

WHEN RECORDED, RETURN TO:

The Law Offices of Kirk A. Cullimore  
644 East Union Square  
Sandy, UT 84070

## UTILITY MAINTENANCE AND ACCESS EASEMENT

DATED: November 6, 2007

GRANTOR: J. Ballard Homes, Inc.

GRANTEES: Saratoga Chase Homeowners Association, All Owners in Saratoga Chase Subdivision, the electric utility company servicing Saratoga Chase, all necessary governmental entities.

### RECITALS:

A. Saratoga Chase, A Residential Development, is located in Saratoga Springs, Utah County and was created by a plat map recorded with the Utah County Recorder on July 3, 2007, as Entry No. 96337:2007 in Book 66 at Page 211 (the "Plat").

B. All property located within Saratoga Chase is bound by and governed by a Declaration of Covenants, Conditions, and Restrictions recorded with the Utah County Recorder on July 3, 2007 as Entry No. 96338:2007 (the "Declaration").

C. This Easement shall be binding on and appurtenant to all Lots described on the Plat and in the Declaration more particularly described as:

ALL OF LOTS 1 THROUGH 88, SARATOGA CHASE SUBDIVISION, A RESIDENTIAL DEVELOPMENTS AS DESCRIBED ON THE PLAT ON FILE WITH THE UTAH COUNTY RECORDER.

D. J. Ballard Homes, Inc., is a Utah corporation, and owns all Lots in Saratoga Chase.

E. Saratoga Chase consists of town house lots connected by party walls, common roofs exterior walls, and attic space.

F. Electrical lines, meters, conduit, junction boxes, and other devices used to provide electric utilities to the Lots and serving more than one Lot are located in the crawl and basement space of the Lots; additionally, other utility lines are located in the crawl space and basements of the Lots ("Utilities").

G. Grantor desires to grant an easement over all Lots to Saratoga Chase Homeowners

Association, all owners of Lots in Saratoga Chase, the electric utility company servicing Saratoga Chase, any other utility companies with service lines, and any applicable governmental entities to access, maintain, repair, and replace the Utilities.

GRANT OF EASEMENT:

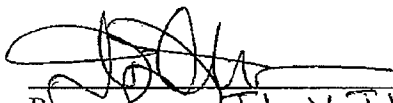
For good and valuable consideration, the receipt of which is hereby acknowledged, Grantor hereby declares and creates over the Lots a permanent and nonexclusive easement over the Lots in favor of the Saratoga Chase Homeowners Association, the owners of Lots in Saratoga Chase, any utility companies servicing Saratoga Chase with lines installed in the crawl and basement space of the Lots, and any applicable governmental entity for the purposes of access to, maintenance, repair and replacement of the Utilities.

Grantees shall have all rights of reasonable ingress and egress over and across said Lots necessary for Grantees' use, operation, and maintenance of the easement hereby granted, and all rights and privileges incident thereto.

This easement shall run with the land and is binding upon Grantees' and Grantor's successors, assigns, administrators, representatives, and heirs, and shall be appurtenant to the Lots.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed the day and year first above written.

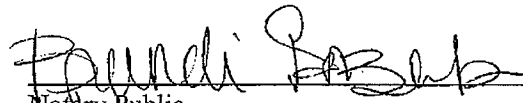
**J. BALLARD HOMES, INC.**

  
By: John V. Johnson  
Its: President

STATE OF UTAH    )  
                                  :SS  
County of Utah    )

SUBSCRIBED AND SWORN to before me this November 6, 2007, by John V. Johnson, who did swear that he/she is authorized by Grantor to sign this Utility Access and Maintenance Easement and acknowledged this to be his/her voluntary deed and act.



  
Notary Public