

**SECOND AMENDMENT TO DECLARATION OF
COVENANTS CONDITIONS AND RESTRICTIONS OF
FORT PIERCE INDUSTRIAL PARK PHASES II, III & IV**

THIS AMENDMENT TO THE DECLARATION of Covenants Conditions and Restrictions of Fort Pierce Industrial Park Phases II, III & IV is made pursuant to Section 29, and AMENDS the following documents of record in Washington County:

- a. THE DECLARATION OF COVENANTS CONDITIONS AND RESTRICTIONS OF Fort Pierce Industrial Park Phases II, III & IV, recorded May 11, 1999, as Entry No. 646930, in Book 1333, at Pages 1234-1244;
- b. THE DECLARATION OF ANNEXATION OF ADDITIONAL PROPERTY FOR FORT PIERCE INDUSTRIAL PARK PHASES II, III & IV, recorded December 28, 1999, as Entry No. 671704, in Book 1355, at Pages 2295-2296, and
- c. THE AMENDMENT TO DECLARATION OF COVENANTS CONDITIONS AND RESTRICTIONS OF FORT PIERCE INDUSTRIAL PARK PHASES II, III & IV, recorded on April 5, 2002, as Entry No. 00760033, in Book 1459, at Pages 2588-2593,

which affects that property described in Exhibit A attached hereto and incorporated herein by this reference.

This Amendment is prepared and recorded to revise the legal descriptions contained in Exhibit A. Some real property owned by Declarant is being deleted and other real property owned by Declarant is being added. The new legal descriptions as to which the above documents are effective are attached hereto as Exhibit B and incorporated herein by this reference.

This Amendment is also prepared and recorded to revise and amend Section 6 of the Declaration of Covenants, Conditions and Restrictions of Fort Pierce Industrial Park Phases II, III & IV regarding Prohibited Uses. Subparagraphs (e) through (f) of Section 6 are hereby amended and subparagraphs (g) through (i) are added as follows:

- (e) Food processing which involves the slaughter of animals or the use of animal carcasses;
- (f) Recreational activities including courses for vehicular racing, the use of specialized recreational equipment, and spectator sports;
- (g) The storage, treatment, disposal or other use of hazardous substances, provided, however, that the storage, treatment, disposal or other use of hazardous substances as an incidental part of a manufacturing, food processing, transportation, or other business use shall not be prohibited so long as each such business conducted on the Property is in compliance with applicable environmental laws and regulations. As used herein, the term "hazardous substances" means any hazardous or toxic substances, materials, or waste which is or becomes regulated by any

local governmental authority, the State of Utah, or the United States Government, including, without limitation, any substance, chemical, or waste that is or shall be listed or defined as hazardous, toxic or dangerous under any applicable environmental law, which shall include the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§ 9601 *et seq.*; the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901, *et seq.*; the Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 *et seq.*; the Clean Air Act, 42 U.S.C. §§ 7401, *et seq.*; the Hazardous Materials Transportation Act, 49 U.S.C. §§ 1801 *et seq.*; the Toxic Substances Control Act, 15 U.S.C. §§ 2601 *et seq.*; and the Safe Drinking Water Act, 42 U.S.C. §§ 300f through 300j-26, as such Acts have been or are hereafter amended from time to time; any regulations enacted thereunder, any so called Superfund or Superlien law; and any other federal, state, and local statute, law, ordinance, code, rule regulation, order, or decree regulating, relating to or imposing liability or standards of conduct concerning any hazardous, toxic or dangerous waste, substance, or material;

