

14023308 B: 11376 P: 1858 Total Pages: 11  
09/30/2022 08:21 AM By: CSelman Fees: \$40.00  
Rashelle Hobbs, Recorder, Salt Lake County, Utah  
Return To: FIRST AMERICAN TITLE INSURANCE COMPANY NCS NEV  
666 3RD AVE FL 5NEW YORK, NY 100174126

Tax Serial Number:  
16-05-330-009-0000; 16-05-330-010-0000

RECORDATION REQUESTED BY:  
Zions Bancorporation, N.A. dba Zions First National Bank  
Commercial Real Estate Region Capital/South Davis  
125 West 10600 South  
Sandy, UT 84070

WHEN RECORDED MAIL TO:  
Zions Bancorporation, N.A. dba Zions First National Bank  
Enterprise Loan Operations, UT ZTC4 1880  
PO Box 25007  
Salt Lake City, UT 84125-0007

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FOR RECORDER'S USE ONLY

## MODIFICATION OF DEED OF TRUST

THIS MODIFICATION OF DEED OF TRUST dated September 15, 2022, is made and executed between MFJF Salt Lake LLC, a Utah limited liability company, an undivided 52.66% tenancy-in common interest, whose address is c/o RD Management, 810 7th Avenue, 10th Floor, New York, NY 10019 and RB Salt Lake LLC, a Utah limited liability company, an undivided 47.34% tenancy-in common interest, whose address is c/o RD Management, 810 7th Avenue, 10th Floor, New York, NY 10019 ("Trustor") and Zions Bancorporation, N.A. dba Zions First National Bank, whose address is Commercial Real Estate Region Capital/South Davis, 125 West 10600 South, Sandy, UT 84070 ("Lender").

DEED OF TRUST. Lender and Trustor have entered into a Deed of Trust dated August 28, 2014 (the "Deed of Trust") which has been recorded in Salt Lake County, State of Utah, as follows:

Recorded September 8, 2014 as Entry No. 11909666, as modified.

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

See the exhibit or other description document which is attached to this Modification and made a part of this Modification as if fully set forth herein.

## MODIFICATION OF DEED OF TRUST

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The Real Property or its address is commonly known as 410 South 900 East, Salt Lake City, UT 84102. The Real Property tax identification number is 16-05-330-009-0000; 16-05-330-010-0000.

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

**Borrower and Lender agree that the Deed of Trust dated August 28, 2014 shall be modified as follows:**

1) The property vesting is hereby amended and restated as follows:

MFJF Salt Lake LLC, a limited liability company, an undivided 52.66% tenancy-in common interest; and RB Salt Lake LLC, a limited liability company, an undivided 47.34% tenancy-in common interest

2) The Section in the Deed of Trust entitled "**Borrower**" is hereby amended and restated as follows:

**Borrower.** The word "Borrower" means MFJF Salt Lake LLC and RB Salt Lake LLC and includes all co-signed and co-makers signing the Note and all their successors and assigns.

3) The Section in the Deed of Trust entitled "**Trustor**" is hereby amended and restated as follows:

**Trustor.** The word "Trustor" means MFJF Salt Lake LLC and RB Salt Lake LLC.

**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.

**DOCUMENT IMAGING.** Lender shall be entitled, in its sole discretion, to image or make copies of all or any selection of the agreements, instruments, documents, and items and records governing, arising from or relating to any of Borrower's loans, including, without limitation, this document and the Related Documents, and Lender may destroy or archive the paper originals. The parties hereto (i) waive any right to insist or require that Lender produce paper originals, (ii) agree that such images shall be accorded the same force and effect as the paper originals, (iii) agree that Lender is entitled to use such images in lieu of destroyed or archived originals for any purpose, including as admissible evidence in any demand, presentment or other proceedings, and (iv) further agree that any executed facsimile (faxed), scanned, or other imaged copy of this document or any Related Document shall be deemed to be of the same force and effect as the original manually executed document.

**MODIFICATION OF DEED OF TRUST**

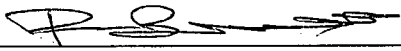
CL Transaction No: ZFN-3345390-M (Continued)

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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 SEPTEMBER 15, 2022.

TRUSTOR:

MFJF SALT LAKE LLC

By:   
Richard Birdoff, Manager of MFJF Salt Lake LLC

By: \_\_\_\_\_  
Joseph Lipari, Manager of MFJF Salt Lake LLC

By: ~~~~  
~~Robert P Murray, Manager of MFJF Salt Lake LLC~~

RB SALT LAKE LLC

By:   
Richard Birdoff, Manager of RB Salt Lake LLC

LENDER:

ZIONS BANCORPORATION, N.A. DBA ZIONS FIRST NATIONAL BANK

X \_\_\_\_\_  
Authorized Officer

**MODIFICATION OF DEED OF TRUST**

CL Transaction No: ZFN-3345390-M (Continued)

Page 3

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**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 SEPTEMBER 15, 2022.**

