

After recording return to:  
Hirschi, Baer & Clayton  
Attn: David P. Hirschi  
68 South Main Street, Suite 600  
Salt Lake City, Utah 84101

RESOLUTION AND AGREEMENT TO  
ABBROGATE, EXTINGUISH AND TERMINATE  
THE CMNRS GROUP MASTER PLAN OVERLAY

This RESOLUTION AND AGREEMENT TO ABBROGATE, EXTINGUISH AND TERMINATE THE CMNRS GROUP MASTER PLAN OVERLAY (this "Resolution") is made and entered into as of this 2<sup>nd</sup> day of April, 2020 (the "Effective Date") by and between (i) PEAK VIEW DEVELOPMENT, LLC, a Utah limited liability company, (ii) RIM VILLAGE HOMEOWNERS ASSOCIATION, INC., a Utah non-profit corporation, (iii) RIM VILLAGE VISTA SUBDIVISION SINGLE FAMILY LOTS HOMEOWNERS ASSOCIATION, INC., a Utah non-profit corporation, (iv) RIM VILLAGE VISTAS HOMEOWNERS' ASSOCIATION, INC., a Utah non-profit corporation, (iv) HENDERSON PROPERTIES, LLC, a Utah limited liability company, (vi) the IRVIN D. NIGHTINGALE TRUST, dated May 14, 2014, (vii) SN, LTD, a Utah limited partnership, and (viii) BROOKS and PATRICIA TYLER, individuals (collectively the "Owners").

Statement of Purpose and Intent

Gary G. and Judy D. Carmichael, Bill B. and Inalyn Meador, Robert J. and Donna M. Reid, SN LTD, and Jane E. Sleight ("Original Owners") entered into that certain CMNRS Group Master Plan Overlay, on the 28<sup>th</sup> day of July 1995 (the "Overlay"). The Original Owners or their successors and assigns ("Owners") now desire to abrogate, extinguish, and terminate the Overlay in its entirety. By the Owners' signatures attached hereto, they now effectively do so.

Statement of Background

- A. Prior to and at the time the Overlay was executed, no law regulating the master planning of communities existed in the municipal code of Grand County.
- B. To accommodate common development and to ensure conformity within a certain area, the Original Owners drafted and adopted the Overlay.
- C. The purpose of the Overlay was to establish land use parameters for approximately 100 acres of land, comprised of six individual properties ("Constituent Properties").
- D. The County, acknowledging that no law existed to govern such common planning at the municipal level, drafted and adopted Resolution 2255 on the 17<sup>th</sup> day of July 1995, (the "Resolution"), which acknowledged and commended the Original Owners for their efforts.
- E. At no time has the County adopted the Overlay as part of its statutorily required General Plan.

- F. Since the execution and subsequent recording of the Overlay, several of the Constituent Properties have been developed. However, such developments, all of which were approved by the County under its land use ordinances, do not fully comply with the Overlay guidelines.
- G. Since the adoption of the Overlay, the County has adopted a General Plan in accordance with applicable law, including guidelines for the development of property underlying the boundaries of the Overlay.
- H. The General Plan adopted by the County and the failure of the County or the Original Owners or their successors to adhere to or enforce the Overlay render the original purpose of the Overlay both nonfunctional and redundant for governing land use.
- I. Accordingly, the undersigned, being all of the Owners of the Constituent Properties, agree that the governing of the Constituent Properties would be best served by the currently applicable General Plan and subdivision ordinances adopted by the County.

