

When recorded, return to:  
 Gregory P. Williams  
 50 South Main Street, Suite 1600  
 Salt Lake City, Utah 84144  
 F68299

9683366  
 4/3/2006 4:02:00 PM \$35.00  
 Book - 9275 Pg - 9321-9332  
 Gary W. Ott  
 Recorder, Salt Lake County, UT  
 FOUNDERS TITLE  
 BY: eCASH, DEPUTY - EF 12 P.

## DECLARATION AND GRANT OF EASEMENT

This Declaration and Grant of Easement is dated as of this 28 day of March, 2006, by and between **ALTA SKI CHALET, LLC**, a South Carolina limited liability company ("Ski Chalet"); **MARTIN G. JOHNS AND BARBARA JOHNS**, husband and wife, and **CHARLES W. DAY III AND CAROL DAY**, husband and wife, residents of Pennsylvania ("Johns and Day"); **VALCO INSTRUMENTS CO., INC.**, a Texas corporation ("Valco"); and **JOHN F. FORT, III**, AS TRUSTEE OF THE JFF IV QUALIFIED PERSONAL RESIDENCE TRUST U/T/A 8/7/2000, **JOHN F. FORT, III**, AS TRUSTEE OF THE ASF QUALIFIED PERSONAL RESIDENCE TRUST U/T/A 8/7/2000, **JOHN F. FORT, III**, AS TRUSTEE OF THE EBF QUALIFIED PERSONAL RESIDENCE TRUST U/T/A 8/7/2000, AND **JOHN F. FORT, III**, AS TRUSTEE OF THE THF QUALIFIED PERSONAL RESIDENCE TRUST U/T/A 8/7/2000 ("Fort")

### RECITALS:

A. Ski Chalet is the owner of the parcel of property in Alta, Salt Lake County, Utah, which is described on Exhibit A hereto (the "Ski Chalet Parcel"), and which is identified as Parcel No. 007 on the drawing attached as Exhibit E hereto.

B. Johns and Day are the owners of the parcel of property in Alta, Salt Lake County, Utah, which is described on Exhibit B hereto (the "Day and Johns Parcel"), and which is identified as Parcel No. 003 on the drawing attached as Exhibit E hereto.

C. Valco is the owner of the parcel of property in Alta, Salt Lake County, Utah, which is described on Exhibit C hereto (the "Valco Parcel"), and which is identified as Parcel No. 002 on the drawing attached as Exhibit E hereto.

D. Fort is the owner of the parcel of property in Alta, Salt Lake County, Utah, which is described on Exhibit D hereto (the "Fort Parcel"), and which is identified on as Parcel 006 on the drawing attached as Exhibit E hereto. The Ski Chalet Parcel, the Day and Johns Parcel, the Valco Parcel, and the Fort Parcel are collectively referred to as the "Parcels."

E. The Alta By-Pass Road adjoins the Valco Parcel and the Fort Parcel on the west as shown on Exhibit E. All of the Parcels are accessed by means of an existing road running easterly from the Alta By-Pass Road and situated on the southerly 20 feet of the Valco and Day and Johns Parcels, and the northerly 20 feet of the Ski Chalet and Fort Parcels.

F. The parties hereto are entering into this Agreement for the purpose of further confirming and establishing of record the right to access their respective Parcels by means of the Access Road.

NOW, THEREFORE, in consideration of the covenants and agreements set forth herein and the mutual benefits to be derived herefrom, and for good and valuable consideration, the parties hereto agree as follows:

1. Grants of Easements. Ski Chalet hereby grants and conveys to Johns and Day an easement, for the purposes described below, over and across the northerly 20 feet of the Ski Chalet Parcel. Johns and Day hereby grant and convey to Ski Chalet an easement, for the purposes described below, over and across the southerly 20 feet of the Day and Johns Parcel. Valco hereby grants and conveys to Fort, Johns and Day, and Ski Chalet an easement, for the purposes described below, over and across the southerly 20 feet of the Valco Parcel. Fort hereby grants and conveys to Valco, Johns and Day, and Ski Chalet an easement, for the purposes described below, over and across the northerly 20 feet of the Fort Parcel. The easements granted herein shall be perpetual non-exclusive easements for vehicular and pedestrian use and roadway access to, from, and between the Alta By-Pass Road and the Parcels.

