

00770917 B: 1555 P: 1943

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Carri R. Jeffries, Iron County Recorder - Page 1 of 7

06/11/2021 10:38:43 AM By: FIRST AMERICAN TITLE INSURANCE COMPANY -
NCS CHICAGO

Recording Requested By,
And After Recording, Return To:

WELLS FARGO BANK,
NATIONAL ASSOCIATION
MAC T7408-01V
4101 Wiseman Boulevard
Bldg. 108, Floor 1
San Antonio, Texas 78251
Attn: DC COE

Tax Parcel Numbers:

B-1152-0005-0000
B-1152-0005-0004
B-1135-0001-0000

MODIFICATION OF DEED OF TRUST, SECURITY AGREEMENT,
ASSIGNMENT OF LEASES AND RENTS, AND FIXTURE FILING

THIS MODIFICATION (this "Modification") is entered into as of June 9, 2021, by and between ACS CEDAR SOUTH UT, LLC, a Nevada limited liability company, whose address is c/o ACS Management Group, LLC, 350 Pine Street, Suite 800, Beaumont, Texas 77701 ("Trustor"), and WELLS FARGO BANK, NATIONAL ASSOCIATION, whose address is Commercial Banking Office at MAC T0002-090, 1000 Louisiana Street, 9th Floor, Houston, Texas, 77002 ("Beneficiary").

RECITALS

This Modification is entered into upon the basis of the following facts and understandings of the parties:

A. This Modification pertains to that certain Deed of Trust and Security Agreement (With Assignment of Rents) dated as of September 1, 2015, executed by Trustor to First American Title Insurance Company, as Trustee, in favor of Beneficiary, and recorded on September 2, 2015, as Instrument (Serial) No. 00674069, in Book 1323, at Page 590, of the Official Records of Iron County, Utah, as modified by that certain Partial Reconveyance dated April 29, 2021, recorded on April 29, 2021, as Instrument (Serial) No. 00767979, in Book 1548, at Page 601, of the Official Records of Iron County, Utah (collectively, the "Deed of Trust"), with respect to the real property described on Exhibit A attached hereto and incorporated herein by this reference.

B. The obligations secured by the Deed of Trust have been modified, and Trustor and Beneficiary have agreed to modify the Deed of Trust to accurately reflect the obligations secured thereby.

NOW, THEREFORE, the parties hereto agree as follows:

1. Section 2.1(a) of the Deed of Trust is hereby deleted in its entirety and replaced with the following:

" (a) **Note.** All indebtedness now or hereafter evidenced and to be evidenced by (i) that certain Amended and Restated Note dated June 9, 2021, in the face amount of \$6,424,382.00, bearing interest at the rate or rates therein stated, principal and interest payable to the order of Beneficiary on the dates therein stated, executed by Trustor, and (ii) any and all past, concurrent or future modifications, extensions, renewals, rearrangements, replacements and increases of such note (collectively, the "Note")."

2. The real property and the whole thereof described in the Deed of Trust shall remain subject to the lien, charge or encumbrance of the Deed of Trust and nothing herein contained or done pursuant hereto shall affect or be construed to affect the liens, charges or encumbrances of the Deed of Trust, or the priority thereof over other liens, charges or encumbrances, or to release or affect the liability of any party or parties who may now or hereafter be liable under or on account of said promissory notes and/or the Deed of Trust.

3. All terms and conditions of the Deed of Trust not expressly modified herein remain in full force and effect, without waiver or amendment. This Modification and the Deed of Trust shall be read together, as one document.

[Signature Page Follows]

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IN WITNESS WHEREOF, the parties hereto have caused this Modification to be executed as of the day and year first above written.

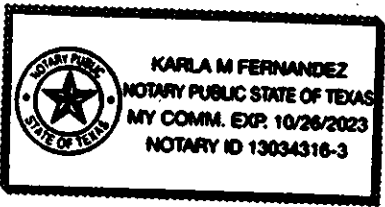
BENEFICIARY:

WELLS FARGO BANK, NATIONAL ASSOCIATION

By: *Tom Caver*
Name: Thomas F. Caver, III
Title: Senior Vice President

THE STATE OF TEXAS §
 §
COUNTY OF Harris §

The undersigned, a Notary Public in and for said County and State, hereby certifies that Thomas F. Caver III whose name as SENIOR VICE PRESIDENT of Wells Fargo Bank, National Association, is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he, in his capacity as such executed the same voluntarily on the day the same bears date.




