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AGREEMENT

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5138996
11 OCTOBER 91 11:04 AM
KATIE L. DIXON
RECORDER, SALT LAKE COUNTY, UTAH
FIRST AMERICAN TITLE
REC BY: REBECCA GRAY, DEPUTY

WHEREAS, Edward Ortega and Jennean Ortega, hereinafter designated as "Ortegas", are the owners of the property located at 3905 West 5400 South, which property is more particularly described as follows:

Beginning 675 feet East and 33 feet South from the West ^{/North} corner of Section 17, Township 2 South, Range 1 West, Salt Lake Basin and Meridian; East 15 feet; South 526 feet; West 115 feet; North 276 feet; East 100 feet; North 250 feet to point of beginning.

WHEREAS, Joe DeNiro, ^{aka Joseph DeNiro, Jr. aka Marie Deniro Davis, Co-Trustee} ~~Jr.~~, Marie Davis, ^{and James C. DeNiro, and} ~~and~~ Robert E. Davis, Co-Trustee hereinafter referred to as "DeNiro", occupy and or own the building directly east of the 15 foot by 250 square foot strip, which building is currently Appco Auto Parts, and

WHEREAS, the portion of the above-mentioned property which measures 15 feet by 250 feet, hereinafter referred to as "right of way", is used as a driveway and access to the rear of the DeNiro building, and

NOW THEREFORE, in consideration for Ortegas' permissive use of the right of way to DeNiro, which is hereby granted, DeNiro hereby covenants, promises and agrees to:

1. Pay one half of the property taxes incurred on the right of way and to pay one half of the maintenance costs of black topping, resurfacing, or any other maintenance expense.
2. Provide its own snow removal and liability insurance on said right of way.
3. Indemnify Ortegas from any judgment, liability or cause of action arising out of DeNiro's use of the said right of way.

This document is being recorded to correct an erroneous legal description in that certain Agreement dated 2/9/87 recorded May 1, 1987, as Entry No. 4448240 in book 5911, at page 2454.

FIRST AMERICAN TITLE
VJS# 273872

BK6364Pg2856

County of Santa Clara
State of CALIFORNIA ss.

On the 9th day of OCTOBER, 1991, personally appeared before me JAMES C. DeNIRO, one of the signers of the foregoing Agreement who duly acknowledged to me that he executed the same. X

[Signature]
Notary Public residing at
400 HAMILTON AVE
PALO ALTO, CA. 94301

My Commission Expires:
JANUARY 15, 1994



STATE OF OKLAHOMA

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County of

On the 9th day of October, 1991, personally appeared before me MARIE DENIRO DAVIS AND ROBERT E. DAVIS, CO-TRUSTEES OF THE MARIE DENIRO DAVIS REVOCABLE TRUST the signers of the foregoing instrument, who duly acknowledged to me that they executed the same. *

Gene W. Watkins
NOTARY PUBLIC
RESIDING IN: Oklahoma County
COMMISSION EXPIRES: 3-27-93

