

AFTER RECORDING RETURN TO:  
Broadmark Real Estate Management II, LLC  
1420 5<sup>th</sup> Avenue Suite 2000  
Seattle, WA 98101  
**20755-HP**

Information Required by RCW Ch. 36.18 and 65.04.

Document Title: Second Amendment to Deed of Trust Security Agreement and Fixture Filing with Assignment of Leases and Rents  
Reference Number(s) of Document Assigned or Released: Ent 450751 Bk 1221 Pg 264-297  
Grantor(s): Tioga Funding Real Estate Group, LLC, a Utah limited liability company  
Grantee: BRELF II, LLC, a Washington limited liability company

**SECOND AMENDMENT TO DEED OF TRUST,  
SECURITY AGREEMENT AND FIXTURE FILING WITH  
ASSIGNMENT OF LEASES AND RENTS**

THIS SECOND AMENDMENT TO DEED OF TRUST is made this 12 day of July, 2019, between Tioga Funding Real Estate Group, LLC, a Utah limited liability company as "Grantor," whose address is 839 S Apple Grove LN, Pleasant Grove, UT 84062, to Vanguard Title Insurance Agency, LLC, "Trustee", 532 E 800 N., Orem, UT 84097 for the benefit of BRELF II, LLC, a Washington limited liability company, or assigns, "Beneficiary," whose address is 1420 5<sup>th</sup> Avenue, Suite 2000, Seattle, WA 98101, on the following terms:

1. The Property encumbered by this Second Amendment to Deed of Trust and the original Deed of Trust is as follows:

Real property in the County of Wasatch, State of Utah, described as follows:

SEE ATTACHED LEGAL DESCRIPTION

PHYSICAL ADDRESS: 850 East 1200 South  
Heber, UT 84032

ASSESSOR'S TAX PARCEL NO.: 00-0020-8278 (Parcel 1), 00-0021-2375  
(Parcel 2), 00-0012-1967 (Parcel 3) and 00-0020-8286 (Parcel 4)

2. The original Deed of Trust is recorded under Wasatch County Auditor's File No. Ent 450751 Bk 1221 Pg 264-297.

3. The sole amendment to the original Deed of Trust is to provide for a change in the amount of the Promissory Note to \$15,860,000.00, and such other and further additional advances

as may be made by Beneficiary to Grantor. In all other respects the original Deed of Trust shall remain in full force and effect, and unchanged.

*Signature Page to Follow*



**EXHIBIT A****Legal Description**

Order No.: 20755-HP

PARCEL 1: Beginning at a point which is North 0°25'29" West 1164.21 feet from the East Quarter Corner of Section 8, Township 4 South, Range 5 East, Salt Lake Base and Meridian; thence South 89°51'48" West 1016.65 feet; thence North 0°14'09" West 160.0 feet along a fence line; thence North 89°15'48" East 1016.122 feet along a second fence line; thence South 0°25'29" East 160.0 feet along a third fence line to the point of beginning.

PARCEL 2: Beginning at a point being West 1031.25 feet from the Northeast Corner of Section 8, Township 4 South, Range 5 East, Salt Lake Base and Meridian; Thence South 1632.85 feet; Thence West 948.75 feet; Thence North 658.04 feet; Thence East 211.55 feet; Thence North 30°33'48" East 172.13 feet; Thence North 31°37'18" East 4.65 feet; Thence South 85°12'42" East 386.65 feet; Thence North 0°05'41" West 653.02 feet; Thence 142.09 feet along the arc of a 406.20 foot radius curve to the Left thru a central angle of 20°02'34" (Chord bears North 13°56'26" East 141.37 feet); Thence 64.98 feet along the arc of a 1240.11 foot radius curve to the Right thru a central angle of 3°00'09" (Chord bears North 5°24'55" East 64.98 feet); Thence East 222.82 feet to the Point of Beginning.

Together with an easement to access U.S. Highway 40, as recorded in Agreement, by and between L.C. Montgomery and Edna Montgomery and John N. Chapman, Linden Chapman and Frank Chapman, recorded February 13, 1946, as Entry No. 69820, in Misc. Book 6, at Page 191, of Official Records.

