

CONSENT OF LIENHOLDER TO ASSESSMENT

THIS CONSENT OF LIENHOLDER TO ASSESSMENT (“Agreement”) is made and entered into effective as of _____, 2016 by _____ (the “Lienholder”) in favor of _____, a Utah corporation or an affiliate thereof (the “Owner”).

RECITALS

A. Owner is the owner of that certain parcel of real property located in _____ County, Utah, as more fully described in Exhibit A attached hereto and made a part hereof, together with the buildings and improvements located thereon (the “Property”).

B. The Property is encumbered by a deed of trust made by the Owner for the benefit of the Lienholder and recorded in the official records of _____ County, Utah (the “Deed of Trust”).

C. Pursuant to the Assessment Area Act, Title 11, Chapter 42, Utah Code Annotated 1953, as amended (the “Act”), the Owner desires to have its Property included as part of a voluntary assessment area (the “Assessment Area”) to be designated by _____ City, Utah (the “City”) for the purpose of financing the costs of acquiring, constructing or installing certain Energy Efficiency Upgrades and/or Renewable Energy Systems (as such terms are defined in the Act) on the Property.

D. Pursuant to Section 11-42-209 of the Act, the Owner has requested that Lienholder consent to the inclusion of the Property in the Assessment Area and the placement of a first priority assessment lien on the Property (the “Assessment Lien”).

NOW, THEREFORE, for good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, Lienholder agrees with and certifies to Owner as follows:

1. Representations. Lienholder is the holder of the Deed of Trust filed of record in the Recorder's Office in _____ County, Utah and attached hereto as Exhibit B.
2. Consent to Assessment. Lienholder hereby irrevocably consents to the (i) inclusion of the Property in the Assessment Area and (ii) placement of the Assessment Lien on the Property and any and all other action as shall be necessary in connection therewith.
3. Reliance. The City and any bond trustee designated in connection with the Assessment Area shall have the right to rely on and shall be considered a third-party beneficiary of this Agreement.

[LIENHOLDER]

By: _____

Its: _____

(Signature Page to Consent of Lienholder)

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

EXHIBIT B

COPY OF EXISTING LIEN