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Book - 11116 Pg - 5601-5608  
RASHELLE HOBBS  
Recorder, Salt Lake County, UT  
COTTONWOOD TITLE  
BY: eCASH, DEPUTY - EF 8 P.

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

KMW Development L.L.C.  
c/o Woodbury Corporation  
Attn: Office of General Counsel  
2733 East Parleys Way, Suite 300  
Salt Lake City, Utah 84109

|         |               |               |
|---------|---------------|---------------|
| APN(s): | 22-09-228-023 | 22-09-228-035 |
|         | 22-10-151-013 | 22-10-151-012 |
|         | 22-10-151-007 | 22-09-228-034 |
|         | 22-09-228-030 | 22-10-151-011 |
|         | 22-09-228-024 |               |

137413-DMF

**MEMORANDUM OF MODIFICATION TO TRUST DEED**

THIS MEMORANDUM OF MODIFICATION TO TRUST DEED ("**Memorandum**") is effective as of December 30, 2020, by and between PETERBUILT HH, L.L.C., a Utah limited liability company ("**Trustor**"), and KMW DEVELOPMENT L.L.C., a Utah limited liability company ("**Beneficiary**").

**RECITALS**

- A. Trustor is the current trustor under that certain Trust Deed with Assignment of Rents, dated June 15, 2020, executed by Trustor, to Cottonwood Title Insurance Agency, Inc., a Utah corporation, as trustee, for the benefit of Beneficiary, as beneficiary, which was recorded on June 22, 2020, as Entry No. 13305291 in Book 10965 at Page 5342, in the Official Records of Salt Lake County, Utah, ("**Trust Deed**").
- B. The Trust Deed encumbers certain real property described on Exhibit A, attached hereto.
- C. Contemporaneously with the execution of the Trust Deed, Trustor and Beneficiary entered into that certain Secured Cross Indemnification Agreement dated June 15, 2020 ("**Original Agreement**").
- D. Trustor and Beneficiary have, contemporaneously herewith, entered into an Amended and Restated Secured Cross Indemnification Agreement ("**Amended and Restated Agreement**") of even date herewith.
- E. Trustor and Beneficiary desire to amend the Trust Deed to provide notice that the obligations evidenced by the Amended and Restated Agreement are secured by the Trust Deed.

NOW, THEREFORE, Trustor and Beneficiary hereby agree as follows:

- 1. **AMENDMENT**. Any references in the Trust Deed to the Original Agreement shall instead refer to the Amended and Restated Agreement.
- 2. **RATIFICATION OF TRUST DEED**. As amended by this Memorandum, the Trust Deed is ratified and confirmed and continues in full force and effect. The Trust Deed as modified herein shall be binding upon an inure to the benefit of Trustor and Beneficiary, and their respective

successors and assigns. No provision of this Memorandum may be changed, discharged, supplemented, terminated or waived except in a writing signed by Beneficiary.

3. **NO NOVATION.** Nothing hereinto contained shall be construed as a substitution or novation of the obligations outstanding under the Trust Deed.

4. **COUNTERPART.**

(a) To facilitate execution, this document may be executed in as many counterparts as may be convenient or required. It shall not be necessary that the signature of, or on behalf of, each party, or that the signature of all persons required to bind any party, appear on each counterpart. All counterparts shall collectively constitute a single document. It shall not be necessary in making proof of this document to produce or account for more than a single counterpart containing the respective signatures of, or on behalf of, each of the parties hereto. Any signature page to any counterpart may be detached from such counterpart without impairing the legal effect of the signatures thereon and thereafter attached to another counterpart identical thereto except having attached to it additional signature pages.

*[Signature Pages Follow]*



**TRUSTOR'S SIGNATURE PAGE:**

"TRUSTOR"

Peterbuilt HH, L.L.C., a Utah limited liability company

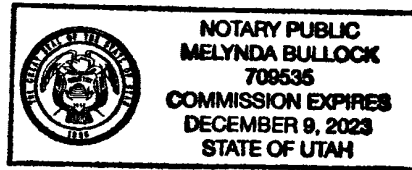
By:   
Steven Peterson, Manager

STATE OF UTAH                    )  
  :SS  
COUNTY OF Salt Lake)

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of February 2021, by Steven Peterson, Manager of Peterbuilt HH, L.L.C., a Utah limited liability company.

