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12/02/2009 03:21 PM \$25.00
Book - 9785 Pg - 1059-1063
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
LANDMARK TITLE
BY: ZJM, DEPUTY - WI 5 P.

When recorded, return to:

Stephen K. Christensen
Nelson Christensen & Helsten
68 South Main Street, 6th Floor
Salt Lake City, Utah 84101

**AFFIDAVIT REGARDING FIRST AMENDMENT TO
EASEMENTS WITH COVENANTS AND RESTRICTIONS AFFECTING LAND**

The undersigned affiant first being duly sworn, deposes and states as follows:

1. Affiant is a party to that certain Easements with Covenants and Restrictions Affecting Land between Wal-Mart Real Estate Business Trust, Lowe's HIW, Inc., Boyer Pebblebrook, L.C., and Boyer Quarry Bend, L.C., recorded on December 7, 2005 as Entry No. 9575196 in the office of the Salt Lake County Recorder (the "ECR").
2. Subsequent to recording the ECR, the lot lines of Lots 3, 8 and 10, Quarry Bend Subdivision, were adjusted.
3. The ECR was amended by that certain First Amendment to Easements with Covenants and Restrictions Affecting Land, recorded on December 2, 2009 as Entry No. 10850686 in the office of the Salt Lake County Recorder (the "Amendment") a copy of which is attached hereto as Exhibit "B".
4. The parties entered into the Amendment for the purpose of amending the exhibits which governed Lots 1, 2, 3 (as adjusted), 4, 5, 8 (as adjusted) and 10 (as adjusted), of the Quarry Bend Subdivision, and the City Alternate Use Area.
5. The legal descriptions for the parcels affected by the Amendment are set forth on Exhibit "A" attached hereto.

Dated this 1st day of DECEMBER, 2009.

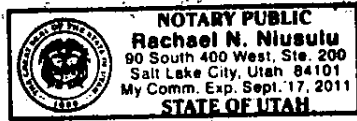
BOYER QUARRY BEND, L.C.
a Utah limited liability company

By: The Boyer Company, L.C.
Its: Manager

By: [Signature]
Its: Manager

STATE OF UTAH
COUNTY OF SALT LAKE

On the 1st day of December, 2009 personally appeared before me Damon Glenn who duly acknowledged to me that he executed the foregoing Affidavit as manager of THE BOYER COMPANY, L.C., the Manager of BOYER QUARRY BEND, L.C.



Rachael N. Niusulu
Notary Public

EXHIBIT "A"
Legal Descriptions for Parcels Affected by the Amendment

Lots 1, 2, 4 and 5 of Quarry Bend Subdivision, Recorded as Entry No. 9575193 in Book 2005P at Page 392 of Official Records in the State of Utah, County of Salt Lake, City of Sandy.

together with:

Legal for New Lot 3

Revised September 29, 2009

All that land being part of Quarry Bend Subdivision, Recorded as Entry No. 9575193 in Book 2005P at Page 392, Official Records; in the State of Utah, County of Salt Lake, City of Sandy, being part of Section 5, Township 3 South, Range 1 East, Salt Lake Base and Meridian; being more particularly described as follows:

Beginning at a point on the South Line of said Subdivision located 820.81 feet South 89°06'33" East along the Section Line and 91.73 feet North from the South Quarter Corner of said Section 5; and running thence North 0°00'03" West 91.04 feet to a point of curvature; thence Northwesterly along the arc of a 225.00 foot radius curve to the left a distance of 213.61 feet (Central Angle equals 54°23'46"); and Long Chord bears North 27°11'56" West 205.68 feet) to a point of reverse curvature; thence Northwesterly along the arc of a 1500.00 foot radius curve to the right a distance of 116.54 feet (Central Angle equals 4°27'05"; and Long Chord bears North 52°10'17" West 116.51 feet); thence North 39°17'17" East 30.25 feet to the Westerly Line of Lot 3 of said Subdivision; thence along said Westerly Lines of said Lot 3 the following two courses: North 50°59'35" West 22.80 feet to the most Westerly Corner thereof; and North 39°00'26" East 50.22 feet; thence South 89°45'08" East 495.31 feet along the Southerly Line of Lot 1 of said Quarry Bend Subdivision; thence North 0°17'59" East 35.95 feet; thence South 89°42'01" East 119.62 feet; thence South 1°32'10" West 156.25 feet; thence South 7°27'07" West 151.14 feet; thence South 9°17'57" West 90.28 feet; thence South 15°55'37" West 47.56 feet; thence South 21°06'01" West 31.55 feet to the South Line of said Subdivision; thence along said South Line the following three courses: North 89°06'33" West 166.01 feet; North 86°49'06" West 200.22 feet to a point of curvature; and Northwesterly along the arc of a 788.05 foot radius curve to the right a distance of 33.45 feet (Center bears North 0°53'28" East; Central Angle equals 2°25'55"; and Long Chord bears North 87°53'34" West 33.45 feet) to the point of beginning.

