

AFTER RECORDING MAIL TO:

Hunton Andrews Kurth LLP
Attn: Katy B. Abel, Esq.
1445 Ross Avenue, Suite 3700
Dallas, TX 75202

First Am NCS-1162905

Document Title(s):

Memorandum of Tenants In Common Agreement

Grantor(s):

Cross Court Plaza – CPL LLC
Cross Court Plaza – EC LLC
Cross Court Plaza – BWC LLC

Grantee(s):

Cross Court Plaza – CPL LLC
Cross Court Plaza – EC LLC
Cross Court Plaza – BWC LLC

Abbreviated Legal Description:

Ptn. NE 6-34-4E

Tax Parcel Number(s):

P23694/340406-0-072-0011 & P23720/340406-0-097-0012

[X] Complete legal description is on page Exhibit A of document

After recording, please return to:
Hunton Andrews Kurth LLP
1445 Ross Avenue, Suite 3700
Dallas, Texas 75202
Attention: Katy B. Abel, Esq.

MEMORANDUM OF TENANTS IN COMMON AGREEMENT

THE STATE OF WASHINGTON §
§ **KNOW ALL PERSONS BY THESE PRESENTS:**
COUNTY OF SKAGIT §

WHEREAS, **CROSS COURT PLAZA – CPL LLC**, a Texas limited liability company (“CPL”), **CROSS COURT PLAZA – EC LLC**, a Texas limited liability company (“EC”) and **CROSS COURT PLAZA – BWC LLC**, a Texas limited liability company (“BWC”) entered into that certain Tenants in Common Agreement dated effective as of April 5, 2023 (the “**Agreement**”), with respect to that certain property and improvements thereon, located on the land more particularly described on Exhibit A attached hereto and incorporated herein. Capitalized terms used herein but not otherwise defined shall have the meaning assigned to such terms in the Agreement.

WHEREAS, CPL, EC and BWC have entered into this Memorandum of Tenants in Common Agreement to give notice of the Agreement and their respective rights and obligations set forth therein.

NOW THEREFORE, CPL, EC and BWC hereby acknowledge and confirm the Agreement and the rights and obligations for the parties set forth therein. This Memorandum of Tenants in Common Agreement is entered into for recording purposes only and does not in any manner amend, alter, revise or supplement the provisions of the Agreement.

The Agreement contains, among other things, certain financial and managerial rights and obligations of the Tenants in Common, certain restrictions on the Tenants’ in Common rights to sell, assign or encumber their interests in the Property, and certain rights of first refusal of the Tenants’ in Commons’ regarding the purchase of the other Tenant’s in Common interest in the Property. The Agreement also describes the circumstances under which the Agreement may terminate.

Any prospective purchaser or lender intending to acquire an interest in the Property should inquire about the Agreement, as it is intended to run with the land and to bind any heir, personal representative, successor or assignee of a Tenant in Common, except as otherwise provided therein.

Signature Pages Follow

MEMORANDUM OF TENANTS IN COMMON AGREEMENT Page 1
(CROSS COURT PLAZA)

CROSS COURT PLAZA - CPL LLC,
a Texas limited liability company

By: 

Benjamin J. Cheng, Manager

STATE OF TEXAS

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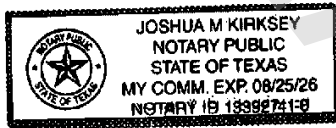
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COUNTY OF Montgomery

§

THIS INSTRUMENT was acknowledged before me on March 30,
2023, by Benjamin J. Cheng, the Manager of CROSS COURT PLAZA – CPL LLC, a Texas
limited liability company, on behalf of said limited liability company.

[SEAL]


NOTARY PUBLIC, STATE OF TEXASNotary's Name Printed: Joshua KirkseyMy Commission Expires: 8/25/26

MEMORANDUM OF TENANTS IN COMMON AGREEMENT
(CROSS COURT PLAZA)

CROSS COURT PLAZA - EC LLC,
a Texas limited liability company

By: [Signature]
Benjamin J. Cheng, Manager

STATE OF TEXAS

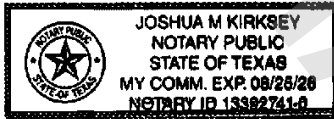
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COUNTY OF Montgomery

§

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2023, by Benjamin J. Cheng, the Manager of CROSS COURT PLAZA - EC LLC, a Texas
limited liability company, on behalf of said limited liability company.

