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Page 1 of 5

Alan Spriggs, Summit County Utah Recorder

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By FOUNDERS TITLE COMPANY - SYRACUSE

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When Recorded Return To:

P. Christian Anderson, Esq.

Ballard Spahr LLP

201 South Main Street, Suite 800

Salt Lake City, Utah 84111

### **AFFIDAVIT REGARDING EASEMENT**

P. Christian Anderson, being first duly sworn, deposes and says that he is the personal representative of the Estate of Milton L. Weilenmann (the "Estate"), which is a party to that certain Right of Way Easement Agreement dated January 4, 2010 and recorded with the Summit County Utah Recorder on January 22, 2010 (the "Agreement"). The Agreement relates to certain easements and rights (the "Easements") granted with respect to certain real property located in Summit County, State of Utah, which is more particularly described on Exhibit A attached hereto, and which is the site of the Weilenmann School of Discovery (the "School Property"), for the benefit of certain real property owned by the Estate, as described in Exhibit A-2 attached hereto (the "Weilenmann Property").

In connection with a potential transfer of the School Property from Weilenmann Partners to the Weilenmann School of Discovery or an entity affiliated therewith, the affiant makes this affidavit for the purpose of clarifying certain aspects of the Easements, and to confirm that the Easements will not interfere with the school building currently on the School Property (the "School").

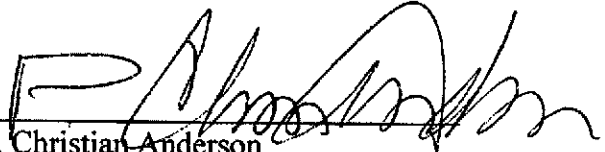
The affiant hereby agrees, acknowledges and affirms that the Easements may be located on portions of the School Property other than the location of the historic dirt road that no longer exists as a result of the construction of the School, with the Easement location to be either along the access road constructed at the time of the construction of the School, or at a location otherwise mutually agreed upon by the owners of the Weilenmann Property and the owners of the School Property to fulfill the purposes of the Agreement.

The affiant agrees, acknowledges and affirms that the Estate will not require Easements or access across the School Property at a location that would require any movement of, or would interfere with, the School, provided the Easements are granted along the new access road or another mutually acceptable route across the School Property.

The affiant avers that the purpose of this Affidavit is to clarify certain rights arising pursuant to the terms of the Agreement, and to eliminate concerns that the existence of such rights may interfere with the location of the School. The affiant understands that the access rights granted across the School Property to the owners of the

one acre lot currently owned by the Aldon Anderson LLC will utilize the same route as applies to the Weilenmann Property as referenced above.

Further affiant sayeth naught.

  
P. Christian Anderson  
Personal Representative of the Estate  
Of Milton L. Weilenmann, Probate  
No. 093900122

STATE OF UTAH )

COUNTY OF SALT LAKE )

On the 25<sup>th</sup> day of May, 2012, personally appeared before me, P. Christian Anderson, who did swear that the foregoing affidavit is true and accurate in all particulars, and did acknowledge to me that he did execute the foregoing affidavit and swear to its truthfulness before me, a Notary Public.

My Commission Expires: 3-17-2014


  
Notary Public



EXHIBIT "A"

Beginning at the East quarter corner of Section 10, Township 1 South, Range 3 East, Salt Lake Base and Meridian; thence North 00°04'11" West along the East line of Lot 2 a distance of 1134.85 feet; thence South 61°16'46" West 625.69 feet; thence North 00°04'11" West 15.4 feet; thence South 46°43'36" West 181.53 feet; thence North 18°21'11" West 157.78 feet to the True Point of Beginning; thence South 56°37'40" West 386.86 feet; thence South 02°12'48" East 305.16 feet; thence South 42°54'58" West 248.60 feet; thence North 42°19'31" West 410.84 feet; thence North 10°00'00" East 142.17 feet; thence North 70°00'00" West 394.47 feet; thence North 48°26'49" East 79.94 feet to the intersection with the Southeasterly right of way line of the Interstate 80 Frontage Road, said right of way line also being the Southeasterly line of that tract of land as described in Warranty Deed to the State Road Commission of Utah, recorded July 25, 1972 as Entry No. 116412 in Book M39, Pages 586 and 587, in the office of the recorder of Summit County, Utah, the following five courses being along said right of way line: (1) thence North 61°36'00" East 96.33 feet to a point on a tangent 3779.72 foot radius curve concave Southeasterly (the radius point bears South 28°24'00" East 3779.72 feet of which the central angle is 05°00'00"); (2) thence Northeasterly along the arc of said curve a distance of 329.84 feet; (3) thence North 66°36'00" East 10.66 feet to a point on a tangent 3859.72 foot radius curve concave Northwesterly (the center bears North 23°24'00" West 3859.72 feet of which the central angle is 05°00'00"); (4) thence Northeasterly along the arc of said curve a distance of 336.82 feet; (5) thence North 61°36'00" East 231.76 feet to the intersection with the Westerly line of a tract of land as described in a Quit Claim Deed to Judith L. Maedel, recorded May 18, 1981 as Entry No. 179621 in Book M187, Page 501, in said Recorder's office, the following course being along the Westerly line of said tract; thence South 18°21'11" East 414.26 feet to the place of beginning.

