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11/02/2000 04:52 PM 14.00  
Book - 8399 Pg - 995-997  
NANCY WORKMAN  
RECORDER, SALT LAKE COUNTY, UTAH  
KENNECOTT UTAH COPPER  
C/O LARRY TRIMBLE  
PO BOX 6001  
MAGNA UT 84044-6001  
BY: ZJM, DEPUTY - WI 3 P.

EASEMENT

KENNECOTT UTAH COPPER CORPORATION, a Delaware corporation, having its principal place of business at 8315 W. 3595 So., Magna, Utah 84044-6001, County of Salt Lake, State of Utah, as "Grantor", hereby conveys to ARBOR HOMES, a Utah Corporation, having an address at 45 W. Sege Lily Drive #301, Sandy, Utah 84070, County of Salt Lake, State of Utah, its successors in interest and assigns, as "Grantee", for the sum of TEN DOLLARS (\$10.00) and other valuable consideration, the receipt and adequacy of which are hereby acknowledged, an access easement and right of way, on, under and across Grantor's land located in Salt Lake County, Utah, described on Exhibit "A" attached hereto and by this reference made a part hereof.

This easement is granted on and subject to the following terms, conditions, provisions, limitations, restrictions and agreements, to-wit:

Grantee shall have full rights of ingress and egress necessary for the purposes of doing all construction and of making any and all repairs, alterations, and replacements necessary for the full use of the aforesaid access easement and right of way.

The use of this property by Grantee shall be in a manner calculated to cause the least inconvenience to the ownership, use and enjoyment by Grantor of this and other property of Grantor, consistent with the practical use and occupancy thereof by Grantee for the purposes above stated.

This easement shall inure to the benefit of and be binding upon the parties hereto, their successors and assigns.

This easement is accepted by Grantee, subject to all the foregoing terms and conditions, and Grantee agrees to fully comply with, perform, and carry out the same on its part.

IN WITNESS WHEREOF, Grantor and Grantee have caused this agreement to be executed this 18 day of October, 2000.

Grantor  
KENNECOTT UTAH COPPER CORPORATION  
By [Signature]  
Its Vice President and General Manager, Health,  
Environmental, Tailings and Water Service

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Grantee

~~ELK-RUN, L.L.C.~~

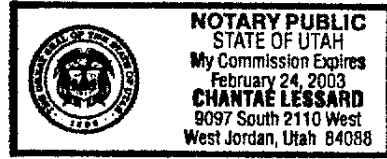
By Arbor Home, Inc.  
Gabe Smith  
Its Pres

STATE OF UTAH )  
: )  
COUNTY OF SALT LAKE )

This instrument was acknowledged before me on this 18 day of October, 2000, by William R. Williams as Vice President and General Manager, Health, Environmental, Tailings and Water Service of KENNECOTT UTAH COPPER CORPORATION.

Chantae Lessard  
Notary Public

My Commission Expires:  
Feb. 24, 2003

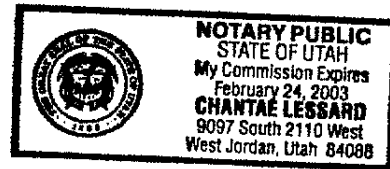


STATE OF UTAH )  
: )  
COUNTY OF SALT LAKE )

This instrument was acknowledged before me on this 1 day of Nov., 2000, by Johnny Gust as President of ~~ELK~~ RUN, L.L.C. Arbor Homes, Inc.

Chantae Lessard  
Notary Public

My Commission Expires:  
Feb. 24, 2003



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EXHIBIT A

RIGHT OF WAY AND ACCESS EASEMENT

A parcel of land lying and situate in the Northeast Quarter of Section 32, Township 1 South, Range 2 West, Salt Lake Base and Meridian, Magna City, Salt Lake County, Utah. Being described hereon to create a Right of Way and Easement solely for the purpose of ingress and egress in favor of Arbor Village, a Magna City Sub Division. Comprising 0.83 acres. 0.66 acres out of that certain Right of Way and Easement for ingress and egress, in favor of John Gust and Geraldine Gust, his wife, as created by that certain instrument recorded February 07, 1986, as Entry Number 4199263, in Book 5734, at Page 1384 of the official records of Salt Lake County and 0.17 acres out of that particular parcel of land owned in fee simple by Arbor Park Associates, recorded in Book 5928 at Page 2381 of said official records. Basis of Bearing for subject parcel being South 89°49'24" East 2656.31 feet (measured) between the Salt Lake County brass cap monuments monumentalizing the North line of the Northeast Quarter of said Section 32. Subject parcel being more particularly described as follows:

Beginning at a point on the East right of way line of 8400 West Street and at a point located North 00°15'36" East 15.50 feet of the point of beginning of said Gust right of way, said point being located South 00°15'36" West 846.02 feet and South 89°51'53" East 70.68 feet from the Salt Lake County brass cap well monument monumentalizing the North Quarter corner of said Section 32; Thence the following 2 (two) course coincident with the North line of said Gust right of way (1) South 89°44'24" East 882.27 feet to a point of curvature; (2) Southeasterly 30.52 feet along the arc of a 50.50 foot radius curve to the right (Center Bears South 00°15'36" West) thru a central angle of 34°37'37"; Thence North 50°03'54" East 13.55 feet to a point of curvature; Thence Easterly 38.04 feet along the arc of a 55.50 foot radius curve to the right (Center Bears South 38°56'06" East) thru a central angle of 39° 16'30" to a point of tangency; Thence South 89°39'37" East 233.75 feet to a point of curvature; Thence Southeasterly 58.19 feet along the arc of a 120.50 foot radius curve to the right (Center Bears South 00°20'23" West) thru a central angle of 27°40'05" to a point on the West boundary line of said Arbor Village; Thence SOUTH 25.54 feet coincident with said West line to a point on the arc of a 99.50 foot radius curve; Thence Westerly 59.60 feet along the arc of said 99.50 foot radius curve to the left (Center Bears South 34°39'36" West) thru a central angle of 34°19'12" to a point of tangency; Thence North 89°39'37" West 227.64 feet to a point of curvature; Thence Southwesterly 20.22 feet along the arc of a 29.50 foot radius curve to the left (Center Bears South 00°20'23" West) thru a central angle of 39°16'30" to a point of tangency; Thence South 51°03'54" West 48.24 feet; Thence North 37°50'07" West 9.60 feet to a point of curvature; Thence Westerly 17.66 feet along the arc of a 19.50 foot radius curve to the left (Center Bears South 52°09'53" West) thru a central angle of 51°54'17" to a point of tangency; Thence North 89°44'24" West 885.37 feet coincident with the South line of said Gust right of way to a point on the East right of way line of said 8400 West street; Thence North 00°15'36" East 31.00 feet along said right of way to the point of beginning.

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