



ENT 114467:2015 PG 1 of 5  
JEFFERY SMITH  
UTAH COUNTY RECORDER  
2015 Dec 22 12:38 PM FEE 37.00 BY NG  
RECORDED FOR HALL, DAVID

WHEN RECORDED RETURN TO:  
Carl J. Belliston  
2365 S Mountain Vista Lane  
Provo, UT 84606

### TRUST DEED

This TRUST DEED is made this 21<sup>st</sup> day of December, 2015 between NewVista Property Holdings, LLC, a Utah limited liability company, as Trustor, whose address is 2365 S Mountain Vista Lane, Provo, UT 84606, Carl J. Belliston, as Trustee, and David R. Hall, an individual, as Beneficiary.

Trustor hereby CONVEYS AND WARRANTS TO TRUSTEE IN TRUST, WITH POWER OF SALE, the following described property in Utah County, State of Utah:

SEE ATTACHED EXHIBIT A

together with all buildings, improvements, and fixtures thereon and all water rights, rights of way, easements, rents, issues, profits, income, tenements, hereditaments, privileges, and appurtenances thereto, now or hereafter used or enjoyed with the property or any part thereof;

FOR THE PURPOSE OF SECURING (1) payment of the indebtedness evidenced by a promissory note dated as of September 1, 2015 in the principal sum of \$16,235,246.00, payable to Beneficiary at the times, in the manner, and with interest as set forth therein, and any extensions, renewals, and/or modifications thereof; (2) performance of each agreement of Trustor herein; (3) payment of such additional loans or advances as may be made hereafter to Trustor or Trustor's successors or assigns when evidenced by an instrument reciting that it is secured by this Trust Deed; and (4) payment of all sums expended or advanced by Beneficiary to protect the security of the foregoing.

TO PROTECT THE SECURITY OF THIS TRUST DEED, TRUSTOR AGREES AS FOLLOW:

1. Trustor shall pay at least 10 days before delinquency all taxes and assessments on the property and all chargers and assessments on water or water stock used on or with the property.
2. Trustor shall keep the property in good condition and repair and shall not commit waste on the property. Trustor shall complete or restore promptly and in a good and workmanlike manner any building or other improvement that is constructed, damaged, or destroyed on the property.
3. Trustor shall maintain adequate fire insurance on improvements on the property.
4. Trustor shall comply with all laws, covenants, and restrictions affecting the property.
5. Trustor shall pay when due all encumbrances, charges, and liens with interest on the property or any part thereof that at any time appear to be superior to this Trust Deed.
6. If Trustor fails to make any payment or do any act as provided in this Trust Deed, then Beneficiary or Trustee may, without any obligation to do so, make or do the same in such manner and to such extent that either of them deems necessary or appropriate to protect the security of this Trust Deed. No such action by Beneficiary or Trustee shall release Trustor from any of his, her, or its obligations hereunder.

7. Trustor shall pay all costs and expenses of collection (including Trustee's and attorneys' fees in the event of default in payment of any indebtedness secured by this Trust Deed) and to pay reasonable Trustee's fees for any of the services performed by the Trustee hereunder, including a reconveyance hereof.


NewVista Property Holdings, LLC, Trustor

By   
Matthew Van Dyke, Manager

STATE OF UTAH                    )  
  :ss.  
COUNTY OF UTAH            )

On the 21<sup>st</sup> day of December, 2015, personally appeared before me Matthew Van Dyke, the signer of the foregoing instrument, who duly acknowledged to me that he/she executed the same on behalf of NewVista Property Holdings, LLC.



  
Notary Public

## EXHIBIT A (p. 1 of 3)

**PARCEL #1 (Utah County No: 47:307:0001):** Lot 1, Plat "C", NOVATEK, including a vacation of Lots 16A1, 16A2 BILLINGS TECHNOLOGY PARK PLAT "C" SUBDIVISION, according to the official plat thereof on file and of record in the Utah County Recorder's Office. LESS AND EXCEPTING THEREFROM that portion lying within the bounds of the Railroad right-of-way located along over and across the easterly boundary of the above-described land.

**PARCEL #2 (Utah County No: 35:082:0006):** Lot 16A3, Plat "C", BILLINGS TECHNOLOGY PARK SUBDIVISION, according to the official plat thereof on file and of record in the Utah County Recorder's Office.