Melynda Bullock  
NOTARY PUBLIC  
Residing at: Lindon Utah

My commission expires: December 9<sup>th</sup> 2023



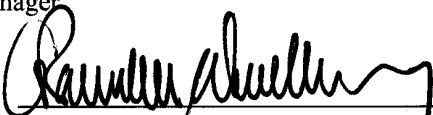


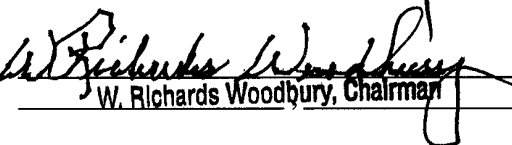
***BENEFICIARY'S SIGNATURE PAGE:***

“BENEFICIARY”

KMW DEVELOPMENT L.L.C., a Utah limited liability company

By: Woodbury Corporation, a Utah corporation  
Its Manager

By:   
O. Randall Woodbury, President

By:   
W. Richards Woodbury, Chairman

By: MILLROCK CAPITAL, II, LLC, a Utah limited liability company  
Its Manager

By:   
Steven Peterson, Manager

*[Acknowledgments on Following Page]*

STATE OF UTAH )  
 :SS  
COUNTY OF SALT LAKE )

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of Feb., 2021, by O. Randall Woodbury, President of Woodbury Corporation, a Utah corporation, Manager of KMW Development L.L.C., a Utah limited liability company.



Tiffany M. Steele  
NOTARY PUBLIC  
Residing at: \_\_\_\_\_

My commission expires: \_\_\_\_\_

STATE OF UTAH )  
 :SS  
COUNTY OF SALT LAKE )

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of Feb., 2021, by W. Richards Woodbury Chairman of Woodbury Corporation, a Utah corporation, Manager of KMW Development L.L.C., a Utah limited liability company.



Tiffany M. Steele  
NOTARY PUBLIC  
Residing at: \_\_\_\_\_

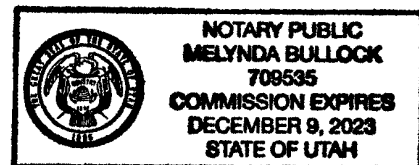
My commission expires: \_\_\_\_\_

STATE OF UTAH )  
 :SS  
COUNTY OF Salt Lake )

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of February, 2021, by Steven Peterson, Manager of Millrock Capital, II, LLC, a Utah limited liability company, Manager of KMW Development L.L.C., a Utah limited liability company.

Melynda Bullock  
NOTARY PUBLIC  
Residing at: Lindon Utah

My commission expires: December 9<sup>th</sup> 2023



*Handwritten initials*

## EXHIBIT A - DESCRIPTION OF PROPERTY

Exhibit A to Memorandum of Modification to Trust Deed, by and between Peterbuilt HH, L.L.C., a Utah limited liability company, as Trustor, and KMW Development L.L.C., a Utah limited liability company, as Beneficiary.

All that certain real property located in the County of Salt Lake, State of Utah, described as follows:

