

## **EASEMENT**

THIS EASEMENT made as of this 12<sup>th</sup> day of December, 2000, between DOUGLAS RAY CUMMINGS and JOAN BERG CUMMINGS, husband and wife (collectively, "Cummings") and INTELL UTAH LLC, a Utah limited liability company ("Intell").

### **RECITALS**

- A. Cummings is the owner of certain real property located in Summit County, Utah, more particularly described on Exhibit "A" attached hereto (the "Cummings Property"); and
- B. Intell is the owner of certain real property located in Summit County, Utah, and Wasatch County, Utah, more particularly described on Exhibit "B" attached hereto (the "Intell Property"); and
- C. The Intell Property is immediately adjacent to the Cummings Property; and
- D. The parties by this instrument intend to create an appurtenant easement for ingress and egress over the Cummings Property, for the benefit of Intell, and its successors and assigns.

### **WITNESSETH:**

That said Cummings, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to them in hand paid by said Intell, the receipt of which is hereby acknowledged, does hereby grant, bargain and sell, convey and confirm unto said Intell, its successors and assigns, and all Occupants and Permittees (each as hereinafter defined) irrevocable, nonexclusive, perpetual rights and easements upon, over, across, and through the Cummings Property as easements appurtenant to and for the benefit of the Intell Property, for purposes of installing, constructing, repairing, and maintaining a road (the "Road") to be used for the purposes of vehicular and pedestrian ingress, egress, passage and traffic to the Intell Property. It is understood and agreed that the Road will be no wider than is required by Summit County, and will be designed in such a way as to reasonably minimize the amount of cut through surrounding real property.

The term "Occupant", as used herein, is hereby defined as the fee owner or owners of the Intell Property, or any portion of or interest in the Intell Property, as the case may be, their heirs, legal representatives, successors and assigns, and any person or entity who shall, from time to time, be entitled to the use and occupancy of all or any part of the Intell Property under any lease, sublease or license, or other instrument or arrangement under which such rights of use and occupancy are acquired.

The term "Permittee", as used herein, is hereby defined as the employees, agents, licensees and invitees of the Occupant of the Intell Property, or any part thereof.

It is expressly understood and agreed that the terms, covenants and conditions of this Easement shall be and constitute covenants running with and binding the Cummings Property and shall constitute an obligation on the Cummings Property and on the title or ownership thereof. Furthermore, it is expressly understood and agreed that neither Cummings nor any

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successor or assign of Cummings shall create, permit or suffer at any time any obstruction to or interference with ingress and egress over, across and upon the Road for any purpose nor shall any such party at any time endanger, interfere with or otherwise obstruct the maintenance, repair, operation or use of the Road for ingress and egress.

The parties hereby agree to amend this Easement to specifically define the location of the Easement granted herein once the Road has been installed and constructed by Intell. In addition, Cummings hereby agrees to take such actions and to execute such documents as may be required for the Road to be publicly dedicated.

This Easement may be executed in any number of counterparts, each of such counterpart being deemed an original instrument, that all such counterparts together shall constitute but one agreement.

**IN WITNESS WHEREOF**, the parties have caused this Easement to be signed as of the date first above written.

GRANTOR:

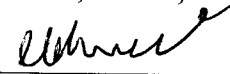
  
DOUGLAS RAY CUMMINGS

  
JOAN BERG CUMMINGS

GRANTEE:

INTELL UTAH LLC,

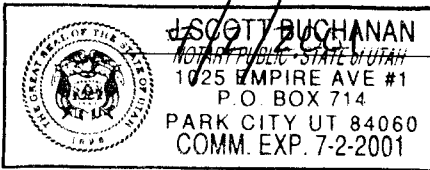
By: Talibar Utah, L.L.C., its manager

By:   
PrintName: Gary Barnett  
Title: Authorized Member

STATE OF UTAH )  
 : ss  
COUNTY OF SUMMIT )

On this the 12<sup>TH</sup> day of December, 2000, personally appeared before me, DOUGLAS RAY CUMMINGS and JOAN BERG CUMMINGS, husband and wife, whose identity is personally known to me or has been proven on the basis of satisfactory evidence, and being first duly sworn, acknowledged that they are duly authorized to sign the foregoing Trust Deed and that they did so of their own voluntary act.

My Commission Expires:



Scott Buchanan  
NOTARY PUBLIC  
Residing at: Park City, UT

STATE OF NEW YORK )  
 : ss  
COUNTY OF NEW YORK )

On this the 7 day of December, 2000, personally appeared before me, Gary Barnett, Authorized Member of Talibar Utah, L.L.C., Manager of Intell Utah LLC, whose identity is personally known to me or has been proven on the basis of satisfactory evidence, and being first duly sworn, acknowledged that he is duly authorized to sign the foregoing Amendment and that he did so of his own voluntary act.

