

RECORDED AT THE REQUEST OF:

WHEN RECORDED RETURN TO:

Toll Bros., Inc.  
14034 South 145 East Ste. 202  
Draper, UT 84020

CTIA No.: 133713-LKF

ENT207973 : 2021 PG 1 of 6

Andrea Allen  
Utah County Recorder  
2021 Dec 16 02:38 PM FEE 40.00 BY IP  
RECORDED FOR Cottonwood Title Insurance Agency, Inc.  
ELECTRONICALLY RECORDED

Parcel No.: 41-926-0058

Above Space for Recorder's Use Only

### MEMORANDUM OF REPURCHASE OPTION

This MEMORANDUM OF REPURCHASE OPTION ("**Memorandum**") is made and effective as of December 16, 2021, by and between Toll Southwest LLC, a Delaware limited liability company ("**Optionee**"), and Lydia Warshaw and Susan Warshaw and Eugene Warshaw ("**Optionor**"), with reference to the facts set forth below.

#### RECITALS

A. Optionor has acquired fee title from Optionee to that certain real property situated in the City of Lehi, County of Utah, State of Utah, more particularly described on Exhibit "A" attached hereto and incorporated herein ("**Property**").

B. Optionor has granted to Optionee a right and option to purchase the Property upon the terms and conditions set forth in that certain Utah Disclosures Addendum No. 1 to Agreement of Sale executed by and between Optionor and Optionee ("**Addendum**").

NOW THEREFORE, the parties hereto wish to record this Memorandum to give notice of the Addendum and the terms thereof, including the terms set forth below.


1. Optionor has granted to Optionee a right and option to purchase the Property on the terms and conditions set forth in the Addendum ("**Option**").

2. The term of the Option shall be for a period of one (1) year from the Optionor's Close of Escrow with respect to the Property.

3. A violation of the Optionor's agreements and covenants contained in the Addendum by Optionor shall not defeat or render invalid the lien of any first mortgage or deed of trust made in good faith and for value by Optionor, and that the covenants and provisions of the Option shall be inferior and subordinate to the lien of any such first mortgage or deed of trust recorded concurrently with the deed conveying the Property to Optionor.

4. This Memorandum is being recorded to give notice of the Option contained in the Addendum as hereinabove described and the terms and conditions contained therein. This Memorandum is not intended to modify or alter in any way the terms and conditions of the Addendum or the Agreement. Capitalized terms not otherwise defined herein shall have the same meaning as used in the Addendum.

5. This Memorandum shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors-in-interest or assignees.

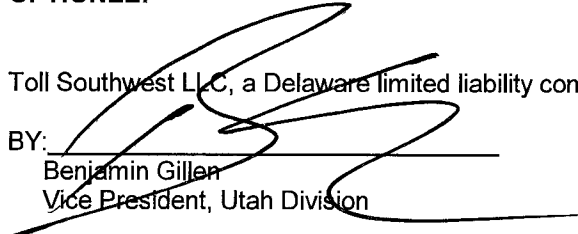
  
Optionor(s) Initials

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

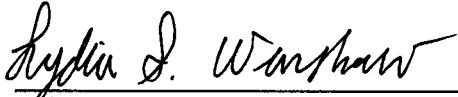
**OPTIONEE:**

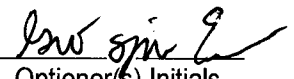
Toll Southwest LLC, a Delaware limited liability company

BY: \_\_\_\_\_

  
Benjamin Gillen  
Vice President, Utah Division

**OPTIONOR:**

  
\_\_\_\_\_  
Lydia S. Warshaw

  
Optionor(s) Initials

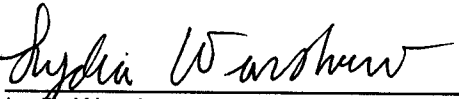
IN WITNESS WHEREOF, the parties have executed this Memorandum as of the day and year first above written.


**OPTIONEE:**

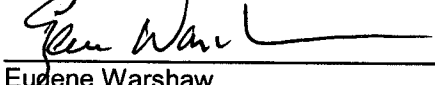
Toll Southwest LLC, a Delaware limited liability company

BY: \_\_\_\_\_  
Benjamin Gillen  
Vice President, Utah Division

**OPTIONOR:**

  
\_\_\_\_\_  
Lydia Warshaw

  
\_\_\_\_\_  
Susan Warshaw


  
\_\_\_\_\_  
Eugene Warshaw

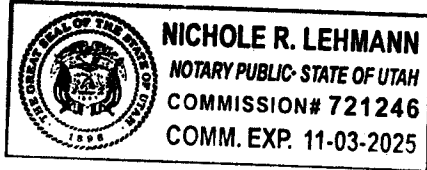
  
\_\_\_\_\_  
Optionor(s) Initials

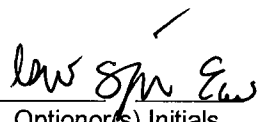
STATE OF UTAH

COUNTY OF UTAH

On this 16th day of December, 2021, before me, personally appeared Benjamin Gillen, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this document, and acknowledged before me that he executed the same on behalf of Toll Southwest LLC, a Delaware limited liability company.

  
\_\_\_\_\_  
Notary Public

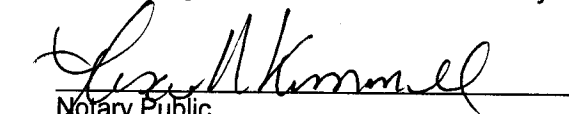


  
\_\_\_\_\_  
Optionor(s) Initials

STATE OF UTAH

COUNTY OF SALT LAKE

On this 16th day of December, 2021, before me, personally appeared Lydia Warshaw, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this document, and acknowledged before me that he/she/they executed the same.

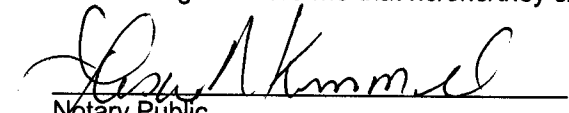
  
Notary Public



STATE OF UTAH

COUNTY OF SALT LAKE

On this 16th day of December, 2021, before me, personally appeared Susan Warshaw, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this document, and acknowledged before me that he/she/they executed the same.

  
Notary Public

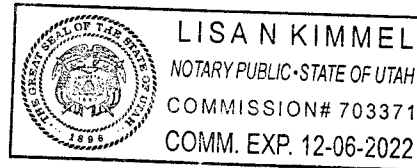



STATE OF UTAH

COUNTY OF SALT LAKE

On this 16th day of December, 2021, before me, personally appeared Eugene Warshaw, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this document, and acknowledged before me that he/she/they executed the same.

  
Notary Public

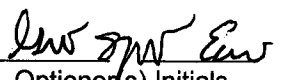


  
Optionor(s) Initials

**EXHIBIT "A"**

**Legal Description of Property**

Lot 58, HIDDEN CANYON PLAT B, a Residential Subdivision, according to the official plat thereof as recorded in the office of the Utah County Recorder.

  
Optionor(s) Initials