

When recorded, return to:

Mr. Thomas E. Halter  
Gust Rosenfeld P.L.C.  
One East Washington, Suite 1600  
Phoenix, Arizona 85004-2553

# 07051609

Heber, UT (#4696)

**AMENDMENT TO EASEMENTS WITH COVENANTS  
AND RESTRICTIONS AFFECTING LAND**

THIS AMENDMENT TO EASEMENTS WITH COVENANTS AND RESTRICTIONS AFFECTING LAND (the "Amendment"), is made as of the 17<sup>th</sup> day of December, 2010, by and between **WAL-MART REAL ESTATE BUSINESS TRUST**, a Delaware statutory trust ("Wal-Mart"), and **BOYER HEBER CITY, L.C.**, a Utah limited liability company (the "Developer").

**RECITALS**

Wal-Mart and the Developer are the owners of the real property which is encumbered by that certain Easements With Covenants and Restrictions Affecting Land recorded in the Official Records of Wasatch County, Utah, on August 26, 2008, as Entry Number 339496 (the "ECR").

Wal-Mart and the Developer wish to amend the terms of the ECR as set forth herein.

NOW, THEREFORE, in consideration of the premises and promises herein contained, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Wal-Mart and the Developer do hereby agree as follows:

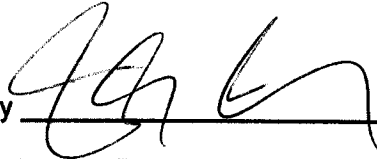
**AGREEMENT.**

1. **Accuracy of the Recitals.** The parties hereby acknowledge the accuracy of the Recitals which are incorporated herein by this reference.
2. **Amendment.** Exhibit A-2 attached to the ECR is hereby deleted and replaced with Exhibit A-2 attached hereto.
3. **Full Force and Effect.** Except as expressly modified by this Amendment, the ECR remains unmodified and in full force and effect and is in all events ratified, confirmed and approved.

4. Counterparts. This Amendment may be executed in one or more counterparts and the signature pages combined to constitute one document.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the date first above written.

**WAL-MART REAL ESTATE BUSINESS TRUST, a Delaware statutory trust**

By   
Its Vice President of Real Estate

Date: 12-14-2010

"Wal-Mart"

**BOYER HEBER CITY, L.C., a Utah limited liability company**

By: The Boyer Company, L.C.  
Its: Manager

By \_\_\_\_\_

Its \_\_\_\_\_

Date: \_\_\_\_\_

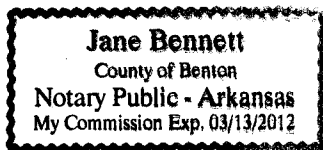
"Developer"

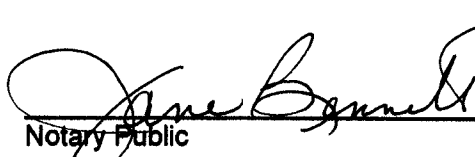
State of Arkansas

County of Benton

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of December, 2010, by John E. Clarke, a Vice President of Real Estate of Wal-Mart Real Estate Business Trust, a Delaware statutory trust, on behalf of the trust.

(Seal and Expiration Date)



  
Notary Public

4. Counterparts. This Amendment may be executed in one or more counterparts and the signature pages combined to constitute one document.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the date first above written.

**WAL-MART REAL ESTATE BUSINESS TRUST, a Delaware statutory trust**

By \_\_\_\_\_

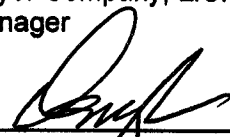
Its Vice President of Real Estate

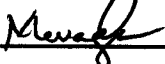
Date: \_\_\_\_\_

"Wal-Mart"

**BOYER HEBER CITY, L.C., a Utah limited liability company**

By: The Boyer Company, L.C.  
Its: Manager

By  \_\_\_\_\_

Its  \_\_\_\_\_

Date: 12/17/10 \_\_\_\_\_

"Developer"

State of Arkansas

County of Benton

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2010, by \_\_\_\_\_, a Vice President of Real Estate of Wal-Mart Real Estate Business Trust, a Delaware statutory trust, on behalf of the trust.

(Seal and Expiration Date)

