

WHEN RECORDED RETURN TO:
Kay M. Voorhees
Price Development Company
35 Century Park-Way
Salt Lake City, Utah 84115

1050

4650834
18 JULY 88 11:30 AM
KATIE L. DIXON
RECORDER, SALT LAKE COUNTY, UTAH
SECURITY TITLE
REC BY: JANET WONG , DEPUTY

FIRST AMENDMENT TO
AMENDED AND RESTATED
COMMON AREA MAINTENANCE AGREEMENT

4650834

This First Amendment to Amended and Restated Common Area Maintenance Agreement (the "Amendment") is entered into this 7th day of June, 1988, by and between Price Development Company, a Utah corporation ("First Party"); Albertson's, Inc., a Delaware corporation ("Albertson's"); and Shopko Stores, Inc., d/b/a Uvalko/Shopko Stores, Inc., a Minnesota corporation ("Shopko").

RECITALS

A. On the 27th day of May, 1987, the parties hereto entered into that certain Amended and Restated Common Area Maintenance Agreement (the "Maintenance Agreement"), a copy of which was recorded as Instrument No. 4470261, Book No. 5927, Page No. 878 on the 5th day of June, 1987, in the Salt Lake County Recorder's Office, State of Utah.

B. The parties now desire to amend the Maintenance Agreement in certain particulars including modifying the boundaries of Parcels 1, 1A, 2 and 3 shown on the site plan attached to the Maintenance Agreement as Exhibit "A".

C. In order to accomplish the above, the parties have entered into this Amendment.

AGREEMENTS

1. First Party warrants that it is the Owner of Parcels 1, 1A, 3 and 5 as described in the Maintenance Agreement. Albertson's warrants that it is the Owner of Parcel 2 as described in the Maintenance Agreement. Shopko warrants that it is the Owner of Parcel 4 as described in the Maintenance Agreement. Each party warrants that there is no Prime Lessee of its respective Parcel(s).

2. The site plan attached hereto as Exhibit "A" and incorporated herein by this reference is hereby substituted for the site plan attached to the Maintenance Agreement as Exhibit "A".

3. The legal descriptions for Parcels 1, 1A, 2 and 3 attached hereto as Schedule I and incorporated herein by this reference are hereby substituted for the legal descriptions for Parcels 1, 1A, 2 and 3 attached to the Maintenance Agreement as a part of Schedule I.

4. The first table set forth in Article 7 (Billing for Expenses), Section 7.1 representing the proportionate share of the total Common Area expenses to be paid by each Owner for any year is hereby amended to read as follows:

	<u>Maximum Building Area (Excluding Expansion Area)</u>	<u>Percent</u>
Parcel 1	11,824	5.66
Parcel 1A	4,200	2.01
Parcel 2	41,407	19.83
Parcel 3	33,042	15.82
Parcel 4	94,300	45.16
Parcel 5	<u>24,054</u>	<u>11.52</u>
	208,827	100.00

SECURITY TITLE CO.
VJS# 25-2827

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5. The second table set forth in Article 7 (Billing for Expenses), Section 7.1 representing Common Area maintenance and insurance expenses to be borne by each Owner in Phase I for any year is hereby amended to read as follows:

	<u>Maximum Building Area (Excluding Expansion Area)</u>	<u>Percent</u>
Parcel 1	11,824	15.33
Parcel 1A	4,200	5.45
Parcel 2	41,407	53.71
Parcel 3	<u>19,665</u>	<u>25.51</u>
Total	77,096	100.00

6. Except where otherwise specifically stated herein, all of the terms in this Amendment shall have the meanings set forth in the Maintenance Agreement.

7. The provisions of this Amendment shall be binding upon and inure to the benefit of the parties hereto, their heirs, personal representatives, successors and assigns.


8. The Maintenance Agreement remains in full force and effect and remains unaltered except to the specific extent amended herein.

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

Price Development Company, a Utah corporation

By 

Its J.P.

 Albertson's, Inc., a Delaware corporation

By 

Its SR. V.P.

