

RECORDED AT THE REQUEST OF: :  
SMITH'S FOOD & DRUG CENTERS, INC. :

WHEN RECORDED, MAIL TO: :  
SMITH'S FOOD & DRUG CENTERS, INC. :  
Attention: Director of Real Estate Legal Services :  
1550 South Redwood Road :  
Salt Lake City, UT 84104 :

SPACE ABOVE FOR RECORDER'S USE

## SHORT FORM MEMORANDUM OF LEASE

**THIS SHORT FORM MEMORANDUM OF LEASE** shall evidence that there is in existence a Lease as hereinafter described. It is executed by the parties hereto for recording purposes only as to the Lease hereinafter described, and it is not intended and shall not modify, amend, supersede or otherwise affect the terms and provisions of said Lease.

1. **Name of Document:** Ground Lease ("Lease")
2. **Name of Lessor:** Dell Cox Family Partnership,  
a Utah partnership
3. **Address of Lessor:** 214 North University Avenue  
Provo, UT 84601
4. **Name of Lessee:** Smith's Food & Drug Centers, Inc.,  
a Delaware corporation
5. **Address of Lessee:** 1550 South Redwood Road  
Salt Lake City, UT 84104
6. **Date of Lease:** MAY 24, 1999
7. **Term of Lease:** 30 years
8. **Option to Extend:** Six (6) separate and additional periods of five (5)  
years each.

9. **Premises:** That certain real property generally shown on the Site Plan attached hereto as Exhibit "A" and more particularly described on Exhibit "B" attached hereto. The

Premises consist of approximately 5.139 Acres (223,863 sq. Ft.) square feet of real property.

10. **Assignment and Subletting:** Lessee may assign or transfer the Lease or sublet the whole or any part of the Leased Premises, but Lessee shall remain liable to Lessor for full performance of Lessee's obligation hereunder.

11. **Lessee's Right of First Refusal.** If Lessor determines to sell all or any part of the Leased Premises and receives an acceptable bona fide offer therefor, Lessor, before making any agreement to sell, will give notice to Lessee stating Lessor's desire to sell and the amount of such offer. Lessee shall have the exclusive right for thirty (30) days after receiving such notice to purchase the Leased Premises to which such offer refers at the amount of said offer, or for any lesser amount which Lessor may be willing to accept. If Lessee fails to exercise the said right and the Leased Premises are sold by Lessor to a third party, such sale shall nevertheless be made subject to this Lease, including this paragraph, and said right shall be applicable to any and all subsequent offers to purchase received by Lessor's successors and assigns.

A copy of the Lease is on file with Lessor and Lessee at their respective addresses set forth above.

IN WITNESS WHEREOF, the parties have executed this Short Form Memorandum of Lease this 24<sup>th</sup> day of MAY, 1999.

**LESSOR:**

**DELL COX FAMILY PARTNERSHIP,**  
a Utah partnership

By: Bryan Dell Cox  
Its: Gen Ptn

**LESSEE:**

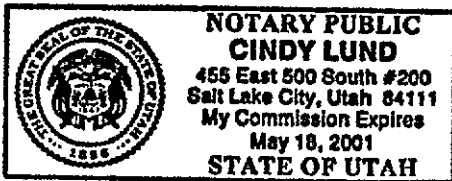
**SMITH'S FOOD & DRUG CENTERS, INC.,**  
a Delaware corporation

By: David S. Dilligan  
Its: S. Vice President

STATE OF UTAH )  
 : SS.  
COUNTY OF UTAH )

Before me, the undersigned authority, on this day personally appeared Raymond Dell Cox, Gen. Ptn. of DELL COX FAMILY PARTNERSHIP, a Utah partnership, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said entity.

Given under my hand and seal of office on this 24<sup>th</sup> day of May, 1999.

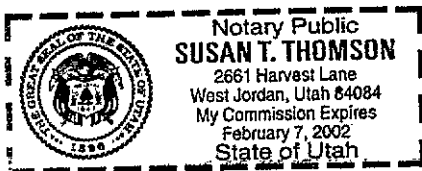


Cindy Lund  
Notary Public  
Notary's name printed:  
Cindy Lund  
My commission expires: 5/18/2001

