



E# 2437188 PG 1 OF 6
ERNEST D ROWLEY, WEBER COUNTY RECORDER
30-SEP-09 2:54 PM FEE \$27.00 DEP KA
REC FOR: LANDMARK TITLE COMPANY
ELECTRONICALLY RECORDED

**RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:**

Wells Fargo Bank, National Association
Real Estate Group, AU #07572
1512 Eureka Road, Suite 350
Roseville, California 95661

Attn: Eileen Oquendo
Loan #: 103649

**MEMORANDUM OF MODIFICATION AGREEMENT
AMENDING DEED OF TRUST**

The undersigned declare that they have entered into a modification agreement dated of even date herewith, wherein provision is made for (a) amendment of that certain deed of trust dated February 23, 2007 and executed by BOYER OGDEN MALL, L.C., a Utah limited liability company, and OGDEN CITY REDEVELOPMENT AGENCY, a body politic and political subdivision of the State of Utah, as Trustor, to LANDMARK TITLE COMPANY, as Trustee, in favor of WELLS FARGO BANK, NATIONAL ASSOCIATION, as Beneficiary, which was recorded on March 1, 2007, as Instrument No. 2245552, in the Official Records of Weber County, Utah (as subsequently amended, the "Deed of Trust"), and/or (b) amendment of certain obligations secured by the Deed of Trust. This instrument is a memorandum of the modification agreement, and the same is incorporated herein by this reference with the same effect and as though set forth herein in its entirety. The Deed of Trust encumbers certain real property described on Exhibit A, attached hereto and incorporated herein by this reference.

Without limiting the generality of the foregoing, the Deed of Trust is hereby amended to provide that the Swap Contract (as defined in the Deed of Trust), includes the transaction identified as Trade No. 536643.

(Signature pages follow)

48086

WFRE32 (REV 6/98)
897694.2

SIGNATURE PAGE OF LENDER:

Dated as of: August 5, 2009


"LENDER"

WELLS FARGO BANK, NATIONAL ASSOCIATION

By: [Signature]
Name: Simon J. Casper
Title: Senior Vice President

STATE OF UTAH)
COUNTY OF SALT LAKE) ss.

The foregoing instrument was acknowledged before me this 28th day of September, 2009, by Simon J. Casper SVP of Wells Fargo Bank, National Association.

 MALEHIE YOUNG
Notary Public
State of Utah
My Commission Expires June 18, 2012
Commission #574999

Malehie Young
NOTARY PUBLIC
Residing at: Salt Lake City

My commission expires: 6/18/2012

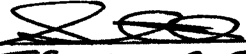
SIGNATURE PAGE OF TRUSTOR/BORROWER:

Dated as of: August 5, 2009

"TRUSTOR/BORROWER"

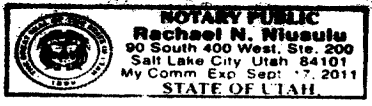
**BOYER OGDEN MALL, L.C.,
a Utah limited liability company**


**By: The Boyer Company, L.C.,
a Utah limited liability company
Its Manager**

By: 
Name: Steven B. Oster
Title: Manager

STATE OF UTAH)
COUNTY OF Salt Lake) ss.

The foregoing instrument was acknowledged before me this 11th day of September, 2009, by Steven B. Oster
Manager of The Boyer Company, L.C., a Utah limited liability company, Manager of
Boyer Ogden Mall, L.C., a Utah limited liability company.




NOTARY PUBLIC
Residing at: Salt Lake City

My commission expires: 9-17-11

SIGNATURE PAGE OF NON-BORROWER TRUSTOR:

Dated as of: August 5, 2009

"NON-BORROWER TRUSTOR"

OGDEN CITY REDEVELOPMENT AGENCY,

By: Matthew R. Godfrey
Name: Matthew R. Godfrey
Title: Executive Director
ATTES: Endi Mansell
City Recorder



STATE OF UTAH)
COUNTY OF Webster) ss.

The foregoing instrument was acknowledged before me this 10th day of September, 2009, by Matthew Godfrey, Executive Director of Ogden City Redevelopment Agency.

Tracy Hansen
NOTARY PUBLIC
Residing at: Webster Co.


