

Ent 127811 Bk 302 Pg 1359  
Date: 10-DEC-2012 10:21:39AM  
Fee: \$14.00 Check  
Filed By: CB  
BRENDA NELSON, Recorder  
MORGAN COUNTY  
For: MCKAY BURTON & THURMAN PC

Jamie L. Nopper  
McKay, Burton & Thurman  
170 South Main Street, Suite 800  
Salt Lake City, Utah 84101

**Parcel ID 05-423/00-0004-5136**

**AMENDED TRUSTEE'S DEED**

This Amended Trustee's Deed is made by Jamie L. Nopper, attorney at law ("the Trustee") under the trust deed described below, in favor of Utah Powder Properties, LLC as Grantee, which Amends the property description on the Trustee's Deed originally recorded on this parcel as Entry No.123187, in Book 291 at Page 827 on May 5, 2011.

On or about March 31, 2006, Coldwater Properties, LLC and Roger J. Nicosia Jr., as trustors, executed to First National Bank of Morgan, as trustee for the benefit of First National Bank of Morgan, its successors and assigns, as beneficiary, a trust deed to secure the performance by the trustors of their obligations under the promissory note executed and delivered for valid consideration on or about March 31, 2006. The trust deed was filed for record on April 3, 2006, as Entry No.102514, Book 228, Pages 338-346, in Morgan County, Utah, and covered the Property described below ("the Property").

First National Bank of Morgan subsequently assigned its interest in the Real Estate Deed of Trust to Utah Powder Properties, LLC, which appointed Jamie L. Nopper, attorney at law, as trustee by a Substitution of Trustee filed for record on August 13, 2009, as Entry No.117864, Book 279, Page 1996, in Morgan County, Utah.

A default occurred under the terms of the promissory notice and trust deed. The Trustee executed and filed for record a written Notice of Default and Election to Sell on August 13, 2009, as Entry No. 117865, Book 279, Page 1998, in Morgan County, Utah.

Not later than ten days after the notice of default was filed for record, the Trustee mailed, by certified mail, a copy of the Notice of Default reflecting the filing data to each person whose name and address were set forth in a request for notice filed for record prior to the filing of the Notice of Default.

The default was not cured within three months after the filing of the Notice of Default and the Trustee executed a notice of trustee's sale stating that she would sell the Property at public auction to the highest bidder, fixing the date and time of the sale as Wednesday, April 13, 2011 at 12:30 p.m., and caused copies of the notice of trustee's sale to be posted not less than 20

days before the date of sale on the Property and in the office of the Morgan County Recorder. The Trustee also caused a copy of the notice of trustee's sale to be published once a week for three consecutive weeks before the date of sale in the Ogden Standard Examiner, a newspaper having general circulation in the county in which the Property is situated, the first day of publication being March 15, 2011, and the last date being March 29, 2011. At least 20 days before the date of the sale, the Trustee also mailed, by certified mail, a copy of the notice of trustee's sale to each person whose name and address were set forth in a request for notice filed for record prior to the filing of the notice of default, if any.

All applicable statutory provisions of the State of Utah and all of the provisions of the trust deed were complied with as to the acts to be performed and the notices to be given. At the time and place of the sale the sale was held and sold to the grantee. Accordingly, the Trustee, by virtue of her authority under the trust deed and in consideration of the premises recited and of the \$116,581.61 credit bid by the Grantee, grants and conveys to the Grantee, without any covenant or warranty, express or implied, effective as of the time of the sale, all of the Property situated in Morgan County, Utah described as follows:

A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 4 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN: BEGINNING AT A POINT WHICH BEARS SOUTH 58DEG EAST 63.5 FEET FROM MONUMENT "B" MORGAN CITY SURVEY, (SAID MONUMENT "B" IS LOCATED AT A POINT WHICH BEARS SOUTH 640.2 FEET FROM THE NORTH QUARTER SECTION CORNER OF SAID SECTION 36), AND RUNNING THENCE SOUTH 58DEG EAST 39.5 FEET ALONG THE SOUTHERLY SIDE OF COMMERCIAL STREET PARALLEL WITH AND 100 FEET DISTANCE FROM THE WEST BOUND MAIN LINE OF THE UNION PACIFIC RAIL ROAD; THENCE SOUTH 32DEG 00MIN WEST 116 FEET; THENCE NORTH 58DEG WEST 4 FEET; THENCE SOUTH 34DEG WEST 13 FEET MORE OR LESS TO THE NORTHERLY LINE OF THE MORGAN CITY PROPERTY; THENCE NORTH 55DEG 52MIN WEST ALONG THE NORTHERLY LINE OF SAID CITY PROPERTY 23 FEET MORE OR LESS TO A POINT WHICH IS SOUTH 32DEG WEST 83.5 FEET AND SOUTH 58DEG EAST 12.5 FEET AND SOUTH 32DEG WEST 45.5 FEET FROM THE POINT OF BEGINNING; THENCE NORTH 32DEG EAST 45.5 FEET; THENCE NORTH 58DEG WEST 12.5 FEET; THENCE NORTH 32DEG EAST 83.5 FEET TO THE POINT OF BEGINNING.

Serial / Parcel Numbers: 05-423 / 00-0004-5136

DATED this 21<sup>st</sup> day of November, 2012.

Jamie Nopper  
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Jamie L. Nopper,  
Attorney at Law, Trustee

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

On the 21<sup>st</sup> day of November, 2012, personally appeared before me Jamie L. Nopper, the signer of the foregoing instrument, who duly acknowledged to me that she executed the same.

Antoinette Gard-Moore  
\_\_\_\_\_  
Notary Public