[SEAL]




[Signature]
NOTARY PUBLIC, STATE OF TEXAS

Notary's Name Printed: Joshua Kirksey

My Commission Expires: 8/25/26

MEMORANDUM OF TENANTS IN COMMON AGREEMENT
(CROSS COURT PLAZA)

CROSS COURT PLAZA – BWC LLC,
a Texas limited liability company

By: 
Benjamin J. Cheng, Manager

STATE OF TEXAS

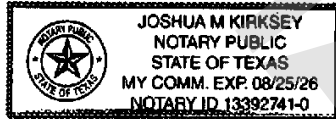
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§

COUNTY OF Montgomery

§

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2023, by Benjamin J. Cheng, the Manager of CROSS COURT PLAZA – BWC LLC, a Texas
limited liability company, on behalf of said limited liability company.

[SEAL]




NOTARY PUBLIC, STATE OF TEXAS

Notary's Name Printed: Joshua Kirksey

My Commission Expires: 8/25/26

MEMORANDUM OF TENANTS IN COMMON AGREEMENT
(CROSS COURT PLAZA)

EXHIBIT "A"
DESCRIPTION OF REAL PROPERTY

PARCEL A:

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 34 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 6; THENCE NORTH 00°17'42" EAST ALONG THE EAST LINE OF SAID SUBDIVISION A DISTANCE OF 273.81 FEET; THENCE NORTH 89°42'21" WEST A DISTANCE OF 50.00 FEET TO THE INTERSECTION OF THE WEST LINE OF THAT CERTAIN TRACT OF LAND CONVEYED TO THE CITY OF BURLINGTON, UNDER AUDITOR'S FILE NO. 8604020016, RECORDS OF SKAGIT COUNTY, WASHINGTON (HEREAFTER KNOWN AS THE CITY TRACT) BEING BURLINGTON BOULEVARD (FORMERLY KNOWN AS GARL STREET) AND THE TRUE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°42'21" WEST A DISTANCE OF 81.95 FEET; THENCE NORTH 76°11'58" WEST A DISTANCE OF 25.81 FEET; THENCE NORTH 89°42'21" WEST A DISTANCE OF 145.00 FEET; THENCE SOUTH 00°17'42" WEST A DISTANCE OF 168.00 FEET; THENCE SOUTH 24°05'48" EAST A DISTANCE OF 27.67 FEET; THENCE SOUTH 00°17'42" WEST A DISTANCE OF 25.50 FEET TO THE INTERSECTION OF THE SOUTH LINE OF TRACT 2, AS PER BOUNDARY LINE ADJUSTMENT RECORDED IN VOLUME 10 OF SURVEYS, PAGES 51 AND 52, UNDER AUDITOR'S FILE NO. 9007100003, RECORDS OF SKAGIT COUNTY, WASHINGTON; THENCE SOUTH 88°50'37" EAST, ALONG SAID SOUTH LINE A DISTANCE OF 222.53 FEET TO A POINT OF CURVATURE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 29.50 FEET THROUGH A CENTRAL ANGLE OF 37°39'38" AN ARC DISTANCE OF 19.39 FEET TO THE INTERSECTION OF THE WEST RIGHT-OF-WAY MARGIN OF SAID CITY TRACT; THENCE NORTH 00°17'42" EAST ALONG THE WEST LINE OF SAID CITY TRACT A DISTANCE OF 210.15 FEET TO THE TRUE POINT OF BEGINNING; (ALSO KNOWN AS PARCEL A OF THAT SURVEY RECORDED IN VOLUME 11 OF SURVEYS, PAGES 122 AND 123, UNDER AUDITOR'S FILE NO. 9107100065, RECORDS OF SKAGIT COUNTY, WASHINGTON.)

