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Skagit County Auditor

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4/11/2016 Page

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Return to: ND7S 1002-89228  
Republic Title of Texas, Inc.  
2626 Howell Street, 10th Floor  
Dallas Texas 75204

## DOCUMENT PREPARED BY:

Harbor Freight Tools  
Legal Department  
26541 Agoura Road  
Calabasas, California 91302  
Attention: Real Estate Paralegal

17-34-04

340417-2-008-0005

(Space above for Recorder's Use)

## MEMORANDUM OF LEASE

This Memorandum of Lease dated as of the 28<sup>th</sup> day of March, 2016 is made and entered into by and between HINTON FAMILY, LLC, a Washington limited liability company and GREGORY T. HINTON as his separate property with an address at 18105 NE 23rd St., Redmond, WA 98052 (jointly and severally "Landlord"), and HARBOR FREIGHT TOOLS USA, INC., a Delaware corporation, with an address at 26541 Agoura Road, Calabasas, California 91302 ("Tenant") respecting that certain unrecorded lease of even date herewith (the "Lease").

Pursuant to the Lease, Landlord and Tenant hereby acknowledge and affirm that:

1. Landlord has leased to Tenant and Tenant has leased from Landlord that certain real property (the "Real Property") in the City of Mt. Vernon, County of Skagit, State of Washington. The Real Property is legally described on Exhibit "A" attached hereto and incorporated herein by reference, and the Real Property is shown on Exhibit "B" attached to the Lease
2. The term of the Lease is for a period of ten (10) Lease Years (as defined in Paragraph 2 of the Lease), commencing on the Lease Commencement Date as described in the Lease and terminating on the last day of the tenth (10th) full Lease Year, unless sooner terminated or extended pursuant to the terms of the Lease.
3. Tenant has five (5) successive options, each of which entitles Tenant at its election to extend the then current Term for an additional period of five (5) years per Option Term, subject to all of the provisions of the Lease.
4. The Premises may be used as a retail store selling tools, hardware, electronic goods, and related items and accessories (including, without limitation, automotive and motorcycle accessories and supplies, engines and generators, garage and machinery equipment and

material handling equipment, parts and supplies), seasonal merchandise, and/or for the sale of any other lawful products and/or services.

5. Landlord and Tenant further acknowledge and affirm that this Memorandum of Lease is not a complete summary of the Lease. Accordingly, Landlord and Tenant hereby agree that this Memorandum of Lease shall not be used in interpreting the Lease provisions and that, in the event of conflict between this Memorandum of Lease and the Lease, the Lease shall control.

**REMAINDER OF PAGE INTENTIONALLY LEFT BLANK  
SIGNATURES APPEAR ON FOLLOWING PAGES**



LANDLORD:

HINTON FAMILY, LLC,  
a Washington limited liability company

By: Susan K Hinton  
Name: Susan K Hinton  
Title: Manager Member

Notary Public Teri L. Saben  
My commission expires: 12/15/18

[Notary Seal]

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached and not the truthfulness, accuracy, or validity of that document.

STATE OF WA )  
COUNTY OF Skagit ) ss.

On March 30, 2016, before me, Teri L. Saben, a Notary Public, personally appeared Susan K Hinton, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of WA that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

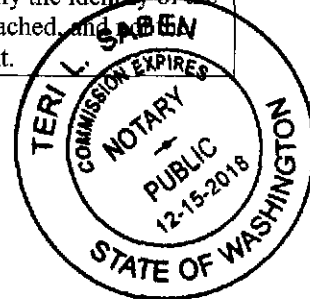
Teri L. Saben  
Signature of Notary Public

LANDLORD:

Gregory T. Hinton  
GREGORY T. HINTON, as his separate property

Notary Public Teri L. Saben  
My commission expires: 12/15/18

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.



STATE OF WA  
COUNTY OF Snohomish SS.

On March 30, 2016, before me, Teri L. Saben, a Notary Public, personally appeared Gregory T. Hinton, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of WA that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Teri L. Saben  
Signature of Notary Public

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**PARCEL "A":**

That portion of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 17, Township 34 North, Range 4 East W.M., lying Southerly of the County Road along the North line thereof, lying Easterly of Old Highway 99 along the West line thereof, lying Northerly of a 60 foot strip conveyed to the City of Mount Vernon by deed dated July 3, 1959 and recorded July 10, 1959, as Auditor's File No. 582951 and lying Westerly of the West line (and Southerly extension of said West line) of a Tract conveyed to Keith S. Johnson, et al, by deed dated October 9, 1957 and recorded October 15, 1957, under Auditor's File No. 557246, records of Skagit County, Washington,

EXCEPT that portion deeded to the City of Mount Vernon by deed recorded under Auditor's File No. 8511050003.

Situate in the City of Mount Vernon, County of Skagit, State of Washington.

**PARCEL "B":**

A strip of land 10 feet in width lying Easterly of and adjacent to the East line of that certain tract in the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 17, Township 34 North, Range 4 East, W.M., conveyed to Hinton Oldsmobile - G.M.C. Truck, Inc., a corporation, by deed dated May 28, 1968, recorded June 3, 1968, under Auditor's File No. 714268.

EXCEPTING from Parcels "A" and "B" above described, those portions deeded to the City of Mount Vernon by instrument recorded March 28, 2008, under Auditor's File No. 200803280001, records of Skagit County, Washington.

Situate in the City of Mount Vernon, County of Skagit, State of Washington.

APN: 340417-2-008-0005