

WHEN RECORDED MAIL TO:  
JRT-PAXTON NINETY THIRTEEN  
c/o Johansen Thackeray  
2157 South Highland Drive - Suite #200  
Salt Lake City, Utah 84106

6380355  
06/11/96 2:42 PM 34.00  
NANCY WORKMAN  
RECORDER, SALT LAKE COUNTY, UTAH  
FIRST AMERICAN TITLE  
REC BY: J MORGAN ,DEPUTY - WI

## AGREEMENT

THIS AGREEMENT IS MADE by and between JTR Ninety-Thirteen, L.C., hereinafter called "JTR," Jordan West Trust, hereinafter called "Trust," and Wallace M. Green and Opal Green ("Greens"), husband and wife, as joint tenants.

### RECITALS

1. On or about the 30th day of June, 1995, Trust sold to JTR, and conveyed by Warranty Deed, certain property ("Trust Property") located at approximately 9100 South 1300 West. A copy of the Warranty Deed and the Legal Description are attached hereto as Exhibit "A."
2. As part of the purchase of the property, JTR executed on behalf of Trust an All-Inclusive Trust Deed on the 30th day of June, 1995, which included a Deed of Trust dated September 18, 1986, in the recorded amount of \$136,604.47, with Wallace M. Green and Opal Green as beneficiaries.
3. JTR also owns the property that is adjacent to the Trust property and JTR desires to lease the property to McDonald's Corporation for a hamburger fast-food restaurant.
4. The McDonald's Lease requires that JTR provide an easement through the Trust property to connect 1300 West Street with the McDonald's property. The proposed McDonald's layout and easements are outlined herein on Exhibit "B." Trust and Green agree to reconvey all of their rights and interest in the easement property to accommodate the McDonald's Lease in part because it is believed by JTR, Trust and Green that the McDonald's Lease will enhance the balance of the Trust property and, therefore, enhance the security of the Green Trust Deed. In addition, Trust and Green agree to reconvey the property for the considerations outlined herein.
5. In addition to the McDonald's piece, JTR has also purchased the property outlined on Exhibit "C" as the Pollock parcel. The Pollock parcel is subject to a Trust Deed of approximately \$145,000.00.

### AGREEMENT

As consideration for the conveyance of the Trust property, JTR agrees as follows:

1. Trust and Green hereby execute the Reconveyances attached hereto as Exhibit "C" and deliver said Reconveyances to First American Title Company. First American Title Company will hold the Reconveyances until the McDonalds Lease is executed.
2. JTR shall cause to be recorded as part of the McDonalds Lease, a non-exclusive easement over the trust property and the McDonalds property that will be perpetual and for the purpose of vehicular and pedestrian ingress and egress over and upon the driveways, entrances and exits. Said easement will provide a benefit to the Trust Property.

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3. JTR is endeavoring to sell or lease to a restaurant or other retail use the Pollock property as well as a portion of the Trust property.
4. JTR is endeavoring to refinance the McDonald's property according to terms and conditions acceptable to JTR. It is understood that the McDonald's parcel is also being developed in conjunction with Gail and Carolyn Paxton ("Paxtons"), who own a portion of the property. JTR reasonably believes that in the event the McDonald's parcel can be refinanced according to terms and conditions acceptable to JTR and Paxtons, that Paxtons and JTR will refinance the property. JTR agrees as partial consideration that when and if JTR is able to refinance the McDonald's parcel and when and if JTR is able to lease or sell the Pollock/Trust property, that JTR will pay the net proceeds received by JTR or affiliates of JTR to Trust and Green to pay off or substantially reduce the Trust Deed amounts. The parties agree that as of February 6, 1996, the Trust amount is estimated at \$157,345.09.

This Agreement is entered into this 1<sup>st</sup> day of May, 1996, and does not alter any of the other terms or conditions of the All-Inclusive Trust Deed Note entered into between the parties on June 30, 1995.

JORDAN WEST TRUST

By: Marsha Acheson  
Marsha Acheson, Trustee  
ACHESON

JTR NINEY-THIRTEEN, L.C.

By: [Signature]  
John R. Thackeray, Member

GREEN

Wallace M. Green  
Wallace M. Green

[Signature]  
Opal Green

STATE OF UTAH }  
COUNTY OF SALT LAKE } ss.

On this 3rd day of May, 1996 before me, the undersigned, a Notary Public in and for said State personally appeared WALLACE M. GREEN personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they they executed the same.

*Cathy Prestwich*  
\_\_\_\_\_  
Notary Public



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STATE OF UTAH )  
 ) SS.  
COUNTY OF SALT LAKE )

On this 3rd day of May, 1996 personally appeared before me Marsha Acheson, Trustee of the Jordan West Trust dated the 12th day of June, 1995, the signer of the within instrument, who duly acknowledged to me that they executed the same pursuant to and in accordance with the powers vested in them by the terms of said Trust Agreement.