LESS AND EXCEPTING therefrom from the following 2 parcels of land: Beginning at a point South 89°50'43" West 1031.25 feet along the Section Line (Basis of Bearing) from the Northeast Corner of Section 8, Township 4 South, Range 5 East, Salt Lake Base and Meridian; thence South 89°50'43" West 222.82 feet along the Section line to the Northwest corner of Grantors land; thence Southwesterly 33.20 feet along Grantor's West line and the arc of a 1240.11 foot radius curve to the left through a central angle of 3°00'08" (Chord bears South 6°09'16" West 33.20 feet); thence North 89°50'43" East 226.61 feet to the East line of Grantor land; thence North 0°24'16" West 33.00 feet to the North line of said Section 8 and the point of beginning.

ALSO LESS AND EXCEPTING: Beginning at a point in the Grantor's west boundary fence line, said point having State Plane coordinates of X = 2,027,328.57 and Y = 785,832.02 (Utah Central Zone), said point of beginning also being described as being situated 739.33 feet South and 3335.90 feet east of the brass capped Northwest corner of Section 8, Township 4 South, Range 5 East, Salt Lake Base and Meridian; thence South 72°04'50" East 181.61 feet; thence South 76°43'09" East 135.68 feet to the centerline of the Humbug Canal; thence along said canal centerline South 32°37' West 31.79 feet; thence North 76°43'09" West 126.36 feet; thence North 72°04'50" West 173.09 feet to the grantor's west boundary fence line; thence along said fence line North 0°03' West 31.54 feet to the point of beginning. Basis of Bearing: Utah State Plane Coordinate System, Central Zone.

**PARCEL 3:**

Beginning at the East Quarter Corner of Section 8, Township 4 South, Range 5 East, Salt Lake Base and Meridian; thence North 89°55'02" West 1020.50 feet along a fence line; thence North 0°14'09" West 263.5 feet along a second fence line; thence South 89°55'03" East 1019.63 feet; thence South 0°25'29" East 263.5 feet along a third fence line to the point of beginning.

**Parcel 4:**

Beginning at a point 62.5 rods West of the Northeast corner of Section 8, Township 4 South, Range 5 East, Salt Lake Base and Meridian, and running thence West 17.5 rods; thence South 200 feet; thence West 40 rods; thence South 2440 feet; thence East 57.5 rods; thence North 160 rods to the place of beginning.

TOGETHER WITH an easement to access U.S. Highway 40, as recorded in Agreement, by and between L. C. Montgomery and Edna Montgomery and John N. Chapman, Linden Chapman, and Frank Chapman, recorded

February 13, 1946, as Entry No. 69820, in Misc. Book 6, at Page 191, of Official Records.

LESS AND EXCEPTING THEREFROM Parcel 2 the following 5 parcels of land:

Beginning at a point South  $89^{\circ}50'43''$  West 1031.25 feet along the Section Line (Basis of Bearing) from the Northeast Corner of Section 8, Township 4 South, Range 5 East, Salt Lake Base and Meridian; thence South  $89^{\circ}50'43''$  West 222.82 feet along the Section line to the Northwest corner of Grantors land; thence Southwesterly 33.20 feet along Grantor's West line and the arc of a 1240.11 foot radius curve to the left through a central angle of  $3^{\circ}00'08''$  (Chord bears South  $6^{\circ}09'16''$  West 33.20 feet); thence North  $89^{\circ}50'43''$  East 226.61 feet to the East line of Grantor land; thence North  $0^{\circ}24'16''$  West 33.00 feet to the North line of said Section 8 and the point of beginning.

Less: Beginning at a point in the Grantor's west boundary fence line, said point having State Plane coordinates of  $X = 2,027,328.57$  and  $Y = 785,832.02$  (Utah Central Zone), said point of beginning also being described as being situated 739.33 feet South and 3335.90 feet east of the brass capped Northwest corner of Section 8, Township 4 South, Range 5 East, Salt Lake Base and Meridian; thence South  $72^{\circ}04'50''$  East 181.61 feet; thence South  $76^{\circ}43'09''$  East 135.68 feet to the centerline of the Humbug Canal; thence along said canal centerline South  $32^{\circ}37'$  West 31.79 feet; thence North  $76^{\circ}43'09''$  West 126.36 feet; thence North  $72^{\circ}04'50''$  West 173.09 feet to the grantor's west boundary fence line; thence along said fence line North  $0^{\circ}03'$  West 31.54 feet to the point of beginning. Basis of Bearing: Utah State Plane Coordinate System, Central Zone.

