



W2213189

E# 2213189 PG 1 OF 7
DOUG CROFTS, WEBER COUNTY RECORDER
05-OCT-06 4:47 PM FEE \$22.00 DEP SC
REC FOR: TITLE WEST - SLC
ELECTRONICALLY RECORDED

When Recorded Return to:
NS Mountainwest #8, LLC
c/o NovaSource Management, Inc.
2180 South 1300 East, Suite 410
Salt Lake City, Utah 84109

Space Above this Line for Recorder's Use Only

Easement for Improvements

This Agreement, made and entered into to be effective as of the 6th day of October, 2006, by and between NS Mountainwest #8, LLC, a Utah limited liability company (hereinafter referred to as "Grantee") and Michael Dismuke Ventures, LLC, (hereinafter referred to as "Grantor"), for the purpose of establishing an easement for the encroachment of certain physical improvements as follows:

WHEREAS, Grantee is the owner of certain property described in Exhibit "A" attached hereto (referred to hereinafter as the "NovaSource Property");

WHEREAS, Grantor is in possession of and owns real property described in Exhibit "B" attached hereto (referred to hereinafter as the "Dismuke Property");

WHEREAS, certain improvements which are principally located on the NovaSource Property have been constructed in such a manner that the encroach in some measure on a portion of the Dismuke Property; and

WHEREAS, Grantor and Grantee desire to cure this encroachment by Grantor granting to NovaSource an easement over, under and across that portion of the Grantor's Property described in Exhibit "C" and depicted on Exhibit "C-1", attached hereto (the "Easement Area") for the encroachment of certain drive-thru improvements, dumpster enclosure improvements, and other related improvements related to the commercial operation on the NovaSource Property;

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

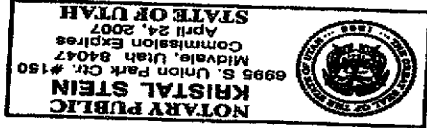
1. Pursuant to the foregoing stipulations and for the value received, the receipt of which is acknowledged, Grantor hereby grants to NovaSource a perpetual easement over, under and across the Easement Area for the construction, maintenance, operation and replacement of drive-thru lane and improvements, dumpster enclosure improvements, and other necessary structures and improvements related to the operation of a commercial business operation on the NovaSource Property.

2. Upon execution of this Agreement, the parties shall cause this Agreement to be recorded in the Weber County, Utah Recorder's Office. The easements granted hereunder shall be perpetual and shall be deemed to run with the land and shall be deemed easements appurtenant to the NovaSource Property.

TW 4/20/07

COUNTY OF SALT LAKE)
 :SS
STATE OF UTAH)

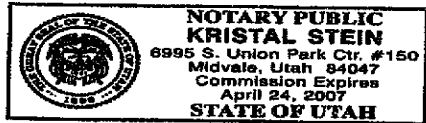
On this 10th day of October, 2006, personally appeared before me, Michael Dismuke, who duly acknowledged to me that he is the OWNER of Michael Dismuke Ventures, LLC, the company which executed the foregoing document, and that he executed the above document on behalf of said company in conformance with the Articles of Organization and other governing documents of said company.



Kristal Stein
NOTARY PUBLIC

COUNTY OF SALT LAKE)
 :SS
STATE OF UTAH)

On this 10th day of October, 2006, personally appeared before me, Gregory J. Schmidt, the Corp. Counsel of NovaSource Management, Inc., which corporation is the Manager of NS Mountainwest #8, LLC, the company which executed the foregoing document, and who duly acknowledged to me that he executed the above document on behalf of said company in accordance with the Articles of Organization and other governing documents of said company.



~~Kristal Stein~~
NOTARY PUBLIC Kristal Stein

LEGAL DESCRIPTION
EXHIBIT A

NOVASOURCE PROPERTY

All of Lot 4, CITY CENTER AT SOUTH OGDEN COMMERCIAL SUBDIVISION, South Ogden City, Weber County, Utah.

Tax Id No.: 05:167:0002 ✓ *od*

LEGAL DESCRIPTION
EXHIBIT B

DISMUKE PROPERTY

All of Lot 5, CITY CENTER AT SOUTH OGDEN COMMERCIAL SUBDIVISION, South
Ogden City, Weber County, Utah.

Tax Id No.: 05:167:0003 ✓ *row*

LEGAL DESCRIPTION
EXHIBIT C

EASEMENT AREA

Description of the Easement Area is as follows:

A portion of Lot 5, CITY CENTER AT SOUTH OGDEN COMMERCIAL SUBDIVISION,
South Ogden City, Weber County, Utah, more particularly described as follows.

