

Ent 535797 Bk 889 Pg 238-242
Date: 02-Oct-2019 11:25 AM
Fee: \$40.00 ACH
Filed By: JAC
JOHN CORTES, Recorder
GRAND COUNTY CORPORATION
For: Inwest Title - Orem #1
Recorded Electronically by Simplifile

Tax Serial Number:
03-0010-0097

RECORDATION REQUESTED BY:
ROCK CANYON BANK
Provo Office
215 W 2230 N
Provo, UT 84604

WHEN RECORDED MAIL TO:
ROCK CANYON BANK
Provo Office
215 W 2230 N
Provo, UT 84604

file # 20291

FOR RECORDER'S USE ONLY

MODIFICATION OF DEED OF TRUST



000000004884421700073510012019

THIS MODIFICATION OF DEED OF TRUST dated October 1, 2019, is made and executed between KANE SPRINGS, LLC, whose address is 51 W CENTER #515, OREM, UT 84057 ("Trustor") and ROCK CANYON BANK, whose address is Provo Office, 215 W 2230 N, Provo, UT 84604 ("Lender").

DEED OF TRUST. Lender and Trustor have entered into a Deed of Trust dated June 6, 2017 (the "Deed of Trust") which has been recorded in GRAND County, State of Utah, as follows:

ENTRY# 525036 RECORDED ON JUNE 8, 2017 IN THE OFFICE OF THE GRAND COUNTY CORPORATION.

REAL PROPERTY DESCRIPTION. The Deed of Trust covers the following described real property located in GRAND County, State of Utah:

SEE EXHIBIT "A"

TOGETHER WITH ALL WATER RIGHTS OF EVERY KIND AND NATURE NOW OWNED OR HEREINAFTER ACQUIRED APPURTENANT THERETO INCLUDING WATER RIGHT #'S 05-2450, 05-2759, 05-290, 05-644, 05-925, 05-926 AND 05-927

The Real Property or its address is commonly known as 1005 KANE CREEK BLVD, MOAB, UT 84532. The Real Property tax identification number is 03-0010-0097.

MODIFICATION. Lender and Trustor hereby modify the Deed of Trust as follows:

THE AMOUNT OF THIS DEED OF TRUST SHALL BE INCREASED FROM \$2,360,000.00 TO \$2,618,705.86.

CONTINUING VALIDITY. Except as expressly modified above, the terms of the original Deed of Trust shall remain

**MODIFICATION OF DEED OF TRUST
(Continued)**

Loan No: 4884421700

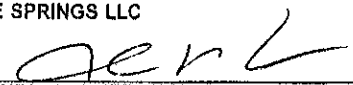
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unchanged and in full force and effect. Consent by Lender to this Modification does not waive Lender's right to require strict performance of the Deed of Trust as changed above nor obligate Lender to make any future modifications. Nothing in this Modification shall constitute a satisfaction of the promissory note or other credit agreement secured by the Deed of Trust (the "Note"). It is the intention of Lender to retain as liable all parties to the Deed of Trust and all parties, makers and endorsers to the Note, including accommodation parties, unless a party is expressly released by Lender in writing. Any maker or endorser, including accommodation makers, shall not be released by virtue of this Modification. If any person who signed the original Deed of Trust does not sign this Modification, then all persons signing below acknowledge that this Modification is given conditionally, based on the representation to Lender that the non-signing person consents to the changes and provisions of this Modification or otherwise will not be released by it. This waiver applies not only to any initial extension or modification, but also to all such subsequent actions.

TRUSTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS MODIFICATION OF DEED OF TRUST AND TRUSTOR AGREES TO ITS TERMS. THIS MODIFICATION OF DEED OF TRUST IS DATED OCTOBER 1, 2019.

TRUSTOR:


KANE SPRINGS LLC

By: 
ANDREW PETERSEN, Member of KANE SPRINGS LLC

By: 
CRAIG WESTON, Member of KANE SPRINGS LLC

LENDER:

ROCK CANYON BANK

x 
Hayden Roney, Loan Officer

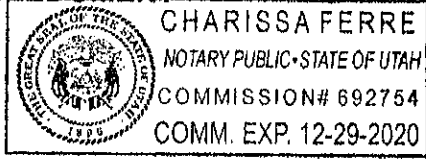
MODIFICATION OF DEED OF TRUST
(Continued)

Loan No: 4884421700

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LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF Utah)
)
COUNTY OF Utah) SS
)



