

PREPARED BY AND UPON
RECORDATION RETURN TO:
U.S. Bank National Association
c/o Nik Muelleck
170 South Main Street, 6th Floor
Salt Lake City, Utah 84101
FDE REF: TAX PARCEL # 11-923-0008

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

THIS AMENDMENT TO CONSTRUCTION DEED OF TRUST, ASSIGNMENT OF LEASES AND RENTS, SECURITY AGREEMENT AND FIXTURE FILING (this "**Amendment**") is made as of this 9 day of January, 2024, by JF Parkway Partners QOZB, LLC, a Utah limited liability company ("**Trustor**"), for the benefit of U.S. BANK NATIONAL ASSOCIATION, a national banking association ("**Beneficiary**").

RECITALS

A. Trustor and Beneficiary are parties to that certain Construction Loan Agreement dated May 10, 2022 (as may be amended, restated or modified from time to time, the "**Loan Agreement**"). All capitalized terms used but not defined herein have the meanings ascribed to such terms in the Loan Agreement.

B. In conjunction with the Loan Agreement, Trustor executed in favor of Beneficiary that certain Promissory Note dated May 10, 2022 in the original maximum principal amount of \$40,300,000 (the "**Note**").

C. The Obligations owing to Beneficiary under the Loan Agreement, Note and other Loan Documents are secured by that certain Construction Deed of Trust, Assignment of Leases and Rents, Security Agreement and Fixture Filing, dated May 10, 2022, executed by Trustor in favor of Beneficiary, recorded in the Davis County Recorder's Office on May 10, 2022 as Entry No. 3475952, Book 8006, Pages 1264-1297 (the "**Deed of Trust**"), and affecting certain real property and improvements located in Davis County, State of Utah, the original legal description of which is attached hereto as **Exhibit A** (the "**Initial Legal Description**").

D. Trustor previously granted and conveyed to Layton City Corporation ("**Layton City**") a certain parcel of land adjacent to and/or nearby the Project (the "**Bridge Parcel**") pursuant to that certain Quit Claim Deed, executed by Trustor on January 18, 2022, and recorded with the Davis County Recorder's Office as Entry No. 3452391, Book 7933, Pages 190-193.

E. Layton City is constructing (or will construct) a pedestrian bridge on the Bridge Parcel, and in conjunction therewith Layton City is amending the official plat on file and of

record in the Davis County Recorder's Office as Entry No. 3235533, Book 7474, Page 347 (the "**Initial Plat**"), which Initial Plat affects the Bridge Parcel and Project.

F. On January 2, 2024, Layton City and/or other parties amended the Initial Plat by recording with the Davis County Recorder's Office that certain Layton Parkway North Subdivision 2nd Amendment (Amending Lot 1), Entry No. 3555893, Book 8409, Page 55 (the "**Amended Plat**").

G. The recording of the Amended Plat with the Davis County Recorder's Office caused a change in the legal description of the Land, Improvements and other Real Property (as such terms are defined in the Deed of Trust), which new legal description is attached hereto as **Exhibit B** (the "**New Legal Description**").

AMENDMENT

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

1. **Amendment to Legal Description.** The Initial Legal Description set forth in the Deed of Trust and attached hereto as **Exhibit A** is hereby amended and restated with the New Legal Description set forth on the attached **Exhibit B**.

2. **Ratification of Deed of Trust.** Except as modified by this Amendment, all terms, covenants and conditions set forth in the Deed of Trust, with all representations and warranties made therein, shall remain valid, effective and in force, and are hereby ratified and affirmed as of the date hereof. Nothing herein shall affect the validity, enforceability or priority of the original filing of the Deed of Trust.

[NO FURTHER TEXT ON THIS PAGE]

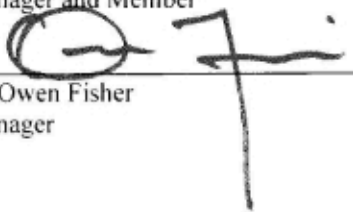
IN WITNESS WHEREOF, THIS AMENDMENT TO CONSTRUCTION DEED OF TRUST, ASSIGNMENT OF LEASES AND RENTS, SECURITY AGREEMENT AND FIXTURE FILING has been executed by Trustor as of the day and year first above written.

