

When recorded please return to:  
Mindy W. Lacy  
Prince, Yeates & Geldzahler  
Third Floor Mony Plaza  
424 East Fifth South  
Salt Lake City, Utah 84111

SECURITY TITLE COMPANY  
Order No. \_\_\_\_\_ Fee Paid 9.50  
CAROL DEAN PAGE Recorder Davis County  
Date FEB 8 1980 at 1:02 P.M. Book 812 Page 265  
By Thais Van Sweden Secretary  
WAIVER

557178

1/2-17-471-120

This WAIVER is made this 7th day of February,  
1980, by HOMCO INVESTMENT COMPANY, a Utah general partnership,  
hereinafter referred to as "HOMCO".

RECITALS

A. HOMCO owns in fee simple certain land in Davis  
County, Utah, known as Layton Hills Mall as more particularly  
described on Exhibit "A" attached hereto and incorporated herein  
by reference.

B. HOMCO desires to waive certain rights granted to  
Owners in that certain DECLARATION OF COVENANTS, CONDITIONS AND  
RESTRICTIONS, LAYTON HILLS MALL, DAVIS COUNTY, UTAH, hereinafter  
referred to as the "Declaration", recorded as Entry No. 520506  
in Book 749 at Page 347 of the records of the Davis County Recorder  
on January 17, 1979, as amended by that certain FIRST AMENDMENT TO  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, LAYTON HILLS  
MALL, DAVIS COUNTY, UTAH, recorded as Entry No. 553586 in Book 806  
at Page 481 of the records of the Davis County Recorder on December  
20, 1979.

C. HOMCO is the sole Owner of all of the property (includ-  
ing each of the "parcels") described in and covered by said Declara-  
tion and as such is the sole entity entitled to enforce the Declara-  
tion, with respect to the matters hereinafter referred to.

NOW THEREFORE, for itself and its grantees, successors  
and assigns, HOMCO hereby waives its rights as hereinafter set forth:

HOMCO hereby acknowledges the existence of, approves of  
and waives all rights it might otherwise have to object to and/or  
to force the removal or alteration of a 5.45 foot wide encroachment

Placed  On Margin  Compared   
Reviewed  Indexed  Entered



CONSENT TO WAIVER

The undersigned is made a consenting party to the foregoing Waiver pursuant to paragraph 5, subparagraph J of the Declaration of Covenants, Conditions and Restrictions, Layton Hills Mall, Davis County, Utah, as recorded in the Official Records of the Davis County Recorder.

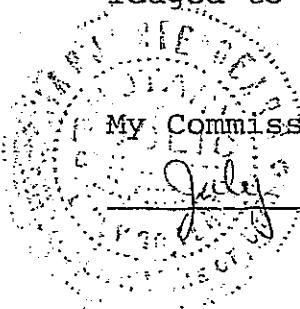
APPROVED AND CONSENTED TO BY:

ZIONS COOPERATIVE MERCANTILE INSTITUTION, a Corporation, as Tenant pursuant to a Shopping Center Lease:

By Oakley S. Evans  
OAKLEY S. EVANS, PRESIDENT

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

On the 7<sup>th</sup> day of February, 1980, personally appeared before me OAKLEY S. EVANS, who by me duly sworn did say that he is the President of ZIONS COOPERATIVE MERCANTILE INSTITUTION, a Corporation, and that the foregoing instrument was signed on behalf of said corporation by authority of its By-laws or by a resolution of its Board of Directors, and OAKLEY S. EVANS acknowledged to me that said corporation executed the same.



My Commission Expires:

July 30, 1981

Marjorie Beard  
Notary Public  
Residing in Salt Lake County

CONSENT TO WAIVER

The undersigned is made a consenting party to the foregoing Waiver pursuant to paragraph 5, subparagraph J of the Declaration of Covenants, Conditions and Restrictions, Layton Hills Mall, Davis County, Utah, as recorded in the Official Records of the Davis County Recorder.

APPROVED AND CONSENTED TO BY:

THE RICHER DEPARTMENT STORE COMPANY, d/b/a AUERBACH'S, a Corporation, as Tenant pursuant to a Shopping Center Lease:

By Alvin Richer 2/6/80  
ALVIN RICHER, PRESIDENT

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

On the 6th day of February, 1980, personally appeared before me ALVIN RICHER, who by me duly sworn did say that he is the President of THE RICHER DEPARTMENT STORE COMPANY, d/b/a AUERBACH'S, a Corporation, and that the foregoing instrument was signed on behalf of said corporation by authority of its By-laws or by a resolution of its Board of Directors, and ALVIN RICHER acknowledged to me that said corporation executed the same.

My Commission Expires:  
Oct 13, 1981

Arnold Richer  
Notary Public  
Residing at Salt Lake County, Utah

## ENTIRE PARCEL DESCRIPTION

## LAYTON HILLS MALL

8 1/2 - 17  
 Beginning at a point that is South 89° 54' 50" West 1371.679 feet and North 0° 08' 08" East 501.129 feet from the Southeast Corner of Section 17, Township 4 North, Range 1 West, Salt Lake Base and Meridian; said point being on the West right-of-way line of the Hillfield Road ( 400 West); thence North 0° 08' 08" East 1647.867 feet along said West right-of-way line; thence South 89° 54' 50" West 2394.474 feet to the Interstate 15 right-of-way fence; thence South 34° 57' 09" East 1195.886 feet; thence South 38° 47' 31" East 552.882 feet to a point of a 1085.92 foot radius curve to the left (bearing to center of curve bears North 53° 24' 29" East); thence South-easterly along the arc of said curve 264.387 feet; thence South 50° 17' 28" East 600.130 feet; thence South 34° 49' 00" East 201.836 feet; thence North 56° 17' 59" East 470.449 feet to a Department of Transportation right-of-way marker which represents a point of a 420.00 foot radius curve to the left (bearing to center of curve bears North 33° 42' 01" West); thence Northeasterly 252.481 feet along the arc of said curve; thence North 88° 43' 02" East 36.619 feet to a point of a 453.901 foot radius curve to the left (bearing to the center of curve bears North 69° 57' 36" West); thence Northeasterly 54.532 feet along the arc of said curve to the point of beginning.

EXHIBIT "A"

EXHIBIT B TO WAIVER

Description of Ernst Dock Area  
Encroaching on Easement

86-17  
Beginning at a point that is South 54° 08' 57" East 859.689 feet from the Center of Section 17, Township 4 North, Range 1 West, Salt Lake Base and Meridian; thence South 0° 09' 14" East 5.45 feet; thence South 89° 54' 50" West 96.33 feet; thence North 0° 09' 14" West 5.34 feet; thence North 89° 50' 46" East 96.33 feet to the point of beginning.