Agreement

NOW, THEREFORE, the undersigned Owners agree as follows:

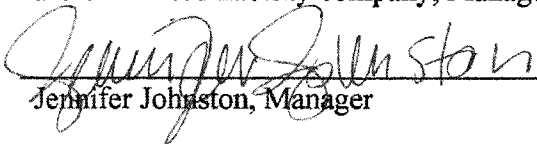
1. Overlay Termination. The Owners abrogate, extinguish, and terminate the CMNRS Group Master Plan Overlay and release all Owners from the requirements of the same. Such termination includes all easements contained therein, except those created by a separate and recorded conveyance. All Owners waive their right to bring an enforcement action against any other Owner for any act or omission related to the Overlay, regardless of such act or omission occurring prior to or after the execution of this Resolution.
2. Recording. This Resolution shall be recorded and will invalidate and supersede the CMNRS Group Master Plan Overlay recorded on July 28, 1995 as Entry No. 434423 in Book 477, at Pages 274-277 in the official records of Grand County, Utah.
3. Binding. This Resolution will run with the land and is binding upon and will inure to the benefit of the heirs, representatives, transferees, successors, and assignees of the Owners.
4. Counterparts. This Resolution may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.
5. Severability. Whenever possible, each provision of this Resolution shall be interpreted in such a manner as to be valid under applicable law. If any provision of this Resolution shall be invalid or prohibited under applicable law, such provisions shall be ineffective to the extent of such invalidity or prohibition without invalidating the remaining provisions in this Resolution.
6. Governing Law. This Resolution shall be governed by and construed under Utah law.

*[Signature Page to Follow]*

IN WITNESS WHEREOF, the undersigned Owners of that real property situated in Grand County, Utah and referenced in the records of the Grand County, Utah Recorder as more particularly described in Exhibit "A," do hereby agree to the abrogation, extinguishment, and termination of the CMNRS Group Master Plan Overlay, and have by themselves or by their duly authorized representatives, signed and dated this Resolution:

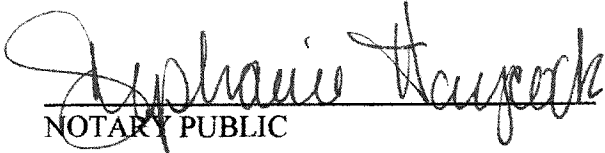
**PEAK VIEW DEVELOPMENT LLC**  
a Utah limited liability company

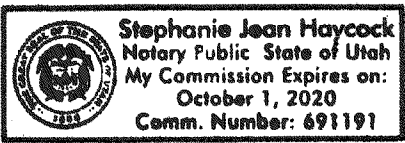
BY: BLACK SHEEP DEVELOPMENT COMPANY LLC  
a Utah limited liability company, Manager

  
\_\_\_\_\_  
Jennifer Johnston, Manager

STATE OF UTAH                    )  
  ) :ss.  
COUNTY OF Grand            )

On this 2 day of April, 2020, personally appeared before me Jennifer Johnston, known to me to be the person who executed the within and foregoing instrument as Manager of Black Sheep Development Company LLC, a Utah limited liability company, which is Manager of Peak View Development LLC, a Utah limited liability company, who duly acknowledged to me that she executed the same.

  
\_\_\_\_\_  
NOTARY PUBLIC

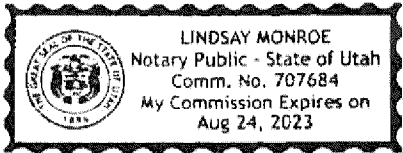


**RIM VILLAGE HOMEOWNERS ASSOCIATION, INC.**  
a Utah non-profit corporation

Sharon Butler  
Sharon Butler, President

STATE OF Utah )  
  :SS.  
COUNTY OF Salt Lake )

On this 24 day of February 2020, personally appeared before me Sharon Butler, known to me to be the person who executed the within and foregoing instrument as President of the Rim Village Homeowners Association, Inc., a Utah non-profit corporation, who duly acknowledged to me that they executed the same.



Lindsay Monroe  
NOTARY PUBLIC

**HENDERSON PROPERTIES, LLC**

a Utah limited liability company



By: Charles Henderson

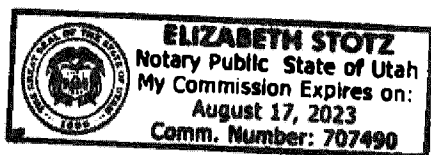
Its: Mgr/member

STATE OF Utah )

:SS.

