

**RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:**

Wells Fargo Bank, National Association  
Real Estate Group (AU # 07572)  
1512 Eureka Road, Suite 350  
Roseville, California 95661  
Attn: Eileen Oquendo  
Loan No. 102006

10850687  
12/02/2009 3:21 PM \$18.00  
Book - 9785 Pg - 1055-1058  
GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
LANDMARK TITLE  
BY: ZJM, DEPUTY - WI 4 P.  
12/02/2009 3:21 PM \$18.00

**CONSENT AND SUBORDINATION OF LIENHOLDER**

Wells Fargo Bank, National Association ("Wells Fargo") is the current beneficiary under that certain Construction Deed of Trust with Absolute Assignment of Leases and Rents, Security Agreement and Fixture Filing, recorded December 7, 2005, as Entry No. 9575206 in Book 9227 at Page 3240, in the Official Records in the Office of the County Recorder of Salt Lake County, Utah, as modified (as so modified, "Deed of Trust"). The Deed of Trust encumbers certain real property described on Exhibit A, attached hereto and incorporated herein by this reference.

FOR GOOD AND VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, Wells Fargo consents to the recording of that certain First Amendment to Easement with Covenants and Restrictions Affecting Land dated as of December 2, 2009, between Wal-Mart Real Estate Business Trust, a Delaware statutory bank, Lowe's HIW, Inc., a Washington corporation, Boyer Pebblebrook, L.C., a Utah limited liability company, and Boyer Quarry Bend, L.C., a Utah limited liability company, recorded December 2, 2009, as Entry No. 10850686 in Book 9785 at Page 1029, in the Official Records in the Office of the County Recorder of Salt Lake County, Utah (the "First Amendment") and subordinates its lien to such document with the result being that the First Amendment shall have priority over the Deed of Trust to the same degree and with the same effect as if the First Amendment had been executed and recorded prior to the execution and recordation of the Deed of Trust. A foreclosure of the Deed of Trust shall not extinguish or impair the existence or priority of the First Amendment.

Dated as of: November 30, 2009

{Signature page follows}

45863-B

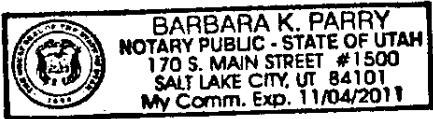
**Wells Fargo Signature:**


WELLS FARGO BANK, NATIONAL ASSOCIATION

By:   
Paul K. Mendenhall, Vice President:

STATE OF UTAH) )  
  ) :SS  
COUNTY OF SALT LAKE ) )

The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of November, 2009, by Paul K. Mendenhall, Vice President of Wells Fargo Bank, National Association.



  
\_\_\_\_\_  
NOTARY PUBLIC  
Residing at: \_\_\_\_\_

My commission expires: \_\_\_\_\_

**PROPERTY DESCRIPTION**

Exhibit A to that certain Consent and Subordination of Lienholder, dated as of November 30, 2009, by Wells Fargo Bank, National Association.

That certain real property located in Salt Lake County, Utah and more particularly described as follows:

**PARCEL 1:**

Lot 5, QUARRY BEND SUBDIVISION, according to the official plat thereof, filed in Book "2005P" of Plats, at Page 392 of the Official Records of the Salt Lake County Recorder.

EXCEPTING FROM PARCEL 1 ABOVE ANY PORTION THEREOF WITHIN THE TRACT IDENTIFIED AND DESCRIBED AS "ROAD DEDICATION B" IN THAT CERTAIN PLAT ENTITLED "ROAD DEDICATION SR-209" RECORDED JUNE 15, 2006 AS ENTRY NO. 9754372, IN BOOK 2006P OF PLATS, AT PAGE 168 OF THE OFFICIAL RECORDS OF THE SALT LAKE COUNTY RECORDER.

(28-05-331-002)

**PARCEL 2:**

**"NEW LOT 3, QUARRY BEND SUBDIVISION":**

All that land being part of Quarry Bend Subdivision, recorded as Entry No. 9575193 in Book 2005P, at Page 392 of the official records of the Salt Lake County Recorder; in the State of Utah, County of Salt Lake, City of Sandy, being part of Section 5, Township 3 South, Range 1 East, Salt Lake Base and Meridian; being more particularly described as follows:

Beginning at a point on the South Line of said Subdivision located 820.81 feet South 89°06'33" East along the Section Line and 91.73 feet North from the South Quarter Corner of said Section 5; and running thence North 0°00'03" West 91.04 feet to a point of curvature; thence Northwesterly along the arc of a 225.00 foot radius curve to the left a distance of 213.61 feet (Central Angle equals 54°23'46"; and Long Chord bears North 27°11'56" West 205.68 feet) to a point of reverse curvature; thence Northwesterly along the arc of a 1500.00 foot radius curve to the right a distance of 116.54 feet (Central Angle equals 4°27'05"; and Long Chord bears North 52°10'17" West 116.51 feet); thence North 39°17'17" East 30.25 feet to the Westerly Line of Lot 3 of said Subdivision; thence along said Westerly Lines of said Lot 3 the following two courses: North 50°59'35" West 22.80 feet to the most Westerly Corner thereof; and North 39°00'26" East 50.22 feet; thence South 89°45'08" East 495.31 feet along the Southerly Line of Lot 1 of said Quarry Bend Subdivision; thence North 0°17'59" East 35.95 feet; thence South 89°42'01" East 119.62 feet; thence South 1°32'10" West 156.25 feet; thence South 7°27'07" West 151.14 feet; thence South 9°17'57" West 90.28 feet; thence South 15°55'37" West 47.56 feet; thence South 21°06'01" West 31.55 feet to the South Line of said Subdivision; thence along said South Line the following three courses: North 89°06'33" West 166.01 feet; North 86°49'06" West 200.22 feet to a point of curvature; and Northwesterly along the arc of a 788.05 foot radius curve to the right a distance of 33.45 feet (Center bears North 0°53'28" East; Central Angle equals 2°25'55"; and Long Chord bears North 87°53'34" West 33.45 feet) to the point of beginning.

