6EC0F3F7-C156-4FF0-B07D-26206A5727A0 --- 2022/08/26 15:05:43 -8:00 --- Remote Notary

RECORDING REQUESTED BY: Mountain West REIT, LLC c/o Taylor Derrick Capital, LLC 2298 W. Horizon Ridge Pkwy #213 Henderson, NV 89052 Loan # 946

14007438 B: 11368 P: 368 Total Pages: 8 08/26/2022 04:59 PM By: ctafoya Fees: \$40.00 Rashelle Hobbs, Recorder, Salt Lake County, Utah Return To: COTTONWOOD TITLE INSURANCE AGENCY, INC. 1996 EAST 6400 SOUTH SUITE 120SALT LAKE CITY, UT 84121

APN: 21-01-228-015

## MODIFICATION OF DEED OF TRUST, ASSIGNMENT OF LEASES AND RENTS, SECURITY AGREEMENT, AND FIXTURE FILING

THIS MODIFICATION OF DEED OF TRUST dated August 26, 2022, is made and executed between MILLCREEK OG, LLC, a Utah limited liability company (the "Trustor" or "Borrower") and MOUNTAIN WEST REIT, LLC, a Delaware limited liability company, whose address is 357 West 200 South #200, Salt Lake City, UT 84101 ("Lender").

Lender and Trustor have entered into a Construction Deed of Trust, Security Agreement, Assignment of Leases and Rents and Fixture Filing dated April 30, 2021 and recorded in the office of the Salt Lake County Recorder on May 5, 2021 as Entry Number 13654444 in Book 11169 at Page 7221-7259 (the "Deed of Trust").

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

SEE SCHEDULE A ATTACHED HERETO AND MADE A PART HEREOF.

**MODIFICATION.** Lender and Borrower hereby modify the Deed of Trust to increase the secured amount of said Deed of Trust to THIRTY TWO MILLION DOLLARS (\$32,000,000.00).

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 Secured Promissory Note 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



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accommodation parties, unless a party is expressly released by Lender in writing. Any maker or endorser, including accommodation makers, if any, shall not be released by virtue of this Modification.

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 26, 2022.

## LENDER:

# MOUNTAIN WEST REIT, LLC

a Delaware limited liability company

| By: Andrew Menlove, | Authorized Agent |
|---------------------|------------------|
| STATE OF            | . }              |
| COUNTY OF           | } ss.<br>}       |

The foregoing instrument was ACKNOWLEDGED before me on this \_\_\_\_\_\_ day of August, 2022, by Andrew Menlove, Authorized Agent of Mountain West REIT, LLC, a Delaware limited liability company.

Notary Public

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## **BORROWER:**

## MILLCREEK OG, LLC

A Utah limited liability company

Micah W. Peters
Signed on 2022/08/26 15:38:20 -8:00

By: Micah W. Peters Its: Manager/sole Member

State of Utah ):ss

County of Salt Lake

On August 26, 2022, before me personally appeared Micah W. Peters, who 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 executed the same in his individual capacity and in

I certify under PENALTY OF PERJURY under the laws of the State of Utah that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

his aforementioned stated capacity.

Signature (Seal)



Notarial act performed by audio-visual communication

# 6EC0F3F7-C156-4FF0-B07D-26206A5727A0 --- 2022/08/26 15:05:43 -8:00 --- Remote Notary

## **SCHEDULE A**

A parcel of land situated in the Northeast quarter of Section 1, Township 2 South, Range 1 West, Salt Lake Base and Meridian, Salt Lake County, Utah, more particularly described as follows:

Commencing at the East Quarter corner of said Section 1; thence North 87°01'34" East 16.16 feet to the Monument Line of Main Street; thence North 0°15'54" East 1741.07 feet along the said Monument Line; thence North 76°16'11" West 33.93 feet to the True Point of Beginning, said point being the intersection of the 1968 Murray City Annexation Boundary in Big Cottonwood Creek and a line 33 feet West of the Main Street Monument Line; and running from the above described point of beginning along the annexation boundary as follows:

