

When Recorded Return to:  
Matthew T. Wirthlin  
Holland & Hart LLP  
60 E. South Temple, #2000  
Salt Lake City, UT 84111

ENT 149493:2003 PG 1 of 2  
RANDALL A. COVINGTON  
UTAH COUNTY RECORDER  
2003 Sep 11 12:25 pm FEE 14.00 BY JRD  
RECORDED FOR HOLLAND & HART

### **TRUSTEE'S DEED**

This Deed is made by Matthew T. Wirthlin as trustee under the hereinafter mentioned and described Trust Deed, in favor of Fred J. Burton as trustee of the Frederick James Burton Family Living Trust, Grantee, with an address of P.O. Box 1180, American Fork, UT 84003.

WHEREAS, on March 2, 2001, Harmony Square, LLC, a Utah limited liability company, as Trustor, executed and delivered to Century Title Company, as Trustee, for the benefit of Fred J. Burton as trustee of the Frederick James Burton Family Living Trust, as Beneficiary, a certain Trust Deed to secure the performance by said Trustor of its obligations under a Promissory Note executed and delivered for a valid consideration to Fred J. Burton as trustee of the Frederick James Burton Family Living Trust. Said Trust Deed was recorded in the office of the Utah County Recorder on March 7, 2001, as Entry No. 021368:2001 and covered the real property hereinafter described; and

WHEREAS, breach and default was made under the terms of said Trust Deed in the particulars set forth in the Notice of Default hereinafter referred to; and

WHEREAS, Century Title Company, as Trustee under said Trust Deed, executed and thereafter filed for record in the office of the Utah County Recorder, a written Notice of Default containing an election to sell the trust property, which Notice of Default was recorded on April 22, 2003, as Entry No. 60934:2003; and

WHEREAS, Matthew T. Wirthlin, as successor Trustee, in consequence of said declaration of default, election and demand for sale, and in accordance with said Trust Deed, did execute its Notice of Trustee's Sale stating that he, as successor Trustee, by virtue of the authority in him vested, would sell at public auction to the highest bidder for cash, in lawful money of the United States, the real property therein and hereinafter described, and fixing the time and place of said sale as September 4, 2003, at 10:00 a.m. of said day, and did cause copies of said notice to be posted for not less than 20 days before the date of the sale therein fixed, in three public places in the county wherein said property is located, and also in a conspicuous place on the property to be sold; and said successor Trustee did cause a copy of said notice to be published once a week for three consecutive weeks before the date of sale therein fixed in The Daily Herald, a newspaper having a general circulation in the county in which the property to be sold is situated; and

WHEREAS, all applicable statutory provisions of the State of Utah and all of the provisions of the Trust Deed have been complied with as to acts to be performed and notices to be given; and,

WHEREAS, said successor Trustee, Matthew T. Wirthlin, did at the time and place of sale fixed as aforesaid, then and there sell, at public auction, to Grantee above named, being the highest bidder therefore, the property described for the sum of \$175,000.00.

NOW, THEREFORE, successor Trustee, Matthew T. Wirthlin, in consideration of the premises recited and of the sum above mentioned, bid and paid by Grantee, the receipt whereof is hereby acknowledged, and by virtue of the authority in him vested by said Trust Deed, does by these presents grant and convey unto Grantee above named, but without any covenant or warranty, express or implied, all of that certain real property situated in Utah County, State of Utah, described more particularly as follows:

PARCEL 1: Commencing 3.435 chains West of the Southeast corner of Lot 1, Block 20, Plat "A", American Fork City Survey; thence West 1.50 chains; thence North 140 feet; thence East 1.50 chains; thence South 140 feet of the point of beginning.

PARCEL 2: Commencing 3.434 chains West and 2.63 chains North of the Southeast corner of Lot 1, Block 20, Plat "A", American Fork City Survey; thence West 99 feet; thence North 1 rod; thence East 99 feet; thence South 1 rod to the point of beginning.

PARCEL 3: Commencing 226.63 feet West and 140 feet North of the Southeast corner of Block 20, Plat "A", American Fork City Survey; thence West 99 feet; thence North 33.50 feet; thence East 99 feet; thence South 33.50 feet to the point of beginning.

Tax ID No's: 02:033:0007, 0008, 0009

DATED: September 5, 2003

  
Matthew T. Wirthlin, Trustee

State of Utah )  
 ) :ss  
County of Salt Lake )

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of September, 2003, by Matthew T. Wirthlin, Trustee.

  
Notary Public