- (h) Except as otherwise set forth herein, the manufacturing, storage, or sale of milk products or milk substitutes, including without limitation, milk, cheese, ice cream or yogurt products. Notwithstanding the above, this section shall not prohibit the manufacture, storage, or sale of milk products or milk substitutes, which is either an incidental part of a permitted use or which is not a primary part of a permitted use. In addition, the real property described in Exhibit C attached hereto and incorporated herein by this reference ("the Premises") and the real estate described in Exhibit D attached hereto and incorporated herein by this reference may be principally devoted to or primarily used for the manufacturing, storage, or sale of milk products or milk substitutes, including without limitation, milk, cheese, ice cream or yogurt products; provided, however, that if the Premises are not developed for the manufacturing or storage for at least one of any such products within two (2) years from the date hereof, or such operation ceases for twenty four (24) consecutive months, except (in either case), as a result of force majeure, labor disputes, damage, destruction, construction or reconstruction activities, or reasons otherwise beyond the reasonable control of the occupant of the Premises, then this prohibition shall no longer be in force and effect and the then record owner of the Premises shall be required to file in the Official Records of Washington County, Utah, a certificate confirming the occurrence of such events and the nullification and termination of this prohibition, and
- (i) Nursing homes, hospitals or other overnight care facilities, or hotels, motels, or other similar facilities providing overnight accommodations.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has hereunto set its hand this 31st day of May, 2002.

DECLARANT:
STATE OF UTAH
ACTING THROUGH THE SCHOOL AND INSTITUTIONAL
TRUST LANDS ADMINISTRATION

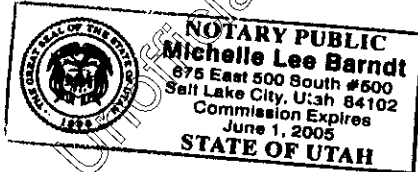
Approved as to Form
Mark L. Shurtleff
ATTORNEY GENERAL

Frederick P. McBrier
Asst. Director

Mark L. Shurtleff

Subscribed and sworn to (or affirmed) before me this 31st day of May, 2002, by Frederick P. McBrier Director.

Michelle Lee Barndt
NOTARY PUBLIC
Address: 200 W. 1000 S.
My Commission Expires: 6/1/2005



PARCEL 1

A parcel of land located in the Northeast $\frac{1}{4}$, the Southeast $\frac{1}{4}$, and the Southwest $\frac{1}{4}$ of Section 17 and the Northeast $\frac{1}{4}$ of Section 19 and the North $\frac{1}{2}$ of Section 20, Township 43 South, Range 15 West, Salt Lake Base & Meridian, being more particularly described as follow:

Beginning at a point S $89^{\circ}55'36''$ W 3829.98 feet along the center section line and South 1916.19 feet from the East $\frac{1}{4}$ Corner of Section 17, and running thence South 582.57 feet to a point on a 1370.00 foot radius curve to the right the radius point of which bears S $21^{\circ}41'55''$ E; thence Easterly 1103.71 feet along the arc of said curve through a central angle of $46^{\circ}09'32''$ to the point of a 35.00 foot radius compound curve to the right; thence Southeasterly 58.05 feet along the arc of said curve through a central angle of $95^{\circ}02'04''$ to a point on the west line of River Road; thence S $70^{\circ}51'10''$ E 101.65 feet to a point on the east line of said River Road, said point also being the beginning of a 35.00 foot radius curve to the right the radius point of which bears S $60^{\circ}30'19''$ E; thence Northeasterly 49.54 feet along the arc of said curve through a central angle of $81^{\circ}05'33''$ to the point of a 1640.00 foot compound curve to the left; thence Easterly 588.64 feet along the arc of said curve through a central angle of $20^{\circ}33'54''$; thence S $89^{\circ}58'39''$ E 1369.55 feet; thence N $00^{\circ}04'43''$ W 60.37 feet thence N $00^{\circ}13'28''$ W 762.91 feet; thence N $89^{\circ}23'10''$ W 572.55 feet; thence N $00^{\circ}08'09''$ W 484.33 feet; thence S $89^{\circ}56'19''$ W 656.87 feet to a point of a 91.00 foot radius curve to the right; thence Westerly 39.48 feet along the arc of said curve through a central angle of $24^{\circ}51'25''$ to the point of a 25.00 foot radius reverse curve to the left; thence Southwesterly 38.78 feet along the arc of said curve through a central angle of $88^{\circ}52'17''$; thence N $64^{\circ}04'34''$ W 100.00 feet to a point on the west line of said River Road said point being on a 2820.00 foot radius curve to the left the radius point of which bears N $64^{\circ}04'34''$ W; thence Northerly 1336.12 feet along the arc of said curve and said west line through a central angle of $27^{\circ}08'48''$ to the point of a 7340.53 foot radius compound curve to the left; thence Northerly 239.72 feet along the arc of said curve and said west line to the point of tangency; thence N $03^{\circ}05'38''$ W 470.24 feet; N $89^{\circ}20'31''$ W 189.58 feet; thence S $39^{\circ}05'06''$ W 380.67 feet; thence S $01^{\circ}01'59''$ E 237.71 feet; thence East 248.57 feet; thence S $01^{\circ}43'11''$ E 214.21 feet; thence S $14^{\circ}43'02''$ W 548.37 feet; thence N $89^{\circ}40'16''$ W 372.86 feet; thence South 835.98 feet; thence S $23^{\circ}05'13''$ W 187.74 feet; thence S $44^{\circ}50'32''$ W 480.14 feet; thence N $71^{\circ}24'04''$ W 436.36 feet; thence S $88^{\circ}29'38''$ W 325.83 feet; thence S $07^{\circ}30'06''$ W 164.13 feet of the point of beginning.

