

4035065

RIGHT OF WAY AND EASEMENT GRANT

GLADSTONE PROPERTIES INC., a Utah Corporation, Grantor, does hereby convey and warrant to ROD IRWIN CUSTOM HOMES, INC., a Utah Corporation and MOUNTAINTOP CONSTRUCTION, INC., a Utah Corporation, collectively Grantee, their successors and assigns, for the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations, receipt of which is hereby acknowledged, a perpetual right of way and easement 15.0 feet in width to construct, maintain, operate, repair, inspect, protect, remove and replace water, sewer, storm sewer and other utility lines and facilities (hereinafter collectively referred to as "Facilities") through and across the following described land situated in Salt Lake County, State of Utah, to-wit:

SEE EXHIBIT A ATTACHED AND FORMING A PART OF THIS  
RIGHT OF WAY AND EASEMENT GRANT

TO HAVE AND TO HOLD the same unto the said Grantee, their successors and assigns, so long as such Facilities shall be maintained, with the right of ingress and egress to and from said right of way to maintain, operate, repair, inspect, protect, remove and replace the same. During temporary periods Grantee may use such portion of the property along and adjacent to said right of way as may be reasonably necessary in connection with construction, maintenance, repair, removal or replacement of the Facilities so long as Grantee shall return the property to its former condition. The said Grantor shall have the right to use said premises except for the purposes for which this right of way and easement

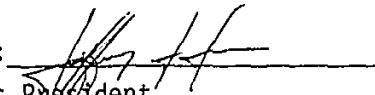
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is granted to said Grantee, provided such use does not interfere with the Facilities or any other rights granted to the Grantee hereunder.

The Grantor shall not build or construct nor permit to be built or constructed any building or other improvement over or across said right of way, nor change the contour thereof without the written consent of Grantee, which consent shall not be unreasonably withheld. This right of way grant shall be binding upon and inure to the benefit of the successors and assigns of Grantor and the successors and assigns of the Grantee, and may be assigned in whole or in part by either party.

IN WITNESS WHEREOF the Grantor has executed this right of way grant this 21<sup>st</sup> day of December, 1984.

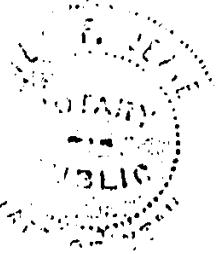
GLADSTONE PROPERTIES INC., a  
Utah Corporation

By:   
Its President

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

On the 21st day of December, 1984, personally appeared before me JEFFREY J. JONAS who being by me duly sworn did say that he, the said JEFFREY J. JONAS is the President of GLADSTONE PROPERTIES INC., 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 JEFFREY J. JONAS acknowledged to me that said corporation executed the same and that the seal affixed is the seal of said corporation.

NOTARY PUBLIC Carla Jones  
Residing at: Salt Lake City, Utah  
My Commission Expires: 2-28-88



BOOK 5619 PAGE 1976

EXHIBIT A

PERMANENT EASEMENT 15.0 FEET WIDE LYING 15.0 FEET LEFT OF AND PARALLEL  
AND ADJACENT TO THE FOLLOWING LINE OF REFERENCE AND PROJECTIONS THEREOF:

BEGINNING ON THE NORTHEAST CORNER OF LOT 83, OAKCLIFF PARK SUBDIVISION  
ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE OFFICE OF THE SALT LAKE COUNTY  
RECORDER AT A POINT WHICH LIES 1329.0 FEET SOUTH AND 569.9 FEET EAST, MORE  
OR LESS, FROM THE NORTH QUARTER OF SECTION 11, T. 2 S., R. 1 E., SALT LAKE  
BASE AND MERIDIAN AND RUNNING THENCE ALONG THE NORTH LINE OF SAID LOT 83  
N.  $71^{\circ} 50' 10''$  E., 190.60 FEET TO THE EAST LINE OF FORTUNA WAY.

700  
JAN 3 4 05 PM '85

RECORDED 1/3/85  
SALT LAKE COUNTY  
RECORDER'S OFFICE  
DEP

Jeanneine Popp  
Jacques Liane Popp

BOOK 5619 PAGE 1977