

The Kier Corporation
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Ogden 84403
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DECLARATION OF COVENANTS
CONDITIONS AND RESTRICTIONS

RUTH EAMES OLSEN
WIFE OF JAMES E. OLSEN
Ruth E. Olsen

AND

AMENDMENT TO COVENANTS
CONDITIONS AND RESTRICTIONS

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS and Amendment to Covenants, Conditions and Restrictions is made and executed at Weber County, State of Utah, this 23 day of April, 1974, by and between, KAY L. BOWEN and SALLY P. BOWEN, husband and wife, JOSEPH W. BRADSHAW and CHARLOTTE BRADSHAW, husband and wife, J AND N PARTNERSHIP, a co-partnership, JAMES E. KIER and NORMA ANN KIER, husband and wife, THE KIER CORPORATION, a Utah corporation, CLAIRE A. NIELSEN and SHIRLEY NIELSEN, husband and wife, and PAT L. STROMBERG, a woman.

W I T N E S S E T H:

WHEREAS, Declarants are the owners of the following described parcels of real property situate in Weber County, Utah, to-wit:

PARCEL NO. ONE: PT. 07-067-0040

Part of the Northwest Quarter of the Northwest Quarter of Section 17, Township 5 North, Range 1 West, Salt Lake Base & Meridian, U.S. Survey: BEGINNING at a point which is East (South 89° 34' East) 394 feet along the quarter quarter section line and North (North 0° 22' East) 555.00 feet paralleling the West line of said Northwest quarter section, from the Southwest corner of the Northwest quarter of the Northwest quarter section, running thence East (South 89° 34' East) 132.00 feet, paralleling the South line of said Quarter quarter section, thence North (North 0° 22' East) 74.89 feet, paralleling the West line of said Northwest quarter section to the South line of 4900 South Street, thence West (North 89° 31' West) 132.00 feet, along said South line of street, thence South (South 0° 22' West) 75.00 feet to the point of beginning.

PARCEL NO. TWO: PT. 07-067-0040

Part of the Northwest quarter of the Northwest quarter of Section 17, Township 5 North, Range 1 West, Salt Lake Base & Meridian, U.S. Survey:

BEGINNING at a point which is East (South 89° 34' East) 452 feet along the quarter quarter section line and North (North 0° 22' East) 425.00 feet paralleling the West line of said Northwest quarter section, from the Southwest corner of the Northwest quarter of the Northwest quarter section, running thence East (South 89° 34' East) 74.00 feet, paralleling the South line of said quarter quarter section, thence North (North 0° 22' East) 130.00 feet, paralleling the West line of said Northwest quarter section, thence West (North 89° 34' West) 74.00 feet, paralleling the South line of said quarter quarter section, thence South (South 0° 22' West) 130.00 feet to the point of beginning.

PARCEL NO. THREE:

07-067-0044

Part of the Northwest quarter of the Northwest quarter of Section 17, Township 5 North, Range 1 West, Salt Lake Base & Meridian, U.S. Survey: BEGINNING at a point which is East (South 89° 34' East) 394 feet along the quarter quarter section line and North (North 0° 22' East) 425.00 feet paralleling the West line of said Northwest quarter section, from the Southwest corner of the Northwest quarter of the Northwest quarter section, running thence East (South 89° 34' East) 58.00 feet, paralleling the South line of said quarter quarter section, thence North (North 0° 22' East) 130.00 feet, paralleling the West line of said Northwest quarter section, thence West (North 89° 34' West) 58.00 feet, paralleling the South line of said quarter quarter section, thence South (South 0° 22' West) 130.00 feet to the point of beginning.

PARCEL NO. FOUR:

07-067-0043

Part of the Northwest quarter of the Northwest quarter of Section 17, Township 5 North, Range 1 West, Salt Lake Base & Meridian, U.S. Survey: BEGINNING at a point which is East (South 89° 34' East) 394 feet along the quarter quarter section line and North (North 0° 22' East) 360.00 feet paralleling the West line of said Northwest quarter section, from the Southwest corner of the Northwest quarter of the Northwest quarter section, running thence East (South 89° 34' East) 132.00 feet, paralleling the South line of said quarter quarter section, thence North (North 0° 22' East) 65.00 feet, paralleling the West line of said Northwest quarter section, thence West (North 89° 34' West) 132.00 feet, paralleling the South line of said quarter quarter section, thence South (South 0° 22' West) 65.00 feet to the point of beginning.

