

00774623 B: 1565 P: 698

B: 1565 P: 698 Fee \$40.00

Carri R. Jeffries, Iron County Recorder - Page 1 of 6

08/03/2021 04:37:44 PM By: FIRST AMERICAN TITLE INSURANCE COMPANY -  
NCS SALT LAKE

When Recorded Return To:

ATTN: CLOSING  
UTAH CDC  
5333 S ADAMS AVE STE B  
OGDEN UT 84405

Loan Name: **RETRO FITNESS**  
Loan No.: **8024228608**

*NCS-10591393T*

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## **MODIFICATION OF TRUST DEED, ASSIGNMENT OF NOTE, and ASSIGNMENT OF LEASE**

This MODIFICATION OF TRUST DEED, ASSIGNMENT OF NOTE, and ASSIGNMENT OF LEASE dated for reference July 19, 2021 ("Modification"), is made by and among: **the SMALL BUSINESS ADMINISTRATION**, an agency of the United States of America, whose address is 801 R Street, Suite 101, Fresno, California 93721-2365 ("SBA"); **Utah Certified Development Company**, whose address is 5333 S Adams Ave, Ste B, Ogden UT 84405 ("CDC"); and **Forte Corporation, A Utah Corporation**, whose address is 929 South Main Street, Cedar City, UT 84720-3726 ("Borrower").

### **SBA LOAN DOCUMENTS**

SBA is the holder and beneficiary of the following recorded documents (collectively "SBA Documents"):

1. A DEED OF TRUST, executed by Owner and dated **May 3, 2021**, which was recorded on **May 5, 2021** as Entry #**00768403**, in **Book 1549**, at **Page 760**, records of **IRON County**, Utah.
2. An ASSIGNMENT OF LEASE AND SUBORDINATION AGREEMENT, executed by Owner and dated **May 3, 2021**, which was recorded on **May 5, 2021** as Entry #**00768406**, in **Book 1549**, at **Page 773**, records of **IRON County**, Utah.
3. An ASSIGNMENT OF NOTE, TRUST DEED, GUARANTEE(S), AND ASSIGNED LESSOR'S AND LESSEE'S LEASEHOLD INTEREST AS COLLATERAL, executed by Owner and dated **May 3, 2021**, which was recorded on **May 5, 2021** as Entry #**00768419**, in **Book 1549**, at **Page 825**, records of **IRON County**, Utah.

### **REAL PROPERTY DESCRIPTION**

SBA, CDC, and Borrower have entered into the agreements listed above as SBA Documents affecting the following described real property located in **IRON County**, State of Utah:

PARCEL 1:

ALL OF LOT TWELVE (12) W.H. LEIGH SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE RECORDER OF IRON COUNTY, STATE OF UTAH.

PARCEL 2:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE1/4NE1/4) OF SECTION 22, TOWNSHIP 36 SOUTH, RANGE 11 WEST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 0°13'45" EAST 100.00 FEET ALONG THE SECTION LINE; THENCE SOUTH 89°42'00" WEST 258.70 FEET TO A POINT ON THE EASTERLY LINE OF FIR STREET; THENCE NORTH 0°16'00" WEST 40.61 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF CURVE TO THE RIGHT, HAVING A RADIUS 168.00 FEET; A DISTANCE OF 60.74 FEET; THENCE NORTH 89°42' EAST 247.5 FEET TO THE POINT OF BEGINNING.

PARCELS 1 AND 2 IS ALSO DESCRIBED AS SHOWN ON THAT CERTAIN ALTA/ACSM LAND TITLE SURVEY PREPARED BY WATSON ENGINEERING COMPANY, INC., FILED AUGUST 31, 2015 AND DESIGNATED AS WEC PROJECT NO. 15-1656, LAST REVISED DECEMBER 7, 2015, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER(SE1/4NE1/4) OF SECTION 22, TOWNSHIP 36 SOUTH, RANGE 11 WEST, SALT LAKE MERIDIAN; THENCE SOUTH 0°13'45" EAST (SOUTH 00°13'45") 100.00 FEET ALONG THE SECTION LINE; THENCE SOUTH 89°41'54" WEST (SOUTH 89°42'00" WEST RECORD) 258.70 FEET TO A POINT ON THE EASTERLY LINE OF FIR STREET; THENCE ALONG THE EASTERLY LINE OF FIR STREET AS FOLLOWS: THENCE NORTH 00°16'06" WEST (NORTH 00°16'00" WEST RECORD) 40.61 FEET TO A CURVE TO THE RIGHT; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 168.00 FEET, A DISTANCE OF 134.54 FEET, DELTA ANGLE OF 45°43'04"; THENCE NORTH 45°36'54" EAST 247.00 FEET (NORTH 45°37'00" EAST 247.50 FEET RECORD); THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 100.00 FEET, A DISTANCE OF 80.07 FEET (80.08 FEET RECORD), DELTA ANGLE OF 45°52'43", THENCE DEPARTING SAID FIR STREET, SOUTH 00°16'06" EAST (SOUTH 00°16'00" EAST RECORD) 304.80 FEET TO THE POINT OF BEGINNING.