COUNTY OF Citron )

On this 27 day of February, 2020 personally appeared before me Charles Henderson, known to me to be the person who executed the within and foregoing instrument as mgr/member of Henderson Properties, LLC, a Utah limited liability company, who duly acknowledged to me that they executed the same.



Elizabeth A Stotz  
NOTARY PUBLIC

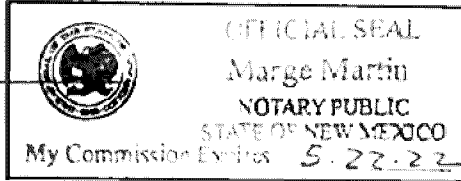


**THE IRVIN D. NIGHTINGALE TRUST**  
dated May 14, 2014

\_\_\_\_\_  
Jill Jacobson, Trustee

*Jill Jacobson*

\_\_\_\_\_  
Jack Nightingale, Trustee



STATE OF N. Mex.  
:SS.  
COUNTY OF SAN JUAN

On this 6 day of March, 2020, personally appeared before me ~~Jill Jacobson~~ and Jack Nightingale, known to me to be the persons who executed the within and foregoing instrument as Trustees of the Irvin D. Nightingale Trust, dated May 14, 2014, who duly acknowledged to me that they executed the same.

*Marge Martin*  
\_\_\_\_\_  
NOTARY PUBLIC

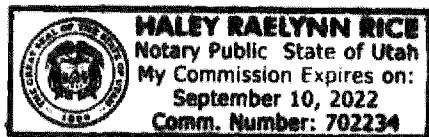
**SN, LTD**

a Utah limited partnership

Jill Jacobson, Manager General Partner SN LTD  
Jill Jacobson, Manager

STATE OF Utah )  
  ) :ss.  
COUNTY OF Grand )

On this 16 day of March, 2020, personally appeared before me Jill Jacobson, known to me to be the person who executed the within and foregoing instrument as Manager of SN LTD, a Utah limited partnership, who duly acknowledged to me that she executed the same.



Haley Raelynn Rice  
NOTARY PUBLIC



Brooks K. Tyler

Brooks K Tyler, an individual

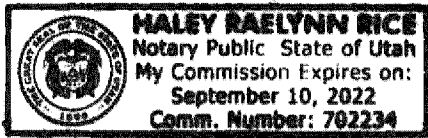
Patricia K. Tyler

Patricia K. Tyler, an individual

STATE OF Utah )  
:SS.  
COUNTY OF Grand )

On this 5 day of March, 2020, personally appeared before me Brooks K. Tyler and Patricia K. Tyler, known to me to be the persons who executed the within and foregoing instrument.

Haley Raelynn Rice  
NOTARY PUBLIC



**RIM VILLAGE VISTA SUBDIVISION SINGLE FAMILY LOTS HOMEOWNERS ASSOCIATION, INC.**

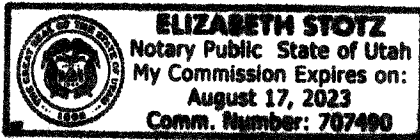
a Utah non-profit corporation

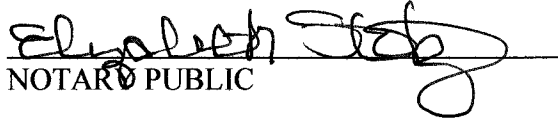


By: DAVID BIERSCHIED  
Its: PRESIDENT

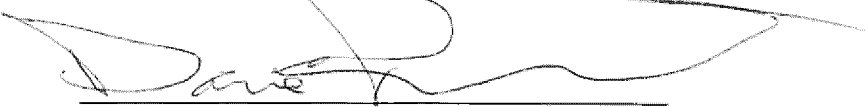
STATE OF Utah )  
  )ss.  
COUNTY OF Grand )

On this 21<sup>st</sup> day of February, 2020, personally appeared before me, David Bierschied, known to me to be the person who executed the within and foregoing instrument as President of the Rim Village Vista Subdivision Single Family Lots Homeowners Association, Inc., a Utah non-profit corporation, who duly acknowledged to me that they executed the same.



