

When Recorded Return To:
The District—South, L.C.
90 South 400 West, Suite 200
Salt Lake City, Utah 84101

10754749
7/15/2009 3:13:00 PM \$31.00
Book - 9746 Pg - 395-405
Gary W. Ott
Recorder, Salt Lake County, UT
LANDMARK TITLE
BY: eCASH, DEPUTY - EF 11 P.

CORRECTED GRANT OF EASEMENT

THE DISTRICT, L.C., a Utah limited liability company, and THE DISTRICT-SOUTH, L.C., a Utah limited liability company, **GRANTORS**, of Salt Lake City, State of Utah, hereby grant a Non-Exclusive Right of Easement for Ingress and Egress and Utilities (the "Easement") to:

THE HOGGE FAMILY TRUST, JESS N. HOGGE AND PHYLLIS F. HOGGE, Trustees, trust dated January 4, 1994,

GRANTEE of Salt Lake County, State of Utah, affecting land in Salt Lake County, State of Utah, described as follows:

See Exhibit "A" attached hereto

The Easement is hereby granted to Grantee and its tenants, assignees and/or successors-in-interest for the purposes of ingress and egress, and for installation and maintenance of utilities, to certain real property owned by Grantee.

NOTICE REGARDING CORRECTIONS

This Corrected Grant of Easement has been executed and recorded for the purpose of correcting the following errors which occurred at the time the Grant of Easement was initially drafted, executed and ultimately recorded on January 7, 2009, as Entry No. 10593180 in Book 9672 at page 1636 of the records of the Salt Lake County Recorder:

1. An incorrect legal description of the easement being created was inadvertently attached to the Grant of Easement as Exhibit "A". The correct legal description for the Grant of Easement is attached hereto as Exhibit "A".
2. The Consent and Subordination executed by Transamerica Life Insurance Company on December 30, 2008, which describes and relates to the Grant of Easement and was intended to be attached to and become a part of the Grant of Easement, was instead erroneously recorded as a separate document on January 7, 2009 as Entry No. 10593181 in Book 9672 at page 1642 of the records of the Salt Lake County Recorder. Said Consent and Subordination also contains the same erroneous legal description referred to in Paragraph 1 above and an erroneous reference to the date of the Grant of Easement as being January 7, 2008, rather than the correct date of January 5, 2009. A full and exact copy of the recorded Consent and Subordination is attached hereto as Exhibit "B" and incorporated into this document by this reference.


3. The Consent and Subordination executed by Keybank National Association on January 22, 2009, which describes and relates to the Grant of Easement and was intended to be attached to and become a part of the Grant of Easement was inadvertently omitted from the Grant of Easement as initially recorded. The original Keybank Consent and Subordination is attached hereto as Exhibit "B" and incorporated into this document.

WITNESS the hands of the Grantors this 5 day of June, 2009.

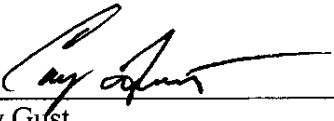
THE DISTRICT, L.C., a Utah limited liability company

By: The Boyer Company, L.C., a
Utah limited liability company
Its Manager

By: Arbor Commercial Real Estate L.L.C, a
Utah limited liability company
Its Manager

By: 
Name: David Glen
Its Manager


By: 
John Gust
Its Manager


By: 
Cory Gust
Its Manager


THE DISTRICT-SOUTH, L.C., a Utah limited liability company

By: The Boyer Company, L.C., a
Utah limited liability company
Its Manager

By: Arbor Commercial Real Estate L.L.C, a
Utah limited liability company
Its Manager

By: 
Name: David Glen
Its Manager

By: 
John Gust
Its Manager

By: 
Cory Gust
Its Manager

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

The foregoing instrument was acknowledged before me this 5 day of June, 2009, by Devon M Glenn, as Manager of The Boyer Company, L.C., a Utah limited liability company, as Manager of THE DISTRICT, L.C., a Utah limited liability company.



Misty Landward
Notary Public for Utah
Residing at: Salt Lake
My commission expires: May 12, 2010

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

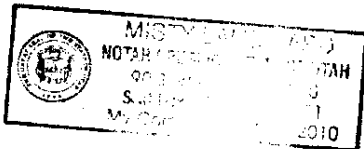
The foregoing instrument was acknowledged before me this 5 day of June, 2009, by JOHN GUST, as Manager of Arbor Commercial Real Estate L.L.C., a Utah limited liability company, as Manager of THE DISTRICT, L.C., a Utah limited liability company.



