

4963965

WHEN RECORDED RETURN TO:  
WOODBURY CORPORATION  
c/o Lynn S. Woodbury  
2677 East Parley's Way  
Salt Lake City, Utah 84109

1550

4963965  
11 SEPTEMBER 90 10:18 AM  
KATIE L. DIXON  
RECORDER, SALT LAKE COUNTY, UTAH  
WOODBURY CORPORATION  
REC BY: EVELYN FROGSET , DEPUTY

EASEMENT

This Easement is executed this 10<sup>th</sup> day of September, 1990, by FIFTY-FIVE INVESTMENT COMPANY, a Utah general partnership.

WHEREAS, FIFTY-FIVE INVESTMENT COMPANY is the owner of the real property described in the attached Exhibit "A", (hereinafter "Servient Estate").

WHEREAS, FIFTY-FIVE INVESTMENT COMPANY is the owner of the real property described in the attached Exhibit "A", (hereinafter "Dominant Estate").

WHEREAS, FIFTY-FIVE INVESTMENT COMPANY, as owner of the Servient Estate and Dominate Estate recognizes that the business located on the Dominant Estate needs access for ingress and egress over and across the Servient Estate to adequately operate the business thereon and thus desires to provide for such access for ingress and egress over and across the Servient Estate for the benefit of the Dominant Estate.

WHEREAS, notwithstanding the fact that FIFTY-FIVE INVESTMENT COMPANY, owns the separate parcels described above, FIFTY-FIVE INVESTMENT COMPANY intends to create by virtue of this Easement a right that runs with the Dominant Estate for the benefit of the Dominant Estate, the present and successor owner(s) thereof, and the tenant(s) who occupy the said parcel.

NOW, THEREFORE, in consideration of the covenants contained herein and other valuable consideration, and the recitals above incorporated herein by this reference, the following easement is hereby created, granted and conveyed:

1. FIFTY-FIVE INVESTMENT COMPANY, as owner of the Servient Estate, hereby grants and conveys to FIFTY-FIVE INVESTMENT COMPANY, an unrestrictive, non-exclusive easement for vehicular traffic, service and maintenance vehicles, and access for ingress and egress across, to and upon the Servient Estate for the benefit of the Dominant Estate, and FIFTY-FIVE INVESTMENT COMPANY, hereby confers a benefit on the Dominant Estate and its owner(s) and their successors, tenant(s), occupants, customers, guests, patrons, clients, invitees, licensees and employees of the owner and businesses located on said parcel for the uses described herein.

2. It is intended that the easement conveyed and granted herein is to run with the land and be appurtenant to the respective parcel benefitted by such easement and inure to the benefit of the

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Dominant Estate and the successors and assigns of each such owner of such parcel.

3. The creating and granting of the easement shall not be destroyed or terminated by the doctrine of merger and the undersigned and its successors and assigns hereby waive any right or claim to the doctrine of merger to destroy or deny the existence of the easement created herein.

FIFTY-FIVE INVESTMENT COMPANY, a Utah General Partnership, as to the Dominant Estate

By Wallace R. Woodbury  
Wallace R. Woodbury, Attorney-in-Fact

By Orin R. Woodbury, ATT'Y-IN-FACT  
Orin R. Woodbury, Attorney-in-Fact

FIFTY-FIVE INVESTMENT COMPANY, a Utah General Partnership, as to the Servient Estate

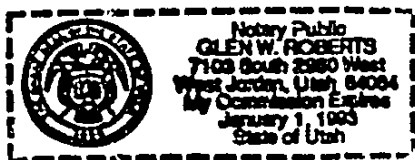
By Wallace R. Woodbury  
Wallace R. Woodbury, Attorney-in-Fact

By Orin R. Woodbury, ATT'Y-IN-FACT  
Orin R. Woodbury, Attorney-in-Fact

ACKNOWLEDGMENT

STATE OF UTAH )  
 ) : ss.  
COUNTY OF SALT LAKE )

On the 10<sup>th</sup> day of September, 1990, personally appeared WALLACE R. WOODBURY, Attorney-in-Fact, and ORIN R. WOODBURY, Attorney-in-Fact, to me personally known, who being by me duly sworn did say that they executed the within instrument for and on behalf of said FIFTY-FIVE INVESTMENT COMPANY pursuant to authority granted by the partnership.



Glen W. Roberts  
Notary Public

\_\_\_\_\_  
(Street Address)

\_\_\_\_\_  
(City, State and Zip Code)

My commission expires:  
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EXHIBIT "A"

PARCEL A (SERVIENT ESTATE)

The West 52.5 feet of Lots 1, 2, 3, 4, 5, and 6, and all of the vacated alley lying to the rear or West of said Lots; the East 8.5 feet of Lot 31 and all of Lots 32 through 48, and 1/2 of the vacated alley lying to the rear or North of said Lots; less 13.5 feet lying to the South of the centerline of the vacated alley and South of Lots 23, 24, 25, and 26; all in Block 4 of Charles S. Desky's Third Edition according to the official Plat thereof in Book C of Plats at Page 17, Records of Salt Lake County, Utah.

PARCEL B (DOMINANT ESTATE)

Lots 23, 24, 25, and 26 and 1/2 of the vacated alley adjoining said Lots on the South; plus 13.5 feet lying to the South of the centerline of the vacated alley and South of Lots 23, 24, 25, and 26; all in Block 4 of Charles S. Desky's Third Edition according to the official Plat thereof in Book C of Plats at Page 17, Records of Salt Lake County, Utah.

Excepting therefrom the following described property: beginning at the Northwest Corner of Lot 26, Block 4, Charles S. Desky's Third Edition according to the official Plat thereof; thence North  $89^{\circ} 58' 38''$  East along the South line of North Temple Street 1.8 feet; thence South  $00^{\circ} 03' 08''$  East 95.50 feet; thence South  $89^{\circ} 58' 38''$  West 1.80 feet to the West line of said Lot 26; thence North  $00^{\circ} 03' 08''$  West along said Lot line 95.50 feet to the point of beginning.

(WR)