  
NOTARY PUBLIC

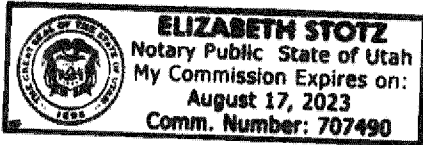
**RIM VILLAGE VISTAS HOMEOWNERS' ASSOCIATION, INC.**  
a Utah non-profit corporation



By: DAVID BIERSCHLER  
Its: PRESIDENT

STATE OF Utah )  
  :SS.  
COUNTY OF Grand )

On this 10<sup>th</sup> day of NOV, 2022, personally appeared before me David Bierschler, known to me to be the person who executed the within and foregoing instrument as PRESIDENT of the Rim Village Vista Homeowners' Association, Inc., a Utah non-profit corporation, who duly acknowledged to me that they executed the same.



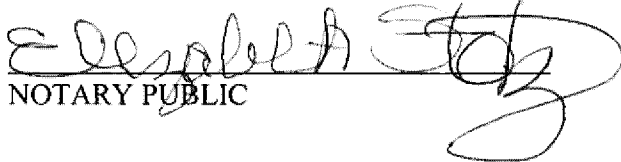
  
NOTARY PUBLIC

EXHIBIT "A"

PROPERTY OWNERSHIP TABLE

OWNER:	GRAND COUNTY RECORDER PROPERTY DESCRIPTION:					
<p>RIM VILLAGE HOMEOWNERS ASSOCIATION, INC., a Utah non-profit corporation, on behalf of the associated lot owners</p>	<p>Rim Village Town Homes Phase I, a Replat of Rim Village Condominiums, Phase I</p>			<p>A Final Plat of Rim Village Town Homes Phase II</p>		
	Unit A-1	Through	Unit A-4	Unit E-1	Through	Unit E-4
	Unit B-1	Through	Unit B-4	Unit F-1	Through	Unit F-4
Unit C-1	Through	Unit C-4	Unit G-1	Through	Unit G-4	
Unit D-1	Through	Unit D-4	Unit H-1	Through	Unit H-4	
Including All Common Areas			Including All Common Areas			
<p>A Final Plat of Rim Village Town Homes Phase III</p>	<p>A Final Plat of Rim Village Town Homes Phase IV</p>					
Unit I-1	Through	Unit I-4	Unit M-1	Through	Unit M-4	
Unit J-1	Through	Unit J-4	Unit N-1	Through	Unit N-4	
Unit K-1	Through	Unit K-4	Unit O-1	Through	Unit O-4	
Unit L-1	Through	Unit L-4	Unit P-1	Through	Unit P-4	
Including All Common Areas			Including All Common Areas			
<p>A Final Plat of Rim Village Town Homes Phase V</p>	<p>A Final Plat of Rim Village Town Homes Phase VI</p>					
Unit Q-1	Through	Unit Q-4	Unit T-1	Through	Unit T-4	
Unit R-1	Through	Unit R-4	Unit U-1	Through	Unit U-4	
Unit S-1	Through	Unit S-4	Unit V-1	Through	Unit V-4	
Including All Common Areas			Unit W-1	Through	Unit W-4	
			Unit X-1	Through	Unit X-4	
			Unit Y-1	Through	Unit Y-4	
			Unit Z-1	Through	Unit Z-4	
Including All Common Areas			Including All Common Areas			
<p>RIM VILLAGE VISTAS HOMEOWNERS' ASSOCIATION, INC., a Utah non-profit corporation, on behalf of the associated lot owners</p>	<p>A Final Plat of Rim Village Vistas Subdivision Phase 2</p>			<p>A Final Plat of Rim Village Vistas Subdivision Phase 3</p>		
	Lot 1-A1	Through	Lot 1-A8	Lot 4-A1	Through	Lot 4-A8
	Lot 2-A1	Through	Lot 2-A8	Lot 5-A1	Through	Lot 5-A8
	Lot 3-A1	Through	Lot 3-A8	Including All Common Areas		
	Including All Common Areas					

