

**When Recorded Return To:**

Toll Brothers, Inc.  
Attn: Jeff Calcagni  
250 Gibraltar Road  
Horsham, Pennsylvania 19044

ENT 18940:2021 PG 1 of 8  
Andrea Allen  
Utah County Recorder  
2021 Feb 01 09:34 AM FEE 380.00 BY SW  
RECORDED FOR Bartlett Title Insurance Agency, Inc.  
ELECTRONICALLY RECORDED

Tax Parcels: See Exhibit A, B, and C.

## AMENDMENT TO EASEMENTS

For good and valuable consideration, acknowledged and received, Toll Southwest, LLC, a Delaware limited liability company (“**Toll**”), and SE Development, LLC, a Utah limited liability Company (“**SED**”) hereby enter into this *Amendment to Easements* (“**Amendment**”) effective as of the date when signed by all Parties as indicated on the signature page(s) below (“**Effective Date**”).

### RECITALS

A. Toll and Fieldstone Utah Investors, LLC, a Utah limited liability company (“**Fieldstone**”) entered into that certain *Cross Easement Agreement and Covenant* (“**Easement Agreement**”) dated November 14, 2017 and recorded in the real property records of Utah County, State of Utah (“**Official Records**”) on November 15, 2017 as Entry No. 113182:2017. Toll and Fieldstone also entered into that certain *Grant of Easement (Grading and PRVS Construction)* (“**PRVS Easement**”) dated November 14, 2017 and recorded in the Official Records on November 15, 2017 as Entry No. 113181:2017. Toll and Triumph Mixed Use Investments III, LLC, a Utah limited liability company and Mountain Home Development Corporation, a Utah corporation (collectively, “**Mountain Home**”) entered into that certain *Grant of Easement (Grading and Cross Grading)* (“**Grading Easement**”) dated November 11, 2017 and recorded in the Official Records on November 15, 2017 as Entry No. 113183:2017. The Easement Agreement, the PRVS Easement, and the Grading Easement are collectively referred to as the “**Easements.**”

B. The Easements affect certain real property referred to in the Easements as the “**Development Property,**” which is described more particularly on Exhibit A hereto. The Easements also affect the “**Retained Property,**” which is described as a combination of the “**Owned Property,**” as described more particularly on Exhibit B hereto, and the “**Additional Property,**” as described more particularly on Exhibit C hereto.

C. SED is the successor-in-interest to Fieldstone, with respect to the Easement Agreement and the PRVS Easement and has assumed all the rights and obligations of Fieldstone with respect to the Easement Agreement and the PRVS Easement. SED is also the successor-in-interest to Mountain Home with respect to the Grading Easement and has assumed all the rights and obligations of Mountain Home with respect to the Grading Easement.

D. Toll and SED now wish to modify the terms and conditions of the Easements, as set forth herein.

## AMENDMENT

1. **Soils Removal.** The Easements provide, among other things, that Toll will have the right to remove up to one hundred fifty thousand (150,000) cubic yards of soils from the Retained Property for the benefit of the Development Property. The Parties do hereby agree that Toll's construction and development activities on the Development Property require minimal to no removal of soils from the Retained Property. Thus, notwithstanding anything in the Easements to the contrary, the Parties now agree that on and after the Effective Date, Toll shall have the right to remove up to Fifty thousand (50,000) cubic yards of soils from the Retained Property.

2. **Scope of Changes.** Except as specifically modified herein, the Parties affirm and ratify the Easements. In the event that the terms of the Easements conflict with this Amendment, the terms of this Amendment will control.

3. **Successors.** This instrument is intended to run with the land. The rights, obligations, and privileges granted herein shall inure to the benefit of, and be binding upon, the parties' successors-in-interest or assigns. Without limiting the foregoing, all future purchasers of the Property are hereby notified that such purchasers will be bound by the terms, provisions, restrictions, duties, and obligations set forth herein.

*[End of Instrument. Signature Pages Follow]*

IN WITNESS WHEREOF, the undersigned have executed this instrument.

