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GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
LANDMARK TITLE
BY: JCR, DEPUTY - III 6 P.

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

Wells Fargo Bank, National Association
Regional Private Markets Group (AU No. 07572)
1512 Eureka Road, Suite 350
Roseville, CA 95661

Attn: Jackie DeSimone
Loan No. 102006

(Space Above For Recorder's Use)

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

The undersigned ("Trustor") declares that it has entered into a modification agreement of even date herewith ("Modification Agreement"), wherein provision is made for (a) amendment of that certain Construction Deed of Trust with Absolute Assignment of Leases and Rents, Security Agreement and Fixture Filing, dated November 22, 2005, executed by Trustor, to Landmark Title Company, as Trustee, for the benefit of Lender, as Beneficiary, and recorded on December 7, 2005, as Entry No. 9575206, in Book 9227, at Page 3240, in the official records of the County Recorder for Salt Lake County, Utah, as amended and modified by ((i) that certain Additional Advance and Consolidation Agreement (Short Form), recorded on February 1, 2007 as Entry No. 9992092, in Book 9417, at Page 2168, (ii) that certain Memorandum of Third Modification Agreement Amending Deed of Trust, recorded on February 23, 2009 as Entry No. 10628563, in Book 9688 at Page 8522, (iii) that certain Memorandum of Fourth Modification Agreement Amending Deed of Trust (Secured Swap Contract), recorded on February 23, 2009, as Entry No. 10628564, in Book 9688, at Page 8526; (iv) that certain Memorandum of Sixth Modification Agreement Amending Deed of Trust, recorded on December 2, 2009 as Entry No. 10850671, in Book 9785, at Page 997; and (v) that certain Eighth Modification and Additional Advance and Consolidation Agreement and Addendum to Deed of Trust (Short Form), recorded on December 2, 2009, as Entry No. 10850693, in Book 9785, at Page 1077 (collectively, and as it heretofore may have been further amended from time to time, ("Deed of Trust") as and/or (b) amendment of certain obligations secured by the Deed of Trust.

The Deed of Trust encumbers real property located in Salt Lake County, State of Utah and described on Exhibit A attached hereto.

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.

Dated as of November 27, 2012.

[Signature Pages to Follow]

Signature Page for Beneficiary:

"BENEFICIARY"

WELLS FARGO BANK, NATIONAL ASSOCIATION

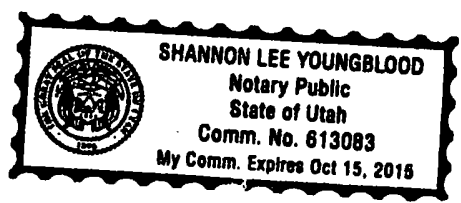
By: *[Signature]*
Michael W. Asay, Vice President

STATE OF UTAH)
 :SS
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 28th day of November, 2012, by Michael Asay, Vice President of Wells Fargo Bank, National Association.

[Signature]
Notary Public
Residing at: SLC, UT

My commission expires: 10/15/2015



Signature Page for Trustor:

"TRUSTOR"

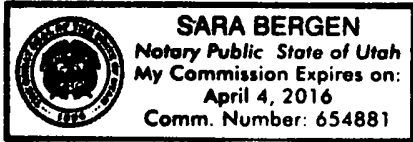
BOYER QUARRY BEND, L.C.,
a Utah limited liability company

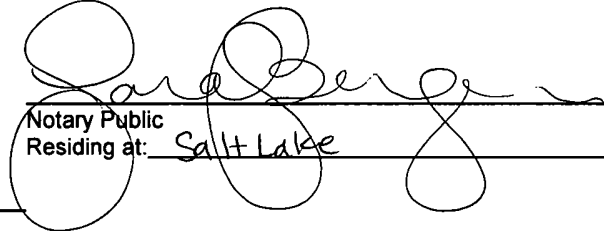
By: The Boyer Company, L.C.,
a Utah limited liability company
Its Manager and Member

By: 
Name: **Jacob L. Boyer**
Title: **Manager**

STATE OF UTAH)
 :ss
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 19th day of November, 2012, by Jacob L. Boyer, Manager of The Boyer Company, L.C., a Utah limited liability company, Manager and Member of Boyer Quarry Bend, L.C., a Utah limited liability company.