Beginning at a point South 38°21'00" West 565.46 feet along the monumented centerline of
Riverdale Road and South 51°39'00" East 49.50 feet and South 87°35'42" East 68.51 feet from
the brass cap monument located at the intersection of Riverdale Road and 36th Street,

thence South 87°35'42" 125.42 feet;

thence South 05°14'59" West 4.49 feet;

thence South 85°12'49" West 16.36 feet;

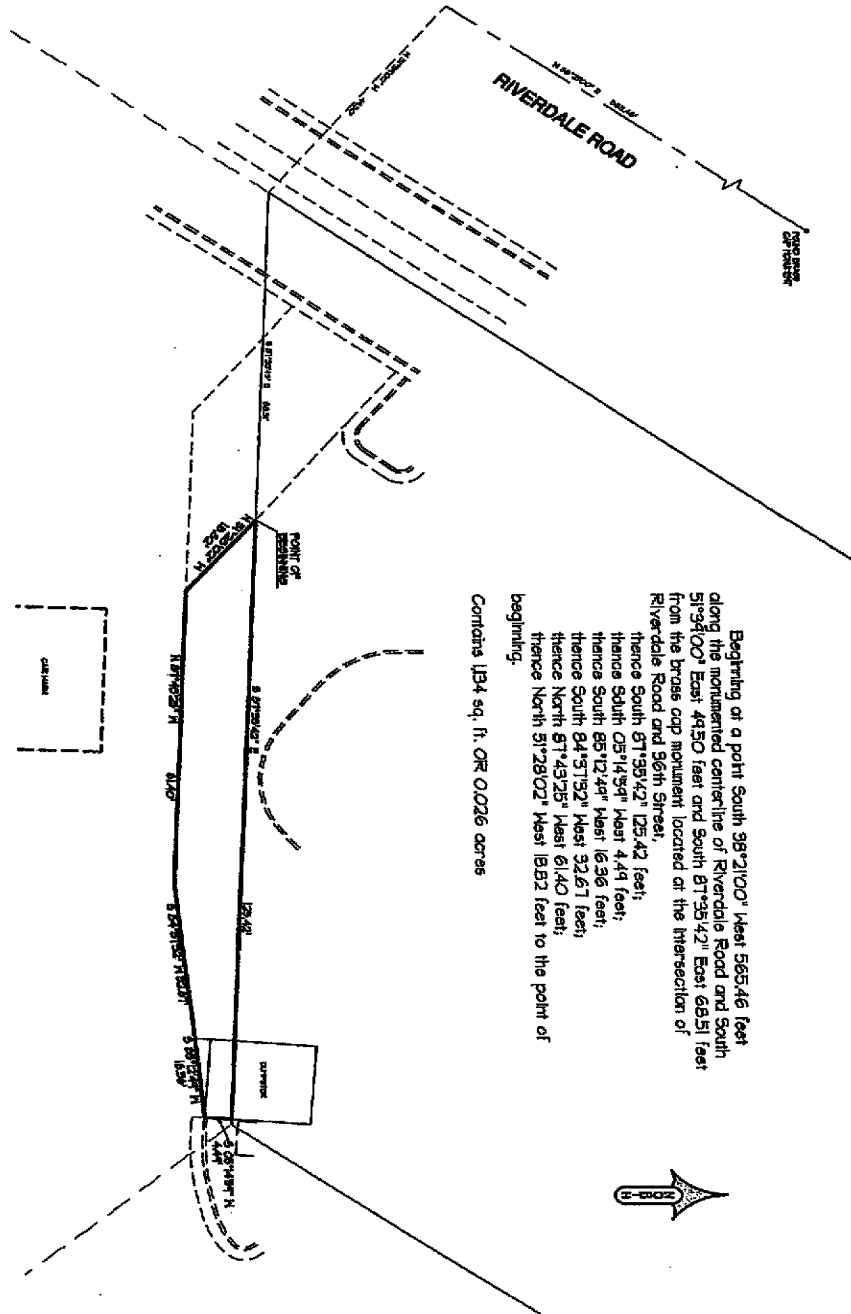
thence South 84°37'32" West 32.67 feet;

thence North 87°43'25" West 61.40 feet;

thence North 51°28'02" West 18.82 feet to the point of beginning.

A portion of the parcel with Tax Id No.: 05:167:0003 ✓*rd*

EXHIBIT "C-1"



Beginning at a point South 39°21'00" West 565.46 feet along the monumented centerline of Riverdale Road and South 51°34'00" East 49.50 feet and South 87°35'42" East 68.51 feet from the bronze cap monument located at the intersection of Riverdale Road and 36th Street;

thence South 87°35'42" West 125.42 feet;

thence South 05°14'59" East 4.41 feet;

thence South 85°12'49" West 16.36 feet;

thence South 84°51'52" West 32.67 feet;

thence North 81°43'25" West 61.40 feet;

thence North 51°28'02" West 18.83 feet to the point of beginning.

Contains 134 sq. ft. OR 0.026 acres

IN WITNESS WHEREOF, the parties have hereunto signed their names to this Agreement the day and year set forth above.

Grantor: Michael Dismuke Ventures, LLC, a Utah limited liability company

By: *Michael Dismuke*

Its: *Owner*

Grantee: NS Mountainwest #8, LLC, a Utah limited liability company

By: *[Signature]*

Its: *Corporate Counsel*