THENCE NORTH 0D22' EAST 136.00 FEET TO THE SOUTH LINE OF 4900 SOUTH STREET; THENCE NORTH 89D31' WEST 20.00 FEET ALONG SAID SOUTH LINE; THENCE SOUTH 0D22' WEST 269.87 FEET; THENCE SOUTH 89D34' EAST 20.00 FEET; THENCE NORTH 0D22' EAST 133.85 FEET TO THE POINT OF BEGINNING. TOGETHER WITH EASEMENTS AND RIGHTS OF WAY GRANTED BY DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED IN BOOK 1051 PAGE 581 AND BOOK 1052 PAGE 202. SUBJECT TO THE FOLLOWING RIGHT OF WAY AND EASEMENT GRANTED IN FAVOR OF MOUNTAIN FUEL SUPPLY COMPANY RECORDED IN BOOK 992 OF RECORDS PAGE 165. RIGHT OF WAY AND EASEMENT GRANTED IN FAVOR OF MOUNTAIN STATES TELEPHONE AND TELEGRAPH, AS RECORDED IN BOOK 1022 PAGE 601.</p> | 07-067-0026 | 5 | Kara Manor Apartments, LLC |
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| PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN: BEGINNING AT A POINT 990 FEET SOUTH ALONG THE WEST LINE OF SAID QUARTER SECTION AND SOUTH 89D57' EAST 658 FEET FROM THE NORTHWEST CORNER OF SAID QUARTER SECTION; RUNNING SOUTH 89D57' EAST 132 FEET; THENCE SOUTH 82.5 FEET; THENCE NORTH 89D57' WEST 132 FEET; THENCE NORTH 82.5 FEET TO THE POINT OF BEGINNING. | 07-067-0049 | 6(a) | Stride Properties, LLC |
| PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN: BEGINNING AT A POINT 1072.5 FEET SOUTH ALONG THE WEST LINE OF SAID QUARTER SECTION, AND SOUTH 89D57' EAST 658 FEET FROM THE NORTHWEST CORNER OF SAID QUARTER SECTION; AND RUNNING THENCE SOUTH 89D57' EAST 132 FEET, THENCE SOUTH 82.5 FEET, THENCE NORTH 89D57' WEST 132 FEET, THENCE NORTH 82.5 FEET TO THE POINT OF BEGINNING. SUBJECT TO A RIGHT-OF-WAY DESCRIBED AS FOLLOWS: PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY: BEGINNING AT A POINT 1107 FEET SOUTH ALONG THE WEST LINE OF SAID QUARTER SECTION AND 658.00 FEET SOUTH 89D57' EAST FROM THE NORTHWEST CORNER OF SAID QUARTER SECTION; AND RUNNING THENCE SOUTH 89D57' EAST 25.00 FEET; THENCE NORTH 34.50 FEET; THENCE SOUTH 89D57' EAST 20.00 FEET; THENCE SOUTH 54.50 FEET; THENCE NORTH 89D57' WEST 45.00 FEET; THENCE NORTH 20.00 FEET TO THE POINT OF BEGINNING. (1244-162). TOGETHER WITH A RIGHT WAY FOR INGRESS AND EGRESS AS DISCLOSED IN THAT CERTAIN DECLARATION OF COVENANTS, CONDITION AND RESTRICTIONS RECORDED APRIL 23, 1974 AS E#613829 BOOK 1051 AT PAGE 581. | 07-067-0052 | 6(b) | Maximum Properties, LLC |

Each of the foregoing parcels is hereafter identified by its parcel number or collectively as the “**Parcels**”. Each of the vested parties is hereafter identified as an “**Owner**” or collectively as the “**Owners**”.

B. The Parcels are the subject of that Declaration of Covenants, Conditions and Restrictions and Amendment to Covenants, Conditions and Restrictions dated and recorded on April 23, 1974, as Entry No. 613829 in Book 1052 at Page 202, *et seq.* (the “1974 Declaration”). Pursuant to the 1974 Declaration, the Parcels are both benefited and burdened by the following easements: (i) roadway right-of-way for ingress, egress and travel; (ii) to lay, maintain, operate, repair, inspect, protect, remove and replace pipelines and structures for sewer facilities; (iii) to lay, maintain, operate, repair, inspect, protect, remove and replace pipelines and structures for culinary water; and (iv) drainage for surface runoff water (the “Easements”). Each Owner is responsible for a proportionate share of the costs of keeping and maintaining all of the Easements in good condition and in a good state of repair, the depictions of which are set forth in those drawings prepared by Great Basin Engineering on April 5, 2017, copies of which are affixed hereto as Exhibits C-1, C-2, C-3 and C-4.

C. Pursuant to notice, a super majority of the vested Owners convened on May 1, 2018, to memorialize the terms of the 1974 Declaration and to establish a Maintenance Agreement of the Easements affecting the Parcels consistent with the requirements of the 1974 Declaration.