Misty Landward
Notary Public for Utah
Residing at: Salt Lake
My commission expires: May 12, 2010

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

The foregoing instrument was acknowledged before me this 5 day of June, 2009, by CORY GUST, as Manager of Arbor Commercial Real Estate L.L.C., a Utah limited liability company, as Manager of THE DISTRICT, L.C., a Utah limited liability company.



Misty Landward
Notary Public for Utah
Residing at: Salt Lake
My commission expires: May 12, 2010

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

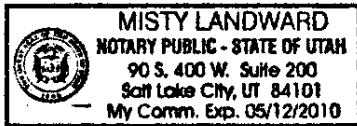
The foregoing instrument was acknowledged before me this 5 day of June, 2009, by Devon M. Glenn, as Manager of The Boyer Company, L.C., a Utah limited liability company, as Manager of THE DISTRICT-SOUTH, L.C., a Utah limited liability company.



Misty Landward
Notary Public for Utah
Residing at: Salt Lake
My commission expires: May 12, 2010

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

The foregoing instrument was acknowledged before me this 5 day of June, 2009, by JOHN GUST, as Manager of Arbor Commercial Real Estate L.L.C., a Utah limited liability company, as Manager of THE DISTRICT-SOUTH, L.C., a Utah limited liability company.



Misty Landward
Notary Public for Utah
Residing at: Salt Lake
My commission expires: May 12, 2010

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

The foregoing instrument was acknowledged before me this 5 day of June, 2009, by CORY GUST, as Manager of Arbor Commercial Real Estate L.L.C., a Utah limited liability company, as Manager of THE DISTRICT-SOUTH, L.C., a Utah limited liability company.



Misty Landward
Notary Public for Utah
Residing at: Salt Lake
My commission expires: May 12, 2010

EXHIBIT "A"
TO CORRECTED GRANT OF EASEMENT

A part of the Southwest Quarter of Section 20, Township 3 South, Range 1 West, Salt Lake Base & Meridian, U.S. Survey, in South Jordan, Salt Lake County, Utah:

Beginning at a point located 923.61 feet North 89°50'48" West along the Section Line; 397.03 feet North 0°09'12" East; and 86.00 feet North 0°00'48" West from the South Quarter Corner of said Section 20; and running thence South 89°59'12" West 30.00 feet; thence North 0°00'48" West 141.10 feet to the South Line of Lot 14 of The District a Commercial Subdivision in South Jordan City, Salt Lake County, Utah; thence South 89°59'18" East 30.00 feet along said South Line; thence South 0°00'48" East 141.09 feet to the point of beginning.

Contains 4,233 sq. ft.

A part of Lots 14 and 17 of The District a Commercial Subdivision in South Jordan City, Salt Lake County, Utah within the Southwest Quarter of Section 20, Township 3 South, Range 1 West, Salt Lake Base & Meridian, U.S. Survey:

Beginning at the Southeast Corner of said Lot 17 located 626.40 feet North 0°00'42" East along the Quarter Section Line; and 37.83 feet North 89°59'18" West from the South Quarter Corner of said Section 20; and running thence North 89°59'18" West 914.90 feet along the South Line of said Lot 17; thence North 0°00'48" West 30.00 feet; thence South 89°59'18" East 911.11 feet to the East Line of said Lot 17 which is also the West Line of 3600 West Street as widened; thence South 7°13'04" East 30.24 feet along said East Line to the point of beginning.

Contains 27,390 sq. ft.

[For reference only: Part of Tax Parcel numbers: 27-20-376-053; 27-20-351-023 and 27-20-376-045]

EXHIBIT "B" TO CORRECTED GRANT OF EASEMENT

**CONSENT AND SUBORDINATION OF
TRANSAMERICA LIFE INSURANCE COMPANY
AND
CONSENT AND SUBORDINATION OF
KEYBANK NATIONAL ASSOCIATION**

EXHIBIT "B" TO CORRECTED GRANT OF EASEMENT

RETURN TO:
THE DISTRICT - SOUTH
90 SOUTH 400 WEST, SUITE 200
SALT LAKE CITY, UTAH 84101

~~10593181
01/07/2009 11:33 AM \$17.00
Book 9672 Pg - 1642-1644
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
THE DISTRICT SOUTH LC
90 S 400 W STE 200
SLC UT 84101
BY: ZJM, DEPUTY - WI 3 P.~~

