

WHEN RECORDED, RETURN TO:
The Church of Jesus Christ of Latter-day Saints
Attn: Eric Allen
50 E. North Temple, 12th Floor
Salt Lake City, Utah 84150

01136698 B: 2583 P: 0728

Page 1 of 15

Rhonda Francis Summit County Recorder

07/16/2020 01:01:23 PM Fee \$40.00

By Kirton & McConkie

Electronically Recorded

Tax Parcel ID Nos.: CD-189-A, CD-191-A, CD-191-C, CD-191-F, OT-2-B and CD-200-A

(Space above for Recorder's use only)

AMENDMENT TO EASEMENT

[PN 509-6200]

THIS AMENDMENT TO EASEMENT (this "**Amendment**") is entered into this 17 day of JULY, 2020, by and between RICHARD J. MAYNES and NANCY J. MAYNES, as joint tenants (collectively, "**Grantor**"), and THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole ("**CHC**"), formerly known as Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints, and COTTONWOOD STAKE OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole ("**Cottonwood**"). CHC and Cottonwood are referred to herein collectively as "**Grantee**."

RECITALS

A. Grantor is the owner of certain real property located in Summit County, Utah, commonly known as Parcel ID Nos. OT-2-B and CD-200-A (collectively, the "**Grantor Property**"), more particularly described on Exhibit A, attached hereto and incorporated herein by this reference.

B. Cottonwood is the owner of certain real property located north of the Grantor Property, commonly known as Parcel ID No. CD-189-A ("**Cottonwood Property**"), more particularly described on Exhibit B, attached hereto and incorporated herein by this reference.

C. CHC is the owner of certain real property located northeast of the Grantor Property, commonly known as Parcel ID Nos. CD-191-A, CD-191-C, and CD-191-F (collectively, the "**CHC Property**"), more particularly described on Exhibit C, attached hereto and incorporated herein by this reference. The Cottonwood Property and the CHC Property are referred to collectively herein as the "**Grantee Property**."

D. On June 30, 1987, Grantee entered into that certain Agreement with A. J. Reed Enterprises, a limited partnership, and Douglas J. Reed (collectively "**Reed**"), a copy of which is attached hereto as Exhibit D, wherein Reed granted to Grantee the perpetual right to access the Grantee Property across a portion of the Grantor Property (the "**Existing Easement**").

E. Grantor, as Reed's successor in interest, and Grantee now desire to memorialize the mutual understanding regarding the location of the Existing Easement, as further provided herein.

TERMS AND CONDITIONS

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and based upon the mutual promises and subject to the conditions set forth below, the parties agree as follows:

1. Amendment to Existing Easement. Grantor and Grantee hereby agree that the Existing Easement is hereby amended to be located on, over, through, and across a portion of the Grantor Property (the “**Easement Area**”), more particularly described on Exhibit E, attached hereto and incorporated herein by this reference. Grantor and Grantee agree that the width of the Easement Area shall not exceed sixteen and one-half feet (16’6”). The Existing Easement will continue to permit Grantee and its guests, invitees, employees, and agents (“**Grantee’s Agents**”) the right to access the Grantee Property.

2. Governing Law. This Amendment shall be governed by, construed, and interpreted in accordance with the laws of the State of Utah. This Amendment shall be binding upon and inure to the benefit of the parties hereto and their successors and assigns.

3. Entire Agreement. This Amendment (including all attached Exhibits) constitutes the entire agreement between the parties hereto pertaining to the subject matter hereof, and all prior contemporaneous agreements, representations, and understandings of the parties hereto, oral or written, are hereby superseded and merged herein.

4. Miscellaneous. If any provision of this Amendment, or the application thereof to any person, place, or circumstance, shall be held by a court of competent jurisdiction to be invalid, unenforceable, or void, the remainder of this Amendment and such provisions as applied to other person, places, and circumstances shall remain in full force and effect; provided however, the invalid provision does not have a materially adverse effect on either party. This Amendment is the result of negotiations among the parties, none of whom has acted under any duress or compulsion, whether legal, economic, or otherwise. Accordingly, the terms and provisions hereof shall be construed in accordance with their usual and customary meanings. If any party brings or commences legal proceedings to enforce any of the terms of this Amendment, the prevailing party in such action shall have the right to recover reasonable attorneys’ fees and costs from the other party. This Amendment may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute but one and the same instrument.

