



\*W2718945\*

When recorded, return to:  
Holland & Hart, LLP  
222 South Main  
Suite 2200  
Salt Lake City, Utah 84101  
Attention: Carl W. Barton

E# 2718945 PG 1 OF 7  
Leann H. Kilts, WEBER COUNTY RECORDER  
22-Jan-15 0332 PM FEE \$28.00 DEP SY  
REC FOR: HOLLAND & HART LLP - SLC  
ELECTRONICALLY RECORDED

**AMENDMENT TO DEED OF TRUST, SECURITY AGREEMENT, ASSIGNMENT OF RENTS AND LEASES AND FIXTURE FILING**

THIS AMENDMENT TO DEED OF TRUST, SECURITY AGREEMENT, ASSIGNMENT OF RENTS AND LEASES AND FIXTURE FILING (this "Amendment") is entered into as of the 15 day of December, 2014, between SKYLINE MOUNTAIN BASE, LLC, a Utah limited liability company ("Trustor"), and SOCIETE DES RECHERCHES, D'ETUDES ET DE PARTICIPATIONS, SAS, formed under the law of France ("Beneficiary").

Recitals:

A. As of January 15, 2014, Trustor executed that certain Secured Promissory Note in the face amount of \$3,250,000, payable to the order of Beneficiary (the "Note"). Concurrently herewith, Trustor and Beneficiary are amending the Note to increase the amount due thereunder from \$3,250,000.00 to \$3,750,000.00, without other changes.

B. Repayment of the Note is secured by that certain Deed of Trust, Security Agreement, Assignment of Rents and Leases and Fixture Filing, dated as of January 15, 2014, executed and delivered by Trustor for the benefit of Beneficiary and recorded in the real estate records of the Recorder of Weber County, Utah, on January 15, 2014, as Entry No. 2671751 (the "Deed of Trust"), encumbering certain real property described in Exhibit A to the Deed of Trust and all improvements thereon and personal property related thereto (the "Property"). Any capitalized terms used in this Amendment and not otherwise defined herein shall have the meanings assigned to such terms in the Deed of Trust.

C. Trustor and Beneficiary desire to amend the Deed of Trust to amend the amount due under the Note, as set forth above.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Incorporation of Recitals. The Recitals set forth above are hereby incorporated into and made a part of this Amendment.

2. Amendment to Note. The Deed of Trust is hereby amended, so that all references therein to the amount of the Note are hereby increased from \$3,250,000.00 to \$3,750,000.00.



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2. Amendment to Note. The Deed of Trust is hereby amended, so that all references therein to the amount of the Note are hereby increased from \$3,250,000.00 to \$3,750,000.00.

3. No Other Modifications. Except as expressly modified by this Amendment or by the other documents executed by Beneficiary and Trustor in connection with this Amendment, the Deed of Trust remains unchanged and in full force and effect in accordance with its terms. In the event of any inconsistency between this Amendment and the Deed of Trust, this Amendment shall control. Further, Trustor and Beneficiary intend that the priority of the lien of the Deed of Trust shall remain unaffected and unchanged by this Amendment and by the amendment to the Note described above.

4. Counterparts. This Amendment may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

*[Signatures appear on the following page]*

3. No Other Modifications. Except as expressly modified by this Amendment or by the other documents executed by Beneficiary and Trustor in connection with this Amendment, the Deed of Trust remains unchanged and in full force and effect in accordance with its terms. In the event of any inconsistency between this Amendment and the Deed of Trust, this Amendment shall control. Further, Trustor and Beneficiary intend that the priority of the lien of the Deed of Trust shall remain unaffected and unchanged by this Amendment and by the amendment to the Note described above.

4. Counterparts. This Amendment may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

*[Signatures appear on the following page]*



IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the date first written above.

**TRUSTOR:**

SKYLINE MOUNTAIN BASE, LLC,  
a Utah limited liability company

By: [Signature]  
Name: Joshua Richards  
Title: President

STATE OF UTAH )  
COUNTY OF Salt Lake ) ss.

The foregoing instrument was acknowledged before me this 21 day of January, 2015, by Joshua Richards, as President of Skyline Mountain Base, LLC, a Utah limited liability company.



