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 RICHARD T. MAUGHAN  
 DAVIS COUNTY, UTAH RECORDER  
 4/8/2008 9:33:00 AM  
 FEE \$21.00 Pgs: 6  
 DEP eCASH REC'D FOR FIRST AMERICAN TITLE-NCS

**WHEN RECORDED, MAIL TO:**

Shane Eriksen  
 Country Pines Phase II, LLC  
 1706 West 1800 North  
 Clinton, Utah 84015

Parcels: 14-001-0062, 14-001-0063

**DECLARATION OF RECIPROCAL  
 CROSS-ACCESS EASEMENT AND PARKING**

THIS DECLARATION OF REPRICOAL CROSS-ACCESS  
 EASEMENT AND PARKING is made this 1<sup>th</sup> of April, 2008 by  
 Country Pines Limited Partnership, LLC, a Utah limited liability company, with an  
 address of 1748 West 1800 North, Clinton, Utah 84015, parcel number 14-001-0062 to  
 Country Pines Phase II, LLC, a Utah limited liability company, with an address of 1706  
 West 1800 North, Clinton, Utah 84015, parcel number 14-001-0063.

WHEREAS, Country Pines Limited Partnership, LLC is the owner of a  
 that certain parcel of real property located in Clinton, Utah, known as parcel 14-001-0062  
 ("Parcel A"), as more particularly described on the attached Exhibit A, and is located  
 adjacent to that certain parcel of real of property owned by Country Pines Phase II, LLC  
 known as parcel 14-001-0063 ("Parcel B"), as more particularly described on the  
 attached Exhibit B.

WHEREAS, Country Pines Limited Partnership, LLC has determined, that  
 an easement for parking and access shall be established to benefit Parcel B.

THEREFORE, Country Pines Limited Partnership, LLC as owner of  
 Parcel A hereby declares, covenants, grants and agrees as follows:

1. Country Pines, LLC - Grant of Access Easement. Country Pines Limited  
 Partnership, LLC hereby creates and grants to Country Pines Phase II, LLC as owner of  
 Parcel B, and to its successors and assigns, a perpetual, non-exclusive right and easement  
 for ingress and egress on, over and across the portion of road that runs from the 1800  
 North Street, moving north along 00°08'00" across Parcel A to 1706 West and into the  
 Country Pines Retirement Community Center located on Parcel B (the "Access  
 Easement").

2. Country Pines, LLC - Grant of Parking Easement. Country Pines Limited  
 Partnership, LLC hereby creates and grants to Country Pines Phase II, LLC as owner of  
 Parcel B, and to its successors and assigns, a perpetual, non-exclusive right and easement  
 for parking in and on, that portion of Parcel A in the areas designated from time to time  
 by Country Pines Limited Partnership, LLC, and as shown on Exhibit C attached hereto  
 (the "Parking Easement" and together with the Access Easement, the "Easements").

NCS - 275729 CP

3. Maintenance and Improvements of Easement Areas. Each owner shall share the expense to perform such repairs, maintenance, or replacements, as may be reasonably necessary to maintain the Easement areas

4. Non-Exclusive. The Easements granted hereby shall be non-exclusive; provided that no party shall use or permit any use of the Easement areas which unreasonably interferes with any other use of the Easement areas.

5. No Barriers. No walls, fences, or barriers of any kind shall be constructed or maintained on the Easement areas, or any portion thereof, by any party which shall prevent or impair the use or exercise of the rights granted herein, or which would impair the free access, movement, and parking, including without limitation, of pedestrians and vehicular traffic and parking in, on, across and/or between Parcel A and Parcel B, as applicable.

6. Indemnity. Each party agrees to indemnify, defend or hold harmless the other party from and against any claims, liability, damages or costs arising out of or relating to the use by the party, its invitees, guests or customers of the Easement areas unless such claims are the result of negligence or intentional act or omission of such other party.

7. No Merger. The Easements granted herein shall not be extinguished based on merger of the title or common ownership of Parcel A and Parcel B unless expressly terminated by the owner(s) by recorded instrument.