Contains 86.278 acres more or less.

A parcel of land located in the Southeast ¼, and the Southwest ¼ of Section 17 and the North ½ of Section 20, Township 43 South, Range 15 West, Salt Lake Base & Meridian, being more particularly described as follow:

Commencing at the East ¼ Corner of said Section 17;
 Thence North 88°48'11" West, 3,872.47 feet along the center section line;
 Thence South, 1,916.61 feet to the POINT OF BEGINNING;
 Thence South 01°16'13" West, 582.57 feet to a point on a 1,370.00 foot radius curve to the right the radius point of which bears South 20°25'42" East;
 Thence Easterly, 1,103.71 feet along the arc of said curve through a central angle of 46°09'32" to the point of a 35.00 foot radius compound curve to the right;
 Thence Southeasterly, 58.05 feet along the arc of said curve through a central angle of 95°02'04" to a point on the west line of River Road;
 Thence South 67°37'42" East, 101.08 feet to a point on the east line of said River Road, said point also being the beginning of a 35.00 foot radius curve to the right the radius point of which bears South 59°14'06" East;
 Thence Northeasterly, 50.55 feet along the arc of said curve through a central angle of 82°44'50" to the point of a 1,640.00 foot radius reverse curve to the left;
 Thence Easterly, 637.14 feet along the arc of said curve through a central angle of 22°15'34";
 Thence South 88°44'51" East, 1,097.52 feet;
 Thence South 01°15'09" West, 1,247.00 feet;
 Thence North 88°44'51" West, 1,921.07 feet to the point of a 1,167.00 foot radius curve to the right;
 Thence Westerly, 170.56 feet along the arc of said curve, through a central angle of 08°22'26";
 Thence North 30°45'56" East, 681.81 feet;
 Thence North 88°48'32" West, 1,222.36 feet;
 Thence North 01°26'25" East, 308.80 feet;
 Thence North 63°44'47" West, 1,414.75 feet;
 Thence North 41°26'02" East, 200.35 feet;
 Thence North 66°09'08" East, 499.37 feet;
 Thence North 51°03'23" East, 510.71 feet;
 Thence South 63°57'45" East, 375.34 feet to the POINT OF BEGINNING.

Contains 99.994 acres more or less.

PARCEL 3

A parcel of land located in the Southeast ¼ of Section 17, Township 43 South, Range 15 West, Salt Lake Base & Meridian, being more particularly described as follow:

Beginning at a point on the west line of 1630 East said point being S 01°10'40" W 1885.53 feet along the section line and N 88°06'58" W 66.01 feet from the East ¼ Corner of Section 17, and running thence N 88°06'58" W 1168.52 feet; thence N 01°08'04" E 484.35 feet to a point on the south line of 3950 South; thence S 88°47'28" E 1148.81 feet along the south line of 3950 South to the point of a 20.00 foot radius curve to the right; thence Easterly and Southerly 31.41 feet along the arc of said curve through a central angle of 89°58'08" to a point on the west line of 1630 East; thence S 01°10'40" W 478.11 feet to the point of beginning.

Contains 13.176 acres more or less.



