



"W2134956"

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WHEN RECORDED, MAIL TO:

David E. Gee, Esq.
PARR, WADDOUPS, BROWN,
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185 South State Street, Suite 1300
Salt Lake City, Utah 84111-1536

E# 2134956 PG 1 OF 6
DOUG CROFTS, WEBER COUNTY RECORDER
12-OCT-05 1102 AM FEE \$20.00 DEP BB
REC FOR: FIRST AMERICAN TITLE

013 - 4540975

11-300-0002
x

**PARTIAL CANCELLATION
OF
NOTICE OF AGREEMENT**

THIS PARTIAL CANCELLATION OF NOTICE OF AGREEMENT (the "Cancellation") is entered into as of September 30, 2005 between BOYER HARRISVILLE, L.C., a Utah limited liability company ("Boyer"), HARRISVILLE ROGERS II, L.C., a Utah limited liability company ("HR II") and MELVIN ROGERS FAMILY, LC, a Utah limited liability company ("Rogers").

WITNESSETH:

A. Boyer and Rogers entered into a certain Agreement (the "Agreement") executed as of September 13, 1999. Capitalized terms which are used but not defined in this Cancellation shall have the same meaning as is set forth in the Agreement.

B. A Notice of Agreement dated September 13, 1999 was recorded as Entry No. 1663779 in Book 2035, at Page 267 of the Official Records of Weber County, Utah (the "Notice").

C. Boyer assigned its interest in the Release Property (defined below) to HR II.

D. Boyer, HR II and Rogers desire to terminate the Agreement and the Notice as to a portion of the real property covered by the Agreement and Notice. The released property is described on Exhibit "A" to this Notice (the "Released Property").


NOW, THEREFORE, for good and valuable consideration, Boyer, HR II and Rogers hereby agree as follows:

1. The Agreement and Notice are cancelled and shall hereafter be null and void insofar as they pertain to the Released Property.
2. Any encumbrance on the Released Property arising because of the Agreement or Notice is hereby released and terminated.
3. The Agreement and the Notice shall continue as to any other tracts of real property covered by the original Agreement and Notice.

IN WITNESS WHEREOF, Boyer, HR II and Rogers have executed this Cancellation as of the date first set forth above.


BOYER HARRISVILLE, L.C., a Utah limited liability company, by its Manager:

THE BOYER COMPANY, L.C., a Utah limited liability company

By: 
Name: STEVEN B. OSHK
Its MANAGER

HARRISVILLE ROGERS II, L.C., a Utah limited liability company, by its Manager:

THE BOYER COMPANY, L.C., a Utah limited liability company

By: 
Name: STEVEN B. OSHK
Its MANAGER

MELVIN ROGERS FAMILY, LC, a Utah limited liability company

By: _____
Name: _____
Its _____

IN WITNESS WHEREOF, Boyer, HR II and Rogers have executed this Cancellation as of the date first set forth above.

BOYER HARRISVILLE, L.C., a Utah limited liability company, by its Manager:

THE BOYER COMPANY, L.C., a Utah limited liability company

By: _____
Name: _____
Its _____

HARRISVILLE ROGERS II, L.C., a Utah limited liability company, by its Manager:

THE BOYER COMPANY, L.C., a Utah limited liability company

By: _____
Name: _____
Its _____

MELVIN ROGERS FAMILY, LC, a Utah limited liability company

By: Melvin Rogers Family LC
Name: Melvin Rogers
Its Manager

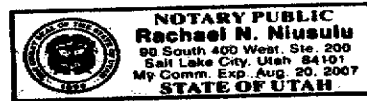
STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

On the 20th day of ~~October~~ ^{September}, 20052005, personally appeared before me Steven B. Oster, the signer of the foregoing instrument, who being by me duly sworn did say he is the manager of The Boyer Company, L.C., a Utah limited liability company, which is the manager of Boyer Harrisville, L.C., a Utah limited liability company, and that the within and foregoing instrument was signed on behalf of said entities.

Rachael N. Nivulu
NOTARY PUBLIC

Residing at: Salt Lake County, Utah

My Commission Expires: 8-20-07



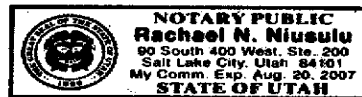
STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

On the 20th day of ~~October~~ ^{September}, 20052005, personally appeared before me Steven B. Oster, the signer of the foregoing instrument, who being by me duly sworn did say he is the manager of The Boyer Company, L.C., a Utah limited liability company, which is the manager of Harrisville Rogers II, L.C., a Utah limited liability company, and that the within and foregoing instrument was signed on behalf of said entities.

Rachael N. Nivulu
NOTARY PUBLIC

Residing at: Salt Lake County, Utah

My Commission Expires: 8-20-07



STATE OF UTAH)
)
) : ss.
)
COUNTY OF Weber)

On the 30th day of ~~October~~ ^{September}, 2005, personally appeared before me Melvin J. Rogers, the manager of the Melvin Rogers Family, LC, a Utah limited liability company.

Linda K Babcock
NOTARY PUBLIC

Residing at: Weber County, Utah

My Commission Expires:



EXHIBIT "A"

Legal Description of Released Property

All of Lot 2, HARRISVILLE RETAIL SUBDIVISION, Harrisville City, Weber County, Utah, according to the official plat thereof.

Together with the easements and rights appurtenant to Lot 2, Harrisville Retail Subdivision, described above, as defined, described and granted in that certain Easements with Covenants and Restrictions recorded September 22, 1999, as Entry No. 1663781 in Book 2035, Page 289, records of Weber County.