**TRUSTOR:**

**MFJF SALT LAKE LLC**

By: \_\_\_\_\_  
Richard Birdoff, Manager of MFJF Salt Lake LLC

By:  \_\_\_\_\_  
Joseph Lipari, Manager of MFJF Salt Lake LLC

**RB SALT LAKE LLC**

By: \_\_\_\_\_  
Richard Birdoff, Manager of RB Salt Lake LLC

**LENDER:**

**ZIONS BANCORPORATION, N.A. DBA ZIONS FIRST NATIONAL BANK**

X \_\_\_\_\_  
Authorized Officer

**MODIFICATION OF DEED OF TRUST**

CL Transaction No: ZFN-3345390-M (Continued)

Page 3

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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 SEPTEMBER 15, 2022.

TRUSTOR:

MFJF SALT LAKE LLC

By: \_\_\_\_\_  
Richard Birdoff, Manager of MFJF Salt Lake LLC

By: \_\_\_\_\_  
Joseph Lipari, Manager of MFJF Salt Lake LLC

By: \_\_\_\_\_  
~~Robert R Murray, Manager of MFJF Salt Lake LLC~~

RB SALT LAKE LLC

By: \_\_\_\_\_  
Richard Birdoff, Manager of RB Salt Lake LLC

LENDER:

ZIONS BANCORPORATION, N.A. DBA ZIONS FIRST NATIONAL BANK

x John L. Bergstedt  
Authorized Officer

MODIFICATION OF DEED OF TRUST

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LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF New York )  
 ) SS  
COUNTY OF Kings )

On this 28th day of September, 20 22, before me, the undersigned Notary Public, personally appeared **Richard Birdoff, Manager of MFJF Salt Lake LLC**, and known to me to be a member or designated agent of the limited liability company that executed the Modification of Deed of Trust and acknowledged the Modification to be the free and voluntary act and deed of the limited liability company, by authority of statute, its articles of organization or its operating agreement, for the uses and purposes therein mentioned, and on oath stated that he or she is authorized to execute this Modification and in fact executed the Modification on behalf of the limited liability company.

By Donna J Phillips-Status

Residing at Brooklyn NY

Notary Public in and for the State of NY

My commission expires Donna J. Phillips-Status  
**Notary Public, State of New York**  
**01PH4919935**  
**Qualified in Kings County**  
**Certificate Filed in New York County**  
**Commission Expires Feb. 28, 2026**

**MODIFICATION OF DEED OF TRUST**

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**LIMITED LIABILITY COMPANY ACKNOWLEDGMENT**

STATE OF New York )  
 ) SS  
COUNTY OF Kings )

On this 28th day of September, 2022, before me, the undersigned Notary Public, personally appeared **Richard Birdoff, Manager of RB Salt Lake LLC**, and known to me to be a member or designated agent of the limited liability company that executed the Modification of Deed of Trust and acknowledged the Modification to be the free and voluntary act and deed of the limited liability company, by authority of statute, its articles of organization or its operating agreement, for the uses and purposes therein mentioned, and on oath stated that he or she is authorized to execute this Modification and in fact executed the Modification on behalf of the limited liability company.

By Donna J Phillips-Slatus  
Notary Public in and for the State of

Residing at Brooklyn, NY

My commission expires Donna J. Phillips-Slatus  
Notary Public, State of New York  
01PH4919935  
Qualified in Kings County  
Certificate Filed in New York County  
Commission Expires Feb. 28, 2026

**MODIFICATION OF DEED OF TRUST**

CL Transaction No: ZFN-3345390-M (Continued)

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**LIMITED LIABILITY COMPANY ACKNOWLEDGMENT**

STATE OF New York )  
 ) SS  
COUNTY OF Kings )

On this 28<sup>th</sup> day of September, 20 22, before me, the undersigned Notary Public, personally appeared **Joseph Lipari, Manager of MFJF Salt Lake LLC**, and known to me to be a member or designated agent of the limited liability company that executed the Modification of Deed of Trust and acknowledged the Modification to be the free and voluntary act and deed of the limited liability company, by authority of statute, its articles of organization or its operating agreement, for the uses and purposes therein mentioned, and on oath stated that he or she is authorized to execute this Modification and in fact executed the Modification on behalf of the limited liability company.

By Donna J Phillips-Slatus

Residing at Brooklyn, NY

Notary Public in and for the State of NY

My commission expires Feb 28, 2026

**Donna J. Phillips-Slatus**  
**Notary Public, State of New York**  
**01PH4919935**  
**Qualified in Kings County**  
**Certificate Filed in New York County**  
**Commission Expires Feb. 28, 2026**



MODIFICATION OF DEED OF TRUST

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LENDER ACKNOWLEDGMENT

STATE OF Utah )
COUNTY OF Salt Lake ) SS

On this 27 day of September, 20 22, before me, the undersigned Notary Public, personally appeared John Bergstedt and known to me to be the Senior Vice President, authorized agent for Zions Bancorporation, N.A. dba Zions First National Bank that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of Zions Bancorporation, N.A. dba Zions First National Bank, duly authorized by Zions Bancorporation, N.A. dba Zions First National Bank 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 in fact executed this said instrument on behalf of Zions Bancorporation, N.A. dba Zions First National Bank.

