

Tax Serial Number: *d.d. d.d. f.d.*

PARCEL 1: ~~15-102-0004~~, ~~15-102-0005~~, ~~15-102-0037~~ *N/A*

PARCEL 2: 15-102-0051

PARCEL 3: 15-102-0052

15-339-0005 *JS*



W2767594

E# 2767594 PG 1 OF 6
Leann H. Kilts, WEBER COUNTY RECORDER
01-Dec-15 1050 AM FEE \$22.00 DEP TN
REC FOR: INWEST TITLE - WEST HAVEN
ELECTRONICALLY RECORDED

WHEN RECORDED MAIL TO:
Cache Valley Bank
Main Office
101 North Main
P.O. Box 3227
Logan, UT 84321
CVB 56-034127

Inwest 212998

FOR RECORDER'S USE ONLY

R/O

MODIFICATION OF DEED OF TRUST

THIS MODIFICATION OF DEED OF TRUST dated November 18, 2015, is made and executed between RECYCLED EARTH LLC, whose address is 3027 MIDLAND DRIVE, OGDEN, UT 84401 ("Trustor") and Cache Valley Bank, whose address is Main Office, 101 North Main, P.O. Box 3227, Logan, UT 84321 ("Lender").

DEED OF TRUST. Lender and Trustor have entered into a Deed of Trust dated December 19, 2014 (the "Deed of Trust") which has been recorded in WEBER County, State of Utah, as follows:

ELECTRONICALLY RECORDED 12-24-2104, WEBER COUNTY, UTAH, ENTRY #2715830.

REAL PROPERTY DESCRIPTION. The Deed of Trust covers the following described real property located in WEBER County, State of Utah:

See SEE ATTACHED EXHIBIT "A", which is attached to this Modification and made a part of this Modification as if fully set forth herein.

The Real Property or its address is commonly known as 3061 MIDLAND DRIVE, OGDEN, UT 84401. The Real Property tax identification number is PARCEL 1: 15-102-0004, 15-102-0005, 15-102-0037
PARCEL 2: 15-102-0051
PARCEL 3: 15-102-0052.

MODIFICATION. Lender and Trustor hereby modify the Deed of Trust as follows:

THE MAXIMUM LIEN AMOUNT ON SAID DEED OF TRUST IS HEREBY INCREASED TO \$2,437,866.00.

CONTINUING VALIDITY. Except as expressly modified above, the terms of the original Deed of Trust shall remain unchanged and in full force and effect. Consent by Lender to this Modification does not waive Lender's right to require strict performance of the Deed of Trust as changed above nor obligate Lender to make any future modifications. Nothing in this Modification shall constitute a satisfaction of the promissory note or other credit agreement secured by the Deed of Trust (the "Note"). It is the intention of Lender to retain as liable all parties to the Deed of Trust and all parties, makers and endorser to the Note, including accommodation parties, unless a party is expressly released by Lender in writing. Any maker or endorser, including accommodation makers, shall not be released by virtue of this Modification. If any person who signed the original Deed of Trust does not sign this Modification, then all persons signing below acknowledge that this

**MODIFICATION OF DEED OF TRUST
(Continued)**

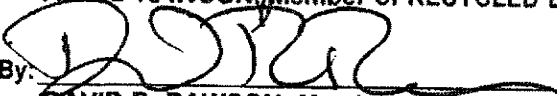
Modification is given conditionally, based on the representation to Lender that the non-signing person consents to the changes and provisions of this Modification or otherwise will not be released by it. This waiver applies not only to any initial extension or modification, but also to all such subsequent actions.

TRUSTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS MODIFICATION OF DEED OF TRUST AND TRUSTOR AGREES TO ITS TERMS. THIS MODIFICATION OF DEED OF TRUST IS DATED NOVEMBER 18, 2015.

