

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

Wells Fargo Bank, National
Association
Real Estate Banking Group (AU #0007572)
299 South Main Street
6th Floor
Salt Lake City, UT 84111

Attn: Eileen V. Oquendo
Loan No. 105820

**MEMORANDUM OF THIRTEENTH MODIFICATION AGREEMENT
AMENDING DEED OF TRUST**

The undersigned declare that they have entered into a thirteenth modification agreement dated of even date herewith, wherein provision is made for (a) amendment of that certain deed of trust dated March 28, 2008 and executed by Borrower, as Trustor, to Landmark Title Company, as Trustee, in favor of Wells Fargo Bank, National Association, as Beneficiary, which was recorded on April 4, 2008, as Instrument No. 334157, in Book 963, at Page 2397-2425, in the Official Records of Wasatch County, Utah, and/or (b) amendment of certain obligations secured by that deed of trust. This instrument is a memorandum of the thirteenth modification agreement, and the same is incorporated herein by this reference with the same effect and as though set forth herein in its entirety. The legal description is attached hereto and incorporated herein by this reference as Exhibit A.

Dated as of: September 28, 2010

"BENEFICIARY/LENDER"

Wells Fargo Bank, National Association

By:


Paul K. Mendenhall, Relationship Manager

"BORROWER/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:


Steven B. Ostler, Chief Executive Officer and 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:


Steven B. Ostler, Chief Executive Officer and Manager

(ALL SIGNATURES MUST BE ACKNOWLEDGED)

EXHIBIT A**DESCRIPTION OF SUBJECT PROPERTY**

Exhibit A to Memorandum of Thirteenth Modification Agreement Amending Deed of Trust executed by Borrower, as Trustor to Landmark Title Company, as Trustee for the benefit of Wells Fargo Bank, National Association, as Beneficiary, dated as of September 28, 2010.

All the 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, AND 17 of VALLEY STATION SUBDIVISION, according to the official plat thereof recorded August 20, 2008 as Entry No. 339276, in Book 972, at Page 2269 of the official records of the Wasatch County Recorder, Wasatch County, Utah.

PARCEL 2A: Lots 1, 2 and 3 of VALLEY STATION 2 SUBDIVISION, according to the official plat thereof recorded December 14, 2009 as Entry No. 355116, in Book 1006, at Page 790 of the official records of the Wasatch County Recorder, Wasatch County, Utah.

AND

PARCEL 2B: 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, more particularly described as follows:

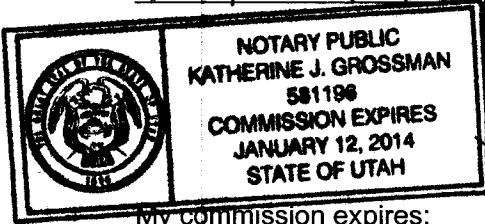
Beginning at a point on the Southerly line of the Heber City/Wasatch County Flood Control Channel Parcel as it exists at 45.00 foot width and the Northerly line of Lot 3 of the Valley Station 2 Subdivision as recorded in the office of the Wasatch County Recorder, said point being located 505.77 feet South 0°06'02" East along the Section line and 610.17 feet North 89°33'36" West from the Northeast corner of said Section 7, Township 4 South, Range 5 East, Salt Lake Base and Meridian, and running thence North 89°33'36" West 52.00 feet along the Northerly line of said Lot 3 to a point on the Southerly line of the said Heber City/Wasatch County Flood Control Channel Parcel; thence North 0°26'24" East 21.00 feet; thence South 89°33'36" East 52.00 feet; thence South 0°26'24" West 21.00 feet to the point of beginning.

[For reference only: Tax Serial Nos. 0VS-0003; 0VS-0004; 0VS-0005; 0VS-0006; 0VS-0007; 0VS-0008; 0VS-0009; 0VS-0010; 0VS-0011; 0VS-0012; 0VS-0013; 0VS-0014; 0VS-0015; 0VS-0017; 0VS-2001; 0VS-2002; 0VS-2003; and OHE-1572-5]

STATE OF UTAH

COUNTY OF Salt Lake SS.

The foregoing instrument was acknowledged before me this 8 day of October, 2010, by Paul K. Mendenhall, as relationship manager of Wells Fargo Bank, a National Association.



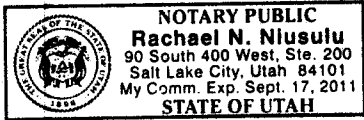
Katherine J. Grossman
NOTARY PUBLIC
residing at Salt Lake

My commission expires: 1/12/14

STATE OF UTAH

COUNTY OF Salt Lake SS.

The foregoing instrument was acknowledged before me this 7th day of October, 2010, by Steven B. Ostler, as CEO and manager of The Boyer Company, L.C., member and a manager of Boyer Heber City, L.C. a Utah limited liability company.



Rachael N. Niusulu
NOTARY PUBLIC
residing at Salt Lake City

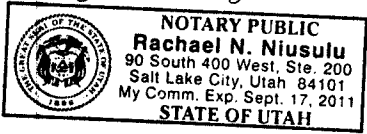
My commission expires: 9-17-11

STATE OF UTAH

SS.

COUNTY OF Salt Lake

The foregoing instrument was acknowledged before me this 7th day of October, 2010, by Steven B. Oster, as CEO and manager of The Bayer Companies, L.C., member and manager of Bayer Heberland, L.C., a Utah limited liability company.



Rachael N. Niusulu
NOTARY PUBLIC
residing at Salt Lake City

My commission expires: 9.17.11