CONSENT AND SUBORDINATION

The undersigned, in the various capacities noted in the documents hereinafter described (the "Lender"), is the owner and holder of the following instruments (the "Loan Documents") and the indebtedness secured thereby (the "Loan"):

1. Deed of Trust, Security Agreement and Fixture Filing, dated August 1, 2007, executed by The District, L.C., a Utah limited liability company, as Trustor, and Landmark Title Company, as Trustee, and Transamerica Life Insurance Company an Iowa corporation as Beneficiary, recorded August 1, 2007 as Entry No. 10180745, in Book 9498, at Page 5143 of the Official Records of the Salt Lake County Recorder.

Amended and Restated Deed of Trust, Security Agreement and Fixture Filing, executed by and between The District, L.C., a Utah limited liability company, as Borrower, and Landmark Title Company, as Trustee, and Transamerica Life Insurance Company, an Iowa corporation, as Beneficiary/Lender, dated July 1, 2008, and recorded July 1, 2008 as Entry No. 10469332, in Book 9623, at Page 3620 of the Official Records of the Salt Lake County Recorder.

2. Absolute Assignment of Leases and Rents executed by The District, L.C., a Utah limited liability company, in favor of Transamerica Life Insurance Company, an Iowa corporation, as additional security for the payment of the indebtedness set forth above as No.1. Said Assignment dated August 1, 2007 and recorded August 1, 2007 as Entry No. 10180746, in Book 9498, at Page 5197 of the Official Records of the Salt Lake County Recorder.

Amended and Restated Absolute Assignment of Leases and Rents executed by District, L.C., a Utah limited liability company, in favor of Transamerica Life Insurance Company, an Iowa corporation, dated July 1, 2008 and recorded July 1, 2008 as Entry No. 10469333, in Book 9623, at Page 3675 of the Official Records of the Salt Lake County Recorder.

FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which are acknowledged, the undersigned hereby consents to, ratifies, approves and accepts the terms of that certain Grant of Easement dated 1/7, 2008, executed by and among The District, L.C., a Utah limited liability company, and The District-South, L.C., a Utah limited liability company, as Grantors and The Hogge Family Trust, Jess N.

EXHIBIT "B" TO CORRECTED GRANT OF EASEMENT

Hogge and Phyllis F. Hogge, Trustees, trust dated January 04, 1994, to which this Consent and Subordination is attached, and subordinates its interest under the terms of the Loan Documents to the Grant of Easement with the result being that the Grant of Easement shall have priority over the Loan Documents to the same degree and with the same effect as if the Grant of Easement had been executed and recorded prior to the execution and recordation of the Loan Documents. A foreclosure of all or any of the Loan Documents shall not extinguish or impair the existence or priority of the Grant of Easement.

TRANSAMERICA LIFE INSURANCE COMPANY,
an Iowa corporation

By: Randall R. Smith *RSW*

Its: Vice President

STATE OF Iowa
COUNTY OF Linn

On the 30th day of December, 2008, personally appeared before me Randall R. Smith, the Vice President of Transamerica Life Insurance Company, an Iowa corporation, a national banking association, who duly acknowledged to me that he executed the foregoing instrument for and on behalf of said national association, having all requisite authority to so act.

Michelle Beckmann

Commission Expires: 3/18/2011
Residing: Linn County



EXHIBIT "B" TO CORRECTED GRANT OF EASEMENT

EXHIBIT A

A part of the Southwest Quarter of Section 20, Township 3 South, Range 1 West, Salt Lake Base & Meridian, U.S. Survey, in South Jordan, Salt Lake County, Utah:

Beginning at a point located 923.61 feet North 89°50'48" West along the Section Line; 397.03 feet North 0°09'12" East; and 86.00 feet North 0°00'48" West from the South Quarter Corner of said Section 20; and running thence South 89°59'12" West 30.00 feet; thence North 0°00'48" West 141.10 feet to the South Line of Lot 14 of The District a Commercial Subdivision in South Jordan City, Salt Lake County, Utah; thence South 89°59'18" East 30.00 feet along said South Line; thence South 0°00'48" East 141.09 feet to the point of beginning.

Contains 4,233 sq. ft.

