



ENT 50132:2023 PG 1 of 8  
ANDREA ALLEN  
UTAH COUNTY RECORDER  
2023 Aug 02 11:31 am FEE 40.00 BY CS  
RECORDED FOR HONAKER, JAMES HUNT

PREPARED BY:

James Hunt Honaker, Trustee  
18051 Joyful lane unit 105,  
Huntington Beach, Ca 92648

AFTER RECORDING RETURN TO:

James Hunt Honaker, Trustee  
18051 Joyful lane unit 105,  
Huntington Beach, Ca 92648

Space above this line for Recorder's use.

**DECLARATION OF SUCCESSOR TRUSTEE  
Of  
AGAPE TRUST**

Utah County }  
                  }ss  
State of Utah }

I, James Hunt Honaker, hereby declare the following:

1. That I am the son of James Hampton Honaker, who died on April 20, 2022, who heretofore was the Trustor / Trustee of Agape Trust (Originally dated April 30, 1998 / Amended and Restated Trust Agreement, as filed with Utah County Recorder, Entry No. 34949-2016, Recorded on 4/21/2016). I James Hunt Honaker do hereby declare that I was a successor Trustee / am now a Trustee of Agape Trust as per the above referenced Trust Agreement (see page 2, under section III of the afore-referenced Trust Agreement);
2. That I have attached a true and accurate copy of my father's Death Certificate;
3. That as per my father's Trust directives and by operation of the directives of the referenced trust, I share the duties of Trustee, as co-Trustee, with my brother Rio J. Honaker and my Sister Cynthia (Honaker) Roberts;

4. That the real property held in trust by the Trustees of the Agape Trust is described as follows: Commonly known as 7155 North 6720 West, American Fork, Utah, 84003, filed at Utah County Recorder in 2 parcels, differing in description from the earlier and above Amended and Restated Trust Agreement See Exhibit "A". The Trust / Trustee property currently is:

Parcel 1; COM S 96.92 FT & N 89 DEG 26' 0" W 243 FT FR N 1/4 COR. SEC. 27, T5S, R1E, SLB7M.; S 89 DEG 26' 0" E 723 FT, S. 0 DEG 55' 0" 323 FT; S 89 DEG 55' 0" W 410.81 FT; N 65 DEG 8' 0" W 342 1 FT; N 0 DEG 43' 0" E 178.68 FT TO BEG. AREA 4.913 AC.

Parcel 2: COM S 427.18 FT & S 89 DEG 53' 37" W 2167.55 FT FR NE COR. SEC. 27, T5S, R1E, SLB&M.; S 0 DEG 40" 12" W 193 82 FT; N 65 DEG 8' 0" W 461.55 FT; S 89 DEG 57' 41" E 421.03 FT TO BEG. AREA 0.936 AC.


### NOTARY

UTAH COUNTY                    }  
   }SS  
 STATE OF UTAH                }

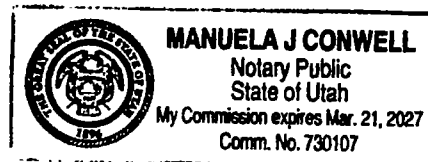
Dated this 2nd Day of August, 2023

  
 James Hunt Honaker, Affiant

JURAT,           ACKNOWLEDGED and AFFIRMED, the above, known to me or upon proper identification appeared before me to Subscribe and Swear that supra, evidenced by his here inscribed seal on this 2nd day of August, 2023.

  
 Notary Public

seal:



**STATE OF UTAH**  
**CERTIFICATION OF VITAL RECORD**

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**CERTIFICATE OF DEATH**

State File Number: 2022007298

**James Hampton Honaker Jr**

**DECEDENT INFORMATION**

Date of Death:	April 20, 2022	Time of Death:	21:05
City of Death:	American Fork	County of Death:	Utah
Age:	86	Date of Birth:	August 29, 1935
Place of Birth:	Kansas City, Missouri	Sex:	Male
Armed Services:	Yes	Marital Status:	Widowed
Spouse's Name:		Usual Occupation:	Operations Engineer
Industry/Business:	Civil Construction	Education:	High School or GED
Residence:	American Fork, Utah	Father's Name:	James Hampton Honaker Sr
Mother's Name:	Marjorie Vivian Dowler	Facility Type:	Home
Facility or Address:	7155 North 6720 West		

**INFORMANT INFORMATION**

Name:	Cynthia M Roberts	Relationship:	Daughter
Mailing Address:	1339 Bonita Avenue, Medford, Oregon 97504		

**DISPOSITION INFORMATION**

Method of Disposition: Donation  
Place of Disposition: University of Utah Body Donor Program, Salt Lake City, Utah  
Date of Disposition: April 20, 2022

**FUNERAL HOME INFORMATION**

Funeral Home: University of Utah Body Donor Program  
Address: 20 North 1900 East, , Salt Lake City, Utah 84132  
Funeral Director: James W Woodward