[Signatures and Acknowledgements Follow]

CHC:

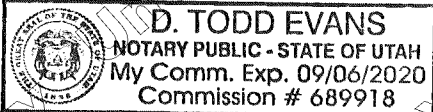
THE CHURCH OF JESUS CHRIST
OF LATTER-DAY SAINTS, a Utah
corporation sole

By: Terry F. Rudd *[Signature]*
Name: TERRY F. RUDD
Its: Authorized Agent

STATE OF UTAH)
 :ss
COUNTY OF SALT LAKE)

On this 17 day of JULY, 2020, personally appeared before me
TERRY F. RUDD, personally known to me to be an Authorized Agent of THE CHURCH
OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, formerly known as
Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints, who
acknowledged before me that he signed the foregoing instrument as Authorized Agent for the
CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, formerly
known as Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints,
and that said instrument is the free and voluntary act of said corporation, for the uses and purposes
therein mentioned, and on oath stated that he was authorized to execute said instrument on behalf
of said corporation and that said corporation executed the same.

WITNESS my hand and official seal.




[Signature]

Notary Public for the State of Utah

COTTONWOOD:

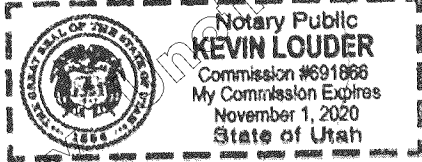
COTTONWOOD STAKE OF THE
CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, a Utah
corporation sole

By: 
Name: David H. Sturt
Its: Incumbent Corporate Officer

STATE OF UTAH)
 :SS
COUNTY OF Salt Lake

On this 8 day of July, 2020, personally appeared before me DAVID H. STURT, personally known to me to be the Incumbent Corporate Officer of COTTONWOOD STAKE OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, who acknowledged before me that he signed the foregoing instrument as the Incumbent Corporate Officer for the COTTONWOOD STAKE OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, and that said instrument is the free and voluntary act of said corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument on behalf of said corporation and that said corporation executed the same.

WITNESS my hand and official seal.



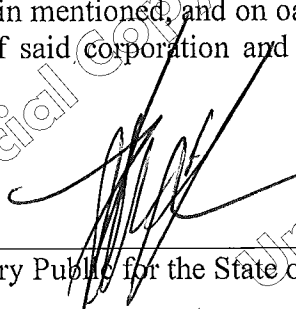

Notary Public for the State of Utah

EXHIBIT A

(Description of the Grantor Property)

Commencing at the West quarter corner of Section 15, Township 1 South, Range 6 East, Salt Lake Base and Meridian; thence North 01°01'20" East 1311.16 feet; thence North 89°44'39" East 2618.0 feet; thence South 00°02'00" West 969.23 feet to the Northerly boundary of the Weber Canyon Road; thence along said road boundary the following ten courses; along the arc of a 991.44 foot radius curve to the left 511.54 feet (chord bearing and distance of said curve being South 27°17'57" West 505.88 feet); thence South 12°31'06" West 36.58 feet; thence along the arc of a 920.0 foot radius curve to the right 672.61 feet (chord bearing and distance of said curve being South 33°27'46" West 657.73 feet); thence South 54°24'25" West 628.42 feet; thence along the arc of a 3565.04 foot radius curve to the right 245.29 feet (chord bearing and distance of said curve being South 56°22'41" West 245.24 feet); thence along the arc of a 920.0 foot radius curve to the right 490.54 feet (chord bearing and distance of said curve being South 73°37'27" West 484.75 feet); thence along the arc of a 930.32 foot radius curve to the right 575.98 feet (chord bearing and distance of said curve being North 73°21'52" West 566.83 feet); thence along the arc of a 990.0 foot radius curve to the left 432.99 feet (chord bearing and distance of said curve being North 68°09'26" West 429.54 feet); thence North 80°41'12" West 529.26 feet; thence North 85°42'18" West 280.20 feet; thence leaving road North 00°13'22" East 890.04 feet; thence East 882.17 feet to the point of beginning.

