

10210460

**RECORDATION REQUESTED BY:**

KeyBank National Association  
UT-KPB-Salt Lake City  
36 S. State Street  
Salt Lake City, UT 84136

10210460

8/31/2007 10:48:00 AM \$21.00  
Book - 9510 Pg - 5593-5597  
Gary W. Ott  
Recorder, Salt Lake County, UT  
TALON GROUP  
BY: eCASH, DEPUTY - EF 5 P.

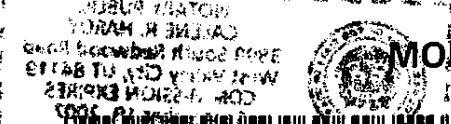
**WHEN RECORDED MAIL TO:**

KeyBank National Association  
Mail Code: ID-56-PC-0125  
431 Parkcenter Blvd. - P.O. Box 5278  
Boise, ID 83705

**SEND TAX NOTICES TO:**

C&M Investments, Ltd.  
3500 South 400 West  
West Valley City, UT 84119

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY



**MODIFICATION OF DEED OF TRUST**



\*515180073626000020002G202\*

**THIS MODIFICATION OF DEED OF TRUST** dated August 9, 2007, is made and executed between C&M Investments, Ltd., whose address is 3500 South 400 West, West Valley City, UT 84119 ("Trustor") and KeyBank National Association, whose address is UT-KPB-Salt Lake City, 36 S. State Street, Salt Lake City, UT 84136 ("Lender").

**DEED OF TRUST.** Lender and Trustor have entered into a Deed of Trust dated October 26, 2006 (the "Deed of Trust") which has been recorded in Salt Lake County, State of Utah, as follows:

Recorded October 30, 2006 at the Salt Lake County Recorders Office under Recording Number 9891076, Book 9372, Page 4594-4604.

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

See Exhibit "A", which is attached to this Modification and made a part of this Modification as if fully set forth herein.

The Real Property or its address is commonly known as 4091 W. 3500 S & 3540 S. 4000 W. & 3574 S. 4000 W., West Valley City, UT 84120. The Real Property tax identification number is 15-31-226-008-0000, 15-31-226-017-0000, 15-31-226-007-0000.

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

**Note.** The word Note means the promissory Note dated August 9, 2007 in the principal amount of \$9,760,000.00 from Trustor to Lender, together with all renewals of, extensions of, modifications of, refinancings of, consolidations of and substitutions for the promissory note or agreement. **NOTICE TO TRUSTOR: THE NOTE CONTAINS A VARIABLE INTEREST RATE.**

The amount of indebtedness secured by the Deed of Trust is hereby increased to \$9,760,000.00 .

**CONTINUING VALIDITY.** Except as expressly modified above, the terms of the original Deed of Trust shall remain 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 AUGUST 9, 2007.**

**TRUSTOR:**

C&M INVESTMENTS, LTD.

THE MICHAEL HENRY DAY FAMILY LIVING TRUST, General Partner of C&M Investments, Ltd.

By: Michael Henry Day  
Michael Henry Day, Trustee of The Michael Henry Day Family Living Trust

By: Carolyn Day  
Carolyn Day, Trustee of The Michael Henry Day Family Living Trust

FIRST AMERICAN TITLE  
JB# 250919

MODIFICATION OF DEED OF TRUST  
(Continued)

Loan No: 20002

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LENDER:

KEYBANK NATIONAL ASSOCIATION

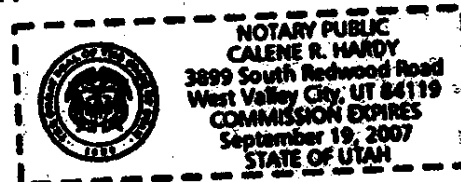
x B. Mallette  
Authorized Officer B. MALLETT, AVP

PARTNERSHIP ACKNOWLEDGMENT

STATE OF Utah

)  
) SS

COUNTY OF Salt Lake



On this 22nd day of August, 20 07, before me, the undersigned Notary Public, personally appeared Michael Henry Day, Trustee of The Michael Henry Day Family Living Trust, General Partner of C&M Investments, Ltd. and Carolyn Day, Trustee of The Michael Henry Day Family Living Trust, General Partner of C&M Investments, Ltd., and known to me to be partners or designated agents of the partnership that executed the Modification of Deed of Trust and acknowledged the Modification to be the free and voluntary act and deed of the partnership, by authority of statute or its Partnership 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 partnership.

By Calene R Hardy  
Notary Public in and for the State of Utah

Residing at West Valley City  
My commission expires 9-19-07

LENDER ACKNOWLEDGMENT

STATE OF \_\_\_\_\_

)  
) SS

COUNTY OF \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_ and known to me to be the \_\_\_\_\_, authorized agent for the Lender that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of the said Lender, duly authorized by the Lender 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 that the seal affixed is the corporate seal of said Lender.

