

E 202540 B 852 P 644  
Date 23-MAY-2003 9:00am  
Fee: 90.00 Check  
CALLEEN PESHELL, Recorder  
Filed By DAP  
For HOME OWNERS/OAKS-DEER HOLLOW  
TOOELE COUNTY CORPORATION

60  
~~E 190268 B 794 P 790  
Date 4-NOV-2002 9:51am  
Fee: 60.00 Check  
CALLEEN PESHELL, Recorder  
Filed By RGL  
For THE OAKES AT DEER HOLLOW  
TOOELE COUNTY CORPORATION~~

## AGREEMENT

### BETWEEN KDAB, LLC, A UTAH LIMITED LIABILITY COMPANY AND THE LOT OWNERS OF "OAKS AT DEER HOLLOW PHASE I A PLANNED UNIT DEVELOPMENT"

This agreement entered into on this 1 day of <sup>9/10</sup>~~October~~, 2002, is by and between KDAB, LLC, a Utah Limited Liability Company (hereafter referred to as "Declarant") and the current individual owners of Lots in the "Oaks at Deer Hollow, Phase I, A Planned Unit Development," Tooele City, according to the official subdivision plat map thereof on file in the office of the County Recorder, Tooele County, State of Utah (hereafter "The Oaks").

Whereas Declarant is the owner and developer of "The Oaks" and currently owns 22 lots at "The Oaks," some of which have been built upon and some of which are vacant Lots and;

Whereas, the individual lot owners of "The Oaks" currently own 22 lots with residential improvements on said lots within "The Oaks," and;

Whereas, Declarant currently has through the Declaration of Covenants, Conditions and Restrictions and By-Laws of "The Oaks", the ability to cast a majority of votes to elect the Board of Trustees of the Homeowners Association and;

Whereas, Declarant is no longer interested in controlling the Homeowners Association and has agreed to relinquish at least two of the three positions on the Board of Trustees of the Association with their replacements to be appointed from the individual Lot owners and;

Whereas, the individual Lot owners are prepared to assume the management of the Association by having at least two persons from its members being appointed to the Board of Trustees of the Homeowners Association.

NOW THEREFORE, in consideration of the promises specified herein, the parties agree as follows:

1. Declarant agrees within 30 days of the date of this agreement to cause at least two members of the current Board of Trustees of "The Oaks at Deer Hollows, Homeowners Association Inc.", to resign their positions and that their successors be appointed from the individual members and Lot owners, not including those of Declarant. Declarant also has the option of causing all three of the current members of the Board of Trustees to resign and that their replacements also be from the individual members and Lot owners to be elected in the above referenced manner. Declarant agrees that it will not vote for or pursue more than one member on the Board of Trustees of the Homeowners Association, from and after the date of this Agreement.

1. Declarant and the individual Lot owners, agree that a special meeting of the Homeowners Association owners shall be called within thirty days of the effective date of this agreement and that at least two members and three if required, shall be elected to the Board of Trustees of the Homeowners Association pursuant to the By-Laws and that these new members of the Board of Trustees shall immediately take part in the management of "The Oaks".

2. This agreement shall take effect when signed by Declarant and ninety percent (90%) of the individual Lot owners of "The Oaks", other than Declarant.

3. This agreement is binding upon the heirs, executors, administrators, successors and permissible assigns or respective parties hereto.

IN WITNESS WHEREOF the parties have set their hands to this Agreement as of the date indicated next to each signature.

NAME OF LOT OWNER

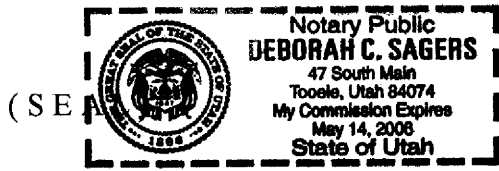
LOT NUMBER(s)

KDAB, LLC, A Utah Limited Liability Company

M. R. Arbshay 11/1/2002  
By Matthew Arbshay (Date)  
Manager - Member

1 Unit 44

Deborah Cagers 11-1-02  
Attest (Date)



