

When recorded return to:
Utah Certified Development Company
5333 South Adams Ave, Ste B
Ogden UT 84405



W3188296

E# 3188296 PG 1 OF 3
Leann H. Kilts, WEBER COUNTY RECORDER
04-Oct-21 0418 PM FEE \$40.00 DEP DAC
REC FOR: FIRST AMERICAN TITLE INSURANCE COI
ELECTRONICALLY RECORDED

File Name: Rocky Mountain Dental & Surgical Center Inc.
Loan #: 1336469102

TAX ID: 19-121-0001
NCS-1090509-JT

MEMORANDUM OF LEASE

This Memorandum of Lease dated this 29th day of September, 2021, is between **Rubicon Holdings L.L.C.** (herein called "Lessor") and **Rocky Mountain Dental & Surgical Center Inc.** (herein called "Lessee").

1. Premises. Lessor hereby leases to Lessee upon the terms and conditions of that certain lease dated **29th day of September, 2021** between the parties (herein called the "Lease") the terms and conditions of which Lease are incorporated by this reference. The premises consist of the land described on Exhibit "A" attached hereto and by reference is included herein.

2. Term. The term of the Lease shall be 300 months commencing on **November 1, 2021** and ending on **November 30, 2046**, subject to renewal or extension periods as follows: **One (1) 60 month extension.**

3. Purpose of Memorandum of Lease. This Memorandum of Lease is prepared for the purpose of recordation and it in no way modifies the Lease.

A US Small Business Administration ("SBA") 504 Loan is being provided for the described property. To remain compliant with federal regulations, monthly lease payments cannot exceed the total of the following:

- a. Monthly debt service payments to the SBA;
- b. Monthly debt service payments to the associated Third Party Lender holding a first lien position as of the date of this recording,
- c. Any payment(s) to a lender authorized by SBA; and
- d. An additional payment(s) to cover the Lessor's direct expenses of holding the property, such as routine maintenance, insurance and property taxes.

Lease payments may not include amounts for accelerated payments on the liens noted above.

LESSOR:

Rubicon Holdings L.L.C.

By: 

Ryker Jay Wells, Member

LESSEE:

Rocky Mountain Dental & Surgical Center Inc.

By: 

Ryker Jay Wells, President

EXHIBIT "A"**REAL PROPERTY DESCRIPTION**

ALL OF LOT 1, PARKLAND BUSINESS CENTER SUBDIVISION PHASE 1, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED IN THE OFFICE OF THE WEBER COUNTY RECORDER AS ENTRY NO. 1549557 OF OFFICIAL RECORDS.

LESS AND EXCEPTING THEREFROM THAT PORTION OF THE SUBJECT PROPERTY AS DISCLOSED BY THAT CERTAIN WARRANTY DEED RECORDED MAY 9, 2003 AS ENTRY NO. 1937642 IN BOOK 2365 AT PAGE 2122 AND IN THAT WARRANTY DEED RECORDED MAY 9, 2003 AS ENTRY NO. 1937644 IN BOOK 2365 AT PAGE 2145, BEING DESCRIBED AS FOLLOWS:

A PARCEL OF LAND IN FEE FOR THE WIDENING OF EXISTING HIGHWAY STATE ROUTE 134 KNOWN AS PROJECT NO. SP-0134(2)11, BEING PART OF AN ENTIRE TRACT OF PROPERTY, SITUATE IN LOT 1 OF PARKLAND BUSINESS CENTER SUBDIVISION - PHASE 1, A SUBDIVISION IN THE SE1/4SW1/4 OF SECTION 25, TOWNSHIP 7 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN. THE BOUNDARIES OF SAID PARCEL OF LAND ARE DESCRIBED AS FOLLOWS:

BEGINNING IN A CURVE AT A POINT IN THE SOUTHERLY BOUNDARY LINE OF SAID ENTIRE TRACT 55.00 FEET PERPENDICULARLY DISTANT NORTHERLY FROM THE CONTROL LINE OF SAID PROJECT AT ENGINEERS STATION 28+57.65, WHICH POINT IS 124.27 FEET SOUTH 89°49'46" EAST FROM THE SOUTHWEST CORNER OF SAID LOT 1; AND RUNNING THENCE NORTHEASTERLY 34.98 FEET ALONG THE ARC OF A 8,143.82-FOOT RADIUS CURVE TO THE RIGHT CONCENTRIC WITH SAID CONTROL LINE (NOTE: CHORD BEARS NORTH 89°30'40" EAST FOR A DISTANCE OF 34.96 FEET) TO A POINT 55.00 FEET RADially DISTANT NORTHERLY FROM SAID CONTROL LINE; THENCE NORTH 36°06'24" EAST 42.88 FEET TO A POINT IN THE EASTERLY BOUNDARY LINE OF SAID ENTIRE TRACT 89.52 FEET PERPENDICULARLY DISTANT NORTHERLY FROM SAID CONTROL LINE; THENCE SOUTH 1°03'50" WEST 9.79 FEET ALONG SAID EASTERLY BOUNDARY LINE TO THE BEGINNING OF A CURVE AT A POINT 79.74 FEET PERPENDICULARLY DISTANT NORTHERLY FROM SAID CONTROL LINE; THENCE SOUTHWESTERLY 39.48 FEET ALONG THE ARC OF A 25.50-FOOT RADIUS CURVE TO THE RIGHT (NOTE: CHORD BEARS SOUTH 45°25'16" WEST FOR A DISTANCE OF 35.66 FEET) TO A POINT IN THE SOUTHERLY BOUNDARY LINE OF SAID ENTIRE TRACT 54.84 FEET PERPENDICULARLY DISTANT NORTHERLY FROM SAID CONTROL LINE; THENCE SOUTH 89°46'42" WEST 34.65 FEET ALONG SAID SOUTHERLY BOUNDARY LINE TO THE POINT OF BEGINNING AS SHOWN ON THE OFFICE MAP OF SAID PROJECT ON FILE IN THE OFFICE OF THE UTAH DEPARTMENT OF TRANSPORTATION.

(NOTE: ROTATE ALL BEARINGS IN THE ABOVE DESCRIPTION 0°00'11" CLOCKWISE TO MATCH HIGHWAY BEARINGS.)