**MEDICAL CERTIFICATION**

Certifying Physician: Douglas R Mower MD, 226 North 1100 East, American Fork, Utah 84003

**CAUSE OF DEATH**

Pulmonary Fibrosis  
Tobacco Use: Unknown if User  
Medical Examiner Contacted: No    Autopsy Performed: No    Manner of Death: Natural

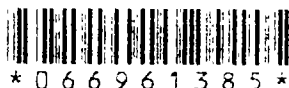
Date Registered: April 22, 2022

Date Issued: April 22, 2022

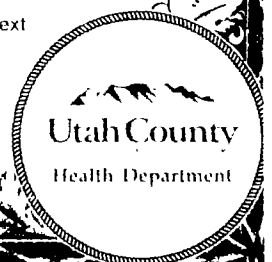
This is an exact reproduction of the facts registered in the Utah State Office of Vital Records and Statistics.  
Security features of this official document include: Intaglio Border, V & R images in top cycloids, and intaglio microtext  
This document displays the date, seal and signature of the Utah State Registrar of Vital Record and Statistics



*Linda S. Winger*  
Linda S. Winger, MSW, LCSW  
State Registrar

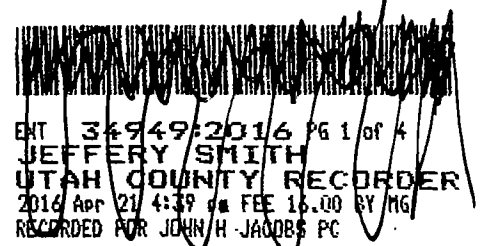


*Eric S. Edwards*  
Eric S. Edwards, MPA, MCHES  
Executive Director  
Utah County Health Department



ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

Exhibit A



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**AMENDMENT TO THE AMENDED AND RESTATED TRUST AGREEMENT  
U/A/D/ 14 NOVEMBER 2012  
and  
REVOCATION OF POWER OF ATTORNEY**

I, JAMES HAMPTON HONAKER, aka JAMES H. HONAKER, as Trustor and Trustee of the Agape Trust dated 31 March 1998 and subsequently Amended and Restated Trust Agreement dated 14 November, 2012 and pursuant to Article I, Section 1.4 Reserved Powers, page 3, do hereby amend and alter the terms and conditions as follows.

**AMENDMENT TO ARTICLE I, SECTION 1.5 EFFECT OF INCAPACITY**

Article I, Section 1.5 shall be amended to read as follows:

**Incapacity of Trustee.** During a period of physical or mental incapacitation of the original trustee, the Trustor appoints the successor trustee to succeed to all right and responsibilities of the trustee during the period of incapacitation. The successor may act as trustee, guardian, personal representative, or in any other legal capacity, whether appointed orally or in writing. The successor may supervise all matters in which either trustee would have had the right to act if he had not become incapacitated. The incapacitation of any trustee shall be established either by a court of competent jurisdiction or by a written statement filed with the trustee. The written statement (or similar separate statements) must be signed in good faith by two (2) unrelated and independent physicians who have personally examined the incapacitated trustee.

A handwritten signature, likely of James Hampton Honaker, is written in the bottom right corner of the page.

If at any time or times Trustor is under a legal disability, or by reason of illness or mental or physical disability is, in the opinion of trustee or successor, unable to properly manage his affairs, trustee shall use the income and such part or all of the principal of the Trust Estate as trustee deems necessary or advisable in such manner as the trustee deems best, as follows: (1) for the care, support and comfort of Trustor; (2) for the payment of any premiums on insurance on Trustor's life; or (3) for any other purpose trustee deems to be for the best interest of Trustor.

**AMENDMENT TO SECTION 2.2 DEALINGS WITH MY ESTATE**

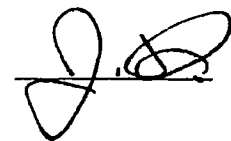
Article II, Section 2.2, Dealings With My Estate shall be omitted in its entirety.

**AMENDMENT TO ARTICLE III, POWERS OF THE TRUSTEE**

Article III, Powers of the Trustee shall be amended as follows.

So long as Trustor is acting as Trustee, he shall retain all of the powers set forth in Article III.

Upon Trustor's incapacity or death, the Successor Trustee shall be subject to the following limitation. The Successor Trustee shall not convey, sell, transfer, assign, mortgage, grant a lien (including a trust deed), encumber, pledge, hypothecate, exchange, bargain, contract for lease, grant a judgment against, donate, in any way or manner, the real property known as "The Farm"; without the unanimous approval of Rio J. Honaker, Cynthia Roberts, and James Hunt Honaker. In the event any of the previously named children are incapacitated or has predeceased, then another child shall be substituted in the following order: Lita J. Tunnickliff;

A handwritten signature in black ink, appearing to be "J. Honaker", written over a horizontal line.

