

WHEN RECORDED
PLEASE RETURN TO:

TALISKER PROPERTY CORP.
P.O. BOX 4249
PARK CITY, UTAH

8A660

ENTRY NO. 00819698

07/17/2007 01:12:33 PM B: 1877 P: 0971

Agreement PAGE 1/4

ALAN SPRIGGS, SUMMIT COUNTY RECORDER

FEE 16.00 BY TALISKER PROPERTY CORP



ACKNOWLEDGEMENT AND
AGREEMENT CONCERNING RESTRICTIVE
COVENANT PRECLUDING THE RESIDENTIAL
OR OTHER NON-AGRICULTURAL USE OF LAND

This Acknowledgement and Agreement is made and entered into as of the 2nd day of June, 2007 by and between Tuhaye LLC, a Utah limited liability company (the "Owner") and Summit County, a body politic (the "County").

RECITALS

This Acknowledgement and Agreement is made and entered into with reference to the following definitions, facts and objectives:


- A. Property Description. The Owner is the owner of fee title of all of the property located in Summit County, Utah and described in Exhibit "A" attached hereto and by this reference made a part hereof (the "Property").
- B. Restrictive Covenant. The Property is subject to a Restrictive Covenant Precluding the Residential or Other Non-Agricultural Use of Land recorded in the records of the Summit County Recorder of February 23, 1995 as Entry No. 425116 in Book 868 at Page 710 (the "Restrictive Covenant"). The Restrictive Covenant, by its terms, is enforceable by the County or by the owner of all or any part of the Property.
- C. Public Trail Easement. The Owner is willing to grant to the County an easement for a public trail across a portion of the Property (the "Trail Easement").
- D. No Violation of Restrictive Covenant. The Owner and the County desire by this document to acknowledge and agree that the Trail Easement will not violate the Restrictive Covenant.

NOW THEREFORE, the Owner and the County hereby acknowledge and agree that the Trail Easement does not violate the Restrictive Covenant and that to the extent that the Trail Easement might otherwise be deemed to be a violation of the Restrictive Covenant, the Restrictive Covenant is hereby amended to permit the Trail Easement.

IT WITNESS WHEREOF, this Acknowledgement and Agreement is executed as of the date first above written.

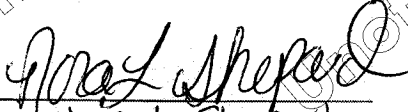
"Owner"

TUHAYE LLC

By: 
Name: DAVID J. SMITH
Title: Authorized Signing officer

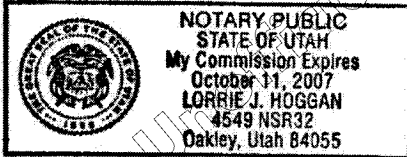
"County"

SUMMIT COUNTY

By: 
Name: Nora L. Shepard
Title: Community Dev. Director

STATE OF UTAH)
 : ss.
COUNTY OF SUMMIT)

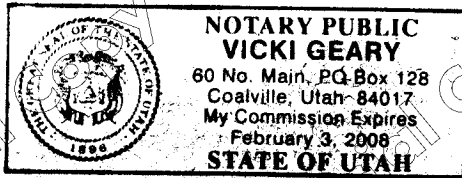
The foregoing instrument was acknowledged before me this 15th day of June, 2007, by David J. Smith, the Authorized Signing Officer of Tuhaye LLC, a Utah limited liability company.



Lorrie J. Hoggan
NOTARY PUBLIC and SEAL

STATE OF UTAH)
 : ss.
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this 2nd day of July, 2007, by Nora Shepard, the CDD of Summit County.



Vicki Geary
NOTARY PUBLIC and SEAL
My commission expires: 2/3/2008

STATE OF UTAH)
 : ss.
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this _____ day of June, 2007, by _____, the _____ of Summit County.

NOTARY PUBLIC and SEAL

Exhibit "A"

Beginning at a point S 01° 02' 10" W along the section line 3358.78 ft. from the Northwest Corner of Section 23, Township 2 South, Range 5 East, Salt Lake Base and Meridian, and running thence;

East 1338.55 feet, thence S 00° 43' 07" W 204.14 feet, thence East 1339.95 feet, thence S 00° 23' 55" W 559.13 feet, thence S 89° 36' 05" E 891.79 feet, thence N 00° 23' 55" E 217.85 feet, thence S 89° 36' 05" E 865.33 feet, thence N 00° 23' 55" E 338.82 feet, thence S 89° 36' 05" E 885.95 feet, to the east line of Section 23, thence S 00° 06' 45" E along the section line 1035.46 feet to a point which is N 00° 06' 45" W along the section line 705.66 feet from the Southeast Corner of Section 23, thence N 89° 27' 00" W 705.66 feet, thence S 00° 06' 45" E 705.66 feet to a point on the south line of Section 23, said point being N 89° 27' 00" W along the section line 705.66 feet from the Southeast Corner of Section 23, thence N 89° 27' 00" W along the section line 1952.96 feet to the South Quarter Corner of Section 23, thence S 89° 09' 01" W along the section line 2699.97 feet to the Southwest Corner of Section 23, thence N 01° 02' 10" E along the section line 3384.69 feet to the Point of Beginning. Contains 190.90 acres.

SALT - 1 thru 5

AGL - 2