

E# 1161805 BK1614 P62924
DOUG CROFTS, WEBER COUNTY RECORDER
30-DEC-91 1028 AM FEE \$14.00 DEP MH
REC FOR: WILMA.H..KAP

AGREEMENT

This agreement made personally between Heino Kap and wife, Wilma H. Kap, as sellers, and John C. Farnsworth, as buyer, and Fred Copyak and wife, Jeanette Copyak, as potential lessees.

Sellers agree to sell, and buyers agree to buy, the real property described as, All of Lot 1, Copyak Subdivision, Eden, Utah, to the terms stated in the original Earnest Money Agreement attached.

The Buyers and his successors agree not to enforce the restrictive covenants attached.

Dated this 29th day of March, 1988.

Heino Kap.
HEINO KAP

John C. Farnsworth
JOHN C. FARNSWORTH

Wilma H. Kap
WILMA H. KAP

Fred Copyak
FRED COPYAK


Jeanette Copyak
JEANETTE COPYAK

STATE OF UTAH)
) :ss
COUNTY OF WEBER)

On the 29th day of March, 1988, personally appeared before me Heino Kap, Wilma H. Kap, John C. Farnsworth, Fred Copyak, and Jeanette Copyak, who being by me duly sworn did say that they executed the above.

My commission expires: 10-25-89

Katherine M. [Signature]
Notary Public
Residing at: Davis Co. Utah



AGREEMENT, COVENANTS & RESTRICTIONS

~~COPY~~ We, the undersigned owners of real property in Weber County, State Utah, known as serial numbers 22-046-0027 (parcel 1), 22-046-0011 (parcel 2, also known as Copyak Subdivision), 22-046-0015 (parcel 3), 22-046-0059 (parcel 4), and 22-046-0060 (parcel 5), as recorded on the records of the Weber County Recorder and more particularly described in Exhibit "A" attached hereto and by this reference made a part hereof. In consideration of our mutual interest as owners of said real estate located in the same general area, hereby covenant and agree with one another that none of us, his or her heirs, executors, administrators, or assigns, will ever on the above referenced properties conduct a real estate, property management, insurance, financial planning, securities and investments, or a convenience (gas and grocery) store business. Specifically excluded from these Covenants and Restrictions, Lot 1 of Copyak Subdivision, part of parcel 2 is exempted from the restriction concerning real estate, property management, insurance, financial planning, securities and investments. Parcel 4 is specifically exempted from the restriction on convenience gas and grocery stores and the parties acknowledge the current existence of such an operation. In the event parcel 4 ceases to be owned by Jack or Carol Raleigh, the restriction of gas and grocery convenience store will cease to exist for all parcels.

Any deed, lease, conveyance, or contract made in violation of this agreement shall be void and may be set aside on petition of one or more of the parties hereto, and all successors in interest, heirs, executors, administrators, or assigns, shall be deemed parties to the same effect as the original signers; and

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When such conveyance or other instrument is set aside by decree of a court of competent jurisdiction, all costs and all expenses of such proceedings shall be taxed against the offending party or parties, and shall be declared by the court to constitute a lien against the real estate so wrongfully deeded, sold, leased, or conveyed, until paid, and such lien may be enforced in such manner as the court may order.

This agreement constitutes a mutual covenant running with the land and all successive future owners shall have the same right to invoke and enforce its provisions as the original signers hereof.

In witness whereof, the parties have executed this agreement this 23 day of July, 1987.

Heino Kap

Wilma H. Kap 7-23-87

Carol J. Raleigh

Jack Raleigh 7-23-87

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Weber County)
) ss:
State of Utah)

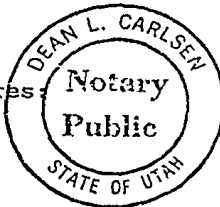
Personally appeared before me Carol J. Raleigh, Jack Raleigh
Wilma H. Kap & Heino Kap

who duly acknowledged that they executed the above restrictive covenants.

Dated this 23rd day of July, 1987.