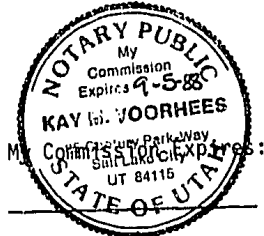
Shopko Stores, Inc., d/b/a Uvalko
Shopko Stores, Inc., a Minnesota corporation

By 

Its J.P.

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

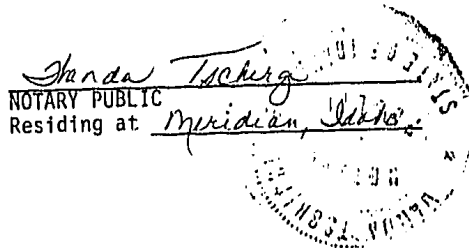
On this 26 day of April, 1988, personally appeared before me Mechanic Drive known to me to be the Vice President of Price Development Company, a Utah Corporation, the Corporation that executed the foregoing instrument, and known to me to be the person who executed the within instrument on behalf of said Corporation.



Kay L. Voorhees
NOTARY PUBLIC
Residing at Salt Lake County

STATE OF IDAHO)
) :ss.
COUNTY OF ADA)

On this 7th day of June, 1988, personally appeared before me Thomas R. Saldin known to me to be the Senior Vice President of Albertson's, Inc., a Delaware Corporation, the Corporation that executed the foregoing instrument, and known to me to be the person who executed the within instrument on behalf of said Corporation.



Janda Tschirg
NOTARY PUBLIC
Residing at Meridian, Idaho

My Commission Expires:

5/1/94

STATE OF WISCONSIN)
) :ss.
COUNTY OF BROWN)

On this 3rd day of May, 1988, personally appeared before me George Shopko known to me to be the Vice President of Shopko Stores, Inc. d/b/a Uvalko Shopko Stores, Inc., a Minnesota Corporation, the Corporation that executed the foregoing instrument, and known to me to be the person who executed the within instrument on behalf of said Corporation.

James L. Dunning
NOTARY PUBLIC
Residing at Green Bay

My Commission Expires:

