

3672206

RESTRICTIVE COVENANT

STATE OF UTAH §
COUNTY OF SALT LAKE §

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MAY 5 9 53 AM '82

KARL J. JOHNSON
REGISTERED
SALT LAKE COUNTY
UTAH

KNOW ALL MEN BY THESE PRESENTS THAT:

WHEREAS, The Southland Corporation, a Texas corporation, with its principal offices located at 2828 North Haskell, Dallas, Texas 75204 (herein "Southland") and Willis G. Rupp and Evelyn M. Rupp, his wife, of 1904 West 4700 South, Salt Lake City, Utah 84118 (herein "Seller") have entered into an agreement whereby Seller has sold to Southland that certain parcel, lot, or tract of land located in the City of Salt Lake, County of Salt Lake, State of Utah (herein "Parcel A"), which Parcel A is more particularly described in Exhibit "A" attached hereto and by this reference incorporated herein for all purposes; and

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WHEREAS, as a material inducement to Southland to purchase Parcel A, Seller has agreed to restrict the use of certain of its real property located in the City of Salt Lake, County of Salt Lake, State of Utah (herein "Parcel B"), which Parcel B is adjacent to Parcel A and more particularly described in Exhibit "B" attached hereto and by this reference incorporated herein for all purposes;

NOW THEREFORE, for and in consideration of these presents and Ten Dollars (\$10.00) cash in hand paid to Seller, the receipt and sufficiency of which is hereby confessed and acknowledged, Seller, for their heirs, executors, successors, assigns, lessees and sublessees, does hereby establish and declare the following restriction over Parcel B for the use and benefit of Parcel A, such restriction to be a covenant running with the land:

Neither Seller nor their successors, assigns or legal representatives, lessees or sublessees shall conduct or permit the conduct on the premises, and the property shall never be used for, a grocery store or for the retail sale of any food or food products, dairy products or alcoholic beverages (including beer and wine) either for consumption on or off the premises or for the sale of motor fuels and petroleum products, excepting use as a fast food restaurant.

EXECUTED this 4th day of May, 1982.

BY: Willis G. Rupp
Willis G. Rupp

BY: Evelyn M. Rupp
Evelyn M. Rupp

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BEFORE ME, the undersigned authority, on this day personally appeared WILLIS G. RUPP and EVELYN M. RUPP, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 4th day of May, 1982.



M. Paul Jean Wright
Notary Public

My Commission Expires: 6-6-85

My Residence Is: Sandy, Utah

EXHIBIT A

PARCEL A

DESCRIPTION: Beginning at a point 168.50 ft. West and 53 ft. North from the South 1/4 corner of Section 3, Township 2 South, Range 1 West, Salt Lake Base and Meridian; thence North 137.08 ft.; thence East 115.50 ft.; thence South 127.08 ft.; thence South 45° 00" West 14.14 ft.; thence West 105.51 ft. to the point of beginning.

EXHIBIT B

PARCEL B

DESCRIPTION: Beginning at a point 340.065 ft. West and North 53.0 ft. from the South 1/4 corner of Section 3, Township 2 South, Range 1 West, Salt Lake Base and Meridian; thence North 137.08 ft.; thence East 171.86 ft.; thence South 137.08 ft.; thence West 171.56 ft.; to the point of beginning.