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468013

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BOOK 828 PAGE 31

AGREEMENT

RUTH EAMES OLSEN
WEBER COUNTY RECORDER
DEPUTY *Ruth Eames Olsen*

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This AGREEMENT made this 24 day of October, 1965 between

J. L. WHITE INVESTMENTS, Inc., a Delaware Corporation, N. E.
BLANKMAN and COMPANY, a New York Corporation, MACRATE-WOOD-
BURY CO., a Partnership, party of the first part, and WHITE-WOODBURY
HOTEL, INC., party of the second part,

WITNESSETH:

That whereas party of the first part is the owner of a certain piece
of ground located in Lots 1 and 2, Block 26, Plat A., Ogden City Survey, in
the City of Ogden, County of Weber, State of Utah described as follows:

Beginning at a point which is 469 feet south of the
north-east corner of Lot 10 Block 26, Plat A of Ogden
City Survey, and running thence west 155 feet; thence
south 198 feet, more or less to the north side of 25th
Street; thence east 155 feet thence north 198 feet, more
or less to the place of beginning,

and

WHEREAS, party of the second part is the owner of property north
of the above described property which is adjoining and contiguous to the
before mentioned and described real property of party of the first part, and

WHEREAS party of the first part has heretofore consented that
party of the second part build a retaining wall on part of the property of
party of the first part, and in accordance with said consent, party of the
first part has built a retaining wall which also will serve as a party wall on
the following described property

NOW THEREFORE, this indenture witnesseth that it is hereby
mutually agreed by the parties in consideration of the premises that party
of the second part has the right to build a retaining and party wall of a
thickness of 1 foot 6 inches on the following described property of party of
the first part:

1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030

Beginning at a point which is south 469 feet and west 66 feet from the north-east corner of Lot 10, Block 26, Plat A, Ogden City Survey, and running thence west 59.6 feet, thence south 1.5 feet, thence east 59.6 feet, thence north 1.5 feet to point of beginning.

Party of the first part does hereby covenant, promise, grant and agree that party of the second part, its successors and assigns shall and may at all times hereafter have the full and free liberty and privilege of joining to and using said wall both below and above the surface of the ground and along the length or any part of the length thereof to build a drive-way or ramp and connect said drive way and ramp to said wall,

And further that party of the second part will not use said retaining wall or party wall, remove the same, or add to said wall in any way that will interfere or prevent party of the second part maintaining and using said drive-way north of said party and retaining wall.

It is further mutually agreed between the parties that this agreement shall be perpetual and at all times construed as a covenant running with the land.

IN WITNESS WHEREOF the said parties have here unto set their hands and seals the day and year first above written.

J. L. WHITE INVESTMENTS INC.

By  _____

N. E. BLANKMAN AND COMPANY

By  _____

MACRATE-WOODBURY CO.

By  _____

WHITE-WOODBURY HOTEL, INC.

By

[Handwritten signature]



STATE OF NEW YORK)
:)
COUNTY OF NASSAU)

October,
On this 26th day of ~~August~~ 1965 personally appeared before me Norman E. Blankman, who being by me duly sworn did say that he is the President of J. L. WHITE INVESTMENTS 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 Norman E. Blankman, duly acknowledged to me that said corporation executed the same and that the seal affixed is the seal of the said corporation.

[Handwritten signature]
Notary Public - residing at
56 Knolls Drive N.
Manhasset Hills N.Y.

STATE OF NEW YORK)
:)
COUNTY OF NASSAU)

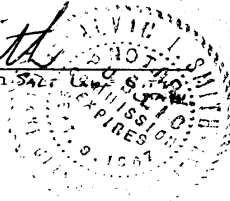
October,
On this 26th day of ~~August~~, 1965 personally appeared before me Norman E. Blankman, who being by me duly sworn did say that he is the President of N. E. BLANKMAN AND COMPANY, and that the within and foregoing instrument was signed in behalf of said corporation by authority of a resolution of its Board of Directors and said Norman E. Blankman, duly acknowledged to me that said corporation executed the same and that the seal affixed is the seal of the said corporation.

NOTARY PUBLIC
Norman E. Blankman
56 Knolls Drive N.
Manhasset Hills, N.Y.
Commission Expires 12/31/65

[Handwritten signature]
Notary Public - residing in
56 Knolls Drive N.
Manhasset Hills N.Y.

STATE OF UTAH)
:
COUNTY OF SALT LAKE)

On this 24th day of ~~August~~ ^{January}, 1965 personally appeared before me
WALLACE R. WOODBURY, a partner of MACRATE -
WOODBURY CO., who duly acknowledged to me that he executed the
foregoing instrument.

Alma Smith
Notary Public - residing in Salt Lake City, Utah


STATE OF NEW YORK)
:
COUNTY OF NASSAU)

October,
On this 26th day of ~~August~~ 1956 personally appeared before me
Norman E. Blankman, who being by me duly sworn did say that he is the
INC.
President of WHITE-WOODBURY HOTEL, ~~XXX~~, 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 Norman E. Blankman, duly
acknowledged to me that said corporation executed the same and that the
seal affixed is the seal of the said corporation.

ALAN M. LIPSAY
NOTARY PUBLIC - State of New York
No. 10000000000
Chancellor of Nassau County
Commission Expires December 30, 1967

Alan M. Lipsay
Notary Public - residing in
56 Knolls Lane No.
Manhasset Hills, N.Y.