2. Miscellaneous.

(a) Successors and Assigns. The easements granted herein shall be appurtenant to the benefited Parcels and shall constitute covenants running with the land for the benefit of the benefited Parcel and every portion thereof, and shall burden the Parcels over and across which the easements are granted, and shall apply to and bind the respective successors in interest to Parcels.

(b) Governing Law. This Agreement shall be governed by, and construed in accordance with, the laws of the State of Utah.

(c) Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument. This Agreement shall be binding upon the signatories hereto whether or not executed by all of the parties hereto.

(d) Exhibits. The Exhibits hereto are incorporated by reference.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the date first above written.

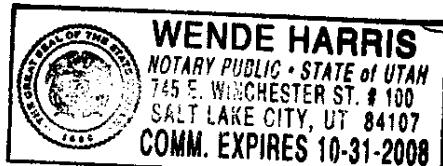
[signatures follow on next page]

ALTA SKI CHALET, LLC, a South  
Carolina limited liability company

By: David E. McElroy  
Its: Managing Member

STATE OF Utah,  
) ss.  
COUNTY OF SL)

The foregoing instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2006, by David E. McElroy, the Managing Member of ALTA SKI CHALET, LLC, the signer of the foregoing instrument.



Wende Harris  
Notary Public

*Martin G. Johns*

Martin G. Johns

*Barbara Johns*

Barbara Johns

*Charles W. Day III*

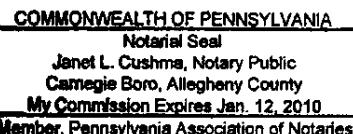
*Carol Day*

STATE OF ) PENNSYLVANIA  
COUNTY OF ) ss.  
              ) ALLEGHENY

The foregoing instrument was acknowledged before me on the 31 day of March, 2006, by MARTIN G. JOHNS, the signer of the foregoing instrument.

*Janet L. Cushman*

Notary Public

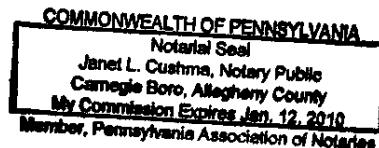


STATE OF ) PENNSYLVANIA  
COUNTY OF ) ss.  
              ) ALLEGHENY

The foregoing instrument was acknowledged before me on the 31 day of March, 2006, by BARBARA JOHNS, the signer of the foregoing instrument.

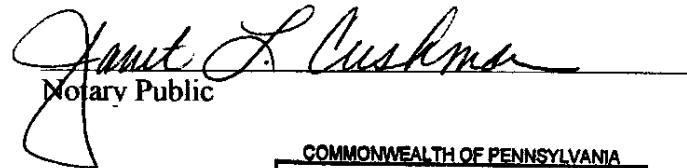
*Janet L. Cushman*

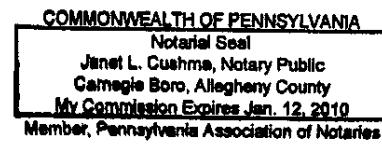
Notary Public



STATE OF ) PENNSYLVANIA  
COUNTY OF ) ss.  
              ) ALLEGHENY

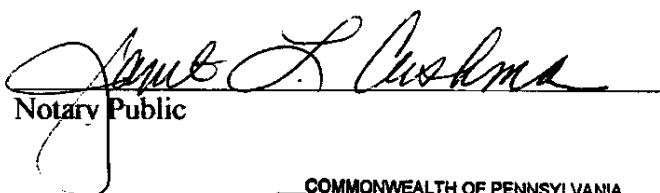
The foregoing instrument was acknowledged before me on the 31 day of March, 2006, by CHARLES W. DAY III, the signer of the foregoing instrument.

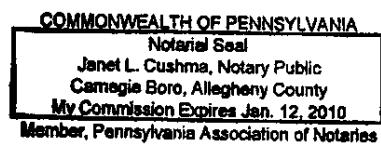
  
Janet L. Cushma  
Notary Public



STATE OF ) PENNSYLVANIA  
COUNTY OF ) ss.  
              ) ALLEGHENY

The foregoing instrument was acknowledged before me on the 30 day of March, 2006, by CAROL DAY, the signer of the foregoing instrument.

