



ENT 72341:2012 PG 1 of 13
 JEFFERY SMITH
 UTAH COUNTY RECORDER
 2012 Aug 24 4:52 pm FEE 47.00 BY EO
 RECORDED FOR NATIONAL TITLE COMPANY

AMENDMENT NO. 1 TO CROSS-EASEMENT AGREEMENT

THIS AMENDMENT NO. 1 CROSS-EASEMENT AGREEMENT (this "Amendment") is made effective the 24th day of August, 2012 (the "Effective Date") by and among the following parties (referred to herein individually as a "Party" and collectively as the "Parties"):

Burton Lumber & Hardware Co., a Utah corporation
 1170 South 4400 West
 Salt Lake City, UT 84104
 ("Burton Lumber")

Parkway Properties, Inc., a Utah corporation
 Attn: Merrill Gappmayer, President
 1156 South State Street, Suite 201
 Orem, UT 84058
 ("Parkway Properties")

Tri-Lakes Associates, L.C., a Utah limited liability company
 Attn: Merrill Gappmayer, Manager
 1156 South State Street, Suite 201
 Orem, UT 84058
 ("Tri-Lakes")

RECITALS:

A. The Parties previously executed that certain Cross-Easement Agreement (the "Agreement") with an effective date of July 18, 2012, which was recorded in the Office of the Recorder of Utah County, Utah on July 23, 2012 as Entry No. 61007:2012.

B. The Agreement recites, among other things, that Burton Lumber owns a tract of real estate located in Orem City, Utah County, State of Utah, legally described in Exhibit A attached to the Agreement and also attached hereto (the "Burton Lumber Parcel"), which Burton Lumber Parcel is proposed by Burton Lumber to be covered by a separate, one-lot subdivision plat map (the "Burton Lumber Plat") for which Burton Lumber intends to seek approval from Orem City and then to record at the Utah County Recorder's office.

C. The Agreement further recites that Parkway Properties and Tri-Lakes own a tract of real estate located in Orem City, Utah County, State of Utah, legally described in Exhibit B attached to the Agreement and also attached hereto (the "Parkway Properties/Tri-Lakes Parcel").

D. Pursuant to the Agreement the Parties entered into certain covenants and established certain reciprocal easement rights as between the Parcels.

E. The Parties desire to amend the legal description of the Burton Lumber Parcel for purposes of the Agreement, as hereinafter provided.

NOW THEREFORE, for good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged by the Parties, the Parties agree as follows:

1. Capitalized terms used, but not otherwise defined, in this Amendment have the same respective meanings given to them in the Agreement.

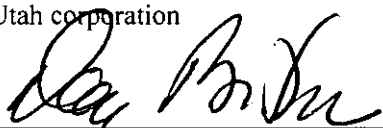
2. The legal description of the Burton Lumber Parcel, which is attached as Exhibit A to the Agreement and which is also attached as Exhibit A to this Amendment, is hereby deleted in its entirety from the Agreement and is hereby replaced with the new legal description of the Burton Lumber Parcel, which is set forth in Exhibit C attached to this Amendment and incorporated herein by this reference. All references to the Burton Lumber Parcel in the Agreement shall hereafter mean the real property described in Exhibit C attached to this Amendment.

3. Except as expressly provided herein, the Agreement shall remain in all other respects unmodified and in full force and effect.

4. This Amendment may be executed in one or more counterparts, each of which shall be an original, with the same effect as if the signatures thereto and hereto were upon the same instrument.

[Signatures are on the following pages.]

WHEREFORE, IN WITNESS WHEREOF, the Parties have executed this Amendment on the respective dates set forth below, to be effective as of the date first set forth above.

Date: 8/24/12 By: 
BURTON LUMBER & HARDWARE CO.,
a Utah corporation
Daniel S. Burton, President

Date: _____ By: _____
PARKWAY PROPERTIES, INC.,
a Utah corporation
Merrill Gappmayer, President

Date: _____ By: _____
TRI-LAKES ASSOCIATES, L.C.,
a Utah limited liability company
Merrill Gappmayer Family Revocable
Trust, July 27, 2005, Manager, by
Merrill Gappmayer, Trustee

WHEREFORE, IN WITNESS WHEREOF, the Parties have executed this Amendment on the respective dates set forth below, to be effective as of the date first set forth above.