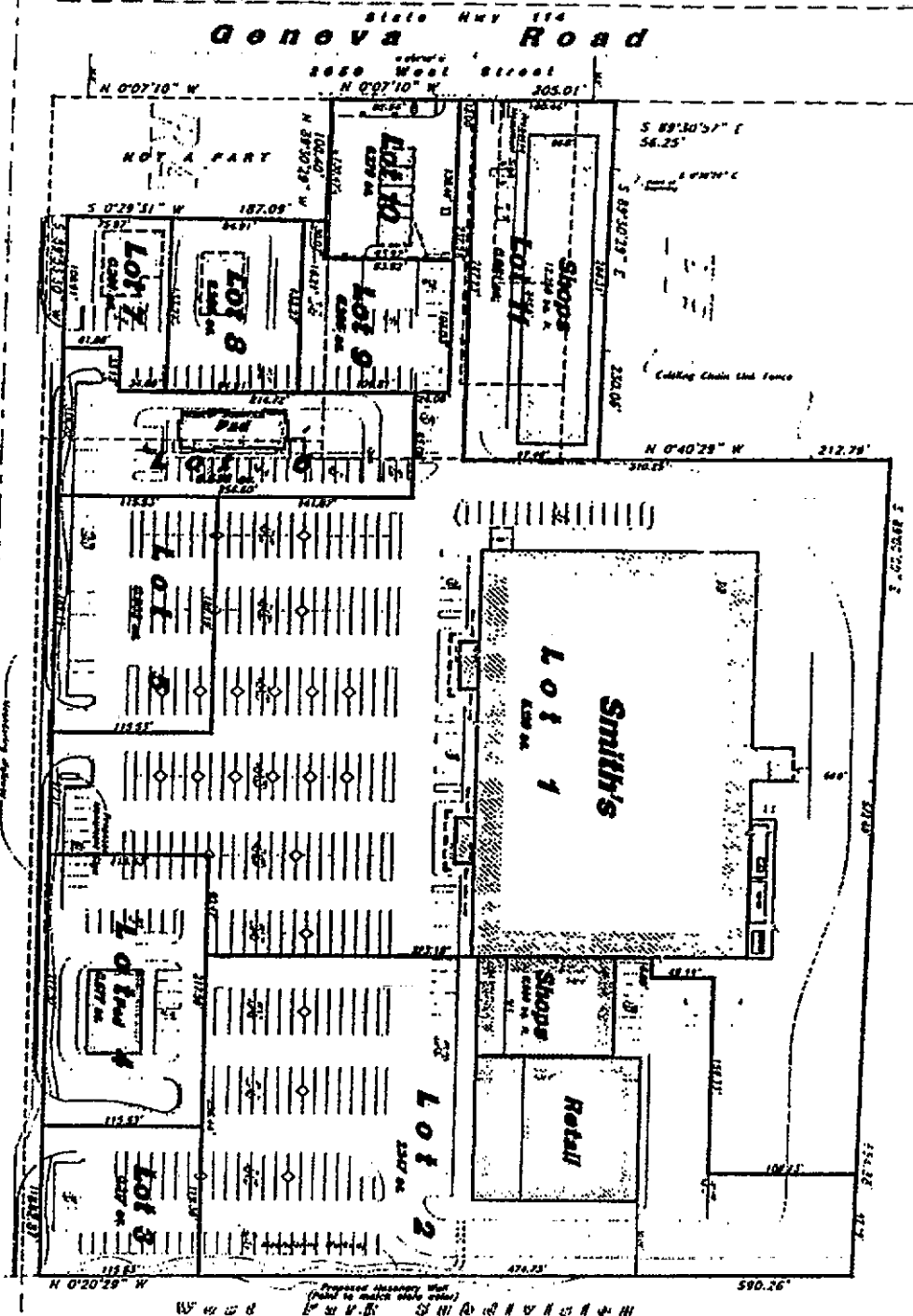
STATE OF UTAH )  
 : SS.  
COUNTY OF SALT LAKE )

Before me, the undersigned authority, on this day personally appeared WADE S. WILLIAMS, JR. VICE PRESIDENT of SMITH'S FOOD & DRUG CENTERS, INC., a Delaware corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said entity.

Given under my hand and seal of office on this 24<sup>th</sup> day of May, 1999.



Susan T. Thomson  
Notary Public  
Notary's name printed:  
SUSAN T. THOMSON  
My commission expires: 2-7-2002



Site Area : 1132 acres  
 535 Parking Stalls req'd  
 506 Parking Stalls shown  
 Current SC2 Zone

**Center Street**  
 State Hwy 114  
**Smith's #143**  
**Fort Utah Center**  
 Provo, Utah

**Preliminary Subdivision Plat**

SMITHS #143  
 Center Street and Geneva Road  
 Provo, Utah

Prepared by: RICK  
 Date: 11/11/11

Scale: 1" = 40'

North Arrow

RICK

# REAT BASIN ENGINEERING - South

10 North Redwood Road • P.O. Box 16747 • Salt Lake City, Utah 84116  
(1) 521-8529 • (801) 394-7288 • Fax (801) 521-9551 • E-mail gbes@xmission.com



## EXHIBIT "B"

Smith's #143, Provo  
Smith's Parcel  
Preliminary Lot 1

April 1, 1999

ENT 66186 BK 5111 PG 815

All of Future Lot 1 of a forthcoming commercial subdivision to be known as Fort Utah Center being more particularly described as follows:

A part of the Southwest Quarter of Section 2 and the Southeast Quarter of Section 3, Township 7 South, Range 2 East, Salt Lake Base and Meridian, U.S. Survey in Provo City, Utah County, Utah:

Beginning at a point on the South Boundary of a Provo City Park being 1336.75 feet South 0°30'29" East along the Section Line to said South Park boundary and 230.06 feet South 89°30'29" East along said South Boundary from the West Quarter Corner of said Section 2; and running thence along said Park Boundary the following two courses: North 0°40'29" West 212.79 feet; and South 89°00'00" East 572.69 feet; thence South 0°06'30" East 108.13 feet; thence South 89°53'30" West 156.33 feet; thence South 0°06'30" East 45.01 feet; thence South 89°53'30" West 16.00 feet to a point on the East edge of a future Smith's Building; thence South 0°06'30" East 323.18 feet along said future building and said line projection; thence South 89°53'30" West 80.42 feet; thence South 0°06'30" East 115.53 feet to a point on the North Line of Center Street as widened to 43.00 foot halfwidth; thence South 89°53'30" West 97.21 feet along said North Line of Center Street as widened; thence North 0°06'30" West 115.53 feet; thence South 89°53'30" West 189.19 feet; thence North 0°06'30" West 141.07 feet; thence South 89°53'30" West 85.08 feet; thence North 0°06'30" West 24.09 feet; thence South 89°53'30" West 232.51 feet to the East Line of Geneva Road; thence North 07'10" West 12.00 feet along said East Line of Geneva Road; thence North 89°53'30" East 287.23 feet; thence North 0°40'29" West 97.46 feet to the point of beginning.

Contains 223,863 square feet  
Or 5.139 acres