

D LAND TITLE
CASE NO. 11515
Tax Serial No. PART OF 01-2042-0075

Ent 802777 Bk 708 Pg 278
Date: 16-SEP-2009 10:16AM
Fee: \$14.00 Check
Filed By: VB
VIKKI BARNETT, Recorder
CARBON COUNTY CORPORATION
For: D LAND TITLE

SCRIVENER AFFIDAVIT and AMENDMENT

(Correcting Previous Legal Description)

STATE OF OHIO & INDIANA)

County of HAMILTON & MARION)
(Respectively)

THIS SCRIVENER AFFIDAVIT AND AMENDMENT ("Amendment") is made this 21ST day of August, 2009, by CREEKVIEW STATION INC., a Delaware Corporation, ("Declarant").

WHEREAS, "Declarant" made that certain DECLARATION OF EASEMENTS, COVENANTS, AND RESTRICTIONS given under date of May 12, 2009 ("Declaration"). Which said Declaration was recorded as Entry No. 800951 in Book 699, Page 614, on May 15, 2009 at 1:31 PM, records of Carbon County Corporation Recorder, Price, Utah.

AND WHEREAS certain tracts or parcels of land, located in Carbon County, Utah, were particularly described in Exhibits A and B, of said Declaration.

AND WHEREAS an error of omission was made with respect to Exhibit B, Legal Description of Outparcel, ("Outparcel"), on Page 16 of the Declaration. Namely this, that the designation "Creekview Plaza - Big O Tire Subdivision" was omitted from the Legal Description of Outparcel, Subdivision Boundary Description, as given in Exhibit B of the Declaration.

AND WHEREAS the Outparcel is also recited in the Declaration as "Save and except:" in Exhibit A, Legal Description of Shopping Center ("Shopping Center"), on Page 15 of the Declaration and is subject to the same error of omission as herein above described.

NOW THEREFORE, Declarant hereby makes this Amendment to correct a legal description in the Declaration as follows, to wit:

The Outparcel as described in Exhibit B of the Declaration and the "Save and except:" parcel being the Outparcel description, as described in Exhibit A are each corrected and replaced with the following legal description, the land being situate in the State of Utah, County of Carbon:

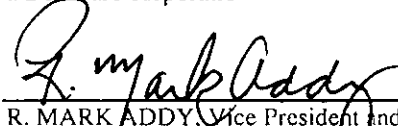
SEE EXHIBIT "A" ATTACHED HERETO.

BANK OF AMERICA N.A., successor by merger to LaSALLE BANK NATIONAL ASSOCIATION hereby joins in this Amendment to evidence its consent to and approval of the correction legal description set forth herein.

(SIGNATURE PAGES TO FOLLOW)

IN WITNESS WHEREOF, this Scrivener Affidavit and Amendment has been executed as of the day and year first above written.

CREEKVIEW STATION INC.,
a Delaware corporation

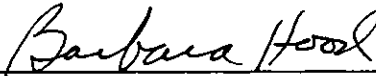

R. MARK ADDY, Vice President and Secretary

STATE OF OHIO)
 : ss
County of Hamilton)

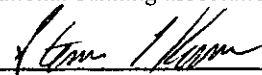
On the 21 day of August, 2009, personally appeared before me, a Notary Public in and for the said county and state, personally appeared R. Mark Addy, Vice President and Secretary of Creekview Station Inc., a Delaware corporation, who acknowledged that he did sign the foregoing instrument and that the same is his free and voluntary act and deed.



BARBARA HOOD
Notary Public, State of Ohio
My Commission Expires
August 2, 2013

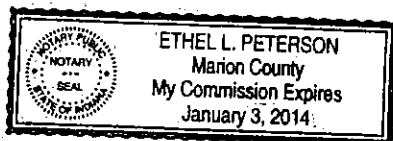

Notary Public
Commission Expires:
Residing at:

BANK OF AMERICA N.A., successor by merger to LaSalle Bank National Association, a national banking association


STEVEN L. KARN, Senior Vice President

STATE OF INDIANA)
 : ss
County of Marion)

On the 25th day of August, 2009, personally appeared before me, a Notary Public in and for the said county and state, personally appeared Steven L. Karn, Senior Vice President of Bank of America, N.A., successor by merger to LaSalle Bank National Association, a national banking association, who acknowledged that he did sign the foregoing instrument and that the same is his free and voluntary act and deed.





Notary Public
Commission Expires:
Residing at:

EXHIBIT "A"
PROPERTY DESCRIPTION

BEGINNING AT A POINT LOCATED S89°14'04"W ALONG THE SECTION LINE, 2516.58 FEET AND SOUTH 86.60 FEET FROM THE NORTHEAST CORNER OF SECTION 20, T.14 S., R.10 E., S.L.B. & M.; SAID POINT OF BEGINNING BEING AT THE NORTHWEST CORNER OF THE CREEKVIEW SHOPPING CENTER PARCEL; THENCE N89°26'13"E ALONG THE NORTH LOT LINE OF SAID PARCEL, 271.70 FEET; THENCE SOUTH 105.80 FEET; THENCE S80°36'34"W 250.56 FEET TO WEST LINE OF SAID PARCEL; THENCE N09°38'59"W ALONG SAID WEST LINE, 146.08 FEET TO THE POINT OF BEGINNING: CREEKVIEW PLAZA, BIG O TIRE SUBDIVISION.