**PARCEL #3 (Utah County No: 35:288:0006):** A portion of Lot 2, Plat "H", BILLINGS TECHNOLOGY PARK SUBDIVISION (including an amendment and vacation of Lots 1, 2 & 3, BILLINGS TECHNOLOGY PARK PLAT "A"), according to the official plat thereof on file and of record in the Utah County Recorder's Office, more particularly described as follows:  
Commencing at the Westerly most point of Lot 2, Plat "H", BILLINGS TECHNOLOGY PARK SUBDIVISION, said point being South 39.02 feet and East 489.13 feet from the North Quarter Corner of Section 20, Township 7 South, Range 3 East, Salt Lake Base and Meridian; thence along said lot line North 47 Deg. 53' 42" East 150.69 feet; thence South 41 Deg. 32' 59" East 99.883 feet; thence South 47 Deg. 48' 33" West 151.311 feet; thence North 41 Deg. 11' 44" West 100.118 feet to the point of beginning.

**PARCEL #4 (Utah County No: 35:070:0001):** All of Lot 1A, Plat "D", BILLINGS TECHNOLOGY PARK SUBDIVISION, Provo, Utah, according to the official plat thereof on file in the office of the Recorder, Utah County, Utah.

**PARCEL #5 (Utah County No: 35:070:0004):** All of Lot 4A, Plat "D", BILLINGS TECHNOLOGY PARK SUBDIVISION, Provo, Utah, according to the official plat thereof on file in the office of the Recorder, Utah County, Utah.

**PARCEL #6 (Utah County No: 35:612:0001):** All of Lot 1, Plat "A", AMENDED BIRKA POINTE SUBDIVISION, according to the official plat thereof on file and of record in the office of the Utah County Recorder.

**PARCEL #7 (Utah County No: 47:224:0003):** Lot 3, Plat "A", NOVATEK SUBDIVISION, Provo, Utah, according to the official plat thereof on file and of record in the Utah County Recorder's Office.

**PARCEL #8 (Utah County No: 47:224:0002):** Lot 2, Plat "A", NOVATEK SUBDIVISION, Provo, Utah, according to the official plat thereof on file and of record in the Utah County Recorder's Office.

**PARCEL #9 (Utah County No: 47:306:0001):** Lot 1, Amended Plat "D", NOVATEK SUBDIVISION, Provo, Utah, according to the official plat thereof on file and of record in the Utah County Recorder's Office.

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**PARCEL #10 (Utah County No: 35:082:0003):** Lot 15A, Plat "C", BILLINGS TECHNOLOGY PARK SUBDIVISION, Provo, Utah, according to the official plat thereof on file and of record in the Utah County Recorder's Office, being more particularly described as follows:

Beginning at a point which is North 457.91 feet and West 405.12 feet from the North Quarter Corner of Section 20, Township 7 South, Range 3 East, Salt Lake Base and Meridian; thence along a 1910.08 radius curve to the right 131.80 feet, whose central angle is 03 Deg. 57' 12" and whose long chord bears South 26 Deg. 22' 49" East 131.77 feet; thence South 24 Deg. 24' 10" East 233.53 feet; thence South 73 Deg. 18' 09" West 243.33 feet; thence North 22 Deg. 01' 50" West 192.79 feet along the easterly boundary of a 56 foot city road; thence on a 3458.96 foot radius curve to the left 97.77 feet whose central angle is 01 Deg. 37' 10" and whose long chord bears North 22 Deg. 50' 26" East 97.77 feet; thence North 55 Deg. 00' 00" East 229.75 feet to the point of beginning. LESS AND EXCEPTING THEREFROM that portion lying within the bounds of the Railroad right-of-way located along over and across the easterly boundary of the above-described land.

**PARCEL #11 (Utah County No: 23:001:0002):** Commencing at a point on the east side of the Denver and Rio Grande Railroad right of way, said point bearing South 47 Deg. 25' West 3136.4 feet from the Section corner of Sections 16, 17, 20, and 21, Township 7 South, Range 3 East, Salt Lake Base and Meridian; running thence North 22 Deg. West 844.30 feet; thence North 81 Deg. 45' East 243 feet to a point on the west side of the Salt Lake & Utah Railroad right of way; thence South 24 Deg. 21' East 651.8 feet; thence South 40 Deg. 47' West 295.7 feet to the point of beginning.

