

AFTER RECORDING MAIL TO:  
THE BOYER COMPANY  
675 EAST 500 SOUTH  
SALT LAKE CITY, UTAH 84102

AMENDMENT TO DECLARATION OF EASEMENTS

THIS AMENDMENT TO DECLARATION OF EASEMENTS (the "Amendment") is entered into this 22<sup>nd</sup> day of October, 1989 between E.M.B.C., a Utah general partnership ("EMBC"), Pioneer Fork Road Owner's Association, a Utah nonprofit corporation ("Pioneer"), City Development, Inc., a Utah corporation ("City") and The Boyer Company, a Utah general partnership ("Boyer").

RECITALS

A. EMBC, Boyer, Bertagnole Investment Company, a Utah general partnership ("Bertagnole") and Pioneer previously executed a Declaration of Easements dated July 5, 1985 (the "Declaration"). The Declaration was recorded July 10, 1985, as Entry No. 4108682, in Book 5670, at Page 658 of the Official Records of Salt Lake County, Utah.

B. City and Boyer are the successors to Bertagnole with respect to the ownership of an undivided fifty percent (50%) interest of "Tract A" as described on Exhibit A to the Declaration, and "Tract B" as described on Exhibit B to the Declaration. Accordingly, EMBC, City, Boyer and Pioneer constitute all of the "Parties" (as defined in Section 1(a) of the Declaration) required to execute an amendment of the Declaration pursuant to Section 5 of the Declaration.

C. The parties desire to amend the Declaration to enlarge the area of Tract C which is subject to the easements granted by Section 2 of the Declaration.

NOW, THEREFORE, for Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The tract constituting Tract C under the Declaration is hereby enlarged by adding within the definition of Tract C those tracts of land described on Schedule I attached hereto and incorporated herein by this reference. Section 2 of the Declaration is hereby modified to subject the tracts described on Schedule I to the easements established by said Section 2.

2. In all other respects the Declaration is ratified and affirmed.

4838512  
23 OCTOBER 89 10:42 AM  
KATIE L. DIXON  
RECORDER, SALT LAKE COUNTY, UTAH  
LANDMARK TITLE  
REC BY: DOROTHY SINFIELD, DEPUTY

BOY-E002.CH

LTZ - 3173

4838512

BOOK 6169 PAGE 1957

IN WITNESS WHEREOF, the parties have executed this Amendment on the date first set forth above.

"EMBC":

E.M.B.C., a Utah general partnership

By Shirley B. Collierwood  
Its General Partner

"PIONEER":

PIONEER FORK ROAD OWNER'S ASSOCIATION, a Utah nonprofit corporation

By H. R. Boyer  
Its Pres.

"CITY":

CITY DEVELOPMENT, INC., a Utah corporation

By Walter A. Smith  
Its President

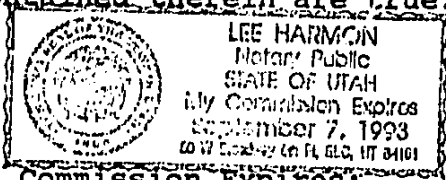
"BOYER":

THE BOYER COMPANY, a Utah general partnership

By H. R. Boyer  
Its Partner

STATE OF UTAH )  
 )  
COUNTY OF SALT LAKE )

On this 12 day of October, 1989, personally appeared before me Shirley B. Caulingwood, who duly acknowledged to me that he executed the foregoing instrument as one of the partners of E.M.B.C., a Utah general partnership, and that the statements contained therein are true.

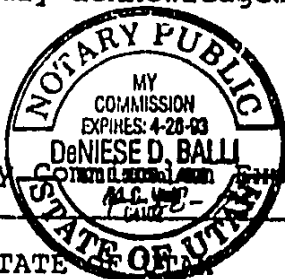


My Commission Expires: \_\_\_\_\_

Lee Harmon  
NOTARY PUBLIC  
Residing at: Salt Lake County, Utah

STATE OF UTAH )  
 )  
COUNTY OF SALT LAKE )

On this 19<sup>th</sup> day of October, 1989, personally appeared before me H. Roger Boyer, who being by me duly sworn did say, that he is the President of PIONEER FORK ROAD OWNER'S ASSOCIATION, a Utah nonprofit corporation, and that the within and foregoing instrument was signed in behalf of said corporation by authority of its bylaws (or of a resolution of its Board of Directors, as the case may be) and said H. Roger Boyer duly acknowledged to me that said corporation executed the same.