  
Janet L. Cushma  
Notary Public

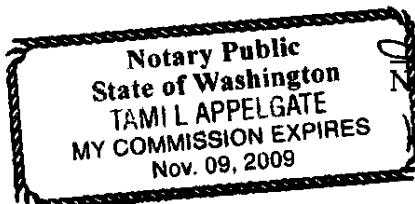


**VALCO INSTRUMENTS CO., INC., a**  
Texas corporation

By: Stanley J. Stearns  
Its: President

STATE OF Wa )  
) ss.  
COUNTY OF Pierce

The foregoing instrument was acknowledged before me on the 31 day of March,  
2006, by Stan Stearns, the President of VALCO INSTRUMENTS  
CO., INC., the signer of the foregoing instrument.



Stanley J. Stearns

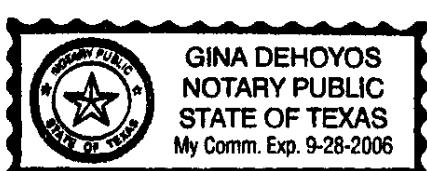
Notary Public  
My Comm. exp 11-09-09

**JOHN F. FORT, III,**  
Trustee of the JFF IV Qualified Personal Residence  
Trust U/T/A 8/7/2000  
Trustee of the ASF Qualified Personal Residence  
Trust U/T/A 8/7/2000  
Trustee of the EBF Qualified Personal Residence  
Trust U/T/A 8/7/2000  
Trustee of the THF Qualified Personal Residence  
Trust U/T/A 8/7/2000

John F. Fort, III

STATE OF Texas )  
COUNTY OF Harris ) ss.

The foregoing instrument was acknowledged before me on the 28<sup>th</sup> day of March, 2006, by JOHN F FORT, III, Trustee, the signer of the foregoing instrument.



Notary Public

## EXHIBIT A

### Ski Chalet Parcel

Tax No. 30-05-154-007

Beginning at a point which is South 1810.99 feet and East 173.84 feet from the Northeast corner of Section 6, Township 3 South, Range 3 East, Salt Lake Base and Meridian; and running thence North 83°19'10" East 90.00 feet; thence South 7°00' East 117.02 feet to the centerline of Little Cottonwood Creek; thence South 61°03'26" West along said centerline 97.03 feet; thence North 7°00' West 153.78 feet to the point of Beginning.

ADDRESS: 9920 East Peruvian Acre Road, Alta, Utah 84092

## EXHIBIT B

Day and Johns Parcel

Tax No. 30-05-154-003

Beginning at a point which is South 1810.99 feet and East 173.84 feet from the Northeast Corner of Section 6, Township 3 South, Range 3 East, Salt Lake Base and Meridian; and running thence North 7 deg 00' West 122.74 feet; thence North 84 deg 48'07" East 90.04 feet; thence South 7 deg 00' East 120.41 feet; thence South 83 deg 19'10" West 90.00 feet to the point of BEGINNING.

ADDRESS: 9921 East Peruvian Acre Road, Alta, Utah 84092.

## EXHIBIT C

### Valco Parcel

Tax No. 30-05-154-002

BEGINNING AT A POINT WHICH IS SOUTH 1810.99 FEET AND EAST 173.84 FEET FROM THE NORTHEAST CORNER OF SECTION 6, TOWNSHIP 3 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE NORTH 7 DEGREES 00 MINUTES WEST 122.74 FEET; THENCE SOUTH 84 DEGREES 48 MINUTES 07 SECONDS WEST 34.76 FEET; THENCE SOUTH 34 DEGREES 37 MINUTES 20 SECONDS WEST 105.86 FEET; THENCE SOUTH 5 DEGREES 29 MINUTES WEST 45.12 FEET; THENCE NORTH 83 DEGREES 19 MINUTES 10 SECONDS EAST 114.81 FEET TO THE POINT OF BEGINNING.

