

RETURN TO:
Valley Bank & Trust Co.
East Murray Branch
5565 So. 9th East - SLC, Ut.

3281004

DECLARATION OF EASEMENT AND RIGHT OF WAY

Village Mall Associates, Inc., a Utah corporation; John Arion Erektion, Helen E. Erektion, and John Arion Erektion, Jr., as Trustees of the John Arion Erektion Equity Trust; and Valley Bank and Trust Company, Grantors, do hereby grant a perpetual easement and right of way for purposes of egress and ingress over the property described below, located in Salt Lake County, Utah. This property is the subject of a lease agreement dated July 27, 1978, by and between The John Arion Erektion Equity Trust, Lessor, and Village Mall Associates, Inc., Lessee. Pursuant to the terms of said lease, the Lessee has the option to purchase the property which is the subject of the lease, which property includes the property described below, during the term of the lease. The fee title to the property described in the lease, part of which is set forth below, is held by John Arion Erektion, Helen E. Erektion, and John Arion Erektion, Jr., as Trustees of the John Arion Erektion Equity Trust. This easement is intended to be a permanent and perpetual right of way in favor of all of the Grantors herein and or any other abutting properties and is intended to be binding upon the heirs, executors, successors or assigns of the same.

SECURITY TITLE CO.
GHD # 194208

Maintenance of the property and any taxes, charges, or other assessments which are levied against said property shall be the responsibility of the Lessee of Parcel 1A (an abutting parcel of property) or the owner of Parcel 1A if the same is purchased from the John Arion Erektion Equity Trust. A copy of the plat outlining parcel 1A in relation to parcels 1B and 4B is attached hereto and by this reference incorporated herein.

The easement and right of way is hereby granted in, to, and over the following described tracts of land located in Salt Lake County, Utah:

PARCEL 1B: Entry Road R/W Exclusive of 9th East Widening

Beginning at a point which is South 89°47'43" West 834.09 feet and North 0°04'30" West 422.29 feet from the South 1/4 Corner of Section 8, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running thence North 89°55'30" East 374.92 feet, thence South 0°04'30" East 50.00 feet, thence South 89°55'30" West 374.92 feet; thence North 0°04'30" West 50.00 feet to the point of beginning. Containing 0.430 Acres.

PARCEL 4B: 9th East Widening in Front of Entry Road R/W

Beginning at a point which is South 89°47'43" West 834.09 feet and North 0°04'30" West 422.29 feet from the South 1/4 Corner of Section 8, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running thence South 89°55'30" West 20.00 feet, thence South 0°04'30" East 50.00 feet thence North 89°55'30" East 20.00 feet, thence North 0°04'30" West 50.00 feet to the point of beginning. Containing 0.0230 Acres.

Attest: Village Mall Associates, Inc.

Thomas W. Buxton
Thomas W. Buxton, Secretary

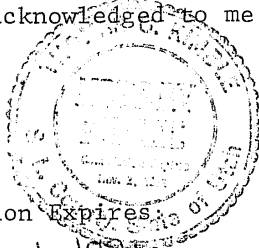
By Bruce V. Broadhead
Bruce V. Broadhead, President

STATE OF UTAH)
 : ss.
County of Salt Lake)

On the 14th day of May, 1979, personally appeared before me, Bruce V. Broadhead and Thomas W. Buxton, who being by me first duly sworn did say that he the said Bruce V. Broadhead is the President, and he, the said Thomas W. Buxton, is the Secretary of Village Mall Associates, and that the within and foregoing instrument was signed

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on behalf of said corporation by authority of a resolution of the Board of Directors and said Bruce V. Broadhead and Thomas W. Buxton each duly acknowledged to me that said corporation executed the same.



Thomas W. Krumble
NOTARY PUBLIC
Residing at: Salt Lake County, Utah

My Commission Expires:
November 1, 1981

Security Title Company, Trustee

By Gordon H. Dick
Gordon H. Dick,
Executive Vice President

By Charles G. Miller
Charles G. Miller
Secretary

John Arion Ereksen Equity Trust

By John Arion Ereksen - Trustee
John Arion Ereksen, Trustee

By Helen E. Ereksen - Trustee
Helen E. Ereksen, Trustee

By John Arion Ereksen, Jr. - Trustee
John Arion Ereksen, Jr., Trustee

STATE OF UTAH)
: ss
County of Salt Lake)

On the 16th day of May, 1979, personally appeared before me John Arion Ereksen, Helen E. Ereksen, and John Arion Ereksen, Jr., the signers of the foregoing instrument who duly acknowledged to me that they executed the same.