	<table border="1"> <tr><td colspan="3">A Final Plat of Rim Village Vistas Subdivision Phase 4</td></tr> <tr><td>Lot 6-A1</td><td>Through</td><td>Lot 6-A8</td></tr> <tr><td>Lot 7-A1</td><td>Through</td><td>Lot 7-A8</td></tr> <tr><td>Lot 8-A1</td><td>Through</td><td>Lot 8-A8</td></tr> <tr><td>Lot 9-A1</td><td>Through</td><td>Lot 9-A8</td></tr> <tr><td colspan="3">Including All Common Areas</td></tr> </table>	A Final Plat of Rim Village Vistas Subdivision Phase 4			Lot 6-A1	Through	Lot 6-A8	Lot 7-A1	Through	Lot 7-A8	Lot 8-A1	Through	Lot 8-A8	Lot 9-A1	Through	Lot 9-A8	Including All Common Areas			<table border="1"> <tr><td colspan="3">A Final Plat of Rim Village Vistas Subdivision Phase 5</td></tr> <tr><td>Lot 10-A1</td><td>Through</td><td>Lot 10-A8</td></tr> <tr><td>Lot 11-A1</td><td>Through</td><td>Lot 11-A8</td></tr> <tr><td colspan="3">Including All Common Areas</td></tr> </table>	A Final Plat of Rim Village Vistas Subdivision Phase 5			Lot 10-A1	Through	Lot 10-A8	Lot 11-A1	Through	Lot 11-A8	Including All Common Areas														
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Lot 7-A1	Through	Lot 7-A8																																										
Lot 8-A1	Through	Lot 8-A8																																										
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Including All Common Areas																																												
<p>RIM VILLAGE VISTAS SUBDIVISION SINGLE FAMILY LOTS HOMEOWNERS ASSOCIATION, INC., a Utah non-profit corporation, on behalf of the associated lot owners</p>	<table border="1"> <tr><td colspan="3">A Final Plat of Rim Village Vistas Subdivision Phase 6</td></tr> <tr><td>Lot 12-A1</td><td>Through</td><td>Lot 12-A4</td></tr> <tr><td>Lot 13-A1</td><td>Through</td><td>Lot 13-A5</td></tr> <tr><td>Lot 14-A1</td><td>Through</td><td>Lot 14-A3</td></tr> <tr><td>Lot 15-A1</td><td>Through</td><td>Lot 15-A4</td></tr> <tr><td>Lot 16-A1</td><td>Through</td><td>Lot 16-A4</td></tr> <tr><td>Lot 17-A1</td><td>Through</td><td>Lot 17-A4</td></tr> <tr><td>Lot 18-A1</td><td>Through</td><td>Lot 18-A6</td></tr> <tr><td>Lot 19-A1</td><td>Through</td><td>Lot 19-A4</td></tr> <tr><td>Lot 20-A1</td><td>Through</td><td>Lot 20-A3</td></tr> <tr><td>Lot 21-A1</td><td>Through</td><td>Lot 21-A3</td></tr> <tr><td>Lot 22-A1</td><td>Through</td><td>Lot 22-A4</td></tr> <tr><td>Lot 23-A1</td><td>Through</td><td>Lot 23-A4</td></tr> <tr><td colspan="3">Including All Common Areas</td></tr> </table>		A Final Plat of Rim Village Vistas Subdivision Phase 6			Lot 12-A1	Through	Lot 12-A4	Lot 13-A1	Through	Lot 13-A5	Lot 14-A1	Through	Lot 14-A3	Lot 15-A1	Through	Lot 15-A4	Lot 16-A1	Through	Lot 16-A4	Lot 17-A1	Through	Lot 17-A4	Lot 18-A1	Through	Lot 18-A6	Lot 19-A1	Through	Lot 19-A4	Lot 20-A1	Through	Lot 20-A3	Lot 21-A1	Through	Lot 21-A3	Lot 22-A1	Through	Lot 22-A4	Lot 23-A1	Through	Lot 23-A4	Including All Common Areas		
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Including All Common Areas																																												
<p>PEAK VIEW DEVELOPMENT, LLC, a Utah limited Liability Company,</p>	<table border="1"> <tr><td colspan="3">A Final Plat of Rim Village Vistas Subdivision Phase 1</td></tr> <tr><td>Lot 1</td><td>Through</td><td>Lot 18</td></tr> <tr><td colspan="3">Including All Common Areas</td></tr> </table>		A Final Plat of Rim Village Vistas Subdivision Phase 1			Lot 1	Through	Lot 18	Including All Common Areas																																			
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Lot 1	Through	Lot 18																																										
Including All Common Areas																																												
<p>HENDERSON PROPERTIES, LLC a Utah limited liability company</p>	<p>(Parcel # 02-027-0049, Parcel #02-027-0027, Parcel #02-027-0057)</p> <p>BEGINNING AT A POINT WHICH BEARS S 28 DEG. 26'18" W 1387.08 FT. FROM THE N1/4 CORNER OF SECTION 27, T26S, R22E, SLB&amp;M AND PROCEEDING THENCE S 39 DEG. 43' W 301.0 FT., THENCE ALONG THE ARC OF A 250.0 FT. RADIUS CURVE TO THE LEFT 173.3 FT. (CHORD BEARING= S</p>																																											

