

**WHEN RECORDED RETURN TO:**

Parsons Behle & Latimer  
201 South Main Street, Suite 1800  
Salt Lake City, Utah 84111  
ATTN: Jason S. Nichols

**01132900 B: 2573 P: 0261**

Page 1 of 6

Rhonda Francis Summit County Recorder

05/28/2020 12:44:52 PM Fee \$40.00

By Parsons Behle & Latimer

Electronically Recorded

**SEND ALL TAX NOTICES TO GRANTEE  
AT THE ADDRESS LISTED BELOW**

*Space above for County Recorder's Use*

**TRUSTEE'S DEED**

JASON S. NICHOLS, an active member of the Utah State Bar residing in Utah, as successor Trustee under the Deed of Trust, Security Agreement, Assignment of Rents and Leases and Fixture Filing hereinafter particularly described, does hereby grant and convey, but without warranty of title, possession or encumbrances, unto A AND D INVESTMENTS FRANCIS LLC, a Utah limited liability company, as Grantee, whose address is 315 Aspen Drive, Mapleton, Utah 84664, or its assigns forever, all of the following described real property situated in Summit County, State of Utah, and more particularly described as follows:

*See Exhibit A attached hereto and made a part hereof.*

This conveyance is made pursuant to the powers conferred upon the Trustee by the laws of the State of Utah and by the terms of the Deed of Trust, Security Agreement, Assignment of Rents and Leases and Fixture Filing ("Deed of Trust") granted by TERRACOM CIRCLE T RANCHES, LLC, a Utah limited liability company, as Trustor, with JASON S. NICHOLS, an active member of the Utah State Bar residing in Utah, as successor Trustee and ELTON CAPITAL LLC, a Utah limited liability company, as Beneficiary and which Deed of Trust was dated March 23, 2018, and recorded on March 26, 2018 as Entry No. 1088521 in Book 2455 beginning at Page 399 in the official records of the Summit County Recorder, State of Utah, and which Deed of Trust was given to secure payment of a promissory note ("Note"), together with interest thereon and other sums advanced in accordance with the Deed of Trust and/or Note, executed in favor of the Beneficiary. A AND D INVESTMENTS FRANCIS LLC, a Utah limited liability company, is the current Beneficiary pursuant to that certain Assignment of Note and Deed of Trust dated as of April 14, 2020 and recorded on April 20, 2020 as Entry No. 1130966 in Book 2566 beginning at Page 1439 in the official records of the Summit County Recorder, State of Utah, and that certain Assignment of Note and Deed of Trust dated as of March 16, 2020 and recorded on March 20, 2020 as Entry No. 1129338 in Book 2561 beginning at Page 269 in the official records of the Summit County Recorder, State of Utah.

A Substitution of Trustee was recorded on January 16, 2020 as Entry No. 1125601, in Book 2550, beginning at Page 1333 in the official records of the County Recorder of Summit County, State of Utah, wherein JASON S. NICHOLS was substituted as Trustee under said Deed of Trust.

The Trustee, in accordance with the conditions of the Deed of Trust and the laws of the State of Utah, did record in the office of the County Recorder of Summit County, State of Utah, a

Notice of Default and Election to Sell (the "Notice of Default") identifying the Deed of Trust by stating the name of the Trustor and giving the Entry Number where the Deed of Trust was recorded and a description of the trust property. The Notice of Default contained a statement setting forth the nature of the breach of the obligation for which the trust property was conveyed as security and a statement of the election of the Trustee to cause the property secured by the Deed of Trust to be sold to satisfy the obligations secured thereby. The Notice of Default was recorded on January 16, 2020 as Entry No. 1125604, in Book 2550, beginning at Page 1340 in the official records of the County Recorder of Summit County, State of Utah and within ten (10) days after the recording, a copy of the Notice of Default containing the recording information was mailed by certified mail to the Trustor and to all other parties who requested notice or appeared of record at the time of the recording.

