

When recorded return to:  
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00663165 8k01545 Pg01244-01250  
ALAN SPRIGGS, SUMMIT CO RECORDER  
2003 JUN 25 14:02 PM FEE \$32.00 BY DMG  
REQUEST: U S TITLE OF UTAH

**GRANT OF SKI RESORT EASEMENT**  
(Unplatted Land)

THIS GRANT OF SKI RESORT EASEMENT ("Grant of Ski Resort Easement") is made effective as of this 18th day of June, 2003, by SKI LAND, L.L.C. a Utah limited liability company, as "Grantor," in favor of ASC Utah, Inc., a Maine corporation as "Grantee," with reference to the following:

FOR GOOD AND VALUABLE CONSIDERATION, the receipt and adequacy of which are hereby acknowledged, and in consideration of the benefits to be derived from the easements described below, Grantor hereby grants and conveys to Grantee, and Grantee's successors and assigns, a non-exclusive, perpetual, irrevocable easement ("Ski Resort Easement") over, under, along and across the real property located in Summit County, Utah, more particularly described on Exhibit A attached hereto and made a part hereof ("Easement Parcel").

Grantee shall have the right to use, develop, operate and maintain the Ski Resort Easement on the Easement Parcel for the "Ski Resort Uses," as that term is defined in Section 8.16.2.1 of the Second Amendment to the Declaration of Covenants, Conditions, and Restrictions for the Colony at White Pine Canyon dated December 28, 2002 and recorded with the Summit County, Utah Recorder at Entry No. 579435 in Book 1347 Pages 691 through 711 ("Second Amendment to CC&Rs").

This Grant of Ski Resort Easement is made pursuant to the terms and provisions of that certain Amended and Restated Development Agreement dated April 10, 2003 (the "ARDA"), notice of which was recorded on April 11, 2003 as Entry No. 654518, in Book 1525, beginning at Page 1829, with the Summit County Recorder's Office.

In accordance with the ARDA, the Easement Parcel may be platted in the future. At the time of such platting, the Ski Resort Easement and the Easement Parcel will be redefined to limit the areas in which the Ski Resort Uses are permitted and specific use designations will be put in place to restrict use of portions of the Easement Parcel to either "Perpetual Open Space Uses," "Ski Easement Uses," or "Lift and Ski Easement Uses," as those terms are defined respectively in the Second Amendment to CC&R's. Such use designations will be shown as "Perpetual Open Space," "Ski Easement," or "Lift and Ski Easement" on the future subdivision plats contemplated by the Grantor and Grantee to be recorded against the Easement Parcel in accordance with the terms and provisions of the ARDA. Concurrently with the recording of such plats, appropriate documentation shall be recorded to amend and restate or replace this Grant of Ski Resort Easement to accurately reflect the new designations of uses permitted within the Easement Parcel.

BK1545 PG1244

This Grant of Ski Resort Easement and the easements and undertakings set forth herein shall be perpetual and shall be appurtenant to Grantee's real property owned or leased or hereafter acquired within or adjacent to The Colony at White Pine Canyon. No amendment, change or modification of this instrument shall be valid unless in writing and signed by Grantor and Grantee. Nothing herein contained shall be deemed to be a gift or dedication of any portion of the Grantor's property to or for the general public or for any public purposes whatsoever. This Grant of Ski Resort Easement shall be construed and enforced in accordance with the laws of the State of Utah.

Grantee, notwithstanding anything in this Grant of Ski Resort Easement to the contrary, shall have the right to transfer and assign the Ski Resort Easement subject to the provisions of the ARDA.

Grantor, its successors and assigns, shall have the right, and hereby reserves the right, to include portions of the Ski Resort Easement and the Easement Parcel within the boundary of a future platted residential lot(s); provided, however, the inclusion of the Easement Parcel in such residential lot(s) shall not impair the uses that are the subject of the Ski Resort Easement or negatively affect the rights of the Grantee.

