

When Recorded Return to: Evergreen Acres Trust, c/o Wayne Evans, 110 Social Hall Ave.
Recorded at Request of _____ SLC, Utah 84111

at _____ M. Fee Paid \$ _____

by _____ Dep. Book _____ Page _____ Ref: _____

Evergreen Acres Trust
Mail tax notice to c/o Wayne Evans Address 110 Social Hall Ave., SLC, Utah 84111

WARRANTY DEED

of Salt Lake City, _____ MOENCH INVESTMENT COMPANY, Ltd. _____ grantor
, County of Salt Lake _____, State of Utah, hereby
CONVEY and WARRANT to
EVERGREEN ACRES TRUST

of Salt Lake City, Utah _____ grantee
for the sum of _____ Ten _____ DOLLARS,
and other good and valuable consideration
the following described tract of land in Summit County,
State of Utah:

See Exhibit "C" attached hereto.

Subject to the Agreement set forth as Exhibits "A, B, D" attached hereto.

Entry No	243719
REQUEST OF	Moench Investment Co.
FEE	ALAN SPRIGGS, SUMMIT CO. RECORDER
\$ 9.00	By Susan Robinson
RECORDED	12-20-85 at 12:45 M

WITNESS, the hand of said grantor, this _____ day of
December _____, A. D. 1985

Signed in the Presence of

MOENCH INVESTMENT COMPANY LTD.

By: Lorin L. Moench
Lorin L. Moench, General Partner

STATE OF UTAH,

County of Salt Lake } ss.

On the 16th day of December, A. D. 1985
personally appeared before me Lorin L. Moench

the signer of the within instrument, who duly acknowledged to me that he executed the same.

Craw Robinson
Notary Public.