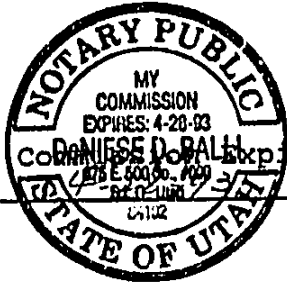


My Commission Expires: \_\_\_\_\_

Denise D. Balli  
NOTARY PUBLIC  
Residing at: Salt Lake County, Utah

STATE OF UTAH )  
 )  
COUNTY OF SALT LAKE )

On this 19<sup>th</sup> day of October, 1989, personally appeared before me Walter J. Plumb III, who being by me duly sworn did say, that he is the President of CITY DEVELOPMENT, INC., a Utah corporation, and that the within and foregoing instrument was signed in behalf of said corporation by authority of its bylaws (or of a resolution of its Board of Directors, as the case may be) and said Walter J. Plumb III duly acknowledged to me that said corporation executed the same.

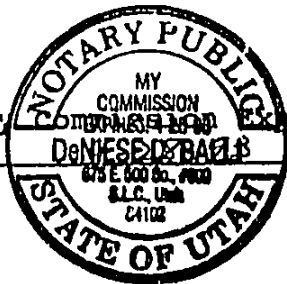


My Commission Expires:

Leanne D. Balli  
NOTARY PUBLIC  
Residing at: Salt Lake County, Utah

STATE OF UTAH )  
                                  :  
COUNTY OF SALT LAKE )

On this 19<sup>th</sup> day of October, 1989, personally appeared before me H. Roger Bayer, who being by me duly sworn did say that he is the General Partner of THE BOYER COMPANY, a Utah corporation, and that the within and foregoing instrument was signed in behalf of said corporation by authority of its bylaws (or of a resolution of its Board of Directors, as the case may be) and said H. Roger Bayer duly acknowledged to me that said corporation executed the same.



My Commission Expires:

Leanne D. Balli  
NOTARY PUBLIC  
Residing at: Salt Lake County, Utah

SCHEDULE I

PARCEL 1:

Beginning at a point that is North 45°24'52" East 4005.424 feet from the Southwest corner of Section 32, Township 1 North, Range 2 East, Salt Lake Base and Meridian; thence North 37°07'15" West 830.815 feet; thence North 33°14'53" East 515.693 feet; thence North 51°50'46" East 467.315 feet; thence North 15°22'51" East 290.599 feet; thence North 53°31'50" East 1079.383 feet to the East line of the West 1/2 of the Northeast 1/4 of said Section 32; thence South 00°35'05" East 912.990 feet along the East line of the West 1/2 of the Northeast 1/4 of said Section 32; thence South 44°11'39" West 176.106 feet; thence South 34°11'35" West 559.718 feet; thence South 29°57'44" West 612.647 feet; thence South 34°45'36" West 139.493 feet; thence South 37°52'08" West 329.364 feet; thence North 37°07'16" West 129.613 feet to the point of beginning.

PARCEL 2:

Beginning at a point that is North 04°18'54" East 2708.306 feet from the Southwest corner of Section 32, Township 1 North, Range 2 East, Salt Lake Base and Meridian; thence North 56°20'27" East 696.396 feet; thence South 05°00'00" West 226.385 feet; thence Southwesterly 95.981 feet along a curve concave to the Southeast with a radius of 75.000 feet, a central angle of 73°19'27", and a chord bearing South 62°41'57" West; thence Southwesterly 130.301 feet along a curve concave to the Northwest with a radius of 267.552 feet, a central angle of 27°54'14", and a chord bearing South 39°59'21" West; thence South 53°56'30" West 135.708 feet; thence Southwesterly 95.046 feet along a curve concave to the Southeast with a radius of 325.000 feet, a central angle of 16°45'22", and a chord bearing South 45°33'50" West; thence North 60°16'31" West 253.429 feet to the point of beginning.

PARCEL 3:

Beginning at a point North 00°50'40" East 2700.923 feet from the Southwest corner of Section 32, Township 1 North, Range 2 East, Salt Lake Base and Meridian; thence North 00°12'07" East 1185.777 feet along the West line of the Northwest Quarter of said Section 32; thence South 51°32'30" East 558.972 feet; thence South 14°32'30" East 50.000 feet; thence South 50°32'30" East 392.032 feet; thence South 05°00'00" West 155.190 feet; thence South 56°20'27" West 696.396 feet; thence North 90°00'00" West 163.954 feet to the point of beginning.