

① CDI, LTD. a  
% GASSER ASSOCIATES  
220 SOUTH 200 EAST SUITE 150  
SALT LAKE CITY, UTAH 84111

Recorded at request of UTAH TITLE CO. Fee Paid \$ 6.50  
Date JUN 10 1980 at 11:54 AM CAROL DEAN PAGE Recorder Davis County  
By Sharon Sweden Deputy Book 826 Page 991

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SW 7-47-12

FIRST MODIFICATION OF MEMORANDUM OF LEASE

THIS AGREEMENT is made this 14th day of June, 1980, between CDI, LTD., a Utah limited partnership having its principal office at % Peterson - Gasser & Associates, Inc., 220 South 200 East, Suite 150, Salt Lake City, Utah 84111, herein called "LANDLORD", and K MART CORPORATION, a Michigan corporation, herein called "TENANT".

W I T N E S S E T H:

That, WHEREAS, by Lease dated December 18, 1979, CDI - EVANS DEVELOPMENT COMPANY, a joint venture, is leasing to Tenant certain real property located at Antelope Square in Layton, Utah, more particularly described as follows:

Beginning at a point N0°03'10"E, 42.00 ft. and S89°47'W, 502.16 ft. from the S¼ Cor Sec 7, T4N, R1W, SLB&M and running thence N0°03'10"E, 459.83 ft; thence N89°56'50"W, 676.71 ft; thence S53°13'W, 33.42 ft; thence S36°47'E, 65.00 ft; thence S53°13'W, 98.00 ft; thence S36°47'E, 414.00 ft; thence N89°47'E, 494.72 ft. to beg. Containing 6.7774 Ac.

WHEREAS, in order to give notice of said lease CDI - EVANS DEVELOPMENT COMPANY and Tenant executed a Memorandum of Lease dated December 18, 1979, which Memorandum of Lease was recorded on March 3, 1980, as Entry No. 558789 in Book 814, Page 999 of the records of the County Recorder of Davis County, State of Utah, and covered the same property as said lease; and

WHEREAS, by Assignment dated May 9, 1980, CDI - EVANS DEVELOPMENT COMPANY assigned and conveyed all of its right, title and interest in, to and under said Lease, Memorandum of Lease and real property to Landlord; and

WHEREAS, the parties hereto have amended said lease pursuant to a separate agreement of even date herewith and desire to make a corresponding amendment to said Memorandum of Lease as hereinafter provided.

NOW, THEREFORE, in consideration of the premises and the mutual covenants hereinafter contained, the parties agree as follows:

1. CDI, LTD. is hereby substituted as the Landlord under said Memorandum of Lease.

2. The legal description contained in Exhibit "A" to said Memorandum of Lease is hereby amended in its entirety to read as follows:

Beginning at a point N0°03'10"E, 50.00 ft. and S89°47'W, 502.16 ft. from the S¼ Cor Sec 7, T4N, R1W, SLB&M and running thence N0°03'10"E, 451.83

Abstracted  
 Indexed  
 Entered  
 Plotted  
 On Margin  
 Compared

ft; thence N89°56'50"W, 676.71 ft; thence S53°13'W, 33.42 ft; thence S36°47'E, 65.00 ft; thence S53°13'W, 98.00 ft; thence S36°47'E, 404.04 ft; thence N89°47'E, 500.69 ft. to beg.  
Containing 6.686 Ac.

Except as herein modified, said Memorandum of Lease shall remain in full force and effect.

This Agreement shall bind and inure to the benefit of the heirs, representatives, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement.

CDI, LTD.

By *G. Walter Gasser*  
G. Walter Gasser, General Partner

By *Leon Peterson*  
Leon Peterson, General Partner

K MART CORPORATION,  
a Michigan corporation

By *J. P. Johnson*  
J. P. Johnson, Vice President

By *C. E. Lotzar, Jr.*  
C. E. Lotzar, Jr., Asst. Secty.

STATE OF UTAH )  
COUNTY OF Salt Lake ) ss.

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I do hereby certify that on this 14th day of June, 1980, before me, Kathleen Brooks, a Notary Public in and for the County and State aforesaid, and duly commissioned, personally appeared G. Walter Gasser and Leon Peterson, who, being by me duly sworn, did depose and say that they reside in Bountiful, Utah, respectively; that they are the general partners of CDI, LTD., the partnership described in and which executed the foregoing instrument; that, on behalf of said partnership and by order of its partners, they signed, and delivered said instrument for the uses and purposes therein set forth, as its and their free and voluntary act; and that they signed their names thereto by like order.

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Kathleen Brooks  
Notary Public

My commission expires:

2-10-84

Residing at: Salt Lake City, Utah

STATE OF MICHIGAN )  
COUNTY OF OAKLAND ) ss.

I do hereby certify that on this 6th day of June, 1980, before me, Shelly J. Hudik, a Notary Public in and for the County and State aforesaid, and duly commissioned, personally appeared J. P. Johnson and C. E. Lotzar, Jr., known to me to be the Vice President and Assistant Secretary of K mart Corporation, who, being by me duly sworn, did depose and say that they reside in Birmingham, Michigan, respectively; that they are the Vice President and Assistant Secretary respectively of K mart Corporation, the corporation described in and which executed the foregoing instrument; that they know the seal of said corporation; that the seal affixed to said instrument is the corporate seal of said corporation; that, on behalf of said corporation and by order of its board of directors, they signed, sealed and delivered said instrument for the uses and purposes therein set forth, as its and their free and voluntary act; and that they signed their names thereto by like order.

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Shelly J. Hudik  
Notary Public

My commission expires:

Residing at: 36247 Weidemann Mt. Clemens

SHELLY J. HUDIK  
Notary Public, Macomb County, Mich.  
My Commission Expires July 23, 1983  
Acting in Oakland County