

DECLARATION OF EASEMENT

7226561
This Declaration of Easement (this "Declaration"), dated this 30th day of October, 1998, is from Ronald C. Gunnell ("Grantor") to Kristen L. Keller and Kenneth G. Keller, and their successors, as trustees of The Kristen L. Keller and Kenneth G. Keller Revocable Family Trust ("Grantee"), of 2363 E. Oakcrest Lane, Salt Lake City, Utah 84121.

Recitals

A. Grantee owns certain real property located in Salt Lake County, State of Utah, the legal description of which is set forth on Exhibit A hereto, that is referred to in this Declaration as the "Keller Tract."

B. Grantor owns certain real property located in Salt Lake County, State of Utah, the legal description of which is set forth on Exhibit B, attached hereto, that is referred to in this Declaration as the "Gunnell Tract."

C. Grantor and Grantee have reached an agreement regarding an easement across the Gunnell Tract that will benefit the Keller Tract.

Easements and Covenants

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which are acknowledged, Grantor and Grantee agree as follows:

1. Grant of Easement Across the Gunnell Tract. Grantor hereby grants and conveys to Grantee a non-exclusive easement, for roadway purposes, to benefit the Keller Tract for the exclusive purposes of ingress and egress to a single family dwelling on the Keller Tract (the "Easement").

2. Maintenance of Easement. Grantor and Grantee covenant that they will each bear one-half the cost of maintaining the Easement so that it can be used for a roadway. Maintenance cost shall include, without restriction, the reasonable and necessary costs for snow removal, repair work and materials that are required to maintain the Easement as a paved roadway.

3. Amendment or Termination; Duration of Declaration. This Declaration may be amended or terminated only by an instrument filed for record in the office of the County Recorder of Salt Lake County, State of Utah, that is executed by the owners of both the Gunnell Tract and the Keller Tract. The term of this Declaration is perpetual. It shall be and remain in force and effect until terminated pursuant to this paragraph.

4. Covenants to Run with Land. The Easement, and each covenant set forth in this Declaration shall:


- (a) Create an equitable servitude on the Gunnell Tract in favor of the Keller Tract;
- (b) Constitute a covenant running with the land;
- (c) Benefit and bind every person having any fee, leasehold, mortgage or trust deed interest, or any other interest in any portion of the parcel concerned; and
- (d) Benefit and bind any owner of an affected parcel whose title is acquired by judicial foreclosure, trustee's sale, deed in lieu of foreclosure or other means.

5. Merger. This Declaration sets forth the entire understanding of the parties with respect to the subject matter hereof.

6. Attorney's Fees and Costs. If a party to this Declaration brings suit to enforce or interpret this Declaration, or for damages by reason of the breach of any provision hereof, the prevailing party shall be entitled to recover from the other party its reasonable attorney's fees and costs incurred in any such action or in any appeal from such action, in addition to the other relief to which the prevailing party is entitled.

10. Governing Law. The terms and provisions of this Declaration shall be governed by and construed in accordance with the laws of the state of Utah.

DATED this 16 day of ^{November 198}~~October~~, 1998.


Ronald C. Gunnell, Grantor

22-15-426-013

EXHIBIT A

(Attached to and forming a part of Declaration of Easement
dated the 30th day of October, 1998)

A parcel of real property located in Salt Lake County, State of Utah, more particularly described as follows:

Beginning at a point South 0°17'02" West along the Section line 98.83 feet, and North 89°47'20" West 220.257 Feet, and South 0°03'20" East 431.969 feet, and South 89°56'40" West along the South line of Cottonwood Acres Number 2 Subdivision as recorded with the Salt Lake County Recorders Office a distance of 597.696 feet from the East Quarter Corner of Section 15, Township 2 South, Range 1 East, Salt Lake Base and Meridian: Thence South 19°26'46" West 133.000 feet; Thence South 37°01' West 218.840 feet; Thence South 89°56'40" West 68.684' feet to the East line of said Cottonwood Acres number 2 Subdivision; Thence North 0°03'20" West along said East line 299.978 feet to the South line of said Cottonwood Acres Number 2 Subdivision; Thence North 89°56'40" East along said South line 245.002 feet to the point of beginning. Contains 51,443 square feet Or 1.1810 acres.

EXHIBIT B

(Attached to and forming a part of Declaration of Easement dated the 30th day of October, 1998)

A parcel of real property located in Salt Lake County, State of Utah, more particularly described as follows:

Beginning at a point South 0°32'47" West along the Section line 98.83 Feet, and North 89°47'20" West 220.257 feet and South 0°18'09" East 431.969 feet and South 89°56'40" West 597.696 feet and South 19°26'46" West 133.000 feet and South 37°01' West 218.840 feet and South 89°56'40" West 34.200 feet; from the East Quarter Corner of Section 15, Township 2 South, Range 1 East, Salt Lake Base and Meridian: Thence South 0°38'40" West 421.841 feet; Thence South 14°28'38" West 115.882 feet; Thence South 0°24'29" East along a fence line 252.326 feet; Thence South 1°01'09" East along a fence line 155.370 feet; Thence South 0°09'27" West along a fence line 290.990 feet; Thence South 0°52' West along a fence line 216.477 feet; Thence South 1°51'35" West along a fence line 157.710 feet; Thence South 0°43'04" West along a fence line 189.498 feet to the North line of 6200 South Street; Thence North 89°56' West along said North line 20.001 feet; Thence North 0°43'04" East along a fence line 189.925 feet; Thence North 1°51'35" East along a fence line 100.667 feet; Thence North 1°04'30" East along a fence line 270.267 feet; Thence North 1°00'22" East along a fence line 3.000 feet; Thence North 0°09'27" East along a fence line 267.220 feet; Thence North 0°09'27" East along a fence line 23.590 feet; Thence North 1°01'09" West along a fence line 155.270 feet; Thence North 1°13'14" West along a fence line 79.928 feet; Thence North 0°43'20" West along a fence line 167.252 feet; Thence North 14°28'38" East 124.039 feet; Thence North 0°38'40" East 419.171 feet; Thence North 89°56'40" East 20.002 feet to the point of beginning. Contains 36.426 square feet Or 0.8362 acres.

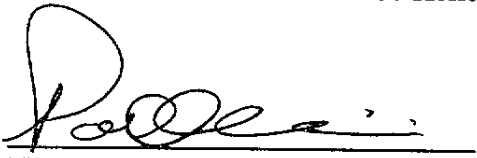
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STATE OF UTAH)
 :ss
COUNTY OF SALT LAKE)

Ronald C. Ginnell

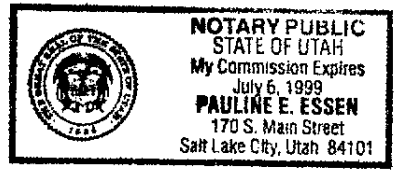
On the 16th day of ^{November}~~October~~, 1998, personally appeared before me ~~Kristen L. Keller~~ and ~~Kenneth G. Keller~~, the signers of the above instrument, who duly acknowledged to me that they executed the same, as ~~trustees of The Kristen L. Keller and Kenneth G. Keller Revocable Family Trust.~~

(SEAL)


Notary Public

My Commission Expires:
7/6/99

Residing at:
Salt Lake County



7226561
01/20/99 08:37 AM 19.00
NANCY WORKMAN
RECORDER, SALT LAKE COUNTY, UTAH
KEN KELLER
2533 E 6200 S
SLC UT 84121
REC BY: V VEGA ,DEPUTY - WI