JF PARKWAY PARTNERS QOZB, LLC, a Utah limited liability company

By: JF OZ Fund I, LLC, a Utah LLC
Its: Manager and Member

By: JF OZ Manager, LLC, a Utah LLC
Its: Manager

By: J Fisher Companies, LLC, a Utah LLC
Its: Manager and Member

By: 
Name: Owen Fisher
Its: Manager

By: JF Parkway Partners QOF, LLC, a Utah LLC
Its: Manager and Member

By: JF Parkway Manager, LLC, a Utah LLC
Its: Manager

By: JF Development Group, LLC, a Utah LLC
Its: Manager and Member

By: J. Fisher Companies, LLC, a Utah LLC
Its: Manager

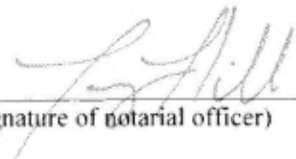
By: 
Name: Owen Fisher
Its: Manager

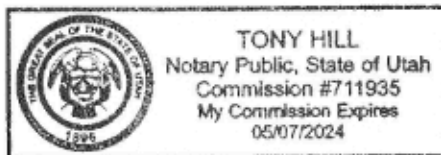
ACKNOWLEDGMENT

STATE OF UTAH)
) ss.
COUNTY OF DAVIS)

This instrument was acknowledged before me on this 9 day of JANUARY, 2024, by Owen Fisher, in his capacities set forth above.

(Stamp)


(Signature of notarial officer)



U.S. Bank National Association

By: [Signature]
Name: Nik Muelleck
Title: Senior Vice President

ACKNOWLEDGMENT

STATE OF UTAH)
COUNTY OF Salt Lake) ss.

This instrument was acknowledged before me on this 9 day of January 2024, by Nik Muelleck, in his capacity set forth above.

(Stamp)

[Signature]
(Signature of notarial officer)



EXHIBIT A

INITIAL LEGAL DESCRIPTION

PARCEL 1:

Lot 1, LAYTON PARKWAY NORTH SUBDIVISION, according to the official plat thereof on file and of record in the office of the Davis County Recorder, Utah recorded March 20, 2020 as Entry No. 3235533 in Book 7474 at Page 347.

LESS AND EXCEPTING THEREFROM the following:

A part of the Northwest quarter of Section 28, Township 4 North, Range 1 West, Salt Lake Base and Meridian, U.S. Survey, Layton City, Davis County, Utah:

A parcel of land being part of Lot 1, Layton Parkway North Subdivision recorded in the office of the Davis County Recorder on March 20, 2020 as Entry No. 3235533 in Book 7474 at Pages 347-348, with the point of beginning being 1486.85 feet North 00°04'16" East and 810.50 feet East to the Southeast corner of said Lot 1 and Northwesterly along the arc of a 5,630 foot radius curve to the left a distance of 133.35 feet (Central Angle equals 01°21'25" and Long Chord bears North 44°02'14" West 133.34 feet) along the Easterly line of Lot 1, said Easterly line also being the Westerly right-of-way line of the Union Pacific Railroad Property, and 21.83 feet South 44°27'40" West from the West quarter corner of said Section 28; and running thence South 44°27'40" West 18.00 feet; thence North 45°32'20" West 97.00 feet to a point on a 3.0 foot radius curve to the right a distance of 4.71 feet (Central Angle equals 89°55'43" and Long Chord bears North 00°32'20" West 4.24 feet); thence North 44°27'40" East 15.00 feet; thence South 45°32'20" East 100.00 feet to the point of beginning.

(NOTE: The NAD83 rotation bearing is North 00°26'25" East, along the section line between the West quarter corner and the Northwest corner of Section 28, Township 4 North, Range 1 West, Salt Lake Base and Meridian as shown.)

PARCEL 1A:

The non-exclusive easements, appurtenant to Parcel 1 described herein, for vehicular parking and vehicular and pedestrian ingress and egress as created and described in that certain Declaration of Covenants, Conditions, Restrictions and Easements recorded March 10, 2020 as Entry No. 3232859 in Book 7466 at Page 1048 as amended by that certain First Amendment to Declaration of Covenants, Conditions, Restrictions and Easements recorded May 1, 2020 as Entry No. 3248082 in Book 7504 at Page 3020.

EXHIBIT B

NEW LEGAL DESCRIPTION

Lot 8, LAYTON PARKWAY NORTH SUBDIVISION 2ND AMENDMENT AMENDING
LOT 1, according to the official plat thereof, recorded on January 2, 2024, as Entry No. 3555893
in Book 8409 at Page 55 in the office of the County Recorder of Davis County, State of Utah.