

WHEN RECORDED MAIL TO:

Barack Ferrazzano Kirschbaum & Nagelberg LLP
200 West Madison Street, Suite 3900
Chicago, Illinois 60606
ATTN: Brett Feinberg

File No.: 141156-LMF

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RASHELLE HOBBS
Recorder, Salt Lake County, UT
COTTONWOOD TITLE
BY: eCASH, DEPUTY - EF 7 P.

MEMORANDUM OF LEASING RESTRICTION

In Reference to Tax ID Number(s):

14-23-301-002

RECORDING REQUEST BY
AND WHEN RECORDED MAIL TO:

Barack Ferrazzano Kirschbaum & Nagelberg LLP
200 West Madison Street, Suite 3900
Chicago, Illinois 60606
Attn: Brett Feinberg

(Above Space for Recorder's Use Only)

MEMORANDUM OF LEASING RESTRICTION

THIS MEMORANDUM OF LEASING RESTRICTION (this "**Memorandum**") is made and entered into effective as of April 29, 2021 (the "**Effective Date**"), by and between WVC Industrial LLC, a Delaware limited liability company ("**WVC**"), and Aligned Data Centers (WVC) PropCo, LLC, a Delaware limited liability company ("**Aligned**"), with reference to the following facts:

A. WVC and Aligned (as successor-in-interest to Aligned Energy Data Centers (SLC) PropCo, LLC) are parties to that certain Agreement of Purchase and Sale dated March 15, 2021 (as amended, the "**Agreement**"), with respect to that certain property legally described on Exhibit A attached hereto and commonly known as 6368 West Beagley Road, West Valley City, Utah (the "**Property**").

B. Pursuant to the terms of the Agreement, WVC and Aligned have agreed to impose a leasing restriction on the Property.

C. WVC and Aligned desire to execute this Memorandum and cause the same to be recorded in the Official Records of Salt Lake County for the purposes of memorializing the Leasing Restriction (as defined below) and providing third parties with notice of the Leasing Restriction.

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

1. The recitals to this Memorandum are hereby incorporated herein and made a part hereof by this reference.

2. The sole purpose of this Memorandum is to give notice of the Leasing Restriction to third parties.

3. The "**Leasing Restriction Period**" shall mean the period beginning on the Effective Date and continuing until the earlier to occur of (i) WVC's conveyance to a third party unaffiliated with WVC of each of the three (3) buildings commonly known as Lots 2, 3

and 4 of 201 Mountain View Park, West Valley City, Utah or (ii) the date that is eighteen (18) months after the Effective Date.

4. During the Leasing Restriction Period, Aligned (and its successors and assigns) shall be precluded from either or both of (a) marketing the Property for any use other than wholesale or retail multi-tenant data center business or build-to-scale solutions to cloud, enterprise, and managed service providers, and (b) entering into any lease, license or other occupancy agreement with respect to all or a portion of the Property, at a rate less than \$.65 “triple net” per rentable square foot per month (the “**Leasing Restriction**”).

5. This Memorandum may be executed in counterparts, each of which shall be deemed an original, but all of which together, shall constitute one and the same instrument.

[Signature Pages Follow]

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

WVC:

WVC INDUSTRIAL LLC,
a Delaware limited liability company

By: Hines WVC Industrial Investor LLC,
a Delaware limited liability company,
its managing member

By: Hines WVC Industrial Associates LP,
a Texas limited partnership,
its sole member

By: Hines Investment Management Holdings Limited
Partnership, a Texas limited partnership,
its general partner

By:

Name: Dustin Harris

Title: Senior Managing Director


DS SRM

STATE OF Utah)
) ss:
COUNTY OF Salt Lake)

On April 13, 2021, before me Morgan Carmen, a Notary Public, personally appeared Dustin Harris, the senior Managing Director of Hines Investment Management Holdings Limited Partnership, a Texas limited partnership and the general partner of Hines WVC Industrial Associates LP, a Texas limited partnership and the sole member of Hines WVC Industrial Investor LLC, a Delaware limited liability company and the managing member of WVC Industrial LLC, a Delaware limited liability company, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument he/she executed the instrument.

WITNESS my hand and official seal




NOTARY PUBLIC

ALIGNED:

ALIGNED DATA CENTERS (WVC) PROPCO, LLC.
a Delaware limited liability company

By: _____
Name: Andrew Schaap
Title: CEO

STATE OF TEXAS)
)ss:
COUNTY OF COLLIN)

On April 27, 2021, before me Elizabeth Heilman, a Notary Public, personally appeared Andrew Schaap, the Chief Executive Officer of Aligned Data Centers (WVC) PropCo, LLC, a Delaware limited liability company, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument he/she executed the instrument.

WITNESS my hand and official seal



Elizabeth Heilman
NOTARY PUBLIC

EXHIBIT A

Legal Description of Property

Lot 1, 201 MOUNTAIN VIEW PARK, according to the official plat thereof as recorded in the office of the Salt Lake County Recorder on June 6, 2019 as Entry No.13004113 in Book 2019P at Page 178.