



W3035539

After Recording Mail to:

The Church of Jesus Christ of Latter-day Saints
Attn: Real Estate Services Division
50 East North Temple, 12th Floor
Salt Lake City, Utah 84150

E# 3035539 PG 1 OF 4
Leann H. Kilts, WEBER COUNTY RECORDER
18-Feb-20 12:32 PM FEE \$40.00 DEP KL
REC FOR: KIRTON & MCCONKIE
ELECTRONICALLY RECORDED

BST
BT 06-037-0029 (pt) kl

(Above Space for Recorder Use)

MODIFICATION OF DEED RESTRICTION

[Property No. 592-0968]

THIS MODIFICATION OF DEED RESTRICTION is made this 16th day of December 2019, by THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah Corporation sole, formerly known as CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, (“**Church Corporation**”) in favor of MADISON TOWNS ON 40TH LLC, of 1081 West 3150 North, Ogden, Utah 84414, (the “**Accepting Party**”).

RECITALS:

A. Pursuant to that certain Quit Claim Deed (the “**QC Deed**”) recorded August 8, 2006, as Instrument Number 2199400, in the Official Records of Weber County, State of Utah, Recorder’s Office, Church Corporation conveyed to Stephen D. Taylor and Tamara J. Taylor, Husband and Wife, a tract of land as described in the QC Deed.

B. Pursuant to that certain Special Warranty Deed (the “**SW Deed**”) recorded August 8, 2006, as Instrument Number 2199401 in the Official Records of Weber County, State of Utah, Recorder’s Office, Church Corporation conveyed to Stephen D. Taylor and Tamara J. Taylor, Husband and Wife, a tract of land as described in the SW Deed.

C. Both the QC Deed and the SW Deed contain identical restrictions, conditions and other provisions in favor of Church Corporation (the “**Restrictions**”). Among the Restrictions is the following:

“4. Grantee, its successors and assigns shall not construct any building of whatever type and shall maintain subject property in landscaping, natural vegetation, fruit trees, or the like. Notwithstanding any other provision under the terms of the enforcement provisions provided herein, Grantee’s use of the subject property will be consistent with protecting the subject property against soil erosion”.

(“**Condition 4**”).

D. The Accepting Party is a successor in title to a portion of the real property Weber County, State of Utah conveyed in the QC Deed and the SW Deed, that portion being described in Exhibit “A” attached hereto and made a part hereof (the “**Property**”).

E. For good and valuable consideration, Church Corporation is willing to remove Condition 4 of the Restrictions as it applies to the Property, subject to the terms and conditions contained herein.

F. Church Corporation represents that the Accepting Party is in agreement with the terms and conditions contained herein.

NOW THEREFORE, in consideration of the above recitals, the terms and conditions of this Modification of Deed Restrictions set forth below, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Church Corporation hereby makes the following modification, and agrees as follows:

1. Removal of Condition 4. Upon recordation of this instrument in the Official Records of Weber County Recorder’s Office, State of Utah, Church Corporation hereby removes all of Condition 4, but only as to the Property.

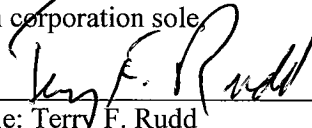
2. No Warranty. The CPB makes no warranty or representation as to the title, condition, or possible use of the Property.

3. All Other Restrictions Remain and Mineral Reservation Still Valid. This Modification only modifies Condition 4 and only as to the Property. The remaining real property described in the QC Deed and SW Deed remains subject to the Restrictions, which remain in full force and effect except as otherwise provided in that certain document titled “Modification of Deed Restriction” recorded March 12, 2018 as entry number 2909392 in the Weber County Recorder’s Office.

It is the intent of the Church Corporation that the reservation of minerals, coal, carbons, hydrocarbons, oil, gas, chemical elements, and compounds, whether in solid, liquid or gaseous form, and all steam and other forms of thermal energy on, in or under the Property, as such reservation is set forth in the QC Deed and the SW Deed, remain in full force and effect.

IN WITNESS WHEREOF, Church Corporation has executed this instrument on the day and year first written above.

THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah Corporation sole, fka CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole

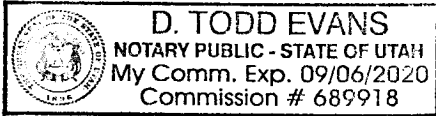
By: 
Name: Terry F. Rudd
Its: Authorized Agent

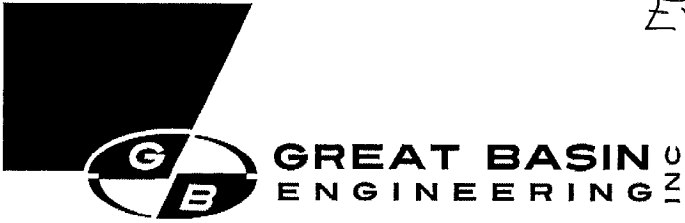
STATE OF UTAH)
 :SS
 COUNTY OF SALT LAKE)

On this 15th day of DECEMBER, 2019, personally appeared before me Terry F. Rudd, personally known to me to be an Authorized Agent of THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah Corporation sole, formerly known as CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, who acknowledged to me that he signed the foregoing instrument as the authorized agent for said corporation, and acknowledged to me that the said corporation executed the same.



Notary Public for the State of Utah





November 12, 2019

Taylor Property

Area to be Removed from Deed Restriction from Church of Jesus Christ of Latter Day Saints Conveyance

A part of Lots 1-7, Block 16, and the Vacated Alley Butting thereon, and Lot 42 Block 17, South Ogden Plat "A" together with a portion of the Vacated Orchard Avenue. Being a part of the Northwest Quarter of Section 9, Township 5 North, Range 1 West, Salt Lake Base and Meridian:

Beginning at a point 298.15 feet North 89°02'00" West along the Centerline of 4100 South Street, and 283.00 feet North 0°58'00" East and 108.00 feet South 89°02'00" East to the Centerline of the Vacated Alley in Block 16; and 110.16 feet North 00°58'00" East along said Centerline from the monumented in the intersection of Madison Avenue and 4100 South Street and running thence North 55°43'27" West 42.52 feet; thence North 57°46'35" West 74.62 feet; thence North 55°57'44" West 89.79 feet; thence North 56°00'31" West 15.94 feet; thence North 44°31'01" West 79.20 feet to the North line of said Block 17; thence South 89°34'10" East 244.41 feet along said North line and the North line of Block 16 to the Centerline of said Vacated alley in Block 16; thence South 00°58'00" West 177.57 feet along said Centerline to the POINT OF BEGINNING.

Containing 23,593 square feet
or 0.5416 acres, more or less.