LESS AND EXCEPTING THEREFROM the following:

Beginning at the West quarter corner of Section 15, Township 1 South, Range 6 East, Salt Lake Base and Meridian; as reestablished by ESI Engineering, and with a basis of bearing being as per Weber Canyon Road right-of-way description, Road Improvements Phase I, Project No. 8601812: Bearing South 89°59'00" between BLM brass caps known as Northwest and Northeast corners of Section 14, Township 1 South, Range 6 East, Salt Lake Base and Meridian; thence South 07°50'08" West a distance of 996.54 feet to the Northerly right-of-way line of Weber Canyon Road; thence along said right-of-way North 80°41'12" West a distance of 501.65 feet; thence along said right-of-way North 85°42'18" West a distance of 280.21 feet; thence North 00°13'22" East a distance of 882.86 feet; thence North 89°51'35" East a distance of 906.89 feet to the point of beginning.

EXHIBIT B

(Description of the Cottonwood Property)

SALT LAKE BASE AND MERIDIAN, UTAH
TOWNSHIP 1 SOUTH, RANGE 6 EAST
SECTION 10, LOTS 1, 2, 4 AND 4
NORTHEAST QUARTER, NORTH HALF OF THE SOUTHEAST QUARTER, SOUTHWEST QUARTER OF THE
SOUTHEAST QUARTER.

(Tax Serial No. CD-189-A)

EXHIBIT C

(Description of the CHC Property)

Beginning at the Northeast Corner of Section 11, Township 1 South, Range 6 East, Salt Lake Base and Meridian; thence South approximately 990 feet to the center of a Mountain Ridge; thence along center of ridge Southwesterly to West line Section 11; thence North approximately 3960 feet to the Northwest Corner of the Section; thence East along the Section line 5,280 feet to the point of beginning.

(Tax Serial No. CD-191-A)

Beginning at the Southwest Corner of the Southeast Quarter of the Northeast Quarter of Section 11, Township 1 South, Range 6 East, Salt Lake Base and Meridian, and running thence East 660 feet; thence North 1320 feet, more or less to the Southerly boundary line of Parcel conveyed to Ray H. Barton, etux by Warranty Deed recorded in Book M-7, at Page 332, Summit County Recorder's Office; thence Southwesterly along said boundary to a point which is North from the point of beginning; thence South 1200 feet, more or less to the point of beginning.

(Tax Serial No. CD-191-C)

Beginning at a point 660 feet West from the East Quarter Corner of Section 11, Township 1 South, Range 6 East, Salt Lake Base and Meridian and running thence East 660 feet; thence North 1650 feet; thence South 61°35' West to a point due North of the place of beginning; thence South 1320 feet more or less to the place of beginning.

(Tax Serial No. CD-191-F)

EXHIBIT D

(Existing Easement)

PERPETUAL LICENSE

The undersigned, A. J. REED ENTERPRISES, a Limited Partnership, DOUGLAS J. REED, Trustee, hereby grant to CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah Corporation Sole, SALT LAKE COTTONWOOD STAKE formerly COTTONWOOD STAKE OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah Corporation Sole, SALT LAKE BIG COTTONWOOD STAKE, AMERICAN TAX SERVICE, RICHARD WIGGLESWORTH and BARBARA WIGGLESWORTH, a perpetual license to access over the properties of the Grantors located within Summit County, State of Utah, and particularly described as follows:

(See Exhibit "A" ^{"B" & "C"} attached)

which access way shall be 16-1/2 feet in width with such additional footage as may be required by the Church to maintain the access way where shuffling of material occurs off the hillside and which road width shall be expanded to 18 feet at the point where the road crosses White's Creek in order to permit the construction of gabions in the creek bed, the gabions to have a width of approximately thirty (30) feet on each side of center and a length of fifty-four (54) feet.

The center line of said access way is located within Summit County, Utah and is particularly described on Exhibit "A" attached.

In the event either party shall claim a breach of the Agreement to which this license is attached, notice thereof shall

be given the other party, in writing, and the party alleged to have breached the agreement shall have sixty (60) days in which to cure said breach. Should said breach not be cured to the reasonable satisfaction of the party alleging the same, the license shall be deemed revoked.

