

5133932

WHEN RECORDED, MAIL TO:

Stephen B. Mitchell  
BURBIDGE & MITCHELL  
139 East South Temple  
Salt Lake City, UT 84111

E 104755

TRUSTEE'S DEED

This Trustee's Deed, made by O. Wood Moyle, III, as successor Trustee of the Testamentary Trust created by the will of Elizabeth M. FitzGerald, as GRANTOR, to Patricia H. Falk, whose address is 1345 Lake Rd., Lake Forest, IL 60045, as Grantee.

For valuable consideration received, GRANTOR hereby SELLS and CONVEYS to the GRANTEE the undivided one-sixth (1/6) interest held by him in trust in and to the following described real property located in Salt Lake County, State of Utah:

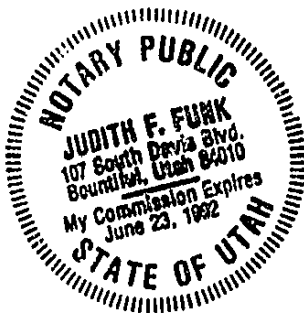
See Exhibit A hereto, incorporated herein by this reference.

WITNESS the hand of said Grantor, this 30<sup>th</sup> day of September, 1991.

O. Wood Moyle III Trustee  
O. Wood Moyle III as Successor  
Trustee of the Testamentary Trust  
created by the will of Elizabeth M.  
FitzGerald

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

On the 30<sup>th</sup> day of September, 1991, personally appeared before me O. Wood Moyle III who duly acknowledged to me that he executed the foregoing document in his capacity as Successor Trustee of the Testamentary Trust created by the will of Elizabeth M. FitzGerald.



Judith F. Funk  
NOTARY PUBLIC  
RESIDING AT: 4400 S. County St  
MY COMMISSION EXPIRES: 6/23/92

BK 6361 Pg 1792

5133932  
01 OCTOBER 91 11:57 AM  
KATIE L. DIXON  
RECORDER, SALT LAKE COUNTY, UTAH  
ASSOCIATED TITLE  
REC BY: DIANE KILPACK , DEPUTY

EXHIBIT A TO DEED TO PATRICIA H. FALK

BEGINNING AT A POINT ON AN EXISTING FENCE LINE, SAID POINT BEING NORTH 0 DEGREES 15 MINUTES 49 SECONDS WEST ALONG AN EXISTING FENCE LINE AND LINE EXTENDED 672.43 FEET AND NORTH 0 DEGREES 11 MINUTES 36 SECONDS EAST ALONG AN EXISTING FENCE LINE 62.30 FEET FROM THE SOUTHEAST CORNER OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN (BASIS OF BEARING IS NORTH 89 DEGREES 56 MINUTES 00 SECONDS WEST BETWEEN THE SOUTH QUARTER CORNER AND THE SOUTHEAST CORNER OF SAID SECTION 15), AND RUNNING THENCE WEST 772.31 FEET; THENCE SOUTH 40 DEGREES 55 MINUTES 08 SECONDS WEST 81.72 FEET TO A POINT ON A 225.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS SOUTH 40 DEGREES 55 MINUTES 08 SECONDS WEST); THENCE NORTHWESTERLY THROUGH A CENTRAL ANGLE OF 18 DEGREES 53 MINUTES 05 SECONDS AN ARC LENGTH OF 73.96 FEET TO A POINT OF TANGENCY; THENCE NORTH 67 DEGREES 54 MINUTES 58 SECONDS WEST 90.96 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY THROUGH A CENTRAL ANGLE OF 67 DEGREES 20 MINUTES 58 SECONDS AND ALONG THE ARC OF A 100.00 FOOT RADIUS CURVE TO THE RIGHT 117.55 FEET TO A POINT OF TANGENCY; THENCE NORTH 0 DEGREES 34 MINUTES 00 SECONDS WEST 34.79 FEET; THENCE NORTH 89 DEGREES 56 MINUTES 00 SECONDS WEST 1.13 FEET TO AN EXISTING FENCE LINE; THENCE ALONG AN EXISTING FENCE LINE THE FOLLOWING SIX (6) COURSES: NORTH 0 DEGREES 09 MINUTES 27 SECONDS EAST 23.64 FEET; THENCE NORTH 1 DEGREES 01 MINUTES 09 SECONDS WEST 155.39; THENCE NORTH 0°24'29" WEST 260.47 FEET; THENCE NORTH 89 DEGREES 22 MINUTES 58 SECONDS EAST 634.98 FEET; THENCE NORTH 89 DEGREES 44 MINUTES 01 SECONDS EAST 408.55 FEET; THENCE SOUTH 0 DEGREES 11 MINUTES 36 SECONDS WEST 585.67 FEET TO THE POINT OF BEGINNING. Consisting of approximately 13.947 acres. The foregoing property may be referred to herein and in the Deed to which this Exhibit A is attached as the "14-Acre Parcel."

TOGETHER WITH: A non-exclusive twenty-five (25) foot right-of-way for ingress and egress, said right-of-way described in Exhibit B hereto. Grantor reserves the right at the sole election of grantor, his, her, or its successors and assigns, to change the location of such right-of-way; any change in the location of said right-of-way shall be designated by grantor by December 31, 1991. Grantor reserves the right to grant non-exclusive use of said right-of-way to (a) lots to be developed on property retained by grantor, and (b) lots to be developed on the "Harris property" and the "Mallinckrodt property" north of the 14-Acre Parcel.

