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1/18/2012 1:57:00 PM \$16.00
Book - 9983 Pg - 8012-8015
Gary W. Ott
Recorder, Salt Lake County, UT
US TITLE PARK CITY
BY: eCASH, DEPUTY - EF 4 P.

APN: :
RECORDING REQUESTED BY: :
SMITH'S FOOD & DRUG CENTERS, INC. :
:
WHEN RECORDED MAIL TO: :
Smith's Food & Drug Centers, Inc. :
Attn: Director of Property Management :
1550 South Redwood Road :
Salt Lake City, Utah 84104 :

Space above for Recorder's Use
Tax ID # 16-05-330-009
Tax ID # 16-05-33-010

USE RESTRICTION

Smith's Food & Drug Centers, Inc., an Ohio corporation, formerly a Delaware corporation, successor by merger to Smith Management Corporation ("Smith's") is the lessee under that certain Lease by and between Thirteenth Castle Dale Corp., as Landlord and SEG Stores, Inc., as Tenant dated October 13, 1987 and effective October 14, 1987, for which a Memorandum of Lease was recorded October 20, 1987, in book 5972, page 1460, entry number 4539403 of the official records of Salt Lake county, state of Utah; which was assigned by Thirteenth Castle Dale Corp. to Jay Furman ("Furman") on October 14, 1987, which Assignment of Lease was recorded October 20, 1987 in Book 5972 page 1464, entry number 4539404 and assigned by SEG Stores, Inc. to Smith Management Corporation on March 28, 1988, (the "Lease"). The property which is the subject of the Lease is more particularly described on Exhibit "A" attached hereto and incorporated herein for all purposes (the "Subject Property").

Smith's intends to assign the Lease to MFJF Salt Lake LLC ("MFJF"), a Utah limited liability company, subject to the use restriction contained below.

The Subject Property shall not be used as a supermarket or grocery. As used herein, supermarket or grocery shall mean any single use retail space in excess of ten thousand (10,000) square feet or any combination of retail spaces the total of which exceeds fifteen thousand (15,000) square feet located on the Subject Property which is devoted to the sale of food for off-premises consumption, other than quick-serve or take-out food, or a food group concept such as yogurt and shop, ice cream store, donut shop, bagel shop or coffee bar/shop.

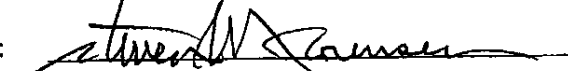
As of January 1, 2050 the foregoing use restriction shall ipso facto cease and be of no further force and effect without the need for the filing of any further instrument or document of record.

COURTESY RECORDING

THIS DOCUMENT IS BEING RECORDED SOLELY AS A COURTESY TO THE PARTIES. U.S. TITLE ASSUMES NO RESPONSIBILITY FOR THE CONTENTS HEREOF AND MAKES NO REPRESENTATIONS AS TO THE EFFECT OR VALIDITY OF THIS DOCUMENT.

IN WITNESS WHEREOF, this Use Restriction is executed as of January 1,
2012.

SMITH'S FOOD & DRUG CENTERS, INC.
an Ohio corporation

By: 

Name: STEVEN M. SORENSON

Its: VICE PRESIDENT

MFJF SALT LAKE LLC
a Utah limited liability company

By: 

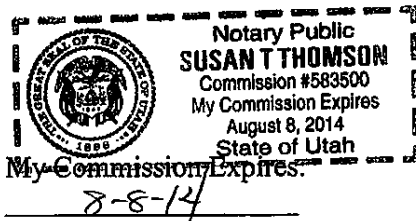
Name: Jay Furman

Its: Manager

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

Before me, the undersigned authority, on this day personally appeared STEVEN M. SORENGEN, VICE PRESIDENT of SMITH'S FOOD & DRUG CENTERS, INC., an Ohio corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

Given under my hand and seal of office on this 14th day of DECEMBER, 2011.



Susan T. Thomson
Notary Public
Notary's name printed:
SUSAN T. THOMSON

STATE OF NEW YORK)
 : ss.
COUNTY OF NEW YORK)

Before me, the undersigned authority, on this day personally appeared Jay Furman, Manager of MFJF SALT LAKE LLC, a Utah limited liability company, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said limited liability company.

Given under my hand and seal of office on this 15th day of December, 2011.

My Commission Expires:
7/14/2014

Estrella Arizmendi
Notary Public
Notary's name printed:
Estrella Arizmendi

ESTRELLA ARIZMENDI
Notary Public, State of New York
No. 01AR6145976
Qualified in New York County
Certificate Filed in New York County
Commission Expires July 14, 2014

EXHIBIT "A"

That certain real property in the City and County of Salt Lake, State of Utah, described as:

PARCEL 1:

The North 160 feet of Lot 6, except the North 90 feet of the East 85 feet thereof, and the North 160 feet of the East 77.5 feet of Lot 5, Block 30, Plat "B", Salt Lake City Survey in the City and County of Salt Lake, State of Utah.

Less and Excepting from Parcel 1 that portion of subject property conveyed to Utah Transit Authority, a Public Transit District, by that certain Special Warranty Deed recorded December 21, 2001 as Entry No. 8099008 in Book 8544 at Page 6764 of Official Records and being more particularly described as follows:

Beginning at a point on the North line of Lot 6, Block 30, Plat "B", Salt Lake City Survey, said point being South 89°58'06" West 130.45 feet from the Northeast Corner of said Lot 6 and running South 61°53'52" West 8.28 feet; thence South 89°58'06" West 5.70 feet; thence South 0°01'50" East 6.00 feet; thence South 89°58'06" West 10.88 feet; thence North 0°01'50" West 6.00 feet; thence South 89°58'06" West 75.14 feet; thence North 61°57'28" West 8.27 feet to the North line of Lot 6; thence North 89°58'06" East 106.32 feet along the North line of said Lot 6 to the point of beginning.

Basis of bearing is the Salt Lake City Monuments on 400 South Street at 800 East Street and 900 East Street.

PARCEL 2:

The South 5 feet of Lot 6 and the South 5 feet of the East 77.5 feet of Lot 5, Block 30, Plat "B", Salt Lake City Survey in the City and County of Salt Lake, State of Utah.

PARCEL 3:

Beginning at the Northeast Corner of Lot 7, Block 30, Plat "B", Salt Lake City Survey, and running thence South 33 feet; thence West 120.5 feet; thence South 2 feet; thence West 143 feet; thence North 45° West 49.5 feet; thence East 298.5 feet to the point of beginning.

PARCEL 4:

A right of way for retaining wall footings over, across or under the following described property:

Beginning at a point 33 feet South of the Northeast Corner of Lot 7, Block 30, Plat "B", Salt Lake City Survey, and running thence South 2 feet; thence West 120.5 feet; thence North 2 feet; thence East 120.5 feet to the point of beginning.

PARCEL 5:

The West 50 feet of the East 127.5 feet of Lot 5, Block 30, Plat "B", Salt Lake City Survey, according to the Official Plat thereof, recorded in the Office of the County Recorder of Salt Lake County, State of Utah.

PARCEL 6 (Parking Lot):

The North 90 feet of the East 85 feet of Lot 6, Block 30, Plat "B", Salt Lake City Survey in the City and County of Salt Lake, State of Utah.

Said property is also known by the street address of:

410 South 900 East, Salt Lake City, Utah 84102

Parcel ID #16-05-330-009-0000

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