12-23-90

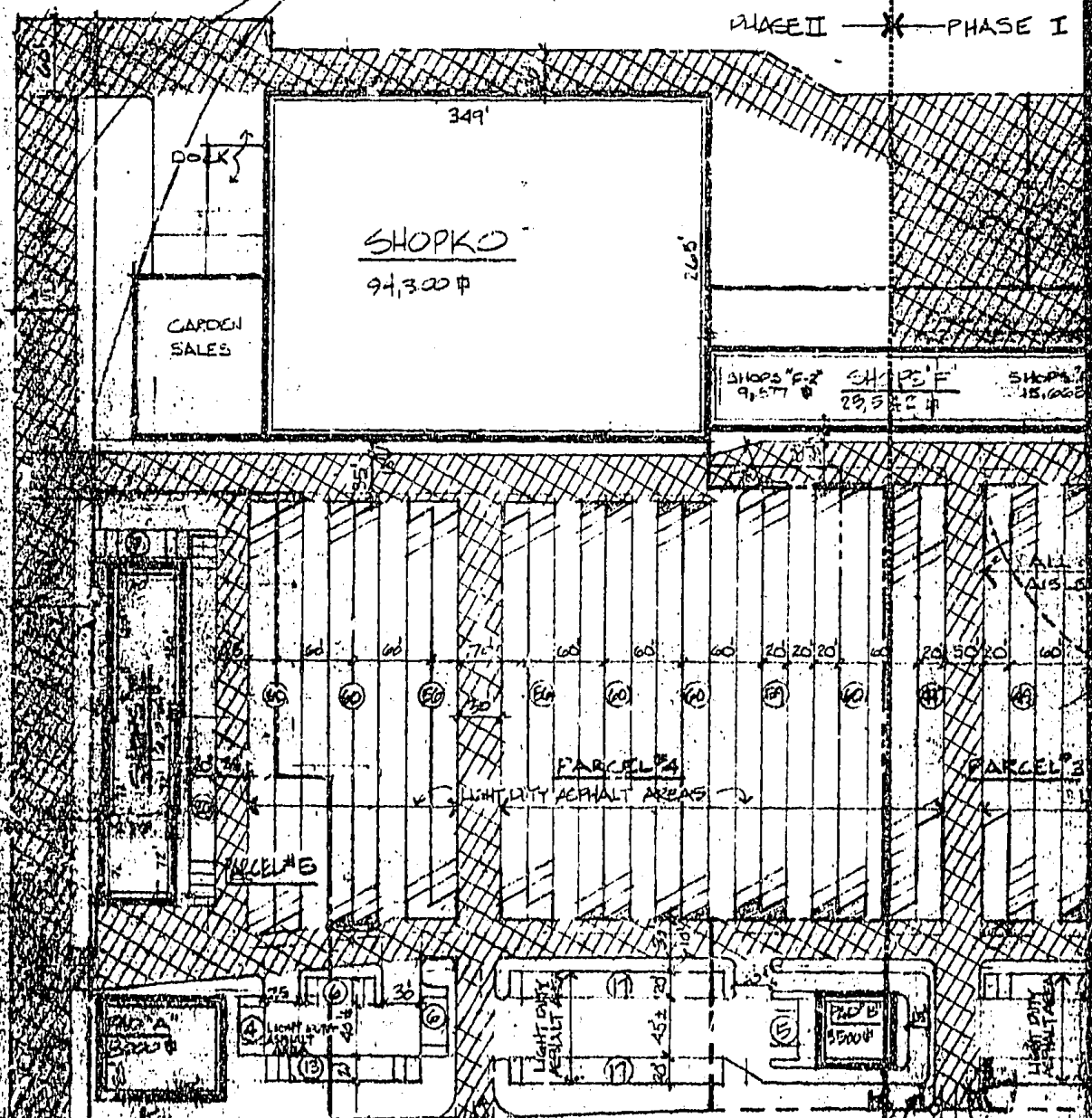


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PLAN COPY
CO. RECEIVED

NOT A PART OF SITE WORK

PHASE II — PHASE I



GENERAL NOTES

- Drawn to the Benefit of Survey
- No Trunkwells, Natural Docks Only
- Parking Requirements: 100 STALLS 7100000 G.I.A. Building (200000)
- Landscaping Requirements: 10% OF OPEN SPACE
- Lighting Requirements: Building (100000)

90TH SOUTH

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LEGEND

- Property Line
- Parcel Line
- Expansion Limit Line
- Building Area
- LIGHT DUTY ASPHALT
- MONUMENT SIGN

LARSEN & MALMQUIST, INC.
CONSULTING ENGINEERS & LAND SURVEYORS
2736 South 2700 West • West Valley City, Utah 84119 • (801) 972-2634

LEGAL DESCRIPTION

RIVER POINTE PLAZA
REVISED PARCEL 1

BEGINNING at a point on the East line of Redwood Road (1700 West Street), said point being South 00°03'25" East 370.48 feet along the Quarter Section line and North 89°53'45" East 53.00 feet from the Center of Section 3, Township 3 South, Range 1 West, Salt Lake Base and Meridian, and running thence North 89°53'45" East 84.61 feet; thence South 00°06'15" East 199.34 feet; thence North 89°53'45" East 75.00 feet; thence South 00°06'15" East 169.00 feet; thence South 89°53'45" West 4.50 feet; thence South 00°06'15" East 52.33 feet; thence South 89°53'45" West 155.46 feet to the East line of Redwood Road; thence North 00°03'25" West along said East line 420.67 feet to the POINT OF BEGINNING. Contains 1.1945 acres.

PREPARED FOR: Price Development Co.
35 Century Parkway
Salt Lake City, Utah 84115

PREPARED BY: Robert S. Markham, P.E.
L & M No. 01435-B6E/S
Nov. 18, 1987

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LARSEN & MALMQUIST, INC.
CONSULTING ENGINEERS & LAND SURVEYORS
2736 South 2700 West • West Valley City, Utah 84119 • (801) 972-2634

LEGAL DESCRIPTION

RIVER POINTE PLAZA
PARCEL 1A
(HARDEE'S PARCEL)

BEGINNING at a point on the East line of Redwood Road (1700 West Street), said point being South 00°03'25" East 193.01 feet along the Quarter Section line and North 89°53'45" East 53.00 feet from the Center of Section 3, Township 3 South, Range 1 West, Salt Lake Base and Meridian, and running thence North 89°53'45" East 160.00 feet; thence South 00°03'25" East 162.47 feet; thence South 89°53'45" West 160.00 feet to the East line of Redwood Road; thence North 00°03'25" West along said East line 162.47 feet to the POINT OF BEGINNING. Contains 0.5968 acres.

