

Tax Serial Number:
00-0020-8257 AND 00-0020-8258

RECORDATION REQUESTED BY:
ROCK CANYON BANK
Spanish Fork Office
99 North Main Street
Spanish Fork, UT 84660

WHEN RECORDED MAIL TO:
ROCK CANYON BANK
Spanish Fork Office
99 North Main Street
Spanish Fork, UT 84660

1304 51- K11

FOR RECORDER'S USE ONLY

MODIFICATION OF DEED OF TRUST



000000005984873500073504212021

THIS MODIFICATION OF DEED OF TRUST dated April 21, 2021, is made and executed between RESDEV HOLDINGS, LLC, whose address is 519 W State Rd Ste 202, Pleasant Grove, UT 84062-2160 ("Trustor") and ROCK CANYON BANK, whose address is Spanish Fork Office, 99 North Main Street, Spanish Fork, UT 84660 ("Lender").

DEED OF TRUST. Lender and Trustor have entered into a Deed of Trust dated July 22, 2020 (the "Deed of Trust") which has been recorded in WASATCH County, State of Utah, as follows:

ENTRY #481700, BOOK 1304, PAGE 216-228, RECORDED JULY 29, 2020 IN THE WASATCH COUNTY RECORDER'S OFFICE.

REAL PROPERTY DESCRIPTION. The Deed of Trust covers the following described real property located in WASATCH County, State of Utah:

SEE ATTACHED EXHIBIT "A"

"The Loan secured by this lien was made under a United States Small Business Administration (SBA) nationwide program which uses tax dollars to assist small business owners. If the United States is seeking to enforce this document, then under SBA regulations:

- a) When SBA is the holder of the Note, this document and all documents evidencing or securing this Loan will be construed in accordance with federal law.
- b) CDC or SBA may use local or state procedures for purposes such as filing papers, recording documents, giving notice, foreclosing liens, and other purposes. By using these procedures, SBA does not waive any federal immunity from local or state control, penalty, tax or liability.

No borrower or Guarantor may claim or assert against SBA any local or state law to deny any obligation or

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borrower, or defeat any claim of SBA with respect to this Loan.
Any Clause in this document requiring arbitration is not enforceable when SBA is the holder of the Note secured by this instrument."

The Real Property or its address is commonly known as 1260 AND 1266 SOUTH HIGHWAY 189, HEBER, UT 84032.
The Real Property tax identification number is 00-0020-8257 AND 00-0020-8258.

MODIFICATION. Lender and Trustor hereby modify the Deed of Trust as follows:

THE AMOUNT OF THIS DEED OF TRUST SHALL INCREASE FROM \$3,465,000.00 TO \$3,910,500.00.

CONTINUING VALIDITY. Except as expressly modified above, the terms of the original Deed of Trust shall remain unchanged and in full force and effect. Consent by Lender to this Modification does not waive Lender's right to require strict performance of the Deed of Trust as changed above nor obligate Lender to make any future modifications. Nothing in this Modification shall constitute a satisfaction of the promissory note or other credit agreement secured by the Deed of Trust (the "Note"). It is the intention of Lender to retain as liable all parties to the Deed of Trust and all parties, makers and endorsers to the Note, including accommodation parties, unless a party is expressly released by Lender in writing. Any maker or endorser, including accommodation makers, shall not be released by virtue of this Modification. If any person who signed the original Deed of Trust does not sign this Modification, then all persons signing below acknowledge that this Modification is given conditionally, based on the representation to Lender that the non-signing person consents to the changes and provisions of this Modification or otherwise will not be released by it. This waiver applies not only to any initial extension or modification, but also to all such subsequent actions.

TRUSTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS MODIFICATION OF DEED OF TRUST AND TRUSTOR AGREES TO ITS TERMS. THIS MODIFICATION OF DEED OF TRUST IS DATED APRIL 21, 2021.

