

After recording return to:
Magna Investment & Development, LTD.
P.O. Box 65827
Salt Lake City, Utah 84165

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7/22/2014 3:15:00 PM \$14.00
Book - 10247 Pg - 3102-3104
Gary W. Ott
Recorder, Salt Lake County, UT
ALTA TITLE
BY: eCASH, DEPUTY - EF 3 P.

DECLARATION OF RESTRICTIVE COVENANT

This Declaration of Restrictive Covenant ("Declaration"), made this 21st day of July, 2014, by Magna Investment and Development, LTD., a Utah Limited Partnership ("Owner"), in favor of WDG Sandy, LLC, a Utah Limited Liability Company ("Buyer").

WHEREAS, Owner holds fee-simple title to Lots 4 and 5 of Little Cottonwood Center Subdivision, as recorded in the Salt Lake County recorder's office;

WHEREAS, Owner has contracted to sell Lot 4 to Buyer in a Real Property Purchase Agreement dated March 20, 2014 ("Purchase Agreement");

WHEREAS, the Purchase Agreement provides that Owner shall prohibit the use of Lot 5, as legally described in Exhibit "A", attached hereto and made a part hereof, ("Property") to be used by an individual or business entity whose primary business is the sale of chicken; and

WHEREAS, the Owner is desirous of making a binding commitment to assure that Lot 5 shall be used in accordance with the representations and commitments found in the Purchase Agreement;

NOW THEREFORE, the Owner voluntarily covenants and agrees that the Property shall be subject to the following restriction that is intended and shall be deemed to be a covenant running with the land and binding upon the Owner of the Property, its successor in interest and assigns as follows:

1. The recitals and finding set forth in the preamble of this Declaration are hereby adopted by reference thereto and incorporated herein as if fully set forth in this Section.
2. No person or entity shall operate a restaurant or other food establishment on the Property whose primary business or product is the sale of chicken, including without limitation, chicken sandwiches and chicken on the bone.
3. This voluntary Declaration shall remain in full force and effect and shall be binding upon the Owner of the Property, its successors in interest and assigns for a period of Fifty (50) years from the date this instrument is recorded in the public records or at such a time as a restaurant whose primary business or product is the sale of chicken is no longer operating on Lot 4, whichever event occurs first.
4. This declaration shall be recorded in the Public Records of Salt Lake County, Utah, at the cost of the Owner.

IN WITNESS WHEREOF, the undersigned have set their hand and seal this 21st day of July, 2014.

EXHIBIT A

Lot 5, LITTLE COTTONWOOD CENTER SUBDIVISION- FIRST AMENDMENT, according to the official plat thereof on file and of record in the office of the Salt Lake County Recorder.

The following is shown for information purposes only: 28-09-226-056