	<p>19 DEG. 52' W 169.8 FT.), THENCE SOUTH 306.7 FT., THENCE EAST 250.0 FT., THENCE NORTH 698.0 FT. TO THE POINT OF BEGINNING.</p> <p>&amp;</p> <p>BEGINNING AT A CORNER ON THE WEST LINE OF THE EAST 1/2 OF SECTION 27, SAID CORNER BEARS SOUTH 0° 03' WEST 1126.5 FEET FROM THE NORTH 1/4 CORNER SECTION 27, T26S, R22E, SLM, AND PROCEEDING THENCE SOUTH 89° 34' EAST 661.6 FEET TO A CORNER, THENCE SOUTH 0° 02' WEST 88.2 FEET TO A CORNER, THENCE SOUTH 39° 43' WEST 301.0 FEET TO A CORNER, THENCE ALONG THE ARC OF A 250.0 FEET RADIUS CURVE TO THE LEFT 173.3 FEET (SAID CURVE HAS A CHORD WHICH BEARS SOUTH 19° 52' WEST 169.8 FEET), THENCE SOUTH 306.7 FEET TO A CORNER, THENCE EAST 250.0 FEET TO A CORNER, THENCE SOUTH 80.0 FEET TO A CORNER, THENCE SOUTH 0° 04' WEST 666.1 FEET TO A CORNER, THENCE SOUTH 89° 50' WEST 541.3 FEET TO A CORNER ON THE EASTERLY R-0-W OF U.S. HIGHWAY 191, THENCE WITH SAID R-0-W NORTH 37° 48' WEST 196.6 FEET TO A CORNER, THENCE WITH THE CENTER 1/4 LINE NORTH 0° 03' EAST 1383.3 FEET TO THE POINT OF BEGINNING. BEARINGS ARE BASED ON THE WEST LINE OF THE NIGHTENGALE PARCEL (BEARING = SOUTH)</p> <p>Excepting therefrom all portions of such properties lying within the following Subdivisions:</p> <ul style="list-style-type: none"> <li>• A Final Plat of Rim Village Vistas Subdivision Phase 1</li> <li>• A Final Plat of Rim Village Vistas Subdivision Phase 2</li> <li>• A Final Plat of Rim Village Vistas Subdivision Phase 3</li> <li>• A Final Plat of Rim Village Vistas Subdivision Phase 4</li> <li>• A Final Plat of Rim Village Vistas Subdivision Phase 5</li> <li>• A Final Plat of Rim Village Vistas Subdivision Phase 6</li> </ul>
<p>the IRVIN D. NIGHTINGALE TRUST, dated May 14, 2014</p>	<p>BEGINNING AT A CORNER ON THE NORTH LINE S1/2 NE ¼ SECTION 27, SAID CORNER BEARS S 49° 27' W 2047.0 FT. FROM THE NE CORNER SECTION 27, T 26 S, R 22 E, SLM, AND PROCEEDING THENCE S 8° 19' W 158.8 FT. TO A CORNER, THENCE S 34° 59' W 136.6 FT. TO A CORNER, THENCE N 54° 46' W 109.2 FT. TO A CORNER, THENCE N 47° 41' W 120.7 FT. TO A CORNER, THENCE N 13° 45' W 127.8 FT. TO A CORNER ON THE NORTH LINE S 1/2 NE 1/4 SAID SECTION 27, THENCE WITH SAID LINE N 89° 53' E 310.1 FT. TO THE POINT OF BEGINNING AND CONTAINING 1.29 ACRES, MORE OR LESS. BEARINGS ARE BASED ON THE EAST LINE NE 1/4 SECTION 27 (BEARING FROM VALLEY CONTROL = S0° 00' 36" W). Parcel # 02-027-0047</p>
<p>SN, LTD, a Utah limited partnership</p>	<p>THE NORTH HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER; AND THE NORTH HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, SECTION 27, TOWNSHIP 26 SOUTH, RANGE 22 EAST, SLBM. (CONTAINING 20 ACRES OR MORE OR LESS) EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL: BEGINNING AT A CORNER ON THE NORTH LINE S1/2 NE ¼ SECTION 27, SAID CORNER BEARS S 49° 27' W 2047.0 FT. FROM THE NE CORNER SECTION 27, T 26 S, R 22 E, SLM, AND PROCEEDING THENCE S 8° 19' W 158.8 FT. TO A CORNER, THENCE S 34° 59' W 136.6 FT. TO A CORNER, THENCE N 54° 46' W 109.2 FT. TO A CORNER, THENCE N 47° 41' W</p>