PARCEL NO. FIVE:

07-067-0026, 0046

A part of the Northwest Quarter of the Northwest Quarter of Section 17, Township 5 North, Range 1 West, Salt Lake Base & Meridian, U. S. Survey: BEGINNING at a point which is East (South 89° 34' East) 394.00 feet along the quarter quarter section line from the Southwest corner of said Northwest Quarter of the Northwest Quarter section; running

thence East (South 89° 34' East) 132.00 feet parallel to the South line of said quarter quarter section; thence North (North 0° 22' East) 169.00 feet parallel to the West line of said Northwest quarter section, thence East (South 89° 34' East) 132 feet parallel to the South line of said quarter quarter section to a point which is West 666 feet from the East line of said Northwest quarter of the Northwest quarter section; thence North (North 0° 22' East) 324.73 feet parallel to the West line of said Northwest quarter section to a point which is 136 feet South of the South right-of-way line of 4900 South Street; thence West (North 89° 31' West) 132.00 feet parallel to said South line of street; thence South (South 0° 22' West) 133.85 feet parallel to the West line of said Northwest quarter section, thence West (North 89° 34' West) 132.00 feet parallel to the South line of the quarter quarter section, thence South (South 0° 22' West) 360.00 feet parallel to the West line of said Northwest quarter section to the point of beginning. EXCEPTING THEREFROM the South 33.00 feet thereof, lying within the right-of-way of 5000 South Street.

PARCEL NO. SIX: 07-067-0018

A part of the Northwest Quarter of the Northwest Quarter of Section 17, Township 5 North, Range 1 West, Salt Lake Meridian, U.S. Survey: BEGINNING at a point 990 feet South along the West line of said Quarter Section and South 89° 57' East 658 feet from the Northwest corner of said Quarter Section; running thence South 89° 57' East 132 feet; thence South 165 feet; thence North 89° 57' West 132 feet; thence North 165 feet to the place of beginning. SUBJECT to a sewer easement over the West 10 feet of the South 100 feet of the above described property.

and,

WHEREAS, Declarants are the owners of certain fourplexes, apartments, residences and buildings and other improvements heretofore or hereafter to be constructed on said premises, and

WHEREAS, Declarants desire and intend to hold, convey, hypothecate, encumber, lease, rent, use, occupy and improve said parcels subject to the covenants, conditions, restrictions and benefits herein reserved and created, and

WHEREAS, Declarants amend to conform and to comply herewith that certain Declaration of Covenants, Conditions and Restrictions dated the 27th day of September, 1972, recorded in Book 1005, Page 536, as Entry No. 579473;

NOW, THEREFORE, Declarants declare that all the said property is and shall be held, conveyed, hypothecated, encumbered, leased, rented, used, occupied and improved subject to the provisions of this Declaration which shall run with the land and be a burden and a benefit to all having an interest therein, their successors, assigns, heirs, executors, administrators, grantees and devisees.

Easements: (1) For roadway right of way for ingress, egress and travel; (2) to lay, maintain, operate, repair, inspect, protect, remove and replace pipe lines and structures for sewer facilities; (3) to lay, maintain, operate, repair, inspect, protect, remove and replace pipe lines and structures for culinary water; (4) for drainage for surface runoff water. *MR. J. H. K. A. L. J. B.*

(1) Roadway right of way for ingress, egress and travel:

A part of the Northwest Quarter of the Northwest Quarter of Section 17, Township 5 North, Range 1 West, Salt Lake Base & Meridian, U.S. Survey: A 20 foot right of way described as follows: BEGINNING at a point on the North line of 5000 South Street East (South 89° 34' East) 481.00 feet and North (North 0° 22' East) 33.00 feet from the Southwest corner of the Northwest Quarter of the Northwest Quarter of said Section 17 running thence North (North 0° 22' East) 249.00 feet; thence East (South 89° 34' East) 66.00 feet; thence North (North 0° 22' East) 185.00 feet; thence West (North 89° 34' West) 20.00 feet; thence South (South 0° 22' West) 107.85 feet; thence West (North 89° 34' West) 20.00 feet; thence North (North 0° 22' East) 184.98 feet; thence West (North 89° 31' West) 64.00 feet; thence North (North 0° 22' East) 20.00 feet; thence East (South 89° 31' East) 64.00 feet; thence North (North 0° 22' East) 64.89 feet to the South line of 4900 South Street; thence East along said South line (South 89° 31' East) 20.00 feet; thence South (South 0° 22' West) 141.97 feet; thence East (South 89° 31' East) 40.00 feet; thence South (South 0° 22' West) 225.00 feet; thence West (North 89° 34' West) 66.00 feet; thence South (South 0° 22' West) 45.00 feet; thence East (South 89° 34' East) 157.00 feet; thence South (South 0° 22' West) 20.00 feet; thence West (North 89° 34' West) 157.00 feet; thence South (South 0° 22' West) 164.00 feet; thence to the North line of 5000 South Street West (North 89° 34' West) along said North line 20.00 feet to the point of beginning.

