

9322598

ORIGINAL

WHEN RECORDED MAIL TO:

Stephen M. Tumblin, Esq.
LeBoeuf, Lamb, Greene & MacRae, L.L.P.
1000 Kearns Building
136 South Main Street
Salt Lake City, Utah 84101-3650

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GARY W. OTT

RECORDER, SALT LAKE COUNTY, UTAH

STEPHEN M TUMBLIN

LEBOEUF, LAMB, GREENE

1000 KEARNS BLDG SALT LAKE CITY 841

01-3650

BY: SAM, DEPUTY - WL 10 P.

SAM
Parcel No. 30-06-252-007-0000

EASEMENT EXTINGUISHMENT AND GRANTING AGREEMENT

This Easement Extinguishment and Granting Agreement ("Agreement") is entered into by and between AUSTIN FRAGOMEN and GWENDOLYN ROBOSSON, whose address is c/o Fragomen, Del Rey & Bernsen, PC, 515 Madison Avenue, New York, NY 10022 (the "Grantors") and the following (collectively the "Grantees"), whose names and addresses are:

Gideon and Nancy S. Searoe
750 Greenbay Road
Winnetka, IL 60093

Jeff B. Gentry
P. O. Box 920078
Snowbird, UT 84092

Jonathan M. Nelson
436 Blackstone Boulevard
Providence, RI 02906

Freddy W. Versteeg
P. O. Box 920035
Snowbird, UT 84092

Michael Rothkops
204 Steeplechase Drive
Irving, TX 75062

Friends of Alta, Inc.,
a Utah not-for-profit corporation
c/o Mimi Leavitt
P. O. Box 8040
Alta, UT 84092

Hellgate Condominium Association,
a Utah not-for-profit corporation
c/o Ken Jones
Parsons, Davies, Kinghorn & Peters
185 South State Street, Suite 700
Salt Lake City, UT 84111

RECITALS

WHEREAS, Grantors own certain real property in fee simple (the "Property") in a residential subdivision known as the Falls at Sugarplum (formerly known as Cottonwood Creek) in the Town of Alta, Salt Lake County, State of Utah (the "Subdivision");

WHEREAS, the Grantor's ownership in the Property is subject to a 20 foot wide easement for the maintenance of an existing sanitary sewer line, 10 feet each side of the existing pipe centerline, in favor of the Town of Alta;

WHEREAS, Grantor's ownership is also subject to a 12 foot wide non-exclusive easement over and across the Property and 4 feet each side of the easement for purposes of access in favor of each of the Grantees (the "Old Easement") identified on the plat recorded in the office of the Salt Lake County Recorder on October 1, 1987 as Entry No. 4531663, in Book 89-10 of Plats, at Page 123; and

WHEREAS, Grantors and Grantees mutually desire to extinguish and terminate the Old Easement, and Grantors, Grantees, and the Town of Alta desire to create a new easement benefitting the Grantees at the location specifically identified below for the same purposes for which the Old Easement was created.

AGREEMENT

NOW, THEREFORE, in consideration of the covenants and promises contained herein, Grantors and Grantees agree as follows:

1. Extinguishment of Easement. Each of the Grantees hereby releases and conveys to Grantors all of his right, title to, and interest to the following:

The 12 foot wide private driveway, including 4 feet each side of said roadway, running between Lots 5, 6 and 8 as described in the Declaration of Covenants, Conditions and Restrictions of COTTONWOOD CREEK SUBDIVISION, recorded in the Office of the Salt Lake County Recorder on October 1, 1987, as Entry No. 4531665, in Book 5967, at Page 1360, and as shown in the Plat recorded in the office of the Salt Lake County Recorder on October 1, 1987, as Entry No. 4531663, in Book 89-10 of Plats, at Page 123.

2. Grant of Easement. Subject to the 20 foot wide easement for the maintenance of an existing sanitary sewer line, 10 feet each side of the existing pipe centerline in favor of the Town of Alta, as shown in the Plat recorded in the office of the Salt Lake County Recorder on October 1, 1987, as Entry No. 4531663, in Book 89-10 of Plats, at Page 123, Grantor hereby grants to each of the Grantees and their successors and assigns, the following:

A 12 foot wide non-exclusive, private easement and 4 feet each side of said easement, more specifically described on Exhibit "A" attached hereto and by this reference made a part hereof, for the purposes of access, over, upon and across Lots 6 and 8, the property as shown in the Plat recorded in the office of the Salt Lake County Recorder on October 1, 1987, as Entry No. 4531663, in Book 89-10 of Plats, at Page 123.

DATED this _____ day of _____, 2001.

STATE OF _____)
) ss.
COUNTY OF _____)

AUSTIN M. FRAGOMEN, JR.