PREPARED FOR: Price Development Co.
35 Century Parkway
Salt Lake City, Utah 84115

PREPARED BY: Robert S. Markham, P.E.
L & M No. 01435-86E/S
September 10, 1987

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LARSEN & MALMQUIST, INC.
CONSULTING ENGINEERS & LAND SURVEYORS
2736 South 2700 West • West Valley City, Utah 84119 • (801) 972-2634

LEGAL DESCRIPTION

RIVER POINTE PLAZA
REVISED PARCEL 2

BEGINNING at a point on the South line of 9000 South Street, said point being North 89°53'45" East 213.00 feet along the Quarter Section line and South 00°03'25" East 73.00 feet from the Center of Section 3, Township 3 South, Range 1 West, Salt Lake Base and Meridian, and running thence North 89°53'45" East along said line 35.20 feet; thence South 00°06'15" East 158.82 feet; thence North 89°53'45" East 239.50 feet; thence South 00°06'15" East 207.14 feet; thence South 89°53'45" West 82.00 feet; thence South 00°06'15" East 259.86 feet; thence North 89°53'45" East 150.00 feet; thence South 00°06'15" East 144.66 feet; thence South 89°53'45" West 507.33 feet to East line of Redwood Road (1700 West Street); thence North 00°03'25" West along said East line 52.33 feet; thence North 89°53'45" East 155.46 feet; thence North 00°06'15" West 52.33 feet; thence North 89°53'45" East 4.50 feet; thence North 00°06'15" West 169.00 feet; thence South 89°53'45" West 75.00 feet; thence North 00°06'15" West 199.34 feet; thence South 89°53'45" West 84.61 feet to the East line of Redwood Road; thence North 00°03'25" West along said East line 15.00 feet; thence North 89°53'45" East 160.00 feet; thence North 00°03'25" West 282.47 feet to the POINT OF BEGINNING. Contains 4.3258 acres.

PREPARED FOR: Price Development Co.
35 Century Parkway
Salt Lake City, Utah 84115

PREPARED BY: Robert S. Markham, P.E.
L & M No. 01433-86E/S
Nov. 18, 1987

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LARSEN & MALMQUIST, INC.
CONSULTING ENGINEERS & LAND SURVEYORS
2736 South 2700 West • West Valley City, Utah 84119 • (801) 972-2634

LEGAL DESCRIPTION

RIVER POINTE PLAZA
REVISED PARCEL 3

BEGINNING at a point on the South line of 9000 South Street, said point being North 89°53'45" East 248.14 feet along the Quarter Section line and South 00°06'15" East 73.00 feet from the Center of Section 3, Township 3 South, Range 1 West, Salt Lake Base and Meridian, and running thence North 89°53'45" East 329.32 feet along said South line to a point of an 11,512.20 foot radius curve to the left (center bears North 00°06'15" West 11,512.20 feet of which the central angle is 01°03'22"); thence Northeasterly along the arc of said curve and said South line 212.19 feet; thence South 00°06'15" East 141.77 feet; thence South 89°53'45" West 136.00 feet; thence South 00°06'15" East 331.00 feet; thence North 89°53'45" East 136.00 feet; thence South 00°06'15" East 155.00 feet; thence South 89°53'45" West 384.00 feet; thence North 00°06'15" West 259.86 feet; thence North 89°53'45" East 82.00 feet; thence North 00°06'15" West 207.14 feet; thence South 89°53'45" West 239.50 feet; thence North 00°06'15" West 158.82 feet to the POINT OF BEGINNING. Contains 4.6708 acres.

PREPARED FOR: Price Development Co.
35 Century Parkway
Salt Lake City, Utah 84115

PREPARED BY: Robert S. Markham, P.E.
L & M No. 01433-06E/S
November 19, 1987

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