

**AFTER RECORDING RETURN TO:**

Bank of Idaho, Trustee for Rodney T. Clark,  
Kay J. Clark, Gary A. Clark and Janelle B.  
Clark, RIRA  
P.O. Box 1487  
Idaho Falls, ID 83403

Tax ID: H-4-2-11-2102  
H-4-2-1-1103

**DOC # 20080024118**

Assignment of Trust Deed, Page 1 of 6  
Russell Shirts Washington County Recorder  
06/13/2008 11:41:44 AM Fee \$ 29.00  
By SOUTHERN UTAH TITLE CO.



**ASSIGNMENT OF TRUST DEED**

**FOR VALUE RECEIVED**, the undersigned CYPRESS CAPITAL XI, LLC, a Utah limited liability company ("**Cypress**"), whose address is 10421 S. Jordan Gateway, Ste. 630, South Jordan, Utah 84095, hereby assigns and transfers to BANK OF IDAHO, TRUSTEE FOR RODNEY T. CLARK, KAY J. CLARK, GARY A. CLARK AND JANELLE B. CLARK, RIRA ("**Assignee**"), whose address is P.O. 1487, Pocatello, Idaho 83403, a 41.0% undivided interest in the beneficial interest and other rights, titles and interests of Cypress under that certain Deed of Trust, Security Agreement and Fixture Filing (the "**Trust Deed**") described in Exhibit B hereto, relating to certain real property in Washington County, Utah, and more particularly described on Exhibit A hereto.

This Assignment of Trust Deed is executed pursuant to and in accordance with the provisions of (a) that certain Loan and Intercreditor Agreement (Series XI) dated as of December 13, 2007, between Cypress and Assignee, and (b) that certain Source Pledge executed as of December 14, 2007, by Cypress in favor of Assignee.

IN WITNESS WHEREOF, the undersigned, as the Beneficiary under the Trust Deed, has caused this Assignment of Trust Deed to be executed effective as of the 14<sup>th</sup> day of December, 2007.

CYPRESS CAPITAL XI, LLC

By: Robert N. Baxter  
Robert N. Baxter, Manager

STATE OF UTAH )  
 ) ss.  
COUNTY OF SALT LAKE )

On this 10<sup>th</sup> day of ~~March~~<sup>June</sup>, 2008, before me personally appeared Robert N. Baxter, to me known to be a Manager of CYPRESS CAPITAL XI, LLC, the Utah limited liability company that executed the foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said limited liability company, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute said instrument.

Kristy A. Owens  
NOTARY PUBLIC

My Commission Expires:

Residing at:

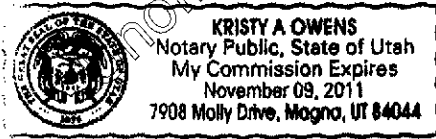


Exhibit A  
to  
Assignment of Trust Deed

Property Description

The following real property located in WASHINGTON County, State of UTAH:

**Lender SR-9 Parcel C**

**Beginning at a point on the Southerly line of Highway SR-9, said point being South 00°15'22" West 525.87 feet along the section line and West 865.44 feet from the Northeast Corner of Section 1, Township 42 South, Range 14 West, Salt Lake Base and Meridian, and running thence South 16°20'36" East 1306.80 feet; thence South 73°39'24" West 500.00 feet; thence North 16°20'36" West 1306.80 feet to a point on the Southerly line of SR-9; thence North 73°39'24" East 500.00 feet along said Southerly line to the Point of Beginning.**

**Lender SR-9 Parcel D**

**Beginning at a point on the Southerly line of Highway SR-9, said point being South 00°15'22" West, 385.18 feet along the Section line and West 386.27 feet from the Northeast Corner of Section 1, Township 42 South, Range 14 West, Salt Lake Base and Meridian, and running thence South 16°20'36" East, 29.75 feet; thence South 73°53'22" West, 41.88 feet; thence South 00°15'22" West, 200.00 feet; thence North 73°53'22" East, 99.01 feet; thence South 16°20'36" East, 1112.19 feet; thence South 73°39'24" West, 500.00 feet; thence North 16°20'36" West, 1333.84 feet to a point on the Southerly line of said SR-9; thence North 73°39'24" East, 500.00 feet along said southerly line to the point of beginning.**

**LESS AND EXCEPTING THEREFROM the following described property:**

**Beginning at a point 300.0 feet South of the Northeast corner of Lot 1, Section 1, Township 42 South, Range 14 West, Salt Lake Base and Meridian, which is the point of intersection of the East boundary line of said Lot 1 and the Southerly right of way line of Highway U-17, and running thence South along the East boundary line of said Lot 1 a distance of 200.0 feet; thence South 73°38' West and parallel to the Southerly line of said highway a distance of 435.6 feet; thence North 200.0 feet, more or less, to the Southerly line of said highway; thence North 73°38' East along said Southerly line of said highway a distance 435.6 feet, more or less, to the point of beginning.**

**Lender SR-9 Parcel E:**

Beginning at a point on the Southerly line of Highway SR-9, said point being South 00°15'22" West, 244.48 feet along the Section line and East 92.90 feet from the Northeast Corner of Section 1, Township 42 South, Range 14 West, Salt Lake Base and Meridian, and running; thence South 16°20'36" East, 1446.95 feet; thence South 73°39'24" West, 500.00 feet; thence North 16°20'36" West, 1225.30 feet; thence North 73°53'22" East, 336.59 feet; thence North 00°15'22" East, 200.00 feet; thence South 73°53'22" West, 393.72 feet; thence North 16°20'36" West, 29.75 feet to a point on the Southerly line of said SR-9; thence North 73°39'24" East, 500.00 feet along said Southerly line to the point of beginning.