KM Fernandez
Notary Public in and for
the State of TEXAS
Name printed: Karla M Fernandez
My Commission Expires: 10/26/2023

TRUSTOR:

ACS CEDAR SOUTH UT, LLC, a Nevada limited liability company

By: ACS Management Group, LLC, a Nevada limited liability company, Manager

By: Albanese Cormier Management Group, LLC, a Texas limited liability company, Manager

By: 
Michael Albanese
Manager

THE STATE OF TEXAS §
 §
COUNTY OF Jefferson §

The undersigned, a Notary Public in and for said County and State, hereby certifies that Michael Albanese, whose name as Manager of Albanese Cormier Management Group, LLC, a Texas limited liability company, as Manager of ACS Management Group, LLC, a Nevada limited liability company, as Manager of ACS CEDAR SOUTH UT, LLC, a Nevada limited liability company, is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he, in his capacity as such executed the same voluntarily on the day the same bears date.

Notary Public in and for Marti Lynch
the State of TEXAS
Name printed: Marti Lynch
My Commission Expires: 01-19-2023

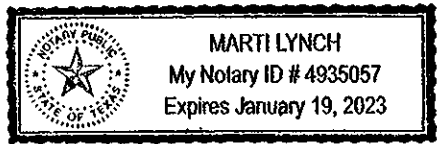


Exhibit A

PARCEL 1: (PART OF TAX ID B-1152-0005-0000)

COMMENCING 371.48 FEET NORTH 0°16' WEST OF THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW¼NW¼) OF SECTION 23, TOWNSHIP 36 SOUTH, RANGE 11 WEST, SALT LAKE BASE MERIDIAN; THENCE NORTH 0°16' WEST 324.92 FEET, MORE OR LESS, TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF STATE ROUTE NO. 130 (OLD U.S. HIGHWAY 91, ALSO KNOWN AS SOUTH MAIN STREET); THENCE NORTH 45°37' EAST ALONG THE SAID RIGHT-OF-WAY A DISTANCE OF 311.00 FEET; THENCE SOUTH 44°23' EAST 173.10 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF A 382.5 FOOT RADIUS CURVE TO THE RIGHT 21.40 FEET (THE CHORD OF WHICH BEARS SOUTH 42°47' EAST 21.40 FEET, SAID CURVE HAS A DELTA ANGLE OF 3°12'00"); THENCE NORTH 45°37' EAST 114.10 FEET TO THE SOUTHWESTERLY LINE OF PINE STREET AT A CORNER COMMON TO LOTS 2 AND 3, BLOCK 4 OF THE ORIGINAL PLAT OF VALLEY VIEW SUBDIVISION; THENCE SOUTH 44°23' EAST 36.90 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF A 352.50 FOOT RADIUS CURVE TO THE RIGHT 272.34 FEET (THE CHORD OF WHICH BEARS SOUTH 22°15' EAST 265.61 FEET, SAID CURVE HAS A DELTA ANGLE OF 44°16'00"); THENCE SOUTH 0°07' EAST 208.00 FEET; THENCE SOUTH 89°44' WEST 564.73 FEET TO THE POINT OF BEGINNING.

PARCEL 2: (TAX ID NO. B-1152-0005-0004)

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW¼NW¼) OF SECTION 23, TOWNSHIP 36 SOUTH, RANGE 11 WEST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 0°16'00" WEST, 150.00 FEET; THENCE NORTH 89°44'00" EAST, 285.23 FEET; THENCE SOUTH 0°16'00" EAST, 26.52 FEET; THENCE NORTH 89°44'00" EAST, 75.00 FEET; THENCE SOUTH 0°16'00" EAST, 170.49 FEET (107.50 FEET OF RECORD); THENCE SOUTH 89°15'30" WEST, 360.28 FEET (360.37 FEET OF RECORD); THENCE NORTH 0°13'45" WEST (NORTH 0°07'00" WEST RECORD) 50.00 FEET ALONG THE SECTION LINE TO THE POINT OF BEGINNING.