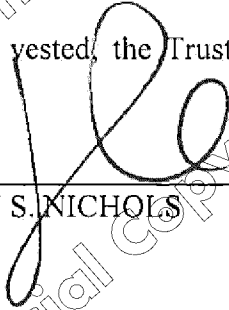
After the lapse of at least three (3) months, and on April 20, 2020, the Trustee caused to be executed a Notice of Trustee's Sale describing the property as fully as described in the Deed of Trust, and stating that the property would be sold at public auction at the main entrance of the Summit County Courthouse, located at 60 North Main Street, Coalville, Utah 84017 on May 26, 2020 at 3:00 p.m. A copy of the Notice of Trustee's Sale was mailed by certified mail on April 20, 2020, a date at least twenty (20) days prior to sale, to the Trustor and all other parties who requested notice or appeared of record at the time of recording the Notice of Default.

The Trustee further caused a Notice of Trustee's Sale to be published once a week for three (3) consecutive weeks in a newspaper of general circulation in Summit County, State of Utah. The publication was in *The Park Record* on April 22, 2020, April 29, 2020 and the final publication was made on May 6, 2020. The date of the last publication was at least ten (10) days but not more than thirty (30) days, prior to the date of sale.

The Trustee further caused, through TD's Legal Process & Investigations, a copy of the said Notice of Trustee's Sale to be posted in a conspicuous place on the property sold and at the Summit County Recorder's Office. Said Notices were posted at the Summit County Recorder's office as well as on the following parcels: FT-16-H, FT-2015, FT-26 and FT-26-A on April 23, 2020, a date at least twenty (20) days prior to the date of sale.

Pursuant to the powers conferred upon the Trustee by the laws of the State of Utah and the terms of sale as stated in said Notice of Trustee's Sale, the Trustee postponed the sale by public declaration and announced that the property would be sold at public auction at the main entrance of the Summit County Courthouse, located at 6300 Justice Center Road, Park City, Utah 84098 on May 26, 2020 at 4:00 p.m., at which time and place the Trustee did offer for sale at public auction to the highest bidder, the trust property, and thereupon sold said trust property to the Grantee named herein.

IN WITNESS WHEREOF, and by authority duly vested, the Trustee has caused this Trustee's Deed to be executed this 28<sup>th</sup> day of May, 2020.

  
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JASON S. NICHOLS

STATE OF UTAH )  
 : ss.  
COUNTY OF SALT LAKE )

The foregoing TRUSTEE'S DEED was acknowledged before me this 28<sup>th</sup> day of May, 2020, by Jason S. Nichols, as successor trustee.

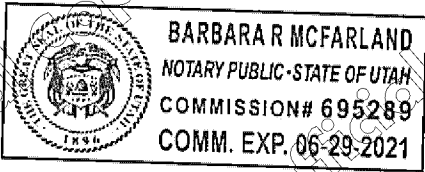
Barbara R. McFarland

NOTARY PUBLIC

Residing at: SL County UT

My Commission Expires:

6-29-21



**EXHIBIT A  
TO  
TRUSTEE'S DEED**

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(Legal Description of Property)

The real property referenced in the foregoing instrument is located in Summit County, Utah and is more particularly described as:

(FORMERLY KNOWN AS THE UNRECORDED RUNAWAY  
RANCH ESTATES SUBDIVISION)

PARCEL ONE:

Beginning at a point which is North 0°17'23" East 2222.13 feet along the Section line and South 89°26'18" East 53.17 feet from the Monument marking the Southwest corner of Section 28, Township 2 South, Range 6 East, Summit County, Utah and running thence along the East line of Highway 32 North 0°17'23" East 455.68 feet; thence along a fence line the following 6 courses and distances: South 89°36'13" East 1392.92 feet, South 89°44'37" East 565.92 feet, South 0°51'44" West 411.97 feet, South 0°36'59" West 794.64 feet, South 0°39'50" West 631.60 feet, South 0°18'13" West 797.10 feet to the North line of a Highway; thence North 89°53'17" West 376.63 feet along said line to the East line of the LDS Church property; thence along said line North 0°18'15" West 277.96 feet; thence South 89°58'00" West 5.60 feet; thence North 0°00'16" East 1052.90 feet; thence North 89°59'44" West 943.16 feet to the Easterly line of Uinta Shadows Subdivision Plat A; thence along the boundary of said Subdivision the following 2 courses and distances: North 0°30'07" East 644.99 feet, North 89°26'18" West 426.22 feet; thence North 0°17'23" East 209.00 feet; thence North 89°26'18" West 188.54 feet to the point of beginning.