The foregoing instrument is acknowledged before me this ____ day of _____, 2001, by Austin Fragomen.

Notary Public
Residing at _____

My Commission expires:

STATE OF _____)
) ss.
COUNTY OF _____)

GWENDOLYN M. FRAGOMEN

The foregoing instrument is acknowledged before me this ____ day of _____, 2001, by Gwendolyn Robosson.

Notary Public
Residing at _____

My Commission expires:

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

The foregoing instrument is
acknowledged before me this 19 day of
April, 2001, by Mimi
Leritt

Katherine S. W. Black
Notary Public
Residing at SALT LAKE COUNTY

My Commission expires:
3/15/04

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

The foregoing instrument is
acknowledged before me this ___ day of
_____, 2001, by _____
_____.

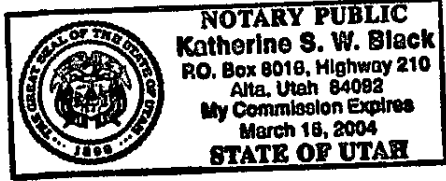
Notary Public
Residing at _____

My Commission expires:

FRIENDS OF ALTA, a Utah not-for-profit
corporation

By: [Signature]

Its: President



HELLGATE CONDOMINIUM
ASSOCIATION, a Utah not-for-profit
corporation

By: _____

Its: _____

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

GIDEON SEAROE:

The foregoing instrument is
acknowledged before me this ____ day of
_____, 2001, by Gideon
Searoe.

Notary Public
Residing at _____

My Commission expires:

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

NANCY S. SEAROE:

The foregoing instrument is
acknowledged before me this ____ day of
_____, 2001, by Nancy S.
Searoe.

Notary Public
Residing at _____

My Commission expires:

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

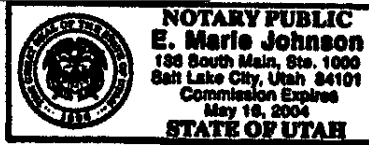
JEFF ^D GENTRY:

Jeff D. Gentry

The foregoing instrument is acknowledged before me this 18th day of July, 2001, by Jeff ^D Gentry.

E. Marie Johnson
Notary Public
Residing at Kaysville, UT

My Commission expires: 5-16-04



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

JONATHAN M. NELSON:

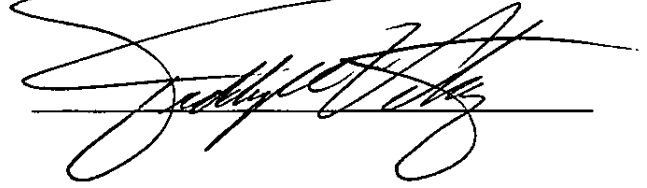
The foregoing instrument is acknowledged before me this ___ day of _____, 2001, by Jonathan M. Nelson.

Notary Public
Residing at _____

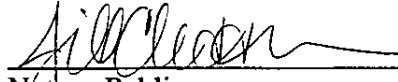
My Commission expires:

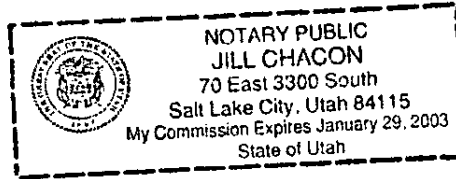
STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

FREDDY W. VERSTEEG:



The foregoing instrument is acknowledged before me this 18 day of June, 2001, by Freddy W. Versteeg.


Notary Public
Residing at Salt Lake County, UT



My Commission expires:
1-29-03

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

MICHAEL ROTHKOPS:

The foregoing instrument is acknowledged before me this ___ day of _____, 2001, by Michael Rothkops.

Notary Public
Residing at _____

My Commission expires:

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

CONSENTED TO BY THE
TOWN OF ALTA

The foregoing instrument is
acknowledged before me this ____ day of
_____, 2001, by _____
_____.

