

WHEN RECORDED MAIL TO:

ELKINS KALT WEINTRAUB
REUBEN GARTSIDE LLP
10345 West Olympic Boulevard
Los Angeles, CA 90064
Attention: David A. Levine

13774431
9/15/2021 4:32:00 PM \$40.00
Book - 11239 Pg - 6647-6651
RASHELLE HOBBS
Recorder, Salt Lake County, UT
COTTONWOOD TITLE
BY: eCASH, DEPUTY - EF 5 P.

File No.: 145917-ETF

MEMORANDUM OF CO-TENANCY AGREEMENT AFFECTING REAL PROPERTY

In Reference to Tax ID Number(s):

21-01-278-027-4001, 21-01-278-027-4002, 21-01-278-028 and 21-01-278-029

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

Elkins Kalt Weintraub Reuben Gartside LLP
10345 West Olympic Boulevard
Los Angeles, California 90064
Attention: David A. Levine

(Space above line for Recorder's use only)

MEMORANDUM OF CO-TENANCY AGREEMENT AFFECTING REAL PROPERTY

THIS MEMORANDUM OF CO-TENANCY AGREEMENT AFFECTING REAL PROPERTY ("Agreement") is made and entered into to be effective as of the 3 day of September, 2021, by and among CR METRO AT FIRECLAY COMMUNITIES, LLC, a Delaware limited liability company, METRO OTA, LLC, a Delaware limited liability company, METRO 406 JUNIPER, LLC, a Delaware limited liability company, and METRO LAS LOMAS, LLC, a Delaware limited liability company, each of which is individually referred to as a "Co-Tenant" and collectively as the "Co-Tenants".

Each of the Co-Tenants owns, as tenants-in-common, a portion of certain real property located in the City of Murray, County of Salt Lake, State of Utah, more particularly described in Exhibit "A" attached hereto and incorporated herein by reference (the "Property").

The Co-Tenants each desire to evidence their mutual agreement concerning certain rights and obligations each shall have with respect to the Property.

The Co-Tenants hereby agree to own, operate and manage the Property upon the terms and conditions of that certain Co-Tenancy Agreement Affecting Real Property among the parties dated February 21, 2020 (as may be amended, restated, or otherwise modified from time to time, the "Co-Tenancy Agreement").

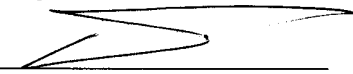
The Co-Tenancy Agreement contains, among other terms and provisions, a waiver by each Co-Tenant of its rights to seek a partition of the Property.

[Signature Page Follows]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

METRO OTA, LLC,
a Delaware limited liability company


By: GA Manager, LLC,
a Delaware limited liability company,
its Manager

By: 

Dan Gabriel, Manager

METRO LAS LOMAS, LLC,
a Delaware limited liability company

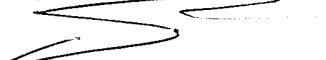
By: SARE Investments, LLC,
a California limited liability company,
its Manager

By: 

Dan Gabriel, Manager

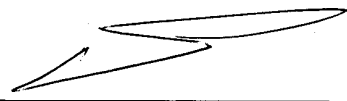
METRO 406 JUNIPER, LLC,
a Delaware limited liability company

By: GA Manager, LLC,
a Delaware limited liability company,
its Manager

By: 

Dan Gabriel, Manager

CR METRO AT FIRECLAY COMMUNITIES, LLC,
a Delaware limited liability company

By: 

Dan Gabriel, President

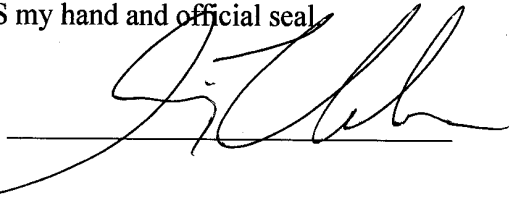
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

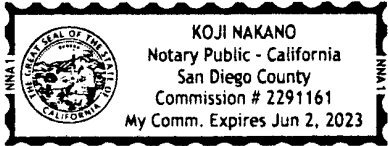
STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

On 9/3, 2021, before me, KOJI NAKANO,
(here insert name and title of the officer) a Notary Public, personally appeared Dan Gabriel, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature 



(SEAL)

EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL 1:

Lot 1, THE METRO AT FIRECLAY PLAT "A", according to the official plat thereof as recorded in the office of the Salt Lake County Recorder on May 3, 2016 as Entry No. 12271924 in Book 2016P at Page 101.

PARCEL 2:

Lot 1 and Parcel A, METRO SOUTH PLAT "A", according to the official plat thereof as recorded in the office of the Salt Lake County Recorder on December 15, 2017 as Entry No. 12679772 in Book 2017P at Page 337.