### PARCEL 1:

Beginning at a point that is located North 00°03'51" West 1431.39 feet along Section Line and West 1086.95 feet from the East Quarter Corner of Section 9, Township 2 South, Range 1 East, Salt Lake Base and Meridian; thence South 87°46'29" West a distance of 213.43 feet to the beginning of a curve which represents the East Right-of-Way line of Highland Drive; said curve bears to the right through 13°32'49", having a radius of 1381.83 feet along the arc a distance of 326.72 feet, and whose long chord bears North 12°33'01" West a distance of 325.96 feet along said Highland Drive; thence continuing along said Highland Drive to the beginning of a spiral curve consisting of the following ten calls: Said curve bears to the right through 00°43'03", having a radius of 1430.07 feet along the arc a distance of 17.91 feet, and whose long chord bears North 05°15'53" West a distance of 17.91 feet to the beginning of a curve; said curve bears to the right along said Highland Drive through 00°41'32", having a radius of 1626.35 feet along the arc a distance of 19.65 feet, and whose long chord bears North 04°34'00" West a distance of 19.65 feet to the beginning of a curve; said curve bears to the right along said Highland Drive through 00°36'39", having a radius of 1843.20 feet along the arc a distance of 19.65 feet, and whose long chord bears North 03°54'54" West a distance of 19.65 feet to the beginning of a curve; said curve bears to the right along said Highland Drive through 00°31'46", having a radius of 2126.77 feet along the arc a distance of 19.65 feet, and whose long chord bears North 03°20'42" West a distance of 19.65 feet to the beginning of a curve; said curve bears to the right along said Highland Drive through 00°26'53", having a radius of 2513.45 feet along the arc a distance of 19.65 feet, and whose long chord bears North 02°51'23" West a distance of 19.65 feet to the beginning of a curve; said curve bears to the right along said Highland Drive through 00°21'59", having a radius of 3072.00 feet along the arc a distance of 19.65 feet, and whose long chord bears North 02°26'57" West a distance of 19.65 feet to the beginning of a curve; said curve bears to the right along said Highland Drive through 00°17'06", having a radius of 3949.71 feet along the arc a distance of 19.65 feet, and whose long chord bears North 02°07'24" West a distance of 19.65 feet to the beginning of a curve; said curve bears to the right along said Highland Drive through 00°12'13", having a radius of 5529.60 feet along the arc a distance of 19.65 feet, and whose long chord bears North 01°52'45" West a distance of 19.65 feet to the beginning of a curve; said curve bears to the right along said Highland Drive through 00°07'20", having a radius of 9216.00 feet along the arc a distance of 19.65 feet, and whose long chord bears North 01°42'58" West a distance of 19.65 feet to the beginning of a curve; said curve bears to the right along said Highland Drive through an angle of 00°01'38", having a radius of 41472.00 feet along the arc a distance of 19.65 feet and whose long chord bears North 01°38'05" West a distance of 19.65 feet to a point of intersection with a line; thence North 01°43'40" West along said East Right-of-Way line of Highland Drive a distance of 3.89 feet; thence South 88°12'51" West along said East Right-of-Way line of Highland Drive a distance of 10.00 feet; thence North 01°43'40" West along said East Right-of-Way line of Highland Drive a distance of 43.18 feet to the South Right-of-Way line of Murray Holladay Road; thence South 89° 47' 36" East along said Murray Holladay Road a distance of 144.66 feet; thence South 00°11'01" West along said Murray Holladay Road a distance of 15.00 feet; thence South 89°47'36" East along said Murray Holladay Road a distance of 95.80 feet; thence South 46°19'21" East a distance of 27.52 feet; thence South 86°40'30" East a distance of 19.61 feet; thence South 02°51'06" East a



distance of 260.03 feet; thence South 02°51'06" East a distance of 255.68 feet to the point of beginning. (aka Proposed Block "A")

**PARCEL 2:**

Beginning at a point that is located North 00°03'51" West 803.13 feet along Section Line and West 207.35 feet from the East Quarter Corner of Section 9, Township 2 South, Range 1 East, Salt Lake Base and Meridian; thence South 48°41'17" West a distance of 531.98 feet to the East Right-of-Way line of Highland Drive; thence North 39°48'39" West along said East Right-of-Way line of Highland Drive a distance of 319.11 feet; thence North 48°41'17" East a distance of 523.62 feet; thence South 41°18'43" East a distance of 319.00 feet to the point of beginning. (aka Proposed Block "E")

**PARCEL 3:**

Beginning at a point that is located North 00°03'51" West 715.61 feet along Section Line and East 211.16 feet from the East Quarter Corner of Section 9, Township 2 South, Range 1 East, Salt Lake Base and Meridian; thence South 07°21'33" West a distance of 734.30 feet to the North Right-of-Way line of Arbor Lane; thence along said North Right-of-Way line of Arbor Lane North 85°00'59" West a distance of 140.36 feet; thence North 63°22'13" West a distance of 135.83 feet; thence North 02°20'32" East a distance of 18.68 feet; thence North 87°03'34" West a distance of 26.50 feet; thence North 02°20'32" East a distance of 650.20 feet; thence South 87°39'28" East a distance of 354.73 feet to the point of beginning. (aka Proposed Block "G")

