

PREPARED BY, AND AFTER RECORDING  
RETURN TO:

AMERICANWEST BANK  
3250 Ocean Park Blvd.  
Suite 210  
Santa Monica, CA 90405

Tax Parcel Number(s): 52-346-0001

Space Above for Recorder's Use

### MEMORANDUM OF TENANCY IN COMMON AGREEMENT

THIS MEMORANDUM OF TENANCY IN COMMON AGREEMENT ("Memorandum") is entered into effective as of April 7, 2015, by and between SUMMERHAYS APARTMENTS, L.L.C., a Utah limited liability company, and VOGEL 4, LC, a Utah limited liability company (each referred to herein as a "Co-Owner" and collectively as the "Co-Owners").

FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which are hereby acknowledged, the Co-Owners hereby declare and agree as follows:

1. The Co-Owners have entered into that certain unrecorded Tenancy in Common Agreement of even date herewith (the "Tenancy in Common Agreement"), for the purpose of providing for, among other things, the ownership as tenants-in-common, management and operation of that certain improved real property located in Utah County, State of Utah, and more particularly described on Exhibit "A" attached hereto.
2. The Tenancy in Common Agreement, among other things, restricts the rights of each Co-Owner: (a) to incur expenses or to enter into contracts or other agreements in connection therewith on behalf of the other Co-Owner, (b) to seek a partition of the Mortgaged Property, and (c) to seek the appointment of a receiver for the Mortgaged Property.
3. This Memorandum is being made and entered into for the purpose of providing notice of the Tenancy in Common Agreement and the provisions thereof. The Tenancy in Common Agreement is incorporated herein by this reference and hereby is made a part hereof as if set forth in full herein.

[The balance of this page is intentionally left blank.]

4. This Memorandum may be executed in multiple counterparts, each of which shall be deemed an original and all of which, taken together, shall constitute one and the same document.

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

**CO-OWNERS:**

**SUMMERHAYS APARTMENTS, L.L.C.,**  
a Utah limited liability company

By: Ray G. Buckwalter  
RAY G. BUCKWALTER, Manager

(SEAL)

**VOGEL 4, LC,**  
a Utah limited liability company

By: Marie V. Loveless  
MARIE V. LOVELESS, Manager

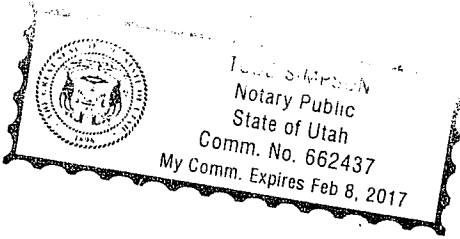
(SEAL)

State of Utah )  
County of Salt Lake ) ss.

On April 9th, 2015, before me, Todd Simpson, Notary Public, personally appeared RAY G. BUCKWALTER,

- personally known to me - OR -
- proved to me on the basis of satisfactory evidence

to be the person(s) who executed the within instrument as **Manager** on behalf of **SUMMERHAYS APARTMENTS, L.L.C.**, a Utah limited liability company, the limited liability company therein named, and acknowledged to me that the limited liability company executed the same for the purposes therein stated.



WITNESS my hand and official seal.

*[Handwritten Signature]*

Signature of Notary Public

Todd Simpson

8839 S. Redwood Rd West Jordan UT

Other Required Information (Printed Name of Notary, Residence, etc.)

Place Notary Seal and/or Any Stamp Above

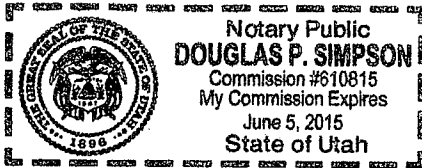
State of Utah )  
County of Salt Lake ) ss.

On April 14, 2015, before me, Douglas P. Simpson  
Marie V. Loveless, Notary Public, personally  
appeared **MARIE V. LOVELESS**,

personally known to me - OR -

proved to me on the basis of satisfactory evidence

to be the person(s) who executed the within instrument as  
**Manager** on behalf of **VOGEL 4, LC, a Utah limited liability  
company**, the limited liability company therein named, and  
acknowledged to me that the limited liability company executed  
the same for the purposes therein stated.



WITNESS my hand and official seal.

[Signature]  
Signature of Notary Public

8839 S. Redwood Rd  
Suite 12

WJ. LAL 84689  
Other Required Information (Printed Name of Notary, Residence, etc.)

Place Notary Seal and/or Any Stamp Above

**EXHIBIT "A"**  
**DESCRIPTION OF THE LAND**

THE LAND REFERRED TO HEREIN IS SITUATED IN UTAH COUNTY, STATE OF UTAH, AND IS DESCRIBED AS FOLLOWS:

LOT 1, Plat "A", Spingleaf Apartments, a planned residential development subdivision according to the Official Plat thereof, on file and of record in the Office of the Utah County Recorder.

Less and excepting any portion lying within the bounds of 740 North Street and the 800 North frontage road.

APN: 52-346-0001

PROPERTY ADDRESS: 825 W. 800 N, OREM, UTAH 84057