

Ent 339554 Bk 0973 Pg 0748-0752  
ELIZABETH M PALMIER, Recorder  
WASATCH COUNTY CORPORATION  
2008 AUG 27 11:16am Fee 33.00 JP  
FOR LANDMARK TITLE COMPANY  
ELECTRONICALLY RECORDED

**RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:**

Wells Fargo Bank, National Association  
Real Estate Group, AU #07572  
1512 Eureka Road, Suite 350  
Roseville, CA 95661

Attn: Eileen V. Oquendo  
Loan #: 105820

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**MODIFICATION AGREEMENT  
AMENDING DEED OF TRUST WITH ABSOLUTE ASSIGNMENT OF LEASES AND  
RENTS, SECURITY AGREEMENT AND FIXTURE FILING**

BOYER HEBER CITY, L.C., a Utah limited liability company and BOYER HEBER LAND, L.C., a Utah limited liability company (collectively, "Trustor") and WELLS FARGO BANK, NATIONAL ASSOCIATION ("Beneficiary") hereby declare that by this instrument they amend that certain Construction Deed of Trust with Absolute Assignment of Leases and Rents, Security Agreement and Fixture Filing ("Deed of Trust") executed by Boyer Heber City, L.C., a Utah limited liability company and Boyer Heber Land, L.C., a Utah limited liability company, collectively, as Trustor, to Wells Fargo Bank, National Association, as Beneficiary, and recorded April 4, 2008, as Entry No. 334157, Book No. 963, Pages 2397-2425 in the Official Records of the County Recorder of Wasatch County, Utah.

The legal description attached as Exhibit A to the Deed of Trust is hereby replaced with the real property described in Exhibit A-1 attached hereto. This instrument may be executed in two or more counterparts, each of which shall be deemed to be an original and all of which together shall constitute one and the same instrument.


*[SIGNATURES ON FOLLOWING PAGE]*

Dated as of: August 19, 2008.

"TRUSTOR"


BOYER HEBER CITY, L.C.,  
a Utah limited liability company

By: THE BOYER COMPANY, L.C., a Utah limited  
liability company, Member and Manager

By , Manager

BOYER HEBER LAND, L.C.,  
a Utah limited liability company

By: THE BOYER COMPANY, L.C., a Utah limited  
liability company, Member and Manager

By , Manager

STATE OF UTAH )  
 ) ss.  
COUNTY OF SALT LAKE )

The foregoing instrument was acknowledged before me this 18 day of August, 2008, by H. Roger Bayer, Manager of THE BOYER COMPANY, L.C., a Utah limited liability company, Member and Manager of BOYER HEBER CITY, L.C., a Utah limited liability company.

Misty Landward  
NOTARY PUBLIC  
Residing at: Salt Lake

My commission expires:  
May 12, 2010



STATE OF UTAH )  
 ) ss.  
COUNTY OF Salt Lake )

The foregoing instrument was acknowledged before me this 19 day of August, 2008, by H. Roger Bayer, Manager of THE BOYER COMPANY, L.C., a Utah limited liability company, Member and Manager of BOYER HEBER LAND, L.C., a Utah limited liability company.

Misty Landward  
NOTARY PUBLIC  
Residing at: Salt Lake

My commission expires:  
May 12, 2010



"BENEFICIARY"

WELLS FARGO BANK,  
NATIONAL ASSOCIATION

By: *Ben Bliss*  
Benjamin E. Bliss, Assistant Vice President

STATE OF UTAH

)  
ss.

COUNTY OF SALT LAKE

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of Aug., 2008, by Benjamin E. Bliss, Assistant Vice President of Wells Fargo Bank, National Association.



*Tina Kennington*  
NOTARY PUBLIC  
Residing at: \_\_\_\_\_

My commission expires:

\_\_\_\_\_

**PROPERTY DESCRIPTION**

Exhibit A-1 to Modification Agreement Amending Deed of Trust dated as of August 19, 2008, between Boyer Heber City, L.C., a Utah limited liability company, and Boyer Heber Land, L.C., a Utah limited liability company, as Trustor, and Wells Fargo Bank, National Association, as Beneficiary.

All that certain real property located in the County of Wasatch, State of Utah, described as follows:

**PARCEL 1:**

Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 of VALLEY STATION SUBDIVISION, according to the official plat thereof and of record in the office of the Wasatch County Recorder.

**PARCEL 2 ("SOUTH PARCEL"):**

A part of the Northeast Quarter of Section 7, Township 4 South, Range 5 East, Salt Lake Base and Meridian, U.S. Survey in Wasatch County, Utah:

Beginning at a point on the Northwesterly line of U.S. Highway 189 located 512.74 feet South 0°06'02" East along the Section line, and 464.03 feet South 89°53'58" West from the Northeast corner of said Section 7, Township 4 South, Range 5 East, Salt Lake Base and Meridian, and running thence South 49°38'22" West 660.50 feet along said Northwesterly line of the Highway; thence North 40°21'38" West 183.83 feet; thence South 89°50'30" West 441.65 feet; thence North 5°48'02" East 208.06 feet; thence South 89°50'30" West 434.17 feet to a point on the Easterly line of Industrial Parkway as it exists at 33.00 foot half-width; thence North 40°26'01" West 124.78 feet along said Easterly line of Industrial Parkway to the Southerly line of the Heber City/Wasatch County Flood Control Parcel; thence along said Southerly line the following seven courses: North 89°49'46" East 1071.93 feet; South 89°33'36" East 288.00 feet; North 0°26'24" East 21.00 feet; South 89°33'36" East 52.00 feet; thence South 0°26'24" West 21.00 feet; thence South 89°33'36" East 136.82 feet and South 39°13'45" East 14.75 feet to the point of beginning.

**EXCEPTING FROM PARCEL 2 ABOVE** any portion within the bounds of Valley Station Subdivision according to the official plat thereof and of record in the office of the Wasatch County Recorder.

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[For reference only: Tax Serial Numbers: OHE-1568; OHE-1570; OHE-1570-1; OHE-1539; OHE-1537; OHE-1695; OHE-1348; OHE-1345; OHE-1347; OHE-1349; OHE-1349-1; OHE-1344-0; OHE-1344-1; OHE-1344-2 and OHE-1346; OWC-1572-B; OWC-1572-5; OWC-1572-6; OWC-1572-7; and OWC-1577-1]