The Real Property or its address is commonly known as **929 South Main Street, Cedar City, UT 84720-3726**. The Real Property tax identification number is **B-1135-0003-0000; B-1135-0079-0001**.

### MODIFICATION

SBA, CDC, and Borrower hereby modify the SBA Documents as follows:

**The principal amount of the Note is reduced to \$1,126,000.00.**

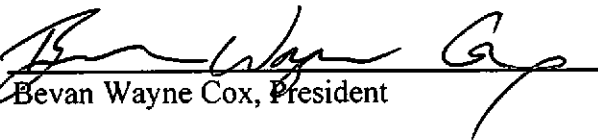
CONTINUING VALIDITY. Except as expressly modified above, the terms of the original SBA Documents shall remain unchanged and in full force and effect. Consent by SBA and CDC to this Modification does not waive SBA or CDC's right to require strict performance of the SBA Documents changed above nor obligate SBA or CDC to make any future modifications. Nothing in this Modification shall constitute a satisfaction of the promissory note or other credit agreement secured by the SBA Documents. It is the intention of SBA and CDC to

retain as liable all parties to the SBA Documents and all parties, makers and endorsers to the SBA Documents, 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.

BORROWER ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS MODIFICATION AND BORROWER AGREES TO ITS TERMS. THIS MODIFICATION IS DATED JULY 19, 2021.

**BORROWER:**

**Forte Corporation**

By:   
Bevan Wayne Cox, President

**Forte Fitness, LLC**

By:   
Bevan Wayne Cox, Manager

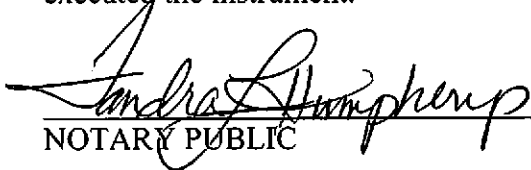
**NOTARY ACKNOWLEDGEMENT**

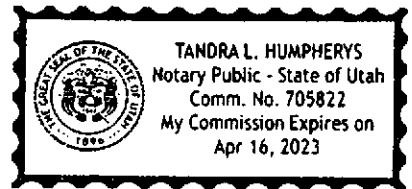
STATE OF UTAH )

ss:

COUNTY OF IRON )

On this 19<sup>th</sup> day of July, 2021, before me personally appeared **Bevan Wayne Cox, President** personally known to me or proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity for **Forte Corporation**, and that by their signature on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

  
\_\_\_\_\_  
NOTARY PUBLIC



**NOTARY ACKNOWLEDGEMENT**

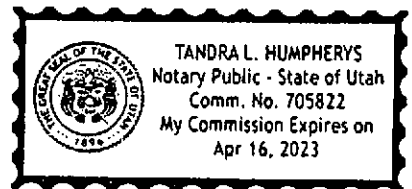
STATE OF UTAH )

ss:

COUNTY OF IRON )

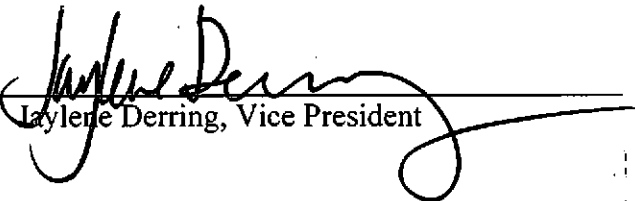
On this 19<sup>th</sup> day of July, 2021, before me personally appeared **Bevan Wayne Cox, Manager** personally known to me or proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity for **Forte Fitness, LLC**, and that by their signature on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

  
\_\_\_\_\_  
NOTARY PUBLIC



CDC:

UTAH CERTIFIED DEVELOPMENT COMPANY

By:   
Jaylene Derring, Vice President

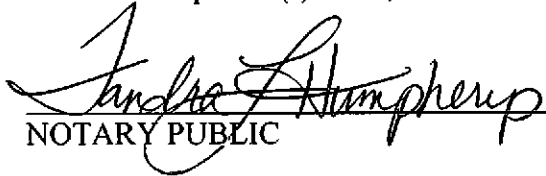
NOTARY ACKNOWLEDGEMENT

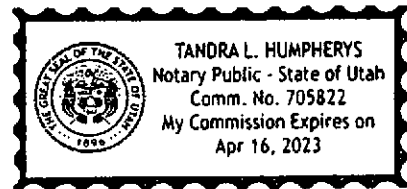
STATE OF UTAH )

ss:

COUNTY OF IRON )

On this 19<sup>th</sup> day of July, 2021, before me personally appeared **Jaylene Derring, Vice President** personally known to me or proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity for **Utah Certified Development Company**, and that by their signature on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

  
NOTARY PUBLIC



SBA:

THE US SMALL BUSINESS ADMINISTRATION

By: John Gysi  
Signature

John Gysi, Deputy District Director  
Print Name

NOTARY ACKNOWLEDGEMENT

STATE OF UTAH )

ss:

COUNTY OF IRON )

On this 19~~th~~ day of July, 2021, before me personally appeared John Gysi personally known to me or proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity for **THE US SMALL BUSINESS ADMINISTRATION**, and that by their signature on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Tandra L. Humpherys  
NOTARY PUBLIC