Less: Beginning at a point in the Grantor's west boundary fence line, said point having State Plane coordinates of  $X = 2,027,328.57$  and  $Y = 785,832.02$  (Utah Central Zone), said point of beginning also being described as being situated 739.33 feet South and 3335.90 feet east of the brass capped Northwest corner of Section 8, Township 4 South, Range 5 East, Salt Lake Base and Meridian; thence South  $72^{\circ}04'50''$  East 181.61 feet; thence South  $76^{\circ}43'09''$  East 135.68 feet to the centerline of the Humbug Canal; thence along said canal centerline South  $32^{\circ}37'$  West 31.79 feet; thence North  $76^{\circ}43'09''$  West 126.36 feet; thence North  $72^{\circ}04'50''$  West 173.09 feet to the grantor's west boundary fence line; thence along said fence line North  $0^{\circ}03'$  West 31.54 feet to the point of beginning. Basis of Bearing: Utah State Plane Coordinate System, Central Zone.

Less: Beginning at a point on the northerly boundary line of said entire tract, which point is Twelve Hundred Fifty-four and Seven Hundredths (1254.07) feet West from the Northeast corner of Section Eight (8), Township Four (4) South, Range Five (5) East, Salt Lake Base and Meridian; thence West Sixty-six and Seventy-nine Hundredths (66.79) feet along the northerly boundary line of said entire tract; thence South Two Hundred (200.00) feet; thence West Twenty-three and Seventy-four Hundredths (23.74) feet; thence along the westerly boundary the following 5 (five) courses: (1) South  $23^{\circ}27'12''$  West Sixty and Forty-three Hundredths (60.43) feet; (2) South  $21^{\circ}39'47''$  West One Hundred Sixteen and Eighty Hundredths (116.80) feet; (3) South  $26^{\circ}18'59''$  West One Hundred Thirty-one and Thirty-six Hundredths (131.36) feet; (4) South  $31^{\circ}12'07''$  West One Hundred Sixty-five and Sixty-two Hundredths (165.62) feet; (5) South  $31^{\circ}37'18''$  West Two Hundred Thirty-three and Ninety-eight Hundredths (233.98) feet; thence South  $85^{\circ}12'42''$  East Three Hundred Eighty-six and Sixty-five Hundredths (386.65) feet; thence North  $00^{\circ}05'41''$  West Six Hundred Fifty-three and Two Hundredths (653.02) feet; thence northeasterly One Hundred Forty-two and Nine Hundredths (142.09) feet along the arc of a Four Hundred Six and Twenty Hundredths (406.20) foot radius curve to the left (chord bears North  $13^{\circ}56'26''$  East One Hundred Forty-one and Thirty-seven Hundredths (141.37) feet to the point of tangency of a Twelve Hundred Forty and Eleven Hundredths (1240.11) foot radius curve to the right; thence Sixty-four and Ninety-eight Hundredths (64.98) feet along the arc of said curve to the point of beginning.

Also Less and Excepting from Parcel 2:

A Parcel of land described for the purpose of being dedicated to Heber City as a public road right-of-way, located in the northeast quarter of Section 8, Township 4 South, Range 5 East, Salt Lake Base and Meridian, being more particularly described as follows:

Beginning at point located  $S89^{\circ}50'38''W$  437.10 feet along the section line, and South 34. 13 feet, from the found county monument for the Northeast corner of Section 8, Township 4 South, Range 5 East, Salt Lake Base and Meridian; and running thence;  $S00^{\circ} 10'00''W$  8.30 feet; thence  $S89^{\circ}53'49''W$  162.31 feet; thence  $S83^{\circ}02'48''W$  100.60 feet; thence  $S89^{\circ}53'49''W$  263.81 feet to the beginning of a tangent curve concave to the Southeast,