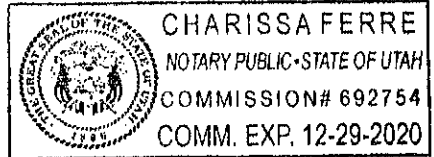
On this 1st day of October, 20 19, before me, the undersigned Notary Public, personally appeared **ANDREW PETERSEN**, Member of **KANE SPRINGS LLC** and **CRAIG WESTON**, Member of **KANE SPRINGS LLC**, and known to me to be members or designated agents of the limited liability company that executed the Modification of Deed of Trust and acknowledged the Modification to be the free and voluntary act and deed of the limited liability company, by authority of statute, its articles of organization or its operating agreement, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute this Modification and in fact executed the Modification on behalf of the limited liability company.

By Charissa Ferre
Notary Public In and for the State of Utah

Residing at Spanish Fork, UT
My commission expires 12-29-2020

LENDER ACKNOWLEDGMENT

STATE OF Utah)
)
COUNTY OF Utah) SS
)



On this 1st day of October, 20 19, before me, the undersigned Notary Public, personally appeared **Hayden Roney** and known to me to be the **Loan Officer**, authorized agent for **ROCK CANYON BANK** that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of **ROCK CANYON BANK**, duly authorized by **ROCK CANYON BANK** through its board of directors or otherwise, for the uses and purposes therein mentioned, and on oath stated that he or she is authorized to execute this said instrument and in fact executed this said instrument on behalf of **ROCK CANYON BANK**.

By Charissa Ferre
Notary Public In and for the State of Utah

Residing at Spanish Fork, UT
My commission expires 12-29-2020

EXHIBIT "A"

PARCEL 1:

BEGINNING AT A POINT ON THE WESTERLY RIGHT OF WAY LINE OF KANE CREEK ROAD, SAID POINT BEING NORTH 00°01'48" WEST 1624.07 FEET ALONG THE CENTER SECTION LINE FROM THE SOUTH QUARTER CORNER OF SECTION 10, TOWNSHIP 26 SOUTH, RANGE 21 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE ALONG THE SAID WESTERLY RIGHT OF WAY LINE OF KANE CREEK ROAD THE FOLLOWING THREE CALLS: SOUTH 45°08'08" WEST 283.04 FEET TO A POINT OF CURVATURE; THENCE 626.59 FEET ALONG A 1772.07 FOOT RADIUS CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 20°15'34" (CHORD BEARS SOUTH 35°22'57" WEST 623.34 FEET); THENCE SOUTH 28°02'43" WEST 1034.91 FEET TO A POINT ON THE SOUTH SECTION LINE OF SAID SECTION 10; THENCE LEAVING SAID WESTERLY RIGHT OF WAY LINE NORTH 89°50'30" WEST 695.95 FEET ALONG SAID SOUTH SECTION LINE TO THE EASTERLY MEANDER LINE OF THE COLORADO RIVER; THENCE ALONG THE SAID EASTERLY MEANDER LINE OF THE COLORADO RIVER THE FOLLOWING SIX CALLS: NORTH 31°37'04" EAST 147.57 FEET; THENCE NORTH 40°00'29" EAST 596.83 FEET; THENCE NORTH 40°36'00" EAST 718.96 FEET; THENCE NORTH 39°33'54" EAST 464.01 FEET; THENCE NORTH 43°59'37" EAST 392.77 FEET; THENCE NORTH 56°42'42" EAST 294.90 FEET TO A POINT ON THE SAID CENTER SECTION LINE; THENCE SOUTH 00°01'48" EAST 311.57 FEET ALONG SAID CENTER SECTION LINE TO THE POINT OF BEGINNING.

SITUATE IN GRAND COUNTY, STATE OF UTAH.