**TOLL:**

Toll Southwest, LLC, a Delaware limited liability company

By: *Oscar Dominguez*

Name: OSCAR DOMINGUEZ

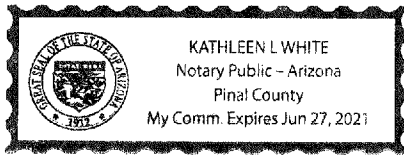
Title: SR VP LAND DEVELOPMENT

Date: 1/4/2021

STATE OF Arizona )  
 : SS.  
COUNTY OF Pinal )

The foregoing instrument was acknowledged before me this 4 day of January, 2021, by Oscar Dominguez, as SR VP Land Development of Toll Southwest, LLC.

SEAL:



*Kathleen L White*  
Notary Public

SED:

SE Development, LLC, a Utah limited liability company

By: [Signature]

Name: Wade Sherman

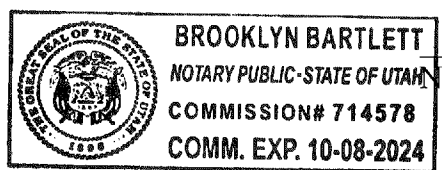
Title: owner

Date: JAN 4, 2021

STATE OF Utah )  
 : ss.  
COUNTY OF Salt Lake )

The foregoing instrument was acknowledged before me this 4 day of January, 2020, by Wade Sherman, as Owner of SE Development, LLC.

SEAL:



[Signature]  
Notary Public

EXHIBIT A

## (Legal Description of Development Property)

A portion of Section 19, Township 4 South, Range 1 East, Salt Lake Base & Meridian, Lehi, Utah, more particularly described as follows:

Beginning at the southeast corner of that Real Property described as Parcel 3 in Deed Entry 67264:2011 of the Official Records of Utah County, coincident with the northeast corner of EAGLE SUMMIT Subdivision 6A, according to the Official plat thereof on file in the Office of the Utah County Recorder located West 5,259.79 feet and North 6,662.01 feet from the Southeast Corner of Section of Section 30, T4S, R1E, S.L.B. & M. (Basis of Bearing: N0°17'58"W along the Section line from said Southeast Corner to the East ¼ Corner of said Section 30), said point is also described as being N0°11'19"E along the Section line 1,291.05 feet and East 1,007.52 feet from the Southwest Corner of Section 19, T4S, R1E, S.L.B. & M.; thence Northeasterly along the arc of a 388.00 foot radius non-tangent curve (radius bears: N66°20'10"W) 75.42 feet through a central angle of 11°08'13" (chord: N18°05'43"E 75.30 feet); thence S75°54'23"E 96.16 feet; thence N8°16'45"E 119.81 feet; thence N7°25'00"W 89.47 feet, the previous 4 (four) courses along said deed; thence N66°46'43"E 1,275.96 feet; thence N31°43'56"E 32.56 feet; thence N58°15'57"W 99.00 feet; thence N31°44'03"E 1,453.54 feet; thence N3°52'57"E 892.49 feet; thence S71°13'07"E 772.84 feet; thence N83°47'25"E 52.08 feet; thence S70°44'20"E 112.82 feet; thence S19°11'42"W 240.00 feet; thence S70°52'34"E 113.10 feet; thence S30°48'17"E 73.19 feet; thence S70°52'34"E 114.33 feet; thence S62°47'54"E 128.83 feet; thence N83°57'50"E 65.54 feet; thence S66°33'44"E 177.40 feet; thence S64°15'06"E 385.89 feet; thence S55°06'25"E 121.62 feet; thence S57°20'42"W 457.05 feet; thence S14°04'26"E 504.71 feet; thence S13°08'06"W 724.54 feet; thence S39°20'18"W 765.65 feet; thence S68°30'56"E 150.67 feet to that Real Property described in Deed Entry No. 16062:2013; thence South along said deed 112.73 feet; thence West along said deed 104.95 feet to lands of Lehi City described in Deed Entry No. 148673:2006 of the Official Records; thence along said deed the following 4 (four) courses and distances: N11°39'19"W 43.98 feet; thence N61°04'00"W 102.30 feet; thence S81°46'14"W 105.65 feet; thence S57°49'29"W 174.31 feet to lands of Lehi City described in Deed Entry No. 19257:2005 of the Official Records; thence N56°26'01"W along said deed 255.04 feet to lands of Lehi City described in Deed Entry No. 19258:2005 of the Official Records; thence N47°10'18"W along said deed 176.16 feet to that Real Property described as Parcel 2 in Deed Entry No. 67264:2011 of the Official Records; thence along said deed the following 11 (eleven) courses and distances: N23°24'02"W 166.68 feet; thence N45°00'00"W 280.17 feet; thence N20°59'46"E 38.40 feet; thence along the arc of an 89.00 foot radius curve to the left 158.52 feet through a central angle of 102°02'59" (chord: N30°01'44"W 138.38 feet); thence N81°03'14"W 22.81 feet; thence along the arc of a 15.00 foot radius curve to the right 21.92 feet through a central angle of 83°44'11" (chord: N39°11'08"W 20.02 feet); thence Southwesterly along the arc of a 303.00 foot radius non-tangent curve (radius bears: N87°19'03"W) 395.80 feet through a central angle of 74°50'36" (chord: S40°06'15"W 368.25 feet); thence S77°31'33"W 127.92 feet; thence along the arc of a 172.00 foot radius curve to the left 343.83 feet through a central angle of 114°32'03" (chord: S20°15'32"W 289.37 feet); thence S37°00'30"E 154.70 feet; thence along the arc of a 228.00 foot radius curve to the right 167.58 feet through a central of 42°06'45" (chord: S15°57'08"E 163.83 feet) to the north line of that Real Property described in Deed Entry No. 16062:2013 of the Official Records; thence S84°09'17"W along said deed 3.77 feet; thence N89°01'44"W along said deed 8.89 feet; thence N82°59'07"W 44.31 feet along the extension of, and along the northeasterly terminus of FOX CANYON ROAD DEDICATION PLAT NO. 2, according to the Official Plat thereof on file in the Office of the Utah County Recorder; thence along said Dedication Plat: Southwesterly along the arc of a 170.00 foot radius non-tangent curve (radius bears: N82°59'07"W) 88.57 feet through a central angle of 29°51'00" (chord: S21°56'23"W 87.57 feet) to the northerly line of a portion of that Real Property described in Deed Entry No. 54471:2013 of the Official Records of Utah County; thence along said deed the following 3 (three) courses and distances: N75°36'45"W 4.28 feet; thence

Northeasterly along the arc of a 166.00 foot radius non-tangent curve (radius bears: N52°36'27"W) 23.83 feet through a central angle of 8°13'30" (chord: N33°16'48"E 23.81 feet); thence N76°02'31"W 1,622.97 feet along the extension of, and along said deed to the southeasterly line of said EAGLE SUMMIT Subdivision 6A; thence Northeasterly along the arc of a 388.00 foot radius non-tangent curve (radius bears: N66°19'59"W) 0.08 feet through a central angle of 0°00'43" (chord: N23°39'40"E 0.08 feet) to the point of beginning.

(11:013:0186)

Less and Excepting the following two parcels of land owned by Perry Land Investments, LLC:  
Commencing North 6484.32 feet and West 4183.82 feet from Southeast Corner of Section 30, Township 4 South, Range 1 East, Salt Lake Base and Meridian; along a curve to the right (chord bears: North 84°34'12" West 79.9 feet, radius = 272 feet) arc length = 80.19 feet; thence North 76°7'28" West 645.63 feet; thence North 16°13'13" East 368.29 feet; thence South 77°2'55" East 818.56 feet; thence South 30°17'36" West 385.15 feet to the point of beginning.