[The said "New Lot 3, Quarry Bend Subdivision" being identified and depicted on that certain plat entitled "Notice of Approval of Lot Line Adjustment - Quarry Bend Subdivision", dated September 17, 2009 (certificate dated October 21, 2009), prepared by Great Basin Engineering-South, as Drawing 07-05BLA3, certified by Bruce D. Pimper, Utah RLS No. 362256, and recorded December 2, 2009 as Entry No. 1085068A, in Book 2009P, at Page 174 in the office of the Salt Lake County Recorder.]

(28-05-451-009)

(CONTINUED)

**PARCEL 3:**

**"NEW LOT 8, QUARRY BEND SUBDIVISION":**

A part of the Southeast Quarter of Section 5, Township 3 South, Range 1 East, Salt Lake Base and Meridian, U.S. Survey in Salt Lake County, Utah:

Beginning at a point on the Northerly Line of 9400 South Street located 820.81 feet South 89°06'33" East along the Section Line; and 91.73 feet North from the South Quarter Corner of said Section 5; and running thence along said Northerly Line of 9400 South Street the following five courses: Northwesterly along the arc of a 788.05 foot radius curve to the right a distance of 146.61 feet (Center bears North 3°19'23" East; Central Angle equals 10°39'34" and Long Chords bears North 81°20'50" West 146.40 feet; North 0°14'51" East 10.30 feet; Northwesterly along the arc of a 778.05 foot radius curve to the right a distance of 31.99 feet (Center bears North 14°09'45" East; Central Angle equals 2°21'21" and Long Chord bears North 74°39'34" West 31.99 feet); North 61°40'05" West 116.01 feet; and Northwesterly along the arc of an 893.50 foot radius curve to the right a distance of 80.71 feet (Center bears North 25°56'30" East; Central Angle equals 5°10'33" and Long Chord bears North 61°28'14" West 80.69 feet); thence along the Southeasterly Line of a Public Road as widened the following two courses: North 13°39'11" East 18.20 feet; and North 39°17'17" East 249.85 feet; thence Southeasterly along the arc of a 1500.00 foot radius curve to the left a distance of 116.54 feet (Center bears North 40°03'16" East; Central Angle equals 4°27'05" and Long Chord bears South 52°10'17" East 116.51 feet) to a point of reverse curvature; thence Southeasterly along the arc of a 225.00 foot radius curve to the right a distance of 213.61 feet (Central Angle equals 54°23'46" and Long Chord bears South 27°11'56" East 205.68 feet) to a point of tangency; thence South 0°00'03" East 91.04 feet to the point of beginning.

[The said "New Lot 8, Quarry Bend Subdivision" being identified and depicted on that certain plat entitled "Notice of Approval of Lot Line Adjustment - Quarry Bend Subdivision", dated September 17, 2009 (certificate dated October 21, 2009), prepared by Great Basin Engineering-South, as Drawing 07-05BLA3, certified by Bruce D. Pimper, Utah RLS No. 362256, and recorded December 2, 2009 as Entry No. 10850684, in Book 2009P, at Page 174 in the office of the Salt Lake County Recorder.]

28-05-452-002

**PARCEL 4:**

**"NEW LOT 10, QUARRY BEND SUBDIVISION":**

All that land being part of Quarry Bend Subdivision, recorded as Entry No. 9575193 in Book 2005P, at Page 392 of the official records of the Salt Lake County Recorder; in the State of Utah, County of Salt Lake, City of Sandy, being part of Section 5, Township 3 South, Range 1 East, Salt Lake Base and Meridian; being more particularly described as follows:

Beginning at a point located 1320.05 feet South 89°06'33" East along the Section Line; 832.63 feet North 0°26'14" East along the Sixteenth Section Line; and 17.09 feet North 89°45'09" West from the South Quarter Corner of said Section 5; and running thence South 15°30'00" East 34.86 feet to a point of curvature; thence Southerly along the arc of a 135.00 foot radius curve to the right a distance of 94.98 feet (Central Angle equals 40°18'42"; and Long Chord bears South 4°39'21" West 93.04 feet) to a point of reverse curvature; thence Southwesterly along the arc of a 295.00 foot radius curve to the left a distance of 119.84 feet (Central Angle equals 23°16'32"; and Long Chord bears South 13°10'26" West 119.02 feet); thence South 1°32'10" West 35.59 feet; thence North 89°42'01" West 119.62 feet; thence North 0°17'59" East 277.79 feet; thence South 89°45'09" East 144.48 feet to the point of beginning.

[The said "New Lot 10, Quarry Bend Subdivision" also being identified and depicted on that certain plat entitled "Notice of Approval of Lot Line Adjustment - Quarry Bend Subdivision", dated September 17, 2009 (certificate dated October 21, 2009), prepared by Great Basin Engineering-South, as Drawing 07-205BLA3, certified by Bruce D. Pimper, Utah RLS No. 362256, and recorded December 2, 2009 as Entry No. 10850684, in Book 2009P, at Page 174 in the office of the Salt Lake County Recorder.]

(28-05-451-010)