TRUSTOR:

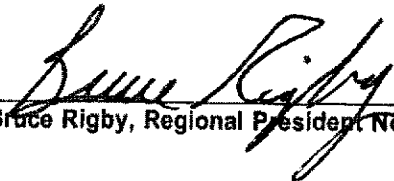
RECYCLED EARTH LLC

By: 
AMY D RAWSON, Member of RECYCLED EARTH LLC

By: 
DAVID R. RAWSON, Member of RECYCLED EARTH LLC

LENDER:

CACHE VALLEY BANK

x 
Bruce Rigby, Regional President North

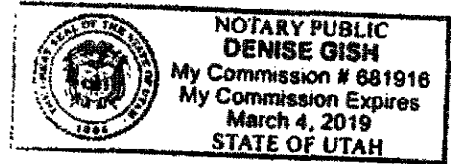
MODIFICATION OF DEED OF TRUST
(Continued)

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF Utah

COUNTY OF Cache

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) SS
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On this 19th day of November, 2015, before me, the undersigned Notary Public, personally appeared **AMY D RAWSON**, Member of **RECYCLED EARTH LLC** and **DAVID R. RAWSON**, Member of **RECYCLED EARTH LLC**, and known to me to be members or designated agents of the limited liability company that executed the Modification of Deed of Trust and acknowledged the Modification to be the free and voluntary act and deed of the limited liability company, by authority of statute, its articles of organization or its operating agreement, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute this Modification and in fact executed the Modification on behalf of the limited liability company.

By Denise Gish

Residing at Logan, Utah

Notary Public in and for the State of Utah

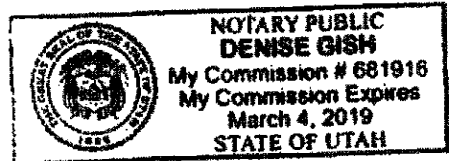
My commission expires 3-4-19

LENDER ACKNOWLEDGMENT

STATE OF Utah

COUNTY OF Cache

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) SS
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On this 19th day of November, 2015, before me, the undersigned Notary Public, personally appeared **Bruce Rigby** and known to me to be the **Regional President North**, authorized agent for **Cache Valley Bank** that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of **Cache Valley Bank**, duly authorized by **Cache Valley Bank** through its board of directors or otherwise, for the uses and purposes therein mentioned, and on oath stated that he or she is authorized to execute this said instrument and in fact executed this said instrument on behalf of **Cache Valley Bank**.

By Denise Gish

Residing at Logan, Utah

Notary Public in and for the State of _____

My commission expires 3-4-19

**MODIFICATION OF DEED OF TRUST
(Continued)**

PARCEL 1: (15-569-0005) — *BSJ*
 ADDRESS: 3061 MIDLAND DRIVE, OGDEN, UTAH 84401

A PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 6 NORTH, RANGE 2 WEST, OF THE SALT LAKE BASE AND MERIDIAN. BEGINNING AT A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF MIDLAND DRIVE BEING LOCATED NORTH 00°22'51" EAST 2185.63 FEET ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION AND NORTH 90°00'00" EAST 39.14 FEET AND SOUTH 43°26'02" WEST 455.69 FEET FROM THE SOUTH QUARTER CORNER OF SAID SECTION; RUNNING THENCE SOUTH 46°33'58" EAST 217.99 FEET; THENCE SOUTH 00°00'00" EAST 426.30 FEET; THENCE NORTH 63°11'36" EAST 281.58 FEET; THENCE SOUTH 01°06'00" WEST 33.65 FEET; THENCE SOUTH 14°02'40" EAST 118.43 FEET TO THE NORTHERLY RAILROAD RIGHT-OF-WAY; THENCE ALONG SAID RAILROAD RIGHT-OF-WAY ALONG THE ARC OF A 4633.80 FOOT RADIUS CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 12°54'50", CHORD BEARS SOUTH 49°52'10" WEST 1042.25 FEET; NORTH 01°23'05" EAST 42.70 FEET; THENCE NORTH 01°23'05" EAST 196.69 FEET; THENCE NORTH 00°46'48" EAST 399.23 FEET; THENCE NORTH 00°15'43" EAST 88.91 FEET; THENCE SOUTH 89°46'00" WEST 28.05 FEET; THENCE NORTH 43°26'02" EAST 41.00 FEET; THENCE NORTH 00°15'43" EAST 146.16 FEET TO SAID SOUTHEASTERLY RIGHT-OF-WAY; THENCE ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE NORTH 43°26'02" EAST 504.33 FEET TO THE POINT OF BEGINNING.