Notary Public
Residing at: Salt Lake

My commission expires:
April 4, 2016

PROPERTY DESCRIPTION

Exhibit A to that certain Memorandum of Ninth Modification Agreement Amending Deed of Trust, dated as of November 27, 2012, by and between Boyer Quarry Bend, L.C., a Utah limited liability company, as Trustor, and Wells Fargo Bank, National Association, as Beneficiary.

That certain real property located in Salt Lake County, Utah and more particularly described as follows:

PARCEL 1:

Lot 5, **QUARRY BEND SUBDIVISION**, according to the official plat thereof, filed in Book "2005P" of Plats, at Page 392 of the Official Records of the Salt Lake County Recorder.

EXCEPTING FROM PARCEL 1 ABOVE ANY PORTION THEREOF WITHIN THE TRACT IDENTIFIED AND DESCRIBED AS "ROAD DEDICATION B" IN THAT CERTAIN PLAT ENTITLED "ROAD DEDICATION SR-209" RECORDED JUNE 15, 2006 AS ENTRY NO. 9754372, IN BOOK 2006P OF PLATS, AT PAGE 168 OF THE OFFICIAL RECORDS OF THE SALT LAKE COUNTY RECORDER.

PARCEL 2:

"NEW LOT 3, QUARRY BEND SUBDIVISION":

All that land being part of Quarry Bend Subdivision, recorded as Entry No. 9575193 in Book 2005P, at Page 392 of the official records of the Salt Lake County Recorder; in the State of Utah, County of Salt Lake, City of Sandy, being part of Section 5, Township 3 South, Range 1 East, Salt Lake Base and Meridian; being more particularly described as follows:

Beginning at a point on the South Line of said Subdivision located 820.81 feet South 89°06'33" East along the Section Line and 91.73 feet North from the South Quarter Corner of said Section 5; and running thence North 0°00'03" West 91.04 feet to a point of curvature; thence Northwesterly along the arc of a 225.00 foot radius curve to the left a distance of 213.61 feet (Central Angle equals 54°23'46"; and Long Chord bears North 27°11'56" West 205.68 feet) to a point of reverse curvature; thence Northwesterly along the arc of a 1500.00 foot radius curve to the right a distance of 116.54 feet (Central Angle equals 4°27'05"; and Long Chord bears North 52°10'17" West 116.51 feet); thence North 39°17'17" East 30.25 feet to the Westerly Line of Lot 3 of said Subdivision; thence along said Westerly Lines of said Lot 3 the following two courses: North 50°59'35" West 22.80 feet to the most Westerly Corner thereof; and North 39°00'26" East 50.22 feet; thence South 89°45'08" East 495.31 feet along the Southerly Line of Lot 1 of said Quarry Bend Subdivision; thence North 0°17'59" East 35.95 feet; thence South 89°42'01" East 119.62 feet; thence South 1°32'10" West 156.25 feet; thence South 7°27'07" West 151.14 feet; thence South 9°17'57" West 90.28 feet; thence South 15°55'37" West 47.56 feet; thence South 21°06'01" West 31.55 feet to the South Line of said Subdivision; thence along said South Line the following three courses: North 89°06'33" West 166.01 feet; North 86°49'06" West 200.22 feet to a point of curvature; and Northwesterly along the arc of a 788.05 foot radius curve to the right a distance of 33.45 feet (Center bears North 0°53'28" East; Central Angle equals 2°25'55"; and Long Chord bears North 87°53'34" West 33.45 feet) to the point of beginning.

