

**AMENDED AND RESTATED
NONEXCLUSIVE EASEMENT**

Brian Head Ski, Ltd., a Utah limited partnership, as the successor to Brian Head Enterprises, Inc., a Utah corporation, the Grantor of that certain Nonexclusive Easement dated April 6, 1991, and by Instrument recorded April 18, 1991, as Entry No. 305825 in Book 429 at Page 666 of Official Records of Iron County, Utah, hereby wishes to amend such easement to provide that it will continue in perpetuity for the benefit of Grantee and its successors and assigns and to restate such Nonexclusive Easement in its entirety as follows:

Grantor, in consideration of \$10.00, the receipt of which is hereby acknowledged, hereby grants unto Brian Head North Condominium Owners Association, Grantee, a nonexclusive easement for the sole purpose of installing, operating, maintaining and rebuilding a subsurface sanitary sewer line.

The easement granted hereby shall be 15 feet wide, lying 7.5 feet on each side of the following described centerline:

Beginning S 89°06'32" E, 825.42 ft. along the section line and South 528.34 ft. from the NW corner of Section 2, T36S, R9W, SLM; said point of beginning being on the Southerly line of the Brianhead North Condominium's property; running thence S 4 degrees, 29' W, 154.38 ft.; thence S 11 degrees 23'W, 60.29 ft.; thence S 17°05'W, 62.00 ft.; thence S 68 degrees 00' E, 17.08 ft. to the grantors Easterly line and the point of ending.

Grantor shall have the right to make any use of the surface of such property as Grantor desires. Grantee shall be obligated to repair, replant or recondition the property subject to the easement to its original condition following any entrance upon such property by Grantee. This easement shall continue in perpetuity unless terminated by Grantee's execution and recordation of a Notice of Termination. The terms and provisions of this easement shall be binding upon and inure to the benefit of the successors and assigns of the Grantor and Grantee.

00367001 Bk00572 Pg00264-00265

DIXIE B MATHESON - IRON COUNTY RECORDER
1996 JUL 16 10:38 AM FEE \$12.00 BY PTC
REQUEST: FIRST AMERICAN TITLE/CEDAR CITY

FIRST AMERICAN TITLE COMPANY OF UTAH

25684

P. 004

602-274-0146

MCGABE O'DONNELL & WRIGHT

07/10/96 11:59

DATED July 15, 1996.

BRIAN HEAD SKI, LTD., a Utah limited partnership, by its general partner:

Brian Head Resort, Inc., a Utah corporation

By: James Trees
Its: President

"Grantor"

STATE OF UTAH)
) ss.
County of IRON)

On the 15 day of July, 1996, personally appeared before me James Trees, the signer of the within instrument, who duly acknowledged to me that he executed the same in his capacity as President of Brian Head Resort, Inc., a Utah corporation, general partner of Brian Head Ski Ltd., a Utah limited partnership.

Calvin D. Robinson
Notary Public

My Commission Expires:
12-15-96