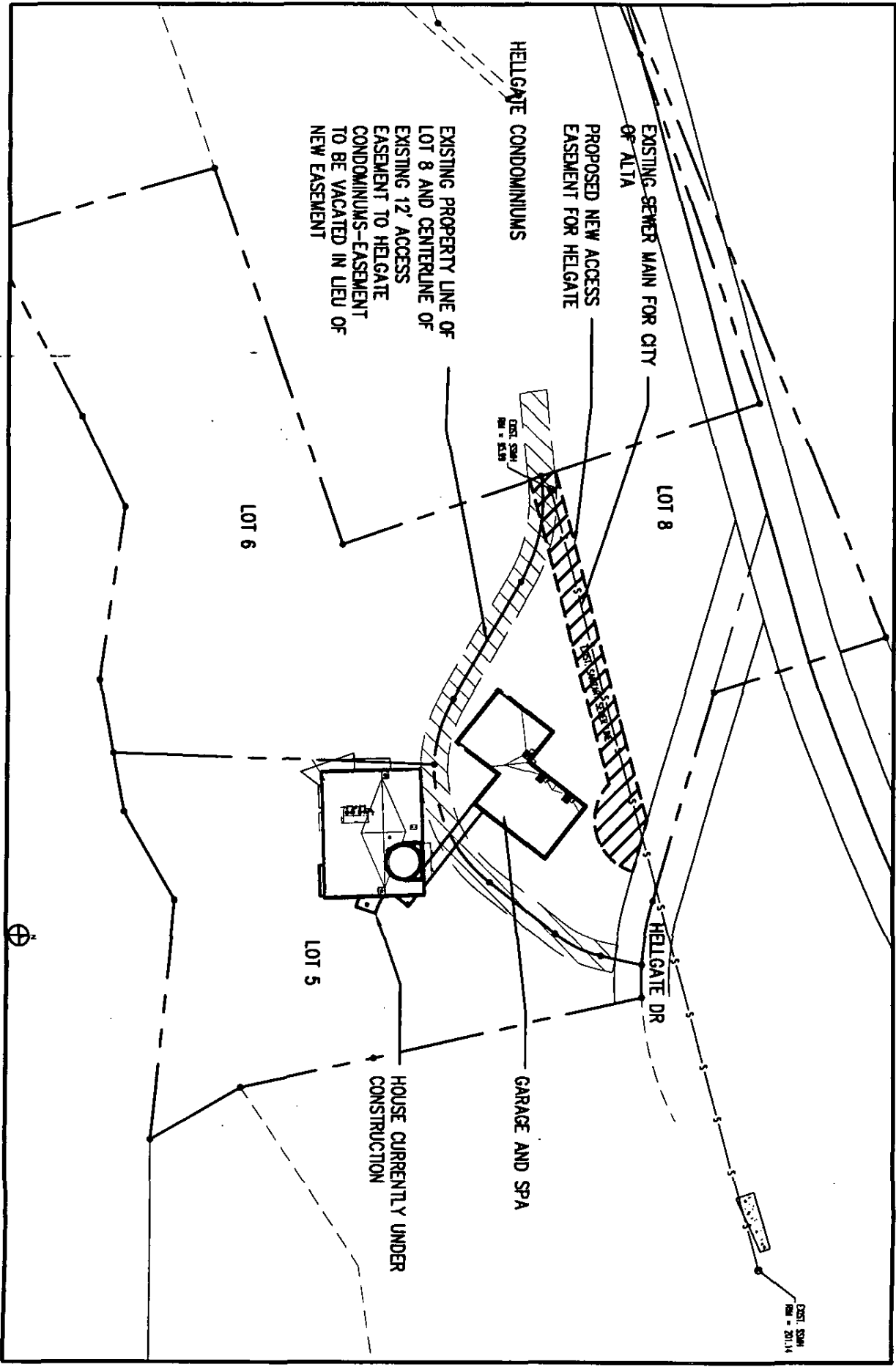
By: _____

Its: _____

Printed Name and Title

Notary Public
Residing at _____

My Commission expires:



DATE: 11-13-2000
 PROPOSED ACCESS EASEMENT FOR HELGGATE CONDOMINIUMS

FRAGOMEN RESIDENCE
 HELGGATE DR
 ALTA, UTAH

SITE PLAN
 SCALE: 1"=60'-0"
 827.LOT.LINES

P.M.A.
 171 WEST
 PIERPONT AVE.
 SALT LAKE CITY
 UTAH 84101
 PH: 521-9111
 FX: 521-9158

PRESCOTT MUIR
 ARCHITECTS

EXHIBIT "A"

Legal Description of Easement

Beginning at a point South 257.87 feet and West 687.37 feet from Corner No. 1 of Hellgate Lode Mining Claim, Mineral Survey No. 5282, said Corner No. 1 being record South 60°39'00" West 3674.9 feet from the South Quarter Corner of Section 32, Township 2 South, Range 3 East, Salt Lake Base and Meridian, said Corner No. 1 being field measure South 60°36'11" West 3675.71 feet from the North Quarter Corner of Section 5, Township 3 South, Range 3 East, Salt Lake Base and Meridian, and running thence South 74°08'12" East along the South side of an existing private lane 34.93 feet; thence southerly and westerly along the arc of a 25.00 foot radius curve to the right (center bears North 74°08'12" West) through a central angle of 117°57'43" a distance of 51.47 feet; thence South 74°50'39" West 135.30 feet to the East line of the Hellgate Condominiums as recorded with the office of the Salt Lake County Recorder; thence North 19°04'01" West along said East line 18.04 feet; thence North 74°50'39" East 149.45 feet to the point of beginning.