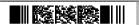
North 76°16'11" West 23.32 feet; thence North 40°00'30" West 154.80 feet; thence North 68°26'54" West 290.80 feet; thence North 76°57'23" West 457.00 feet; thence South 29°13'33" West 51.05 feet to the point of intersection with a line parallel to and 33.00 feet Easterly of the railroad centerline; thence North 8°59'00" West along the East railroad right-of-way line 359.40 feet; thence South 89°14'45" East 748.55 feet more or less to a point on the West boundary line of Gordon's South Lawn Addition Subdivision; thence South 3°50'00" West along said West boundary line 368.14 feet to the Southwest corner of Lot 21, Block 4, Gordon's South Lawn Addition; thence North 85°15' East along the South line of said Lot 21, 197.01 feet; thence South 0°15'54" West 283.64 feet to the Point of Beginning.

Note: Parcel No. 21-01-228-015

Property Address: 4186 S. Main Street

Millcreek, UT 84107

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RECORDING REQUESTED BY: Mountain West REIT, LLC c/o Taylor Derrick Capital, LLC 2298 W. Horizon Ridge Pkwy #213 Henderson, NV 89052 Loan # 946

APN: 21-01-228-015

# MODIFICATION OF DEED OF TRUST, ASSIGNMENT OF LEASES AND RENTS, SECURITY AGREEMENT, AND FIXTURE FILING

THIS MODIFICATION OF DEED OF TRUST dated August 26, 2022, is made and executed between **MILLCREEK OG**, **LLC**, a Utah limited liability company (the "Trustor" or "Borrower") and **MOUNTAIN WEST REIT**, **LLC**, a Delaware limited liability company, whose address is 357 West 200 South #200, Salt Lake City, UT 84101 ("Lender").

Lender and Trustor have entered into a Construction Deed of Trust, Security Agreement, Assignment of Leases and Rents and Fixture Filing dated April 30, 2021 and recorded in the office of the Salt Lake County Recorder on May 5, 2021 as Entry Number 13654444 in Book 11169 at Page 7221-7259 (the "Deed of Trust").

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

SEE SCHEDULE A ATTACHED HERETO AND MADE A PART HEREOF.

MODIFICATION. Lender and Borrower hereby modify the Deed of Trust to increase the secured amount of said Deed of Trust to THIRTY TWO MILLION DOLLARS (\$32,000,000.00).

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 Secured Promissory Note 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

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accommodation parties, unless a party is expressly released by Lender in writing. Any maker or endorser, including accommodation makers, if any, shall not be released by virtue of this Modification.

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 26, 2022.

## LENDER:

| THE CANALANA WELL IN THE LITTLE CONTRACTOR OF | <b>MOUNT</b> | IN | <b>WEST</b> | REIT. | L | LC |
|---|--------------|----|-------------|-------|---|----|
|---|--------------|----|-------------|-------|---|----|

a Delaware limited liability company

By Andrew Menlove, Authorized Agent

STATE OF NV } ss. COUNTY OF Clase

The foregoing instrument was ACKNOWLEDGED before me on this 25<sup>th</sup> day of August, 2022, by Andrew Menlove, Authorized Agent of Mountain West REIT, LLC, a Delaware limited liability company.

Notary Public

ALISHA METZKER
Notary Public-State of Nevada
APPT. NO. 22-7155-01
My Appt. Expires 01-13-2026

| BORROWER:                                      |   |
|--|---|
| MILLCREEK OG, L<br>A Utah limited liability    |   |
| By: Micah W. Peters<br>Its: Manager/sole Mem   | ber   |
| State of Utah                                  | )<br>:ss  |
| County of Salt Lake                            | )   |
| basis of satisfactory ev                       | efore me personally appeared Micah W. Peters, who proved to me on the ridence to be the person(s) whose name(s) is/are subscribed to the within redged to me that he executed the same in his individual capacity and ir ed capacity. |
| I certify under PENAL paragraph is true and co | TY OF PERJURY under the laws of the State of Utah that the foregoing prrect.  |
| WITNESS my hand and                            | d official seal.  |
| Signature                                      | (Seal)  |

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### SCHEDULE A

A parcel of land situated in the Northeast quarter of Section 1, Township 2 South, Range 1 West, Salt Lake Base and Meridian, Salt Lake County, Utah, more particularly described as follows:

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Note: Parcel No. 21-01-228-015

Property Address: 4186 S. Main Street

Millcreek, UT 84107

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