David A. Honaker; Chester L. Little; then Sally A. Gascon. If there are fewer than three children surviving, then the remaining children may approve such action as this Amendment specifies. If only one child is surviving, then that child may approve such action.

It is the Trustor's intent that "The Farm" not be dissipated, sold, or encumbered with debt, while Rio J. Honaker Jr. is using and maintaining "The Farm" as such and as described in Section 2. 4.

The Farm is more particularly described as follows, to wit:

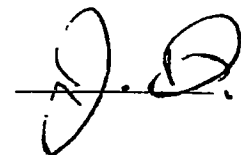
Commencing 96.92 Feet South and North 89 degrees 26 minutes West 243 feet from the Northeast corner of the Northwest Quarter of Section 27, Township 5 South, Range 1 East, Salt Lake Base and Meridian; thence South 89 degrees 26 minutes East 723 feet; thence South 55 minutes West 323 feet; thence South 89 degrees 55 minutes West 723.0 feet; thence North 43 minutes East 323 feet, more or less to the point of beginning.

Parcel No. 13:069:0008

It is noted that the *Amended and Restated Trust Agreement* dated 14 November, 2012, has been previously recorded with the Utah County Recorder's Office as Entry No. 92478:2012 on October 24, 2012.

**All other Terms and Provisions of the Trust Agreement**

All other terms and provisions of the *Agape Trust Agreement* u.a.d. 3/31/98 and subsequently Amended and Restated Trust Agreement u.a.d. 11/14/12 shall remain in full force and effect and I do hereby reaffirm said provisions. If a conflict arises between the terms of the Agape Trust Agreement or the Amended and Restated Trust Agreement u/a/d 11/14/12, this



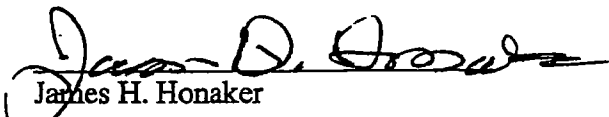
Amendment to the Amended and Restated Trust Agreement shall control.

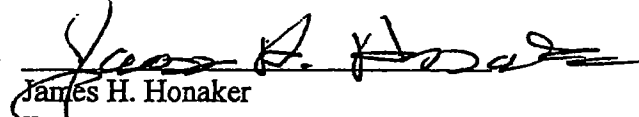
**Legal Matters.** In the administration of the Agape Trust and all matters concerning the Trust Estate, Trustor suggests that trustee employ as their attorney John H. Jacobs, P.C., 75 North Center, American Fork, Utah 84003 (801-756-6071) who prepared this Amendment to the Amended and Restated Trust Agreement.

### TRUSTEE'S ACCEPTANCE OF THIS AMENDMENT TO THE TRUST

This Trust amendment has been accepted by the Trustees named herein as demonstrated by Trustee's signatures hereto.

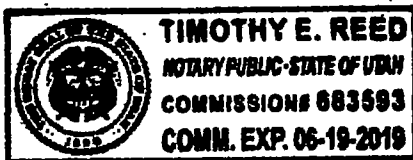
IN WITNESS WHEREOF, the Trustor and Trustee have executed this Amendment in the City of American Fork, State of Utah, on the 21st day of April, 2016.

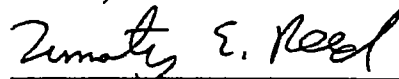
  
James H. Honaker  
Trustor

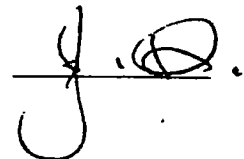
  
James H. Honaker  
Trustee

STATE OF UTAH )  
:ss.  
County of Utah )

Subscribed, sworn to, and acknowledged before me on the 21<sup>st</sup> day of April, 2016, by James H. Honaker, as Trustor and by James H. Honaker, as Trustee.



  
Notary Public



4. That the real property held in trust by the trustees of Agape Trust is described as follows:  
Commonly known as 7155 North 6720 West, American Fork, Utah, 84003, filed at Utah County  
Recorder Entry Number 34949:2016; Parcel Number Beginning at a point which is South 96.92  
Feet and North 89°26'00" West 243 Feet from the North Quarter Corner of Section 27 ISS R1E,  
SLB&M; Running thence South 89°26'00" East 723 feet; thence South 00°55'00" West 323 ft;  
thence South 85°19'26" East 10.80 feet; thence South 00°40'12" West 193.82 feet; thence North  
65°08'00" West 803.65 feet; thence North 00°43'00" East 178.68 feet to the point of beginning.  
Contains 5.85 Ac.

TSS

# NOTARY

UTAH COUNTY                    }  
  }SS  
STATE OF UTAH                }

Dated this 1st Day of August, 2023

  
James Hunt Honaker, Affiant

JURAT,           ACKNOWLEDGED and AFFIRMED, the above, known to me or upon proper  
identification appeared before me to Subscribe and Swear that supra, evidenced by his here  
inscribed seal on this 1st day of August, 2023.

  
Notary Public

seal:

