

WHEN RECORDED MAIL TO:

Parr Brown Gee & Loveless  
101 South 200 East, Suite 700  
Salt Lake City, UT 84111  
Attn: Lamont Richardson, Esq.

File No.: 141414-ETM

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RASHELLE HOBBS  
Recorder, Salt Lake County, UT  
COTTONWOOD TITLE  
BY: eCASH, DEPUTY - EF 5 P.

## **MEMORANDUM OF TENANCY IN COMMON AGREEMENT**

In Reference to Tax ID Number(s):

21-26-276-010 and 21-26-276-011

WHEN RECORDED, RETURN TO:

Parr Brown Gee & Loveless  
101 South 200 East, Suite 700  
Salt Lake City, Utah 84111  
Attention: Lamont Richardson, Esq.

**MEMORANDUM OF TENANCY IN COMMON AGREEMENT**

THIS MEMORANDUM OF TENANCY IN COMMON AGREEMENT (this "Memorandum") is entered into as of March 8<sup>th</sup>, 2021, between ARBOR GARDNER BINGHAM JUNCTION OFFICE 5, L.C., a Utah limited liability company ("Gardner") and M H JONES FAMILY II, LLC, a Delaware limited liability company ("Jones").

WITNESSETH: That,

1. Gardner, as to an 88.82% undivided interest, and Jones, as to an 11.18% undivided interest, own certain real property located in Salt Lake County, Utah, as more particularly described in attached Exhibit "A" (the "Property").

2. Gardner and Jones have entered into a Tenancy In Common Agreement (the "Agreement") to establish the terms pursuant to which the Property shall be jointly owned and managed.


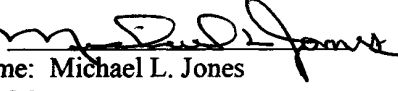
3. The Agreement sets forth provisions governing transfers of the Property and provides a right of first offer for each party with respect to the Property on the terms and conditions more specifically set forth in the Agreement.

4. Gardner and Jones have executed and delivered this Memorandum for the purpose of memorializing, of record, their mutual understandings regarding the Agreement. All of the terms, covenants and conditions regarding the foregoing are more particularly set forth in the Agreement. In the event of conflict between the terms and condition set forth in this Memorandum and the terms and conditions set forth in the Agreement, the terms and conditions of the Agreement shall govern and control.

5. The purpose of this Memorandum is to give record notice of the Agreement and of the rights created thereby, all of which are hereby confirmed and incorporated herein by reference.

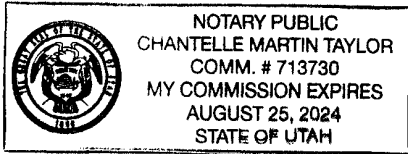
*{Remainder of page intentionally left blank}  
Signature page follows*

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum to be effective as of the date first set forth above.

<p>ARBOR GARDNER BINGHAM JUNCTION OFFICE 5, L.C., a Utah limited liability company, by its manager</p> <p>Bingham Junction Office 5 Manager, Inc., a Utah corporation</p> <p>By:  Name: Christian K. Gardner Title: Vice President</p> <p>201 South Main Street, Suite 2000 Salt Lake City, Utah 84111 Attention: Christian Gardner</p>	<p>M H JONES FAMILY II, LLC, a Delaware limited liability company</p> <p>By:  Name: Michael L. Jones Its: Manager</p> <p>1168 Le Rosier Court West Jordan, Utah 84088 Attention: Mike Jones</p>
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STATE OF UTAH )  
 ) : ss.  
COUNTY OF SALT LAKE )

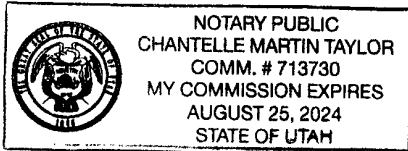
On this 4<sup>th</sup> day of March, 2021, personally appeared before me Christian Gardner, Vice President of Bingham Junction Office 5 Manager, Inc., a Utah corporation, the manager of Arbor Gardner Bingham Junction Office 5, L.C., a Utah limited liability company, and acknowledged to me that such limited liability company executed the within instrument.



Chantelle Martin Taylor  
Notary Public

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

On this 4<sup>th</sup> day of March, 2021, personally appeared before me Michael L. Jones, the Manager of M H Jones Family II, LLC, a Delaware limited liability company, and acknowledged to me that such limited liability company executed the within instrument.



Chantelle Martin Taylor  
Notary Public

**EXHIBIT "A"**

Legal Description

PARCEL 1:

Lots 1 and 2, VIEW 72 RETAIL SUBDIVISION 3RD AMENDED, according to the official plat as recorded in the office of the Salt Lake County Recorder, State of Utah on July 27, 2015 as Entry No. 12099886 in Book 2015P at Page 165.

PARCEL 2:

The leasehold estate created by the lease disclosed of record by that certain Memorandum of Lease executed by Arbor Gardner Bingham Junction Office 3, L.C., a Utah limited liability company (Subtenant) and Redevelopment Agency of Midvale City, a public agency (Sublandlord) dated April 20, 2016 and recorded April 26, 2016 as Entry No. 12266953 in Book 10424 at Page 8001, the modification and assignment of which is disclosed of record by that certain First Amendment to Memorandum of Sublease Lease by and between Arbor Gardner Bingham Junction Office 3, L.C., a Utah limited liability company (Existing Subtenant), Arbor Gardner Bingham Junction Office 5, L.C., a Utah limited liability company (New Subtenant), and Redevelopment Agency of Midvale City, a public agency (Sublandlord), dated JUNE 2, 2017 and recorded JUNE 2, 2017 as Entry No. ~~12540224~~ in Book ~~10564~~ at Page ~~202~~ the following described premises, to-wit:

Lot 2, VIEW 72 RETAIL SUBDIVISION 3RD AMENDED, according to the official plat as recorded in the office of the Salt Lake County Recorder, State of Utah on July 27, 2015 as Entry No. 12099886 in Book 2015P at Page 165.

PARCEL 3:

Reciprocal Access Easements as disclosed in that certain Declaration and Grant of Reciprocal Access Easements recorded September 22, 2014 as Entry No. 11916667 in Book 10261 at Page 6933.

ALSO: Reciprocal Easements as disclosed in the Declaration of Covenants, Restrictions and Easements dated October 2, 2012 and recorded October 4, 2012 as Entry No. 11485504 in Book 10063 at Page 2860, as amended October 18, 2012 as Entry No. 11494534 in Book 10067 at Page 5293, amended February 7, 2013 as Entry No. 11573196 in Book 10106 at Page 665, amended April 19, 2013 as Entry No. 11621668 in Book 10129 at Page 901, amended July 11, 2014 as Entry No. 11879615 in Book 10244 at Page 8362.

ALSO: The beneficial easement rights as disclosed in the Declaration for South Bingham Junction recorded November 20, 2007 as Entry No. 10281127 in Book 9539 at Page 7037.

ALSO: The beneficial easement rights as disclosed in the Declaration and Establishment of Protective Covenants, Conditions and Restrictions and Grant of Easements, recorded April 26, 2016 as Entry No. 12266951 in Book 10424 at Page 7958 of official records, as amended by that certain First Amendment to Declaration and Establishment of Protective Covenants, Conditions and Restrictions and Grant of Easements dated MAY 10, 2017 and recorded JUNE 2, 2017 as Entry No. ~~1254005~~ in Book ~~10564~~ at Page ~~1003~~