8. Successors and Assigns. This Declaration shall not impair the rights of any party to hereafter convey any interest in any or all of the property burdened or benefited hereby, provided that any such conveyance is subject hereto. The Easements reserved and established herein shall not be conveyed or assigned separately from the benefited property to which it is appurtenant. This Declaration shall be binding upon and shall insure to the benefit of the parties hereto and their respective legal representatives, successors and assigns.

EFFECTIVE as of the date first set forth herein.

By: Corey L. Ericksen  
Country Pines Limited Partnership, LLC  
Corey L. Ericksen, Owner and Managing Member

By: Corey L. Ericksen  
Country Pines Phase II, LLC  
Corey L. Ericksen, Owner and Managing Member

STATE OF UTAH                    )  
  : ss.  
COUNTY OF SALT LAKE    )

On the 7<sup>th</sup> day of April, 2008, personally appeared before me **Corey Ericksen**, who being by me duly sworn did say, that he is the Managing Member of Country Pines Limited Partnership, LLC, a Utah Limited Liability Company and Country Pines Phase II, LLC, a Utah Limited Liability Company and that the within and foregoing instrument was signed on behalf of said Limited Liability Companies by authority of their Articles of Organization and duly acknowledged to me that said Limited Liability Companies executed the same.

Corey C. Prestwich  
Notary Public for Utah  
My Commission Expires: 02/10/2009



**EXHIBIT A**

**(Legal Description of Grantee's Parcel)**

The real property situated in the County of Davis, State of Utah, specifically described as:

**Exhibit "A"**

Parcel A:

BEGINNING AT THE NORTHWEST CORNER OF PROPERTY CONVEYED IN BOOK 667 AT PAGE 856, AT A POINT 1065.43 FEET WEST AND NORTH 42.0 FEET FROM THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE MERIDIAN AND RUNNING THENCE NORTH 288.0 FEET; THENCE WEST 254.57 FEET, TH SOUTH 126.77 FEET; THENCE WEST 174.23 FEET; THENCE SOUTH 163.19 FEET; THENCE EAST 428.37 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THE FOLLOWING:

COMMENCING AT A POINT LOCATED SOUTH 89°59'21" EAST ALONG THE QUARTER SECTION LINE 1320.45 FEET AND NORTH 203.18 FEET FROM THE WEST QUARTER CORNER OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 0°07'36" EAST ALONG THE EXTENSION OF AND ALONG THE EAST BOUNDARY OF CLINTON CITY PROPERTY 456.57 FEET; THENCE EAST ALONG THE SOUTH BOUNDARY OF BERNICE KENDELL PROPERTY 253.84 FEET; THENCE SOUTH 00°08'00" WEST ALONG THE WEST BOUNDARY OF UTAH POWER AND LIGHT PROPERTY 456.57 FEET; THENCE WEST 253.79 FEET TO THE POINT OF BEGINNING.

14-001-0062

**EXHIBIT B**

**(Legal Description of the Easement Area)**

The real property situated in the County of Davis, State of Utah, specifically described as:

EXHIBIT "B"

PARCEL B:

COMMENCING AT A POINT LOCATED SOUTH 89°59'21" EAST ALONG THE QUARTER SECTION LINE 1320.45 FEET AND NORTH 203.18 FEET FROM THE WEST QUARTER CORNER OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 0°07'36" EAST ALONG THE EXTENSION OF AND ALONG THE EAST BOUNDARY OF CLINTON CITY PROPERTY 456.57 FEET; THENCE EAST ALONG THE SOUTH BOUNDARY OF BERNICE KENDELL PROPERTY 253.84 FEET; THENCE SOUTH 00°08'00" WEST ALONG THE WEST BOUNDARY OF UTAH POWER AND LIGHT PROPERTY 456.57 FEET; THENCE WEST 253.79 FEET TO THE POINT OF BEGINNING.

ALSO ALL THAT PORTION LYING EASTERLY OF THE LINE DESCRIBED BY THAT CERTAIN BOUNDARY LINE AGREEMENT RECORDED FEBRUARY 8, 2007 AS ENTRY NO. 2242991 IN BOOK 4216 AT PAGE 890 OF OFFICIAL RECORDS.