My commission expires: 12-17-2012



PROPERTY DESCRIPTION

Exhibit A to Memorandum of Modification Agreement Amending Deed of Trust dated as of August 5, 2009, between Boyer Ogden Mall, L.C., a Utah limited liability company, and Ogden City Redevelopment Agency, as Trustor, and Wells Fargo Bank, National Association, as Lender.

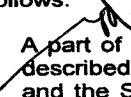
All the certain real property located in the County of Weber, State of Utah, described as follows:

PARCEL 1: 

Lot 10A, OGDEN CITY ENTERTAINMENT SUBDIVISION - PHASE 2 (AMENDED), according to the official plat thereof, filed in Book 64 of Plats, at Page 78 of the Official Records of the Weber County Recorder.

AND


A part of Lot 11C, OGDEN CITY ENTERTAINMENT SUBDIVISION - PHASE 2 (AMENDED) LOT 11 2ND AMENDMENT, according to the official plat thereof, filed in Book 65 of Plats, at Page 56 of the Official Records of the Weber County Recorder, as modified by that certain Property Line Adjustment recorded August 27, 2008 as Entry No. 2361731 in the office of the Weber County Recorder, being described as follows:

 A part of Block 32, Plat "A", Ogden City Survey, Ogden City, Weber County, Utah, more particularly described as follows: Beginning at the intersection of the Easterly right of way line of Kiesel Avenue and the Southerly right of way line of 23rd Street, said point also being the Northwest corner of Lot 11C, Ogden City Entertainment Subdivision-Phase 2 (Amended) Lot 11 2nd Amendment; running thence South 88°42'50" East 187.28 feet along said Southerly right of way line of 23rd Street to the West right of way line of Washington Boulevard; thence South 1°18'08" West 194.30 feet along said West right of way line; thence North 88°40'03" West 83.34 feet; thence North 30°00'04" West 8.49 feet; thence North 88°41'52" West 99.53 feet to the Easterly right of way line of Kiesel Avenue; thence North 1°18'08" East 186.95 feet along said Easterly right of way line of Kiesel Avenue to the point of beginning.

AND

 Lots 11D and 11E, OGDEN CITY ENTERTAINMENT SUBDIVISION - PHASE 2 3RD AMENDMENT, according to the official plat thereof, filed in Book 69 of Plats, at Page 42 of the Official Records of the Weber County Recorder.

AND

 RETAIL UNIT A-102, RETAIL UNIT B-102, RETAIL UNIT F-102, and the RETAIL PARKING UNIT, all contained within THE JUNCTION CONDOMINIUMS, a Utah condominium project as identified in the Condominium Plat recorded in the office of the Weber County Recorder, Weber County, Utah on October 21, 2008 as Entry No. 2371302, in Book 69 of Plats, at Pages 20 through 35, (as said Condominium Plat may have heretofore been amended or supplemented), and in the Declaration Of Condominium for The Junction Condominiums recorded in the office of the Weber County Recorder, Weber County, Utah on October 21, 2008 as Entry No. 2371303 (as said Declaration may have heretofore been amended or supplemented), together with the appurtenant interest in and to the common areas, limited common areas, and facilities more particularly described in said Record of Survey Map, Declaration and any amendments and/or supplements thereto.

PARCEL 2:

The non-exclusive rights for parking and for vehicular and pedestrian access, appurtenant to the interest of Boyer Ogden Mall, L.C., a Utah limited liability company, in PARCEL 1 above, pursuant to and created by that certain instrument entitled Parking License Agreement, the existence of which Parking License Agreement is disclosed by a Memorandum Of Parking License Agreement recorded March 1, 2007 as Entry No. 2245550 of the Official Records of the Weber County Recorder, in and to the following described property:

Lots 4 and 9, OGDEN CITY ENTERTAINMENT SUBDIVISION - PHASE 2 (AMENDED), according to the official plat thereof, filed in Book 64 of Plats, at Page 78 of the Official Records of the Weber County Recorder.

SHOWN FOR REFERENCE ONLY:

- ~~Tax Parcel No. 01-099-0006~~
- ~~Tax Parcel No. 01-100-0004~~
- ~~Tax Parcel No. 01-104-0001~~
- ~~Tax Parcel No. 01-104-0002~~
- ~~Tax Parcel No. 01-103-0004~~
- ~~Tax Parcel No. 01-103-0005~~
- ~~Tax Parcel No. 01-103-0006~~
- ~~Tax Parcel No. 01-103-0009~~