Exhibit B

PARCEL 1

A parcel of land located in the Northeast $\frac{1}{4}$, the Southeast $\frac{1}{4}$, and the Southwest $\frac{1}{4}$ of Section 17 and the Northeast $\frac{1}{4}$ of Section 19 and the North $\frac{1}{2}$ of Section 20, Township 43 South, Range 15 West, Salt Lake Base & Meridian, being more particularly described as follow:

Beginning at a point S $89^{\circ}55'36''$ W 3829.98 feet along the center section line and South 1916.19 feet from the East $\frac{1}{4}$ Corner of Section 17, and running thence South 582.57 feet to a point on a 1370.00 foot radius curve to the right the radius point of which bears S $21^{\circ}41'55''$ E; thence Easterly 1103.71 feet along the arc of said curve through a central angle of $46^{\circ}09'32''$ to the point of a 35.00 foot radius compound curve to the right; thence Southeasterly 58.05 feet along the arc of said curve through a central angle of $95^{\circ}02'04''$ to a point on the west line of River Road; thence S $70^{\circ}51'10''$ E 101.65 feet to a point on the east line of said River Road, said point also being the beginning of a 35.00 foot radius curve to the right the radius point of which bears S $60^{\circ}30'19''$ E; thence Northeasterly 49.54 feet along the arc of said curve through a central angle of $81^{\circ}05'33''$ to the point of a 1640.00 foot compound curve to the left; thence Easterly 588.64 feet along the arc of said curve through a central angle of $20^{\circ}33'54''$; thence S $89^{\circ}58'39''$ E 1369.55 feet; thence N $00^{\circ}04'43''$ W 60.37 feet thence N $00^{\circ}13'28''$ W 762.91 feet; thence N $89^{\circ}23'10''$ W 572.55 feet; thence N $00^{\circ}08'09''$ W 484.33 feet; thence S $89^{\circ}56'19''$ W 656.87 feet to a point of a 91.00 foot radius curve to the right; thence Westerly 39.48 feet along the arc of said curve through a central angle of $24^{\circ}51'25''$ to the point of a 25.00 foot radius reverse curve to the left; thence Southwesterly 38.78 feet along the arc of said curve through a central angle of $88^{\circ}52'17''$; thence N $64^{\circ}04'34''$ W 100.00 feet to a point on the west line of said River Road said point being on a 2820.00 foot radius curve to the left the radius point of which bears N $64^{\circ}04'34''$ W; thence Northerly 1336.12 feet along the arc of said curve and said west line through a central angle of $27^{\circ}08'48''$ to the point of a 7340.53 foot radius compound curve to the left; thence Northerly 239.72 feet along the arc of said curve and said west line to the point of tangency; thence N $03^{\circ}05'38''$ W 470.24 feet; N $89^{\circ}20'31''$ W 189.58 feet; thence S $39^{\circ}05'06''$ W 380.67 feet; thence S $01^{\circ}01'59''$ E 237.71 feet; thence East 248.57 feet; thence S $01^{\circ}43'11''$ E 214.21 feet; thence S $14^{\circ}43'02''$ W 548.37 feet; thence N $89^{\circ}40'16''$ W 372.86 feet; thence South 835.98 feet; thence S $23^{\circ}05'13''$ W 187.74 feet; thence S $44^{\circ}50'32''$ W 480.14 feet; thence N $71^{\circ}24'04''$ W 436.36 feet; thence S $88^{\circ}29'38''$ W 325.83 feet; thence S $07^{\circ}30'06''$ W 164.13 feet of the point of beginning.

Contains 86.278 acres more or less.

PARCEL 2

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A parcel of land located in the Southeast $\frac{1}{4}$, and the Southwest $\frac{1}{4}$ of Section 17 and the North $\frac{1}{2}$ of Section 20, Township 43 South, Range 15 West, Salt Lake Base & Meridian, being more particularly described as follow:

Commencing at the East $\frac{1}{4}$ Corner of said Section 17;
Thence North $88^{\circ}48'11''$ West, 3,872.47 feet along the center section line;
Thence South, 1,916.61 feet to the **POINT OF BEGINNING**;
Thence South $01^{\circ}16'13''$ West, 582.57 feet to a point on a 1,370.00 foot radius curve to the right the radius point of which bears South $20^{\circ}25'42''$ East;
Thence Easterly, 1,103.71 feet along the arc of said curve through a central angle of $46^{\circ}09'32''$ to the point of a 35.00 foot radius compound curve to the right;
Thence Southeasterly, 58.05 feet along the arc of said curve through a central angle of $95^{\circ}02'04''$ to a point on the west line of River Road;
Thence South $67^{\circ}37'42''$ East, 101.08 feet to a point on the east line of said River Road, said point also being the beginning of a 35.00 foot radius curve to the right the radius point of which bears South $59^{\circ}14'06''$ East;
Thence Northeasterly, 50.55 feet along the arc of said curve through a central angle of $82^{\circ}44'50''$ to the point of a 1,640.00 foot radius reverse curve to the left;
Thence Easterly, 637.14 feet along the arc of said curve through a central angle of $22^{\circ}15'34''$;
Thence South $88^{\circ}44'51''$ East, 1,097.52 feet;
Thence South $01^{\circ}15'09''$ West, 1,247.00 feet;
Thence North $88^{\circ}44'51''$ West, 1,921.07 feet to the point of a 1,167.00 foot radius curve to the right;
Thence Westerly, 170.56 feet along the arc of said curve, through a central angle of $08^{\circ}22'26''$;
Thence North $30^{\circ}45'56''$ East, 681.81 feet;
Thence North $88^{\circ}48'32''$ West, 1,222.36 feet;
Thence North $01^{\circ}26'25''$ East, 308.80 feet;
Thence North $63^{\circ}44'47''$ West, 1,414.75 feet;
Thence North $41^{\circ}26'02''$ East, 200.35 feet;
Thence North $66^{\circ}09'08''$ East, 499.37 feet;
Thence North $51^{\circ}03'23''$ East, 510.71 feet;
Thence South $63^{\circ}57'45''$ East, 375.34 feet to the **POINT OF BEGINNING**.

Contains 99.994 acres more or less.

PARCEL 3

A parcel of land located in the Southeast ¼ of Section 17, Township 43 South, Range 15 West, Salt Lake Base & Meridian, being more particularly described as follow:

Beginning at a point on the west line of 1630 East said point being S 01°10'40" W 1885.53 feet along the section line and N 88°06'58" W 66.01 feet from the East ¼ Corner of Section 17, and running thence N 88°06'58" W 1168.52 feet; thence N 01°08'04" E 484.33 feet to a point on the south line of 3950 South; thence S 88°47'28" E 1148.81 feet along the south line of 3950 South to the point of a 20.00 foot radius curve to the right; thence Easterly and Southerly 31.41 feet along the arc of said curve through a central angle of 89°58'08" to a point on the west line of 1630 East; thence S 01°10'40" W 478.11 feet to the point of beginning.

Contains 13.176 acres more or less.



PARCEL 4

April 26, 2002
(Revised (May 13, 2002))

A parcel of land located in Sections 17, 19 and 20, Township 43 South, Range 15 West, Salt Lake Base & Meridian, being more particularly described as follow:

Commencing at the Northeast Corner of said Section 20;

Thence South $01^{\circ}10'52''$ West, 20.00 feet along the east line of said Section 20 to the **Point of Beginning**;

Thence South $01^{\circ}10'52''$ West, 2619.39 feet along the east line of said Section 20 to the East $\frac{1}{4}$ Corner of said Section 20;

Thence South $01^{\circ}10'31''$ West, 47.94 feet along the east line of said Section 20;

Thence North $88^{\circ}45'09''$ West, 3619.59 feet;

Thence North $75^{\circ}05'47''$ West, 705.85 feet;

Thence North $61^{\circ}49'36''$ West, 942.05 feet;

Thence North $31^{\circ}09'22''$ West, 264.74 feet;

Thence North $15^{\circ}10'57''$ East, 392.35 feet;

Thence North $47^{\circ}15'29''$ East, 466.72 feet;

Thence North $42^{\circ}44'31''$ West, 333.11 feet;

Thence North $69^{\circ}58'56''$ West, 89.98 feet;

Thence North $42^{\circ}44'31''$ West, 619.78 feet;

Thence North $61^{\circ}02'56''$ East, 582.78 feet;

Thence North $06^{\circ}54'59''$ West, 346.11 feet;