having a radius of 30.00 feet; thence 47.15 feet along said curve through a central angle of  $90^{\circ}03'16''$ , with a chord bearing and distance of  $S44^{\circ}52'11''W$  42.45 feet; thence  $S00^{\circ}09'27''E$  925.07 feet; thence  $S89^{\circ}50'33''W$  76.00 feet; thence  $N00^{\circ}09'27''W$  925.08 feet to the beginning of a tangent curve concave to the Southwest, having a radius of 30.00 feet; thence 47.12 feet along said curve through a central angle of  $89^{\circ}59'56''$ , with a chord bearing and distance of  $N45^{\circ}09'25''W$  42.43 feet; thence  $S89^{\circ}50'37''W$  103.91 feet; thence  $N77^{\circ}52'33''W$  57.00 feet; thence  $N05^{\circ}01'16''E$  8.78 feet; thence  $N89^{\circ}50'37''E$  247.14 feet; thence  $N89^{\circ}56'57''E$  573.77 feet to the point of beginning.

Also Less and Excepting from Parcels 1-4:

A Parcel of land described for the purpose of being dedicated to Heber City as a public road right-of-way, located in the Northeast and Southeast quarters of Section 8, Township 4 South, Range 5 East, Salt Lake Base and Meridian, being more particularly described as follows:

Beginning at point located  $S89^{\circ}50'38''W$  990.52 feet along the section line, and South 1,009.02 feet, from the found county monument for the Northeast corner of Section 8, Township 4 South, Range 5 East, Salt Lake Base and Meridian; and running thence  $S00^{\circ}09'27''E$  1,147.42 feet; to the beginning of a tangent curve concave to the Northeast, having a radius of 800.00 feet; thence 332.16 feet along said curve through a central angle of  $23^{\circ}47'20''$ , with a chord bearing and distance of  $S12^{\circ}03'07''E$  329.78 feet; to the beginning of a reverse curve, concave to the Southwest, having a radius of 1,338.00 feet; thence 555.53 feet along said curve through a central angle of  $23^{\circ}47'20''$ , with a chord bearing and distance of  $S12^{\circ}03'07''E$  551.55 feet; thence  $S00^{\circ}09'27''E$  687.32 feet to the beginning of a tangent curve concave Northeasterly having a radius of 13.00 feet; thence 20.38 feet along said curve through a central angle of  $89^{\circ}50'33''$ , with a chord bearing and distance of  $S45^{\circ}04'44''E$  18.36 feet; thence East 753.31 feet to the beginning of a tangent curve concave to the Northeast, having a radius of 13.00 feet; thence 20.46 feet along said curve through a central angle of  $90^{\circ}10'17''$ , with a chord bearing and distance of  $N44^{\circ}54'51''E$  18.41 feet; thence East 12.00 feet; thence  $S00^{\circ}05'21''E$  84.00 feet; thence West 12.00 feet to the beginning of a non-tangent curve concave to the Southwest having a radius of 13.00 feet, and to which point a radial line bears  $S89^{\circ}49'43''W$  thence 20.38 feet along said curve through a central angle of  $89^{\circ}49'43''$ , with a chord bearing and distance of  $N45^{\circ}05'09''W$  18.36 feet; thence West 753.21 feet to the beginning of a tangent curve concave to the Southeast having a radius of 13.00 feet; thence 20.46 feet along said curve through a central angle of  $90^{\circ}09'27''$ , with a chord bearing and distance of  $S44^{\circ}55'16''W$  18.41 feet; thence  $S89^{\circ}50'33''W$  76.00 feet; thence  $N00^{\circ}09'27''W$  771.32 feet to the beginning of a tangent curve concave to the Southwest having a radius of 1,262.00 feet; thence 523.98 feet along said curve through a central angle of  $23^{\circ}47'20''$ , with a chord bearing and distance of  $N12^{\circ}03'07''W$  520.22 feet; to the beginning of a reverse curve concave to the Northeast having a radius of 876.00 feet; thence 363.71 feet along said curve through a central angle of  $23^{\circ}47'20''$ , with a chord bearing and distance of  $N12^{\circ}03'07''W$  361.10 feet; thence  $N00^{\circ}09'27''W$  1,147.42 feet; thence  $N89^{\circ}50'33''E$  76.00 feet to the point of beginning.

Tax Parcel No.: 00-0020-8278 (Parcel 1), 00-0021-2375 (Parcel 2), 00-0012-1967 (Parcel 3) and 00-0020-8286 (Parcel 4)