The following is shown for informational purposes only: Tax Parcel No. PP-38-C-1.

Exhibit A-2

PART OF LOT 2, SEC 10, T1S, R3E, SLBM, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEG AT THE EAST 1/4 COR OF SECTION 10, T1S, R3E, SLBM; TH NORTH 89°58'00" WEST 1502.15 FEET ALONG THE CENTER OF SECTION; THENCE NORTH 00°02'00" WEST 327.91 FEET; THENCE NORTH 10°00'00" EAST 162.43 FEET; THENCE SOUTH 42°19'31" EAST 410.84 FEET; THENCE NORTH 42°54'58" EAST 248.60 FEET; THENCE NORTH 02°12'48" WEST 305.16 FEET; THENCE NORTH 56°37'40" EAST 368.86 FEET; THENCE SOUTH 18°21'11" EAST 157.78 FEET; THENCE NORTH 46°43'36" EAST 181.53 FEET; THENCE SOUTH 00°04'11" EAST 15.4 FEET; THENCE NORTH 61°16'46" EAST 625.69 FEET; THENCE SOUTH 0°04'11" EAST 1134.85 FEET TO THE PT OF BEG.

EXCEPTING FROM THE ABOVE THE FOLLOWING DESCRIBED TRACTS OF LAND:

PART OF LOT 2, SEC 10, T1S, R3E, SLBM, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEG AT THE EAST 1/4 COR OF SECTION 10, T1S, R3E, SLBM, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF LOT 2 OF SAID SECTION 10; THENCE NORTH 89°58'00" WEST ALONG THE SOUTH LINE OF SAID LOT A DISTANCE OF 552.19 FEET; THENCE NORTH 00°02'00" EAST 200.0 FEET; THENCE SOUTH 89°58'00" EAST PARALLEL WITH SAID SOUTH LINE 551.83 FEET TO A POINT ON THE EAST SIDE OF SAID LOT; THENCE SOUTH 00°04'11" EAST 200.0 FEET TO THE POINT OF BEGINNING CONTAINING APPROXIMATELY 2.53 ACRES.

PART OF LOT 2, SEC 10, T1S, R3E, SLBM, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT SOUTH, 2155.20 FEET AND WEST 225.00 FEET FROM THE NORTHEAST CORNER OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN; RUNNING THENCE SOUTH 217.80 FEET; THENCE WEST 200.00 FEET; THENCE NORTH 217.80 FEET; THENCE EAST 200.00 FEET TO THE POINT OF BEGINNING CONTAINING 1.00 ACRE.

PP-38-C

Exhibit ~~A~~ A-2

PART OF LOT 2, SEC 10, T1S, R3E, SLBM, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEG AT THE EAST 1/4 COR OF SECTION 10, T1S, R3E, SLBM, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF LOT 2 OF SAID SECTION 10; THENCE NORTH 89°58'00" WEST ALONG THE SOUTH LINE OF SAID LOT A DISTANCE OF 552.19 FEET; THENCE NORTH 00°02'00" EAST 200.0 FEET; THENCE SOUTH 89°58'00" EAST PARALLEL WITH SAID SOUTH LINE 551.83 FEET TO A POINT ON THE EAST SIDE OF SAID LOT; THENCE SOUTH 00°04'11" EAST 200.0 FEET TO THE POINT OF BEGINNING CONTAINING APPROXIMATELY 2.53 ACRES.

PP-38-C-2