My commission expires:

JANUARY 24, 1988



Dean L. Carlsen
Notary Public
Residing at: Weber County

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EXHIBIT "A"

PARCEL 1

SERIAL # 22-046-0027 ✓ A - 040 PROPERTY DESCRIPTION

ACTION CODE "

AS OF 87/05/28 CHANGE YEAR AND CODE 87,F/P ACRES 0031.43

ACT NFR PART OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 7 NORTH,
C11 RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY:
C12 BEGINNING 1050.78 FEET SOUTH OF THE NORTHWEST CORNER OF
C13 SECTION 34; THENCE SOUTH 220.12 FEET; THENCE EAST 25.18
C14 CHAINS; THENCE NORTH 13D40' WEST 1 CHAIN; THENCE EAST 423.50
C15 FEET, MORE OR LESS, TO A POINT WHICH IS SOUTH 88D19'38" WEST
C16 122.00 FEET FROM THE WEST LINE OF STATE ROAD; THENCE NORTH
C17 1D40'22" WEST 367.22 FEET, MORE OR LESS, TO THE SOUTH LINE
C18 OF STATE ROAD; THENCE NORTHWESTERLY ALONG SAID ROAD TO A
C19 POINT WHICH IS SOUTH 400.60 FEET AND EAST 1630.85 FEET FROM
C20 THE NORTHWEST CORNER OF SAID QUARTER SECTION, THENCE SOUTH
C21 81D16'50" WEST 240.15 FEET, THENCE NORTH 44D22'28" WEST
C22 231.54 FEET, THENCE SOUTH 81D16'50" WEST 619.85 FEET TO A
C23 POINT ON THE ARC OF A 140.27 FOOT RADIUS CURVE, THE CENTER OF
C24 WHICH LEARS SOUTH 81D16'50" WEST, THENCE SOUTHERLY ALONG THE
C25 BRANCH -
INSERT MORE (Y)

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EXHIBIT "A" (cont)

PARCEL 1

A - CMO PROPERTY DESCRIPTION

SERIAL # 22-046-0027

ACTION CODE "

AS OF 87/05/28 CHANGE YEAR AND CODE 87, E/P ACRES 0031.43

ACT NBR

026 ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF
027 32D, A DISTANCE OF 80.03 FEET, THENCE SOUTH 23D16'50" WEST
028 248.20 FEET, THENCE SOUTH 57D21'35" WEST 601.46 FEET TO
029 THE POINT OF BEGINNING.

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THE END INSERT MORE (Y)

BRANCH -

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EXHIBIT "A"

PARCEL 2

SERIAL # 22-046-0011 ✓ A - CMC PROPERTY DESCRIPTION

ACTION CODE

AS OF 8/4/09/17 CHANGE YEAR AND CODE 14, E/P ACRES 0011.11

ACT NBR
 011 PART OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 7 NORTH,
 012 RANGE 1 EAST, SALT LAKE MERIDIAN: BEGINNING AT A POINT 1320
 013 FEET SOUTH AND 611.98 FEET WEST OF THE NORTHEAST CORNER OF
 014 SAID NORTHWEST QUARTER; RUNNING THENCE WEST 708.02 FEET TO THE
 015 NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID NORTHWEST
 016 QUARTER; THENCE SOUTH 422 FEET; THENCE SOUTH 87D30' EAST 444
 017 FEET; THENCE SOUTH 24D30' EAST 301 FEET; THENCE NORTH 84D56'
 018 EAST 357 FEET; THENCE NORTH 2D14' WEST 542 FEET; THENCE WEST
 019 65 FEET TO THE WEST LINE OF STATE ROAD; THENCE SOUTH 88D19'38"
 020 WEST 122.98 FEET; THENCE NORTH 1D40'22" WEST 138 FEET, MORE OR
 021 LESS, TO THE POINT OF BEGINNING.
 022 EXCEPT STATE ROAD AS CONDEMNED (709-37).

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ALSO KNOWN AS:

COPYAK SUBDIVISION LOTS 1, 2 and 3 as recorded in the office of the County Recorder of Weber County.

22-046-0071
22-046-0070
22-046-0069
22-046-0068
22-046-0067

EXHIBIT "A"

PARCEL 3

SERIAL # 22-046-0015

A - CMC PROPERTY DESCRIPTION

ACTION CODE "

AS OF 84/09/17 CHANGE YEAR AND CODE 84,R/P ACRES 0000.00

ACT NBR
011 PART OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 7 NORTH,
012 RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY:
013 BEGINNING 20 CHAINS SOUTH AND 611.98 FEET WEST OF THE
014 NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 34;
015 THENCE NORTH 1D40'22" WEST 63 FEET; THENCE WEST 423.50 FEET;
016 THENCE SOUTH 1SD40' EAST 1 CHAIN TO THE SOUTH LINE OF THE
017 NORTH 1/2 OF SAID QUARTER SECTION; THENCE EAST TO BEGINNING.

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THE END INSERT MORE (Y)

FRANCH -

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