14-001-0063

## EXHIBIT "C"

## PARKING AND ACCESS EASEMENT DESCRIPTION:

BEGINNING AT A POINT ON THE WEST LINE OF THE ROCK MOUNTAIN POWER COMPANY PARCEL, SAID POINT BEING NORTH 89°59'21" EAST ALONG THE QUARTER SECTION LINE 1573.69 FEET AND NORTH 00°08'00" WEST 77.07 FEET FROM THE WEST QUARTER CORNER OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE SOUTH 45°00'33" WEST 29.32 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY ALONG THE ARC OF A 18.00 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 45°01'12" A DISTANCE OF 14.14 FEET (CHORD BEARS SOUTH 22°29'57" WEST 13.78 FEET); THENCE SOUTH 00°00'39" EAST 1.61 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF 1800 NORTH STREET; THENCE SOUTH 89°59'21" WEST 36.19 FEET TO A POINT ON THE ARC OF A 26.50 FOOT NON-TANGENT RADIUS CURVE TO THE LEFT (CENTER BEARS SOUTH 83°08'43" WEST); THENCE NORTHWESTERLY ALONG THE ARC OF SAID 26.50 FOOT RADIUS CURVE THROUGH A CENTRAL ANGLE OF 166°18'45" A DISTANCE 76.92 FEET (CHORD BEARS SOUTH 89°59'21" WEST 52.62 FEET) TO A POINT ON SAID NORTHERLY RIGHT OF WAY LINE; THENCE SOUTH 89°59'21" WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE 26.99 FEET TO A POINT ON THE ARC OF A 68.05 FOOT NON-TANGENT RADIUS CURVE TO THE RIGHT (CENTER BEARS SOUTH 75°30'58" EAST); THENCE NORTHEASTERLY ALONG THE ARC OF SAID 68.05 FOOT RADIUS CURVE THROUGH A CENTRAL ANGLE OF 65°24'40" A DISTANCE OF 77.69 FEET (CHORD BEARS NORTH 47°11'22" EAST 73.54 FEET) TO A POINT OF REVERSE CURVATURE; THENCE NORTHEASTERLY ALONG THE ARC OF A 10.51 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 79°52'29" A DISTANCE OF 14.65 FEET (CHORD BEARS NORTH 39°57'28" EAST 13.49 FEET); THENCE NORTH 00°01'13" EAST 48.06 FEET; THENCE NORTH 89°32'24" WEST 53.07 FEET; THENCE NORTH 00°03'11" EAST 52.36 FEET; THENCE EAST 103.84 FEET; THENCE SOUTH 00°01'57" WEST 19.80 FEET; THENCE SOUTH 89°27'38" EAST 19.97 FEET; THENCE SOUTH 00°07'42" WEST 63.88 FEET; THENCE NORTH 89°42'44" WEST 12.75 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY ALONG THE ARC OF A 5.93 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 96°01'19" A DISTANCE OF 9.93 FEET (CHORD BEARS SOUTH 42°16'36" WEST 8.81 FEET); THENCE SOUTH 01°00'15" EAST 8.50 FEET TO A POINT ON THE ARC OF A 5.00 FOOT NON-TANGENT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 89°14'16" EAST); THENCE SOUTHEASTERLY ALONG THE ARC OF SAID 5.00 FOOT RADIUS CURVE THROUGH A CENTRAL 103°19'49" A DISTANCE OF 9.02 FEET (CORD BEARS SOUH 52°25'39" EAST 7.84 FEET) TO A POINT OF COMPOUND CURVATURE; THENCE NORTHEASTERLY ALONG THE ARC OF A 9.69 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 34°31'19" A DISTANCE OF 5.84 FEET (CHORD BEARS NORTH 58°38'47" EAST 5.75 FEET); THENCE NORTH 46°05'26" EAST 9.77 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG THE ARC OF A 27.59 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 44°19'49" A DISTANCE OF 21.35 FEET (CHORD BEARS NORTH 23°55'31" EAST 20.82 FEET); THENCE NORTH 89°59'06" EAST 0.59 FEET TO A POINT ON SAID WESTERLY LINE OF THE ROCKY MOUNTAIN POWER PARCEL; THENCE SOUTH 00°08'00" WEST 51.26 FEET TO THE POINT OF BEGINNING.