

**PARTIAL TERMINATION OF SAND AND GRAVEL LEASE AGREEMENT**  
**AND OF**  
**PARTIAL RELEASE OF MEMORANDUM OF SAND AND GRAVEL LEASE**  
**AGREEMENT**

This PARTIAL TERMINATION OF SAND AND GRAVEL LEASE AGREEMENT AND PARTIAL RELEASE OF MEMORANDUM OF SAND AND GRAVEL LEASE AGREEMENT (this "Partial Termination") is made and entered into effective as of the ~~March~~ <sup>8<sup>th</sup></sup> day of ~~March~~ 2020 (the "Effective Date"), by and between Waldo Co., Ltd, a Utah limited partnership also known as Waldo Co., L.P., ("Lessor") and Westlake Materials, LLC, a Utah limited liability company ("Lessee").

WHEREAS, Lessor and Lessee entered into a Sand and Gravel Lease Agreement dated November 26, 2013 (the "Sand and Gravel Lease") pursuant to which Lessor granted to Lessee a lease covering certain real property in Utah County, State of Utah as described therein for the purpose of exploring for, excavating, developing, mining, removing, producing, processing, recycling, storing and selling, sand, gravel, rock aggregate, and other materials as defined in the Sand and Gravel Lease; and

WHEREAS, in conjunction with such Sand and Gravel Lease the parties executed a Memorandum of Sand and Gravel Lease Agreement dated November 26, 2013 and recorded on November 26, 2013 as Entry No. 109114:2013 (hereafter the "Memorandum of Sand and Gravel Lease") in the official records of the Utah County Recorder and which described certain tracts of land situated in Utah County, State of Utah and more particularly described therein; and

WHEREAS, Lessor and Lessee desire to terminate the Sand and Gravel Lease with respect to certain of the real property located in Utah County, Utah and more particularly described on Exhibit "A" attached hereto and by reference incorporated herein (hereafter the "Released Property") and to release the Memorandum of Sand and Gravel Lease with respect to the Released Property

NOW, THEREFORE, in consideration of the foregoing, and the mutual covenants and agreements contained herein, the parties agree as follows:

1. PARTIAL TERMINATION OF SAND AND GRAVEL LEASE: The parties hereby terminate the Sand and Gravel Lease with respect to the Released Property described on Exhibit A hereto. The parties acknowledge that they have each satisfied and fulfilled their obligations under the Sand and Gravel Lease with respect to the Released Property.
2. PARTIAL RELEASE OF MEMORANDUM OF SAND AND GRAVEL LEASE: The parties hereby terminate the Sand and Gravel Lease with respect to the Released Property described on Exhibit A hereto.
3. SAND AND GRAVEL LEASE AGREEMENT: Except for the termination of the Sand and Gravel Lease as to the Released Property, this Partial Termination is not intended to and shall

not release or terminate the Sand and Gravel Lease nor the Memorandum of Sand and Gravel Lease as to the balance of the real property described in such documents.

IN WITNESS WHEREOF, the parties have executed this Partial Termination of Sand and Gravel Lease Agreement and Partial Release of Memorandum of Sand and Gravel Lease Agreement effective as of the day and year first above written.

**LESSOR:**

Date: \_\_\_\_\_

Waldo Co. Ltd., a Utah limited partnership, also known as Waldo Co. L.P.

By: \_\_\_\_\_

Wallace James Davis, Trustee of the Wallace James Davis Family Trust dated February 26, 1986, General Partner

Date: \_\_\_\_\_

By: \_\_\_\_\_

Gaylene D. Mitchell, Trustee of the Gaylene Mitchell Family Trust Dated March 9, 1984, General Partner

Date: \_\_\_\_\_

By: \_\_\_\_\_

Dean Ray Mitchell, Trustee of the Gaylene Mitchell Family Trust Dated March 9, 1984, General Partner

**LESSEE:**

Date: 5-8-20

Westlake Materials, LLC

By:  \_\_\_\_\_

Todd Cusick, Manager

STATE OF UTAH )  
 : ss.  
COUNTY OF UTAH )

On the \_\_\_\_ day of March, 2020, personally appeared before me Wallace James Davis, Trustee of the Wallace James Davis Family Trust dated February 26, 1986, General Partner of Waldo Co., Ltd., a Utah limited partnership aka Waldo Co. L.P., the signer of the within instrument, who duly acknowledged to me that the within instrument was executed on behalf of the said limited partnership.

\_\_\_\_\_  
NOTARY PUBLIC

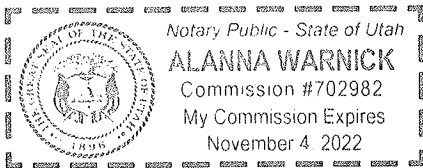
STATE OF UTAH )  
 : ss.  
COUNTY OF UTAH )

On the \_\_\_\_ day of March, 2020, personally appeared before me Gaylene D. Mitchell and Dean Ray Mitchell, Trustees of the Gaylene Mitchell Family Trust Dated March 9, 1984, General Partners, of Waldo Co., Ltd, a Utah limited partnership aka Waldo Co. L.P., the signers of the within instrument, who duly acknowledged to me that the within instrument was executed on behalf of the said limited partnership.

\_\_\_\_\_  
NOTARY PUBLIC

STATE OF UTAH )  
 : ss.  
COUNTY OF *Utah* )

On the *8th* day of *March*, 2020, personally appeared before me Todd Cusick, who acknowledged to me that he executed the same as the Manager of Westlake Materials, LLC, a Utah limited liability company, who duly acknowledged to me that the within instrument was executed on behalf of the said limited liability company.



*[Signature]*  
\_\_\_\_\_  
NOTARY PUBLIC

**EXHIBIT A**  
**Legal Description of Released Property**

A parcel of land in the Northeast quarter of Section 24, Township 6 South, Range 1 West, Salt Lake Base and Meridian the basis of bearings may be determined locally as South 00°14'50" West along the section line between the Northeast corner and East quarter corner of said Section 24, and being more particularly described as follows:

Beginning at a point on the Grantor's Easterly property line, said point being 948.353 feet South and 1365.910 feet West from the Northeast corner of said Section 24; and running thence South 00°19'59" East 363.981 feet; thence South 89°48'19" East 126.162 feet; thence South 00°00'45" East 283.576 feet; thence West 251.305 feet to a point on the Easterly boundary of the now Proposed Mountain View Corridor; said point also being on a 1885.089 foot radius non-tangent curve to the left; thence along said curve 260.441 feet through a central angle of 07°54'57" (chord bears North 03°50'08" West 260.234 feet) to point on a 1936.296 foot radius continuous curve to the left; thence along said curve 146.929 feet through a central angle of 04°20'52" (chord bears North 09°58'03" West 146.894 feet) to a point on a 1092.086 foot radius continuous curve to the left; thence along said curve 138.677 feet through a central angle of 07°16'33" (chord bears North 15°46'45" West 138.584 feet); thence North 54°49'41" East 166.607 feet; thence North 77°59'16" East 68.802 feet more or less to the point of beginning.