

RESTRICTIVE COVENANT PRECLUDING THE RESIDENTIAL
OR OTHER NON-AGRICULTURAL USE OF THE LAND

(With Trust Deed)

TO THE PUBLIC;

ENT 148538;2006 PG 1 of 12
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2006 Nov 06 2:45 pm FEE 0.00 BY SS
RECORDED FOR UTAH COUNTY ATTORNEY

the undersigned owner of a parcel of real property located in Utah County, State of Utah, described as follows, referred to herein as the "Original Parcel," (*insert legal description of parcel, prior to any division*):

See Attached Combined ("Original") Legal Descriptions ✓

have the intent to qualify for the exemption from filing an approved subdivision plat, which exemption is provided for in Section 17-27-103 and 17-27-806(2), UCA 1953 as amended, and Section 3-53-B of the "Utah County Zoning Ordinance" of Utah County, Utah, for the division of agricultural land for agricultural purposes, to divide the Original Parcel into the following described parcels of real property, herein referred to as the "Divided Parcels," (*insert legal description of each parcel, after the division*):

See attached Legal Descriptions of Proposed Division

I hereby covenant on behalf of myself and my heirs, executors, administrators, successors, and assigns that neither I nor my heirs, executors, administrators, successors, or assigns will ever use the Divided Parcels, or any of them, for any residential or other non-agricultural purpose, and will not allow any other person or entity to use the Divided Parcels, or any of them, for any residential or other non-agricultural purpose.

I hereby further covenant on behalf of myself and my heirs, executors, administrators, successors, and assigns that neither I nor my heirs, executors, administrators, successors, or assigns will ever further divide or subdivide the Divided Parcels, without first obtaining approval for a subdivision plat, or without first obtaining approval as an agricultural division from Utah County.

I hereby further covenant and agree on behalf of myself and my heirs, executors, administrators, successors, and assigns that, pursuant to the provisions of U.C.A. Section 17-27-806(2)(c), 1953 as amended, the use of a Divided Parcel for a nonagricultural purpose shall trigger the requirement that the owners comply with the requirements of U.C.A. Section 17-27-804, 1953 as amended, (the normal subdivision process), including the provisions of the Utah County Zoning Ordinance dealing with the subdivision of property, including but not limited to Chapter 6-1 and Chapter 6-3 of the Utah County Zoning Ordinance, or the successor provisions of said statutes and ordinances.

These restrictive covenants shall run with the land and shall be binding upon all persons

owning or leasing the Divided Parcels, or any of them, and their heirs, executors, administrators, successors, and assigns. These restrictive covenants shall not apply to (1) those portions of the property contained in a properly approved and recorded subdivision plat; (2) those portions of the property placed into an incorporated city or town; (3) upon repeal of the requirements for such a covenant under Section 3-53-B of the Utah County Zoning Ordinance, or its successor statute. Further, this covenant shall hereinafter be included in any deed dealing with the above-described property, or portions thereof, in whole or by reference hereto. If included by reference only, the reference shall specifically state the full title of this restrictive covenant and shall state the entry number and year in which it was recorded with the Utah County Recorder.

Invalidation of any of these covenant provisions by judgement or court order shall not affect any of the other provisions which shall remain in full force and effect. If the owner or owners of the above-described real property, or any portion thereof, or the owner's heirs, executors, administrators, successors, or assigns shall violate or attempt to violate any of the covenants above set forth, Utah County, or any other person owning a portion of the Original Parcel, may enjoin such transfer, sale, or use by action for injunction brought in any court of equity jurisdiction or may pursue any other remedy available at law or in equity. All costs and all expenses of such proceedings shall be taxed against the offending party or parties and shall be declared by the court to constitute a lien against the real estate wrongfully deeded, sold, leased, used, or conveyed until paid. Such lien may be enforced in such a manner as the court may order.

Change or amendment of these covenants may be effected only if such is in compliance with the laws and ordinances of the State of Utah and its political subdivisions. This covenant, and any changes or amendments hereto, must first be approved in writing by the Utah County Building Official before recording with the County Recorder. Any change or amendment without such approval is hereby made null and void.

