

Trustee's Deed Page 1 of 5

Gary Christensen Washington County Recorder
09/11/2023 04:34:15 PM Fee \$40.00 By SNOW,
CHRISTENSEN & MARTINEAU

Recorded at the Request of:

E. Scott Averkamp, Esq.
Snow-Christensen & Martineau, PC
555 South Bluff Street, Suite 301
St. George, Utah 84770

After Recording, Mail Tax Notice to:

Miller Bates, LLC
1245 E. Brickyard Road, Suite 230
Salt Lake City, UT 84106

Tax Parcels: W-5-3-2-246, W-5-3-2-247, W-5-3-2-249**TRUSTEE'S DEED**

THIS DEED is made by E. Scott Averkamp, also known as Scott Averkamp, a member of the Utah State Bar and Successor Trustee, as Grantor, and Miller Bates, LLC, a Utah limited liability company, as Grantee.

In consideration of Eight Million One Hundred Fifty Thousand Three Hundred Five Dollars and 56/100 (\$8,150,305.56) and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, the Successor Trustee and Grantor hereunder hereby conveys, without warranty express or implied, to Grantee, the following described real property in Washington County, State of Utah, and more particularly described as follows:

SEE ATTACHED EXHIBIT A

RECITALS

THIS CONVEYANCE is made pursuant to the powers conferred on Grantor by that certain Deed of Trust, Assignment of Rents, Security Agreement and Fixture Filing ("Deed of Trust") executed by TC SMITH, LLC, a Utah limited liability company, as Trustor, in favor of Miller Bates, LLC, a Utah limited liability company, as Beneficiary, recorded May 27, 2022 as Document No. 20220028589 in the official records of Washington County and any modifications thereto; conveying the property described above as security for a Note and other obligations as set forth in the Deed of Trust, and by that certain Substitution of Trustee dated the 17th day of July, 2023, executed by Melissa Miller, Manager of Miller Bates, LLC, the Beneficiary under the Deed of Trust, which was recorded on August 31, 2023, as Document No. 20230026255 of the official records of Washington County, State of Utah.

THIS CONVEYANCE is made upon the satisfaction of the following terms and conditions specified in said Deed of Trust and, also, by the laws of the State of Utah, as follows:

1. Breach and default occurred under the provisions of the Deed of Trust in the

manner set forth in the Notice of Default referred to below, such default continuing until time of sale.

2. Miller Bates, LLC, Beneficiary and holder of the Note secured by said Deed of Trust caused Bryan M. Scott, a member of the Utah State Bar and the Successor Trustee under a Substitution of Trustee, dated March 17, 2023, which was recorded on March 27, 2023, as Document No. 20230008138 of the official records of Washington County, State of Utah, to execute a Notice of Default and Election to Sell, which Notice was duly recorded March 27, 2023 as Document No. 20230008139 in the official records of Washington County, State of Utah.

3. Not later than ten (10) days after said Notice of Default was recorded, the Successor Trustee provided notice of the default to the Trustor and to all who properly filed for record a Request for Notice.

4. The Successor Trustee directed posting of a Notice of Trustee's Sale declaring that the time and place of sale would be September 7, 2023 at 10:30 a.m., and particularly describing the property and setting out the conditions of sale and gave such notice of sale in the manner required by Utah Code Ann. Sections 57-1-19 through 57-1-36, as amended:

a. By posting such Notice at least twenty (20) days prior to the date of sale in a conspicuous place on the property to be sold and at the office of the county recorder of each county in which the trust property, or some part of it is located.

b. By publishing such Notice in *The Spectrum* and utahlegals.com, newspapers of general circulation in Washington County, three (3) times, once a week for three (3) consecutive weeks, August 6, 13, and 20, 2023, the last publication occurring at least ten (10) days and not more than thirty (30) days prior to the date of sale.

c. By mailing copies of such Notice, at least twenty (20) days prior to sale, to those having the right to receive a copy under the Deed of Trust and by law, including the Trustor thereunder.

5. At the time and place of sale, the Successor Trustee duly sold at public auction to Miller Bates, LLC, a Utah limited liability company, the highest bidder, the above-described property for the bid price, which has been received by the Successor Trustee and applied on the obligation secured, as required by law and the provisions of the Deed of Trust.

6. The sale was conducted in the manner required by Utah Code Ann. Sections 57-1-25 through 57-1-36, as amended.

Dated this 11 day of September 2023.



E. Scott Averkamp
Successor Trustee and Grantor

STATE OF UTAH

COUNTY OF WASHINGTON

On this 11th day of September 2023, before me personally appeared E. Scott Awerkamp, also known as Scott Awerkamp, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is signed on the preceding document, and acknowledged before me that he signed it voluntarily for its stated purpose.

