

WHEN RECORDED MAIL TO:  
Cottonwood Title Insurance Agency, Inc.  
1996 East 6400 South, Suite 120  
Salt Lake City, UT 84121

14138717 B: 11437 P: 3262 Total Pages: 3  
08/08/2023 04:16 PM By: avice Fees: \$40.00  
Rashelle Hobbs, Recorder, Salt Lake County, Utah  
Return To: COTTONWOOD TITLE INSURANCE AGENCY, INC.  
1996 EAST 6400 SOUTH SUITE 120SALT LAKE CITY, UT 84121

File No.: 170443-CPI

## SUBORDINATION AGREEMENT

The undersigned **Incognito Partners, LLC**, a Utah limited liability company is the beneficiary under a Deed of Trust with Assignment of Rents, Security Agreement and Fixture Filing, dated August 3, 2023, the amount not to exceed Four Hundred Thousand And No/100 Dollars (\$400,000.00), Granted by **SME II, LLC**, a Utah limited liability company, as Trustor, and recorded August 7, 2023, concurrently herewith in the official records of the Salt Lake County Recorder's Office covering the following described property located in Salt Lake County, State of Utah:

See Exhibit A attached hereto and made a part hereof

**TAX ID NO.: 24-27-226-108** (for reference purposes only)

The undersigned hereby subordinates its interest under the said Deed of Trust to that certain Construction Deed of Trust Granted by **SME II, LLC**, a Utah limited liability company, as Trustor, in favor of **Home Savings Bank** as Beneficiary, the amount not to exceed Two Million Six Hundred Thousand And No/100 Dollars (\$2,600,000.00), which Trust Deed is Dated July 31, 2023, and encumbers the real property described above and recorded August 7, concurrently herewith the official records of the Salt Lake County Recorder's Office .

This subordination shall become effective immediately upon recording of the same.

This agreement is for the sole purpose of subordinating the interest of **Incognito Partners, LLC**, a Utah limited liability company to the Construction Deed of Trust to **Home Savings Bank** and for no other reason. The interest of **Incognito Partners, LLC**, a Utah limited liability company shall retain its priority over any other interests or liens of record on the subject property.

*[Signature on following page]*

Dated this 5 day of August, 2023.

**Incognito Partners, LLC, a Utah limited liability company**

BY: Andrew S. West  
**Andrew S. West**  
**Member/Manager**

STATE OF Massachusetts

COUNTY OF Essex

On 5<sup>th</sup> day of August, 2023, before me, personally appeared Andrew S. West, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this document, and acknowledged before me that he/she/they executed the same on behalf of Incognito Partners, LLC, a Utah limited liability company.

Kendra L. Golden  
Notary Public



Kendra L. Golden  
NOTARY PUBLIC  
Commonwealth of  
Massachusetts  
My Commission Expires  
August 17, 2029

## EXHIBIT A

### PARCEL 1:

A parcel of land lying in the Northeast Quarter of the Northeast Quarter of Section 27, Township 2 South, Range 3 East, Salt Lake Base and Meridian. Comprising 0.08 acres out of that parcel described in that certain Special Warranty Deed recorded August 6, 2021, as Entry No. 13738363, in Book 11218, at Page 5578 of the Salt Lake County Records (Tax Parcel No. 24-27-226-082). Basis of Bearing for subject parcel being South 89°48'56" East 1309.22 feet (measured) between the G.L.O. Brass Cap Monuments Monumentalizing the North line of the Northeast Quarter of the Northeast Quarter of said Section 27. Subject parcel being more particularly described as follows:

Commencing at the Northwest Corner of the Northeast Quarter of the Northeast Quarter of Section 27; Thence South 23°34'03" West 178.83 feet to the Northwest Corner of the Giles Flat Mining Claim; Thence South 48°02'09" East 450.00 feet coincident with the north line of said mining claim; Thence continuing coincident with said north line South 48°02'09" East 93.96 feet; Thence South 33°09'08" West 87.67 feet to the Northwest Corner of the Eagle Springs West Condominiums; Thence North 25°26'41" West 20.01 feet to the true Point of Beginning; Thence South 29°11'19" West 15.38 feet; Thence South 60°48'41" East 2.00 feet; Thence South 29°11'19" West 22.12 feet; Thence South 60°48'41" East 9.00 feet; Thence South 29°11'19" West 22.17 feet; Thence North 60°48'41" West 9.00 feet; Thence South 29°11'19" West 3.67 feet; Thence North 60°48'41" West 52.00 feet; Thence North 29°11'19" East 13.08 feet; Thence North 60°48'41" West 5.12 feet; Thence North 29°08'00" East 23.29 feet; Thence South 60°48'41" East 7.14 feet; Thence North 29°11'19" East 26.97 feet; Thence South 60°48'41" East 48.01 feet to the Point of Beginning.

### PARCEL 1A:

#### Creekside Condominium Access Easement

A 25 foot wide non-exclusive Easement for ingress and egress, being 12.5 feet on either side of the following described centerline:

Beginning at a point that is South 58°15'08" East 436.34 feet from the Northwest corner of the Northeast quarter of the Northeast quarter of Section 27; said point also being North 89°48'56" West, 1309.22 feet, and South 58°15'08" East 436.34 feet from the Northeast corner of Section 27, Township 2 South, Range 3 East, Salt Lake Base and Meridian, said point of beginning being on the South Right-of-way line of State Road 152, and also on a 61.94 foot radius curve to the left, thence along the arc of said curve 85.89 feet (chord bears South 11°13'19" East, 79.17 feet); thence South 50°56'43" East 89.29 feet to a point on a 93.62 foot radius curve to the right, thence along the arc of said curve 28.57 feet (chord bears South 40°02'01" East, 28.46 feet); thence South 31°17'23" East 60.67 feet; thence South 25°18'18" East 51.88 feet; thence North 25°18'18" West 12.50 feet; said point being the intersection of the Entrance Road and the A1 Road and running thence South 63°38'04" West 129.33 feet to a point on a 62.50. foot radius curve to the right, thence along the arc of said curve 74.66 feet (chord bears North 82°08'45" West, 70.30 feet); thence North 47°55'35" West 104.46 feet; thence South 47°55'35" East 12.50 feet; said point being the intersection of A1 Road and the A5 Road and running thence South 29°08' West 279.13 feet to a point on a 98.50 foot radius curve to the left, thence along the arc of said curve 42.04 feet (chord bears South 17°06'48" West, 41.72 feet); thence South 04°51'36" West 36.36 feet to a point on a 184.00 foot radius curve to the left, thence along the arc of said curve 31.66 feet (chord bears South 00°04'09" East, 31.62 feet); thence South 04°59'54" East 6.57 feet to a point on a 72.00 foot radius curve to the left, thence along the arc of said curve 73.01 feet (chord bears South 34°02'47" East, 69.92 feet); thence South 63°02'25" East 15.27 feet to a point on a 38.00 foot radius curve to the right, thence along the arc of said curve 45.50 feet (chord bears South 27°12'57" East, 42.83 feet) more or less to a point on the property line of Creekside Condominiums and the terminus of this easement.