

AGREEMENT VACATING EXISTING RIGHT OF WAY
AND CREATION OF NEW RIGHT OF WAY

WHEREAS RAY L. KIMBER, HEREINAFTER REFERRED TO AS KIMBER, IS THE OWNER OF REAL PROPERTY WHICH IS LEGALLY DESCRIBED ON ATTACHED EXHIBIT "A", WHICH BY REFERENCE IS MADE A PART HEREWITH, AND

WHEREAS, JOSEPH G. DECKER AND SHARON DECKER, HEREINAFTER REFERRED TO AS DECKER, ARE THE OWNERS OF REAL PROPERTY WHICH IS LEGALLY DESCRIBED ON ATTACHED EXHIBIT "B", WHICH BY REFERENCE IS MADE A PART HEREWITH, AND

WHEREAS PROPERTIES WHICH ARE IDENTIFIED ON EXHIBIT "A" AND EXHIBIT "B", ARE HELD SUBJECT TO AND TOGETHER WITH A RIGHT OF WAY OF INGRESS AND EGRESS, WHICH IS LEGALLY DESCRIBED ON ATTACHED EXHIBIT "C", WHICH BY REFERENCE IS MADE A PART HEREWITH.

IT IS THE DESIRE AND INTENT OF BOTH KIMBER AND DECKER, TO TERMINATE A PORTION OF THAT CERTAIN RIGHT OF WAY OF INGRESS AND EGRESS, THAT IS DESCRIBED IN THE AFOREMENTIONED EXHIBIT "C", AND TO CREATE A NEW RIGHT OF WAY OVER AND ACROSS REAL PROPERTY WHICH IS OWNED BY DECKER, FOR THE BENEFIT OF KIMBER, DECKER, THEIR SUCCESSORS AND OR ASSIGNS, WHICH IS DESCRIBED HEREINAFTER.

NOW THEREFORE, BY MUTUAL AGREEMENT, AND FOR GOOD AND VALUABLE CONSIDERATION, THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED BY KIMBER AND DECKER, THAT PORTION OF THE RIGHT OF WAY DESCRIBED IN SAID EXHIBIT "C" IS, AS HEREIN DESCRIBED, IS HEREBY FOREVER TERMINATED AND VACATED. THE PORTION VACATED IS AS FOLLOWS:

COMMENCING SOUTH 89 DEG. 09 MIN. EAST 273.35 FEET FROM THE SOUTHWEST CORNER OF LOT 71 OGDEN COMMERCIAL AND INDUSTRIAL PARK, PLAT D, AND RUNNING THENCE NORTH 0 DEG. 28 MIN. EAST 207.17 FEET; THENCE NORTH 89 DEG. 09 MIN. WEST 15.00 FEET; THENCE SOUTH 0 DEG. 28 MIN. WEST 207.17 FEET; THENCE SOUTH 89 DEG. 09 MIN. EAST 15.00 FEET TO THE POINT OF BEGINNING. ~~As per plat~~

DECKER WARRANTS THAT SAID DESCRIBED PROPERTY, BEING VACATED, IS OWNED BY THEM IN FEE SIMPLE AND HAS NOT BEEN SOLD TO A BONAFIDE PURCHASER UNDER THE TERMS OF ANY UNRECORDED CONTRACT, NOR HAS THE SUBJECT PROPERTY BEEN LEASED TO A LESSEE UNDER ANY LEASE OR OPTION TO PURCHASE AGREEMENT.

KIMBER HEREBY WAIVES AND FOREVER QUIT CLAIMS ANY INTEREST IN AND TO THE VACATED PROPERTY HEREIN DESCRIBED, AND FURTHER WARRANTS THAT NO ASSIGNMENT, GRANT OR DEED HAS BEEN GRANTED BY THE SAME, WHICH WOULD CONVEY, ENCUMBER OR AFFECT ANY RIGHT TO THE USE OF THE VACATED PROPERTY.

IT IS AGREED THAT THE FOLLOWING PROPERTY, WHICH IS OWNED IN FEE SIMPLE BY DECKER, IS HERETOFORE GRANTED AS A PERPETUAL EASEMENT FOR THE PURPOSES OF INGRESS AND EGRESS, TO RAY L. KIMBER, JOSEPH G. DECKER AND SHARON DECKER, THEIR SUCCESSORS AND OR ASSIGNS, FOR THE USE HEREIN DESCRIBED AS DESCRIBED:

COMMENCING SOUTH 89 DEG. 09 MIN. EAST 273.35 FEET FROM THE SOUTHWEST CORNER OF SAID LOT 71, OGDEN COMMERCIAL AND INDUSTRIAL PARK, PLAT "D", AND RUNNING THENCE NORTH 0 DEG. 28 MIN. EAST 207.17 FEET TO THE SOUTH LINE OF PROPERTY WHICH IS OWNED BY RAY L. KIMBER; THENCE SOUTH 89 DEG. 09 MIN. EAST 15.00 FEET; THENCE SOUTH 0 DEG. 28 MIN. WEST 207.17 FEET TO THE SOUTH LINE OF SAID LOT 71; THENCE NORTH 89 DEG. 09 MIN. WEST 15.00 FEET TO THE POINT OF BEGINNING.

KIMBER AND DECKER WARRANT AND AGREE THAT SAID RIGHT OF WAY WILL NOT BE BLOCKED, OR IMPAIRED BY ANY VEHICLE, STRUCTURE OR MATERIAL THAT WOULD ADVERSELY AFFECT EITHER PARTY, THEIR SUCCESSORS OR ASSIGNS, 2

Continued

FROM THE ENJOYMENT INTENDED HEREIN.

