

MODIFICATION OF DECLARATION OF RESTRICTIONS AND  
GRANT OF EASEMENTS

3359704

ASSOCIATED TITLE CO.  
REF  
DEP  
UTAH

1200  
Nov 2 2 36 PM '79  
KATIE L. OXON  
RECORDER  
SALT LAKE COUNTY,  
UTAH

This Modification of Declaration of Restrictions and Grant of Easements is made as of the 26th day of October, 1979, by Oakwood Development Company a joint venture, (Oakwood), Skagg's Companies, a division of American Stores Company, a Delaware corporation, (Skagg's), Albertson's, Inc., a Delaware corporation, (Albertson's), and MHP Properties, a Utah partnership, (MHP), sometimes hereinafter collectively referred to as "declarants".

Whereas, the above parties or their predecessors, with the exception of MHP, entered into a Declaration of Restrictions and Grant of Easements (the Declaration) dated August 9, 1978 and now desire to modify the Declaration as set forth herein.

Now therefore, the Declaration is modified and ratified as follows:

(1) Exhibit A of the Declaration, (which designates specific areas in which new construction may take place on the subject property) attached to the Declaration is hereby deleted and Exhibit A attached hereto is hereby substituted therefor, and all reference in the Declaration of Restrictions to the Exhibit A shall be to Exhibit A attached hereto.

(2) The parties hereto acknowledge that the Declaration was executed by Mr. John Hampshire as a general partner of GM Properties, a joint venturer in Oakwood Development Company although his signature does not correctly identify his capacity as signator. The parties also acknowledge that MHP Properties is the successor in interest to GM Properties pursuant to a change of name.

The parties hereto certify that the Declaration is in full force and effect, that no default exists to the best of the Declarants knowledge under the Declaration and that all operating covenants within the Declaration are in full force and effect.

Albertson's, Inc.  
A Delaware Corporation

By [Signature]  
Senior Vice President

By [Signature]  
Secretary

Skagg's Companies, a division of  
American Stores Company  
A Delaware Corporation  
(Formerly Skagg's Companies, Inc.  
A Delaware Corporation)

By [Signature]  
Executive Vice President

By [Signature]

Oakwood Development Company  
A Joint Venture

By [Signature]  
D & A Properties

By [Signature]  
MHP Properties

MHP Properties  
By [Signature]  
General Partner

By [Signature]  
Jones, Waldo, Holbrook &  
McDonough

ATC 79-10495

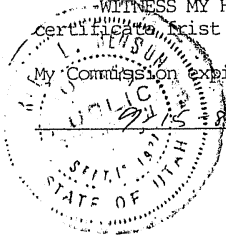
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STATE OF UTAH )  
 ) ss.  
County of Salt Lake )

On this 30<sup>th</sup> day of October, 1979, before me the undersigned, a Notary Public in and for said State, personally appeared Ralph E. Davis and Joseph A. Bowman, to me known to be the Vice-President and Assistant Secretary respectively, of American Stores Company, the corporation that executed the foregoing instrument, and acknowledged to me that the said instrument is the free and voluntary act and deed of said Corporation, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute the said instrument and that the seal affixed is the corporate seal of said Corporation.

WITNESS MY HAND and official seal hereto affixed the day, month and year in this certificate first above written.

My Commission Expires: \_\_\_\_\_



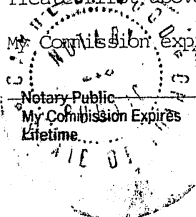
Ralph E. Davis  
Notary Public for the State of Utah  
Residing at Sandy Utah

STATE OF IDAHO )  
 ) ss.  
County of Ada )

On this 26<sup>th</sup> day of October, 1979, before me, the undersigned Notary Public in and for said State, personally appeared Kenneth W. Huff and Anne D. Wenthong known to me to be the V. Vice President and Secretary respectively of Albertson's Inc., the corporation that executed the foregoing instrument, and acknowledged to me that they are authorized to execute the said instrument on behalf of said corporation.