Total Remaining Edwards Farm property - North and South of Boat Harbor Road

North Parcel:

Beginning at the northwest fenced property corner of the Nellie B. Edwards Revocable Trust property in Provo, Utah, which beginning point is on the long-standing north boundary fence line of said property, and which beginning point is South 2061.90 ft. and West 395.67 ft. (based upon the Utah State Plane Coordinate System, Central Zone, bearings of Section lines - NAD 27) from the Northwest Corner of Section 4, Township 7 South, Range 2 East, Salt Lake Base and Meridian;

thence along the said long-standing north boundary fence line South 89° 53' 12" East 1087.66 ft; thence continuing along said fence line South 89° 53' 12" East 1619.99 ft; thence continuing along a long-standing boundary fence line South 12° 20' 05" East 323.95 ft; thence continuing along said fence line South 41° 51' 22" East 197.04 ft; thence continuing along said fence line South 24° 22' 25" East 122.22 ft. to the fenced north right-of-way line of the Boat Harbor Road, Provo, Utah; thence along said road right-of-way fence line North 88° 34' 57" West 147.08 ft; thence continuing along said right-of-way fence line South 88° 52' 56" West 1055.21 ft; thence continuing along said right-of-way fence line North 80° 42' 54" West 676.25 ft; thence continuing along said right-of-way fence line North 80° 49' 01" West 1146.90 ft; thence continuing along said right-of-way fence line North 82° 05' 17" West 31.06 ft. to the easterly line of the Utah State Parks lands; thence leaving said right-of-way fence line and continuing North 12° 30' 53" East 185.85 ft; thence continuing along said Utah State Parks lands North 15° 22' 25" East 125.89 ft. to the point of beginning.

Containing an area of 32.54 acres.

South Parcel:

Beginning at a point on the South fenced right-of-way line of the Boat Harbor Road, Provo, Utah, which beginning point is South 2510.36 ft. and East 178.76 ft. (based upon the Utah State Plane Coordinate System, Central Zone, bearings of Section lines (NAD 27) from the Northwest Corner of Section 4, Township 7 South, Range 2 East, Salt Lake Base and Meridian;

thence along said fenced right-of-way line South 80° 47' 10" East 1163.08 ft; thence South 3° 53' 53" West 350.23 ft., along the long-standing boundary fence line between the Edwards property and the lands of Gertrude Gale, to the northerly (fenced) line of the Utah County Provo River Parkway trail; thence along said parkway trail property by the following eight (8) courses and distances: (1) North 50° 39' 13" West 9.28 ft; (2) North 65° 09' 34" West 164.13 ft; (3) North 88° 20' 34" West 258.12 ft; (4) North 73° 41' 06" West 304.03 ft; (5) North 61° 27' 42" West 123.26 ft; (6) North 78° 29' 06" West 219.05 ft; (7) South 42° 54' 27" West 116.31 ft; (8) South 87° 45' 55" West 19.10 ft; thence leaving said trail property line and continuing North 0° 27' 55" East 351.28 ft. to the point of beginning

Containing an area of 7.941 acres

Total acreage to be included in Waiver of Subdivision: 40.481 acres.

Together with any water wells and water rights appurtenant to the above described parcels, including a one-half (½) interest in Water Right No. 55-3149, and all of Water Rights Nos. 55-3145 and 55-3148.

New descriptions to be used for the division of the Nellie B. Edwards Revocable Trust Property and the Waiver of Subdivision of the same

1) Parcel to be conveyed to Jack Edwards:

Beginning at a point on the long-standing north boundary fence line of the Nellie B. Edwards Revocable Trust property, in Provo, Utah, which beginning point is South 2067.79 ft. and East 1384.48 ft. (based upon the Utah State Plane Coordinate System, Central Zone, bearings of Section lines (NAD 27) from the Northwest Corner of Section 4, Township 7 South, Range 2 East, Salt Lake Base and Meridian;

thence along the said long-standing north boundary fence line South 89° 53' 12" East 927.50 ft; thence continuing along a long-standing boundary fence line South 12° 20' 05" East 323.95 ft; thence continuing along said fence line South 41° 51' 22" East 197.04 ft; thence continuing along said fence line South 24° 22' 25" East 122.22 ft. to the fenced north right-of-way line of the Boat Harbor Road, Provo, Utah; thence along said road right-of-way fence line North 88° 34' 57" West 147.08 ft; thence continuing along said right-of-way fence line South 88° 52' 56" West 1004.26 ft; thence leaving said right-of-way fence line and continuing North 2° 39' 32" West 592.99 ft. to the point of beginning.