P.T. 07-067-0026, 0046, 0043 0040, 0044

(2) Sewer:

A part of the Northwest Quarter of the Northwest Quarter of Section 17, Township 5 North, Range 1 West, Salt Lake Base & Meridian, U.S. Survey: An Easement for sewer being 8.00 feet wide 4 foot on either side of and parallel to the following described center line: BEGINNING at a point on the South line of 4900 South Street East (South 89° 34' East) 394.00 feet, North (North 0° 22' East) 629.85 feet and East (South 89° 31' East) 4.00 feet from the Southwest Quarter of the Northwest Quarter of the Northwest Quarter of said Section 17 running thence South (South 0° 22' West) 269.85 feet; thence South 21° 30' East 99.60 feet; thence South 89° 34' East 223.00 feet, more or less, to the East line of Grantors property.

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A 5 foot strip through a part of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$
of Sec. 17, T5N, R1W, SLB&M, U.S. Survey: Said strip
being 2.5 feet on either side of the following
described center line: BEGINNING at a point which
is E. (So. 89° 34' E.) 402.00 ft. along the $\frac{1}{4}$ $\frac{1}{4}$
Sec. line, and No. 0° 22' E. 517.00 ft. from the SW
corner of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Sec. 17, running
th. So. 81° 58' E. 75.68 feet.

(3) Culinary Water:

PT. 07-067-0026-00930049, 0040, 2
A part of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 17, T5N,
Range 1 West, Salt Lake Base & Meridian, U.S. Survey:
BEGINNING at a point which is East (South 89° 34'
East) 514.00 feet and North (North 0° 22' East)
33.00 feet from the Southwest corner of the North-
west Quarter of the Northwest Quarter of said
Section 17, running thence North 1° 09' West 146.00
feet; thence East (South 89° 34' East) 3.00 feet;
thence North 1° 09' West 160.00 feet; thence West
(North 89° 34' West) 2.90 feet; thence North (North
0° 22' East) 271.99 feet; thence North 46° 02' 30"
West 27.61 feet to the South line of 4900 South
Street; thence East (South 89° 31' East) 5.81 feet;
thence South 46° 02' 30" East 25.11 feet; thence
South (South 0° 22' West) 269.70 feet; thence East
(South 89° 34' East) 2.80 feet; thence South 1° 09'
East 164.00 feet; thence East (South 89° 34' East)
138.86 feet to the East line of Grantors property;
thence South (South 0° 22' West) 10.00 feet; thence
West (North 89° 34' West) 137.60 feet; thence South
1° 09' East 136.00 feet to the North line of 5000
South Street; thence West (North 89° 34' West) 10.00
feet along said North line to the point of beginning.

(4) Drainage:

07-067-0026, 0046-0043 004
A part of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 17, T5N,
R1W, SLB&M, U.S. Survey: BEGINNING at a point
which is East (89° 34' East) 526.00 feet and North
(North 0° 22' East) 629.85 feet from the SW corner
of the NW $\frac{1}{4}$ of the Northwest Quarter of said Section
17, running thence South (South 0° 22' West) 136.00
feet; thence South 53° 07' 25" East 58.47 feet;
thence South (South 0° 22' West) 222.54 feet; thence
East (South 89° 34' East) 85.00 feet; thence South
(South 0° 22' West) 10.00 feet; thence West (North
89° 34' West) 95.00 feet; thence North (North 0°
22' East) 227.56 feet; thence North 53° 07' 25"
West 46.03 feet; thence South (South 0° 22' West)
151.41 feet; thence West (North 89° 34' West)
20.00 feet; thence North (North 0° 22' East) 214.98
feet; thence West (North 89° 31' West) 104.00 feet; th. No.