	<p>120.7 FT. TO A CORNER, THENCE N 13° 45' W 127.8 FT. TO A CORNER ON THE NORTH LINE S 1/2 NE 1/4 SAID SECTION 27, THENCE WITH SAID LINE N 89° 53' E 310.1 FT. TO THE POINT OF BEGINNING AND CONTAINING 1.29 ACRES, MORE OR LESS. BEARINGS ARE BASED ON THE EAST LINE NE 1/4 SECTION 27 (BEARING FROM VALLEY CONTROL = S0° 00' 36" W). Parcel # 02-027-0029</p>
<p><b>BROOKS and PATRICIA TYLER, individuals</b></p>	<p>BEGINNING AT A CORNER ON THE SOUTH LINE NE1/4 SECTION 27, SAID CORNER BEARS S. 89° 50' W. 795.1 FEET FROM THE EAST 1/4 CORNER SECTION 27, T26S, R22E, SLBM, AND PROCEEDING THENCE WITH THE WEST LINE OF MCGANN N. 0° 09' E. 201.0 FEET TO A CORNER, THENCE N. 89° 20' W. 299.9 FEET TO A CORNER, THENCE N. 2° 17' W. 396.7 FEET TO A CORNER, THENCE EAST 447.2 FEET TO A CORNER, THENCE WITH THE WEST LINE OF NELSON N. 0° 12' W. 64.5 FEET TO A CORNER, BEING THE SE CORNER NW1/4SE1/4NE1/4, THENCE WITH THE NORTH LINE OF SLEIGHT S. 89° 53' W. 1322.0 FEET TO A CORNER, BEING THE SW CORNER NE1/4S11/4NE1/4, THENCE WITH THE WEST LINE OF SLEIGHT S. 0° 03' W. 666.2 FEET TO A CORNER, BEING THE SW CORNER SE1/4SW1/4NE1/4, THENCE WITH THE SOUTH LINE OF SLEIGHT N. 89° 50, E. 1191.2 FEET TO THE POINT OF BEGINNING. BEARINGS ARE BASED ON THE EAST LINE SE1/4 SECTION 27, (BEARING FROM VALLEY CONTROL = N. 0° 05' 36" E.). Parcel # 02-027-0041</p>