

When recorded, mail to:

James H. Jones, Esq.  
**SNELL & WILMER L.L.P.**  
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Salt Lake City, Utah 84101

APN(s): ~~09-050-0112~~

09-475-0001, 09-475-0002, 09-475-0003 and 09-475-0004

1501845

**AMENDMENT TO CONSTRUCTION DEED OF TRUST,  
ASSIGNMENT OF RENTS, SECURITY AGREEMENT AND FIXTURE FILING**

THIS AMENDMENT TO CONSTRUCTION DEED OF TRUST, ASSIGNMENT OF RENTS, SECURITY AGREEMENT AND FIXTURE FILING (the "Amendment") is made effective as of ~~July~~, <sup>August</sup> 28, 2023, by and among **WDG 193, LLC**, a Utah limited liability company ("Trustor"), and **BOKF, NA**, dba BOK Financial, and its successor and assigns ("BOKF") as a lender, arranger, and administrative agent (referred to in such administrative agency capacity herein as "Beneficiary"), and each of the other lending institutions party to the Loan Agreement (defined below) as a lender (BOKF, as a lender, and each additional lending institution party to the Loan Agreement as a lender, collectively, the "Lender").

**RECITALS:**

A. Lender has extended a construction loan to Trustor (the "Loan") in the original maximum principal amount of up to **FORTY-SEVEN MILLION AND NO/100 DOLLARS (\$47,000,000.00)** pursuant to that certain Construction Loan Agreement dated December 7, 2022, by and between Trustor, Beneficiary, and Lender (as amended, the "Loan Agreement"), and evidenced by that certain Promissory Note dated December 7, 2022, executed by Trustor in favor of BOKF, as a lender (the "BOKF Note") and that certain Promissory Note dated December 7, 2022, executed by Trustor in favor of Transportation Alliance Bank Inc., a Utah corporation, dba TAB Bank, as a lender (the "TAB Note" and together with the BOKF Note, as amended, the "Notes"). Capitalized terms used herein without definition, shall have the meanings given to such terms in the Modification, or if not defined therein, the Loan Agreement.

B. The Loan is secured by, among other things, a Construction Deed of Trust, Assignment of Rents, Security Agreement and Fixture Filing (together with any modifications and amendments, the "Deed of Trust") executed by Trustor, as trustor, to the trustee named therein for the benefit of Beneficiary, as beneficiary, recorded on December 7, 2022 at Book 8148, Page 589-623, in the official records of Davis County, Utah. The Deed of Trust encumbers certain real property located in Davis County, Utah, as more particularly described on **Exhibit A** attached hereto (the "Property").

C. Pursuant to that certain Loan and Note Modification Agreement of even date herewith (the "Modification"), Trustor and Beneficiary have agreed to modify and amend the Loan Agreement, Notes, and other Loan Documents to, among other things, amend and restate the definition of "Property."

D. Concurrently with the modification of the Loan and Loan Documents pursuant to the Modification, Trustor and Beneficiary desire to amend the Deed of Trust, as more particularly set forth herein.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the day and year first above written.

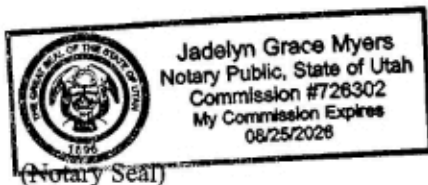
**WDG 193, LLC**  
a Utah limited liability company

By: [Signature]  
Name: Spencer H. Wright  
Title: Manager

"Trustor"

State of Utah )  
County of Davis ) ss.

On this 7th day of August, in the year 2023, before me Jadelyn Myers, a notary public, personally appeared SPENCER H. WRIGHT, an individual, a Manager of WDG 193, LLC, a Utah limited liability company, on behalf of said limited liability company, proved on the basis of satisfactory evidence to be the person whose name is subscribed to in this document, and acknowledged he executed the same.



[Signature]  
Notary Signature

[Notary Blocks and Signatures Continue on the Following Page(s)]

**BOKF, NA** dba BOK Financial

By:   
Name: Aaron Munro  
Title: Senior Vice President


*"Beneficiary"*

STATE OF UTAH

County of Salt Lake

The foregoing instrument was acknowledged before me this 29th day of June, 2023, by AARON MUNRO, a Senior Vice President of **BOKF, NA**, dba BOK Financial, on behalf of such entity.



  
Notary Public

**EXHIBIT "A"**

**Lots 1, 2, 3, and 4, ALTITUDE SUBDIVISION, according to the Official Plat thereof as recorded in the Office of the Davis County Recorder, State of Utah.**

**Tax ID No.s 09-475-0001, 09-475-0002, 09-475-0003, and 09-475-0004**