THIS AGREEMENT VACATING THE EXISTING RIGHT OF WAY AS DESCRIBED AND CREATING THAT NEW RIGHT OF WAY AS DESCRIBED HEREIN, ENTERED INTO ON THE DATES HEREINAFTER SPECIFIED, BY EACH PARTY OF THEIR OWN FREE WILL AND ACCORD.

DATED: 10-30-97

Ray L. Kimber
RAY L. KIMBER

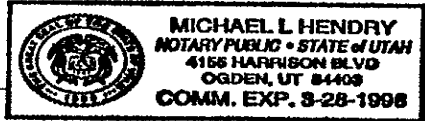
DATED: 10-30-97

Joseph G. Decker
JOSEPH G. DECKER
Sharon Decker
SHARON DECKER

STATE OF UTAH
COUNTY OF WEBER

ON THIS THE 30 DAY OF OCTOBER 1997, PERSONALLY APPEARED BEFORE ME, RAY L. KIMBER, THE SIGNER OF THE FOREGOING INSTRUMENT WHO DULY ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

M. L. Hendry
NOTARY PUBLIC



STATE OF UTAH
COUNTY OF WEBER

ON THIS THE 30 DAY OF OCTOBER 1997, PERSONALLY APPEARED BEFORE ME, JOSEPH G. DECKER AND SHARON DECKER, THE SIGNERS OF THE FOREGOING INSTRUMENT WHO DULY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

M. L. Hendry
NOTARY PUBLIC



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EXHIBIT "A"

PARCEL 1
PART OF LOT 71, OGDEN COMMERCIAL AND INDUSTRIAL PARK, PLAT "D", A RECORDED
SUBDIVISION IN OGDEN CITY, WEBER COUNTY, UTAH: BEGINNING AT THE NORTHWEST
CORNER OF SAID LOT 71, AND RUNNING THENCE SOUTH 89D09' EAST 233.03 FEET ALONG
THE NORTH LINE OF SAID LOT 71; THENCE SOUTH 0D28' WEST 186.93 FEET; THENCE
NORTH 89D09' WEST 233.03 FEET TO THE WEST LINE OF SAID LOT 71; THENCE NORTH
0D28' EAST 186.93 FEET ALONG SAID WEST LOT LINE TO THE POINT OF BEGINNING.

15-159-0004 ✓
PARCEL 2
PART OF LOT 71, OGDEN COMMERCIAL AND INDUSTRIAL PARK, PLAT D, OGDEN CITY, WEBER
COUNTY, UTAH: BEGINNING NORTH 0D28' EAST 207.17 FEET AND SOUTH 89D09' EAST
233.03 FEET FROM THE SOUTHWEST CORNER OF SAID LOT 71, RUNNING THENCE NORTH
0D28' EAST 186.93 FEET, THENCE SOUTH 89D09' EAST 230.32 FEET, THENCE SOUTH
0D28' WEST 186.93 FEET, THENCE NORTH 89D09' WEST 230.32 FEET TO THE POINT OF
BEGINNING.
TOGETHER WITH A RIGHT OF WAY FOR INGRESS AND EGRESS 15 FEET WIDE DESCRIBED AS
FOLLOWS: BEGINNING 207.17 FEET NORTH FROM THE SOUTHWEST CORNER OF LOT 71,
RUNNING THENCE EAST 273.35 FEET, THENCE SOUTH 207.17 FEET, THENCE WEST 15 FEET,
THENCE NORTH 192.17 FEET, THENCE WEST 258.35 FEET, THENCE NORTH 15 FEET TO THE
POINT OF BEGINNING.

15-159-0005 ✓

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EXHIBIT "B"

15-159-0002, 0003

PART OF LOT 71, OGDEN COMMERCIAL AND INDUSTRIAL PARK, PLAT "D", OGDEN CITY, WEBER COUNTY, UTAH: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 71 AND RUNNING THENCE NORTH 0 DEG. 28 MIN. EAST 207.17 FEET ALONG THE WEST LINE OF SAID LOT 71; THENCE SOUTH 89 DEG. 09 MIN. EAST 463.35 FEET; THENCE SOUTH 0 DEG. 28 MIN. WEST 207.17 FEET TO THE SOUTH LINE OF LOT 71; THENCE NORTH 89 DEG. 09 MIN. WEST 463.35 FEET TO THE POINT OF BEGINNING.

~~15-159-0002, 0003~~
SUBJECT TO AND TOGETHER WITH A RIGHT OF WAY FOR INGRESS AND EGRESS DESCRIBED AS FOLLOWS: BEGINNING 207.17 FEET NORTH FROM THE SOUTHWEST CORNER OF LOT 71, AND RUNNING THENCE EAST 273.35 FEET; THENCE SOUTH 207.17 FEET; THENCE WEST 15.00 FEET; THENCE NORTH 192.17 FEET; THENCE WEST 258.35 FEET; THENCE NORTH 15 FEET TO THE POINT OF BEGINNING.

~~15-159-0002, 0003~~

Joseph Balaban
Sharon Decker

EXHIBIT "C"

EXISTING 15 FOOT RIGHT OF WAY

BEGINNING 207.17 FEET NORTH FROM THE SOUTHWEST CORNER OF LOT 71, AND
RUNNING THENCE EAST 273.35 FEET; THENCE SOUTH 207.17 FEET; THENCE
WEST 15.00 FEET; THENCE NORTH 192.17 FEET; THENCE WEST 258.35 FEET;
THENCE NORTH 15 FEET TO THE POINT OF BEGINNING.

PT. 15-159-0002

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