



W3037953

E# 3037953 PG 1 OF 3
Leann H. Kilts, WEBER COUNTY RECORDER
28-Feb-20 0157 PM FEE \$40.00 DEP TN
REC FOR: THOMAS TITLE & ESCROW
ELECTRONICALLY RECORDED

When recorded mail to:

Thomas C. Arendt, Esq.
Jennings Strouss & Salmon, PLC
1 E Washington St. #1900
Phoenix, AZ 85004

Tax I.D.: 09-102-0007

ASSIGNMENT AND ASSUMPTION OF LEASE

This Assignment and Assumption of Lease (this "Assignment") is entered into by and between **Barclay Holdings LXXXVIII, LLC**, an Arizona limited liability company ("Assignor"), and **BG Roy Fitness, LLC**, an Arizona limited liability company ("Assignee").

WHEREAS, Assignor as landlord and Fitness Alliance LLC, an Arizona limited liability company ("Tenant"), entered into that certain Lease dated January 23, 2020 pursuant to which Tenant leases from Assignor the real property legally described as:

Real Property located in County of Weber, State of Utah, and is described as follows:

PART OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY:

BEGINNING AT A POINT 783.3 FEET SOUTH AND 175 FEET NORTH 89°58' WEST OF THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 343.65 FEET; THENCE EAST 125 FEET TO THE WEST LINE OF HIGHWAY; THENCE SOUTH 52.35 FEET; THENCE WEST 463 FEET; THENCE NORTH 66 FEET; THENCE WEST 122 FEET TO THE WEST LINE OF 2000 WEST STREET; THENCE NORTH 198 FEET ALONG STREET; THENCE EAST 5 FEET; THENCE NORTH 0°10' EAST 112.10 FEET; THENCE AROUND THE ARC OF A 20 FOOT RADIUS CURVE TO RIGHT 31.37 FEET; THENCE SOUTH 89°58' EAST 181 FEET; THENCE SOUTH 0°10' WEST 132 FEET; THENCE SOUTH 89°58' EAST 138 FEET; THENCE NORTH 0°10' EAST 132 FEET; THENCE SOUTH 89°58' EAST 116 FEET TO BEGINNING., (the "Property");

WHEREAS, Assignor desires to assign to Assignee, and Assignee desires to assume, all of Assignor's right, title, and interest in, to, and under the Lease; and

WHEREAS, pursuant to Article 27 of the Lease, Assignor has the right to assign its interest in the Lease at any time without consent;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor and Assignee agree as follows:

1. Assignment and Assumption. Assignor hereby assigns, conveys, transfers, and sets over unto Assignee all of Assignor's right, title, and interest in, to and under the Lease, including without limitation all of Assignor's right, title, and interest in and to any security, cleaning, or other deposits and in and to any claims for rent, arrears rent, or any other claims arising under the Lease against any tenant thereunder or any surety thereof on or after the Effective Date hereof. Assignee hereby assumes and agrees to pay all sums, and perform, fulfill, and comply with all covenants and obligations which are to be paid, performed, fulfilled, and complied with by the landlord under the Lease arising from and after the Effective Date. Assignor is hereby entirely freed from and relieved of all liability under any and all covenants and obligations contained in or derived from the Lease.

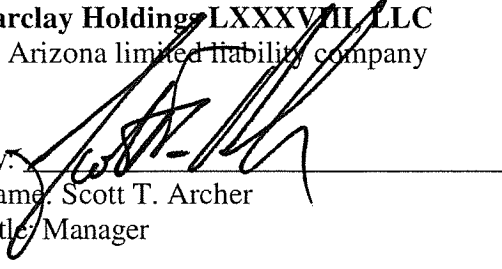
2. Miscellaneous. The terms and conditions of this Assignment shall be binding upon and inure to the benefit of Assignor and Assignee and their respective successors and assigns. This Assignment may be executed in one or more counterparts, each of, which shall be deemed an original, but all of which together shall constitute one and the same instrument. This Assignment shall be governed by, and construed and enforced in accordance with, the laws of the State in which the Property is located.

[Signatures on the following page(s)]

IN WITNESS WHEREOF, Assignor and Assignee have caused this Assignment to be executed by their duly authorized and empowered representatives, to be effective as of January 23, 2020 (the "Effective Date").

ASSIGNOR:

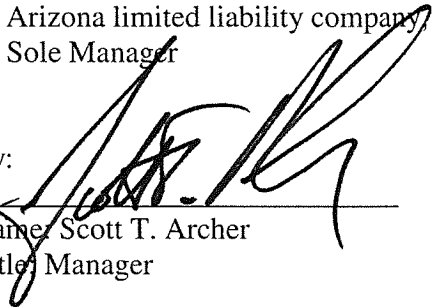
Barclay Holdings LXXXVIII LLC
an Arizona limited liability company

By: 
Name: Scott T. Archer
Title: Manager

ASSIGNEE:

BG Roy Fitness, LLC
an Arizona limited liability company

By: Barclay Holdings LXXXVIII, LLC
an Arizona limited liability company
its Sole Manager

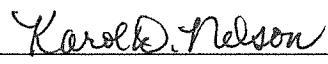
By: 
Name: Scott T. Archer
Title: Manager

State of Arizona)
) ss
County of Maricopa)

The foregoing instrument was acknowledged before me this 27th day of February, 2020 by Scott T. Archer, the Manager of Barclay Holdings LXXXVIII, LLC, an Arizona limited liability company, on behalf of the company.

My Commission Expires: 3-1-2023

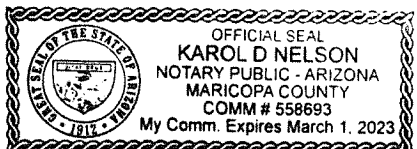


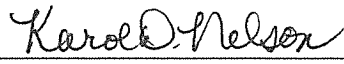

Notary Public

State of Arizona)
) ss
County of Maricopa)

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My Commission Expires: 3-1-2023




Notary Public