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions set forth herein, the undersigned have agreed as follows:

1. The number of votes and percentage of common expense attributable to each Parcel is as set forth in the following table:

| Parcel | # of Units | # of Buildings | Percentage of Common Expense | No. of Votes |
|--------------|------------|----------------|------------------------------|--------------|
| 1 | 4 | 1 | 5.9% | 1 |
| 2 | 4 | 1 | 5.9% | 1 |
| 3 | 4 | 1 | 5.9% | 1 |
| 4 | 4 | 1 | 5.9% | 1 |
| 5 | 44 | 11 | 64.7% | 11 |
| 6(a) | 4 | 1 | 5.9% | 1 |
| 6(b) | 4 | 1 | 5.9% | 1 |
| Total | 68 | 17 | 100% | 17 |

2. On the first Monday in May of each year commencing May 1, 2018, the Owners shall convene for the purpose of determining a budget and assessment for snow removal, repairs and maintenance of all drive aisles and utility lines for the fiscal year including projected repairs and appropriate reserves. The "Fiscal Year" shall be from May 1 through April 30. Assessments shall be due thirty (30) days after levy and notice, or July 1 of the Fiscal Year, whichever should first occur.

3. At each annual meeting, the Owners shall, by majority vote, designate a maintenance manager to provide the services set forth in this Memorandum and said maintenance manager shall provide a periodic accounting to the Owners annually with supporting documentation. The Owners shall further designate, by majority vote, a repository for funds and delegate the maintenance manager as a signatory to withdraw funds.

4. This Memorandum shall be recorded. Except as otherwise modified by this Memorandum, the terms of the 1974 Declaration shall remain in full force and effect.

THE PARTIES HERETO have caused this Memorandum to be executed as of the date set forth below.

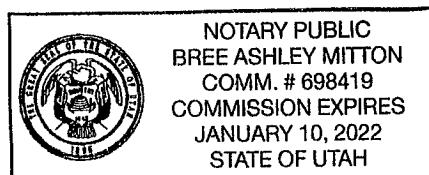
G & E PROPERTIES, nka G & E 2 PROPERTIES LLC, a Utah limited liability company

By: Gage F
GAGE FROERER, Manager

Dated: 9/11/19, 2019

STATE OF UTAH)
: ss.
COUNTY OF WEBER)

On this 11 day of September, 2019, personally appeared before me the undersigned, a Notary Public in and for the State of Utah, GAGE FROERER, Manager of G & E PROPERTIES, nka G & E 2 PROPERTIES LLC, a Utah limited liability company, signer of the foregoing instrument, and acknowledged he/she executed the same on behalf of said company. Witness my hand and official seal.



Bree Ashley Mitton
NOTARY PUBLIC



TIMOTHY R. HUGHES

Dated: OCTOBER 1ST, 2018

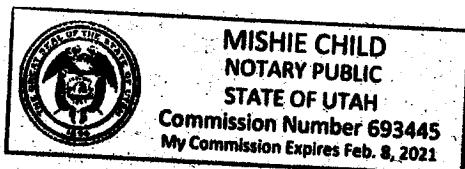
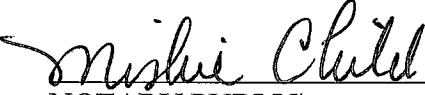


M. LEANN HUGHES

Dated: October 1ST, 2018

STATE OF UTAH)
: ss.
COUNTY OF DAVIS)

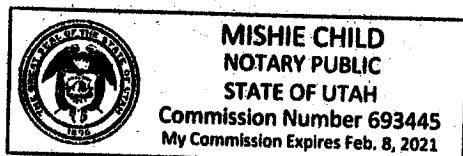
On this 1st day of October, 2018, personally appeared before me the undersigned, a Notary Public in and for the State of Utah, TIMOTHY R. HUGHES, signer of the foregoing instrument, and acknowledged he executed the same. Witness my hand and official seal.

MISHIE CHILD
NOTARY PUBLIC

STATE OF UTAH)
: ss.
COUNTY OF DAVIS)

On this 1st day of October, 2018, personally appeared before me the undersigned, a Notary Public in and for the State of Utah, M. LEANN HUGHES, signer of the foregoing instrument, and acknowledged she executed the same. Witness my hand and official seal.



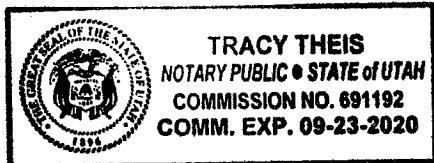

MISHIE CHILD
NOTARY PUBLIC

Claire A. Nielsen and Shirley M. Nielsen, or their successors, as Trustees of THE CLAIRE A. NIELSEN REVOCABLE TRUST, under Trust Agreement dated September 24, 2008

By: Ken R. Nielsen
KEN R. NIELSEN, Successor Trustee
Dated: Sept 25, 2019

STATE OF UTAH)
: ss.
COUNTY OF WEBER)

On this 25th day of September, 2019, personally appeared before me the undersigned, a Notary Public in and for the State of Utah, KEN R. NIELSEN, as Successor Trustee of THE CLAIRE A. NIELSEN REVOCABLE TRUST dated September 24, 2008, signer of the foregoing instrument, and acknowledged he executed the same. Witness my hand and official seal.