EXCEPTING THEREFROM: All property, if any, to the north of existing fences at or near the north boundary of the 14-Acre Parcel.

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ALSO RESERVING UNTO GRANTOR a ten foot right-of-way and easement for construction, repair and maintenance of a sanitary sewer line to serve the 14-Acre Parcel and property retained by grantor, upon, across, through, or within the west one-eighth of the 14-Acre Parcel, the precise location of which shall be determined by final sewer line design approved by Salt Lake County, which approval shall be obtained by March 31, 1992.

SUBJECT TO:

1. Real property taxes and assessments for the year 1991, and thereafter.
2. Easements, covenants, restrictions, rights of way and reservations affecting the property, including but not limited to the following:
  - a. Perpetual Right of Way, granted by Right of Way Deed, recorded November 21, 1905, in Book 6S. Page 494 for ditch for irrigation purposes.
  - b. Any rights-of-way and easements, that may be implied by the effects of Deed of Water Rights, recorded Julyt 29, 1971, at Entry No 4200806, in Book 2984, at page 154.
  - c. Any right-of-way and easement that may exist as described in a deed recorded February 16, 1979 as entry no. 3238601, in book 4816, at page 28.
  - d. Matters disclosed in that survey prepared by McNeil Engineering, Inc. certified under the date of February 7, 1991.
3. Existing ditches at, along or near the north and east lines of the described property.
4. Encroachments from existing fences.
5. The following covenants, conditions, and restrictions, which Grantee accepts, approves and agrees the property and Grantee will be subject to by Grantee's acceptance of this Deed:
  - a. The 14-Acre Parcel shall not be subdivided for eight (8) years from the date of this Deed. Any such subdivision shall be limited so that not more than seven (7) lots or parcels shall exist within or upon the 14-acre parcel, and each such lot and parcel

shall have an area of at least one and three-fourth (1.75) acres.

- b. No improvements other than fences will be made between the 14-Acre Parcel's south property line and a line parallel thereto thirty feet north thereof, and no live trees shall be removed from that area except as necessary for a road.
- c. Before subdivision the 14-Acre Parcel shall be used solely for residential purposes for a single family residence. After subdivision each resultant lot shall be used solely for residential purposes for a single family residence.
- d. The foregoing covenants, conditions, and restrictions shall run with the land and all owners, purchasers and occupants thereof, including Grantee, shall be deemed to have consented and agreed thereto. The foregoing provisions of this paragraph shall be and remain effective for a period from the date hereof to January 1, 2016, at which time said covenants, conditions, and restrictions shall be automatically extended for successive periods of ten (10) years, unless, by written agreement of Grantor, his, her, or its successors and assigns, and all owners of the property retained by Grantor to the south of the 14-Acre Parcel, it is agreed to amend or release said covenants in whole or in part, and such agreement is filed with the office of the Recorder of Salt Lake County, Utah.
- e. Grantor, its successors and assigns, and each subsequent owner of a lot or any part of the property retained by Grantor south of the 14-Acre Parcel shall have the right to enforce the provisions of this paragraph by appropriate legal proceedings, at law or in equity, including injunction and restraining order, and to recover all costs incurred, including reasonable attorneys fees.

EXHIBIT B TO DEED TO PATRICIA H. FALK

A 25 FOOT WIDE NON EXCLUSIVE RIGHT-OF-WAY, 12.5 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT A POINT ON THE NORTH RIGHT-OF-WAY LINE OF 6200 SOUTH STREET (33 FOOT HALF WIDTH), SAID POINT BEING NORTH 89° 56'00" WEST ALONG THE SECTION LINE 881.512 FEET AND NORTH 0°04'00" EAST 33.00 FEET FROM THE SOUTHEAST CORNER OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE NORTH 0°04'00" EAST 62.062 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 137.50 FOOT RADIUS CURVE TO THE RIGHT 107.913 FEET TO A POINT OF TANGENCY; THENCE NORTH 45°02'01" EAST 71.982 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 212.50 FOOT RADIUS CURVE TO THE LEFT 234.712 FEET TO A POINT OF TANGENCY; THENCE NORTH 18°15'05" WEST 114.276 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 212.50 FOOT RADIUS CURVE TO THE LEFT 184.393 FEET TO A POINT OF TANGENCY; THENCE NORTH 67°54'58" WEST 90.960 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 112.50 FOOT RADIUS CURVE TO THE RIGHT 96.936 FEET.

A portion of the north side of the above described right-of-way abuts the 14-Acre Parcel

Grantee may grant, convey or transfer rights or interests in the right-of-way, subject to the following terms and conditions:

1. No additional rights or interests in the right-of-way shall be granted, conveyed or transferred prior eight to (8) years from the date hereof. Provided, however, that the foregoing shall not prohibit, limit or restrict Grantee's conveyance of the entire 14-Acre Parcel and Grantee's interest in the above right-of-way.
2. The total number of lots or parcels to which any right or interest in the right-of-way may be granted, conveyed or transferred shall not exceed seven (7) within or upon the entire 14-Acre Parcel, including any lot or parcel retained by Grantee.
3. No rights or interest in the right-of-way shall be granted, conveyed or transferred except in connection with a grant, conveyance or transfer of the 14-Acre Parcel or a portion thereof.