NT 3719

458513

7.00

STATE OF UTAL SE SE NUCCO PROPERTY OF THE COMPANY MAR 31 3 04 PM 93

COLL OF THE SER

ASSIGNMENT OF LEASE

THIS AGREEMENT is made and entered into as of the 25^+ day of March, 1983, by and between CDI, LTD., a Utah limited partnership, (the "Assignor") and L.G.U. REALTY, INC., a New York general partnership (the "Assignee").

WHEREAS, CDI-EVANS DEVELOPMENT COMPANY, as landlord, and K-Mart Corporation, as tenant entered into a Lease dated December 18, 1979, in respect to that certain real property described in the attached Exhibit "A"; and

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

WHEREAS, said Lease has been amended by Amendment dated June 4, 1980, which Lease and Amendment are hereinafter referred to jointly as the "Lease Agreement"; and

WHEREAS, Assignor has sold the property described in Exhibit "A" to Assignee subject to the Lease, and

WHEREAS, Assignee hereby acknowledges receipt of copies of the Lease;

NOW, THEREFORE, it is hereby mutually agreed as follows:

- 1. That the Assignor in consideration of the Payment of Ten Dollars and other good and valuable consideration, the receipt of which is hereby acknowledged, assign to the Assignee all its right, title and interest in and to the Lesse.
- That to induce the Assignee to pay the said sum of money and to accept the said Lease, and to assume the obligations pursuant thereto, the Assignor hereby represents to the Assignee as follows:
 - a. That the Assignor has duly performed all the conditions of the said Lease to date.
 - b. That the Lease is now in full force and effect.
- That in consideration of the Assignor executing and delivering this Assignment, the Assignee covenants with the Assignor as follows:
 - a. That the Assignee will duly keep, observe and perform all of the terms, conditions and provisions of the said Lease that are to be kept, observed and performed by the Assignor.

That the Assignee will save and hold harm-less the Assignor of and from any and all actions, suits, costs, damages, claims and demands whatsoever arising by reason of an act or omission of the Assignee.

4. This Assignment may be executed simultaneously in several counterparts, each of which shall be deemed an original, but all of which shall constitute one instrument.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

ASSIGNOR:

WITNESSES:

CDI, LTD., a Utah limited partnership

- Onenderhall

General Partner

ASSIGNEE:

L.G.U. REALTY, INC.

-2-

BOOK 314 PAGE 648

STATE OF UTAH) SS:

I, MATRIC MENICEMENT., a Notary Public, do hereby certify that G. WALTER GASSER and LEON PETERSON, personally known to me to be the general partners of CDI, LTD., a Utah limited partnership, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such general partners, they signed and delivered the said instrument as general partners of said limited partnership pursuant to proper authority, and as the free and voluntary act of said limited partnership, for the uses and purposes therein set forth.

Given under my hand and seal this 25th day of March, 1983.



NOTARY PUBLIC Residing at Salt Lake City, Utah

My Commission Expires:

January 1984

STATE OF NEW YORK SS:

Before me, the undersigned officer, personally appeared RONALD J. OEHL, to me known to be the person who executed the foregoing instrument, and who being duly sworn by me did depose and say that he is the President of L.G.U. REALTY, INC., a Delaware corporation, and that he executed the foregoing instrument in the name of said corporation, and that he had the authority to sign the name, and he acknowledged to me that he executed the same as the act and deed of said corporation for the uses and purposes therein mentioned.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal this _____ day of March, 1983.

NOTARY PUBLIC Residing at New York, New York STITE

My Commission Expires:



BOOK 314 PAGE 649

EXHIBIT A

The following described real estate situated in the County of Cache, in the State of Utah:

Beginning at a point S88°16'32"E, 150.00 ft. and S1°03'43"W, 7.00 ft. from the NW Corner of Lot 5, Block 8, Plat "D", Logan Farm Survey, said NW Corner 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°31'33"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 beginning. Containing 7.0296 Acres.

Subject to and together with those rights and easements created under the Covenants for Operation, Maintenance and Reciprocal Easements dated November 20, 1980.

Subject to all other easements and restrictions of record.

Subject to that certain Lease dated December 18, 1979, between C.D.I-EVANS DEVELOPMENT COMPANY, as landlord, and K-Mart Corporation, as tenant as modified by Amendment to Lease dated June 4, 1980, between CDI, LTD., (a successor in interest to C.D.I-EVANS DEVELOPMENT COMPANY by Assignment dated May 9, 1980) and K-Mart Corporation, the obligations of grantor under which lease grantee, by accepting this deed, hereby assumes.

Subject to that certain Deed of Trust dated as of June 1, 1980, between CDI, LTD., a Utah limited partnership, as trustor, and Zions First National Bank, as Trustee and Beneficiary, in the amount of \$2,800,000.00 plus interest, recorded June 10, 1980, as Entry No. 433651 at page 201 of Book 269 of the records of the Cache County Recorder.

Subject to that certain Blanket Assignment of Leases and Rents dated June 10, 1980, from CDI, LTD., a Utah limited partnership, to ZIONS FIRST NATIONAL BANK, recorded June 13, 1980, as Entry No. 433729 at Page 350 of Book 269 of the records of the Cache County Recorder.