SITUATED IN SKAGIT COUNTY, WASHINGTON

PARCEL B:

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 34 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 6; THENCE NORTH 00°17'42" EAST ALONG THE EAST LINE OF SAID SUBDIVISION A DISTANCE OF 657.12 FEET TO A POINT THAT IS 10.00 FEET SOUTH AS MEASURED AT RIGHT ANGLES TO THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID NORTHEAST QUARTER OF SECTION 6; THENCE NORTH 88°59'14" WEST, PARALLEL WITH SAID NORTH LINE A DISTANCE OF 69.75 FEET TO THE INTERSECTION OF THE WEST LINE OF THAT CERTAIN TRACT OF LAND CONVEYED TO THE CITY OF BURLINGTON UNDER AUDITOR'S FILE NO. 8604020016, RECORDS OF SKAGIT COUNTY, WASHINGTON (HEREAFTER KNOWN AS THE CITY TRACT) BEING BURLINGTON BOULEVARD (FORMERLY KNOWN AS GARL STREET), SAID INTERSECTION BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 88°59'14" WEST A DISTANCE OF 540.05 FEET; THENCE SOUTH 01°00'46" WEST A DISTANCE OF 29.00 FEET; THENCE SOUTH 01°24'07" EAST A DISTANCE OF 23.02 FEET; THENCE SOUTH 01°00'46" WEST A DISTANCE OF 125.00 FEET; THENCE NORTH 88°59'14" WEST A DISTANCE OF 10.83 FEET; **MEMORANDUM OF TENANTS IN COMMON AGREEMENT** (CROSS COURT PLAZA)

THENCE SOUTH 01°00'46" WEST A DISTANCE OF 167.17 FEET;
THENCE SOUTH 88°59'14" EAST A DISTANCE OF 6.33 FEET;
THENCE SOUTH 01°00'46" WEST A DISTANCE OF 44.22 FEET;
THENCE NORTH 50°37'51" EAST A DISTANCE OF 165.79 FEET;
THENCE SOUTH 00°17'42" WEST A DISTANCE OF 93.34 FEET;
THENCE SOUTH 89°42'21" EAST A DISTANCE OF 51.97 FEET;
THENCE SOUTH 00°17'42" WEST A DISTANCE OF 225.57 FEET TO THE INTERSECTION OF THE
SOUTH LINE OF TRACT 2 OF THE BOUNDARY LINE ADJUSTMENT RECORDED IN VOLUME 10 OF
SURVEYS, PAGES 51 AND 52, UNDER AUDITOR'S FILE NO. 9007100003, RECORDS OF SKAGIT
COUNTY, WASHINGTON;
THENCE SOUTH 88°50'37" EAST ALONG SAID SOUTH LINE A DISTANCE OF 147.96 FEET;
THENCE NORTH 00°17'42" EAST A DISTANCE OF 25.50 FEET;
THENCE NORTH 24°05'48" WEST A DISTANCE OF 27.67 FEET;
THENCE NORTH 00°17'42" EAST A DISTANCE OF 168.00 FEET;
THENCE SOUTH 89°42'21" EAST A DISTANCE OF 145.00 FEET;
THENCE SOUTH 76°11'58" EAST A DISTANCE OF 25.81 FEET;
THENCE SOUTH 89°42'21" EAST A DISTANCE OF 81.95 FEET TO THE WESTERLY MARGIN OF SAID
CITY TRACT;
THENCE NORTH 00°17'42" EAST ALONG SAID WESTERLY MARGIN A DISTANCE OF 364.19 FEET TO
A POINT OF CURVATURE TO THE LEFT;
THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 20.00 FEET
THROUGH A CENTRAL ANGLE OF 89°16'56" AN ARC DISTANCE OF 31.17 FEET TO THE TRUE POINT
OF BEGINNING;
(ALSO KNOWN AS PARCEL B OF THAT SURVEY RECORDED IN VOLUME 11 OF SURVEYS, PAGES 122
AND 123, UNDER AUDITOR'S FILE NO. 910710065, RECORDS OF SKAGIT COUNTY, WASHINGTON.)

PARCEL C:

AN EASEMENT FOR INGRESS, EGRESS, AND PARKING AS DESCRIBED IN THAT CERTAIN EASEMENT
DATED AUGUST 1, 1991, BETWEEN DAYTON HUDSON CORPORATION AND WINMAR CASCADE,
INC., RECORDED AUGUST 1, 1991, UNDER AUDITOR'S FILE NO. 9108010068, RECORDS OF SKAGIT
COUNTY, WASHINGTON.

MEMORANDUM OF TENANTS IN COMMON AGREEMENT
(CROSS COURT PLAZA)