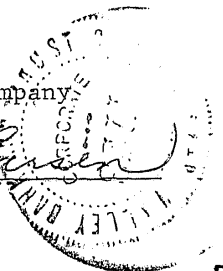


John Parson
Notary Public
Residing in Salt Lake County, Utah

My Commission Expires:
2-12-83

Valley Bank and Trust Company

By Gaylen C. Larsen

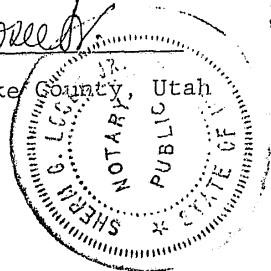


STATE OF UTAH)
: ss.
County of Salt Lake)

On the 16th day of May, 1979, personally appeared before me GAYLEN C. LARSEN, the SR. VICE PRESIDENT of Valley Bank and Trust Company, who being by me first duly sworn did say that he was the GAYLEN C. LARSEN of Valley Bank and Trust and that the within and foregoing instrument was signed by him on behalf of said corporation and he duly acknowledged to me that said corporation executed the same.

Sherm Slozee
Notary Public
Residing in Salt Lake County, Utah


My Commission Expires:
3-13-83



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STATE OF UTAH)
) ss.
County of Salt Lake)

On the 16th day of May, 1979, personally appeared before me Gordon H. Dick and Charles G. Miller who being by me duly sworn did say, each for himself, that he the said Gordon H. Dick is the Executive Vice President and he the said Charles G. Miller is the Secretary of SECURITY TITLE COMPANY, Trustee, and that the within and foregoing instrument was signed in behalf of said corporation by authority of a resolution of its Board of Directors and said Gordon H. Dick and Charles G. Miller each duly acknowledged to me that said corporation executed the same and that the seal affixed is the seal of said corporation.


Notary Public
Residing at Salt Lake City, Utah

My commission expires 11/10/79

850
MAY 17 3 02 PM '79
KATIE L. DIXON
RECORDER
SALT LAKE COUNTY,
UTAH
SECURITY TITLE CO.
REF. [unclear]
G. Schwanefeld, etc.

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ALONG THE SOUTHERLY AND WESTERLY BOUNDARY LINES OF TWIN PEAKS CIRCLE SUBDIVISION WEST 285.39 FEET AND NORTH 378.72 FEET TO THE SOUTHERLY LINE OF PARADISE PARK NO. 1 SUBDIVISION THENCE ALONG SAID SOUTHERLY LINE AND ITS EXTENSION N89°19'10" W 100.245 FEET AND N89°13' W 564.506 FEET TO THE EASTERLY LINE OF 800 EAST STREET THENCE S0°04'30" ALONG SAID EASTERLY LINE 471.858 FEET THENCE N89°55'30" E 100 FEET THENCE S77°30' E 479.293 FEET THENCE S0°04'30" E 169.811 FEET THENCE N89°55'30" E 399.75 FEET TO A LINE COINCIDENT WITH THE MOST WESTERLY PROTRUSION OF A BOARD FENCE THENCE ALONG SAID LINE N145° E 17.3 FEET N100° E 100.00 FEET N15° E 100.00 FEET AND N1°30' E 136.536 FEET TO THE POINT OF BEGINNING TOTAL 10.621 ACRES.

N88°53' W 630.522'

564.506

375.00

504.51

20.90

15.00

30.00

450.00
S0°04'30" E

50.00

27.08

147.00

S85°15'30" W 114.97'

S55°17'40" W 93.93'

PARCEL A

PARCEL 1
3.06 ACRES

1A
(1.755 AC)

1B
(0.430 AC)

1C
(0.875 AC)

PARCEL 2
0.458 ACRES

S0°04'30" E
102.00

N0°04'30" W

4A (0.0955 AC)

4B (0.0230 AC)

4C (0.0755 AC)

PARCEL 4

S0°04'30" E

651.316

PRESENT MURRAY ST

3004364 468