

Recording Requested By and Mail to:

Suburban Land Reserve, Inc.  
Attn: Ryan Bull  
51 S. Main Street, Suite 301  
Salt Lake City, Utah 84111

Tax Parcel No.: 39:310:0021

FAT NCS - 908316-21

(space above for recorder's use only)

### MEMORANDUM OF RIGHT OF FIRST REFUSAL

This MEMORANDUM OF RIGHT OF FIRST REFUSAL (this "**Memorandum**") is made as of the 20<sup>th</sup> day of December, 2021 (the "Effective Date"), by DESTINATION HOMES, INC., a Utah corporation ("**Grantor**"), and SUBURBAN LAND RESERVE, INC., a Utah corporation ("**Grantee**").

#### RECITALS

A. Grantor is the owner of certain real property in Saratoga Springs, Utah County, Utah, as more fully described in Exhibit A attached hereto (the "**Property**").

B. Grantor and Grantee have entered into that certain Purchase and Sale Agreement with an Effective Date of June 30, 2019, as amended from time to time (collectively, the "**Agreement**"), by which Grantor has granted to Grantee certain rights to purchase the Property as more fully set forth in the Agreement (the "**Purchase Rights**").

C. The parties have agreed to record this Memorandum to provide record notice of the Purchase Rights.

#### MEMORANDUM AND NOTICES

1. **Notice of Rights.** The parties hereby provide record notice of Grantee's Purchase Rights. The Purchase Rights include a Right of First Refusal given by Grantor to Grantee commencing on the Effective Date of this Memorandum. This Memorandum, and Grantee's Purchase Rights described in the Agreement, shall automatically terminate upon the issuance of a certificate of occupancy for the Property by the City of Saratoga Springs, or other municipality having jurisdiction over the Property. All terms, provisions and conditions of Grantor's Purchase Rights are more fully set forth in the Agreement. This Memorandum is neither intended to, nor shall alter, modify, or otherwise change the Purchase Rights set forth in the Agreement. In the event of any conflict between the terms of this Memorandum and the Agreement, the Agreement shall control.

[SIGNATURES TO FOLLOW]

IN WITNESS WHEREOF, the parties hereto have executed this to be effective as of the date of its recording.

**GRANTEE:**

SUBURBAN LAND RESERVE, INC.,  
a Utah corporation

By: R. Steven Romney  
Name: R. Steven Romney *RB*

Its: President

**GRANTOR:**

DESTINATION HOMES, INC.,  
a Utah corporation

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

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

On this 20<sup>th</sup> day of December, 2021, before me personally appeared R. Steven Romney, whose identity is personally known to or proved to me on the basis of satisfactory evidence, and who, being duly sworn (or affirmed), did say that he is the President of SUBURBAN LAND RESERVE, INC., a Utah corporation, and that the foregoing document was signed by him on behalf of said corporation in his capacity as President.



[Signature]  
Notary Public

STATE OF \_\_\_\_\_ )  
: ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_ day of December, 2021, before me personally appeared \_\_\_\_\_, whose identity is personally known to or proved to me on the basis of satisfactory evidence, and who, being duly sworn (or affirmed), did say that he is the \_\_\_\_\_ of DESTINATION HOMES, INC., a Utah corporation, and that the foregoing document was signed by him on behalf of said company in his capacity as \_\_\_\_\_.

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

IN WITNESS WHEREOF, the parties hereto have executed this to be effective as of the date of its recording.

**GRANTEE:**

SUBURBAN LAND RESERVE, INC.,  
a Utah corporation

By: \_\_\_\_\_

Name: R. Steven Romney

Its: President

**GRANTOR:**

DESTINATION HOMES, INC.,  
a Utah corporation

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

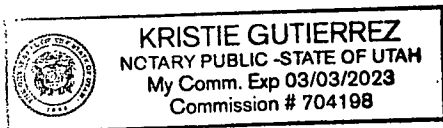
STATE OF UTAH )  
: ss.  
COUNTY OF SALT LAKE )

On this \_\_ day of December, 2021, before me personally appeared R. Steven Romney, whose identity is personally known to or proved to me on the basis of satisfactory evidence, and who, being duly sworn (or affirmed), did say that he is the President of SUBURBAN LAND RESERVE, INC., a Utah corporation, and that the foregoing document was signed by him on behalf of said corporation in his capacity as President.

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

STATE OF Ut )  
: ss.  
COUNTY OF Davis )

On this 20 day of December, 2021, before me personally appeared Jared McBain, whose identity is personally known to or proved to me on the basis of satisfactory evidence, and who, being duly sworn (or affirmed), did say that he is the auth agent of DESTINATION HOMES, INC., a Utah corporation, and that the foregoing document was signed by him on behalf of said company in his capacity as auth agent.



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

Exhibit A

(Real Property)

Lot 21 of Founders at Beacon Pointe Plat A recorded on March 3, 2020, as Entry No. 27310:2020, Map 16979, in the Official Records of the Utah County Recorder's Office.