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. 27th 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.

THE BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK SIGNATURES APPEAR ON THE FOLLOWING PAGE

2207 MOL 01.19.11

2207 Ogden, UT

IN WITNESS WHEREOF, Landlord and Tenant have executed this Memorandum of Lease as of the 3 day of January, 2011.

IN WITNESS WHEREOF, Landlord and Tenant have executed this Memorandum of Lease as of the Si⁵ day of January, 2011.

LANDLORD:

OGDEN COMMONS, LLC, a Utah limited liability company

By: Smith In Name: Sravion II. i

Title: MANAGIN

TENANT:

PETSMART, INC., a Delaware corporation

Name: Jaye Perricone

Title: Senior Vice President, Real Estate

ACKNOWLEDGMENTS

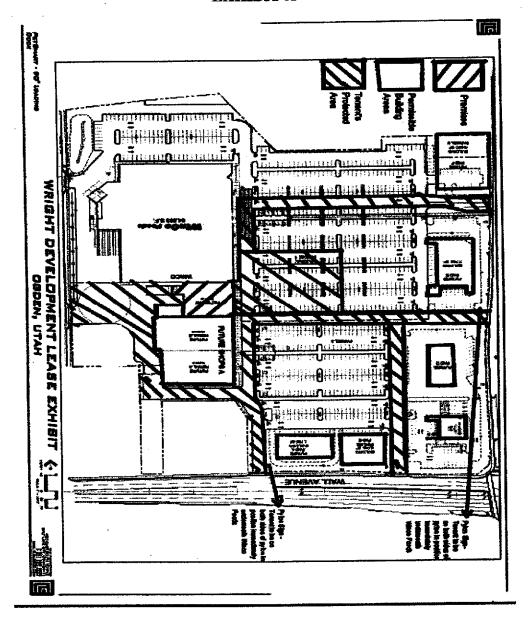
STATE OF	
COUNTY OF) ss:	
The foregoing instrument was	s acknowledged before me this day of January, 2011,
by	as of
OGDEN COMMONS, LLC, a Utal	as of h limited liability company, on behalf of Landlord.
	Notary Public
My Commission expires:	
STATE OF ARIZONA)) ss:
COUNTY OF MARICOPA)
The foregoing instrument wa	as acknowledged before me this 20th day of January, 2011,
by Jaye Perricone, as Senior Vice Pr	resident, Real Estate of PEISWARI, INC., a Delaware
corporation, on behalf of Tenant.	1 4 4 1 2 2 2
	Janet J. Caregare
	Notary Public OFFICIAL SEAL JANET J. CALEGARI
	NOTARY PUBLIC - State of Artzona MARICOPA COUNTY My Comm. Expires April 29, 2013
My Commission expires:	
4-29-13	

2207 Ogden, UT

ACKNO	WLEDGMENTS
STATE OF <u>Shar</u>) ss:	
The foregoing instrument was acknowledged by Spancog Hull Wall and Commons, LLC, a Utah limite	as MANGER! OI
My Commission expires:	NICOLE RUSSELL Notary Public • State of Utals Commission # 588836 COMM. EXP. 04-09-2011
STATE OF ARIZONA COUNTY OF MARICOPA)) ss:
The foregoing instrument was acknoby Jaye Perricone, as Senior Vice President corporation, on behalf of Tenant.	owledged before me this day of January , 2011, t, Real Estate of PETSMART, INC., a Delaware
	Notary Public
My Commission expires:	

2207 MOL 01.19.11

EXHIBIT A



2207 Ogden, UT

EXHIBIT B

All that certain real property located in the County of Weber, State of Utah, described as follows:

Lots 2, 3 and 4, The Commons At Ogden – First Amendment according to the Official Plat thereof as recorded in the Office of the Weber County Recorder, State of Utah.

WHEN RECORDED, RETURN TO: FIRST AMERICAN MORTGAGE SERVICES 1100 SUPERIOR AVENUE, SUITE 200 CLEVELAND, OHIO 44114 NATIONAL RECORDING