Containing an area of 13.495 acres.

Together with water rights appurtenant to the above described parcel, including rights to water from a well located South 2197 ft. and East 2335 ft. from the Northwest Corner of Section 4, Township 7 South, Range 2 East, Salt Lake Base and Meridian.

Subject to a right-of-way and easement in favor of others for access to and from their lands which lie to the north of the Edwards lands, said right-of-way and easement more particularly described as follows:

Beginning at a point on the north fenced line of the above described parcel, which point is South 2068.01 ft. and East 1491.55 ft. (based upon the Utah State Plane Coordinate System, Central Zone, bearings of section lines (NAD 27) from the Northwest Corner of Section 4, Township 7 South, Range 2 East, Salt Lake Base and Meridian;

thence South 89° 53' 12" East 15.87 ft; thence South 2° 49' 24" East 570.54 ft; thence South 28° 27' 19" East 22.34 ft; thence South 88° 52' 56" West 36.21 ft; thence North 22° 35' 27" East 21.08 ft; thence North 2° 39' 32" West 571.38 to the point of beginning.

2) Parcels to be conveyed to Dana Mansfield

North Parcel

Beginning at a point on the long-standing north boundary fence line of the Nellie B. Edwards Revocable Trust property, in Provo, Utah, which beginning point is South 89° 13' 01" East 969.65 ft. along the section line and South 2065.00 ft. (based upon the Utah State Plane Coordinate System, Central Zone, bearings of Section lines (NAD 27) from the Northwest Corner of Section 4, Township 7 South, Range 2 East, Salt Lake Base and Meridian;

thence along the said long-standing north boundary fence line South 89° 53' 12" East 414.83 ft; thence South 2° 39' 32" East 592.99 ft. to the north fenced right-of-way line of the Boat Harbor Road, Provo, Utah; thence along said fenced right-of-way line South 88° 52' 56" West 50.95 ft; thence continuing along said fenced right-of-way line North 80° 42' 54" West 396.59 ft; thence leaving said fenced right-of-way line and going North 530.18 ft. to the point of beginning.

Containing an area of 5.554 acres.

South Parcel

Beginning at a point on the South fenced right-of-way line of the Boat Harbor Road, Provo, Utah, which beginning point is South 2510.36 ft. and East 178.76 ft. (based upon the Utah State Plane Coordinate System, Central Zone, bearings of Section lines (NAD 27) from the Northwest Corner of Section 4, Township 7 South, Range 2 East, Salt Lake Base and Meridian;

thence along said fenced right-of-way line South 80° 47' 10" East 1163.08 ft; thence South 3° 53' 53" West 350.23 ft., along the long-standing boundary fence line between the Edwards property and the lands of Gertrude Gale, to the northerly (fenced) line of the Utah County Provo River Parkway trail; thence along said parkway trail property by the following eight (8) courses and distances: (1) North 50° 39' 13" West 9.28 ft; (2) North 65° 09' 34" West 164.13 ft; (3) North 88° 20' 34" West 258.12 ft; (4) North 73° 41' 06" West 304.03 ft; (5) North 61° 27' 42" West 123.26 ft; (6) North 78° 29' 06" West 219.05 ft; (7) South 42° 54' 27" West 116.31 ft; (8) South 87° 45' 55" West 19.10 ft; thence leaving said trail property line and continuing North 0° 27' 55" East 351.28 ft. to the point of beginning.

Containing an area of 7.941 acres

Total area to be conveyed to Dana Mansfield: 13.495 acres.