Alternately described as follows:

Commencing at a point on the east side of the Denver and Rio Grande Railroad right of way, said point located South 47 Deg. 25' 00" West 3136.4 feet from the Northeast corner of Section 20, Township 7 South, Range 3 East, Salt Lake Base and Meridian; thence North 22 Deg. 00' 00" West 844.30 feet; thence North 81 Deg. 45' 00" East 243.00 feet; thence South 24 Deg. 21' 00" East 651.80 feet; thence South 40 Deg. 47' 00" West 295.70 feet to the point of beginning.

**PARCEL #12 (Utah County No: 35:064:0018):** All of Lot 18, Plat "A", BILLINGS TECHNOLOGY PARK SUBDIVISION, Provo, Utah, according to the official plat thereof on file in the office of the Recorder, Utah County, Utah.

**PARCEL #13 (Utah County No: 35:070:0008):** Part of Lot 5A, Plat "D", BILLINGS TECHNOLOGY PARK SUBDIVISION, Provo, Utah, according to the official plat thereof on file in the office of the Recorder, Utah County, Utah, and being more particularly described as follows:

Beginning at a point which is South 508.22 feet and East 420.47 feet from the North Quarter Corner of Section 20, Township 7 South, Range 3 East, Salt Lake Base and Meridian; thence North 47 Deg. 34' 44" East 158.00 feet; thence South 41 Deg. 11' 44" East 291.78 feet; thence South 57 Deg. 00' 38" West 159.60 feet; thence North 41 Deg. 11' 56" West 265.60 feet to the point of beginning.

**PARCEL #14 (Utah County No: 35:070:0005):** Commencing at the northeast corner of Lot 5A, Plat "D", BILLINGS TECHNOLOGY PARK SUBDIVISION, Provo, Utah; thence South 41 Deg. 11' 44" East 151.58 feet; thence South 47 Deg. 34' 44" West 147 feet; thence North 41 Deg. 11' 44" West 151.57 feet; thence North 47 Deg. 34' 44" East 147 feet to the point of beginning.

## EXHIBIT A (p. 3 of 3)

**PARCEL #15 (Utah County No: 35:070:0007):** Commencing South 401.64 feet and East 537.11 feet and South 41 Deg. 11' 44" East 151.37 feet from the North Quarter Corner of Section 20, Township 7 South, Range 3 East, Salt Lake Base and Meridian; thence North 47 Deg. 34' 44" East 147.00 feet; thence South 41 Deg. 11' 44" East 147.21 feet; thence along the curve to the right 25.71 feet (chord bears South 7 Deg. 54' 27" West 22.68 feet); thence South 57 Deg. 00' 38" West 131.15 feet; thence North 41 Deg. 11' 44" West 140.21 feet to the point of beginning.

**PARCEL #16 (Utah County No: 35:064:0030):** All of Lot 30, Plat "A" Revised, BILLINGS TECHNOLOGY PARK SUBDIVISION, Provo, Utah, according to the official plat thereof on file in the office of the Recorder, Utah County, Utah.

**PARCEL #17 (Utah County No: 35:082:0002):** Lot 14A, Plat "C", BILLINGS TECHNOLOGY PARK SUBDIVISION, Provo, Utah, according to the official plat thereof on file and of record in the Utah County Recorder's Office. LESS AND EXCEPTING THEREFROM that portion lying within the bounds of the Railroad right-of-way located along over and across the easterly boundary of the above-described land.

**PARCEL #18 (Utah County No: 35:082:0011):** Lot 17A, Plat "C", BILLINGS TECHNOLOGY PARK SUBDIVISION, Provo, Utah, according to the official plat thereof on file and of record in the Utah County Recorder's Office. LESS the following lift station lot parcel which exists totally within the boundaries of said Lot 17A with a description as follows:  
Beginning at a point which is South 1059.42 feet and East 219.03 feet from the North Quarter Corner of Section 20, Township 7 South, Range 3 East, Salt Lake Base and Meridian; thence South 13 Deg. 33' 30" East 40.00 feet; thence South 76 Deg. 26' 30" West 27.50 feet; thence North 13 Deg. 33' 30" West 40.00 feet; thence North 76 Deg. 26' 30" East 27.50 feet to the point of beginning.