BURTON LUMBER & HARDWARE CO.,
a Utah corporation

Date: _____

By: _____
Daniel S. Burton, President

PARKWAY PROPERTIES, INC.,
a Utah corporation

Date: 23 August 2012

By: Merrill Gappmayer
Merrill Gappmayer, President

TRI-LAKES ASSOCIATES, L.C.,
a Utah limited liability company

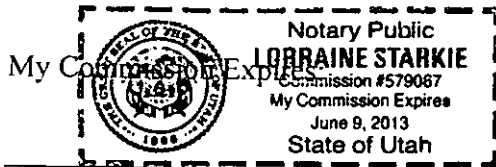
Date: 23 August 2012

By: Merrill Gappmayer
Merrill Gappmayer Family Revocable
Trust, July 27, 2005, Manager, by
Merrill Gappmayer, Trustee

STATE OF UTAH)
 : ss.
COUNTY OF Salt Lake)

The foregoing instrument was acknowledged before me this 24 day of August, 2012, by Daniel S. Burton, as President of Burton Lumber & Hardware Co., a Utah corporation.

Lorraine Starkie
NOTARY PUBLIC



Residing at:

Salt Lake City, UT

STATE OF UTAH)
 : ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of August, 2012, by Merrill Gappmayer, as President of Parkway Properties, Inc., a Utah corporation.

NOTARY PUBLIC

Residing at:

My Commission Expires:

STATE OF UTAH)
)
COUNTY OF Utah) : ss.

The foregoing instrument was acknowledged before me this ___ day of August, 2012, by Daniel S. Burton, as President of Burton Lumber & Hardware Co., a Utah corporation.

NOTARY PUBLIC

My Commission Expires:

Residing at:

STATE OF UTAH)
)
COUNTY OF Utah) : ss.

The foregoing instrument was acknowledged before me this 23 day of August, 2012, by Merrill Gappmayer, as President of Parkway Properties, Inc., a Utah corporation.

T. Shafer

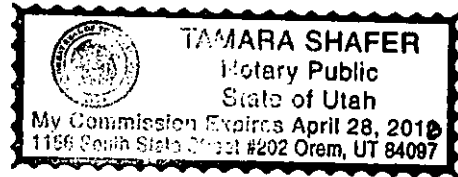
NOTARY PUBLIC

My Commission Expires:

Residing at:

4-28-2018

Orem, Utah
Utah County



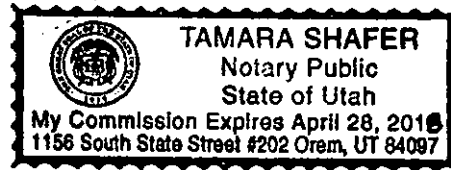
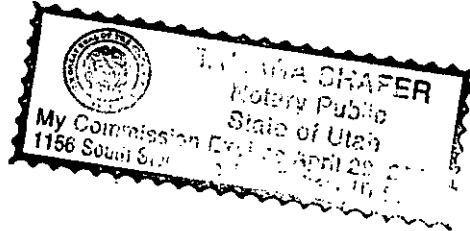
STATE OF UTAH)
)
 : ss.
COUNTY OF Utah)

The foregoing instrument was acknowledged before me this 23 day of August, 2012, by Merrill Gappmayer, as Trustee of the Merrill Gappmayer Family Revocable Trust, dated July 27, 2007, which is the Manager of Tri-Lakes Associates, L.C., a Utah limited liability company.