WITNESS MY HAND and official seal hereto affixed, the day and year in this certificate first above written.

My Commission Expires: \_\_\_\_\_



Carol L. Wood  
Notary Public for Idaho  
Residing at \_\_\_\_\_

STATE OF UTAH )  
 ) ss.  
County of Salt Lake )

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me, the undersigned Notary Public in and for said State, personally appeared \_\_\_\_\_ and \_\_\_\_\_, known to me to be the joint ventures of Oakwood Development Company, the Joint Venture that executed the foregoing instrument, and acknowledged to me that they are authorized to execute the said instrument on behalf of said Joint venture.

WITNESS MY HAND and official seal hereto affixed, the day and year in this certificate first above written.

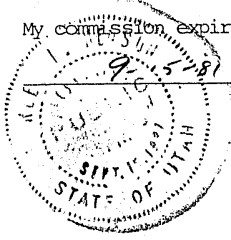
My Commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public for \_\_\_\_\_  
Residing at \_\_\_\_\_

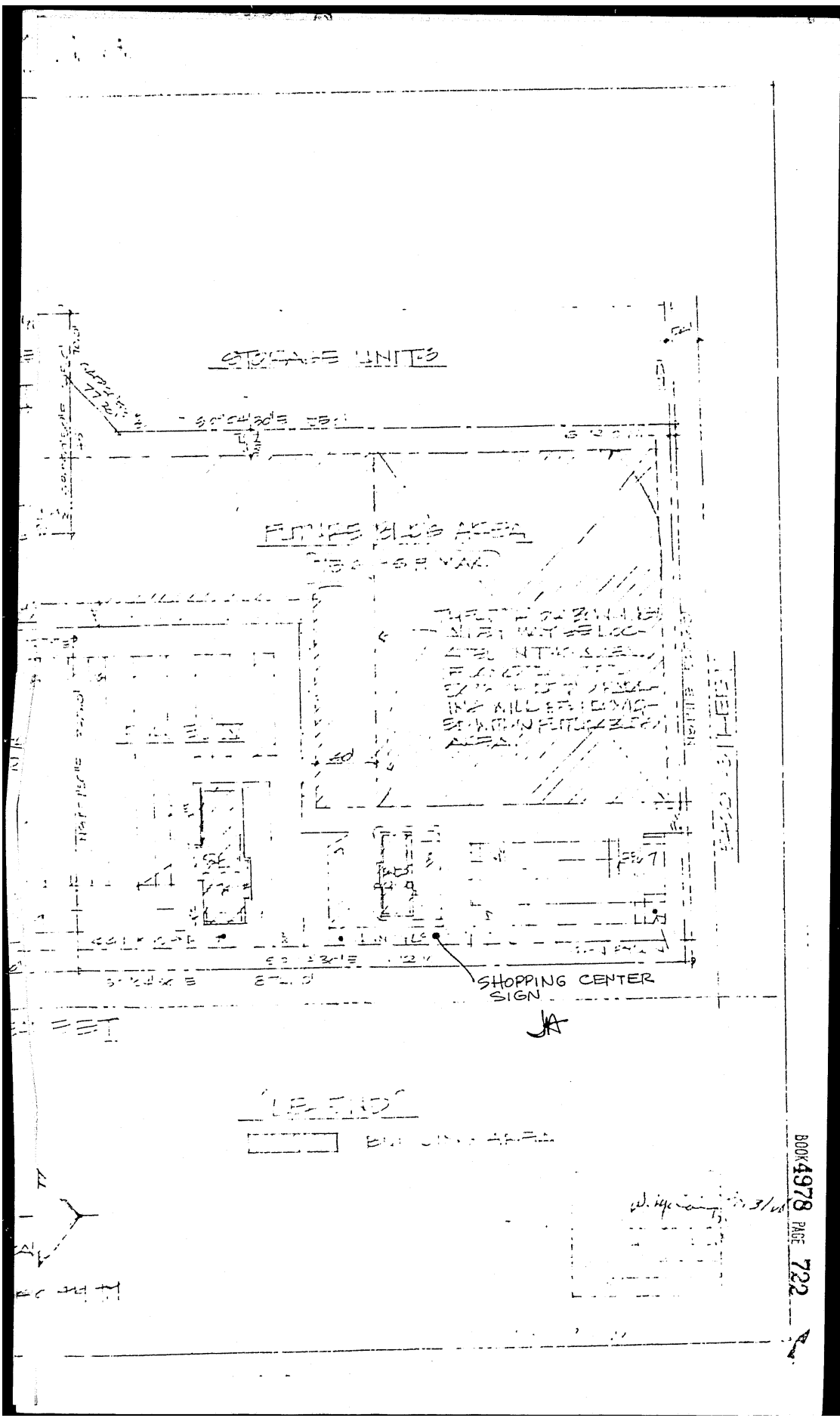
STATE OF UTAH )  
 )ss.  
County of Salt Lake )

