

AFTER RECORDING, RETURN TO:

Jennifer K. Gothard

Senior Attorney

The Kroger Co.

1014 Vine Street

Cincinnati, Ohio 45202-1100

13800611

10/18/2021 11:21:00 AM \$40.00

Book - 11255 Pg - 1942-1945

RASHELLE HOBBS

Recorder, Salt Lake County, UT

COTTONWOOD TITLE

BY: eCASH, DEPUTY - EF 4 P.

Space Above for Recorder's Use

Declaration of Termination of Lease Agreement and Termination of Memorandum of Lease

(Smith's 133)

Dated: June 7, 2021

Executed by: Smith's Food & Drug Centers, Inc., an Ohio corporation

Parcel Identification Nos. 22-05-302-027 and 22-05-155-016 (for reference purposes only)

ACCOMMODATION RECORDING ONLY.
COTTONWOOD TITLE INSURANCE AGENCY,
INC. MAKES NO REPRESENTATION AS TO
CONDITION OF TITLE, NOR DOES IT ASSUME
ANY RESPONSIBILITY FOR VALIDITY,
SUFFICIENCY OR EFFECTS OF DOCUMENT.

Ent 13800611 BK 11255 PG 1942

RECORDING REQUESTED BY AND
WHEN RECORDED, RETURN TO:

Jennifer K. Gothard
Senior Attorney
Smith's Food & Drug Centers, Inc. (Smith's 133)
c/o The Kroger Co.
1014 Vine Street
Cincinnati, Ohio 45202-1100

**DECLARATION OF TERMINATION OF LEASE AGREEMENT AND TERMINATION
OF MEMORANDUM OF LEASE**

THIS DECLARATION OF TERMINATION OF LEASE AGREEMENT AND
TERMINATION OF MEMORANDUM OF LEASE is made and entered into as of the 7th day
of June, 2021 (the "Effective Date"), by Smith's Food & Drug Centers, Inc., an
Ohio corporation ("Smith's").

RECITALS

A. On August 1, 1986, Smith's Food King Properties, Inc., a Utah corporation, as
Landlord, and Smith's Management Corp., a Utah corporation, as Tenant, entered into that
certain Lease Agreement and Memorandum of Lease, with the Memorandum of Lease being
recorded on September 3, 1986 at Book 5811, Page 818 of the Recorder's Office of Salt Lake
County, Utah pertaining to certain premises more particularly described in Schedule A attached
hereto and made a part hereof by this reference.

B. Smith's Food King Properties, Inc., a Utah corporation, through a series of
mergers, consolidations, and re-incorporations is now Smith's Food & Drug Centers, Inc., an
Ohio corporation, and owner of the land described in Schedule A.

C. Smith's Management Corp., a Utah corporation, was merged into Smith's Food &
Drug Centers, Inc., a Delaware corporation, on March 14, 1989; and Smith's Food & Drug
Centers, Inc., a Delaware corporation, has since reincorporated as Smith's Food & Drug Centers,
Inc., an Ohio corporation.

D. Through these series of merger, consolidations, and re-incorporations, Smith's
Food & Drug Centers, Inc., an Ohio corporation, is both Landlord and Tenant under the Lease
Agreement and recorded Memorandum of Lease.

E. Smith's desires to (i) terminate the Term of the Lease Agreement in advance of its
scheduled expiration date, and (ii) give notice of the early termination of the Lease Agreement,
such that the Memorandum of Lease automatically becomes null and void.

NOW THEREFORE, in consideration of the foregoing, Smith's declares the following:

1. The Term of the Lease Agreement is hereby terminated as of the Effective Date (the "Termination Date"), and as of such Termination Date, the rights and obligations of Landlord and Tenant pursuant to the Lease Agreement are null and void and of no further force or effect.

2. The Memorandum of Lease is terminated as of the Termination Date.

IN WITNESS WHEREOF, this Declaration of Termination of Lease Agreement and Termination of Memorandum of Lease is executed as of the Effective Date.

SMITH'S:

SMITH'S FOOD & DRUG CENTERS, INC.,
an Ohio corporation



By: _____
Name: Rick J. Landrum
Its: Vice President

STATE OF OHIO)
) SS:
COUNTY OF HAMILTON)



The foregoing instrument was acknowledged before me this 7th day of June, 2021, by Rick J. Landrum, the Vice President of Smith's Food & Drug Centers, Inc., an Ohio corporation, on behalf of the corporation.

IN WITNESS WHEREOF I have hereunto set my hand and official seal.



DEBORAH MOORE
Notary Public, State of Ohio
My Commission Expires
April 24, 2024

Deborah Moore
Notary Public

DESCRIPTION OF REAL PROPERTY

A part of Block 5, 10-Acre Plat "A", Big Field Survey, in Section 5, Township 2 South, Range 1 East, Salt Lake Base and Meridian, U.S. Survey:

Beginning at a point 227.00 feet South $89^{\circ}53'$ West along the South line of said Block 5, and 20.00 feet North $0^{\circ}05'44''$ East from the Southeast corner of Lot 1 of said Block 5, said point of beginning being 53.00 feet perpendicularly distant Northerly from the Centerline of 4500 South Street; and running thence South $89^{\circ}53'$ West 414.70 feet along a line parallel to and being 53.00 feet perpendicularly distant Northerly from the Centerline of said 4500 South Street; thence North $0^{\circ}09'58''$ East 562.40 feet along an existing boundary line fence; thence North $89^{\circ}54'14''$ East 441.00 feet; thence South $0^{\circ}05'44''$ West 57.18 feet; thence North $89^{\circ}54'14''$ East 193.00 feet to a point being 40.0 feet perpendicularly distant Westerly from the Centerline of 900 East Street; thence South $0^{\circ}05'44''$ West 25.00 feet along a line parallel to and being 40.00 feet distant Westerly from the Centerline of said 900 East Street; thence South $89^{\circ}54'14''$ West 275.00 feet to the East line of Smith's Building; thence South $0^{\circ}05'46''$ East 221.49 feet along said East building line; thence North $89^{\circ}54'14''$ East 117.60 feet; thence North $44^{\circ}59'59''$ East 37.19 feet; thence North $89^{\circ}54'14''$ East 130.42 feet to a point being 40.00 feet perpendicularly distant Westerly from the Centerline of 900 East Street; thence South $0^{\circ}05'44''$ West 15.00 feet along a line parallel to and being 40.00 feet perpendicularly distant Westerly from the Centerline of 900 East Street; thence South $89^{\circ}54'14''$ West 110.00 feet; thence South $44^{\circ}59'59''$ West 28.33 feet; thence South $0^{\circ}05'44''$ West 104.80 feet thence South $89^{\circ}53'$ West 90.00 feet; thence South $0^{\circ}05'44''$ West 145.00 feet to the point of beginning.

Location: Salt Lake City, Utah

SCHEDULE A