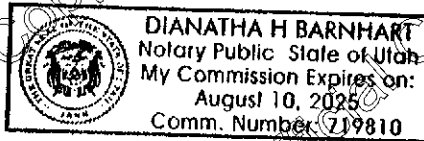
Dianatha H. Barnhart
NOTARY PUBLIC

Exhibit "A"
Property Description

PARCEL 1:

Beginning at a point that lies South 01°03'08" West along the section line 1028.88 feet and West 1437.50 feet from the East Quarter Corner of Section 2, Township 43 South, Range 15 West, Salt Lake Base and Meridian and running thence North 89°15'33" West 778.85 feet; thence South 00°44'27" West 3.95 feet; thence North 89°17'27" West 98.12 feet; thence North 00°44'27" East 410.00 feet; thence South 89°15'33" East 97.71 feet; thence northwesterly along a 125.00 foot radius non-tangent curve to the left, (long chord bears North 21°35'33" West a distance of 76.01 feet), center point lies South 86°06'31" West through a central angle of 35°24'07", a distance of 77.24 feet; thence northwesterly along a 175.00 foot radius reverse curve to the right, (long chord bears North 30°25'09" West a distance of 53.99 feet), center point lies North 50°42'23" East through a central angle of 17°44'56", a distance of 54.21 feet; thence easterly along a 730.00 foot radius non-tangent curve to the right, (long chord bears North 77°36'40" East a distance of 331.19 feet), center point lies South 25°30'00" East through a central angle of 26°13'21", a distance of 334.10 feet; thence South 89°16'40" East 464.70 feet; thence South 00°44'27" West 398.84 feet; thence southerly along a 430.00 foot radius curve to the left, (long chord bears South 13°02'49" East a distance of 204.96 feet), center point lies South 89°15'33" East through a central angle of 27°34'32", a distance of 206.95 feet; to the point of beginning.

(Proposed Finley Farms Phase 3) (labeled as such for reference purposes)

PARCEL 2:

Beginning at a point that lies South 01°03'08" West along the section line 433.79 feet and West 1212.55 feet from the East Quarter Corner of Section 2, Township 43 South, Range 15 West, Salt Lake Base and Meridian and running thence South 00°44'33" West 360.67 feet; thence southerly along a 150.00 foot radius curve to the left, (long chord bears South 18°45'05" East a distance of 100.11 feet), center point lies South 89°15'27" East through a central angle of 38°59'16", a distance of 102.07 feet; thence South 38°14'43" East 124.23 feet; thence South 51°45'17" West 224.80 feet; thence southwesterly along a 345.00 foot radius non-tangent curve to the left, (long chord bears South 45°55'53" West a distance of 68.69 feet), center point lies South 38°21'20" East through a central angle of 11°25'34", a distance of 68.80 feet; thence North 44°47'35" West 50.87 feet; thence northwesterly along a 430.00 foot radius curve to the right, (long chord bears North 22°01'34" West a distance of 332.81 feet), center point lies North 45°12'25" East through a central angle of 45°32'03", a distance of 341.73 feet; thence North 00°44'27" East 398.84 feet; thence South 89°16'40" East 277.01 feet, to the point of beginning.

(Proposed Finley Farms Phase 5) (labeled as such for reference purposes)

PARCEL 3:

Beginning at a point on the Southerly boundary of the crimson fields - Phase 4 Subdivision, as

recorded and on file with the Washington County recorder's office, said point being South $01^{\circ}03'06''$ West along the quarter section line and subdivision boundary, a distance of 451.503 feet and South $89^{\circ}18'26''$ East along said subdivision boundary, a distance of 394.171 feet from the center quarter corner of Section 2, Township 43 South, Range 15 West, Salt Lake Base & Meridian, (Basis of bearing being South $89^{\circ}14'29''$ East between the center quarter corner and the east quarter corner of said section 2), and running thence south $89^{\circ}18'26''$ East along the boundary of said Crimson Fields - Phase 4 Subdivision and the Southerly boundary of the Crimson Fields - Phase 5 Subdivision, as recorded and on file with the Washington county recorders office, a distance of 310.383 feet to a point on the arc of a non-tangent curve, (radius point bears south $00^{\circ}41'34''$ West); thence along the arc of a 730.000 foot radius curve to the left, through a central angle of $24^{\circ}14'01''$, a distance of 308.757 feet to a point on the arc of a non-tangent curve, (radius point bears North $68^{\circ}48'34''$ East); thence along the arc of a 150.000 foot radius curve to the right, through a central angle of $22^{\circ}18'40''$, a distance of 58.411 feet; thence North $01^{\circ}07'15''$ East 7.300 feet to the point of beginning.