

Ent 382726 Bk 1064 Pg 1212 - 1217
ELIZABETH M PALMIER, Recorder
WASATCH COUNTY CORPORATION
2012 Sep 28 02:40PM Fee: \$37.00 JP
For: Landmark Title Company
ELECTRONICALLY RECORDED

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

WELLS FARGO BANK, NATIONAL ASSOCIATION
4643 S. Ulster Street, Suite 1400
Denver, Colorado 80237

Attn: Susan Rich
Loan No. 105820 and Loan No. 1005847

(Space Above For Recorder's Use)

MEMORANDUM OF FIRST MODIFICATION AGREEMENT AMENDING DEED OF TRUST

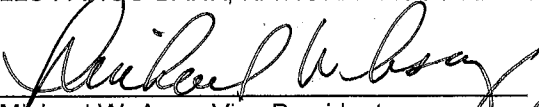
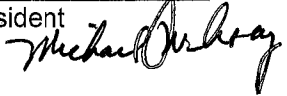
The undersigned declare that they have entered into a First Modification Agreement dated of even date herewith ("**Modification Agreement**"), wherein provision is made for (a) amendment of that certain deed of trust dated as of March 28, 2008 and executed by Boyer Heber City, L.C., a Utah limited liability company and Boyer Heber Land, L.C., a Utah limited liability company, as Trustor, in favor of Landmark Title Company, as Trustee, for the benefit of Lender, as Beneficiary, which was recorded April 4, 2008, as Entry No. 334157 in Book 963 at Page 2397 in the Official Records of Wasatch County, Utah, and as further amended and modified as follows: (i) that certain Modification Agreement Amending Deed of Trust with Absolute Assignment of Leases and Rents, Security Agreement and Fixture Filing, dated as of August 19, 2008 and recorded on August 27, 2008 as Entry No. 339554 in Book 973 at Page 748, (ii) that certain Additional Advance and Consolidation Agreement and Addendum to Deed of Trust (Short Form), dated as of December 10, 2008, and recorded December 12, 2008 as Entry No. 342843 in Book 979 at Page 308; (iii) that certain Memorandum of Twelfth Modification Agreement Amending Deed of Trust dated as of June 21, 2010 and recorded on September 2, 2010 as Entry No. 362250 in Book 1020 at Page 1317; (iv) that certain Memorandum of Thirteenth Modification Agreement Amending Deed of Trust, dated as of September 28, 2009 and recorded on November 9, 2010, as Entry No. 364311 in Book 1025 at Page 29; (v) that certain Fifth Modification Agreement Amending Deed of Trust, dated as of March 28, 2012 and recorded on March 30, 2012 as Entry No. 377578 in Book 1052 at Page 1428, with respect to the real property described in Exhibit A attached hereto (the "**Property**") (collectively, and as it heretofore may have been amended from time to time, ("**Deed of Trust**") (hereinafter referred to as "**Security Instrument**"); and/or (b) amendment of certain obligations secured by the Security Instrument. This instrument is a memorandum of the Modification Agreement, and the same is incorporated herein by this reference with the same effect and as though set forth herein in its entirety.

Dated as of: September 26, 2012

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"BENEFICIARY"

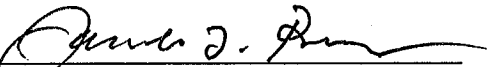
WELLS FARGO BANK, NATIONAL ASSOCIATION

By: 
Michael W. Asay, Vice President


"TRUSTOR"

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

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

By: 
Jacob L. Boyer, Manager

PROPERTY DESCRIPTION

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Exhibit A to Memorandum of First Modification Agreement Amending Deed of Trust dated as of September 26, 2012, by and between BOYER HEBER CITY, L.C., a Utah limited liability company ("Trustor"), and WELLS FARGO BANK, NATIONAL ASSOCIATION ("Beneficiary").

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

(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)

Parcel 2*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

(Tax Serial Nos.: 0VS-2001; 0VS-2002; 0VS-2003)

AND

[Legal description continues on following page.]

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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:

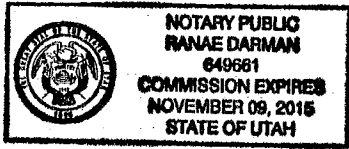
Beginning at a point on the Southerly line of the Heber City/Wasatch County Flood Control Parcel as it exists at 45.00 foot width and the Northerly line of Lot 3 of the Valley Station 2 Subdivision as recorded in the office of the Wasatch County Recorder, said point being located 505.77 feet South 0°06'02" 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 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.

(Tax Serial No.: OHE-1572-5)

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STATE OF UTAH)
) ss
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 26th day of September, 2012, by Michael W. Asay, Vice President of Wells Fargo Bank, National Association.

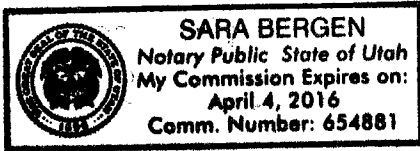


Ranae Darman
NOTARY PUBLIC
Residing at: Salt Lake

My commission expires 11-9-15

STATE OF UTAH)
) ss
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 26th day of September, 2012, by Jacob L. Boyer, Manager of The Boyer Company, L.C., a Utah limited liability company, Manager of Boyer Heber City, L.C., a Utah limited liability company.



Sara Bergen

NOTARY PUBLIC
Residing at: Salt Lake

My commission expires April 4, 2016