

7663954

When Recorded, Return To:  
Roderick Enterprises  
P.O. Box 186  
Midvale, UT 84047

7663954  
06/20/2000 03:57 PM 22.00  
Book - 8369 Pg - 7019-7024  
**NANCY WORKMAN**  
RECORDER, SALT LAKE COUNTY, UTAH  
BACKMAN-STEWART TITLE SERVICES  
BY: RDJ, DEPUTY - WI 6 P.

## DECLARATION AND GRANT OF RECIPROCAL EASEMENTS

19<sup>th</sup> THIS DECLARATION AND GRANT OF RECIPROCAL EASEMENTS is made this  
day of June, 2000, by Roderick Enterprises and M-K Inc., a Utah Corporation as  
grantors and benefitted parties.

### RECITALS:

A. Grantors are the owners of those certain parcels of property more particularly described in Exhibit A attached hereto and by this reference made a party hereof such parcels are identified as parcel 1 and parcel 2 and are referred to herein collectively as the property.

B. Grantors desire to create and establish reciprocal parking and access easements and rights with respect to the property for their mutual benefit and any of their successors in interest in the beneficial ownership of the obligations secured by any deed of trust encumbering the property or the ownership of the property by exercise of rights under any deed of trust, in lien thereof or otherwise, and any mortgage lenders lending funds secured by a mortgage, trust deed or other security instrument on any portion of the property, and for the benefit of the present or future tenants of the property and their suppliers, patrons, employers, assigns and invitees (the foregoing, collectively, additionally "Benefited Parties").

NOW THEREFORE, in consideration of the foregoing and the reciprocal benefits to be derived by the Benefitted Parties in the ownership, financing and operation of the property from the easements contained therein, Grantors consent and agree to and declare as follows:

1. Grantors hereby grant mutual, reciprocal and non-exclusive easements and rights to themselves and the Benefitted Parties for parking, access and other uses identified above to each of the parcels (1 & 2), including ingress and egress to and from the property over and across the individual parcels 1 and 2.

2. Any Lender and any successor in interest or title shall have no liability or obligation to take any action to comply with, and may not be compelled to take any action to comply with any provision of this Declaration unless and until such Lender enters into possession or acquires title pursuant to foreclosure or any arrangement in lieu of foreclosure.

3. This Declaration, including the benefits and burdens, run with the land and inure to the benefit of, and are binding upon, the Grantors, the Benefitted Parties, and their respective heirs, successors, and assigns, including, but without limitation, all subsequent owners of the property.

BK8369PG7019

IN WITNESS WHEREOF, Grantors have executed this document as of the date above stated.

Roderick Enterprises

By: William C. Fosmire  
Its: General Partner

(parcel 1)

STATE OF UTAH)  
County of Salt Lake)

On the \_\_\_\_\_ day of \_\_\_\_\_, 2000, personally appeared before me \_\_\_\_\_, the signers of the foregoing declaration and guaranty who duly acknowledged to me that he executed the same.

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

**M-K Inc.**  
A Utah Corporation

By: Kal Mason  
Its: Sec.  
(parcel 2)

By: Michael  
Its: PRESIDENT  
(parcel 2)

STATE OF UTAH)  
County of Salt Lake)

On the \_\_\_\_\_ day of \_\_\_\_\_, 2000, personally appeared before me \_\_\_\_\_, the signers of the foregoing lease and guaranty who duly acknowledged to me that he executed the same.

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

BK8369PG7020

State of Utah

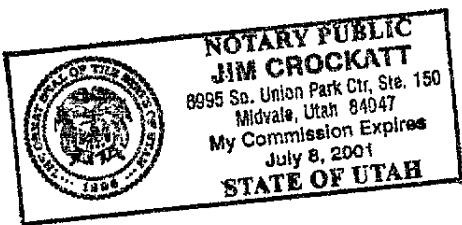
County of Salt Lake

On June 19, 2000, personally appeared before me William C. Roderick, the general partner of Roderick Enterprises, who by me being duly sworn (or affirmed) upon oath did say that such person(s) is/are the general partner(s) of the named partnership and that the foregoing instrument was executed pursuant to the partnership agreement with consent of non executing partners as may be required by law, and William C. Roderick, acknowledged to me that such person(s) executed the same as the act of said partnership.

*Jim Catt*  
\_\_\_\_\_  
Notary Public

My Commission Expires:

Residing at:



BK8369PG7021

STATE OF UTAH  
COUNTY OF SALT LAKE } ss.

On the 19th day of June 2000, personally appeared before me  
KARL MASON and MINH QUACH  
who being by me duly sworn did say, each for himself, that he, the said MINH QUACH is the  
President, and he the said KARL MASON is the Secretary of M-K, INC.

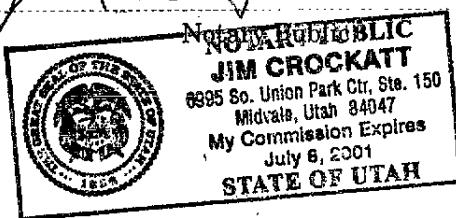
Company, and that the within and foregoing instrument was signed in behalf of said Corporation  
by authority of a resolution of its Board of Directors and said KARL MASON and  
MINH QUACH each duly acknowledged to me that said Corporation executed the same and that the seal  
affixed is the seal of said corporation.