This license shall be binding upon the successors, heirs and assigns of signers hereof.

DATED this ~~27th~~ ^{June 87} day of ~~December~~, 1986.

A. J. REED ENTERPRISES,
A Limited Partnership

BY Douglas J. Reed
General Partner

Douglas J. Reed
DOUGLAS J. REED, Trustee

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

Before me this ~~27th~~ ^{June 87} day of ~~December~~, 1986, personally appeared DOUGLAS J. REED, General Partner of A. J. REED ENTERPRISES, also acting as Trustee, the signer of the within instrument who duly acknowledged to me that he executed the same.

My Commission Expires:

August 1, 1987

Rebecca B. Emery
NOTARY PUBLIC
Residing at West Jordan, Utah

STAKE ROAD

Beginning at the Northwest Corner of Section 15, Township 1 South, Range 6 East, Salt Lake Base & Meridian; thence South 3845 feet and East 294 feet to the east edge of Highway 213 east of Oakley, Utah (located in the Southwest 1/4 of the Southwest 1/4 of Section 15, and the beginning point of a road 16 to 20 feet wide; thence through the North 1/2 of the Southwest 1/4 and South 1/2 of the Northwest 1/4 and said road is along the following described line; thence North 14°12' East 36 feet; thence North 9°30' East, 50 feet to a cattle guard, thence North 9°30' East, 200 feet; thence North 5°4' East, 193 feet; thence North 3°16' East 164.2 feet to point of curve (Delta = 9°1', Right; Radius = 3000 feet, Chord length 471.6 feet bearing North 7° 36'30" East); thence along curve 472.11 feet to point of tangent; thence North 12°17' East 177.2 feet to point of curve (Delta = 34°5', Right; Radius = 400 feet, chord length 234.5 feet bearing North 29°19' East); thence along curve 237.95 feet to point of tangent; thence North 46°22' East 34 feet to point of curve (Delta = 30°25', Left; Radius = 400 feet, chord length 209.86 feet bearing North 31°09'30" East); thence along curve 212.35 feet to point of tangent; thence North 15°57' East 18 feet to point of curve (Delta = 24°1', left; Radius = 500 feet, chord length 208.05 feet bearing North 3°56'30" East); thence along curve 209.58 feet to point of tangent; thence North 8°4' West 122 feet; thence North 8°19' West 328 feet to point of curve (Delta = 40°9', Left; Radius = 200 feet, chord length 137.3 feet bearing North 26°23'30" West); thence along curve 140.15 feet to point of tangent; thence North 48°28' West 29.6 feet to point of curve (Delta = 3°41', Right; Radius = 100 feet, chord length 6.43 feet bearing North 46°37'30" West); thence along curve 6.43 feet to north edge of property and on an old road. Said ending point is about 1323 feet South and 585 feet East more or less from the Northwest corner of Section 15.

Exhibit B

Donna J. Reed
1/17/89

~~AMERICAN TAX RIGHT OF WAY~~

Beginning at a point South $0^{\circ}5'$ East 990 feet and South $89^{\circ}43'$ East 614.67 feet from the Northwest Corner, Section 15, Township 1 S, Range 6 East to an existing old dirt road 16 to 25 feet wide and said road runs along the following described line; Thence South $16^{\circ}15'$ West 231.16 feet to point of curve to the left (Delta = $69^{\circ}24'$; Radius = 100 feet; Chord length 113.86 feet bearing South $18^{\circ}27'$ East to the South line of the American Tax property and end of road right of way; thence North $89^{\circ}43'$ West 584.6 feet along the south side of property to Section line; thence North $0^{\circ}5'$ West 1323. more or less from the Northwest corner of Section 15.

