13001605 6/3/2019 3:18:00 PM \$40.00 Book - 10787 Pg - 8776-8783 **RASHELLE HOBBS** Recorder, Salt Lake County, UT PARR BROWN GEE & LOVELESS BY: eCASH, DEPUTY - EF 8 P.

AFFIDAVIT OF INCUMBENT TRUSTEE

STATE OF UTAH)
	:ss
COUNTY OF SALT LAKE)

Affiant, Carol S. Sullivan, having been first duly sworn, deposes and states as follows:

- 1. By trust agreement dated March 27, 2001 (the "Trust Agreement"), Lance E. Feil and I, as grantors and as trustees, created and placed in effect The Feil-Sullivan Living Family Trust (the "Trust"), also sometimes referred to as The Feil/Sullivan Living Family Trust, which we subsequently amended by Amendment and Restatement of The Feil-Sullivan Living Family Trust dated October 2, 2015 (the "Amended Trust Agreement").
- By Warranty Deed signed and dated February 22, 2013, and recorded February 27, 2013, in the Salt Lake County Recorder's Office as Entry No. 11585534, in Book No. 10111, Page Nos. 9694-9695, Lance E. Feil and Carol S. Sullivan, grantors, conveyed to Carol S. Sullivan and Lance E. Feil, as trustees of The Feil/Sullivan Living Family Trust dated March 27, 2001, as grantees, a certain parcel of real property located in Salt Lake County, Utah that is more particularly described as follows (the "Property"):

LOTS 36 AND 37, BLOCK 2, HIGHLAND PARK PLAT "B", ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SALT LAKE COUNTY RECORDER'S OFFICE.

TOGETHER WITH ½ VACATED ALLEY ABUTTING IN THE SOUTH.

Tax Parcel Identification Number: 16-20-437-007-0000

- Lance E. Feil died on July 21, 2016, as evidenced by his Certificate of Death, a copy of which is attached hereto as Exhibit A and incorporated herein by this reference.
- The Trust is still operative, and the Amended Trust Agreement has not been amended or terminated since the death of Lance E. Feil.
- On the date of this Affidavit of Incumbent Trustee, pursuant to the terms of the Amended Trust Agreement, I am the sole incumbent trustee of the Trust with power under the Amended Trust Agreement to deal with the Property, as evidenced by the relevant pages of the Amended Trust Agreement attached hereto as Exhibit B and incorporated herein by this reference.

DATED this 3/day of May, 2019.

(and Sullevan

On the $\frac{31}{2}$ day of $\frac{201}{2}$, 2019, before me, the undersigned, a notary public, personally appeared Carol S. Sullivan, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

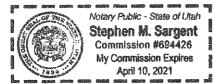


EXHIBIT A

Certificate of Death

[See document attached hereto]



BK 10787 PG 8779

CERTIFICATE OF DEATH

State File Number: 2016010535

Lance E Feil

DECEDENT INFORMATION

Date of Death: City of Death: Salt Lake City

Age: 75

Place of Birth: Sacramento, California

Armed Services: Nο

Spouse's Name: Carol S Sullivan State of California Industry/Business: Residence: Salt Lake City, Utah

Parent or Mother: **Neta Davies**

1188 E Stratford Avenue Facility or Address:

Time of Death: County of Death: Salt Lake Date of Birth:

July 5, 1941 Sex: Male Marital Status: Married

Usual Occupation: Insurance Examiner

Education: Some College but No Degree

Parent or Father: Lesley Feil Facility Type: Home

INFORMANT INFORMATION

Carol S Sullivan Name: Relationship:

Mailing Address: 1188 E Stratford Avenue, Salt Lake City, Utah 84106

DISPOSITION INFORMATION

Method of Disposition: Cremation

Place of Disposition: Alternative Society of Utah Mortuary Crematorium, Lindon, Utah

Date of Disposition: July 27, 2016

FUNERAL HOME INFORMATION

Funeral Home: Serenity Funeral Home

Address: 12278 South Lone Peak Parkway, Suite #103 , Draper, Utah 84020

Funeral Director: Morgan R Sulz

MEDICAL CERTIFICATION

Medical Professional: David A Valenti MD, Hearts for Hospice, 141 East 5600 South Suite 110, Murray, Utah 84107

CAUSE OF DEATH

Amyotrophic Lateral Sclerosis Tobacco Use: Unknown if User

Medical Examiner Contacted: Yes Autobsy Performed: No Manner of Death: Natural

Date Registered: July 22, 2016 Date Issued: July 22, 2016

> This is an exact reproduction of the facts registered in the Utah State Office of Vital Records and Statistics. Security features of this official document include: High Resolution Border, V & R images in top cycloids, and microtext. This document displays the date, seal, and signature of the Utah State Registrar of Vital Records and Statistics.