[Signature]  
Notary Public  
Residing at: Salt Lake City

My commission expires:  
8/19/2017

**BENEFICIARY:**

SOCIETE DES RECHERCHES, D'ETUDES ET DE PARTICIPATIONS, SAS, formed under the law of France

By: [Signature]  
Name: Giocanti  
Title: President

STATE OF UTAH )  
COUNTY OF Salt Lake ) ss:

The foregoing instrument was acknowledged before me this 21 day of January, 2015, by Francois Giocanti, as President of SOCIETE DES RECHERCHES, D'ETUDES ET DE PARTICIPATIONS, SAS, formed under the law of France.



[Signature]  
Notary Public  
Residing at: Salt Lake City

My commission expires:  
8/19/2017

**BENEFICIARY:**

SOCIETE DES RECHERCHES, D'ETUDES ET DE PARTICIPATIONS, SAS, formed under the law of France

By: [Signature]  
Name: GIOLANTI  
Title: President

STATE OF UTAH )  
COUNTY OF Salt Lake ) ss.

The foregoing instrument was acknowledged before me this 21 day of January, 2015, by Francois Giolanti, as President of SOCIETE DES RECHERCHES, D'ETUDES ET DE PARTICIPATIONS, SAS, formed under the law of France.



[Signature]  
Notary Public  
Residing at: Salt Lake City

My commission expires:  
8/19/2017



## EXHIBIT "A"

## (Legal Description of the Property)

That certain real property located in the Weber County, State of Utah, more particularly described as follows:

## PARCEL 1:

Part of Sections 29 and 32, Township 7 North, Range 1 East, Salt Lake Base and Meridian, U.S. Survey: Beginning 376.60 feet West from the Northeast corner of SILVER BELL ESTATES NO. 2, and running thence South  $61^{\circ}45'23''$  West 401.29 feet; thence North  $5^{\circ}00'$  West 785.77 feet; thence East 281.86 feet; thence South 592.86 feet; thence East 140.39 feet to the point of beginning.

22-023-0019 v SpH

## PARCEL 2:

Part of the Southeast quarter of the Southwest quarter of Section 29, Township 7 North, Range 1 East, Salt Lake Base and Meridian, U.S. Survey: Beginning at a point 1355.28 feet East and 1258 feet South of the Northwest corner of said quarter quarter section; thence East 765.00 feet along the North line of said quarter quarter section to the Northwest corner of Parcel 22-023-0086 and the Nordic Valley Sewer Improvement District Line; thence South 567.14 feet, more or less, along said parcel to the Northeasterly corner of Parcel 22-023-0019; thence along said parcel the following 2 calls: West 281.86 feet and South  $5^{\circ}00'$  East 746.92 feet, more or less, to the South line of said quarter section; thence West 570.00 feet, more or less, along said line to the Southeast corner of Parcel 22-023-0045 and the Southwest corner of the Southeast quarter of the Southwest quarter of said Section 29; thence along said parcel the following 2 calls: North 1290 feet and Northeasterly 30 feet, more or less, to the point of beginning.

22-023-0020 v SpH

## PARCEL 3:

The East  $\frac{1}{2}$  of the Southwest quarter of the Southwest quarter of Section 29, Township 7 North, Range 1 East, Salt Lake Base and Meridian, U.S. Survey: Also: Part of the Southeast quarter of the Southwest quarter of Section 29, Township 7 North, Range 1 East, Salt Lake Base and Meridian, U.S. Survey: Beginning at the Northwest corner of the Southeast quarter of the Southwest quarter of said Section 29, and running thence East 30 feet; thence Southwesterly to a point 30 feet South from the place of beginning; thence North 30 feet to the place of beginning.

22-023-0045 v SpH

## PARCEL 4:

Part of the South  $\frac{1}{2}$  of Section 29 and a part of the North  $\frac{1}{2}$  of Section 32, Township 7 North, Range 1 East, Salt Lake Base and Meridian, U.S. Survey: Beginning at a point 50 feet East of the

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*22-023-0019 - SpH*

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*22-023-0020 - SpH*

## PARCEL 3:

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*22-023-0045 - SpH*

## PARCEL 4:

Part of the South  $\frac{1}{2}$  of Section 29 and a part of the North  $\frac{1}{2}$  of Section 32, Township 7 North, Range 1 East, Salt Lake Base and Meridian, U.S. Survey: Beginning at a point 50 feet East of the

