

NORTHERN TITLE COMPANY  
147 North 1st East  
Logan, Utah 84321

433650

6.00

STATE OF UTAH  
COUNTY OF CACHE  
FILED FOR RECORD FOR  
Northern Title Company  
JUN 10 1 35 PM '80

REC'D  
COUNTY RECORDER  
DEPUTY

NT-2054

FIRST MODIFICATION OF MEMORANDUM OF LEASE

THIS AGREEMENT is made this 11th day of June, 1980, between CDI, LTD., a Utah limited partnership having its principal office at Peterson - Gasser & Associates, Inc., 220 South 200 East, Suite 150, Salt Lake City, Utah 84111, herein called "LANDLORD", and K MART CORPORATION, a Michigan corporation, herein called "TENANT".

W I T N E S S E T H:

That, WHEREAS, by Lease dated December 16, 1979, CDI - EVANS DEVELOPMENT COMPANY, a joint venture, is leasing to Tenant certain real property located at North Park in North Logan, Cache County, Utah, more particularly described as follows:

Beginning at a point S88°16'32"E, 150.00 ft. and S1°03'43"W, 7.00 ft. from the NW Cor of Lot 5, Block 8, Plat "D", Logan Farm Survey, said NW Cor of Lot 5, being the intersection of the East R/W line of U.S. Highway 89-91 and the South R/W line of a County Road (1800 North Street) in North Logan, Utah, and running thence S88°16'32"E, 612.68 ft; thence S1°33'53"W, 450.83 ft; thence N88°26'07"W, 650.69 ft; thence N1°03'43"E, 149.42 ft; thence N88°56'17"W, 108.00 ft; thence N1°03'43"E, 161.50 ft; thence S88°16'32"E, 150.00 ft; thence N1°03'43"E, 143.00 ft. to beg. Containing 7.0296 Ac.

WHEREAS, in order to give notice of said lease, CDI - EVANS DEVELOPMENT COMPANY and Tenant executed a Memorandum of Lease dated December 18, 1979, which Memorandum of Lease was recorded on February 26, 1980, as Entry No. 430901 in Book 264, Page 551 of the records of the County Recorder of Cache County, State of Utah, covered the same property as said lease; and

WHEREAS, by Assignment dated May 9, 1980, CDI - EVANS DEVELOPMENT COMPANY assigned and conveyed all of its right, title and interest in, to and under said Lease, Memorandum of Lease and real property to Landlord; and

WHEREAS, the parties hereto have amended said lease pursuant to a separate agreement of even date herewith and desire to make a corresponding amendment to said Memorandum of Lease as hereinafter provided.

NOW, THEREFORE, in consideration of the premises and the mutual covenants hereinafter contained, the parties agree as follows:

1. CDI, LTD. is hereby substituted as the Landlord under said Memorandum of Lease.
2. The word "Logan" wherever it appears in the Memorandum of Lease is hereby replaced with the words "North Logan".

Except as herein modified, said Memorandum of Lease shall remain in full force and effect.

This Agreement shall bind and inure to the benefit of the heirs, representatives, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement.

CDI, LTD.

By *Walter Gasser*  
Walter Gasser, General Partner

By *Leon Peterson*  
Leon Peterson, General Partner

K MART CORPORATION,  
a Michigan corporation

By *J. Johnson*  
J. Johnson, Vice President

By *C. E. Lotzar, Jr.*  
C. E. Lotzar, Jr., Asst. Secty.



STATE OF UTAH )  
 ) ss.  
COUNTY OF Wasatch )

I do hereby certify that on this 21st day of June, 1980, before me, Shelly J. Hudik, a Notary Public in and for the County and State aforesaid, and duly commissioned, personally appeared G. Walter Gasser and Leon Peterson, who, being by me duly sworn, did depose and say that they reside in Bountiful, Utah, respectively; that they are the general partners of CDI, LTD., the partnership described in and which executed the foregoing instrument; that, on behalf of said partnership and by order of its partners, they signed, and delivered said instrument for the uses and purposes therein set forth, as its and their free and voluntary act; and that they signed their names thereto by like order.

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



My commission expires: 7-11-84

Shelly J. Hudik  
Notary Public  
Residing at: 111 S. 1st St. Salt Lake City, Utah

STATE OF MICHIGAN )  
 ) ss.  
COUNTY OF OAKLAND )

I do hereby certify that on this 6th day of June, 1980, before me, Shelly J. Hudik, a Notary Public in and for the County and State aforesaid, and duly commissioned, personally appeared J. P. Johnson and C. E. Lotzary Jr., known to me to be the Vice President and Assistant Secretary of K mart Corporation, who, being by me duly sworn, did depose and say that they reside in Birmingham, Michigan, respectively; that they are the Vice President and Assistant Secretary respectively of K mart Corporation, the corporation described in and which executed the foregoing instrument; that they know the seal of said corporation; that the seal affixed to said instrument is the corporate seal of said corporation; that, on behalf of said corporation and by order of its board of directors, they signed, sealed and delivered said instrument for the uses and purposes therein set forth, as its and their free and voluntary act; and that they signed their names thereto by like order.

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

My commission expires: \_\_\_\_\_

Shelly J. Hudik  
Notary Public  
Residing at: 111 S. 1st St. Salt Lake City, Utah  
SHELLY J. HUDIK  
Notary Public, Macomb County, Mich.  
My Commission Expires July 23, 1983  
Acting in Oakland County.