My commission expires June 25 1986 Residing in Salt Lake County, Utah

9.00 X

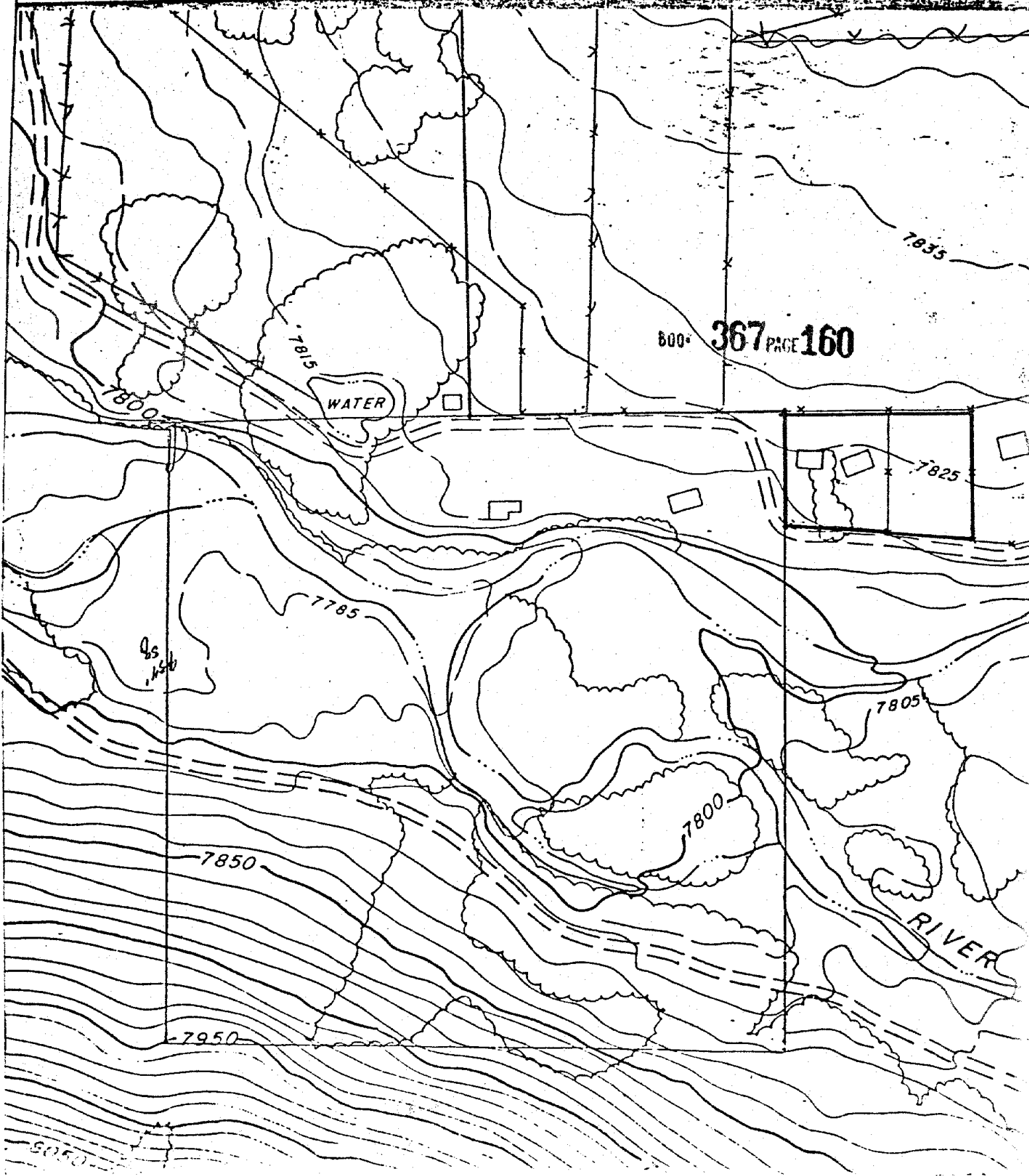
AGREEMENT

1. Seller reserves the right to cross the property at a location mutually agreeable to the parties, with utilities, particularly gas, water, and sewage, to serve adjacent property of Seller and Seller's successors and assigns.
2. The 30 acres of land will be conveyed subject to the following restrictive covenants, which shall be effective for 50 years from the date hereof:
 - a. The property will not be used for any kind of commercial purposes.
 - b. The property will not be used for trailer houses or other temporary housing.
 - c. Not more than six single family dwellings, on this 30 acres. This total shall control, whether the same are clustered or built in multiple units, or otherwise.
 - d. Any residential unit constructed thereon shall have sanitary sewage disposal, which fully complies with the requirements of State and County health authorities.
 - e. The property will only be used for residential purposes, and uses appurtenant thereto, although the same may be grazed, and livestock may be kept thereon.
 - f. Buyer hereby agrees to give Seller a written first right of refusal, for the same terms and conditions, on a bona fide offer on said property in Exhibit "C" if Buyer offers to sell property to persons other than Relatives.
3. Reserving to Grantor all oil and gas of any nature.
4. Subject to the restrictive covenants and easements of record and patent reservations.
5. Buyers agree to Exhibit "D".
6. It is agreed that the Grantee holds the Grantor harmless if any of their livestock stray on property outlined in exhibit "C".

Commencing 1.0 feet South and 467 feet East of the Northeast corner of the Northwest quarter of Section 26, Township 1 North, Range 8 East, Salt Lake Base and Meridian, and running thence South 153 feet, more or less to the South Boundary of the Northwest quarter of the Northeast quarter of said Section 26; thence East 284.7 feet; thence North 153 feet, more or less, to a point due East of the point of beginning; thence West 284.7 feet to the place of beginning, and containing 1.0 acre of land, more or less.

SM

EXHIBIT "B"



APOSHIAN CONSULTING ENGINEERS, Inc.
1444 EAST 3300 SOUTH
SALT LAKE CITY, UTAH 84106

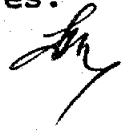
(801) 486-3844

29 July 1977

RE: 6137

EVANS DESCRIPTION

Beginning at a point which is N 89°54'58" W 1311.34 feet along the Section line and S 0°40'29" E 162.34 feet along the 40 acre line from the North Quarter corner of Section 26, T.1N., R.8E., S.L.B. & M.; thence East 564.79 feet to a fence line; thence along said fence line S 31°15' E 295.68 feet; and S 0°44' E 408.35 feet; thence S 85°55' E 1341.14 feet; thence South 250.0 feet; thence West 1218.70 feet to the Northwest corner of the Cannon property thence South 512.41 feet to a Forest Service Road; thence along said Road N 64°01'24" W 147.60 feet and N 46°19'42" W 239.73 feet; and N 69°33'18" W 286.29 feet; and N 49°40'59" W 336.64 feet to the 40 acre line; thence N 0°40'29" W 971.07 feet to the point of beginning. Containing 30.0 acres.



800-357 PAGE 161

PROFESSIONAL ENGINEERS

STRUCTURAL

CIVIL

LAND SURVEYING

EXHIBIT D

The parties hereto mutually acknowledge that DAVID W. and BEATRICE C. EVANS own a right of way for egress and ingress to adjacent property which right of way is described as follows:

Over that certain canyon road 33 feet wide which is sometimes known as the Moffat Road as the same leaves the Main Weber Canyon Road in the Southeast 1/4 of Section 21, Township 1 North, Range 8 East, Salt Lake Meridian, and running thence in a northeasterly direction over the bridge crossing the Weber River and running thence in a northeasterly direction to the East line of said Section 21, thence in an easterly direction across the North 1/2 of the South 1/4 of Section 22 in said Township and Range, and thence along said Moffat Road until the same intercepts the private road used by David P. Howells in going to his summer home; thence along said private road and along the road used by the Second Party through the Southwest 1/4 of Section 23 and the North 1/2 of Section 26 in said Township and Range, to the property as described in Exhibit "B".

Said right of way now services a lot (Exhibit B) owned by undersigned and has been utilized for ingress and egress. Moench Investment Company Ltd., proposes to sell 30 acres of land described in Exhibit C hereof to the undersigned, but said land which is to be sold fronts the County road, and ingress and egress for it can be obtained from the County road and for said 30 acre tract, this shall be sole access.

DAVID W. and BEATRICE C. EVANS do hereby release the easement for their lot (Exhibit B hereto) described as follows:

Exhibit B

Commencing 1167 feet South 467 feet East of the Northeast corner of the Northwest quarter Section 26, Township 1 North, Range 8 East, Salt Lake Base and Meridian, and running thence South 153 feet, more or less to the South Boundary of the Northwest quarter of the Northeast quarter of said Section 26; thence East 284.7 feet; thence North 153 feet, more or less, to a point due East of the point of beginning; thence West 284.7 feet to the place of beginning, and containing 1.0 acre of land, more or less.

If an emergency exists it may be necessary for the Evans to utilize the easement (described above) to said lot, Exhibit B, and the Evans, for themselves, their successors and assigns, reserve the right to utilize the part of the right of way released hereby during such emergencies, for access to their lot (Exhibit B hereto), but the ordinary and customary entrance to the lot (Exhibit B) owned by the Evans easterly from the 30 acre tract of land described above shall be from the County road contiguous to the above described tract Exhibit C.