

WHEN RECORDED, RETURN TO:

RONALD L. & LESLIE E. HARDY
CHARITABLE REMAINDER TRUST
75 Sunset Drive
Cedar City, Utah 84720
Attention: Ronald L. Hardy

00610404

B: 1203 P: 1306 Fee \$19.00
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10/29/2010 04:22:26 PM By CEDAR LAND TITLE INC



**AMENDMENT TO
USE AND OWNERSHIP RESTRICTIONS**

This AMENDMENT TO USE AND OWNERSHIP RESTRICTIONS (the "*Amendment*"), is executed as of the 12 day of October, 2010, by IHC HEALTH SERVICES, INC., a Utah nonprofit corporation ("*Intermountain Healthcare*"), located and having a mailing address at 36 South State Street, 22nd Floor, Salt Lake City, Utah 84111.

WHEREAS, subject to and in accordance with that certain Special Warranty Deed, dated as of January 13, 2004, executed by Intermountain Healthcare, as grantor, in favor of Bethesda Educational Holdings, LC, a Utah limited liability company ("*Bethesda*"), as grantee, and recorded in the Official Records of Iron County, Utah on January 16, 2004, as Entry No. 00477966, in Book 00915, at Pages 00756-00758 (the "*Special Warranty Deed*"), Intermountain Healthcare conveyed certain real property, as more particularly specified therein and in attached Exhibit "A" (the "*Bethesda Property*"), to Bethesda, subject to certain restrictions pertaining to the use and/or ownership of the Subject Property applicable to certain "Prohibited Health Care Uses" and certain "Prohibited Health Care Providers" (as each such term is more particularly defined in the Special Warranty Deed, collectively, the "*Use and Ownership Restrictions*"); and

WHEREAS, Southwest Behavioral Health Center, a political subdivision of the State of Utah created by means of an Inter-County Cooperative Agreement by and among Beaver County, Utah, Garfield County, Utah, Iron County, Utah, Kane County, Utah and Washington County, Utah ("*Southwest*"), owns approximately 0.42 acres of real property located at 170 East Altamira Avenue, Cedar City, Utah 84720, and situated adjacent to a portion of the northerly boundary of the Bethesda Property (the "*Southwest Property*"), on which Southwest operates an outpatient mental health facility known as Oasis House (the "*Southwest Facility*").

WHEREAS, Ronald L. Hardy and Leslie E. Hardy, as Trustees of the Ronald L. Hardy and Leslie E. Hardy Charitable Remainder Trust, u/a/d November 28, 2001 (the "*Hardy Trust*"), having a mailing address at 75 Sunset Drive, Cedar City, Utah 84720, as successor-in-interest to Bethesda, desire to convey a portion of the Subject Property consisting of approximately 0.57 acres, as more particularly described in attached Exhibit "B" (the "*Subject Property*"), to Southwest and, in that connection, have requested that Intermountain Healthcare modify and amend the Use and Ownership Restrictions applicable to the Subject Property to permit such conveyance and, then, the use and occupancy of the Subject Property as part of the Southwest Facility, but not otherwise.

WHEREAS, Intermountain Healthcare is willing to so modify and amend the Use and Ownership Restrictions, subject to and in accordance with the terms and conditions of this Amendment.

NOW THEREFORE, without covenant, representation or warranty of any kind whatsoever, including without limitation, pertaining in any way to title in or to the Bethesda Property or the Subject Property, the Use and Ownership Restrictions applicable to the Subject Property are hereby modified and amended as follows:

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1. Notwithstanding the Use and Ownership Restrictions, the Subject Property may be sold, transferred and/or assigned by the Hardy Trust to Southwest; provided that (i) Southwest shall not sell, transfer or assign the Southwest Property and/or the Subject Property, or any portion thereof or any interest therein, to any Prohibited Health Care Provider, and (ii) except as and to the extent the Southwest Facility shall be situated on the Southwest Property, Southwest shall utilize the Southwest Property and/or the Subject Property solely as a vehicular parking area for the sole and exclusive use of employees and patients of the Southwest Facility, and for no other use or purpose whatsoever, including without limitation, for any Prohibited Health Care Use.

2. In the event Southwest, or its successors or assigns, ceases to utilize the Southwest Property for purposes of an outpatient mental health facility, this Amendment shall terminate and shall be without further force or effect, and the Use and Ownership Restrictions, as set forth in the Special Warranty Deed, shall be and remain in full force and effect without any modification or amendment thereof as otherwise may be specified in this Amendment, which then shall terminate and be of no further force and effect.

3. Except as set forth in this Amendment, the Use and Ownership Restrictions are and shall remain unmodified and in full force and effect.

DATED this 12 day of October, 2010.

IHC HEALTH SERVICES, INC.,
a Utah nonprofit corporation

By: [Signature]
Print Name: D.R. Gardner
Its: VP

ACKNOWLEDGED, CONSENTED AND AGREED TO, BY:

SOUTHWEST BEHAVIORAL HEALTH CENTER, a political subdivision of the State of Utah created by means of an Inter-County Cooperative Agreement by and among Beaver County, Utah, Garfield County, Utah, Iron County, Utah, Kane County, Utah and Washington County, Utah

By: [Signature]
Print Name: Michael H. Deal
Its: Executive Director

Ronald L. Hardy and Leslie E. Hardy, as Trustees of the Ronald L. Hardy and Leslie E. Hardy Charitable Remainder Trust, u/a/d November 28, 2001

By: Ronald L. Hardy Trustee
Ronald L. Hardy, Trustee

By: Leslie E. Hardy Trustee
Leslie E. Hardy, Trustee

[acknowledgments follow]

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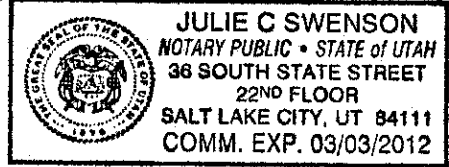


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STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

This instrument was acknowledged before me by D.R. Gardner, the
VP of IHC HEALTH SERVICES, INC., a Utah nonprofit corporation, this 12th
day of October, 2010.

