

Recorded at the request of, and  
after recording return to:

BROADWAY PARK, LLC  
308 West Broadway, Suite LL2  
Salt Lake City, UT 84101

10793430  
9/8/2009 4:24:00 PM \$18.00  
Book - 9761 Pg - 6072-6075  
Gary W. Ott  
Recorder, Salt Lake County, UT  
SECURITY TITLE INS AGENCY  
BY: eCASH, DEPUTY - EF 4 P.

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**PARTIAL TERMINATION AND AMENDMENT OF  
RIGHT OF WAY EASEMENT**

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THIS INSTRUMENT (the "*Amendment*") is entered into the 4 day of ~~SEPTEMBER~~ 2009 by BROADWAY PARK, LLC, a Utah limited liability company located at 308 West Broadway, Suite LL2, Salt Lake City, UT 84101 ("*Broadway Park*"); UFFENS, LLC, a Utah limited liability company located at 308 West Broadway, Suite LL2, Salt Lake City, UT 84101 ("*Uffens*"); and UFFENS MARKETPLACE UNIT OWNERS ASSOCIATION, a Utah non-profit corporation located at 2270 East 4500 South, P.O. Box 171014, Salt Lake City, Utah 84117 (the "*Uffens Association*").

*Recitals:*

A. *Easement.* Pursuant to a Right of Way Easement (the "*Easement*") dated 25 June 2002 and recorded in the office of the Salt Lake County, Utah Recorder on 26 June 2002 as entry no. 8275525 at book 8613, page 1996, Four Cabo's Enterprises, Ltd. ("*Four Cabo's*") granted Uffens two easements as follows (unless they are otherwise defined herein, all capitalized terms shall have the meanings for the terms that are set forth in the Easement):

A.1. A Utility Easement across the following described parcel of real property (the "*Utility Strip*") that is located in Salt Lake County, Utah:

BEGINNING AT a point North 0°01'02" West 165.00 feet from the Southwest corner of Lot 1, Block 61, Plat "A," Salt Lake City Survey; and running thence South 0°01'02" East 20.00 feet; thence South 89°58'13" West 5.00 feet; thence North 0°01'02" West 16.53 feet; thence South 89°58'13" West 30.02 feet; thence North 0°01'02" West 3.39 feet; thence North 89°58'13" East 35.00 feet to the POINT OF BEGINNING

Part of Tax Parcel No. 15-01-182-003

A.2. An Access Easement along the east eight feet (the "*East Access Strip*") of the following described property ("*Four Cabo's Property*") that is located in Salt Lake County, Utah:

BEGINNING AT the southeast corner of Lot 2, Block 61, Plat "A", Salt Lake City Survey, and running thence West 165.0 feet; thence North 165.0 feet, thence East 165.0 feet, thence South 165.0 feet to the POINT OF BEGINNING

Tax Parcel No. 15-01-182-003

B. *Transfer of and Changes to Property.* After the date of the Easement, Four Cabo's conveyed the Four Cabo's Property to Broadway Park, which now owns the Four Cabo's Property subject to the Easement. Under the Easement, Four Cabo's reserved the right to narrow or relocate the Access Easement subject to certain restrictions. In connection with a development on Four Cabo's Property, Broadway Park has relocated the utilities originally located on the Utility Strip to the northeast corner of Uffens Marketplace (the "*Uffens Property*"), which is located in Salt Lake County, Utah; which is described more particularly as follows:

BEGINNING AT the southwest corner of Lot 1, Block 61, Plat "A", Salt Lake City Survey; thence east 7.5 rods; thence north 10 rods; thence west 7.5 rods; thence south 10 rods to the POINT OF BEGINNING

and which is subject to a Condominium Declaration and Bylaws recorded on 20 June 2003 as entry no. 8698715 at book 8822, page 3882 and a Condominium Plat recorded on 20 June 2003 as entry no. 8698714 (collectively the "*Uffens Condominium Documents*"). Pursuant to the Uffens Condominium Documents and as contemplated by section 3 of the Easement, Uffens assigned to the Uffens Association the benefit of the Easement.