OK: *O. Lee Bennett*
10 MAY 1989

WIGGLESWORTH RIGHT-OF-WAY

Exhibit C

Beginning at a point South 0°5' West 990 feet more or less and South 89°43' East 615 feet from the Northwest Corner of Section 15, Township 1 South, Range 6 East; thence along the centerline of an old existing dirt road approximately 16 to 20 feet wide North 16°15' East 88.1 feet to the beginning of a curve to the West (Delta = 51°02', left; Radius = 100 feet; thence along curve 89.07 feet, Chord length 86.15 feet bearing North 9°16' West) to point of tangent; thence North 34°47' West 46.5 feet to the point of curve to the East (Delta = 86°29', right; Radius = 100 feet, thence along curve 150.94 feet, Chord length 137.01 feet, bearing North 8°27'30" East) to point of tangent; thence North 51°42' East 278.12 feet to point on curve; to West (Delta = 9°58', left; Radius = 100 feet, thence along curve 17.39 feet, Chord length 17.37 feet, bearing North 36°45' East) to point of tangent; thence North 41°44' East 468.8 feet to point of curve to West (Delta = 26°27', left; Radius = 100 feet, Chord length 45.76 feet bearing North 28°30'30" East) to point of tangent; thence North 15°17' East 72.8 feet to North edge of property and the North line of Section 15; thence North 89°43' West 1201 more or less to Northwest Corner, Section 15.

Richard L. Wigglesworth
25 May 1989
cc: Bureau of Wigglesworth, June 1959

EXHIBIT "A"

That certain real property situated in Summit County, State of Utah, and more particularly described as follows:

PARCEL NO. 1:

✓ Being in the North half of Section 15, Township 1 South, Range 6 East and beginning at the Southwest corner of Section 11 and running South 650 feet; thence West 2611 feet to center line of Whites Creek; thence Northeasterly along center line of Whites Creek to North Section line of Section 15; thence East along Section line 1500 feet to the point of beginning.

PARCEL NO. 2:

✓ Beginning at the Northeast Corner of Section 11, Township 1 South, Range 6 East, Salt Lake Base and Meridian; thence South approximately 990 feet to the center of a Mountain Ridge; thence along center of ridge Southwesterly to West line Section 11; thence North approximately 3960 feet to the Northwest corner of the Section; thence East along the Section line 5,200 feet to the point of beginning.

EXHIBIT E

(Legal Description of the Easement Area)

STAKE ROAD

Beginning at the Northwest Corner of Section 15, Township 1 South, Range 6 East, Salt Lake Base & Meridian; thence South 3845 feet and East 294 feet to the east edge of Highway 213 east of Oakley, Utah (located in the Southwest 1/4 of the Southwest 1/4 of Section 15, and the beginning point of a road 16 to 20 feet wide; thence through the North 1/2 of the Southwest 1/4 and South 1/2 of the Northwest 1/4 and said road is along the following described line; thence North 14°12' East 38 feet; thence North 9°30' East, 50 feet to a cattle guard, thence North 9°30' East, 200 feet; thence North 5°4' East, 193 feet; thence North 3°16' East 184.2 feet to point of curve (Delta = 9°1', Right; Radius = 3000 feet, Chord length 471.6 feet bearing North 7°36'30" East); thence along curve 472.11 feet to point of tangent; thence North 12°17' East 177.2 feet to point of curve (Delta = 34°5', Right; Radius = 400 feet, chord length 234.5 feet bearing North 29°15' East); thence along curve 237.95 feet to point of tangent; thence North 46°22' East 34 feet to point of curve (Delta = 30°25', Left; Radius = 400 feet, chord length 209.86 feet bearing North 31°09'30" East); thence along curve 212.35 feet to point of tangent; thence North 15°57' East 18 feet to point of curve (Delta = 24°1', left; Radius = 500 feet, chord length 208.05 feet bearing North 3°56'30" East); thence along curve 209.58 feet to point of tangent; thence North 8°4' West 122 feet; thence North 8°19' West 328 feet to point of curve (Delta = 40°9', Left; Radius = 200 feet, chord length 137.3 feet bearing North 28°23'30" West); thence along curve 140.15 feet to point of tangent; thence North 48°26' West 29.6 feet to point of curve (Delta = 3°41', Right; Radius = 100 feet, chord length 6.43 feet bearing North 46°37'30" West); thence along curve 6.43 feet to north edge of property and on an old road. Said ending point is about 1323 feet South and 585 feet East more or less from the Northwest corner of Section 15.

The above described Easement affecting Tax Parcel ID Nos.: CD-189-A, CD-191-A, CD-191-C, CD-191-F, OT-2-B and CD-200-A