

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

Wells Fargo Bank, National Association
PO Box 45490
MAC U1228-063
Salt Lake City, UT 84145-0490
Attn: Jessica Perez
Loan No. 105820 and 1005847

(Space Above For Recorder's Use)

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

The undersigned (individually and collectively, "**Trustor**") declare that they have entered into that certain Fifth Modification Agreement of even date herewith ("**Modification Agreement**"), wherein provision is made for (a) amendment of that certain Deed of Trust with Absolute Assignment of Leases and Rents, Security Agreement and Fixture Filing, 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, to Landmark Title Company, as Trustee, for the benefit of Wells Fargo Bank, National Association (collectively with its successors or assigns, "**Lender**"), as Beneficiary, which was recorded on April 4, 2008, as Entry No. 334157 in Book 963 at Page 2397 in the Official Records of Wasatch County, Utah, as amended and modified by (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 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, 2010 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; (vi) that certain Memorandum of First Modification Agreement Amending Deed of Trust dated as of September 26, 2012 and recorded on September 28, 2012 as Entry No. 382726 at Book 1064 at Page 1212; (vii) that certain Memorandum of Second Modification Agreement dated as of February 4, 2013 and recorded on February 14, 2013 as Entry No. 386848 at Book 1074 at Page 977; (viii) that certain Eighth Modification Agreement Amending Deed of Trust dated as of December 17, 2013 and recorded December 31, 2013 as Entry No. 397319 at Book 1097 at Page 835; and (ix) that certain Ninth Modification Agreement Amending Deed of Trust dated as of March 25, 2015, and recorded March 30, 2015, as Entry No. 410493 at Book 1126, at Page 468 (collectively, and as the same may be further amended, modified, supplemented or replaced from time to time, "**Deed of Trust**") and/or (b) amendment of certain obligations secured by the Deed of Trust. The Deed of Trust encumbers certain real property located in Wasatch County, Utah and more particularly described on Exhibit A attached hereto as security for a loan from Beneficiary to Trustor.

This instrument is a memorandum of the Modification Agreement, and the same is incorporated herein by

UT-MODIFICATION AMENDING SECURITY INSTRUMENT (RECORDABLE)

LOAN NO. 105820 AND LOAN NO. 1005847

this reference with the same effect and as though set forth herein in its entirety.

[Signature Pages Follow]

UT-MODIFICATION AMENDING SECURITY INSTRUMENT (RECORDABLE)

LOAN NO. 105820 AND LOAN NO. 1005847

Trustor Signature Page:

Dated as of: May 6, 2015

"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

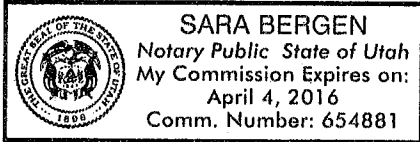
HEBER GATEWAY OFFICE 1, L.C.,
a Utah limited liability company

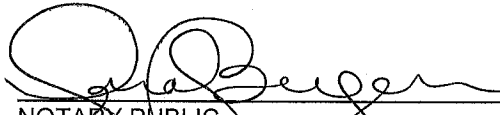
By: THE BOYER COMPANY, L.C.,
a Utah limited liability company
Its Manager

By: 
Jacob L. Boyer, Manager

STATE OF UTAH)
)
COUNTY OF Salt Lake) :SS

The foregoing instrument was acknowledged before me this 19th day of May, 2015, 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, and Heber Gateway Office 1, L.C., a Utah limited liability company.





NOTARY PUBLIC
Residing at: Salt Lake

My commission expires: 04-04-16

UT-MODIFICATION AMENDING SECURITY INSTRUMENT (RECORDABLE)

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Lender Signature Page:

Dated as of: May 6, 2015

"LENDER"

WELLS FARGO BANK, NATIONAL ASSOCIATION

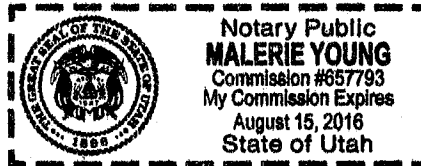
By: *Michael W. Asay*
Michael W. Asay, Vice President

STATE OF UTAH)
COUNTY OF Salt Lake)
:SS

The foregoing instrument was acknowledged before me this 28 day of May, 2015, by Michael W. Asay, Vice President of Wells Fargo Bank, National Association.

Malerie Young
NOTARY PUBLIC
Residing at: Salt Lake City

My commission expires: 8/15/16



UT-MODIFICATION AMENDING SECURITY INSTRUMENT (RECORDABLE)

LOAN NO. 105820 AND LOAN NO. 1005847

EXHIBIT A – PROPERTY DESCRIPTION

Exhibit A to Memorandum of Fifth Modification Agreement Amending Deed of Trust dated as of May 6, 2015, by and between Boyer Heber City, L.C., a Utah limited liability company, and Heber Gateway Office 1, L.C., a Utah limited liability company ("**Trustor**"), and WELLS FARGO BANK, NATIONAL ASSOCIATION ("**Lender**").

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

PARCEL 1:

Lots 2, 3, 4, 5, 6, 7, 8, 9, 13, and 14 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.

AND

Lots 11 and 12 of **VALLEY STATION –AMENDED SUBDVISION, Amending Lots 10, 11, 12 of Valley Station**, according to the official plat thereof recorded February 18, 2015 as Entry No. 409158, in Book 1123, at Page 126 of the official records of the Wasatch County Recorder, Wasatch County, Utah.

PARCEL 2A:

Lots 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.

Tax Serial Nos. 0VS-0002, 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-2002, 0VS-2003, and OHE-1572-5