[The said "New Lot 3, Quarry Bend Subdivision" being identified and depicted on that certain plat entitled "Notice of Approval of Lot Line Adjustment - Quarry Bend Subdivision", dated September 17, 2009 (certificate dated October 21, 2009), prepared by Great Basin Engineering-South, as Drawing 07-205BLA3, certified by Bruce D. Pimper, Utah RLS No. 362256, and recorded December 2, 2009 as Entry No. 10850684, in Book 2009P, at Page 174 in the office of the Salt Lake County Recorder.]

PARCEL 3:

"NEW LOT 8, QUARRY BEND SUBDIVISION":

A part of the Southeast Quarter of Section 5, Township 3 South, Range 1 East, Salt Lake Base and Meridian, U.S. Survey in Salt Lake County, Utah:

Beginning at a point on the Northerly Line of 9400 South Street located 820.81 feet South 89°06'33" East along the Section Line; and 91.73 feet North from the South Quarter Corner of said Section 5; and running thence along said Northerly Line of 9400 South Street the following five courses: Northwestery along the arc of a 788.05 foot radius curve to the right a distance of 146.61 feet (Center bears North 3°19'23" East; Central Angle equals 10°39'34" and Long Chord bears North 81°20'50" West 146.40 feet;) North 0°14'51" East 10.30 feet; Northwestery along the arc of a 778.05 foot radius curve to the right a distance of 31.99 feet (Center bears North 14°09'45" East; Central Angle equals 2°21'21" and Long Chord bears North 74°39'34" West 31.99 feet); North 61°40'05" West 116.01 feet; and Northwestery along the arc of an 893.50 foot radius curve to the right a distance of 80.71 feet (Center bears North 25°56'30" East; Central Angle equals 5°10'33" and Long Chord bears North 61°28'14" West 80.69 feet); thence along the Southeasterly Line of a Public Road as widened the following two courses: North 13°39'11" East 18.20 feet; and North 39°17'17" East 249.85 feet; thence Southeasterly along the arc of a 1500.00 foot radius curve to the left a distance of 116.54 feet (Center bears North 40°03'16" East; Central Angle equals 4°27'05" and Long Chord bears South 52°10'17" East 116.51 feet) to a point of reverse curvature; thence Southeasterly along the arc of a 225.00 foot radius curve to the right a distance of 213.61 feet (Central Angle equals 54°23'46" and Long Chord bears South 27°11'56" East 205.68 feet) to a point of tangency; thence South 0°00'03" East 91.04 feet to the point of beginning.

[The said "New Lot 8, Quarry Bend Subdivision" being identified and depicted on that certain plat entitled "Notice of Approval of Lot Line Adjustment - Quarry Bend Subdivision", dated September 17, 2009 (certificate dated October 21, 2009), prepared by Great Basin Engineering-South, as Drawing 07-205BLA3, certified by Bruce D. Pimper, Utah RLS No. 362256, and recorded December 2, 2009 as Entry No. 10850684, in Book 2009P, at Page 174 in the office of the Salt Lake County Recorder.]

EXCEPTING THEREFROM THE FOLLOWING TWO EXCEPTION TRACTS:

EXCEPTION TRACT 1 ("ROAD DEDICATION WEST"):

All that land being part of a parcel shown as "New Lot 8" in that Special Warranty Deed recorded December 2, 2009 as Entry No. 10850685, in Book 9785, at Page 1035 of the official records of the Salt Lake County Recorder, in the State of Utah, County of Salt Lake, City of Sandy, being part of Section 5, Township 3 South, Range 1 East, Salt Lake Base and Meridian, and being more particularly described as follows:

BEGINNING at the West corner of said parcel, said point being South 89°06'33" East 472.23 feet and North 00°00'00" East 220.69 feet from the South quarter corner of said Section 5, and running thence North 13°39'11" East 18.20 feet; thence North 39°17'17" East 4.89 feet, to the beginning of a non-tangent curve concave to the East, with a radius of 20.00 feet and a radial bearing of North 52°56'36" West; thence Southerly 33.84 feet along said curve, through a central angle of 96°55'41", to the beginning of a non-tangent curve concave to the Northeast, with a radius of 893.50 feet and a radial bearing of South 30°07'31" West; thence Northwestery 15.47 feet along said curve, through a central angle of 00°59'32", to the point of beginning.

