

CTC # 6761

ENT 96402 BK 5199 PG 686
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
1999 Aug 30 3:16 pm FEE 10.00 BY JW
RECORDED FOR CENTURY TITLE

PERFORMANCE AGREEMENT
LAKE MOUNTAIN ESTATES
PLAT "I"
AUGUST 30, 1999

This agreement is to clarify the purchase of Plat "I" from Lake Mountain Development LLC.

It is understood by all parties that under the sales contract to purchase Plat "I", Lake Mountain Estates in the amount of \$1,590,000 that it is the responsibility of Lake Mountain Development LLC to arrange and pay for all the utilities services contracts to provide utilities for Plat "I" not covered in the KW Robinson bid. This would include gas, telephone and power for the servicing of 106 residential lots.

In the event that Lake Mountain Development sells or transfers their interest in Lake Mountain Estates, Lake Mountain Development LLC still has the responsibility to provide and pay for the utilities described above.

In the event that Lake Mountain Development LLC fails to provide the utilities or fails to cause the utilities to be completed and available in a reasonable time frame, satisfactory to the buyer, DTCF Investments, LC, the buyer may offset, lien, or deduct from any consideration given for the purchase of Plat "I", for costs and expenses incurred to provide such services, including but not limited to, the Boat Ramp Marina escrow, the notes due from DTCF or the Soils escrow.

Joseph W. Rebert
Lake Mountain Development, LLC

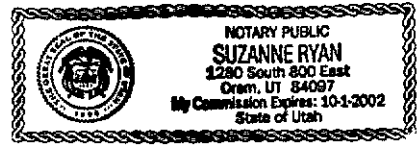
[Signature]
DTCF 8-30-99

8-30-99
Date

8-30-99
Date

As to paragraph 4
if there is any dispute
it will be arbitrated
by a mutually ~~third~~ ^{OK} 208-376-1931
agreed upon third party.

Just *D.H.*



208-376-1931
Suzanne Ryan
Notary
Expires: 10-01-2002
Resides: Orem, UT