ADDRESS: 9911 East Peruvian Acre Road, Alta, Utah 84092

## EXHIBIT D

### Fort Parcel

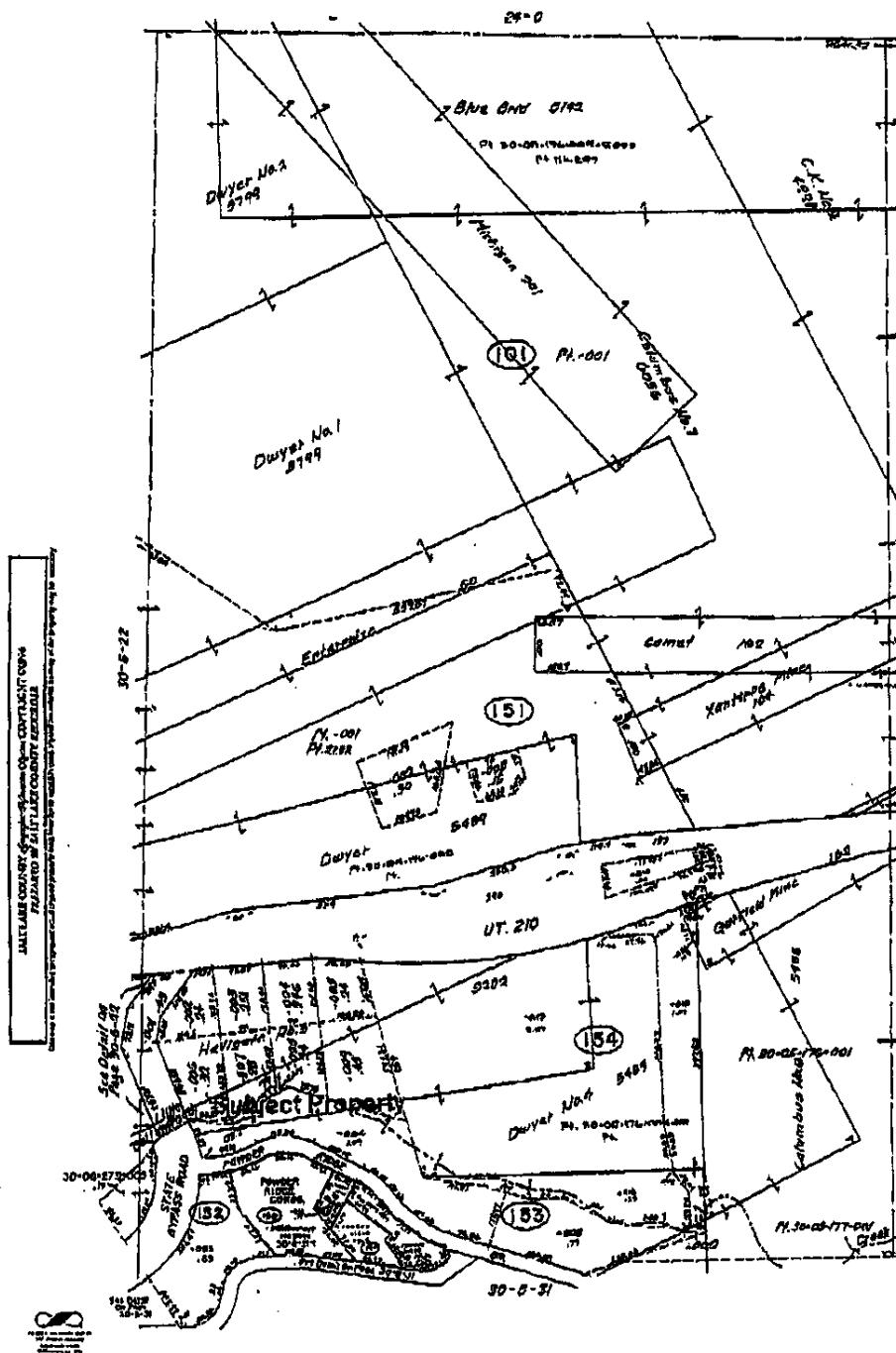
Tax No. 30-05-154-006

Beginning at a point which is South 1810.99 feet and East 173.84 feet from the Northeast corner of Section 6, Township 3 South, Range 3 East, Salt Lake Base and Meridian, running thence South 7 deg. 00' East 153.78 feet to the center line of Little Cottonwood Creek; thence South 61 deg. 3'26" West along center line 5.90 feet; thence South 85 deg. 44'26" West along center line 64.51 feet; thence North 23 deg. 11'45" West 159.88 feet; thence North 83 deg. 19'10" East 114.50 feet to the point of beginning.

ADDRESS: 9910 East Peruvian Acre Road, Alta, Utah 84092

## EXHIBIT E

## Parcel Drawing



SCALE 1" = 100'

30-5-11

SALT LAKE CO.  
W 1/2 N.W. 1/4 SEC. 5 T.3S. R.3E.