LOT OWNER(S)	DATE	LOT NUMBER(S)
Ceter D. Karabats <del>Walter D. Karabats</del>	10/2/02	42
Margaret W. Evans - Trustee	10/2/02	26
Bergerman D. Gray - Sister Devas Trust	10/2/02	25
Geraldine M. Beck Trustee	10/2/02	1
Anna Chris Trustee	10/2/02	14
Carlotta J. Elich Joe Elich	10/02/02	11
Richard B. Pitt - Dorothy M. Pitt	10/02/02	43
William E. Pitt - Daphne Lorraine Pitt (Trustee)	10-2-02	7
Donald D. Wickham	10-7-02	2
Franzetta C. Wickham	10-7-02	2
Cynthia G. Yates Duane Yates	10-9-02	13
John Palaty <del>Walter H. Palaty</del>	10-11-02	15
Marshall G. Pitt	10/14/02	#5
<del>Lawrence J. Allen</del>	10/16/02	#41
<del>S. 2nd</del>	10/23/02	#10
Carol Anne	10/23/02	#4
Kathleen White	10/23/02	#3
Heaven M. White	10/23/02	#3
Leonard McFarland	10/23/02	#9
Kurales Ann Kaye	10-23-02	#8
<del>John M. Kaye</del>	10/27/02	12
Susan Straighter	10-28-02	16

STATE OF UTAH )  
 :SS  
COUNTY OF TOOELE )

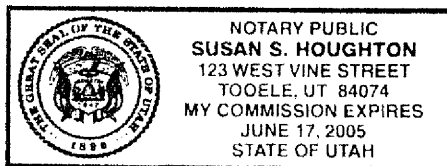
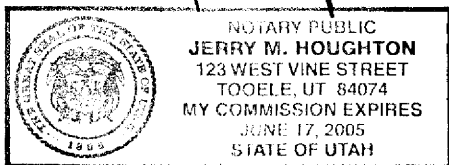
On the dates stated on the third page of this document, personally appeared before me the following persons who being first duly sworn acknowledged to me that they are the owner(s) of the above stated lots of the Oaks at Deer Hollow and that they executed the within and foregoing instrument for its stated purpose. Said persons who executed this document in my presence are listed.

- Peter G. Karabats and Stella D. Karabats 10-8-G-42
- Margaret W. Evans, Trustee 10-8-G-26
- Virginia D. Gray, Trustee 10-8-G-25
- Geraldine W. Peck, Trustee 10-8-G-1
- Donna J. Chriss, Trustee 10-8-G-14
- Joseph Elich and Carletta J. Elich 10-8-G-11
- Richard Byron Pitt and Dorothy Marie Pitt 10-8-G-43
- William E. Pitt and Delpha L. Pitt, Trustees 10-8-G-7
- Donald D. Wickham and Jeanette C. Wickham 10-8-G-2
- Duane M. Yates and Cynthia G. Yates 10-8-G-3
- Charles A. Ralston and Joan Ralston 10-8-G-15
- Michael T. Lagueux 10-8-G-5
- Darlene F. Allen, Trustee 10-8-G-41
- Darren S. Hendricks 10-8-G-10
- Carol B. Done 10-8-G-4
- Dwain M. White and Kathleen M. White 10-8-G-3
- Leonard McFarland, Trustee 10-8-G-9
- Keith L. Jones and Karalee Jones, Trustees 10-8-G-8
- Carolyn Forbes 10-8-G-12

Susan S. Houghton  
Notary Public  
Residing in Tooele, Utah

5-16-03

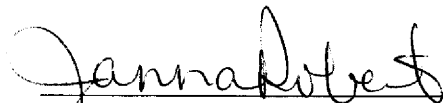
*[Handwritten signature]*

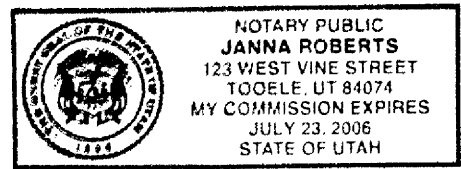


STATE OF UTAH            )  
                                  ):SS  
COUNTY OF TOOELE    )

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Jerry M. Houghton and Susan S. Houghton           10-8-G-16

  
\_\_\_\_\_  
Notary Public  
Residing in Tooele, Utah



Janna Roberts 5.22.03