(11:013:0107)

Commencing North 6808.07 feet and West 3951.49 feet from Southeast Corner of Section 30, Township 4 South, Range 1 East, Salt Lake Base and Meridian; thence North 392.76 feet; thence North 45°0'0" East 468.11 feet; thence East 148.39 feet; along a curve to the Left (chord bears: South 25°6'55" East 195.61 feet, radius = 428 feet); along a curve to the Right (chord bears: South 19°36'2" West 418.59 feet, radius = 247 feet); thence South 77°31'33" West 127.92 feet; along a curve to the Left (chord bears: South 54°52'7" West 175.66 feet, radius = 228 feet); along a curve to the Right (chord bears: South 67°19'21" West 17.25 feet, radius = 15 feet); along a curve to the Left (chord bears: South 82°58'46" West 138.55 feet, radius = 208 feet) to the point of beginning.

(11:013:0151)

Also, Less and Excepting that portion of land conveyed to Perry Land Investments, LLC, a Utah limited liability company by that certain Quit Claim Deed dated August 12, 2016, by and between, Fieldstone Hidden Canyon, LLC as (Grantor) and Perry Land Investments, LLC, a Utah limited liability company as (Grantee), recorded August 12, 2016, as Entry No. 76477:2016.

(11:013:0185)

EXHIBIT B

(Legal Description of the Owned Property)

A portion of Section 19, Township 4 South, Range 1 East, Salt Lake Base & Meridian, Lehi, Utah, more particularly described as follows:

Beginning at a point located North 8,982.54 feet and West 2,143.54 feet from the Southeast Corner of Section of Section 30, T4S, R1E, S.L.B. & M. (Basis of Bearing: N0°17'58"W along the Section line from said Southeast Corner to the East ¼ Corner of said Section 30); thence N70°52'34"W 114.33 feet; thence N30°48'17"W 73.19 feet; thence N70°52'34"W 113.10 feet; thence N19°11'42"E 240.00 feet; thence N70°44'20"W 112.82 feet; thence S83°47'25"W 52.08 feet; thence N71°13'07"W 259.10 feet; thence N19°15'40"E 124.13 feet; thence N21°49'57"W 74.31 feet; thence N19°15'45"E 146.15 feet; thence S62°53'41"E 95.61 feet; thence S78°20'46"E 56.48 feet; thence S70°52'34"E 438.17 feet; thence S5°05'24"E 114.59 feet; thence S70°52'34"E 123.38 feet; thence S19°07'26"W 400.00 feet; thence S25°37'12"W 80.02 feet to the point of beginning.

Contains: 6.59+/- acres

EXHIBIT C**(Legal Description of the Additional Property)**

A portion of Section 19, Township 4 South, Range 1 East, Salt Lake Base & Meridian, Lehi, Utah, more particularly described as follows:

Beginning at a point located North 8,622.77 feet and West 1,353.69 feet from the Southeast Corner of Section of Section 30, T4S, R1E, S.L.B. & M. (Basis of Bearing: N0°17'58"W along the Section line from said Southeast Corner to the East ¼ Corner of said Section 30); thence N55°06'25"W 121.61 feet; thence N64°15'06"W 385.89 feet; thence N66°33'44"W 177.40 feet; thence S83°57'50"W 65.54 feet; thence N62°47'54"W 128.84 feet; thence N25°37'12"E 80.02 feet; thence N19°07'26"E 400.00 feet; thence N70°52'34"W 123.38 feet; thence N05°05'24"W 114.59 feet; thence N70°52'34"W 438.17 feet; thence N78°20'46"W 56.48 feet; thence N62°53'41"W 95.60 feet; thence S19°15'45"W 146.15 feet; thence S21°49'57"E 74.31 feet; thence S19°15'40"W 124.13 feet; thence N71°13'07"W 513.75 feet; thence N03°52'57"E 233.92 feet; thence N55°46'59"E 581.42 feet; thence N17°24'12"E 389.56 feet; thence N28°21'02"E 226.84 feet; thence N41°18'48"E 661.68 feet; thence N59°01'31"E 312.98 feet; thence S20°46'01"E 868.04 feet; thence S09°07'38"E 917.41 feet; thence S01°23'13"W 1,076.85 feet to the point of beginning.

Contains: 58.78 acres+/-