\_\_\_\_\_  
Notary Public

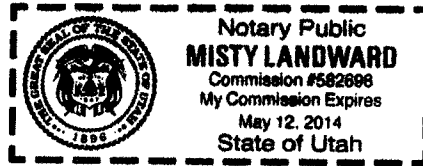
State of Utah

County of Salt Lake

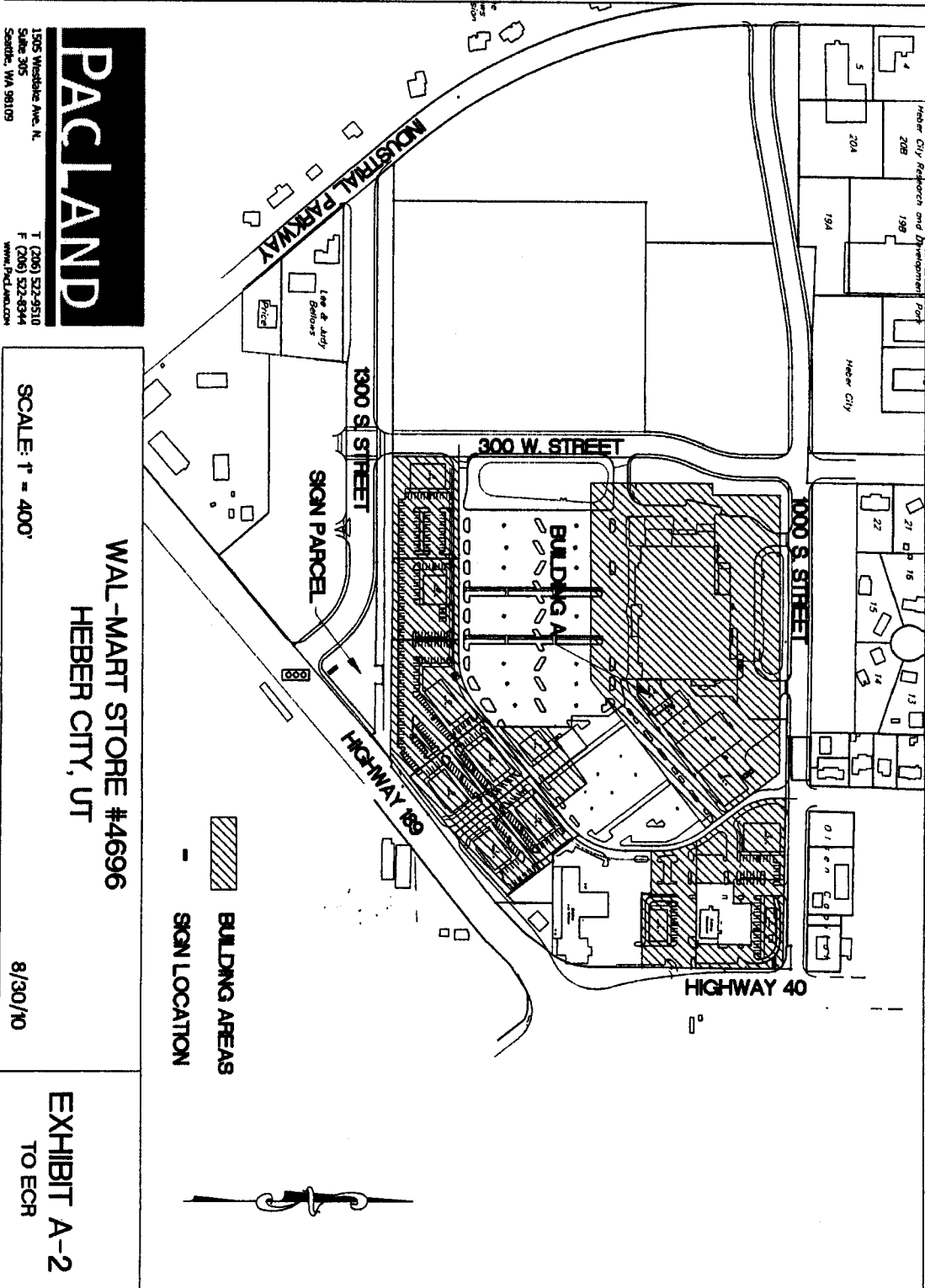
The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of December, 2010, by Devon M Glenn, the Manager of The Boyer Company, L.C., manager of Boyer Heber City, L.C., a Utah limited liability company, on behalf of the company.

(Seal and Expiration Date)

Misty Landward  
Notary Public



**EXHIBIT A-2**



**PACLAND**

1305 Westlake Ave. N.  
Suite 305  
Seattle, WA 98109

T (206) 522-9510  
F (206) 522-8344  
www.Pacland.com

**WAL-MART STORE #4696**  
**HEBER CITY, UT**

SCALE: 1" = 400'

**EXHIBIT A-2**  
TO ECR

 BUILDING AREAS  
 SIGN LOCATION



(Wal-Mart Tract legal description)

Lot 1 of VALLEY STATION SUBDIVISION, recorded in the State of Utah, County of Wasatch, on August 20, 2008, Book 972, Page 2269, official records of Wasatch County, Utah.

Parcel No. 00-0020-8251  
Serial No. OVS-0001-0-006-045

(Developer Tract and Outparcels legal description)

**Developer Tract:**

Lots 3, 4, 5 and 6, of VALLEY STATION SUBDIVISION, recorded in the State of Utah, County of Wasatch, on August 20, 2008, Book 972, Page 2269, official records of Wasatch County, Utah.

**Outparcels:**

Lots 7, 8, 9, 10, 11, 12, 13 and 14, of VALLEY STATION SUBDIVISION, recorded in the State of Utah, County of Wasatch, on August 20, 2008, Book 972, Page 2269, official records of Wasatch County, Utah.

Parcel No. 00-0020-8253, 8254, 8255 and 8256.

00-0020-8257, 8258, 8259, 8260, 8261, 8262,  
8263 and 8264