PARCEL 2A:

A PERPETUAL, NONEXCLUSIVE EASEMENT FOR PURPOSES OF INGRESS AND EGRESS OF VEHICULAR AND PEDESTRIAN TRAFFIC OVER AND ACROSS THE FOLLOWING DESCRIBED LAND (WHICH SAID EASEMENT WAS PROVIDED TO IN THAT CERTAIN WARRANTY DEED RECORDED IN IRON COUNTY, UTAH ON JULY 16, 1981 AS ENTRY NO. 228615 IN BOOK 278 AT PAGE 288): COMMENCING 150.00 FEET NORTH 0°16' WEST OF THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW¼NW¼) OF SECTION 23, TOWNSHIP 36 SOUTH, RANGE 11 WEST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 0°16' WEST 281.48 FEET; THENCE NORTH 89°44' EAST 30.00 FEET; THENCE SOUTH 0°16' EAST 281.48 FEET; THENCE SOUTH 89°44' WEST 30.00 FEET TO THE BEGINNING, AS DISCLOSED BY INSTRUMENT RECORDED AUGUST 29, 2001 AS ENTRY NO. 438138 IN BOOK 763 AT PAGES 806-809, OFFICIAL IRON COUNTY RECORDS.

ALSO, ALL OF THE EASEMENTS, RIGHTS, COVENANTS, RESTRICTIONS, AND REQUIREMENTS WHICH ARE APPURTENANCES OF AND/OR INTENDED TO BENEFIT THE PARCEL (I.E., PARCEL 1) IN QUESTION AND WHICH ARE CREATED OR PROVIDED FOR IN THAT CERTAIN "COVENANTS RECORDED IN IRON COUNTY, UTAH ON JULY 16, 1981 AS ENTRY NO. 228617 IN BOOK 278 AT PAGE 298, AS SAID INSTRUMENT AS HERETOFORE BEEN AMENDED BY THAT CERTAIN FIRST

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AMENDMENT THERETO RECORDED ON NOVEMBER 17, 1981 AS ENTRY NO. 231361 IN BOOK 284 AT PAGE 113 AND BY THAT CERTAIN SECOND AMENDMENT THERETO, DATED FEBRUARY 15, 1982, RECORDED ON MAY 12, 1982 AS ENTRY NO. 235091 IN BOOK 289 AT PAGE 932, OFFICIAL IRON COUNTY RECORDS.

PARCEL 3: (PART OF TAX ID B-1152-0005-0000)

BEGINNING AT THE MOST EASTERLY CORNER OF LOT 2, BLOCK 4, VALLEY VIEW SUBDIVISION, CEDAR CITY, UTAH; THENCE SOUTH 45°37'00" WEST, 114.10 FEET ALONG THE SOUTHEASTERLY LINE OF SAID LOT 2; THENCE ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 382.50 FEET, A DISTANCE OF 21.40 FEET (THE CHORD OF WHICH BEARS NORTH 42°47' WEST, 21.40 FEET, SAID CURVE HAS A DELTA ANGLE OF 3°12'00"); THENCE NORTH 44°23'00" WEST, 174.41 FEET (173.10 FEET RECORD); THENCE NORTH 45°37'00" EAST, 143.50 FEET ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF HIGHWAY SR-130; THENCE SOUTH 44°23'00" EAST, 195.81 FEET (194.50 FEET RECORD) ALONG THE CENTER LINE OF PINE STREET; THENCE SOUTH 45°37'00" WEST, 30.00 FEET TO THE POINT OF BEGINNING.

PARCEL 4: (TAX ID NO. B-1135-0001-0000)