On this 30<sup>th</sup> day of October, 1979, the undersigned Notary Public in and for said State, personally appeared G.L. Mackham, known to me to be a General Partner of MHP Properties, the partnership that executed the foregoing and acknowledged to me that he is authorized to execute the said instrument on behalf of said partnership.

My commission expires:



Fred L. Benson  
Notary Public  
Residing at Sandy, Utah



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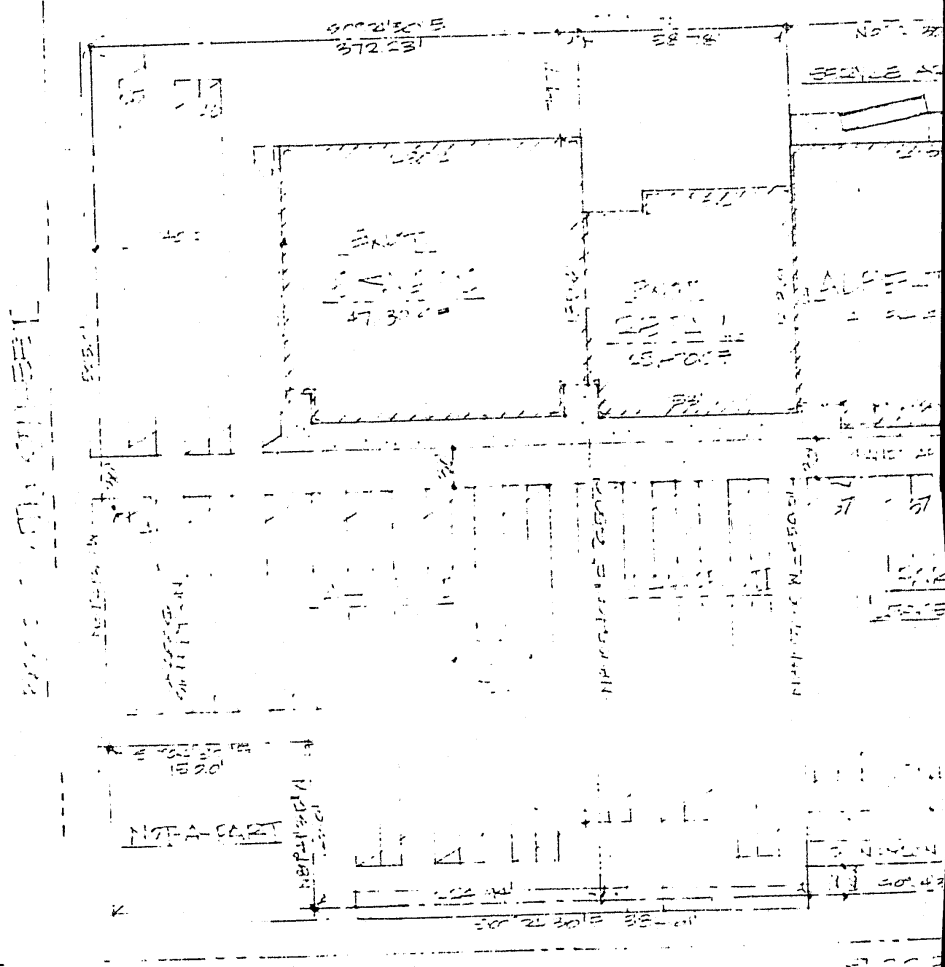