PARCEL 2:

BEGINNING AT THE WEST QUARTER CORNER OF SECTION 15, TOWNSHIP 26 SOUTH, RANGE 21 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE NORTH 00°01'48" EAST 743.40 FEET ALONG THE WEST SECTION LINE TO A POINT ON THE EASTERLY MEANDER LINE OF THE COLORADO RIVER; THENCE ALONG THE SAID EASTERLY MEANDER LINE OF THE COLORADO RIVER THE FOLLOWING FOUR CALLS: NORTH 16°36'17" EAST 105.60 FEET; THENCE NORTH 15°49'52" EAST 601.74 FEET; THENCE NORTH 28°26'24" EAST 793.82 FEET; THENCE NORTH 31°37'04" EAST 610.29 FEET TO A POINT ON THE NORTH SECTION LINE OF SAID SECTION 15; THENCE SOUTH 89°50'30" EAST 427.06 FEET ALONG SAID SECTION LINE TO THE SIXTEENTH SECTION LINE; THENCE SOUTH 00°03'18" WEST 504.72 FEET ALONG SAID SIXTEENTH SECTION LINE TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF KANE CREEK ROAD; THENCE ALONG THE SAID WESTERLY RIGHT OF WAY LINE OF KANE CREEK ROAD THE FOLLOWING THREE CALLS: SOUTH 28°01'26" WEST 994.13 FEET; THENCE SOUTH 28°26'43" WEST 694.83 FEET; THENCE SOUTH 25°08'42" WEST 715.08 FEET TO A POINT ON THE CENTER SECTION LINE; THENCE NORTH 89°51'09" WEST 217.54 FEET ALONG THE SAID CENTER SECTION LINE TO THE POINT OF BEGINNING.

SITUATE IN GRAND COUNTY, STATE OF UTAH.

PARCEL 3:

BEGINNING AT THE WEST QUARTER CORNER OF SECTION 15, TOWNSHIP 26 SOUTH, RANGE 21 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 89°51'09" EAST 217.54 FEET ALONG THE CENTER SECTION LINE TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF KANE CREEK ROAD; THENCE ALONG THE SAID WESTERLY RIGHT OF WAY LINE OF KANE CREEK ROAD THE FOLLOWING THREE CALLS: SOUTH 25°08'42" WEST 512.69 FEET; THENCE SOUTH 24°19'32" WEST 534.45 FEET; THENCE SOUTH 15°45'52" WEST 383.28 FEET TO A POINT ON THE SIXTEENTH SECTION LINE; THENCE SOUTH 89°53'42" WEST 120.59 FEET ALONG SAID SIXTEENTH SECTION LINE TO A POINT ON THE EASTERLY MEANDER LINE OF THE COLORADO RIVER; THENCE ALONG SAID EASTERLY MEANDER LINE OF THE COLORADO RIVER THE FOLLOWING FOUR CALLS: NORTH 08°22'50" EAST 511.39 FEET; THENCE NORTH 10°24'57" EAST 395.02 FEET; THENCE NORTH 11°11'15" EAST 497.69 FEET; THENCE NORTH 16°36'17" EAST 711.07 FEET TO A POINT ON THE WEST SECTION LINE OF SECTION 15; THENCE SOUTH 00°01'48" WEST 743.40 FEET ALONG SAID SECTION LINE TO THE POINT OF BEGINNING.

SITUATE IN GRAND COUNTY, STATE OF UTAH.

PARCEL 4:

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 16, TOWNSHIP 26 SOUTH, RANGE 21 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 89°55'57" WEST 900.24 FEET ALONG THE SOUTH SECTION LINE TO THE EASTERLY MEANDER LINE OF THE COLORADO RIVER; THENCE ALONG THE SAID EASTERLY MEANDER LINE OF THE COLORADO RIVER THE FOLLOWING FOUR CALLS: NORTH 29°10'14" EAST 455.98 FEET; THENCE NORTH 18°13'02" EAST 507.07 FEET; THENCE NORTH 10°28'53" EAST 319.21 FEET; THENCE NORTH 08°22'50" EAST 127.71 FEET TO A POINT ON THE SIXTEENTH SECTION LINE; THENCE NORTH

89°53'42" EAST 120.59 FEET ALONG SAID SIXTEENTH SECTION LINE TO THE WESTERLY RIGHT OF WAY LINE OF KANE CREEK ROAD; THENCE SOUTH 15°00'54" WEST 394.30 FEET ALONG SAID WESTERLY RIGHT OF WAY LINE OF KANE CREEK ROAD; THENCE SOUTH 05°16'45" WEST 100.47 FEET ALONG SAID WESTERLY RIGHT OF WAY LINE OF KANE CREEK ROAD; THENCE SOUTH 74°05'40" EAST 451.57 FEET TO THE EAST SECTION LINE OF SECTION 16; THENCE SOUTH 00°03'18" WEST 714.56 FEET ALONG SAID SECTION LINE TO THE POINT OF BEGINNING.

SITUATE IN GRAND COUNTY, STATE OF UTAH.