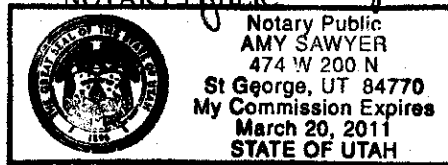
Julie C. Swenson
NOTARY PUBLIC



STATE OF UTAH)
 : ss.
COUNTY OF IRON)

This instrument was acknowledged before me by Michael H. Deal, the
Executive Director of SOUTHWEST BEHAVIORAL HEALTH CENTER, a political subdivision of
the State of Utah created by means of an Inter-County Cooperative Agreement by and among Beaver
County, Utah, Garfield County, Utah, Iron County, Utah, Kane County, Utah and Washington County,
Utah, this 4th day of October, 2010.

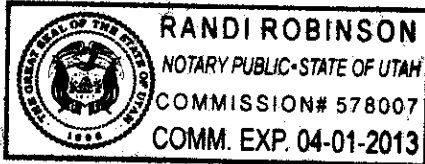
Amy Sawyer
NOTARY PUBLIC



STATE OF UTAH)
 : ss.
COUNTY OF IRON)

This instrument was acknowledged before me by Ronald L. Hardy and Leslie E. Hardy, as Trustees of the
Ronald L. Hardy and Leslie E. Hardy Charitable Remainder Trust, u/a/d November 28, 2001, this 5
day of October, 2010.

Randi Robinson
NOTARY PUBLIC



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Exhibit "A"

(Bethesda Property Description)

That certain real property located in Iron County, Utah, as particularly described as follows:

Beginning at a point on the North Line of 680 South Street which is situated North 0°13'11" West along the Quarter Section line 718.23 feet and East 564.96 feet from the South Quarter Corner of Section 14, Township 36 South, Range 11 West, Salt Lake [Base] and Meridian, thence South 89°43'40" West along the North line of 680 South Street 500.63 feet, thence North 0°50'16" West along the East line of 75 East Street 573.45 feet, thence North 89°41'00" East along the South line of Altamiria Avenue 187.04 feet, thence North 83°19'57" East 31.10 feet, thence North 74°47'10" East 49.94 feet, thence North 62°15'53" East 62.24 feet, thence North 53°24'34" East 78.21 feet, thence South 47°32'51" East 126.07 feet, thence North 44°14'08" East 260.75 feet, thence South 88°20'16" East 19.86 feet, thence South 0°43'39" East 158.83 feet, thence North 89°58'47" East 60.00 feet thence North 0°43'39" West 84.78 feet, thence North 89°04'24" East 160.55 feet, thence South 0°52'47" East 306.03 feet to the Northeast corner of the Southwest center property, thence South 89°37'58" West along the North line of the Southwest center property 210.11 feet to the Northwest Corner of the Southwest center property thence along the Westerly line of the Southwest center property the following four courses, South 0°52'47" East 145.28 feet, South 28°45'27" West 181.70 feet, South 55°12'12" West 122.50 feet South 0°13'32" West 12.24 feet to the point of Beginning.

(For reference purposes only: Tax Parcel No. B-1103-0005).

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Exhibit "B"

(Subject Property Description)

That certain real property located in Iron County, Utah, as particularly described as follows:

Commencing at the South quarter corner of Section 14, Township 36 South, Range 11 West, of the Salt Lake Base and Meridian; thence North 00°13'11" West, along the center Section line 1254.30 feet; thence North 90°00'00" East, 571.15 feet to the point of beginning; thence North 70°25'03" West, 44.88 feet to a point of curvature to the right, having a radius of 100.00 feet and a central angle of 25°29'28"; thence along said curve 44.49 feet (radius point for said curve bears North 19°34'57" East); thence North 44°55'36" West, 105.07 feet to a point on the Southerly right of way line of Altamira Avenue as recorded on the La Vista Park Subdivision plat, said point being a point of non-tangent curvature to the left, having a radius of 552.00 feet and a central angle of 03°34'50"; thence departing said right of way South 44°55'36" East, 127.69 feet to a point on the rear lot line of Lot 11, Block 8 of said Subdivision; thence North 33°37'33" East, 13.26 feet along the rear lot line of Lot 11, Block 8 of said Subdivision; thence North 44°14'08" East 248.00 feet along the rear lot lines of Lots 12, 13, 14, 15, and 16 Block 8 of said Subdivision; thence South 88°20'17" East 19.86 feet along the rear lot line of Lot 17 Block 8 of said Subdivision to a point on the West line of a Cedar City deeded right of way; thence South 00°43'39" East 158.83 feet along said right of way line; departing said right of way line thence South 89°58'47" West, 98.92 feet; thence South 44°14'08" West, 98.50 feet to the point of beginning.

(For reference purposes only: Tax Parcel No. B-1103-009).

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