Northeast corner of Lot 102, SILVER BELL ESTATES NO. 2 in Weber County, Utah, and running thence East 8 Feet; Thence North  $0^{\circ}57'41''$  East along the East right of way line of 3500 East Street 468.81 feet; thence South  $52^{\circ}27'$  East 464.33 feet; thence South  $13^{\circ}35'$  West 288 feet; thence South  $73^{\circ}05'$  West 256.02 feet to the Easterly line of 3500 East Street; thence Northerly along the arc of a 106.24 foot radius curve to the left for a distance of 4.51 feet; thence Northerly along the arc of a 125 foot radius curve to the right for a distance of 128.68 feet; thence North 59.09 feet to the point of beginning. 22-023-0060 ✓ NP

PARCEL 5:

Part of the Southwest quarter of Section 29, Township 7 North, Range 1 East, Salt Lake Base and Meridian, U.S. Survey: Beginning 20 feet North and 50 feet West of the Northeast corner of SILVER BELL ESTATES NO. 2; running thence North 1140 feet; thence West 467 feet; thence South 1160 feet; thence East 140.39 feet; thence North  $61^{\circ}45'23''$  East 41.85 feet; thence East 289.74 feet to the place of beginning. 22-023-0086 ✓ NP

PARCEL 6:

Part of Section 32, Township 7 North, Range 1 East, Salt Lake Base and Meridian, U.S. Survey: Beginning at a point South  $55^{\circ}$  West 111.01 feet from the most Northerly corner of Lot 99, SILVER BELL ESTATES NO. 2; running thence North  $35^{\circ}$  West 80 feet; thence North  $61^{\circ}45'23''$  East to North line of Section 32; thence West along section line to Northwest corner of said Section 32; thence South along section line to a point South  $55^{\circ}$  West from point of beginning; thence North  $55^{\circ}$  East 2300 feet more or less to point of beginning. 22-029-0006 ✓ NP

PARCEL 7:

Part of the Northwest quarter of Section 32, Township 7 North, Range 1 East, Salt Lake Base and Meridian: Beginning at a point South  $55^{\circ}$  West 111.01 feet from the most Northerly corner of Lot 99, SILVER BELL ESTATES NO. 2; thence South  $2^{\circ}$  East 987.74 feet; thence South  $35^{\circ}$  East 1736.47 feet; thence South  $56^{\circ}10'$  East 1014.59 feet; thence South  $71^{\circ}47'$  East 531.56 feet; thence South  $79^{\circ}$  East 50 feet; thence South  $11^{\circ}$  West 121.51 feet; thence along the arc of a 607.21 foot radius curve to the right for a length of 49.95 feet; thence South  $74^{\circ}17'13''$  East 239.89 feet to the West line of Lot 49, SILVER BELL ESTATES NO. 1; thence South  $20^{\circ}$  West to a point 140.39 feet North  $1^{\circ}$  East of the Southwest corner of said Lot 49; thence South  $1^{\circ}$  West 140.39 feet; thence South  $16^{\circ}$  West 134.78 feet; thence South  $29^{\circ}$  East 132.5 feet; thence South  $19^{\circ}$  West 96.54 feet; thence South  $9^{\circ}$  West 253.28 feet; thence South  $45^{\circ}$  West 140.34 feet; thence South  $8^{\circ}44'$  West 190.45 feet; thence South  $18^{\circ}$  West 114.38 feet; thence North  $73^{\circ}44'30''$  West 205.30 feet; thence South  $29^{\circ}15'$  West 140 feet; thence South  $37^{\circ}58'50''$  West 254.04 feet; thence South  $8^{\circ}42'$  West 60 feet; thence North  $83^{\circ}56'$  East 45.91 feet; thence South  $6^{\circ}04'$  East 50 feet; thence South  $83^{\circ}56'$  West 220.00 feet; thence South  $29^{\circ}05'51''$  West 234.61 feet to the South line of said Section 32; thence West along said South line 3530.89 feet, more or less, to the Southwest corner of said Section 32; thence North along the West line of said section to a point South  $55^{\circ}$  West from the point of beginning; thence North  $55^{\circ}$  East 2300 feet more or less to point of beginning.

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TAX SERIAL NOS. 22-023-0019, 22-023-0020, 22-023-0060, 22-023-0086, 22-029-0008, 22-029-0010 and 22-023-0045

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