

After recording return to:
Greer, Herz & Adams, LLP
Attn: Steven R. Burzinski
2525 South Shore Blvd., Suite 203
League City, Texas 77573

ENT 121728:2017 PG 1 of 6
Jeffery Smith
Utah County Recorder
2017 Dec 07 02:08 PM FEE 20.00 BY SW
RECORDED FOR Founders Title Company
ELECTRONICALLY RECORDED

Assessor's Parcel No. 40-470-0004

AMENDMENT TO DEED OF TRUST, SECURITY AGREEMENT AND FINANCING STATEMENT

This AMENDMENT TO DEED OF TRUST, SECURITY AGREEMENT AND FINANCING STATEMENT ("Amendment") is made as of November 10, 2017 by LINCOLN SQUARE APARTMENTS, LLC, a Utah limited liability company ("**Trustor**" and "**Borrower**"), 4544 Holladay Blvd., Holladay, UT 84117, and AMERICAN NATIONAL INSURANCE COMPANY, a Texas insurance company ("**Beneficiary**," which designation shall include successors and assigns).

This Amendment amends that certain Deed of Trust, Security Agreement and Financing Statement made as of August 1, 2017, and recorded on August 1, 2017, as Entry No. 774436:2017 (the "**Deed of Trust**"), in the real property records of Utah County, Utah, securing that certain real property as set forth on the attached Exhibit A. The Deed of Trust remains in full force and effect, as modified hereby.

RECITALS

A. Subsequent to the recording to the Deed of Trust, the Beneficiary secured easement rights for ingress and egress over that portion of 400 North that is west of Mill Road as required by the Beneficiary, which was memorialized in that certain Reciprocal Easement Agreement, dated as of September 18, 2017, by and between Utah Valley University, RRM Ventures, LLC, and the Trustor, and recorded in the Utah County Recorder's Office on September 21, 2017, as Entry No. 92754:2017 (the "**Easement**").

B. Beneficiary requires and Trustor desires to include the Easement in the insured estate as part of the Mortgage Premises, as defined in the Deed of Trust.

TERMS OF AGREEMENT

In consideration of the recitals and mutual covenants contained herein, and for other good and valuable consideration, the receipt of which is hereby acknowledged, Trustor and Beneficiary agree as follows:

1. **Accuracy of Recitals.** Trustor hereby acknowledges the accuracy of the foregoing Recitals which are incorporated herein by this reference.

2. **Definitions.** All capitalized terms used herein but not defined herein shall have the meanings given to such terms under the Deed of Trust.

3. **Addition to Mortgaged Premises/Addition to Exhibit A.** The definition of "Mortgaged Premises" in Article 1, Section C of the Deed of Trust is hereby amended to add the Easement and all rights of Trustor under the Easement, and the corresponding Exhibit A to the Deed of Trust is hereby amended to add the following as Parcel 6:

Parcel 6:

Together with the easements, benefits and rights contained in that certain Reciprocal Easement Agreement dated September 18, 2017, executed by Utah Valley University, RRM Ventures, LLC, and Lincoln Square Apartments, LLC, recorded September 21, 2017, as Entry No. 92754:2017, Official Records.

4. **Counterparts.** This Amendment may be signed in any number of counterparts, each of which will be considered an original, but when taken together will constitute one document.

5. **Authorization.** Trustor represents and warrants that the execution, delivery and performance of this Amendment and the documents referenced herein are within the organizational powers (as applicable) of Trustor and have been duly authorized by all necessary organizational action.

[SIGNATURE PAGES IMMEDIATELY FOLLOW]

IN WITNESS WHEREOF, the undersigned have executed this Amendment as of the date first set forth above.

TRUSTOR:

LINCOLN SQUARE APARTMENTS, LLC,
a Utah limited liability company

By: Ralph R. Moffat
Ralph R. Moffat, Manager

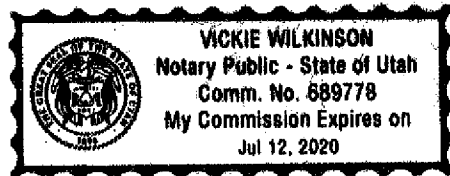
TRUSTOR NOTARY ACKNOWLEDGEMENT

STATE OF UTAH)
 ss.
COUNTY OF SALT LAKE)

On this 7 day of December, 2017, before me, the undersigned, a Notary Public in and for said County and State, personally appeared RALPH R. MOFFAT, known or proved to me to be Manager of LINCOLN SQUARE APARTMENTS, LLC, a Utah limited liability company, the person who subscribed said limited liability company's name to the foregoing instrument, and acknowledged to me that he executed the within instrument on behalf of said limited liability company, and that such limited liability company executed the same.


IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Vickie Wilkinson
Notary Public



BENEFICIARY:

**AMERICAN NATIONAL INSURANCE
COMPANY, a Texas insurance company**

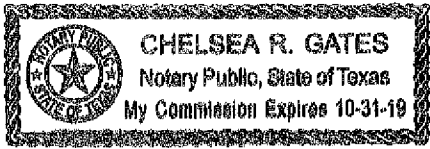
By: 
Name: Robert J. Kirchner
Title: Vice President

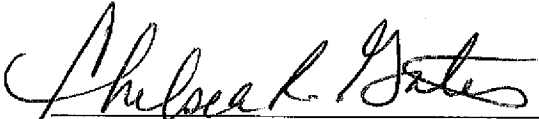
BENEFICIARY NOTARY ACKNOWLEDGEMENT

STATE OF TEXAS)
) ss.
COUNTY OF Galveston)

On this 4 day of ~~November~~ December, 2017, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Robert J. Kirchner, known or proved to me to be Vice President of AMERICAN NATIONAL INSURANCE COMPANY, a Texas insurance company, the person who subscribed said limited liability company's name to the foregoing instrument, and acknowledged to me that he executed the within instrument on behalf of said limited liability company, and that such limited liability company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.




Notary Public

**EXHIBIT A TO AMENDMENT TO
DEED OF TRUST, SECURITY AGREEMENT AND FINANCING STATEMENT**

LEGAL DESCRIPTION OF REAL PROPERTY

The following land situated in Utah County, State of Utah, and is described as follows:

Parcel 1:

A portion of Lot 1, Geneva Park East - Phase Two, according to the official plat thereof as recorded in the Office of the Utah County Recorder, more particularly described as follows:

A parcel of land located in Northwest Quarter of the Northeast Quarter of Section 17, Township 6 South, Range 2 East, Salt Lake Base and Meridian; said property being more particularly described as follows:

Commencing at a point located South 00°02'55" East along the section line 52.75 feet and West 1451.14 feet from the Northeast Corner of Section 17, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence along the easterly boundary of Lot 1, Geneva Park East-Phase Two Subdivision the following three (3) calls: South 00°33'35" East 0.78 feet, North 89°26'17" East 12.01 feet, along an arc of a 15.00 foot radius tangent curve to the right 23.56 feet (chord bears South 45°33'41" East 21.21 feet) to the westerly right-of-way of Mill Road and easterly boundary of Lot 1, Geneva Park East-Phase Two Subdivision; thence along the westerly right-of-way of Mill Road and the easterly boundary of Lot 1, Geneva Park East-Phase Two Subdivision the following three (3) calls: South 00°33'46" East 159.05 feet, along an arc of a 799.00 foot radius tangent curve to the left 466.86 feet (chord bears South 17°18'08" East 460.25 feet), South 34°02'40" East a distance of 37.41 feet to the Southeast Corner of Lot 1; thence North 89°59'49" West along the property line between Lot 1 and Lot 2 1020.20 feet to a point on the easterly right of way of the Union Pacific Railroad and westerly boundary line of Lot 1, Geneva Park East-Phase Two Subdivision; thence North 30°03'56" West along said right of way and westerly boundary line 731.57 feet; thence North 89°26'14" East 194.54 feet; thence along an arc of a 48.00 foot radius non-tangent curve to the left 58.01 feet (chord bears North 89°26'03" East a distance of 54.54 feet); thence North 89°26'03" East a distance of 951.13 feet to the point of beginning.

The following is shown for information purposes only: Tax ID No. 40-470-0004

Parcel 2:

Terms, conditions, easements, benefits and limitations contained in RESERVATION, DECLARATION AND GRANT OF EASEMENTS recorded September 2, 2011 as Entry No.: 62336:2011, Official Records.

Parcel 3:

Terms, conditions, easements, benefits, and limitations contained in RESERVATION, DECLARATION AND GRANT OF EASEMENTS recorded June 19, 2014 as Entry No.: 41851:2014, Official Records.

Exhibit A continued

Parcel 4:

Together With the rights and interests as set forth in that certain DECLARATION OF PROTECTIVE COVENANTS, AGREEMENTS, EASEMENTS, CONDITIONS AND RESTRICTIONS FOR EASTLAKE AT GENEVA INDUSTRIAL BUSINESS PARK, PHASE 2 LOTS 3, 4, 7, 8 and 9, except color, creed, national origin, religion, sex, handicap or familial status, unless and only to the extent that said Covenants (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicap persons contained in instrument:

Recorded: November 24, 2009

Entry No: 121704:2009

Amendment to said Covenants:

Recorded: December 21, 2009

Entry No.: 130269:2009

Parcel 5:

Together With the easements, benefits, and limitations contained in proposed TEMPORARY ACCESS EASEMENT AGREEMENT dated July 28, 2017, executed by and between Geneva Anderson, LLC, a Utah limited liability company as Grantor and Lincoln Square Apartments, LLC, a Utah limited liability company as

Grantee, recorded July 28, 2017 as Entry No. 73068:2017, Official Records.

Parcel 6:

Together with the easements, benefits and rights contained in that certain Reciprocal Easement Agreement dated September 18, 2017, executed by Utah Valley University, RRM Ventures, LLC, and Lincoln Square Apartments, LLC, recorded September 21, 2017, as Entry No. 92754:2017, Official Records.