Contains 222,730 sq. ft. or 5.113 acres

together with:

Legal for New Lot 8

September 17, 2009

A part of the Southeast Quarter of Section 5, Township 3 South, Range 1 East, Salt Lake Base and Meridian, U.S. Survey in Salt Lake County, Utah:

Beginning at a point on the Northerly Line of 9400 South Street located 820.81 feet South 89°06'33" East along the Section Line; and 91.73 feet North from the South Quarter Corner of said Section 5; and running thence along said Northerly Line of 9400 South Street the following five courses: Northwesterly along the arc of a 788.05 foot radius curve to the right a distance of 146.61 feet (Center

bears North 3°19'23" East; Central Angle equals 10°39'34" and Long Chords bears North 81°20'50" West 146.40 feet; North 0°14'51" East 10.30 feet; Northwesterly along the arc of a 778.05 foot radius curve to the right a distance of 31.99 feet (Center bears North 14°09'45" East; Central Angle equals 2°21'21" and Long Chord bears North 74°39'34" West 31.99 feet); North 61°40'05" West 116.01 feet; and Northwesterly along the arc of an 893.50 foot radius curve to the right a distance of 80.71 feet (Center bears North 25°56'30" East; Central Angle equals 5°10'33" and Long Chord bears North 61°28'14" West 80.69 feet); thence along the Southeasterly Line of a Public Road as widened the following two courses: North 13°39'11" East 18.20 feet; and North 39°17'17" East 249.85 feet; thence Southeasterly along the arc of a 1500.00 foot radius curve to the left a distance of 116.54 feet (Center bears North 40°03'16" East; Central Angle equals 4°27'05" and Long Chord bears South 52°10'17" East 116.51 feet) to a point of reverse curvature; thence Southeasterly along the arc of a 225.00 foot radius curve to the right a distance of 213.61 feet (Central Angle equals 54°23'46" and Long Chord bears South 27°11'56" East 205.68 feet) to a point of tangency; thence South 0°00'03" East 91.04 feet to the point of beginning.

Contains 71,520 sq. ft. or 1.642 acres

together with:

Legal for New Lot 10

August 19, 2009

All that land being part of Quarry Bend Subdivision, Recorded as Entry No. 9575193 in Book 2005P at Page 392, Official Records; in the State of Utah, County of Salt Lake, City of Sandy, being part of Section 5, Township 3 South, Range 1 East, Salt Lake Base and Meridian; being more particularly described as follows:

Beginning at a point located 1320.05 feet South 89°06'33" East along the Section Line; 832.63 feet North 0°26'14" East along the Sixteenth Section Line; and 17.09 feet North 89°45'09" West from the South Quarter Corner of said Section 5; and running thence South 15°30'00" East 34.86 feet to a point of curvature; thence Southerly along the arc of a 135.00 foot radius curve to the right a distance of 94.98 feet (Central Angle equals 40°18'42"; and Long Chord bears South 4°39'21" West 93.04 feet) to a point of reverse curvature; thence Southwesterly along the arc of a 295.00 foot radius curve to the left a distance of 119.84 feet (Central Angle equals 23°16'32"; and Long Chord bears South 13°10'26" West 119.02 feet); thence South 1°32'10" West 35.59 feet; thence North 89°42'01" West 119.62 feet; thence North 0°17'59" East 277.79 feet; thence South 89°45'09" East 144.48 feet to the point of beginning.

Contains 38,761 sq. ft. or 0.890 acre

Legal for New City Alternate Use Area

A part of Section 5, Township 3 South, Range 1 East, Salt Lake Base and Meridian, U.S. Survey in Salt Lake County, Utah:

Beginning at a point on the North Line of 9400 South Street located 1320.05 feet South 89°06'33" East along the Section Line and 83.01 feet North 0°26'14" East along the Sixteenth Section Line from the South Quarter Corner of said Section 5; and running thence North 89°06'33" West 100.49 feet along

said North Line; thence North 21°06'01" East 31.55 feet; thence North 15°55'37" East 47.56 feet; thence North 9°17'57" East 90.28 feet; thence North 7°27'07" East 151.14 feet; thence North 1°32'10" East 191.84 feet to a point of curvature; thence Northeasterly along the arc of a 295.00 foot radius curve to the right a distance of 119.84 feet (Central Angle equals 23°16'32"; and Long Chord bears North 13°10'26" East 119.02 feet) to a point of reverse curvature; thence Northerly along the arc of a 135.00 foot radius curve to the left a distance of 94.98 feet (Central Angle equals 40°18'42"; and Long Chord bears North 4°39'21" East 93.04 feet); thence North 15°30'00" West 34.86 feet; thence South 89°45'09" East 17.09 feet to the Sixteenth Section Line; thence South 0°26'14" West 749.62 feet along said Sixteenth Section Line to the point of beginning.

Contains 33,616 sq. ft. or 0.772 acre

[FOR REFERENCE ONLY: TAX PARCEL NUMBERS: 28-05-451-008; 28-05-401-005; 28-05-451-009; 28-05-451-007; 28-05-331-002; 28-05-452-002 and 28-05-451-010]