(North 0° 22' East) 20.00 feet; thence East (South 89° 31' East) 104.00 feet; thence North (North 0° 22' East) 64.89 feet to the South line of 4900 South Street; thence East along said South line 20.00 feet to point of beginning.

All foregoing easements shall be kept and maintained in good condition and in a good state of repair at the joint and common expenses of the owners of parcels No. One, Two, Three, Four, Five and Six, prorata on the basis of the number of residential, business or commercial units in the various buildings constructed on the said parcels. Roadway clean up and snow removal expense shall be paid for on the same basis.

The owners of the said parcels shall select a committee to administer this provision and levy assessments in accordance therewith as follows: The owner or owners of each parcel shall select one person for each building on his *MADE* *for* *their* *34 C.B.* parcel, which persons so selected shall constitute the committee. The members of the committee shall serve for one year or until their successors are selected and qualify. Such selection shall be made on the 1st Monday in May annually.

The assessments, together with interest at the highest legal rate after due date, and costs of collection, shall be a charge on the land and shall be a continuing lien upon the property against which each such assessment is made and shall also be the personal obligation of the person who was the owner of the property at the time the assessment fell due. The assessment shall be due 30 days after levy and notice.

The foregoing easements are for the use and benefit of all parcels, and the facilities may be extended to and connected with parcel No. Six as is appropriate at the expense of the owner of said parcel No. Six. Thereafter, any extensions thereof located within Parcel No. Six shall be for the same use and benefit of the owners of all the parcels and shall be kept and maintained in good condition and good state of repair in the same manner and under the same terms and conditions as provided for herein above regarding all of these easements and the owner of Parcel No. Six shall sign and record a declaration of covenants, conditions and restrictions in accordance herewith.

An easement is granted in favor of Mountain Fuel Supply Company to lay, maintain, operate, repair, inspect, protect, remove and replace pipe lines, valves, valve boxes and other gas transmission and distribution facilities over, across, along and on the following described real property to-wit:

PT-07-067-0049, 0049
A part of the Northwest Quarter of the Northwest Quarter of Section 17, T5 N, R1W, SLB&M, U.S. Survey: A 5.00 foot easement 2.5 feet on either side of and parallel to the following described centerline; BEGINNING at a point which is East (South 89° 34' East) 474.0 feet and North (North 0° 22' East) 448.00 feet from the Southwest corner of the Northwest Quarter of the Northwest Quarter of said Section 17; running thence South (South 0° 22' East) 120.00 feet.

PT-07-067-0049, 0049
BEGINNING at a point 626.01 ft. No. and 527.89 ft. E. from the SW corner of the NW¼ of the NW¼ of Sec. 17, T5N, R1W, SLB&M, th. So. 0° 22' W. along the E. line of Grantors' property 297 ft., more or less, to the SE corner of Grantors' property, th. No. 89° 34' W. 16 ft., th. No. 0° 22' E. 97.9 ft., th. No. 89° 34' W. 116 feet, more or less, to the W. line of Grantors' property, th. No. 0° 22' East 16 ft., th. So. 89° 34' E. 116 ft., th. No. 0° 22' E. 183.1 ft., th. So. 89° 34' E. 16 ft. to the point of beginning.

An Easement for Pineview Water over, across, along and on the following described real property, to-wit:

PT-07-067-0040, 0040
A 5 foot easement through a part of the Northwest quarter of the Northwest quarter of Section 17, T5N, R1W, SLB&M, U.S. Survey: Said easement being 2.5 feet on either side of the following described center line: BEGINNING at a point which is East (South 89° 34' East) 425.00 feet along the quarter quarter section line and North (North 0° 22' East) 440.00 feet from the Southwest corner of the Northwest quarter of the Northwest quarter of said Section 17; running thence South 89° 34' East 90.00 feet.

PT-07-067-0040
Also, A 5 foot easement through a part of the Northwest quarter of the Northwest Quarter of Section 17, T5N, R1W, SLB&M, U.S. Survey: Said easement being 2.5 feet on either side of the following described center line: BEGINNING at a point which is East (South 89° 34' East) 425.00 feet along the quarter quarter Section line and North (North 0° 22' East) 514.5 feet from the Southwest corner of the Northwest quarter of the Northwest Quarter of said Section 17; running thence South 89° 34' East 90.00 feet.

IN WITNESS WHEREOF, the parties have executed this instrument on the 19th day of April, 1974.