Richard J. Oborn, MPA State Registrar



065233024

Gary L. Edwards

Director/Health Officer County/District Health

Department



EXHIBIT B

Relevant Pages of the Amended Trust Agreement

[See pages attached hereto]

AMENDMENT AND RESTATEMENT

OF

THE FEIL-SULLIVAN LIVING FAMILY TRUST

(October Z 2015)

THIS AMENDMENT AND RESTATEMENT OF THE FEIL-SULLIVAN LIVING FAMILY TRUST (this "agreement"), dated this Z day of October, 2015, is between LANCE E. FEIL and CAROL S. SULLIVAN, husband and wife, as grantors (referred to in the first person plural), and LANCE E. FEIL and CAROL S. SULLIVAN, as trustees (referred to collectively as the "trustees").

Recitals

- A. By trust agreement dated March 27, 2001 (the "Trust Agreement"), we established The Feil-Sullivan Living Family Trust (the "Trust").
- B. Under Article 2.2 of the Trust Agreement, we expressly reserved the power to amend any terms of the Trust Agreement, in whole or in part.
- C. We now desire to exercise our reserved amendment power by amending the Trust Agreement in its entirety.

Amendment

THEREFORE, the Trust Agreement is hereby amended and restated to read in its entirety as follows:

ARTICLE 1: GOVERNANCE OF TRUST

- 1.01 **Trust Estate**. The trust estate is presently composed of the property described in the trust's books of account. The trustees shall administer and distribute such property in accordance with the provisions of this agreement.
- 1.02 Additions to Trust. At any time either of us may transfer additional property to the trustees for administration and distribution in accordance with the provisions of this agreement.
- 1.03 Character of Property Composing Trust Estate. The property comprising the initial trust estate and any additional property we may transfer to the trustees for addition to the trust estate while we are both living shall be characterized as follows:

4814-9911-1976

ARTICLE 5: TRUSTEES

5.01 Appointment and Succession.

- (a) <u>Appointment of Trustees</u>. Unless we otherwise direct by signed notice filed in the trust records during our joint lives, the following persons shall act as trustees of the trusts governed by this agreement:
- (1) If either of us ceases to serve as a trustee of The Feil-Sullivan Living Family Trust, the other of us shall act as sole trustee of such trust. If both of us cease to serve as trustees of The Feil-Sullivan Living Family Trust, the following persons shall serve as trustees of such trust, successively in the order named: (i) such person as we may appoint by signed notice filed in the trust records; then (ii) such person as the surviving grantor may appoint by signed notice filed in the trust records; then (iii) Robert Renwick, of Murray, Utah; then (iv) Elizabeth C. Feil, of Swanzey, New Hampshire; and then (v) Todd O. Sullivan, of League City, Texas.
- (2) The following persons shall act as trustee of all trusts established under Article 3, if any, successively in the order named: (i) such person as the surviving grantor may appoint; then (ii) Robert Renwick, of Murray, Utah; then (iii) Elizabeth C. Feil, of Swanzey, New Hampshire; and then (iv) Todd O. Sullivan, of League City, Texas.
- (b) <u>Appointment of Additional Trustees</u>. The trustees of a trust at any time may appoint one or more additional trustees of the trust by signed notice filed in the trust records and delivered to each appointed trustee and each beneficiary then eligible to receive trust income. The appointment may be for general or limited purposes and for a specified or indefinite term. The appointment shall be effective upon delivery of the notice of appointment to the appointed trustee or on such later date as may be specified in the notice.
- (c) <u>Resignation</u>. A trustee at any time may resign by signed notice filed in the trust records and delivered to each beneficiary then eligible to receive trust income. If the trustee is a co-trustee, the resignation shall be effective on the date the notice of resignation is filed in the trust records or on such later date as may be specified in the notice of resignation. If the trustee is the sole trustee, the resignation shall be effective on acceptance by a properly appointed alternate trustee.
- (d) <u>Incapacity</u>. A trustee shall be deemed to have resigned as of the date the trustee is determined to be incapacitated pursuant to the provisions of Article 7.03.
- (e) <u>Vacancies</u>. If a trustee fails to qualify or ceases to act and no alternate trustee is appointed under Article 5.01(a), an alternate trustee shall be appointed pursuant to the following methods, applied in the order of priority listed:
- (1) A trustee may appoint its own alternate by signed notice filed in the trust records prior to the date on which the trustee ceases to serve. The trustee may change an appointment from time to time by substituting a later notice for a prior notice in the trust records.

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IN WITNESS WHEREOF, we have signed this agreement as of the date first above written.

written.	
	Lare E. Feil
	Lance E. Feil, Grantor
	Carol S. Sullivan, Grantor
	Lance E. Feil, Trustee
	Carol S. Sullivan, Trustee
STATE OF UTAH)	
COUNTY OF SALT LAKE)	
On this 2 day of 0 cto ber, 2015 a signer of the foregoing instrument, who duly ack grantor and trustee.	, personally appeared before me Lance E. Feil, nowledged having executed the same as
Witness by hand and official scal. Commission Model of Model Spirits April 10, 2017 State of Utah STATE OF UTAH	Notary Public
COUNTY OF SALT LAKE)	
On this 2 day of 0 cto ber, 2015, Sullivan, a signer of the foregoing instrument, who as grantor and trustee.	
Witness my hand and official seal. Witness my hand and official seal. Commission McG0007 My Commission Expires April 10, 2017 State of Utah	Notary Public