Together with water rights appurtenant to the above described parcel, including rights to water from a well located South 3066 ft. and East 1274 ft. from the Northwest Corner of Section 4, Township 7 South, Range 2 East, Salt Lake Base and Meridian.

Parcel to be conveyed to Ryan Edwards, Clinton Edwards and Kip Edwards

Beginning at a point on the long-standing north boundary fence line of the Nellie B. Edwards Revocable Trust property, in Provo, Utah, which beginning point is South 89° 13' 01" East 969.65 ft. along the section line and South 2065.00 ft. (based upon the Utah State Plane Coordinate System, Central Zone, bearings of Section lines (NAD 27) from the Northwest Corner of Section 4, Township 7 South, Range 2 East, Salt Lake Base and Meridian;

thence South 530.18 ft. to the north fenced right-of-way line of the Boat Harbor Road, Provo, Utah; thence along said fenced right-of-way line North 80° 42' 54" West 279.66 ft; thence continuing along said fenced right-of-way line North 80° 49' 01" West 1146.90 ft; thence continuing along said fenced right-of-way line North 82° 05' 17" West 31.06 ft. to the east fenced line of the Utah State Parks lands; thence along said fenced line North 12° 30' 53" East 185.85 ft; thence continuing along said line North 15° 22' 25" East 125.89 ft. to the northwest fenced corner of the Edwards land; thence along the long-standing north boundary fence line of said property South 89° 45' 43" East 1087.66 ft; thence continuing along said boundary fence line South 89° 53' 12" East 277.66 ft. to the point of beginning.

Containing an area of 13.495 acres.

Subject to an easement for an underground natural gas pipeline, which pipeline crosses the above described parcel of land.

Together with water rights appurtenant to the above described parcel, including rights to water from a well located South 3017 ft. and East 193 ft. from the Northwest Corner of Section 4, Township 7 South, Range 2 East, Salt Lake Base and Meridian.

Witness the hands of said grantors, this 18 day of OCT , 2006

Jackie Lynn Edwards
JACKIE LYNN EDWARDS, Individually

Jackie L. Edwards
JACKIE L. EDWARDS, Trustee

R Diane Edwards
R. DIANE EDWARDS, Individually

R Diane Edwards
R. DIANE EDWARDS, Trustee

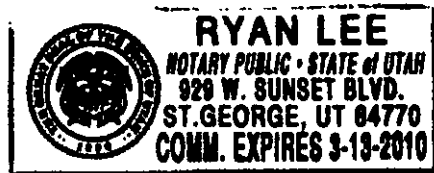
STATE OF UTAH)
) ss
COUNTY OF WASHINGTON)

On the 18 day of OCTOBER , 2006, personally appeared before me, a Notary Public in and for the State of Utah, Jackie Lynn Edwards, Individually and R. Diane Edwards, Individually and Jackie L. Edwards and R. Diane Edwards, Co-Trustees of the Jackie L. Edwards and R. Diane Edwards Revocable Living Trust the signers of the foregoing instrument, who duly acknowledged to me that they executed the same.

Ryan Lee
Notary Public

Residing at: 929 SUNSET BLVD

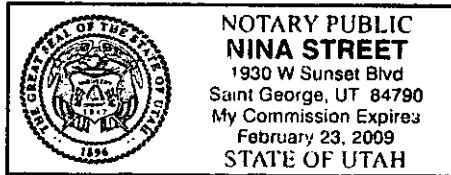
Commission Expires: MARCH 13, 2010



Witness the hand of said grantor, this _____ day of _____, 2006

Dana Mansfield
DANA MANSFIELD, Trustee

STATE OF UTAH)
) ss
COUNTY OF WASHINGTON)



On the _____ day of _____, 2006, personally appeared before me, a Notary Public in and for the State of Utah, DANA MANSFIELD, Trustee of the MATHEW MANSFIELD and DANA MANSFIELD Revocable Living Trust dated Jan. 22, 2006 the signer of the foregoing instrument, who duly acknowledged to me that she executed the same.

Nina Street

Notary Public

Residing at: St. George

Commission Expires: 2.23.09

