



\*W2517380\*

E# 2517380 PG 1 OF 7  
ERNEST D ROWLEY, WEBER COUNTY RECORDER  
28-FEB-11 120 PM FEE \$22.00 DEP SY  
REC FOR: FIRST AMERICAN MORTGAGE SERVICE  
ELECTRONICALLY RECORDED

When recorded, return to:

PETSMART, Inc.  
19601 N. 27<sup>th</sup> Avenue  
Phoenix, AZ 85027  
Attn: Ms. Lisa Sheets  
Store No.: 2207

MEMORANDUM OF LEASE

43275145

Notice is hereby given that OGDEN COMMONS, LLC, a Utah limited liability company ("Landlord"), and PETSMART, INC., a Delaware corporation ("Tenant"), have entered into a Shopping Center Lease Agreement (the "Lease") dated January 20, 2011, pertaining to certain premises shown on Exhibit A attached hereto and located within the real property described in Exhibit B attached hereto (the "Shopping Center"). The initial term of such Lease is ten (10) Lease Years and Tenant has the option to extend such term for up to three (3) renewal periods of five (5) Lease Years each. Among other things, the Lease grants to Tenant the right along with Landlord and other tenants in the Shopping Center to use the Common Area shown on Exhibit A, including, without limitation, roads, driveways, sidewalks and parking areas, grants certain rights with respect to the Pylon (as defined in the Lease), and during the term of the Lease, prohibits other occupants and tenants of the Shopping Center, except as permitted by existing leases (including Winco), from (x) engaging in the retail sale of: (i) pets (including, but not limited to, fish, birds, reptiles, dogs, cats and other small animals), (ii) pet food, pet accessories and other products relating to pets and animals, including equestrian products and apparel related thereto and (except for incidental sales which are defined in the Lease as a use that occupies the lesser of (a) 1,000 square feet of Gross Floor Area, or (b) five percent (5%) of the Gross Floor Area the subject premises), (iii) services related to pets and animals, such as grooming, boarding, pet day care, animal training and obedience classes, pet adoption and veterinary services throughout the term of the Lease.

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SIGNATURES APPEAR ON THE FOLLOWING PAGE

IN WITNESS WHEREOF, Landlord and Tenant have executed this Memorandum of Lease as of the 31<sup>st</sup> day of January, 2011.

**LANDLORD:**

**OGDEN COMMONS, LLC,**  
a Utah limited liability company

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**TENANT:**

**PETSMART, INC.,**  
a Delaware corporation

By: Jaye Perricone  
Name: Jaye Perricone  
Title: Senior Vice President, Real Estate

IN WITNESS WHEREOF, Landlord and Tenant have executed this Memorandum of Lease as of the 31<sup>st</sup> day of January, 2011.

LANDLORD:

**OGDEN COMMONS, LLC,**  
a Utah limited liability company

By: *Spencer H. Wright*  
Name: SPENCER H. WRIGHT  
Title: MANAGER

TENANT:

**PETSMART, INC.,**  
a Delaware corporation

By: \_\_\_\_\_  
Name: Jaye Perricone  
Title: Senior Vice President, Real Estate

ACKNOWLEDGMENTS

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

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of January, 2011,  
by \_\_\_\_\_ as \_\_\_\_\_ of  
**OGDEN COMMONS, LLC**, a Utah limited liability company, on behalf of Landlord.

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

My Commission expires:  
\_\_\_\_\_

STATE OF ARIZONA )  
 ) ss:  
COUNTY OF MARICOPA )

The foregoing instrument was acknowledged before me this 20th day of January, 2011,  
by Jaye Ferricone, as Senior Vice President, Real Estate of **PETSMART, INC.**, a Delaware  
corporation, on behalf of Tenant.

Janet J. Calegari  
Notary Public



My Commission expires:

4-29-13

ACKNOWLEDGMENTS

STATE OF Utah )  
COUNTY OF DAVIS ) ss:

The foregoing instrument was acknowledged before me this 31 day of January, 2011,  
by Spencer H. Weight as manager of  
**OGDEN COMMONS, LLC**, a Utah limited liability company, on behalf of Landlord.

Nicole Russell  
Notary Public

My Commission expires:  
4/9/2011



STATE OF ARIZONA )  
COUNTY OF MARICOPA ) ss:  
)

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of January , 2011,  
by Jaye Perricone, as Senior Vice President, Real Estate of **PETSMART, INC.**, a Delaware  
corporation, on behalf of Tenant.

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

My Commission expires:  
\_\_\_\_\_

EXHIBIT A