TRUSTOR:

RESDEV HOLDINGS, LLC

BMRE - HEBER CITY LLC, Member of RESDEV HOLDINGS, LLC

By: 
DANIEL HEDIN, Member of BMRE - HEBER CITY LLC

By: 
SHERRI HEDIN, Member of BMRE - HEBER CITY LLC

SPFC HOLDINGS, LLC, Member of RESDEV HOLDINGS, LLC

By: 
JOSEPH MATHER MOFFAT, Member of SPFC HOLDINGS, LLC

MOFFAT COMPANY, LLC, Member of SPFC HOLDINGS, LLC

MOFFAT PROPERTIES, LLC, Member of MOFFAT COMPANY, LLC

By: 
JOSEPH MOFFAT, Manager of MOFFAT PROPERTIES, LLC

**MODIFICATION OF DEED OF TRUST
(Continued)**

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LENDER:

ROCK CANYON BANK

X [Signature]
Kert Stevens, Relationship Officer

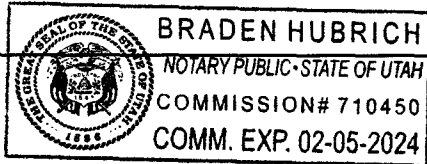
CORPORATE ACKNOWLEDGMENT

STATE OF Utah)
) SS
COUNTY OF Utah)

On this 21st day of April, 2021, before me, the undersigned Notary Public, personally appeared DANIEL HEDIN, Member of BMRE - HEBER CITY LLC, Member of RESDEV HOLDINGS, LLC; SHERRI HEDIN, Member of BMRE - HEBER CITY LLC, Member of RESDEV HOLDINGS, LLC; JOSEPH MATHER MOFFAT, Member of SPFC HOLDINGS, LLC, Member of RESDEV HOLDINGS, LLC; and JOSEPH MOFFAT, Manager of MOFFAT PROPERTIES, LLC, Member of MOFFAT COMPANY, LLC, Member of SPFC HOLDINGS, LLC, Member of RESDEV HOLDINGS, LLC, and known to me to be authorized agents of the corporation that executed the Modification of Deed of Trust and acknowledged the Modification to be the free and voluntary act and deed of the corporation, by authority of its Bylaws or by resolution of its board of directors, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute this Modification and in fact executed the Modification on behalf of the corporation.

By [Signature]
Notary Public in and for the State of UT

Residing at Lehi, UT
My commission expires 2/5/24



Commission # 710450

**MODIFICATION OF DEED OF TRUST
(Continued)**

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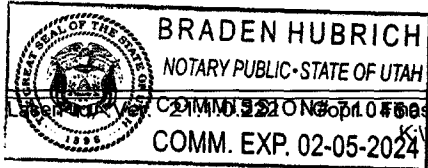
LENDER ACKNOWLEDGMENT

STATE OF Utah)
) SS
COUNTY OF Utah)

On this 21st day of April, 20 21, before me, the undersigned Notary Public, personally appeared Kert Stevens and known to me to be the Relationship Officer, authorized agent for **ROCK CANYON BANK** that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of **ROCK CANYON BANK**, duly authorized by **ROCK CANYON BANK** through its board of directors or otherwise, for the uses and purposes therein mentioned, and on oath stated that he or she is authorized to execute this said instrument and in fact executed this said instrument on behalf of **ROCK CANYON BANK**.

By [Signature]
Notary Public in and for the State of UT

Residing at Lehi, UT
My commission expires 2/5/24



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KVCFILPLIG202.FC TR-5398 PR-60

Commission # 710450

**EXHIBIT A
PROPERTY DESCRIPTION**

PARCEL 1:

Lots 7 and 8, VALLEY STATION SUBDIVISION, according to the official plat thereof as recorded in the office of the Wasatch County Recorder, State of Utah, recorded August 20, 2008 as Entry No. 339276 in Book 972 at Page 2269.

PARCEL 1A:

A non-exclusive easement for access as defined in that certain Maintenance, Cross Access and Sewer Line Easement and Termination of Right-of-Way Agreement recorded August 19, 2008 as Entry No. 339257 in Book 972 at Page 2156 of official records.

PARCEL 1B:

A non-exclusive easement for access as defined in that certain Easements with Covenants and Restrictions Affecting Land (ECR), recorded August 26, 2008 as Entry No. 339496 in Book 973 at Page 594, and amended December 29, 2010 as Entry No. 365811 in Book 1028 at Page 750 of official records.

PARCEL 1C:

A non-exclusive easement for access as defined in that certain Cross Access and Utility Easement Agreement recorded June 10, 2009 as Entry No. 349092 in Book 993 at Page 1006 of official records.

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