My Commission Expires:

2-14-2002

Hedi Well  
NOTARY PUBLIC  
Residing at: \_\_\_\_\_

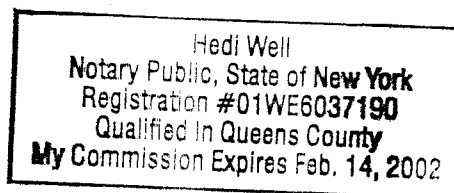


EXHIBIT "A"

CUMMINGS PROPERTY

Beginning at the Southwest corner of Lot 2, Sage Creek Ranches Subdivision, as monumented by and original corner being a rebar and plastic cap marked LS 4612, said point being South 0°00'38" West 671.67 feet along the section line and South 89°59'43" East 1372.72 feet and South 0°52'35" West 204.11 feet from the East quarter corner of Section 22, Township 2 South Range 5 East, Salt Lake Base and Meridian; thence South 0°52'35" West 686.23 feet; thence South 89°58'55" East 1348.76 feet to the extension of the East line of said Lot 2; thence North 0°29'40" East 686.17 feet along said extension to the Southeast corner of said Lot 2 as monumented by and original corner being a rebar and cap marked LS 4612; thence North 89°58'55" West 1344.19 feet to the point of beginning.

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EXHIBIT "B"

INTELL PROPERTY

Parcel 1:

Beginning at the North quarter corner of Section 27, Township 2 South Range 5 East, Salt Lake Base and Meridian; thence South 89°32'45" East 1327.91 feet along the North line of said Section 27; thence South 0°03'06" West 1301.22 feet; thence South 89°32'45" East 1328.16 feet to the East line of said Section 27; thence South 89°39'36" East 221.59 feet; thence North 16°09'36" East 89.69 feet; thence South 74°33'37" East 87.37 feet; thence South 8°05'25" East 211.29 feet; thence South 38°58'58" East 180.08 feet; thence North 83°39'10" East 129.51 feet; thence South 79°17'36" East 264.57 feet; thence South 88°18'49" East 401.79 feet; thence South 66°51'26" East 600.32 feet; thence North 74°17'52" East 80.32 feet; thence South 62°16'24" East 96.72 feet; thence North 80°41'16" East 75.55 feet; thence South 47°35'18" East 74.18 feet; thence North 72°01'23" East 143.30 feet; thence South 62°36'27" East 137.23 feet; thence North 84°23'28" East 193.35 feet; thence North 0°47'58" East 610.51 feet; thence South 89°48'15" East 127.98 feet to the North-South quarter Section line of Section 26, Township 2 South Range 5 East; thence North 0°11'46" East 1357.41 feet along said quarter Section line to the Wasatch-Summit County Line; thence along said county line the following five (5) courses and distances: North 76°22'00" West 12.63 feet and North 85°34'00" West 1065.31 feet and North 56°47'30" West 1393.31 feet and North 34°42'30" West 931.10 feet and North 74°00'30" West 1274.16 feet; thence North 89°32'45" West 746.01 feet to said Wasatch-Summit County Line; thence South 62°24'00" West 675.35 feet along said county line to the North-South quarter section line of Section 23, Township 2 South Range 5 East; thence South 0°31'18" West 1671.83 feet to the point of beginning..

(Continued)

Parcel 2:

Beginning at a point on the North-South quarter section line, said point being North 0°31'18" East 1671.83 feet from the North quarter corner of Section 27, Township 2 South Range 5 East, Salt Lake Base and Meridian, said point also being on the Summit-Wasatch county line; thence North 62°24'00" East 675.35 feet along said county line; thence North 89°32'45" West 595.62 feet to said North-South quarter section line; thence South 0°31'18" West 317.62 feet to the point of beginning.

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Parcel 3:

A parcel of land located in Sections 21, 22, 27 and 28, Township 2 South Range 5 East, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at the East quarter corner of said Section 22; thence South  $0^{\circ}00'38''$  West along the Section line 663.17 feet to the South line of the North half of the North half of the Southeast quarter of said Section 22; thence North  $89^{\circ}32'45''$  West along said South line 2638.07 feet to the West line of the Southeast quarter of said Section 22; thence South  $0^{\circ}31'18''$  West along said West line 1989.45 feet to the South quarter corner of said Section 22; thence South  $89^{\circ}32'45''$  East along the South line of said Section 22 a distance of 1327.91 feet to the East line of the West half of the Northeast quarter of said Section 27; thence South  $0^{\circ}03'05''$  West along said East line 2602.45 feet to the South line of said Northeast quarter; thence North  $89^{\circ}32'45''$  West along said South line 1328.41 feet to the Southwest corner of said Northeast quarter; thence South  $0^{\circ}03'44''$  West 261.88 feet to the Southeast corner of the Northwest quarter of said Section 27; thence South  $89^{\circ}58'35''$  West along the South line of said Northwest quarter 2661.64 feet to the West quarter corner of said Section 27; thence South  $89^{\circ}44'31''$  West along the South line of the Northeast quarter of said Section 28, a distance of 1327.35 feet to the West line of the East half of said Northeast quarter; thence North  $0^{\circ}10'31''$  East along said West line 2657.90 feet to the North line of said Section 28; thence North  $0^{\circ}14'24''$  West along the West line of the East half of the Southeast quarter of said Section 21, a distance of 2681.61 feet to the North line of said Southeast quarter; thence South  $89^{\circ}28'20''$  East along said North line 1331.15 feet to the East quarter corner of said Section 21; thence North  $0^{\circ}04'35''$  East along the East line of said Section 21, a distance 691.32 feet to the Southerly right of way line of U.S. Highway 189; thence along said Southerly right of way line the following five (5) courses and distances; North  $87^{\circ}00'00''$  East 3396.89 feet and South  $85^{\circ}24'20''$  East 302.65 feet and North  $87^{\circ}00'00''$  East 1214.70 feet and North  $87^{\circ}35'38''$  East 194.76 feet to a point on the arc of a 3819.72 foot radius curve to the right and Northeasterly along said curve, through a central angle of  $3^{\circ}07'15''$  a distance of 208.06 (chord bears South  $89^{\circ}50'46''$  East) feet to the East line of said Section 22; thence South  $0^{\circ}45'35''$  East along said East line 740.30 feet to the point of beginning.

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Summit County, Utah

Parcel 4:

Beginning at the South Quarter Corner of Section 23, Township 2 South Range 5 East, Salt Lake Base and Meridian; thence North  $88^{\circ}33'32''$  West 12.29 feet; thence North  $85^{\circ}34'00''$  West 1065.31 feet; thence North  $56^{\circ}47'30''$  West 319.64 feet; thence North  $0^{\circ}09'20''$  East 795.37 feet; thence North  $0^{\circ}52'35''$  East 686.23 feet to the original Southwest corner of Lot 2, Sage Creek Ranches Subdivision, as monumented by a rebar and cap marked L.S. 4612; thence South  $89^{\circ}58'55''$  East 1344.19 feet to the original Southeast corner of said Lot 2, as monumented by a rebar and cap marked L.S. 4612; thence South  $0^{\circ}29'40''$  West 560.42 feet to the original Southwest corner of Lot 3, said subdivision, as monumented by a rebar and cap marked L.S. 4612; thence South  $89^{\circ}30'26''$  East 891.59 feet to the original Southeast Corner of said Lot 3, as monumented by a rebar and cap marked L.S. 4612; thence North  $0^{\circ}38'46''$  East 215.72 feet to the original Southwest corner of Lot 4, said subdivision, as monumented by a rebar and cap marked L.S. 4612; thence South  $89^{\circ}39'32''$  East 864.49 feet to the Southeast Corner of said Lot 4; thence North  $0^{\circ}27'27''$  East 338.82 feet to the Southwest Corner of Lot 5, said subdivision; thence South  $89^{\circ}32'33''$  East 885.95 feet to the Southwest Corner of said Lot 5; thence South  $0^{\circ}03'27''$  East 1035.19 feet; thence North  $89^{\circ}23'59''$  West 706.14 feet; thence South  $0^{\circ}03'13''$  East 705.71 feet; thence North  $89^{\circ}23'59''$  West 1952.95 feet to the Point of Beginning.

Parcel 5:

The Southwest quarter; the North half of the Southeast quarter; Government Lots 3 and 4; and the Southeast quarter of the Northeast quarter of Section 27, Township 2 South Range 5 East, Salt Lake Base and Meridian.

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Parcel 6:

Beginning at the original Southeast corner of Lot 1, Sage Creek Ranches Subdivision, as monumented by a rebar and cap marked LS 4612, said point also being South  $0^{\circ}00'38''$  West 671.67 feet and South  $89^{\circ}59'43''$  East 1372.72 feet from the East quarter corner of Section 22, Township 2 South Range 5 East, Salt Lake Base and Meridian; thence South  $0^{\circ}52'35''$  West 890.33 feet; thence South  $0^{\circ}09'20''$  West 795.37 feet; thence North  $56^{\circ}47'30''$  West 1073.67 feet; thence North  $34^{\circ}42'30''$  West 931.10 feet; thence North  $74^{\circ}00'30''$  West 1274.16 feet; thence South  $89^{\circ}32'45''$  East 1296.44 feet; thence South  $0^{\circ}00'38''$  West 8.50 feet; thence South  $89^{\circ}59'43''$  East 1372.72 feet to the point of beginning.

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