(PARCEL FT-26)

Less and excepting therefrom:

Beginning 1 rod South of the Northwest corner of the Southwest Quarter of Section 28, Township 2 South, Range 6 East, Salt Lake Base and Meridian, and running thence East 231 feet; thence South 252 feet; thence West 231 feet; thence North 252 feet to the point of beginning.

(PARCEL FT-26-A)

A-1

Excepting:

Beginning at a point which is North 90°00'00" East 1999.21 feet and North 0°00'00" East 29.92 feet and North 00°18'13" East 303.42 feet from the Southwest corner of Section 28, Township 2 South, Range 6 East, Salt Lake Base and Meridian, thence North 00°18'13" East 177 feet; thence North 90° West 180.28 feet; thence South 05°42'38" East 177.72 feet; thence South 89°59'44" East 161.73 feet to the point of beginning.

(PARCEL FT-16-H)

Also less and excepting:

Beginning at a point which is North 0°30'07" East 2.92 feet along the East line of Uinta Shadows Subdivision, from the Southeast corner of Uinta Shadows Subdivision, said point being located in the Southwest corner of Section 28, Township 2 South, Range 6 East, Salt Lake Base and Meridian; thence bearing North 0°30'07" East a distance of 121.50 feet; thence Bearing North 90°0'0" East a distance of 31.88 feet; thence along a curve to the left 227.30 feet, having a radius of 280.00 feet, a delta angle of 46°30'39", and whose long chord bears North 66°44'40" East a distance of 221.11 feet; thence bearing North 43°29'21" East a distance of 252.76 feet; thence along a curve to the right 21.26 feet, having a radius of 15.00 feet, a delta angle of 81°13'33", and whose long chord bears North 84°06'07" East a distance of 19.53 feet; thence along a curve to the left 127.45 feet, having a radius of 280.00 feet, a delta angle of 26°04'45", and whose long chord bears South 68°19'30" East a distance of 126.35 feet; thence bearing South 81°21'52" East a distance of 95.30 feet; thence along a curve to the right 92.05 feet, having a radius of 220.00 feet, a delta angle of 23°58'21", and whose long chord bears South 69°22'42" East a distance of 91.38 feet; thence bearing South 57°23'31" East a distance of 370.62 feet; thence along a curve to the right 80.87 feet, having a radius of 221.00 feet, a delta angle of 20°58'01", and whose long chord bears South 46°54'31" East a distance of 80.42 feet; thence bearing South 73°16'10" West a distance of 161.31 feet, thence Bearing North 89°59'44" West a distance of 943.08 feet, to the point of beginning.

(PARCEL FT-2015)

Subject to a one rod right of way along the North side of the subject property as shown in that certain Warranty Deed from Donna K. Kirkham to Gary P. Kirkham and Lynda L. Kirkham recorded April 25, 1974 as Entry No. 123052 in Book M56 at Page 28 in the Summit County Recorder's Office.

**PARCEL 2:**

Beginning 1 rod South of the Northwest corner of the Southwest Quarter of Section 28, Township 2 South, Range 6 East, Salt Lake Base and Meridian, and running thence East 231 feet; thence South 252 feet; thence West 231 feet; thence North 252 feet to point of beginning.

Subject to a one rod right of way along the North side of the subject property as shown in that certain Warranty Deed from Donna K. Kirkham to Gary P. Kirkham and Lynda L. Kirkham recorded April 25, 1974 as Entry No. 123052 in Book M56 at Page 28 in the Summit County Recorder's Office.

Less and excepting any portion lying within State Road 32 running along the Westerly side.

(PARCEL FT-26-A)