EXHIBIT A  
 1500 EAST STREET  
 1500 SOUTH STREET

1500 EAST STREET  
 1500 SOUTH STREET  
 1500 WEST STREET  
 1500 NORTH STREET

SCHEDULE I

TO

DECLARATION OF RESTRICTIONS AND  
GRANT OF EASEMENTS

Parcel I

Beginning at a point on the West line of 900 East Street at a point North 89°48'51" East along the Section line 1712.44 feet and South 0°04'30" East 905.08 feet from the Northwest corner of Section 17, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running thence South 0°04'30" East along said West line of 900 East Street 224.94 feet; thence North 89°49'35" West 125 feet; thence South 0°04'30" East 150.00 feet to the North line of 5600 South Street; thence North 89°49'35" West along said North line 525.00 feet; thence North 0°04'30" West 372.23 feet; thence North 89°56'05" East 650.00 feet to the point of beginning.

Parcel II

Beginning at a point on the West line of 900 East Street at a point North 89°48'51" East along the Section line 1712.44 feet and South 0°04'30" East 746.71 feet from the Northwest corner of Section 17, Township 2 South, Range 1 East, Salt Lake Base and Meridian and running thence South 0°04'30" East along said West line of 900 East Street 158.78 feet; thence South 89°56'05" West 650.00 feet; thence North 0°04'30" West 158.78 feet; thence North 89°56'05" East 650.00 feet to the point of beginning.

Parcel III

Beginning at a point on the West line of 900 East Street at a point North 89°48'51" East along the Section line 1712.44 feet and South 0°04'30" East 487.45 feet from the Northwest corner of Section 17, Township 2 South, Range 1 East, Salt Lake Base and Meridian; and running thence South 0°04'30" East along said West line of 900 East Street 260.00 feet; thence North 89°57'50" West 650.00 feet; thence North 0°04'30" West 260.00 feet; thence South 89°57'50" East 205.00 feet; thence South 0°02'10" West 60.00 feet; thence South 89°57'50" East 110.00 feet; thence North 0°02'10" East 60.00 feet; thence South 89°57'50" East 335.00 feet to the point of beginning.

Parcel IV

Beginning on the West line of 900 East Street at a point North 89°48'51" East along the Section line 1712.44 feet and North 0°04'30" West 124.65 feet from the Northwest corner of Section 17, Township 2 South, Range 1 East, Salt Lake Base and Meridian; and running thence South 0°04'30" East along said West line of 900 East Street 612.10 feet; thence North 89°57'50" West 335.00 feet; thence South 0°02'10" West 60.00 feet; thence North 89°57'50" West 110.00 feet; thence North 0°02'10" East 60.00 feet; thence North 89°57'50" West 135.00 feet; thence North 45°20'53" East 77.20 feet; thence North 0°04'30" West 550.00 feet; thence North 89°11' East 525.05 feet to the point of beginning.

Parcels III and IV will be subject to a 20-foot set-back along the East side of said Parcels and Parcel IV will be subject to a 6-foot set-back along the North side of said Parcel, as indicated on Exhibit "A", for roadway purposes and related uses as required by governmental authorities in connection with the issuance of approvals and permits for the development of said Parcels III and IV.