NOW KNOWN AS:

ALL OF LOT 5, MIDLAND INDUSTRIAL SUBDIVISION, OGDEN CITY, WEBER COUNTY, STATE OF UTAH, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD IN THE OFFICE OF THE WEBER COUNTY RECORDER.
 SITUATE IN WEBER COUNTY, STATE OF UTAH.

PARCEL 2: (15-102-0051) — *BSJ*
 ADDRESS: NONE ASSIGNED

PART OF LOT 12, SECTION 36, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE MERIDIAN, LOCAL SURVEY: BEGINNING AT A POINT 837.7 FEET WEST AND 797 FEET, MORE OR LESS, SOUTH 34°04' WEST FROM THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 36, AND RUNNING THENCE NORTH 89°52'40" EAST 1028.06 FEET TO THE ROAD; THENCE SOUTHWESTERLY ALONG SAID ROAD TO THE SOUTH LINE OF LOT 12; THENCE NORTH 89°52' WEST 857.3 FEET TO THE EAST LINE OF THE D.&R.G.R.R., THENCE NORTH 34°04' EAST TO THE POINT OF BEGINNING.

EXCEPT MIDLAND BUSINESS PARK LOT 2, FIRST AMENDED (E#2252278)

ALSO EXCEPT: A PORTION OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN, IN THE CITY OF OGDEN, COUNTY OF WEBER, STATE OF UTAH, BEING THE SOUTHERLY FIVE ACRES OF THOSE CERTAIN PARCELS OF LAND CONVEYED TO THE CARLOS M BERGUSON TRUST AND THE SHIRLEY L BERGESON TRUST PER THE SPECIAL WARRANTY DEED RECORDED JULY 2ND, 1999 AS INSTRUMENT NUMBER 1647269 IN THE OFFICE OF THE RECORDER OF SAID COUNTY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER, THENCE NORTH 89°44'55" WEST 900.44 FEET ALONG THE NORTHERLY LINE OF SAID SOUTHWEST QUARTER, THENCE SOUTH 34°21'06" WEST 1303.79 FEET TO A POINT ON THE WESTERLY MOST LINE OF BERGUSON PARCELS AND THE POINT OF BEGINNING. THENCE SOUTH 89°31'32" EAST 981.12 FEET TO THE NORTHWESTERLY RIGHT OF WAY OF MIDLAND DRIVE, 66.00 FEET WIDE, THENCE SOUTH 43°20'04" WEST 312.18 FEET ALONG SAID RIGHT OF WAY TO THE SOUTHERLY LINE OF SAID BERGUSON PARCELS, THENCE NORTH 89°31'32" WEST 922.41 FEET ALONG THE

SOUTHERLY LINES OF SAID BERGUSON PARCELS TO SAID WESTERLY MOST LINE OF THE BERGUSON PARCELS, THENCE NORTH 34°21'06" EAST 275.62 FEET ALONG SAID WESTERLY LINE TO THE POINT OF BEGINNING.

SITUATE IN WEBER COUNTY, STATE OF UTAH.

PARCEL 3: (15-102-0052) ^{B95}
TRACT OR PARCEL OF LAND IN THE NORTH 1/2 OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN, NEAR EVONA UTAH, SAID TRACT OR PARCEL BEING THE SOUTHEASTERLY 50 FEET OF THE 200 FOOT WIDE RIGHT OF WAY OF THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY BETWEEN THE SOUTH LINE OF SAID NORTH 1/2 OF THE SOUTHWEST QUARTER OF SECTION 36, OPPOSITE RAILROAD MILEPOST 778+3827 FEET AND THE NORTH LINE OF SAID NORTH 1/2 OF THE SOUTHWEST QUARTER OF SECTION 36, OPPOSITE RAILROAD MILEPOST 779+129 FEET.

SITUATE IN WEBER COUNTY, STATE OF UTAH.