**PARCEL 4:**

Beginning at a point that is located North 00°03'51" West 730.11 feet along Section Line and West 143.25 feet from the East Quarter Corner of Section 9, Township 2 South, Range 1 East, Salt Lake Base and Meridian; thence North 41°18'43" West a distance of 97.21 feet; thence North 48°41'17" East a distance of 473.37 feet; thence South 41°18'43" East a distance of 311.89 feet to the beginning of a curve that represents the West Right-of-Way line of Memory Lane; said curve bears to the left through an angle of 38°59'52", having a radius of 127.34 feet along the arc a distance of 86.67 feet, and whose long chord bears South 14°45'03" East a distance of 85.01 feet; thence South 34°14'59" East along said West Right-of-Way line of Memory Lane a distance of 41.95 feet; thence South 64°16'35" West a distance of 120.11 feet; thence North 87°39'28" West a distance of 434.68 feet to the point of beginning. (aka Proposed Block "H")

**PARCEL 5:**

Beginning at a point that is located North 00°03'51" West 803.13 feet along Section Line and West 207.35 feet from the East Quarter Corner of Section 9, Township 2 South, Range 1 East, Salt Lake Base and Meridian; thence North 41°18'43" West a distance of 319.00 feet; thence North 48°41'17" East a distance of 473.37 feet; thence South 41°18'43" East a distance of 319.00 feet; thence South 48°41'17" West a distance of 473.37 feet to the point of beginning. (aka Proposed Block "I")

**PARCEL 6:**

Beginning at a point that is located North 00°03'51" West 1799.35 feet along Section Line and West 113.51 feet from the East Quarter Corner of Section 9, Township 2 South, Range 1 East, Salt Lake Base and Meridian; thence along the West Right-of-Way line of Memory Lane the following four calls, South 00°00'59" East a distance of 38.90 feet; thence South 44°45'59" East a distance of 929.25 feet; thence South 46°48'01" West a distance of 200.20 feet to the beginning of a curve, said curve bears to the left through an angle of 42°03'08", having a radius of 127.34 feet along the arc a distance of 93.46 feet, and whose long chord bears South 25°46'27" West a distance of 91.38 feet; thence North 41°18'43" West a distance of 900.67 feet; thence South 86°11'56" West a distance of 187.05 feet; thence North 58°19'45" West a distance of 94.11 feet; thence North 31°40'15" East a distance of 8.56 feet to the beginning of a curve; said curve bears to the left through an angle of 34°52'38", having a radius of 29.00 feet along the arc a distance of 17.65 feet, and whose long chord bears North 14°13'56" East a distance of 17.38 feet; thence North 03°12'23" West a distance of 121.48 feet to the beginning of a curve; said curve bears to the right through an angle of 12°00'50", having a radius of 100.00 feet along the arc a distance of 20.97 feet, and whose long chord bears North 02°48'02" East a distance of 20.93 feet; thence North 08°48'26" East a distance of 16.19 feet to the beginning of a curve; said curve bears to the left through an angle of 12°00'50", having a radius of 100.00 feet along the arc a distance of 20.97 feet, and whose long chord bears North 02°48'02" East a distance of 20.93 feet; thence North 03°12'23" West a distance of 144.94 feet; thence South 85°09'26" East a distance of 33.41 feet to the West property line of a tract of land whose owner of record is Utah Power and Light Company; thence along said Utah Power and Light property line the following three calls, South 03°30'59" East a distance of 72.00 feet; thence South 06°38'59" East a distance of 127.12 feet; thence North 78°59'01" East a distance of 179.85 feet to the West property line of a tract of land whose owner of record is Gadwall, LLC (Book: 10391 Page: 4494); thence along said West property line South 02°59'59" East a distance of 8.99 feet; thence along the South property line of said Gadwall, LLC property North 78°59'01" East a distance of 167.85 feet to the point of beginning. (aka Proposed Block "K")

**PARCEL 7:**

Beginning at a point that is North 00° 03' 51" West 1355.23 feet along Section Line and West 61.76 feet from the East Quarter Corner of Section 9, Township 2 South, Range 1 East, Salt Lake Base & Meridian;

Thence South 48° 41' 17" West a distance of 473.37 feet, Thence North 41° 18' 43" West a distance of 102.76 feet, Thence North 62° 58' 36" West a distance of 268.50 feet, Thence North 31° 40' 15" East a distance of 170.77 feet, Thence North 31° 40' 15" East a distance of 243.97 feet, Thence South 58° 19' 45" East a distance of 94.11 feet, Thence North 86° 11' 56" East a distance of 187.05 feet, Thence South 41° 18' 43" East a distance of 269.78 feet to the point of beginning. (aka Proposed Block "J")