

WHEN RECORDED RETURN TO:  
Mountain West Small Business Finance  
2595 East 3300 South  
Salt Lake City, Utah 84109

10055942  
4/4/2007 11:08:00 AM \$15.00  
Book - 9445 Pg - 3096-3098  
Gary W. Ott  
Recorder, Salt Lake County, UT  
TALON GROUP  
BY: eCASH, DEPUTY - EF 3 P.

## Real Estate Lease Subordination Agreement

16-33-178-016

This Subordination Agreement is entered into by Herald R. Clark, D.D.S., P.C. ("Lessee") for the benefit of Mountain West Small Business Finance ("MWSBF") and its successor in interest, the Small Business Administration ("SBA").

### RECITALS

A. Lessee has heretofore leased from HWM, LLC ("Lessor") by lease dated March 26, 2007 for a term of twenty years (the "Lease") certain real property (the "Leased Premises") known as 3643 South Highland Drive, Salt Lake City, Utah 84106, located in the County of Salt Lake, State of Utah and described as follows:

See Exhibit "A" which is attached hereto and incorporated herein by this reference.

B. MWSBF and the SBA have authorized the making of an SBA 504 Loan, Loan No. 25717860-01, to Lessor in the amount of \$135,000.00, due and payable on or before a time to be determined by the U.S. Secretary of the Treasury (the "Loan").

C. The Loan is for the benefit of both Lessee and Lessor, in that the funds are to be used for the benefit of the business conducted on the Leased Premises purchased and/or renovated by Loan proceeds.

D. A condition of the Loan is that the Lease be subordinated to the lien of a trust deed executed by Lessor and recorded as a lien superior to the Lease.

### AGREEMENT

NOW, THEREFORE, in consideration of disbursement of the Loan or any part thereof, and for other good and valuable consideration the receipt and legal sufficiency of which are hereby acknowledged, Lessee covenants and agrees as follows:

1. No Default. Lessee is not now in default in the performance of the Lease; and Lessee will perform the covenants and conditions required of is by the Lease for the term of the Loan and any extensions or renewals of it.

2. Subordination of Lease. All rights under the Lease together with any and all right, interest, estate, title, lien, or charge against or respecting the Leased Premises (or any portion thereof) by virtue of the Lease, shall be and the same are hereby made subject, subordinate, inferior, and junior to the lien and title of MWSBF and the SBA represented by the SBA Note in the amount of \$135,000.00 and security instruments related to the Loan, including without limitation the Promissory Note, Deed of Trust, Security Agreement and UCC Financing Statements (filed with the Uniform Commercial Code Division for the State of Utah and as fixture filings in Salt Lake County, Utah) (the "Loan Documents") and to all rights, powers, title, and authority of MWSBF and the SBA under or in any way related to or arising out of the Loan Documents and to all sums heretofore or hereafter advanced on the security of the Loan Documents or any of them, including all sums advanced or costs incurred as fees, expenses, disbursements, or charges in connection with the Loan Documents or the Loan. The Lease Rights,

286766-55



## EXHIBIT 'A'

File No.: NCS-286766-SLC (JS)

03/22/2007

Property: 3643 South Highland Drive, Salt Lake City, UT 84106

Beginning at a point on the Easterly R.O.W. line of Highland Drive, said point being 688.93 feet North 24°48'32" West and 33.00 feet North 65°11'28" East from the Salt Lake County monument at the intersection of Highland Drive and Siggard Avenue and running thence East 61.48 feet to a 1" iron pipe at the corner of Lots one and two, Millbrook Subdivision; thence along said subdivision boundary South 37° East 176.88 feet to a 1" iron pipe with cap at an angle point on said subdivision boundary line; thence along said subdivision boundary South 53°09' East 41.41 feet to a 5/8 inch rebar with plastic cap stamped L.S. 5661 at the corner of Lots 3 and 4 of said Millbrook Subdivision; thence along said subdivision boundary South 82°30' East 15.32 feet; thence South 43°30'40" East 16.14 feet; thence South 88°31'20" West 142.6 feet to the Easterly R.O.W. line of Highland Drive; thence along said Easterly R.O.W. line North 24°48'32" West 202.14 feet to the point of beginning.

Less and Excepting the Following:

A Parcel of land in fee for the widening and reconstruction of Highland Drive, a Salt Lake County Project, being part of an entire tract of property, situate in the Southeast ¼ Northwest ¼ Section 33, Township 1 South, Range 1 East Salt Lake Base and Meridian, the boundaries of said parcel are described as follows:

Beginning at the Northwest Corner of said entire tract, said point being 209.988 meters (688.93 feet) North 24°48'32" West along the Monument line of Highland Drive and 10.058 meters (33.00 feet) North 65°11'28" East from the Salt Lake County Monument at the Intersection of said Highland Drive and Siggard Drive, and running thence East 2.910 meters (9.55 feet) to a point 11.250 meters (36.91 feet) radially distant easterly from the centerline of said project; thence Southeasterly 60.935 meters (199.92 feet) along the arc of a 1638.750 meter (5376.41 foot) radius curve to the left, concentric with said centerline (chord bears South 23°27'57" East 60.931 meters [199.90 feet]); thence South 88°31'20" West 1.322 meters (4.34 feet); thence North 24°48'32" West 61.612 meters (202.14 feet) to the point of beginning.

A.P.N. 16-33-178-016-0000

Initials: \_\_\_\_\_