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2118 E 3900 S, Suite 300
SLC, Ut. 84124-1725

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10/15/2004 11:15 AM \$21.00
Book - 9049 Pg - 606-610
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
FIRST AMERICAN TITLE
BY: LDW, DEPUTY - WI 5 P.

9198746

**DECLARATION OF EASEMENT
LITTLE COTTONWOOD SHOPPING CENTER**

This Declaration of Easement (this "Declaration") is made this 5th day of October 2004, by Magna Investment and Development, Ltd., a Utah limited partnership (referred to herein as the "Declarant").

RECITALS

A. WHEREAS, Declarant is the owner of the Little Cottonwood Shopping Center (hereinafter "Shopping Center"), and

B. WHEREAS, Declarant is desirous of establishing recorded easements for ingress and egress throughout the Shopping Center as more particularly described in Exhibit A hereto, and

C. WHEREAS, the legal descriptions of the easements are set forth on Exhibit A attached hereto and incorporated herein by reference, all of which are referred to herein as the "Easements";

NOW, THEREFORE, in consideration of the foregoing, and the covenants and agreement set forth herein, Declarant agrees as follows:

1. Incorporation. Recitals A through C are incorporated herein and made a part hereof.
2. Establishment of Easements.

a. Declarant, as grantor, with respect to each parcel more particularly described on Exhibit A, hereby grants for its own benefit, the benefit of its successors and assigns, the benefit of each Lessee in the Shopping Center, the benefit of any and all guests, licensees, invitees of Declarant, the guests, licensees or invitees of any lessee in the Shopping Center, and for the benefit of any mortgagee of any of the Shopping Center property, a nonexclusive Easement appurtenant to each parcel owned by Declarant for ingress and egress by vehicular or pedestrian traffic within each parcel or parcels legally described in Exhibit A hereto.

b. Each Easement created herein shall be deemed an Easement appurtenant hereto and running with the Shopping Center property and shall be binding upon and shall inure to the benefit of any fee title owner of any of the Shopping Center property and their respective successors, assigns and mortgagees.

3. Amendments. No modification, amendment or termination of this Declaration shall be effective without the consent of all of the fee title owners of any portion of the Shopping Center property and of any and all mortgagees of record with respect to any portion of the Shopping Center property. Any such modification, amendment or termination shall be effective only by a written instrument duly executed and acknowledged by all of the said owners and mortgagees.

10/17/04 VW

IN WITNESS WHEREOF, this Declaration has been executed as of the date first above written.

MAGNA INVESTMENT & DEVELOPMENT, LTD.,
a Utah limited partnership, by Allied Services Inc., its
General Partner

By: Michael J. Papanikolas
Executive Vice President
Michael J. Papanikolas

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

On this 8th day of OCTOBER, 2004, personally appeared before me Michael J. Papanikolas who being by me duly sworn did say that ~~she~~ ^{he} is an Executive Vice President of Allied Services, Inc., the general partner of Magna Investment & Development, Ltd., a Utah limited partnership, and that the within and foregoing instrument was signed by her on behalf of Allied Services, Inc. as the general partner of Magna Investment and Development, Ltd. and that such partnership executed the same as its free act and deed.

Michael Z. Hayes
NOTARY PUBLIC

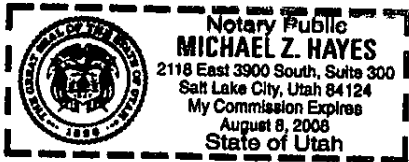


EXHIBIT A

31 Foot Access Drive - Parcels 5/6

A part of the Northeast Quarter of Section 9, Township 3 South, Range 1 East, Salt Lake Base and Meridian, U.S. Survey:

Beginning at a point on the West line of 2000 East Street, which is 599.81 feet South $0^{\circ}08'12''$ West along the East line of said Quarter Section and 88.26 feet West from the Northeast corner of said Quarter Section; running thence Southwesterly along the arc of a 761.78 foot radius curve to the right a distance of 83.44 feet (Central angle equals $6^{\circ}16'34''$ and Long Chord bears South $30^{\circ}33'31''$ West 83.40 feet) along said West line; thence Northwesterly along the arc of a 35.00 foot radius curve to the left a distance of 27.55 feet (Central Angle equals $45^{\circ}05'57''$ and Long Chord bears North $37^{\circ}10'54''$ West 26.84 feet) to a point of tangency; thence North $59^{\circ}43'53''$ West 118.02 feet to a point of curvature; thence Northwesterly along the arc of a 59.50 foot radius curve to the left a distance of 31.43 feet (Central Angle equals $30^{\circ}15'45''$ and Long Chord bears North $74^{\circ}51'45''$ West 31.06 feet) to a point of tangency; thence North $89^{\circ}59'38''$ West 358.38 feet; thence North 31.00 feet; thence South $89^{\circ}59'38''$ East 411.15 feet to a point of curvature; thence Southeasterly along the arc of a 115.50 foot radius curve to the right a distance of 61.01 feet (Central Angle equals $30^{\circ}15'45''$ and Long Chord bears South $74^{\circ}51'45''$ East 60.30 feet) to a point of tangency; thence South $59^{\circ}43'53''$ East 58.58 feet to a point of curvature; thence Southeasterly along the arc of a 35.00 foot radius curve to the left a distance of 30.02 feet (Central Angle equals $49^{\circ}08'56''$ and Long Chord bears South $84^{\circ}18'21''$ East 29.11 feet) to the point of beginning.

South 24.5 Foot Service Drive

A part of the Northeast Quarter of Section 9, Township 3 South, Range 1 East, Salt Lake Base and Meridian, U.S. Survey:

Beginning at a point on the West line of 2000 East Street, which is 1374.69 feet South $0^{\circ}08'12''$ West along the East line of said Quarter Section and 696.33 feet West from the Northeast Corner of said Quarter Section; running thence South $39^{\circ}07'38''$ West 0.75 feet and Southwesterly along the arc of a 901.83 foot radius curve to the left a distance of 46.62 feet (Central Angle equals $2^{\circ}57'43''$ and Long Chord bears South $37^{\circ}38'47''$ West 46.61 feet) along said West line of 2000 East Street; thence Northwesterly along the arc of a 40.00 foot radius curve to the left a distance of 32.61 feet (Central Angle equals $46^{\circ}42'29''$ and Long Chord bears North $31^{\circ}35'17''$ West 31.71 feet) to a point of tangency; thence North $54^{\circ}56'31''$ West 116.53 feet to a point of curvature; thence Northwesterly along the arc of a 100.21 foot radius curve to the left a distance of 52.36 feet (Central Angle equals $29^{\circ}56'13''$ and Long Chord bears North $69^{\circ}54'37''$ West 51.77 feet) to a point of tangency; thence North $84^{\circ}52'44''$ West 373.65 feet; thence North $0^{\circ}00'22''$ East 356.70 feet; thence South $89^{\circ}59'38''$ East 24.50 feet; thence South $0^{\circ}00'22''$ West 299.55 feet to

a point of curvature; thence Southeasterly along the arc of a 38.00 foot radius curve to the left a distance of 56.30 feet (Central Angle equals $84^{\circ}53'06''$ and Long Chord bears South $42^{\circ}26'11''$ East 51.29 feet) to a point of tangency; thence South $84^{\circ}52'44''$ East 316.49 feet to a point of curvature; thence Southeasterly along the arc of a 124.71 foot radius curve to the right a distance of 65.16 feet (Central Angle equals $29^{\circ}56'13''$ and Long Chord bears South $69^{\circ}54'37''$ East 64.42 feet) to a point of tangency; thence South $54^{\circ}56'31''$ East 120.89 feet to a point of curvature; thence Southeasterly along the arc of a 40.50 foot radius curve to the left a distance of 29.45 feet (Central Angle equals $41^{\circ}39'36''$ and Long Chord bears South $75^{\circ}46'19''$ East 28.80 feet) to the point of beginning.

Contains 22,823 Square Feet

North 24.5 Foot Service Drive

A part of the Northeast Quarter of Section 9, Township 3 South, Range 1 East, Salt Lake Base and Meridian, U.S. Survey:

Beginning at a point which is 81.63 feet South $0^{\circ}08'12''$ West along the East line of said Quarter Section; 210.33 feet South $89^{\circ}48'32''$ West along a line parallel to the centerline of 9400 South Street; 630.39 feet North $87^{\circ}49'41''$ West and 398.24 feet South $89^{\circ}48'32''$ West along a line parallel to said centerline from the Northeast Corner of said Quarter Section; running thence South $0^{\circ}00'22''$ West 164.81 feet; thence Southwesterly along the arc of a 64.00 foot radius curve to the right a distance of 36.00 feet (Central Angle equals $32^{\circ}13'39''$ and Long Chord bears South $16^{\circ}07'11''$ West 35.53 feet) to a point of tangency; thence South $32^{\circ}14'01''$ West 14.98 feet to a point of curvature; thence Southwesterly along the arc of a 1.00 foot radius curve to the left a distance of 0.56 feet (Central Angle equals $32^{\circ}13'39''$ and Long Chord bears South $16^{\circ}07'11''$ West 0.56 feet) to a point of tangency; thence South $0^{\circ}00'22''$ West 369.29 feet to a point of curvature; thence Southeasterly along the arc of a 50.50 foot radius curve to the left a distance of 26.45 feet (Central Angle equals $300^{\circ}00'22''$ and Long Chord bears South $14^{\circ}59'49''$ East 26.15 feet) to a point of tangency; thence South $30^{\circ}00'00''$ East 15.20 feet to a point of curvature; thence Southeasterly along the arc of a 42.00 foot radius curve to the right a distance of 22.00 feet (Central Angle equals $30^{\circ}00'22''$ and Long Chord bears South $14^{\circ}59'49''$ East 21.75 feet) to a point of tangency; thence South $0^{\circ}00'22''$ West 209.77 feet; thence North $89^{\circ}59'38''$ West 24.50 feet; thence North $0^{\circ}00'22''$ East 209.77 feet to the Northeast corner of White City Water Company, Inc., Property; thence Northwesterly along the arc of a 17.50 foot radius curve to the left a distance of 9.17 feet (Central Angle equals $30^{\circ}00'22''$ and Long Chord bears North $14^{\circ}59'49''$ West 9.06 feet) to a point of tangency; thence North $30^{\circ}00'00''$ West 15.20 feet to a point of curvature; thence Northwesterly along the arc of a 75.00 foot radius curve to the right a distance of 39.28 feet (Central Angle equals $30^{\circ}00'22''$ and Long Chord bears North $14^{\circ}59'49''$ West 38.83 feet) to a point of tangency; thence North $0^{\circ}00'22''$ East 369.29 feet to a point of curvature; thence Northeasterly along the arc of a 25.50 foot radius curve to the right a distance of 14.34 feet (Central Angle equals $32^{\circ}13'39''$ and Long Chord bears North $16^{\circ}07'11''$ East 14.16 feet) to a point of tangency; thence

North $32^{\circ}14'01''$ East 14.98 feet to a point of curvature; thence Northeasterly along the arc of a 39.50 foot radius curve to the left a distance of 22.22 feet (Central Angle equals $32^{\circ}13'39''$ and Long Chord bears North $16^{\circ}07'11''$ East 21.93 feet) to a point of tangency; thence North $0^{\circ}00'22''$ East 164.73 feet; thence North $89^{\circ}48'32''$ East 24.50 feet along a line parallel to said centerline to the point of beginning.

Contains 21,046 square feet.

41 Foot Access Drive - Parcels 6/7a

A part of the Northeast Quarter of Section 9, Township 3 South, Range 1 East, Salt Lake Base and Meridian, U.S. Survey:

Beginning at a point on the West line of 2000 East Street, which is 1027.61 feet South $0^{\circ}08'12''$ West along the East line of said Quarter Section and 414.82 feet West from the Northeast corner of said Quarter Section; running thence South $39^{\circ}07'38''$ West 60.05 feet along said West line; thence Northwesterly along the arc of a 35.00 foot radius curve to the left a distance of 26.45 feet (Central Angle equals $43^{\circ}17'31''$ and Long Chord bears North $29^{\circ}13'37''$ West 25.82 feet) to a point of tangency; thence North $50^{\circ}52'22''$ West 223.76 feet; thence South $89^{\circ}59'38''$ East 2.74 feet; thence North 50.63 feet; thence South $50^{\circ}52'22''$ East 253.58 feet to a point of curvature; thence Southeasterly along the arc of a 35.00 foot radius curve to the left a distance of 26.45 feet (Central Angle equals $43^{\circ}17'31''$ and Long Chord bears South $72^{\circ}31'07''$ East 25.82 feet) to the point of beginning.

Tax ID #s

Part of 28-09-226-026

Part of 28-09-226-031

Part of 28-09-226-032