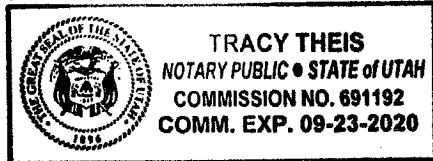
NOTARY PUBLIC

Shirley M. Nielsen and Claire A. Nielsen, or their successors, as Trustees of THE SHIRLEY M. NIELSEN REVOCABLE TRUST, under Trust Agreement dated September 24, 2008

By: Ken R. Nielsen
 KEN R. NIELSEN, Successor Trustee
 Dated: Sept 25, 2019

STATE OF UTAH)
 : ss.
 COUNTY OF WEBER)

On this 25th day of September, 2019, personally appeared before me the undersigned, a Notary Public in and for the State of Utah, KEN R. NIELSEN, as Successor Trustee of THE SHIRLEY M. NIELSEN REVOCABLE TRUST dated September 24, 2008, signer of the foregoing instrument, and acknowledged he executed the same. Witness my hand and official seal.



Tracy Theis
 NOTARY PUBLIC

KARA MANOR APARTMENTS, LLC, a Utah limited liability company

By:

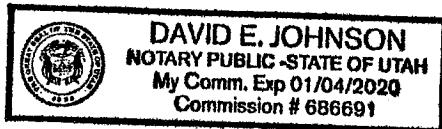
MARION A. WILLEY (print name)

Its: President of Manager

Dated: September 14, 2018

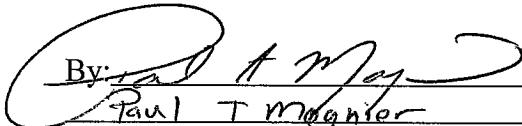
STATE OF UTAH)
: ss.
COUNTY OF SALT LAKE)

On this 14 day of SEPTEMBER, 2018, personally appeared before me the undersigned, a Notary Public in and for the State of Utah, MARION A. WILLEY, President of Manager (title) of KARA MANOR APARTMENTS, LLC, a Utah limited liability company, signer of the foregoing instrument, and acknowledged he/she executed the same on behalf of said company. Witness my hand and official seal.



David E. Johnson
NOTARY PUBLIC

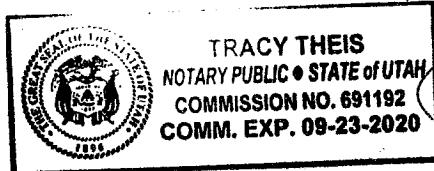
STRIDE PROPERTIES, LLC, a Utah limited liability company

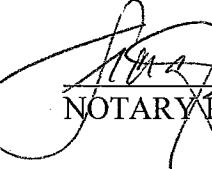

By: Paul T. Mounier (print name)
Its: Managing member

Dated: 8-29, 2019

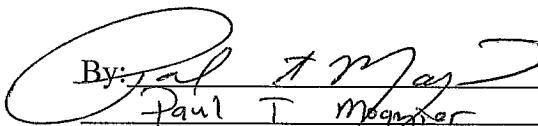
STATE OF UTAH)
: ss.
COUNTY OF Weber)

On this 29th day of August, 2019, personally appeared before me the undersigned, a Notary Public in (and for the State of Utah, Paul Todd Mounier, Managing Member (title) of STRIDE PROPERTIES, LLC, a Utah limited liability company, signer of the foregoing instrument, and acknowledged he/she executed the same on behalf of said company. Witness my hand and official seal.




NOTARY PUBLIC

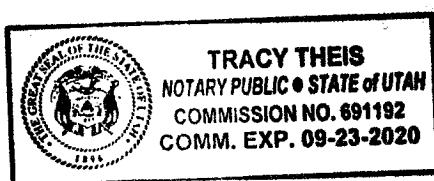
MAXIMUM PROPERTIES, LLC, a Utah limited liability company

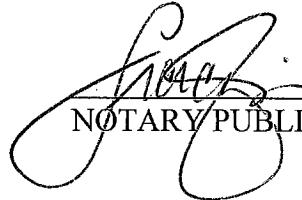

By: Paul T. Moynier (print name)
Its: managing member

Dated: 8. 29, 2019

STATE OF UTAH)
: ss.
COUNTY OF Utah)

On this 29th day of August, 2019, personally appeared before me the undersigned, a Notary Public in and for the State of Utah, Paul Todd Moynier Managing Member (title) of MAXIMUM PROPERTIES, LLC, a Utah limited liability company, signer of the foregoing instrument, and acknowledged he/she executed the same on behalf of said company. Witness my hand and official seal.





NOTARY PUBLIC