[Signature]
NOTARY PUBLIC

My Commission Expires:
4-28-2018

Residing at:
Orem Utah
Utah Cornst



Exhibits to Amendment No. 1 to Cross-Easement Agreement:

Exhibit A	Legal Description of the Burton Lumber Parcel Attached to the Cross-Easement Agreement
Exhibit B	Legal Description of the Parkway Properties/Tri-Lakes Parcel Attached to the Cross-Easement Agreement
Exhibit C	New and Replacement Legal Description of the Burton Lumber Parcel

EXHIBIT A

(Attached to and forming part of Amendment No. 1 to Cross-Easement Agreement)

Legal Description of Burton Lumber Parcel Attached to the Cross-Easement Agreement

Parcels 1, 2, and 3:

Beginning at a point located 769.54 feet South 89°29'33" West along the Section line and 441.13 feet North from the South Quarter Corner of Section 21, Township 6 South, Range 2 East, Salt Lake Base and Meridian, basis of bearing is North 89°24'56" East along the Section line between the South Quarter Corner and the Southeast Section Corner of said Section 21; and running thence North 76°42'11" East 5.89 feet; thence North 89°39'32" East 11.42 feet; thence North 00°04'20" West 0.16 feet; thence North 89°40'04" East 617.32 feet; thence South 00°31'17" East 0.04 feet; thence North 89°28'00" East 485.08 feet to the railroad right-of-way line; thence North 30°02'25" West 998.90 feet along said right-of-way to a point on a line of a boundary line agreement; thence South 89°23'51" West 695.08 feet along said boundary line agreement; thence South 57°58'59" East 21.89 feet; thence South 32°42'33" East 20.60 feet; thence South 00°00'00" East 9.31 feet; thence North 88°33'14" East 123.00 feet; thence South 03°03'18" East 19.43 feet; thence South 65°39'07" East 15.06 feet; thence South 41°22'00" East 17.23 feet; thence South 04°56'57" East 27.00 feet; thence South 00°35'33" East 190.21 feet; thence South 24°19'40" West 14.98 feet; thence South 45°01'08" West 16.06 feet; thence South 26°46'21" East 232.85 feet; thence North 61°53'12" East 15.26 feet; thence South 28°06'48" East 66.60 feet; thence South 61°53'12" West 15.46 feet; thence South 17°38'00" East 28.18 feet; thence South 26°07'44" West 17.95 feet; thence South 50°57'56" West 21.57 feet; thence South 31°18'36" East 18.86 feet; thence South 55°21'02" West 210.48 feet; thence North 37°05'29" West 17.82 feet; thence South 53°29'21" West 107.87 feet; thence South 50°16'53" East 66.08 feet to the point of beginning.

LESS AND EXCEPTING FROM PARCELS 1, 2, and 3 any portion lying within the bounds of the Railroad Right-of-Way.

ALSO LESS AND EXCEPTING FROM PARCELS 1, 2, AND 3 all of Lot 5, Plat "B", PARKWAY CROSSING SUBDIVISION, Orem, Utah, according to the official plat thereof on file in the office of the Utah County Recorder.

Parcel Nos.: 18-027-0126; 18-027-0145; 18-027-0147

Parcel 4:

Lot 5, Plat "B", PARKWAY CROSSING SUBDIVISION, Orem, Utah, according to the official plat thereof on file in the office of the Utah County Recorder.

Parcel Nos: 49-524-0007; 49-524-0008

Parcel 5A:

