

5761589  
03/10/94 3:51 PM 13.00  
KATIE L. DIXON  
RECORDER, SALT LAKE COUNTY, UTAH  
SUPERIOR TITLE  
REC BY: B GRAY , DEPUTY - WI

Order #24474-ST

PARTY WALL AGREEMENT

This Agreement is entered into this 3RD day of MARCH, 1994, by and between JAMES BLANCO AND KALA C. BLANCO, owner of Parcel "A", and KYLE PAMLER AND DARLENE PALMER, owner of Parcel "B", the legal descriptions of these two parcels being described as follows:

Parcel A:

All of Lot 88, HOMESTEAD FARMS, Planned Unit Development III, according to the official plat thereof, recorded in the office of the County Recorder of said County, in Book 78-2, Page 44.

Parcel B:

All of Lot 87, HOMESTEAD FARMS, Planned Unit Development III, according to the official plat thereof, recorded in the office of the County Recorder of said County.

Whereas, the owners of Parcels "A" and "B" share a common party wall and both Owners desire to enter into an Agreement for the use and maintenance of the common party wall. Now, therefore, in consideration of the mutual promises and covenants contained herein, the sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

(1) General Rules of Law to Apply: Each wall or fence which is built as a part of the original construction of the home upon the property and placed on the dividing line between the Lots shall constitute a party wall, and, to the extent not inconsistent with the provisions of this Article, the general rules of law regarding party walls and of liability for party damage to party walls due to negligence or willful acts or omissions shall apply thereto.

(2) Sharing of Repair and Maintenance: The cost of reasonable repair and maintenance of a party wall shall be shared by the owners who make use of the wall in proportion to such use. In addition, the cost of reasonable repair and maintenance of any water of other pipes within any party wall shall be shared by the owners in a like manner. There shall also be a reciprocal right of access into the wall for the purpose of such maintenance or repair.

(3) Destruction of the Party Wall: If a party wall is destroyed or damaged, any owner who has used the wall may restore it, and if the other owners thereafter make use of the wall, they shall contribute to the cost of restoration thereof in proportion to such use without prejudice, however, to the right of way such owners to call for a larger contribution from the others under any rule of law regarding liability for negligent or willful acts or omissions.

EX6091760028

5761589

3

