

BOOK 1180

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ASSOCIATED TITLE

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CAROL DEAN PAGE  
DAVIS COUNTY RECORDER  
DEPUTY [Signature] FEE 11.00

FIRST AMENDMENT  
TO  
RESTRICTIVE COVENANTS

AMENDMENT made this 13<sup>th</sup> day of July, 1987, by and between JOHANSEN-THACKERAY COMPANY, INC., a Utah corporation, hereinafter referred to as "J-T," and SMITH'S FOOD KING PROPERTIES, INC., a Utah corporation, hereinafter referred to as "Smith's."

R E C I T A L S

A. J-T and Smith's entered into that certain agreement captioned Restrictive Covenants dated December 13, 1982 (the "Restrictive Covenants"), for the purpose of outlining the terms and conditions of their relationship and obligations for the joint development of that certain property located in Layton, Utah, and more specifically described in the Restrictive Covenants.

B. The parties desire to amend certain provisions of the Restrictive Covenants as outlined hereafter.

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and the mutual covenants and promises to be kept and performed hereunder, the receipt and sufficiency of such consideration is hereby acknowledged, the parties amend the Restrictive Covenants as follows:

1. Paragraph 3. Notwithstanding anything in Paragraph 3 to the contrary, J-T agrees that no matter what configuration of

buildings or shops are constructed on J-T's Parcel or property to the South, J-T shall at all times provide an easement and right-of-way access on its parcel sufficient to allow Smith's delivery and service trucks to conveniently enter and exit the loading or dock areas on Smith's Parcel.

2. All other terms and conditions of the Restrictive Covenants shall remain unchanged and be in full force and effect.

IN WITNESS WHEREOF, the parties have executed this First Amendment to Restrictive Covenants the day and year first above written.

"J-T"

JOHANSEN-THACKERAY COMPANY, INC.  
A Utah Corporation

By [Signature]  
Its Fluor

By [Signature]  
Its Secretary

ATTEST:

\_\_\_\_\_

"SMITH'S"

SMITH'S FOOD KING PROPERTIES, INC.

By [Signature]  
Tom Welch, Vice President

ATTEST:

[Signature]

Peter H. Barth  
Assistant Secretary

STATE OF UTAH )  
 : ss.  
 County of Salt Lake )

On the 13<sup>th</sup> day of July, 1987, personally appeared before me John P. Thackeray and Armand D. Johansen who being by me duly sworn did say, each for himself, that he, the said John P. Thackeray, is the President, and he, the said Armand D. Johansen, is the Secretary of JOHANSEN-THACKERAY COMPANY INC., and that the within and foregoing instrument was signed in behalf of said corporation by authority of a resolution of its Board of Directors and said John P. Thackeray and Armand D. Johansen each duly acknowledged to me that said corporation executed the same and that the seal affixed is the seal of said corporation.

Mary Jo Christensen  
 NOTARY PUBLIC  
 Residing at: Salt Lake City, Utah

My commission expires:  
August 6, 1988

STATE OF UTAH )  
 : ss.  
 County of Salt Lake )

On the 13<sup>th</sup> day of July, 1987, personally appeared before me Tom Welch and Peter H. Barth, who being by me duly sworn did say, each for himself, that he, the said Tom Welch is the Vice President, and he, the said Peter H. Barth, is the Assistant Secretary of SMITH'S FOOD KING PROPERTIES, INC., and that the within and foregoing instrument was signed in behalf of said corporation by authority of a resolution of its Board of Directors and said Tom Welch and Peter H. Barth each duly acknowledged to me that said corporation executed the same and that the seal affixed is the seal of said corporation.

Mary Jo Christensen  
 NOTARY PUBLIC  
 Residing at: Salt Lake City, Utah

My commission expires:  
August 6, 1988

1089

SW 22  
NW 27

4NW

SMITH'S FOOD KING PROPERTIES INC.

BEGINNING AT A POINT ON THE SOUTH LINE OF GENTILE STREET NORTH 0°00'20" EAST 69.70 FEET ALONG THE SECTION LINE AND NORTH 69°11'45" EAST 790.51 FEET ALONG CENTER LINE OF GENTILE STREET AND SOUTH 21°54'46" EAST 33.01 FEET FROM THE SOUTHWEST CORNER OF SECTION 22. TOWNSHIP 4 NORTH-RANGE 1 WEST; SALT LAKE MERIDIAN; AND RUNNING THENCE NORTH 69°11'45" EAST 18 FEET ALONG SAID SOUTH LINE OF GENTILE STREET TO NORTHWEST CORNER OF PROPERTY CONVEYED IN BOOK 874 PAGE 568 AND 569; THENCE SOUTH 21°54'46" EAST 130.58 FEET; THENCE NORTH 68°05'14" EAST 176 FEET TO SOUTHEAST CORNER OF PROPERTY CONVEYED IN BOOK 875, PAGE 569; THENCE NORTH 21°54'46" WEST 127.12 FEET TO SAID SOUTH LINE OF GENTILE STREET; THENCE NORTH 69°11'54" EAST 261.54 FEET TO THE WEST LINE OF FAIRFIELD ROAD; THENCE SOUTH 22°02'32" EAST 394.06 FEET; THENCE SOUTH 68°05'14" WEST 456.38 FEET; THENCE NORTH 21°54'46" WEST 402.87 FEET TO PLACE OF BEGINNING.

JOHANSEN-THACKERAY & CO. INC. #2

BEGINNING 879.12 FEET EAST: THENCE SOUTH 21°35' EAST 45.62 FEET FROM NORTHWEST CORNER OF SECTION WY. TOWNSHIP 4 NORTH-RANGE 1 WEST; THENCE NORTH 68°05'14" EAST 456.38 FEET, MORE OF LESS, TO WEST SIDE OF FAIRFIELD; THENCE SOUTHEAST ALONG THE WEST SIDE OF FAIRFIELD 105 FEET; THENCE SOUTH 69°35' WEST 484 FEET MORE OR LESS, THENCE NORTH 21°35' WEST 105 FEET MORE OR LESS, TO THE POINT OF BEGINNING.

JOHANSEN-THACKERAY & CO. INC. #3

ALSO BEGINNING 879-12 FEET EAST THENCE SOUTH 21°35' EAST 150.62 FEET FROM SOUTHWEST CORNER OF SECTION 22, TOWNSHIP 4 NORTH-RANGE 1 WEST; SALT LAKE MERIDIAN; THENCE NORTH 69°35' EAST 421 FEET MORE OR LESS, TO SECTION LINE; THENCE EAST ON SECTION LINE 72 FEET MORE OR LESS TO WEST SIDE OF FAIRFIELD THENCE SOUTHEAST ALONG WEST SIDE OF FAIRFIELD. 82 FEET THENCE SOUTH 69° 35' WEST 485 FEET MORE OR LESS THENCE NORTH 21°35' WEST 105 FEET MORE OR LESS TO POINT OF BEGINNING.

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