By \_\_\_\_\_  
Notary Public in and for the State of \_\_\_\_\_

Residing at \_\_\_\_\_  
My commission expires \_\_\_\_\_

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

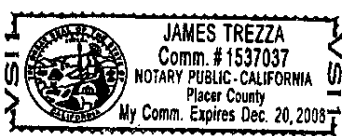
County of Sacramento

On Aug 21, 2007 before me, James Trezza, Notary Public

personally appeared Barbara Mallette

- personally known to me
- proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

James Trezza  
Signature of Notary Public

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

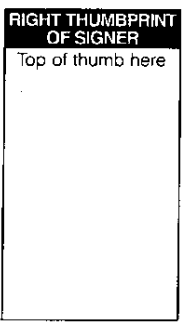
Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer  
Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

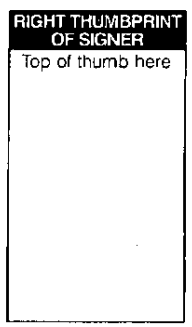
Signer Is Representing: \_\_\_\_\_



Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer  
Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_



**EXHIBIT TO DEED OF TRUST**

The land referred to herein is located in Salt Lake County, State of Utah and is described as:

**PARCEL 1:**

Commencing 561 feet South from the Northeast Corner of Section 31, Township 1 South, Range 1 West, Salt Lake Meridian; thence South 233.6 feet; thence West 370 feet; thence North 233.6 feet; thence East 370 feet to beginning.

**PARCEL 2:**

A tract of land located in full within a parcel of land recorded in the Official Records of the Salt Lake County Recorder's Office as Book 9040 at Page 2298, said parcel being within the Northeast Quarter of the Northeast Quarter of Section 31, Township 1 South, Range 1 West, Salt Lake Base and Meridian, approximately 4091 West 3500 South, West Valley City, Salt Lake County, State of Utah, and being more particularly described as follows:

Beginning at a point on the South right of way line of 3500 South Street, said point being 515.00 feet South 89°56'54" West and 40.00 feet South 00°01'50" East from the Northeast Corner of said Section 31; and running thence South 00°01'50" East a distance of 295.00 feet; thence North 89°56'54" East a distance of 475.03 feet (record 475.00 feet) to the West right of way line of 4000 West Street; thence along said street South 00°02'10" East a distance of 94.00 feet; thence South 89°56'54" West a distance of 290.04 feet; (record 290.00 feet); thence South 00°01'50" East a distance of 132.00 feet; thence South 89°56'54" West a distance of 40.00 feet; thence South 00°01'50" East a distance of 233.60 feet; thence North 89°56'54" East a distance of 330.08 feet (record 330.00 feet) to the West right of way line of 4000 West Street; thence along said street South 00°02'10" East a distance of 195.39 feet (record South 00°01'50" East) to the Northeast Corner of the Woodcove No. 1 Subdivision; thence along the North line of said subdivision South 89°57'50" West a distance of 705.10 feet; thence North 00°01'50" West a distance of 724.80 feet; thence North 89°56'54" East a distance of 72.84 feet; thence North 00°03'06" West a distance of 215.00 feet to the South right of way line of 3500 South Street; thence along said South line North 89°56'54" East a distance of 157.24 feet to the point of beginning.

LESS and EXCEPTING THEREFROM the following:

Beginning at a point on the West line of 4000 West Street, said point being 335.01 feet South 0°02'10" East along the section line, and 40.00 feet South 89°57'50" West from the Northeast Corner of Section 31, Township 1 South, Range 1 West, Salt Lake Base and Meridian;

Continued to Next Page

and running thence South 0°02'10" East, a distance of 94.39 feet along said West line; thence South 89°57'50" West, a distance of 290.04; thence North 0°01'50" West, a distance of 94.31 feet; thence North 89°56'54" East, a distance of 290.03 feet to the point of beginning.

**PARCEL 3:**

Beginning at a point on the West line of 4000 West Street, said point being 335.01 feet South 0°02'10" East along the Section line, 40.00 feet South 89°57'50" West, and 131.60 feet South 0°02'10" East from the Northeast Corner of Section 31, Township 1 South, Range 1 West, Salt Lake Base and Meridian; and running thence South 0°02'10" East, a distance of 94.39 feet along said West line to the North line of the Brock Childrens LLC, property; thence South 89°57'50" West, a distance of 290.05 feet along said North line; thence North 0°01'50" West, a distance of 94.31 feet; thence North 89°56'54" East, a distance of 290.05 feet to the point of beginning.

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