A part of Lots 14, 16 and 17 of The District a Commercial Subdivision in South Jordan City, Salt Lake County, Utah within the Southwest Quarter of Section 20, Township 3 South, Range 1 West, Salt Lake Base & Meridian, U.S. Survey:

Beginning at the Southeast Corner of said Lot 17 located 626.40 feet North 0°00'42" East along the Quarter Section Line; and 37.83 feet North 89°59'18" West from the South Quarter Corner of said Section 20; and running thence North 89°59'18" West 269.00 feet along the Line common to Lots 16 and 17; thence South 78°28'29" West 25.00 feet; thence North 89°59'18" West 529.91 feet; thence North 78°27'05" West 25.00 feet to the Line common to Lots 14 and 16 of said Subdivision; thence North 89°59'18" West 67.00 feet along said Lot Line; thence North 0°00'48" West 30.00 feet; thence South 89°59'18" East 70.04 feet; thence South 78°27'05" East 25.00 feet; thence South 89°59'18" East 523.85 feet; thence North 78°28'29" East 25.00 feet; thence South 89°59'18" East 268.23 feet to the East Line of said Lot 17 which is also the West Line of 3600 West Street as widened; thence South 7°13'04" East 30.24 feet along said East Line to the point of beginning.

Contains 27,420 sq. ft.

27-20-351-023

CONSENT AND SUBORDINATION

The undersigned, in the various capacities noted in the documents hereinafter described (the "Lender"), is the owner and holder of the following instruments (the "Loan Documents") and the indebtedness secured thereby (the "Loan"):

1. Deed of Trust, Assignment of Rents, Security Agreement and Fixture Filing, dated March 8, 2007, executed by The District-South, L.C., a Utah limited liability company, as Trustor, and KeyBank National Association, as Trustee and Beneficiary, recorded March 16, 2007 as Entry No. 10036793, in Book 9436, at Page 4778 of the Official Records of the Salt Lake County Recorder.

2. Assignment of Leases, Rents, and Contracts (Land Acquisition Loan) executed by The District-South, L.C., a Utah limited liability company, in favor of KeyBank National Association, a national banking association, as additional security for the payment of the indebtedness set forth above as No. 1. Said Assignment dated as of March 8, 2007 and recorded March 16, 2007 as Entry No. 10036794, in Book 9436, at Page 4805 of the Official Records of the Salt Lake County Recorder.

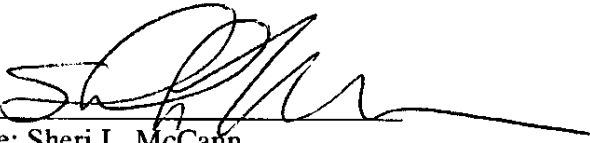
3. A UCC Financing Statement by and between The District-South, L.C. as Debtor, and KeyBank National Association as Secured Party, recorded March 16, 2007 as Entry No. 10036795, in Book 9436, at Page 4816 of the Official Records of the Salt Lake County Recorder

FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which are acknowledged, the undersigned hereby consents to, ratifies, approves and accepts the terms of that certain Grant of Easement dated January 5, 2009, executed by and among The District, L.C., a Utah limited liability company, and The District-South, L.C., a Utah limited liability company, as Grantors and The Hogge Family Trust, Jess N. Hogge and Phyllis F. Hogge, Trustees, trust dated January 04, 1994, to which this Consent and Subordination is attached, and subordinates its interest under the terms of the Loan Documents to the Grant of Easement with the result being that the Grant of Easement shall have priority over the Loan Documents to the same degree and with the same effect as if the Grant of Easement had been executed and recorded prior to the execution and recordation of the Loan Documents. A foreclosure of all or any of the Loan Documents shall not extinguish or impair the existence or priority of the Grant of Easement.

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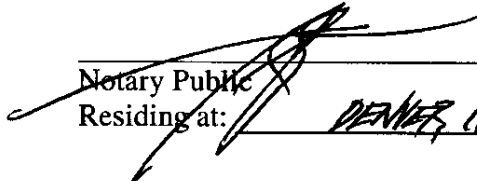
EXHIBIT "B" TO CORRECTED GRANT OF EASEMENT

KEYBANK NATIONAL ASSOCIATION,
a national banking association

By: 
Name: Sheri L. McCann
Title: Senior Closing Officer

State of Colorado)
) ss.
City and County of Denver)

The foregoing instrument was acknowledged before me on January ~~12~~ 2009, by Sheri L. McCann, a Senior Closing Officer of **KEYBANK NATIONAL ASSOCIATION**, a national banking association, for and on behalf of such association.



Notary Public
Residing at: DENVER, COLORADO

[seal]

