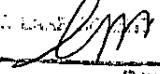


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GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
CRIPPEN & CLINE
10 W 100 S STE 425
SLC UT 84101
BY: LUG, DEPUTY - MA 5 P.

FILED DISTRICT COURT
Third Judicial District

JAN 29 2007

By  Deputy Clerk

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CRIPPEN & CLINE L.C.
Attorneys for Plaintiff
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Salt Lake City, Utah 84101
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IN THE THIRD JUDICIAL DISTRICT COURT
IN AND FOR SALT LAKE COUNTY, STATE OF UTAH

| | | |
|---------------------------------|---|---------------------|
| GARY W. HUFF, | : | JUDGMENT AND ORDER |
| | : | |
| Plaintiff, | : | |
| | : | |
| vs. | : | Civil No. 050905753 |
| | : | |
| DALENE J. HOUCHIN and DONLEY G. | : | JUDGE BOYDEN |
| HOUCHIN, | : | |
| | : | |
| Defendants. | : | |

Pursuant to the Court's Order on Motion for Summary Judgment entered July 26, 2006 and the plaintiff's uncontested Corrected Second Amended Construction Proposal filed September 25, 2006, and good cause appearing, it is hereby ordered, decreed and adjudged as follows:

1. Subject to the terms and conditions set forth below, the following easement by necessity (the "Easement") is granted for the benefit of the "north parcel" (as hereinafter described):

The right of ingress and egress, together with all uses reasonably implied therein, including the right to grade, pave, improve,

maintain, fence and otherwise make use of said easement for the right of ingress and egress, which easement is on that parcel of land 20 feet wide and 391.61 feet long, described in the following legal description in Salt Lake County, Utah: BEGINNING at the Southeast Corner of said right-of-way, said point being South 00°01'29" East 229.42 feet and South 89°57'50" West 214.49 feet from the Northeast Corner of Section 16, Township 1 North, Range 1 West, Salt Lake Base and Meridian and running thence South 89°57'50" West 1082.04 feet; thence North 00°01'29" West 15.00 feet; thence North 89°57'50" East 932.86 feet; thence North 00°01'29" West 391.61 feet; thence North 89°57'50" East 20.00 feet; thence South 00°01'29" East 391.61 feet; thence North 89°57'50" East 129.18 feet; thence South 00°01'29" East 15.00 feet to the point of BEGINNING

Tax Id # 08-09-476-013-0000.

2. The Easement by necessity is granted for the benefit of the "north parcel," currently owned by Gary W. Huff, which is located in Salt Lake County, Utah and is described as follows:

BEG N 162.19 FT & W 301.81 FT FR NE COR SEC 16, T 1N, R 1W,
SLM; W 98.52 FT; N 311.6 FT; E 98.52 FT; S 311.6 FT TO BEG. 0.705
AC.

Tax Id # 08-09-476-011-0000.

3. The Easement is intended to extend from the "north parcel" to 2670 North street ("2670 North.") The legal description for that easement is the same as the legal description for the easement described in the Right of Way and Maintenance Agreement, recorded at bk 6259 pg 2123, entry no. 4976016, except that it is extended 55 ft north, which is understood to be the distance required to extend that legal description to the "north parcel."

4. Notwithstanding the foregoing, and pursuant to stipulation of the parties, the

Easement from 2670 North to the "north parcel," as described above, is hereby moved to be located along the west boundary of the property on which the Easement is located, with the western boundary of the Easement to be the same as the western boundary of the property on which the Easement is located.

5. At plaintiff's cost and expense (or at the cost and expense of plaintiff's successor-in-interest), plaintiff (or plaintiff's successor-in-interest) will grade the road across the Easement and initially install gravel as road base.

6. Plaintiff (or any successor-in-interest) may thereafter, at his or her option, further improve the road base and/or pave the road with asphalt.

7. Plaintiff (or any successor-in-interest) shall install one culvert under the road to allow for the flow of certain irrigation water which defendants currently use.

8. Plaintiff (or any successor-in-interest) may use and/or repair, construct or improve the existing fence on the west side of the property, with the permission of the property owner(s) to the west.

9. Along the east side of the road constructed on the Easement, but within the 20 foot easement, plaintiff (or any successor-in-interest) may construct a wire fence approximately 5 feet in height.

10. Plaintiff (or any successor-in-interest) will install a gate providing access to 2670 North, through which defendants will have access.

11. In the event a fence is constructed on the east side of the Easement, plaintiff (or any

successor-in-interest) will also construct a gate granting defendants access through the east fence to their property.

12. Plaintiff (or any successor-in-interest) will be responsible for maintenance of the Easement, including snow removal in the winter, and will pay all costs associated therewith. In the event other property owners use the Easement, those costs will be shared by the other property owners using the Easement.

13. Neither Dalene J. Houchin nor Donley G. Houchin will be required to contribute to costs associated with either the improvement or maintenance of the Easement.


Dated this 29 day of January, 2007.

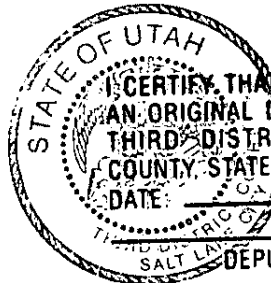


The Court



Approved as to form:


Ephraim H. Fankhauser 1/8/07


I CERTIFY THAT THIS IS A TRUE COPY OF
AN ORIGINAL DOCUMENT ON FILE IN THE
THIRD DISTRICT COURT, SALT LAKE
COUNTY, STATE OF UTAH
DATE: 1/8/07

DEPUTY COURT CLERK

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 11 day of January, 2007, I caused to be delivered via first class mail, postage pre-paid, the foregoing to:

Ephraim H. Fankhauser
E.H. Fankhauser, Attorney at Law
Box 17382
Salt Lake City, UT 84117-0302