Grantor shall not grant any additional easements for the "Ski Resort Uses," "Ski Easement Uses" and "Lift and Ski Easement Uses" to any other individual or entity, and is hereby specifically prohibited from doing so. This provision shall not be construed as prohibiting Grantor from granting easements for the "Other Ski Run Uses," "Other Ski Resort Uses" or "Other Lift and Ski Easement Uses" as those terms are defined in the Second Amendment to CC&Rs. The Ski Resort Easement shall be for the use, benefit and enjoyment of Grantee and its officers, members, employees, agents, contractors, suppliers, licensees, concessionaires, patrons and invitees, or as provided in the ARDA, any permitted successors, assigns or tenants which, from time to time, Grantee may designate and/or choose to extend or delegate such use rights.

In the event that any condition, covenant or other provision herein contained is held to be invalid or void by any court of competent jurisdiction, the same shall be deemed severable from the remainder of this Grant of Ski Resort Easement and shall in no way affect any other condition, covenant or other provision herein contained. If such condition, covenant or other provision shall be deemed invalid due to its scope or breadth, such condition, covenant or other provision shall be deemed invalid to the extent of the scope and breadth permitted by law.

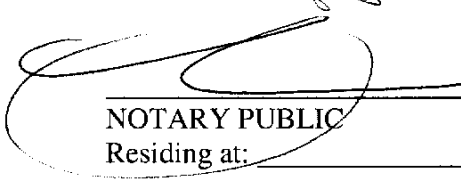
The individual who executes this Grant of Ski Resort Easement represents and warrants that he or she is duly authorized to execute this instrument on behalf of Grantor and that no other signature, act or authorization is necessary to bind Grantor to the provisions hereof.

**BK1545 PG1245**

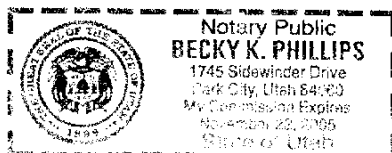


STATE OF Utah )  
 : ss.  
COUNTY OF Summit )

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of June, 2003, by Scott Pierpont, Managing Director of ASC Utah, Inc.

  
\_\_\_\_\_  
NOTARY PUBLIC  
Residing at: \_\_\_\_\_

My Commission Expires:



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## **EXHIBIT "A"**

All that land in Summit County, State of Utah, described as follows:

Beginning at the Southwest corner of Lot 2, The Colony at White Pine Canyon-Phase I Amended Final Subdivision Plat (Entry No. 534009, Summit County Recorder's Office), which is South 89°44'45" West 1244.89 feet along the Quarter Section line and South 369.07 feet from the East Quarter Corner of Section 1, Township 2 South, Range 3 East, Salt Lake Base and Meridian (Basis of Bearing being North 01°07'03" East 1306.79 feet between said East Quarter Corner and the West Quarter Corner Section 6 and angle point for said Section 1, Township 2 South, Range 4 East, Salt Lake Base and Meridian) and running thence N.73°15'11"E., a distance of 400.00 feet along the southerly line of said Lot 2; thence S.41°47'27"E., a distance of 875.31 feet; thence S.12°01'21"E., a distance of 1,076.53 feet; thence S.61°24'18"E., a distance of 1,055.64 feet; thence S.18°57'58"E., a distance of 1,497.70 feet; thence S.44°40'02"W., a distance of 1,185.00 feet; thence S.45°19'59"E., a distance of 1,125.58 feet; thence N.76°31'51"W., a distance of 3,568.91 feet; thence S.32°40'39"W., a distance of 391.79 feet; thence S.24°32'27"E., a distance of 676.51 feet; thence S.38°22'14"E., a distance of 898.07 feet; thence S.32°03'37"E., a distance of 477.23 feet; thence S.08°50'17"E., a distance of 1,133.59 feet; thence S.03°26'53"W., a distance of 241.21 feet; thence S.30°55'21"W., a distance of 606.89 feet; thence S.68°02'16"W., a distance of 1,204.29 feet; thence S.79°00'16"W., a distance of 509.00 feet; thence S.72°49'29"W., a distance of 302.11 feet; thence S.48°07'24"W., a distance of 757.47 feet; thence S.72°33'45"W., a distance of 661.76 feet; thence S.64°40'26"W., a distance of 327.86 feet; thence S.56°17'47"W., a distance of 29.97 feet; thence S.60°55'59"W., a distance of 116.24 feet; thence S.43°00'38"W., a distance of 231.68 feet; thence S.28°26'20"W., a distance of 166.88 feet to a point on the east west center line of Section 13, Township 2 South, Range 3 East, Salt Lake Base & Meridian, said point also being on the U. S. Forest Service Boundary; thence along said boundary and said center section line, S.89°44'51"W., a distance of 380.50 feet; thence leaving said boundary and center section line, N.08°25'22"W., a distance of 23.28 feet; thence N.02°43'30"E., a distance of 100.75 feet; thence N.11°36'46"E., a distance of 261.74 feet; thence N.25°41'55"E., a distance of 143.59 feet; thence N.33°53'34"E., a distance of 352.16 feet; thence N.45°47'32"E., a distance of 120.28 feet; thence N.51°58'01"E., a distance of 334.46 feet; thence N.47°28'30"E., a distance of 38.99 feet; thence N.55°53'52"E., a distance of 779.67 feet; thence N.03°40'21"E., a distance of 299.34 feet; thence N.59°21'55"E., a distance of 169.73 feet; thence N.16°58'37"E., a distance of 2,026.07 feet; thence N.85°13'52"E., a distance of 256.82 feet; thence N.28°38'34"E., a distance of 314.37 feet; thence N.55°56'01"E., a distance of 259.24 feet; thence N.31°47'20"E., a distance of 163.87 feet; thence N.32°27'25"W., a distance of 125.44 feet; thence N.31°08'05"W., a distance of 105.45 feet; thence N.17°37'48"W., a distance of 64.29 feet; thence N.10°56'53"W., a distance of 51.88 feet; thence N.01°57'30"W., a distance of 68.77 feet; thence N.14°52'21"E., a distance of 43.25 feet; thence N.16°36'28"E., a distance of 47.44 feet; thence N.03°26'21"W., a distance of 89.69 feet; thence N.03°04'10"E., a distance of 77.87 feet; thence N.02°53'38"W., a distance of 90.48 feet; thence

**BK1545 PG1248**

N.18°29'34"W., a distance of 20.96 feet; thence N.55°17'20"E., a distance of 148.11 feet; thence N.27°20'54"W., a distance of 315.22 feet; thence N.52°33'24"W., a distance of 257.68 feet; thence S.47°10'18"W., a distance of 810.94 feet; thence S.56°50'23"W., a distance of 49.32 feet to the Colony at White Pine Canyon-Phase 3A Final Subdivision Plat (Entry No. 579433, Summit County Recorder's Office); thence along the easterly line of said plat, N.32°15'53"W., a distance of 60.00 feet; thence continuing along said line, N.57°44'07"E., a distance of 46.00 feet; thence continuing along said line, N.32°46'18"E., a distance of 1,410.42 feet; thence continuing along said line, N.48°46'10"E., a distance of 140.36 feet; thence leaving said easterly line, S.66°46'48"E., a distance of 654.42 feet; thence N.17°16'51"E., a distance of 1,973.61 feet; thence N.01°55'35"W., a distance of 1,548.91 feet; thence N.29°56'52"W., a distance of 525.35 feet to the centerline of White Pine Canyon Road, as shown on said The Colony at White Pine Canyon-Phase I Amended Final Subdivision Plat, and the point of curve of a non tangent curve to the right, of which the radius point lies S.76°04'38"E., a radial distance of 1,500.00 feet; thence northerly along the arc, through a central angle of 03°12'53", a distance of 84.16 feet; thence S.29°56'52"E., a distance of 334.36 feet; thence N.70°41'09"E., a distance of 611.92 feet to the POINT OF BEGINNING.