Kay L. Bowen
KAY L. BOWEN

Sally P. Bowen
SALLY P. BOWEN

Joseph W. Bradshaw
JOSEPH W. BRADSHAW

Charlotte Bradshaw
CHARLOTTE BRADSHAW

J AND N PARTNERSHIP, a
co-partnership

BY James E. Kier
JAMES E. KIER

James E. Kier
JAMES E. KIER

Norma Ann Kier
NORMA ANN KIER

THE KIER CORPORATION

BY James E. Kier
JAMES E. KIER
Its: President

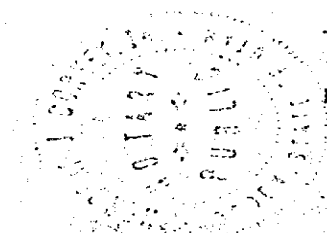
Claire A. Nielsen
CLAIRE A. NIELSEN

Shirley Nielsen
SHIRLEY NIELSEN

Pat L. Stromberg
PAT L. STROMBERG

STATE OF UTAH)
) ss.
COUNTY OF WEBER)

Personally appeared before me on the 19th day of April,
1974, KAY L. BOWEN and SALLY P. BOWEN, husband and wife, signers
of the foregoing instrument, who acknowledged to me that they
signed the same.



Herbert J. Conkey, Jr.
NOTARY PUBLIC
Residing At: Ogden, Utah
My Commission Expires: 9/5/1976

STATE OF UTAH)
COUNTY OF) ss.

On the 19th day of April, 1974, personally appeared before me JOSEPH W. BRADSHAW and CHARLOTTE BRADSHAW, husband and wife, signers of the foregoing instrument, who acknowledged to me that they signed the same.

Shirley R. Eitzen
NOTARY PUBLIC
Residing At:
My Commission Expires: 4/25/77

STATE OF UTAH)
COUNTY WEBER) ss.

On this 19th day of April, 1974, personally appeared before me JAMES E. KIER, who being by me first duly sworn upon his oath did say that he, the said James E. Kier, is a general partner of J AND N PARTNERSHIP, and that the within and foregoing instrument was signed on behalf of the said J and N Partnership by the said James E. Kier.

Murielle E. Moore
NOTARY PUBLIC
Residing At: Ogden, Utah
My Commission Expires: 5/1/76

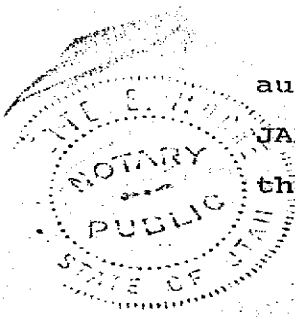
STATE OF UTAH)
COUNTY OF WEBER) ss.

On this the 19th day of April, 1974, personally appeared before me JAMES E. KIER and NORMA ANN KIER, husband and wife, signers of the foregoing instrument, who acknowledged to me that they signed the same.

Murielle E. Moore
NOTARY PUBLIC
Residing At: Ogden, Utah
My Commission Expires: 5/1/76

STATE OF UTAH)
COUNTY OF WEBER) ss.

On the 19th day of April, 1974, personally appeared before me JAMES E. KIER, who being by me duly sworn, did say that he is the President of THE KIER CORPORATION, a corporation, and that said instrument was signed in behalf of said corporation by



authority of a resolution of its Board of Directors and the said JAMES E. KIER acknowledged to me that the said corporation executed the same.

Donella E. Moore
 NOTARY PUBLIC
 Residing At: Ogden, Utah
 My Commission Expires: 5/1/76

STATE OF UTAH)
 ss.
 COUNTY OF WEBER)

On the 19th day of April, 1974, personally appeared before me CLAIRE A. NIELSEN and SHIRLEY NIELSEN, husband and wife, signers of the foregoing instrument, who acknowledged to me that they executed the same.

Herbert J. Barkley, Jr.
 NOTARY PUBLIC
 Residing At: Ogden, Utah
 My Commission Expires: 9/5/1976

STATE OF UTAH)
 ss.
 COUNTY OF WEBER)

On the 19th day of April, 1974, personally appeared before me PAT L. STROMBERG, a woman, signer of the foregoing instrument, who acknowledged to me that she signed the same.

Herbert J. Barkley, Jr.
 NOTARY PUBLIC
 Residing At: Ogden, Utah
 My Commission Expires: 9/5/1976