Part of Lot 2, Plat "D", PARKWAY CROSSING SUBDIVISION, described as follows:
Commencing North 1298.46 feet and West 1120.07 feet from the South Quarter Corner of Section 21, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence North 89 degrees 23'51" East 223.62 feet; thence South 66 degrees 22'22" West 24.16 feet; thence South 52 degrees 21'35" West 36.28 feet; thence South 61 degrees 48'53" West 24.44 feet; thence South 66 degrees 47'46" West 170.75 feet; thence South 26 degrees 23'13" West 41.45 feet; thence South 02 degrees 44'47" West 45.61 feet; thence South 19 degrees 30'53" East 37.62 feet; thence South 28 degrees 12'01" East 93.83 feet; thence South 29 degrees 42'16" East 129.89 feet; thence South 64 degrees 51'33" West 266.54 feet; thence North 40 degrees 10'21" West 3.23 feet; thence North 65 degrees 02'27" East 184.79 feet; thence along a curve to the left (chord bears North 09 degrees 06'32" East 42.01 feet, radius = 25.36 feet); thence North 46 degrees 49'11" West 4.21 feet; thence North 50 degrees 15'23" West 12.19 feet; thence along a curve to the right (chord bears North 40 degrees 08'03" West 17.19 feet, radius = 48.84 feet); thence North 30 degrees 00'49" West 42.06 feet; thence North 29 degrees 53'03" West 40.62 feet; thence along a curve to the right (chord bears North 15 degrees 47'14" West 12.97 feet, radius = 26.8 feet); thence North 01 degrees 41'28" West 19.37 feet; thence along a curve to the left (chord bears North 06 degrees 59'35" West 22.08 feet, radius = 122.5 feet); thence along a curve to the right (chord bears North 06 degrees 16'08" West 85.72 feet, radius = 406.02 feet); thence along a curve to the right (chord bears North 04 degrees 11'06" East 32.95 feet, radius = 223.17 feet); thence North 08 degrees 36'54" East 25.23 feet; thence along a curve to the left (chord bears North 02 degrees 31'10" East 46.56 feet, radius = 216.73 feet); thence North 03 degrees 34'23" West 14.85 feet; thence along a curve to the left (chord bears North 09 degrees 49'23" West 6.24 feet, radius = 31.89 feet); thence North 16 degrees 04'34" West 12.78 feet; thence North 19 degrees 39'24" West 12.24 feet; thence North 71 degrees 19'06" East 27.25 feet; thence North 56 degrees 42'52" East 37.47 feet to the point of beginning.

Parcel No. 49-614-0005

Parcel 5B:

Non-exclusive easement for ingress and egress as created by that certain Mutual Access Agreement dated November 20, 2002 and recorded November 22, 2002, as Entry No. 141763:2002 in the office of the Utah County Recorder.

EXCEPTING FROM THE ABOVE PARCELS 1 THROUGH 4, the following property described in that certain Partial Reconveyance recorded September 26, 2006 as Entry No. 127489:2006:

Beginning at a point which is located North 345.40 feet and West 1166.56 feet from the South Quarter Corner of Section 21, Township 6 South, Range 2 East, Salt Lake Base and Meridian, said point also being the Southwest Corner of Lot 1, PARKWAY CROSSING Plat "C", an Amendment to Lot 1, Plat "A" and Lot 4, Plat "B", on file at the office of the Utah County

Recorder; thence along the boundary of Lot 4, Plat "C", the following 8 courses and distances: (1) North 61°24'04" East 235.76 feet; (2) thence North 28°42'00" West 248.21 feet; (3) thence North 61°18'00" East 67.67 feet; (4) thence South 28°42'00" East 248.32 feet; (5) thence North 61°24'04" East 16.46 feet; (6) thence North 80°35'22" East 15.57 feet; (7) thence South 51°39'04" East 35.26 feet; (8) thence South 83°14'35" East 22.51 feet to a Southeast corner of said Plat "C"; thence along the boundary of said plat "C" the following 12 courses and distances; (1) North 53°29'32" East 107.87 feet; (2) thence South 37°05'29" East 17.82 feet; (3) thence North 55°21'02" East 210.48 feet; (4) thence North 31°18'36" West 18.86 feet; (5) thence North 50°57'56" East 21.57 feet; (6) thence North 26°07'44" East 17.95 feet; (7) thence North 17°38'00" West 28.18 feet; (8) thence North 61°53'55" East 15.46 feet; (9) thence North 28°06'48" West 58.71 feet; (10) thence North 28°06'48" West 7.89 feet; (11) thence South 61°53'12" West 15.26 feet; (12) thence North 26°46'21" West 210.20 feet to a point on an existing fence; thence along said fence the following 8 courses and distances; (1) North 89°56'07" East 196.22 feet; (2) thence North 60°40'00" East 73.15 feet; (3) thence South 29°58'13" East 39.78 feet; (4) thence South 28°47'01" East 43.47 feet; (5) thence South 55°41'24" West 92.56 feet; (6) thence South 55°39'01" West 94.53 feet; (7) thence South 56°16'06" West 16.81 feet; (8) thence South 54°28'11" West 15.16 feet; thence South 28°06'48" East 95.34 feet to a point on an existing fence; thence along said fence the following (2) courses and distances; (1) North 59°53'55" East 45.17 feet; (2) thence South 25°51'48" East 339.32 feet