My commission expires

Residing in

CORPORATION ACKNOWLEDGMENT

Form No. U-14



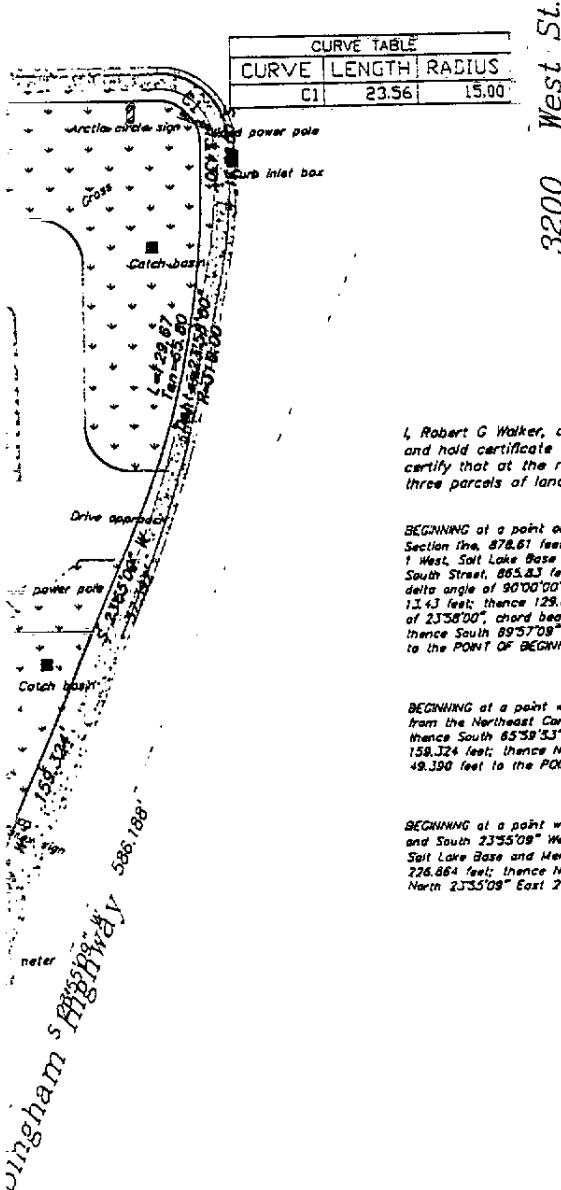
-POOR COPY-  
CO. RECORDER

BK 8369 PG 7022



7800 South St.

Northeast Corner of Section 32,  
Township 2 South, Range 1 West  
Salt Lake Base and Meridian



#### SURVEYOR'S CERTIFICATION

I, Robert G Walker, of Salt Lake City, Utah do hereby certify that I am a registered land surveyor and hold certificate number 147127 as prescribed by the Laws of the State of Utah, and I further certify that at the requests of the owners I have made an instrument field survey of the following three parcels of land:

#### ARCTIC OVAL

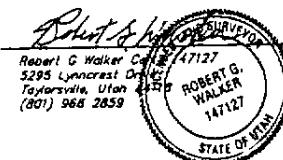
BEGINNING at a point on the South line of 7800 South Street, said point being South 89°57'09" West, along the Section line, 878.61 feet and South 51.00 feet from the Northeast Corner of Section 32, Township 2 South, Range 1 West, Salt Lake Base and Meridian and running thence North 89°57'09" East, along said South line of 7800 South Street, 863.23 feet; thence 21.563 feet along the arc of a 15 foot radius curve to the right and having a delta angle of 90.00 degrees; thence South 45°24'31" East 21.273 feet; thence South 00°02'31" East 12.43 feet; thence 129.872 feet along the arc of a 310.00 foot radius curve to the right and having a delta angle of 23°58'00"; chord bears South 11°56'09" East 126.729 feet; thence South 23°57'09" West 37.382 feet; thence South 89°57'09" West 173.128 feet; thence North 89°59'33" West 70.00 feet; thence North 160.00 feet to the POINT OF BEGINNING. ( Contains 49,723 Sq. Ft. --- 1.14 Acres )

#### PARCEL 1

BEGINNING at a point which is South 89°57'09" West, along the Section line, 878.61 feet, and South 31.00 feet and South 23°55'09" West 43.139 feet from the Northeast Corner of Section 32, Township 2 South, Range 1 West, Salt Lake Base and Meridian and running thence South 68°04'31" East 210.003 feet; thence South 23°55'09" West 159.124 feet; thence North 68°04'31" West 210.003 feet; thence North 23°55'09" East 41.139 feet; thence North 19.390 feet to the POINT OF BEGINNING. ( Contains 24,665 Sq. Ft. --- 0.57 Acres )

#### PARCEL 2

BEGINNING at a point which is South 89°57'09" West, along the Section line, 878.61 feet, and South 262.39 feet and South 23°55'09" West 43.139 feet from the Northeast Corner of Section 32, Township 2 South, Range 1 West, Salt Lake Base and Meridian and running thence South 68°04'31" East 210.003 feet; thence South 23°55'09" West 226.864 feet; thence North 68°04'31" West 198.710 feet; thence North 24°00'00" West 17.310 feet; thence North 23°55'09" East 214.861 feet to the POINT OF BEGINNING. ( Contains 47,562 Sq. Ft. --- 1.09 Acres )



JOB NAME:

RODERICK ENTERPRISES

LOCATION:

7800 South Old Bingham Hwy.

DESCRIPTION:

An As Built Instrumental  
Field Survey

DRAWN BY: rgw

CHECKED BY: rgw

SCALE: 1 in. = 30 feet

DATE: May 5 1998

JOB NUMBER SHEET

BK 8369 PG 7021