C. *Intent of Parties.* The parties desire to modify the Easement as set forth herein.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Broadway Park, Uffens and the Uffens Association hereby amend the Easement as follows:

1. *Termination of Utility Easement.* The parties hereby terminate the Utility Easement, which shall no longer burden the Four Cabo's Property.

2. *Modification of Access Easement.* The parties hereby remove the northerly 65 feet of the East Access Strip from the burden of the Access Easement. The remaining southerly 100 feet of the East Access Strip shall continue to be burdened by the Access Easement, subject to all of the terms and conditions of the Easement, including, without limitation, the right of Broadway Park (or its successor-in-interest, including any condominium association formed in connection with the condominium subdivision of the Four Cabo's Property) to narrow or relocate the Access Easement as described more fully in the Easement.

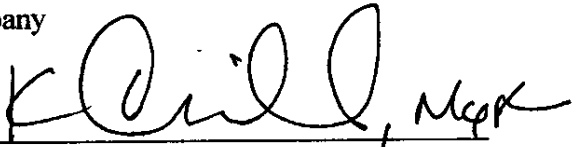
3. *Binding Nature.* The rights and obligations of the parties hereto shall be binding upon and shall benefit their respective heirs, successors, and assigns and any parties designated by Four Cabo's or Uffens, its successors or assigns, as indicated above.

DATED this 7 day of ~~June~~ SEPT. 2009.

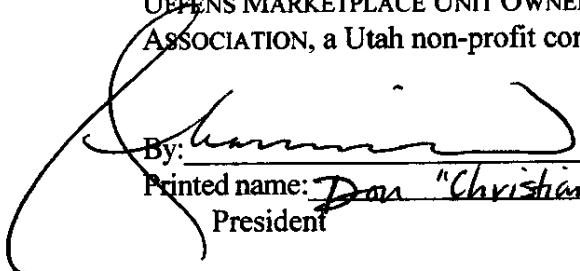
BROADWAY PARK, LLC, a Utah limited liability company

By: , MGR  
 KENNETH C. MILLO  
 Manager

UFFENS, LLC, a Utah limited liability company

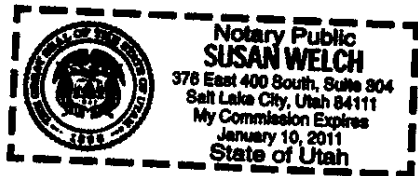
By: , MGR  
 KENNETH C. MILLO  
 Manager

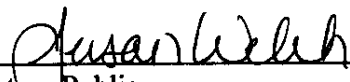
UFFENS MARKETPLACE UNIT OWNERS ASSOCIATION, a Utah non-profit corporation

By:   
 Printed name: Don "Christian" Valade Harrison  
 President

State of Utah )  
 ) : ss.  
 County of Salt Lake )

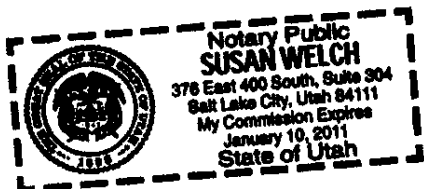
This instrument was acknowledged before me this 4 day of September 2009 by Kenneth C. Millo, as the manager of BROADWAY PARK, LLC, a Utah limited liability company.



  
 Notary Public  
 My Commission Expires: 1-10-2011

State of Utah )  
 : ss.  
County of Salt Lake )

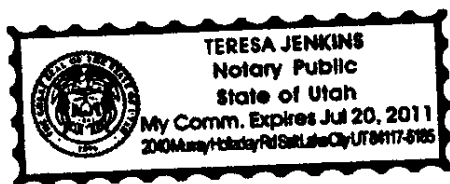
This instrument was acknowledged before me this 4 day of September 2009 by Kenneth C. Millo, as the manager of UFFENS, LLC, a Utah limited liability company.



Susan Welch  
Notary Public  
My Commission Expires: 1-10-2011

State of Utah )  
 : ss.  
County of Salt Lake )

This instrument was acknowledged before me this 28 day of aug 2009 by Don Harrison, as the president of UFFENS MARKETPLACE UNIT OWNERS ASSOCIATION, a Utah non-profit corporation.



Teresa Jenkins  
Notary Public  
My Commission Expires: 7/20/2011

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