**LESS AND EXCEPTING THEREFROM the following described property:**

Beginning at a point 300.0 feet South of the Northeast corner of Lot 1, Section 1, Township 42 South, Range 14 West, Salt Lake Base and Meridian, which is the point of intersection of the East boundary line of said Lot 1 and the Southerly right of way line of Highway U-17, and running thence South along the East boundary line of said Lot 1 a distance of 200.0 feet; thence South 73°38' West and parallel to the Southerly line of said highway a distance of 435.6 feet; thence North 200.0 feet, more or less, to the Southerly line of said highway; thence North 73°38' East along said Southerly line of said highway a distance 435.6 feet, more or less, to the point of beginning.

**Lender SR-9 Parcel F:**

Beginning at a point on the Southerly line of Highway SR-9, said point being South 00°15'22" West 244.48 feet along the section line and East 92.90 feet from the Northeast Corner of Section 1, Township 42 South, Range 14 West, Salt Lake Base and Meridian, and running; thence North 73°39'24" East 500.00 feet; thence South 16°20'36" East 1306.80 feet; thence South 73°39'24" West 500.00 feet to a point on the Southerly line of said SR-9; thence North 16°20'36" West 1306.80 feet to a point on the Southerly line of said SR9 and the point of beginning.

**Lender SR-9 Parcel G:**

Beginning at a point on the Southerly line of Highway SR-9, said point being South 00°15'22" West 103.78 feet along the section line and East 572.06 feet from the Northeast Corner of Section 1, Township 42 South, Range 14 West, Salt Lake Base and Meridian, and running; thence North 73°39'24" East 500.00 feet; thence South 16°20'36" East 1306.80 feet; thence South 73°39'24" West 500.00 feet to a point on the Southerly line of said SR-9; thence North 16°20'36" West 1306.80 feet to a point on the Southerly line of said SR9 and the point of beginning.

**Parcel G-1:**

Beginning at a point on the section line said point being North 00°01'19" West 549.68 feet along said section line from the East Quarter Corner of Section 11, Township 42 South, Range 14 West, Salt Lake Base & Meridian, and running; thence North 44°32'42" West 16.39 feet; thence northerly 484.61 feet along an arc of a 473.46 foot radius curve to the right (center bears North 45°27'18" East long chord bears North 15°13'21" West 463.73 feet with a central angle of 58°38'42"); thence northerly 138.29 feet along an arc of a 1,495.20 foot radius curve to the right (center bears South 75°54'00" East long chord bears North 16°44'59" East 138.24 feet with a central angle of 05°17'57"); thence westerly 641.88 feet along an arc of a 1,326.50 foot radius curve to the left (center bears South 32°46'22" West long chord bears North 71°05'23" West 635.63 feet with a central angle of 27°43'29"); thence North 04°42'59" East 397.49 feet; thence East 661.60 feet to the section line; thence South 00°01'19" East 1,193.65 feet along the section line to the Point of Beginning.

**Parcel G-2:**

Beginning at a point being North 00°01'19" West 918.63 feet along the section line and West 861.31 feet line from the East Quarter Corner of Section 11, Township 42 South, Range 14 West, Salt Lake Base & Meridian, and running; thence North 00°03'21" West 401.22 feet to the 1/16<sup>th</sup> line; thence South 89°54'53" West 134.63 feet along said 1/16th line; thence North 00°02'54" West 423.69 feet; thence East 240.45 feet; thence South 04°42'59" West 492.09 feet; thence southerly 341.14 feet along an arc of a 1,570.54 foot radius curve to the right (center bears North 85°17'01" West long chord bears South 10°56'21" West 340.47 feet with a central angle of 12°26'43") to the Point of Beginning.

**Parcel G-3:**

Beginning at a point on the 1/16th line said point being South 89°45'34" West 1,327.43 feet along the center section line from the East Quarter Corner of Section 11, Township 42 South, Range 14 West, Salt Lake Base & Meridian, and running; thence North 00°03'28" West 858.04 feet along the 1/16th line; thence North 89°54'53" East 444.81 feet; thence southwesterly 350.88 feet along an arc of a 1,570.54 foot radius curve to the right (center bears North 70°19'10" West long chord bears South 26°04'52" West 350.16 feet with a central angle of 12°48'03"); thence southwesterly 594.64 feet along an arc of a 1,847.00 foot radius curve to the left (center bears South 57°31'07" East long chord bears South 23°15'30" West 592.08 feet with a central angle of 18°26'47") to the 1/16th line; thence South 89°45'34" West 56.20 feet along said 1/16th line to the Point of Beginning.

**Exhibit B  
to  
Assignment of Trust Deed**

**Description of Trust Deed**

Deed of Trust, Security Agreement and Fixture Filing executed by MELLON VALLEY II, LLC, as Trustor, in favor of Southern Utah Title Company, as Trustee, for the benefit of Cypress Capital, XI, LLC, dated as of December 13, 2007, and recorded on December 14, 2007, as Document No. 20070058952 of the official records of Washington County, Utah, securing an original indebtedness of \$12,531,517.