EXCEPTION TRACT 2 ("ROAD DEDICATION EAST"):

All that land being part of a parcel shown as "New Lot 8" in that Special Warranty Deed recorded December 2, 2009 as Entry No. 10850685, in Book 9785, at Page 1035 of the official records of the Salt Lake County Recorder, in the State of Utah, County of Salt Lake, City of Sandy, being part of Section 5, Township 3 South, Range 1 East, Salt Lake Base and Meridian, and being more particularly described as follows:

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BEGINNING at a point on the South line of said parcel, said point being South 89°06'33" East 820.81 feet, North 00°00'00" East 91.73 feet, to the beginning of a non-tangent curve concave to the North with a radius of 788.05 feet and a radial bearing of South 03°19'23" West, and Westerly 139.11 feet along said curve, through a central angle of 10°06'52" from the South quarter corner of said Section 5, and thence continuing 7.50 feet along said curve, through a central angle of 00°32'42", to the East line of Road Dedication C per Road Dedication SR-209 Plat recorded June 15, 2006 as Entry No. 9754372, in Book 2006P of Plats, at Page 168 of the official records of the Salt Lake County Recorder; thence North 00°14'51" East 2.15 feet along said East line; thence South 61°39'59" East 8.26 feet to the point of beginning.

[For reference only: Part of Tax Parcel No. 28-05-451-012]

PARCEL 4:

"NEW LOT 10, QUARRY BEND SUBDIVISION":

All that land being part of Quarry Bend Subdivision, recorded as Entry No. 9575193 in Book 2005P, at Page 392 of the official records of the Salt Lake County Recorder; in the State of Utah, County of Salt Lake, City of Sandy, being part of Section 5, Township 3 South, Range 1 East, Salt Lake Base and Meridian; being more particularly described as follows:

Beginning at a point located 1320.05 feet South 89°06'33" East along the Section Line; 832.63 feet North 0°26'14" East along the Sixteenth Section Line; and 17.09 feet North 89°45'09" West from the South Quarter Corner of said Section 5; and running thence South 15°30'00" East 34.86 feet to a point of curvature; thence Southerly along the arc of a 135.00 foot radius curve to the right a distance of 94.98 feet (Central Angle equals 40°18'42"; and Long Chord bears South 4°39'21" West 93.04 feet) to a point of reverse curvature; thence Southwesterly along the arc of a 295.00 foot radius curve to the left a distance of 119.84 feet (Central Angle equals 23°16'32"; and Long Chord bears South 13°10'26" West 119.02 feet); thence South 1°32'10" West 35.59 feet; thence North 89°42'01" West 119.62 feet; thence North 0°17'59" East 277.79 feet; thence South 89°45'09" East 144.48 feet to the point of beginning.

[The said "New Lot 10, Quarry Bend Subdivision" also being identified and depicted on that certain plat entitled "Notice of Approval of Lot Line Adjustment - Quarry Bend Subdivision", dated September 17, 2009 (certificate dated October 21, 2009), prepared by Great Basin Engineering-South, as Drawing 07-205BLA3, certified by Bruce D. Pimper, Utah RLS No. 362256, and recorded December 2, 2009 as Entry No. 10850684, in Book 2009P, at Page 174 in the office of the Salt Lake County Recorder.]

Parcel Nos.: 28-05-331-002, 28-05-451-013, 28-05-451-012 and 28-05-451-011