



\*W2969698\*

*When recorded, return to:*

Dykema Gossett PLLC  
Comerica Bank Tower  
1717 Main Street, Suite 4200  
Dallas, Texas 75201

Attention: Teresa Ereon Giltner

Parcel 07-002-0020

E# 2969698 PG 1 OF 6  
Leann H. Kilts, WEBER COUNTY RECORDER  
13-Mar-19 0442 PM FEE \$20.00 DEP JC  
REC FOR: COTTONWOOD TITLE INSURANCE AGENCY  
ELECTRONICALLY RECORDED

**ASSIGNMENT OF NOTE AND DEEDS OF TRUST**

**TREZ CAPITAL (2015) CORPORATION,**

**a British Columbia corporation,**

**Assignor,**

**To**

**TREZ AVILLA MEADOWS LP,**

**a Delaware limited partnership,**

**Assignee,**

**March 4, 2019**

Parcel 07-002-0020

**ASSIGNMENT OF NOTE AND DEEDS OF TRUST**

That the undersigned, TREZ CAPITAL (2015) CORPORATION, a British Columbia corporation ("**Assignor**") the present legal and equitable owner and holder of that one certain Promissory Note dated November 2, 2018, in the original principal sum of \$17,219,000.00, executed by JF Vista Partners, LLC, a Utah limited liability company ("**Borrower**"), and payable to the order of Assignor, said Promissory Note being secured by that certain (i) Deed of Trust ("**Deed of Trust 1**") dated November 2, 2018, executed by Borrower as Grantor to Cottonwood Title Insurance Agency, Inc., Trustee, in favor of Assignor, as beneficiary, and filed for record as Instrument No. 2951707, County Recorder of Weber County, Utah against the leasehold estate in the real property described in such Deed of Trust (to the extent such property has not been released, the "**Property**"), and (ii) Deed of Trust, Security Agreement and Financing Statement (Fee Owner) ("**Deed of Trust 2**") dated November 2, 2018, executed by Landing Point Apartments, L.C., a Utah limited liability company, as Trustor, to Cottonwood Title Insurance Agency, Inc., Trustee, in favor of Assignor, as beneficiary, and filed for record as Instrument No. 2951708, County Recorder of Weber County, Utah against the real property described in such Deed of Trust (to the extent such property has not been released, the "**Property**"). The Property is more particularly described on Exhibit A attached hereto and incorporated herein by reference for all purposes.

For good and valuable consideration paid to Assignor, the receipt and sufficiency of which is hereby acknowledged, has TRANSFERRED, ASSIGNED, GRANTED and CONVEYED and by these presents TRANSFERS, ASSIGNS, GRANTS and CONVEYS without warranty or recourse (except the warranty of ownership of the Promissory Note hereby assigned) unto TREZ AVILLA MEADOWS LP, a Delaware limited partnership ("**Assignee**"), having an address of 1700-745 Thurlow Street, Vancouver, British Columbia, Canada V6E 0C5, the following:

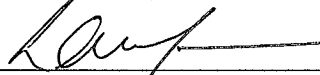
1. The above-described Promissory Note, together with any renewals, extensions or modifications thereof, together with all liens and any superior title securing the payment of said Promissory Note; and
2. The above described Deed of Trust 1 and Deed of Trust 2, together with all validly existing liens and encumbrances created or described therein on the Property which has not been released, as the same may have been renewed, modified, extended and/or continued in full force and effect; and
3. All right, title and interest of Assignor in and to any and all Loan Policies of Title Insurance which insure the lien of said Deed of Trust 1 and Deed of Trust 2, as said liens may have been renewed, extended and/or modified; and
4. All right, title and interest of Assignor in and to (a) any other liens and/or encumbrances which secure the payment of the Promissory Note, and (b) any other documents which relate thereto including but not limited to the documents listed on Exhibit B attached hereto and incorporated herein by reference for all purposes.

*[signature page follows]*

DATED as of the date first written above.


Assignor:


**TREZ CAPITAL (2015) CORPORATION,**  
a British Columbia corporation

By:   
Name: Ken Lai  
Title: Director

**ACKNOWLEDGMENT**

ACKNOWLEDGED BEFORE ME )  
at the City of Vancouver, in the )  
Province of British Columbia, )  
the 1 day of March, 2019. )  
)  
)  
)  
)  
)  
)  
)

  
A Notary Public in and for the  
Province of British Columbia

  
Ken Lai

**KATHARINA R. SPOTZL**  
*Barrister & Solicitor*  
2900-595 BARRARD STREET  
VANCOUVER, B.C. V7X 1J5  
(604) 691-7576

Signature Page to Assignment of Note and Deeds of Trust

EXHIBIT "A"Legal Description

A part of the Northwest quarter of Section 15, Township 5 North, Range 1 West, Salt Lake Base and Meridian:

Commencing at the Southwest corner of said Northwest corner of Section 15; thence 784.89 feet North  $00^{\circ}05'51''$  East along the section line; and 633.70 feet South  $89^{\circ}54'09''$  East to the point of beginning being an existing right of way monument and running thence three (3) courses along the East right of way line of Harrison Boulevard (SR-203) according to Highway Right of Way Plans S-162(3) Sheets 4 and 5, as follows: (1) North  $64^{\circ}04'09''$  West 74.20 feet; (2) North  $31^{\circ}27'00''$  West 484.00 feet to a point of curvature; and (3) Northwesterly along the arc of a 1,860.10 foot radius curve to the right a distance of 104.70 feet (Delta Angle equals  $03^{\circ}13'30''$  and Long Chord bears North  $29^{\circ}50'15''$  West 104.69 feet) to the intersection of said East right of way line and the North line of the Southwest quarter of said Northwest quarter; thence South  $89^{\circ}32'00''$  East 739.12 feet to the Southerly right of way line of Old Post Road, to a point of a non-tangent curve, of which the radius point lies North  $48^{\circ}16'26''$  East; thence two (2) courses along said Southerly right of way line as follows: (1) Southeasterly along the arc of a 1,507.66 foot radius curve to the left a distance of 414.62 feet (Delta Angle equals  $15^{\circ}45'25''$  and Long Chord bears South  $49^{\circ}36'17''$  East 413.32 feet); and (2) Southeasterly along the arc of a 854.67 foot radius curve to the right a distance of 23.09 feet (Long Chord bears South  $56^{\circ}42'34''$  East 23.09 feet) to an old existing fence line; thence South  $00^{\circ}28'15''$  West 254.17 feet along said old existing fence line; thence North  $85^{\circ}33'49''$  West 486.78 feet along an old existing fence line and said old fence line extended; thence South  $81^{\circ}13'26''$  West 216.96 feet to the point of beginning.

EXHIBIT "B"List of Construction Loan Documents

1.	<b>Loan Commitment Letter</b> , dated November 2, 2018, executed by Original Lender and JF Vista Partners, LLC.
2.	<b>Loan Agreement</b> , dated November 2, 2018, executed by Trez Capital Funding II, LLC (" <b>Administrative Agent</b> "), Original Lender and JF Vista Partners, LLC.
3.	<b>\$17,219,000 Promissory Note</b> , dated November 2, 2018, executed by JF Vista Partners, LLC and Original Lender.
4.	<b>Deed of Trust</b> (JF Vista Partners, LLC), dated November 2, 2018, executed by JF Vista Partners, LLC for the benefit of Original Lender against the leasehold estate, recorded November 9, 2018 as Instrument No. 2951707 with the County Recorder for Weber County, Utah (" <b>Deed of Trust 1</b> ").
5.	<b>Deed of Trust, Security Agreement and Financing Statement</b> (Fee Owner), dated November 2, 2018, executed by Landing Point Apartments, L.C., a Utah limited liability company for the benefit of Original Lender against the fee simple estate, recorded November 9, 2018 as Instrument No. 2951708 with the County Recorder for Weber County, Utah (" <b>Deed of Trust 2</b> ").
6.	<b>Limited Guaranty</b> , dated November 2, 2018, executed by Owen J. Fisher and The Fisher Asset Trust (" <b>Guarantors</b> ").
7.	<b>Completion Guaranty</b> , dated November 2, 2018, executed by the Guarantors.
8.	<b>Environmental Liabilities Agreement</b> , dated November 2, 2018, executed by JF Vista Partners, LLC, Original Lender and Administrative Agent.
9.	<b>Assignment of Plans and Architect Contract</b> , dated November 2, 2018, executed by JF Vista Partners, LLC and Administrative Agent, and <b>Architect's Consent</b> dated November 2, 2018, executed by Think Architecture, Inc. as Architect.
10.	<b>Assignment of Rights Under Construction Contract</b> , dated November 2, 2018, executed by JF Vista Partners, LLC and Administrative Agent, and <b>Contractor's Consent</b> dated November 2, 2018, executed by Strategic Builders, LLC as Contractor.
11.	<b>Memorandum of Ground Lease</b> , dated November 2, 2018, executed by Borrower and Landing Point Apartments, L.C., recorded with the County Recorder for Weber County, Utah on November 9, 2018 as Instrument No. 2951709.
12.	<b>Ground Lease (MODA Vista)</b> , dated November 2, 2018, executed by Borrower as Tenant, and Landing Point Apartments, L.C. as Landlord.
13.	<b>Termination of Notice of Interest</b> , dated November 5, 2018, executed by Jack Fisher Land Company, LLC, recorded with the County Recorder for Weber County, Utah on November 9, 2018 as Instrument No. 2951710.
14.	<b>Notice of Final Agreement</b> , dated November 2, 2018, executed by JF Vista Partners, LLC, Guarantors and Original Lender.

B-1

- |  |
|--|
| 15. <b><i>UCC-1</i></b> (JF Vista Partners, LLC), filed November 9, 2018 as Initial Filing No. 554484201843 in the Division of Corporations of the Utah Department of Commerce.              |
| 16. <b><i>Loan Policy of Title Insurance</i></b> (JF Vista Partners, LLC Deed of Trust), issued on November 9, 2018 by Old Republic National Title Insurance Company, Policy No. LX-12557598 |
| 17. <b><i>Loan Policy of Title Insurance</i></b> (Fee Owner Deed of Trust), issued on November 9, 2018 by Old Republic National Title Insurance Company, Policy No. LX-12557610              |