Thence South $63^{\circ}44'47''$ East, 1414.75 feet;

Thence South $01^{\circ}26'25''$ West, 308.80 feet;

Thence South $88^{\circ}48'32''$ East, 1222.36 feet;

Thence South $30^{\circ}45'56''$ West, 681.81 feet to a point on a 1167.00 foot radius curve to the left the radius point of which bears North $09^{\circ}37'35''$ East;

Thence Easterly, 170.56 feet along the arc of said curve through a central angle of $08^{\circ}22'26''$ to the point of tangency;

Thence South $88^{\circ}44'51''$ East, 1921.07 feet;

Thence North $01^{\circ}15'09''$ East, 1327.01 feet to a point on the north line of said Section 20;

Thence South 88°44'49" East, 271.87 feet along said north line of Section 20 to the point of a 840.00 foot radius curve to the right;
Thence Easterly, 70.01 feet along the arc of said curve through a central angle of 04°46'31"''
Thence South 83°58'18" East, 173.87 feet to the point of a 760.00 foot radius curve to the left;
Thence Easterly, 63.34 feet along the arc of said curve through a central angle of 04°46'31"'';
Thence South 88°44'49" East, 309.38 to the **Point of Beginning**.

Contains 232.10 acres more or less.

Exhibit C

(Revised April 23, 2002)
 (Revised May 7, 2002)

A parcel of land located in the North $\frac{1}{2}$ of Section 20, Township 43 South, Range 15 West, Salt Lake Base & Meridian, being more particularly described as follows:

Commencing at the North $\frac{1}{4}$ Corner of said Section 20;
 Thence South $88^{\circ}44'49''$ East, 373.24 feet along the Section Line;
 Thence South, 55.77 feet to a point on the south line of Commerce Drive and the **POINT OF BEGINNING**, said point also being South $66^{\circ}01'20''$ East, 428.00 feet from the city monument at the intersection of River Road and Commerce Drive, said point also being on a 1,640.00 foot radius curve to the left, of which the radius point lies North $11^{\circ}06'58''$ East;
 Thence Easterly, 282.32 feet along the arc of said curve and the south line of said 4130 South, through a central angle of $09^{\circ}51'47''$;
 Thence South $88^{\circ}44'49''$ East, 1,097.52 feet along the south line of Commerce Drive;
 Thence South $01^{\circ}15'09''$ West, 1,247.01 feet;
 Thence North $88^{\circ}44'51''$ West, 1,921.07 feet to the point of curve of a 1,167.00 foot radius curve to the right;
 Thence Westerly, 170.56 feet along the arc, through a central angle of $08^{\circ}22'26''$;
 Thence North $30^{\circ}45'56''$ East, 1,446.49 feet to the **POINT OF BEGINNING**.

Containing 50.000 acres, more or less.

April 26, 2002

A parcel of land located in the North $\frac{1}{4}$ of Section 20, Township 43 South, Range 15 West, Salt Lake Base & Meridian, being more particularly described as follows:

Commencing at the North $\frac{1}{4}$ Corner of said Section 20;
Thence North $88^{\circ}45'22''$ West, 366.81 feet along the Section Line;
Thence South, 1314.84 feet to the **POINT OF BEGINNING**;
Thence South $15^{\circ}02'34''$ West, 532.56 feet;
Thence South $88^{\circ}44'52''$ East, 2217.97 feet;
Thence North $01^{\circ}15'10''$ East, 504.76 feet to a point on the south line of the Wells Dairy parcel;
Thence North $88^{\circ}44'51''$ West, 1921.07 feet along said south line to the point of a 1167.00 foot radius curve to the right
Thence Westerly, 170.56 feet along the arc of said curve and said south line, through a central angle of $08^{\circ}22'26''$ to the **POINT OF BEGINNING**.

Containing 25.000 acres, more or less.

Together with an additional parcel of land ("Parcel B") located immediately south of the above-described parcel ("Parcel A") and described as follows:

The north boundary line of Parcel B will be coterminous with the south boundary line of Parcel A. The south boundary line of Parcel B will be parallel with its north boundary line. The east and west boundary lines of Parcel B will be straight-line continuations of the east and west boundary lines, respectively, of Parcel A.

Containing 25.00 acres.