*Cathy Preston*  
\_\_\_\_\_  
NOTARY PUBLIC

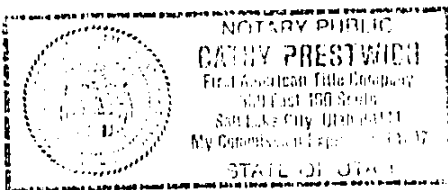


Exhibit "A"  
DESCRIPTIONPARCEL NO. 1:

BEGINNING at a point South  $0^{\circ}10'25''$  West 354.75 feet from the West Quarter corner of Section 2, Township 3 South, Range 1 West, Salt Lake Meridian; and running thence South  $0^{\circ}01'25''$  West 33.33 feet; thence North  $89^{\circ}55'10''$  East 263.3 feet; thence South  $0^{\circ}01'25''$  West 15.84 feet; thence North  $89^{\circ}55'10''$  East 465.25 feet; thence North  $0^{\circ}01'25''$  East 139.92 feet; thence South  $89^{\circ}55'10''$  West 465.25 feet; thence South  $0^{\circ}01'25''$  West 90.75 feet; thence North  $89^{\circ}55'10''$  West 264 feet to the point of BEGINNING.

SUBJECT to a Right-of-Way for ingress and egress, vehicular and pedestrian travel, and pipe lines, described as follows:

BEGINNING at a point 349.70 feet South and 32.36 feet East of the West Quarter corner of Section 2, Township 3 South, Range 1 West, Salt Lake Base and Meridian; said point also being on the East line of 1300 West Street and Grantors' West property line; thence North  $89^{\circ}55'10''$  East 38.56 feet; thence South  $0^{\circ}4'50''$  East 5.00 feet; thence North  $89^{\circ}55'10''$  East 10.0 feet; thence South  $0^{\circ}4'50''$  East 5.0 feet; thence South  $89^{\circ}55'10''$  West 48.56 feet; thence North  $0^{\circ}01'25''$  East 10.0 feet to the point of BEGINNING.

PARCEL NO. 2:

BEGINNING at a point 16 rods South from the West Quarter corner of Section 2, Township 3 South, Range 1 West, Salt Lake Meridian; and running thence South 90.75 feet; thence East 71.41 feet; thence North 10 feet; thence East 10 feet; thence South 10 feet; thence East 161.59 feet; thence North 90.75 feet; thence West 16 rods to the point of BEGINNING.

SUBJECT to a Right-of-Way for ingress and egress, vehicular and pedestrian travel, and pipe lines, described as follows:

ORDER NO. 300849

Exhibit "A" continued

BEGINNING at a point 349.70 feet South and 32.86 feet East of t' a West Quarter corner of Section 2, Township 3 South, Range 1 West, Salt Lake Base and Meridian; said point also being on the East line of 1300 West Street and Grantors' West property line, thence North  $89^{\circ}55'10''$  East 38.56 feet, thence South  $0^{\circ}4'50''$  East 5.00 feet; thence North  $89^{\circ}55'10''$  East 10.0 feet; thence South  $0^{\circ}4'50''$  East 5.0 feet; thence South  $89^{\circ}55'10''$  West 48.56 feet; thence North  $0^{\circ}01'25''$  East 10.0 feet to the point of BEGINNING.

The above described property also known by the street address o 9047 South 1300 West, West Jordan, Utah 84088.

\* \* \*

-PGR COPY-  
CO. RECORDER

BK 7420 PG 0429

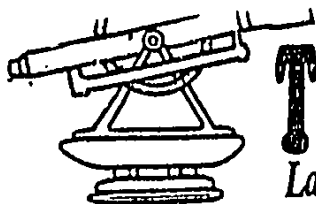


EXHIBIT "B"

# The DeMass Group

Land Surveyors • Planners • Consultants

## Property Description

Beginning at a point which is  $S82^{\circ}46'07''E$ , 251.96 feet from the West Quarter Corner of Section 2, Township 3 South, Range 1 West, Salt Lake Base and Meridian; and running thence:

$S00^{\circ}05'00''W$ , 248.85 feet; thence  
East, 165.00 feet; thence  
 $N00^{\circ}05'00''E$ , 249.16 feet; thence  
 $S89^{\circ}53'36''W$ , 165.00 feet to the point of beginning.

Contains 41,086 sq.ft. 0.94 acres

Together with a 24.00 Right-of-Way for ingress and egress described as follows:  
Beginning at a point which is  $S07^{\circ}23'48''E$ , 282.92 feet from the West Quarter Corner of Section 2, Township 3 South, Range 1 West, Salt Lake Base and Meridian; said point being on the East Right-of-Way line of 1300 West Street; and running thence

$S00^{\circ}03'39''W$ , 24.00 feet along said line; thence  
East, 267.73 feet; thence  
North 24.00 feet; thence  
West, 267.70 feet to the point of beginning.





**EXHIBIT "C"**

COMMENCING South 0 deg. 05' West 176.88 feet from the West quarter corner Section 2, Township 3 South, Range 1 West, Salt Lake Meridian, thence South 0 deg. 5' West 87.12 feet; thence South 89 deg. 55' East 250 feet; thence North 0 deg. 05' East 87.12 feet North; thence North 89 deg 55' West 250 feet to the point of COMMENCEMENT.

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