

When recorded mail to:

Kathleen M. Martin, Esq.  
Morgan, Lewis & Bockius LLP  
101 Park Avenue  
New York, NY 10178

APN: 126060002

### **SUBSTITUTION OF TRUSTEE**

WHEREAS, **CARL KARCHER ENTERPRISES, INC.**, a California corporation, was the original Trustor, **LANDMARK TITLE COMPANY**, was the original Trustee, and **WELLS FARGO BANK, NATIONAL ASSOCIATION**, as Indenture Trustee and Collateral Agent, was the original Beneficiary under that certain Second Lien Deed of Trust, Assignment of Leases and Rents, Security Agreement and Fixture Filing dated as of December 9, 2010, and recorded on January 5, 2011, as Entry No. 2577461, in Book 5183, at page 534 of the Official Records of Davis County, Utah, and covering the following described property:

#### **See Exhibit "A" Attached Hereto**

WHEREAS, the undersigned Beneficiary is the present Beneficiary under said Second Lien Deed of Trust, and

WHEREAS, the undersigned desires to substitute a new Trustee under said Second Lien Deed of Trust in the place and stead of said original Trustee thereunder.

NOW, THEREFORE, the undersigned hereby substitutes First American Title Insurance Company, as Trustee under said Second Lien Deed of Trust.

WHENEVER the context hereof so requires, the masculine gender includes the feminine and/or neuter, and the singular number includes the plural.

**[Remainder of Page Intentionally Left Blank –  
Signature on Following Page]**

Dated: April 25, 2013.

BENEFICIARY:

WELLS FARGO BANK, NATIONAL  
ASSOCIATION, as Indenture Trustee and  
Collateral Agent, as Beneficiary

By: Raymond Delli Colli  
Name: Raymond Delli Colli  
Title: Vice President

STATE OF NEW YORK                    )  
  ) ss.  
COUNTY OF KINGS                    )

On this 25<sup>th</sup> of April, 2013, before me appeared Raymond Delli Colli, to me personally known, who, being by me Janet M. Jolley duly sworn, did say that he is the Vice President of Wells Fargo Bank, National Association., as Indenture Trustee and Collateral Agent, as Mortgagee, and that said instrument was signed in behalf of said national association, and said Vice President, acknowledged said instrument to be the free act and deed of said national association.

JANET M. JOLLEY  
Notary Public, State of New York  
No. 0100611000  
Qualified in Kings County  
Commission Expires Jan. 3, 2017

Janet M. Jolley  
Notary Public

**EXHIBIT A**

**Legal Description**

Legal Description of premises commonly known as Unit # 1100335:

Property located in Davis County, UT

Lot 2, Syracuse Wal-Mart Subdivision, according to the official plat thereof, recorded in the office of the Davis County Recorder.

AND BEING the same property conveyed to Carl Karcher Enterprises, Inc., a California corporation from Wal-Mart Realty Company, an Arkansas corporation by Special Warranty Deed dated December 21, 2007 and recorded January 10, 2008 in Deed Book 4446, Page 227.

Tax Parcel No. 126060002