***Less and excepting the following:*** Beginning at a point which is South 89°44'45" West 2,373.27 feet along the Quarter Section line and South 5,114.01 feet from the East Quarter Corner of Section 1, Township 2 South, Range 3 East, Salt Lake Base and Meridian (Basis of Bearing being North 01°07'03" East 1306.79 feet between said East Quarter Corner and the West Quarter Corner Section 6, Township 2 South, Range 4 East, Salt Lake Base and Meridian, an angle point for said Section 1); thence S.24°32'27"E., a distance of 595.21 feet; thence S.38°22'14"E., a distance of 905.35 feet; thence S.32°00'53"E., a distance of 458.31 feet; thence S.08°50'17"E., a distance of 1,114.81 feet; thence S.03°26'53"W., a distance of 220.08 feet; thence S.30°55'21"W., a distance of 572.08 feet; thence S.68°02'16"W., a distance of 1,178.38 feet; thence S.79°00'16"W., a distance of 506.47 feet; thence S.72°49'29"W., a distance of 318.48 feet; thence S.48°07'24"W., a distance of 418.77 feet; thence N.30°38'00"E., a distance of 1,594.29 feet; thence N.72°27'18"E., a distance of 505.40 feet; thence N.06°16'55"E., a distance of 1,034.66 feet; thence N.01°48'30"E., a distance of 388.42 feet; thence N.14°19'10"W., a distance of 356.64 feet; thence N.35°47'01"W., a distance of 153.37 feet; thence N.05°16'07"W., a distance of 433.12 feet; thence N.09°34'29"E., a distance of 528.04 feet to the POINT OF BEGINNING.

***Also less and excepting the following:*** Beginning at a point which is South 89°44'45" West 2,526.95 feet along the Quarter Section line and South 5,956.72 feet from the East Quarter Corner of Section 1, Township 2 South, Range 3 East, Salt Lake Base and Meridian (Basis of Bearing being North 01°07'03" East 1306.79 feet between said East Quarter Corner and the West Quarter Corner Section 6, Township 2 South, Range 4 East, Salt Lake Base and Meridian, an angle point for said Section 1); and running; thence S.20°53'48"E., a distance of 628.31 feet; thence S.01°56'36"W., a distance of 375.71 feet; thence N.71°48'50"W., a distance of 565.04 feet; thence N.36°39'38"W., a

distance of 350.67 feet; thence N.24°59'43"E., a distance of 139.54 feet; thence N.53°04'22"E., a distance of 230.68 feet; thence N.50°33'36"E., a distance of 377.39 feet to the POINT OF BEGINNING.

*Also less and excepting the following:* Beginning at a point which is South 89°44'45" West 2,752.86 feet along the Quarter Section line and South 5,230.90 feet from the East Quarter Corner of Section 1, Township 2 South, Range 3 East, Salt Lake Base and Meridian (Basis of Bearing being North 01°07'03" East 1306.79 feet between said East Quarter Corner and the West Quarter Corner Section 6, Township 2 South, Range 4 East, Salt Lake Base and Meridian, an angle point for said Section 1); and running; thence S.42°07'07"E., a distance of 337.61 feet; thence S.00°37'19"W., a distance of 312.10 feet; thence S.66°00'43"W., a distance of 125.83 feet; thence S.31°47'20"W., a distance of 159.69 feet; thence N.13°26'33"W., a distance of 0.43 feet; thence N.42°56'20"W., a distance of 36.53 feet; thence N.32°27'59"W., a distance of 65.75 feet; thence N.31°08'05"W., a distance of 100.71 feet; thence N.17°37'48"W., a distance of 57.22 feet; thence N.10°56'53"W., a distance of 49.55 feet; thence N.01°27'39"W., a distance of 56.61 feet; thence N.15°53'40"E., a distance of 89.35 feet; thence N.00°24'29"W., a distance of 175.19 feet; thence N.02°53'38"W., a distance of 91.91 feet; thence N.55°17'20"E., a distance of 119.22 feet to the POINT OF BEGINNING.

Tax ID NO

PP-1

PP-8

PP-10

PP-7

PP-11

PP-11-A

PP-12