

WHEN RECORDED RETURN TO:

School and Institutional Trust Land Administration
675 East 500 South, Suite 500
Salt Lake City UT 84102
Attn: Alexa Wilson

DOC # 20070004870

Agreement Page 1 of 5
Russell Spriggs Washington County Recorder
01/30/2007 09:20:33 AM Fee \$ 0.00 by UTAH STATE SCHOOL & TRUST LANDS



**MEMORANDUM OF SECOND AMENDMENT, THIRD AMENDMENT,
AND FOURTH AMENDMENT TO DEVELOPMENT LEASE
AGREEMENT NO. 610**

THIS MEMORANDUM OF SECOND AMENDMENT, THIRD AMENDMENT, AND FOURTH AMENDMENT TO DEVELOPMENT LEASE AGREEMENT NO. 610 (“**Memorandum**”) is dated this 2nd day of January, 2007, by and between the State of Utah, acting by and through the School and Institutional Trust Lands Administration (“**SITLA**”), and SunCor Utah, Inc., a Utah corporation (“**SunCor**”).

- A. On June 30, 1999, SITLA and SunCor Development Company (“**SDC**”), SunCor’s predecessor-in-interest, entered into that certain Development Lease Agreement No. 610 which Lessor leased the Premises (as defined therein) to the Lessee.
- B. On March 12, 2003, SITLA and SDC entered into that certain First Amendment to Development Lease Agreement No. 610, which revised the legal description of the Premises.
- C. On August 3, 2004, SITLA and SDC entered into that certain Second Amendment to Development Lease Agreement No. 610, which removed certain lands from the Premises. A description of the lands removed is attached hereto as **Exhibit A**.
- D. On April 14, 2006, SITLA and SDC entered into that certain Third Amendment to Development Lease Agreement No. 610, which added certain lands to the Premises. A description of the lands added is attached hereto as **Exhibit B**.
- E. On December 22, 2006, SITLA and SDC entered into that certain Fourth Amendment to Development Lease Agreement No. 610, which added certain lands to the Premises. A description of the lands added is attached hereto as **Exhibit C**.
- F. On December 19, 2006, SDC entered into that certain Assignment and Assumption of Development Lease No. 610, which assigned its interest as the Lessee of that certain Development Lease Agreement No. 610, as amended, to SunCor Utah, Inc., a Utah corporation, which became effective upon SITLA’s approval on January 19, 2007.

EXHIBIT A

**Legal Description of Lands Removed by Second
Amendment to Development Lease Agreement**

Township 41 South, Range 14 West SLB&M
Section 33

Beginning at a point which is South 89°09'38" East 215.84 feet along the North section line of Section 4 from the North 1/4 Corner of Section 4, Township 42 South, Range 14 West of the Salt Lake Base and Meridian, and running thence North 19°36'02" East 328.70 feet; thence North 00°50'39" West 302.68 feet; thence North 23°31'07" East 234.80 feet to the Westerly boundary line of the Wal-Mart Distribution Facility Boundary recorded in Book 705, Page 784, in the office of the Washington County Recorder, in said county, in the state of Utah; thence along said boundary line South 24°12'06" East 916.59 feet to the said North section line of said Section 4; thence along said section line North 89°09'38" West 575.32 feet to the point of beginning.

Containing 5.482 acres, more or less

EXHIBIT B

**Legal Description of Lands Added by Third
Amendment to Development Lease Agreement**

Township 42 South, Range 14 West SLB&M
Section 4

Beginning at a point which is South 89°21'09" East 170.41 feet along the North Section line from the Northwest Corner of Section 9, Township 42 South, Range 14 West, Salt Lake Base and Meridian; running thence North 12°27'11" West 201.74 feet to the Southerly Right-of-Way of Highway 91 Realignment recorded on October 14, 1997 as Entry No. 579572 in Book 1141, Page 84 in the office of the Washington County Recorder, in said County, in the State of Utah; thence along said Right-of-Way for the following two (2) courses: North 80°38'21" East 117.37 feet to the point of curvature of a 1250.00 foot radius curve concave to the left; thence Northeasterly 513.90 feet along the arc of said curve through a central angle of 23°33'20" the radius point of which bears North 32°54'59" West; said point also being on the Stone Ridge Town Homes Phase 1 boundary recorded on May 10, 2004 as Entry No. 878638 in Book 1636, Page 2129 in the office of the Washington County Recorder, in said County, in the State of Utah; thence along said boundary for the following two (2) courses: South 32°55'16" East 267.96 feet; thence South 59°43'24" East 32.38 feet to the point on the Stone Ridge Town Homes Phase 1A boundary recorded on December 22, 2004 as Entry No. 917883 in Book 1699, Page 776 in the office of the Washington County Recorder, in said County, in the State of Utah; thence along said boundary South 59°43'24" East 203.20 feet to the point on the Stone Ridge Town Homes Phase 2 boundary recorded on April 8, 2005 as Entry No. 937280 in Book 1730, Page 2297 in the Office of the Washington County Recorder, in said County, in the State of Utah; thence along said boundary South 59°43'24" East 134.61 feet to the said North Section line; thence along said Section line North 89°21'09" West 1013.65 feet to the point of beginning.

Containing 5.31 acres, more or less.

EXHIBIT C

**Legal Description of Lands Added by Fourth
Amendment to Development Lease Agreement**

T42S R14W SLB&M

Section 8

NW4SE4NE4, NW4NW4SE4, NW4SE4SW4, NW4NE4SE4SW4, NW4SW4SE4SW4 (+/- 35 acres)

Section 17

NW4NW4NW4 (+/- 10 acres)

Section 18

Lots 9, 21, 22, 24, 26, 29, 30, 33, 35, 36, 38, and 40, W2NW4NW4NE4, E2NW4NW4NE4, NE4NW4NE4, S2NW4NE4, SW4NE4 (+/- 272.46 acres)

T42S R15W SLB&M

Section 13

N2N2SE4SE4, E2NE4SE4, SE4NW4NE4SE4, E2SW4NE4SE4, SW4SW4NE4SE4 (+/- 40 acres)

+/- 357.46 acres TOTAL