By [Signature] Residing at Salt Lake
Notary Public in and for the State of Utah My commission expires 1/9/2023

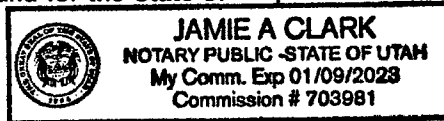


EXHIBIT A  
Legal Description

PARCEL 1:

THE NORTH 160 FEET OF LOT 6, EXCEPT THE NORTH 90 FEET OF THE EAST 85 FEET THEREOF, AND THE NORTH 160 FEET OF THE EAST 77.5 FEET OF LOT 5, BLOCK 30, PLAT "B", SALT LAKE CITY SURVEY IN THE CITY AND COUNTY OF SALT LAKE, STATE OF UTAH.

LESS AND EXCEPTING FROM PARCEL 1 THAT PORTION OF SUBJECT PROPERTY CONVEYED TO UTAH TRANSIT AUTHORITY, A PUBLIC TRANSIT DISTRICT, BY THAT CERTAIN SPECIAL WARRANTY DEED RECORDED DECEMBER 21, 2001 AS ENTRY NO. 8099008 IN BOOK 8544 AT PAGE 6764 OF OFFICIAL RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF LOT 6, BLOCK 30, PLAT "B", SALT LAKE CITY SURVEY, SAID POINT BEING SOUTH 89° 58' 06" WEST 130.45 FEET FROM THE NORTHEAST CORNER OF SAID LOT 6 AND RUNNING SOUTH 61° 53' 52" WEST 8.28 FEET; THENCE SOUTH 89° 58' 06" WEST 5.70 FEET; THENCE SOUTH 0° 01' 50" EAST 6.00 FEET; THENCE SOUTH 89° 58' 06" WEST 10.88 FEET; THENCE NORTH 0° 01' 50" WEST 6.00 FEET; THENCE SOUTH 89° 58' 06" WEST 75.14 FEET; THENCE NORTH 61° 57' 28" WEST 8.27 FEET TO THE NORTH LINE OF LOT 6; THENCE NORTH 89° 58' 06" EAST 106.32 FEET ALONG THE NORTH LINE OF SAID LOT 6 TO THE POINT OF BEGINNING.

BASIS OF BEARING IS THE SALT LAKE CITY MONUMENTS ON 400 SOUTH STREET AT 800 EAST STREET AND 900 EAST STREET.

PARCEL 2:

THE SOUTH 5 FEET OF LOT 6 AND THE SOUTH 5 FEET OF THE EAST 77.5 FEET OF LOT 5, BLOCK 30, PLAT "B", SALT LAKE CITY SURVEY IN THE CITY AND COUNTY OF SALT LAKE, STATE OF UTAH.

PARCEL 3:

BEGINNING AT THE NORTHEAST CORNER OF LOT 7, BLOCK 30, PLAT "B", SALT LAKE CITY SURVEY, AND RUNNING THENCE SOUTH 33 FEET; THENCE WEST 120.5 FEET; THENCE SOUTH 2 FEET; THENCE WEST 143 FEET; THENCE NORTH 45° WEST 49.5 FEET; THENCE EAST 298.5 FEET TO THE POINT OF BEGINNING.

PARCEL 4:

A RIGHT OF WAY FOR RETAINING WALL FOOTINGS OVER, ACROSS OR UNDER THE FOLLOWING DESCRIBED PROPERTY:

BEGINNING AT A POINT 33 FEET SOUTH OF THE NORTHEAST CORNER OF LOT 7, BLOCK 30, PLAT "B", SALT LAKE CITY SURVEY, AND RUNNING THENCE SOUTH 2 FEET; THENCE WEST 120.5 FEET; THENCE NORTH 2 FEET; THENCE EAST 120.5 FEET TO THE POINT OF BEGINNING.

PARCEL 5:

THE WEST 50 FEET OF THE EAST 127.5 FEET OF LOT 5, BLOCK 30, PLAT "B", SALT LAKE CITY SURVEY, ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SALT LAKE COUNTY, STATE OF UTAH.

EXHIBIT A – Legal Description Continued

PARCEL 6 (PARKING LOT):

THE NORTH 90 FEET OF THE EAST 85 FEET OF LOT 6, BLOCK 30, PLAT "B", SALT LAKE CITY SURVEY IN THE CITY AND COUNTY OF SALT LAKE, STATE OF UTAH.

~~When Recorded Return To:~~  
First American Title Insurance Company  
National Commercial Services  
666 Third Avenue  
New York, NY 10017  
File No: NCS 688076D