BEGINNING AT THE NORTHEAST CORNER OF W.H. LEIGH SUBDIVISION; SAID POINT ALSO BEING LOCATED ON THE SOUTHEASTERLY RIGHT OF WAY OF STATE ROUTE NO. 130 AT A POINT NORTH 0°16'00" WEST, 696.40 FEET FROM THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE¼NE¼) OF SECTION 22, TOWNSHIP 36 SOUTH, RANGE 11 WEST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 0°16'00" EAST, ALONG THE SUBDIVISION BOUNDARY 222.13 FEET TO AN INTERSECTION WITH NORTHEASTERLY RIGHT OF WAY OF FIR STREET; THENCE FOLLOWING SAID RIGHT OF WAY, NORTHWESTERLY AROUND THE ARC OF A CURVE TO THE LEFT, THE RADIUS POINT OF WHICH IS LOCATED SOUTH 89°44'00" WEST, 229.10 FEET, A DISTANCE OF 176.40 FEET TO AN INTERSECTION WITH THE SOUTHEASTERLY RIGHT OF WAY OF STATE ROUTE 130; THENCE ALONG SAID RIGHT OF WAY NORTH 45°37'00" EAST, 90.00 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM, THAT PORTION CONVEYED TO CEDAR CITY CORPORATION, BY WARRANTY DEED RECORDED DECEMBER 14, 2011 AS ENTRY NO. 624308 IN BOOK 1228 AT PAGE 642 OF OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT NORTH 0°16'00" WEST 517.37 FEET ALONG THE EAST BOUNDARY OF W.H. LEIGH SUBDIVISION AND SOUTH 90°00'00" WEST 3.85 FEET FROM THE SOUTHEAST CORNER OF THE NE ¼ NE ¼ OF SECTION 22, TOWNSHIP 36 SOUTH, RANGE 11 WEST, SALT LAKE BASE AND MERIDIAN. SAID POINT OF BEGINNING BEING A P.O.C. ON A 229.10 FOOT RADIUS CURVE; THENCE COUNTERCLOCKWISE ALONG ARC OF CURVE AND EAST LINE OF FIR STREET 134.36 FEET THROUGH A CENTRAL ANGLE OF 33°36'08" (CHORD BEARS N 27°34'56") TO THE SOUTHEAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 91 (MAIN STREET); THENCE NORTH 45°37'00" EAST, 24.06 FEET ALONG SAID R/W LINE TO THE P.C. OF A 15.00 FOOT RADIUS CURVE; THENCE COUNTERCLOCKWISE ALONG ARC OF CURVE 22.67 FEET THRU A CENTRAL ANGLE OF 86°36'33" (CHORD BEARS S 2°18'43" W) TO THE P.R.C. OF A 238.60 FOOT RADIUS CURVE; THENCE CLOCKWISE ALONG ARC OF CURVE 27.12 FEET THRU A CENTRAL ANGLE OF 6°30'47" (CHORD BEARS S 37°44'09"E) TO THE P.C.C. OF A 74.50 FOOT RADIUS CURVE; THENCE CLOCKWISE ALONG ARC OF CURVE 20.21 FEET THRU A CENTRAL ANGLE OF 15°32'35" (CHORD BEARS S26°42'29" E) THENCE SOUTH 18°56'11" EAST 42.41 FEET; THENCE SOUTH 9°14'51" EAST 34.56 FEET TO THE POINT OF BEGINNING. BASIS OF BEARINGS IS N 0°07'14" W BETWEEN THE SOUTHEAST CORNER AND NORTHEAST CORNER OF THE NE ¼ NE ¼ OF SAID SECTION 22.

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PARCEL 5: (PART OF TAX ID B-1152-0005-0000)

BEGINNING AT THE MOST EASTERLY CORNER OF LOT 2, BLOCK 4, VALLEY VIEW SUBDIVISION, THENCE NORTH 45°37'00" EAST, 30.00 FEET; THENCE ALONG THE CENTERLINE OF PINE STREET AS FOLLOWS; THENCE SOUTH 44°23'00" EAST, 36.90 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 382.50 FEET, A DISTANCE OF 143.01 FEET; THENCE DEPARTING SAID STREET CENTERLINE SOUTH 0°07'00" EAST" 148.49 FEET, TO A POINT BEING NORTH 0°07'00" WEST, 5.0 FEET FROM THE NORTHEAST CORNER OF LOT 7, BLOCK 4, VALLEY VIEW SUBDIVISION; THENCE ALONG THE ARC OF A CURVE TO THE LEFT (NOTE: RADIUS POINT FOR SAID CURVE BEARS SOUTH 89°53'00" WEST, 352.50 FEET) A DISTANCE OF 272.34 FEET; THENCE NORTH 44°23'00" WEST 36.90 FEET TO THE POINT OF BEGINNING.

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