to a point on the Southerly boundary of PARKWAY CROSSING Plat "B" on file at the office of the Utah County Recorder; thence along the boundary of said Plat "B" the following 7 courses and distances; (1) thence South 89°40'04" West 435.05 feet; (2) thence South 00°04'20" East 0.16 feet; (3) thence South 89°39'32" West 11.42 feet; (4) thence South 76°42'11" West 5.89 feet; (5) thence South 06°14'30" East 170.67 feet; (6) thence South 88°43'50" West 354.06 feet; (7) thence North 34°49'53" West 107.91 feet to the point of beginning.

ALSO EXCEPTING FROM THE ABOVE PARCELS 1, 2 and 3, the following parcels:

Utah Transit Authority - Parcel 18-027-0144

Commencing North 443.96 feet and East 349.42 feet from the South quarter corner of Section 21, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence South 89 degrees 28'00" West 16.49 feet; thence North 30 degrees 12'55" West 47.51 feet; thence North 33 degrees 26'43" West 463.81 feet; thence North 89 degrees 59'59" East 50.14 feet; thence South 29 degrees 52'56" East 493.53 feet to the point of beginning.

Utah Transit Authority - Parcel 18-027-0146

Commencing North 1309.06 feet and West 150.27 feet from the South quarter corner of Section 21, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence South 30 degrees 02'25" East 505.78 feet; thence South 89 degrees 59'59" West 49.1 feet; thence North 33 degrees 26'43" West 193.64 feet; thence North 30 degrees 12'55" West 318.93 feet; thence North 89 degrees 23'51" East 63.12 feet to the point of beginning.

EXHIBIT B

(Attached to and forming part of Amendment No. 1 to Cross-Easement Agreement)

Legal Description of the Parkway Properties/Tri-Lakes Parcel
Attached to the Cross-Easement Agreement

Commencing at a point located South 89°28'50" West along the Section line 388.43 feet and North 59.52 feet from the found South quarter corner of Section 21, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence along the Easterly right of way line of 1250 West Street as follows: North 00°29'20" West 131.99 feet, North 03°21'06" West 40.05 feet, North 00°29'20" West 209.98 feet; thence North 89°40'04" East 258.72 feet; thence South 00°32'00" East 0.03 feet; thence North 89°28'00" East 467.95 feet; thence South 30°12'56" East 368.57 feet; thence South 89°24'56" West 518.56 feet; thence South 00°35'04" East 60.00 feet; thence South 89°24'56" West 388.94 feet to the point of beginning.

Area = 285,599 sq.ft. or 6.56 Acres

Basis of bearing is South 89°28'50" West along the Section line from the South quarter to the Southwest corner of said Section 21.

EXHIBIT C

(Attached to and forming part of Amendment No. 1 to Cross-Easement Agreement)

New and Replacement Legal Description of the Burton Lumber Parcel

Commencing at a point located South 89°28'50" West along the Section line 317.333 feet and North 441.285 feet from the South quarter corner of Section 21, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence North 25°42'37" West 12.530 feet thence North 64°08'12" East 17.820 feet; thence North 89°40'04" East 19.490 feet; thence along the arc of a 95.00 foot radius curve to the left 41.81 feet (chord bears North 77°03'44" East 41.470 feet); thence North 28°09'48" West 434.580 feet; thence North 25°51'48" West 128.400 feet; thence South 89°56'07" West 136.088 feet; thence North 29°01'20" West 386.142 feet; thence North 89°24'25" East 617.403 feet; thence South 30°12'55" East 320.100 feet; thence South 33°26'43" East 194.000 feet; thence South 33°26'40" East 462.666 feet; thence South 30°13'01" East 47.520 feet; thence South 89°28'00" West 467.947 feet; thence North 00°32'00" West 0.028 feet; thence South 89°40'04" West 182.330 feet to the point of beginning.

Area = 496,769 sq.ft. or 11.40 Acres