

APN: 15-21-476-026-0000

RECORDING REQUESTED BY AND WHEN  
RECORDED MAIL TO:

THE NORTHERN TRUST COMPANY  
SAN FRANCISCO OFFICE  
580 CALIFORNIA STREET, SUITE 1800  
SAN FRANCISCO, CALIFORNIA 94104

ATTENTION: JAMES M. GRIFFITH,  
VICE PRESIDENT

FATCO NCS-943319-M-ai

13163695  
1/6/2020 1:45:00 PM \$40.00  
Book - 10881 Pg - 7214-7221  
RASHELLE HOBBS  
Recorder, Salt Lake County, UT  
FIRST AMERICAN NCS  
BY: eCASH, DEPUTY - EF 8 P.

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**FIRST AMENDMENT TO DEED OF TRUST,  
ASSIGNMENT OF LEASES AND RENTS, AND SECURITY AGREEMENT  
(INCLUDING FIXTURE FILING)**

This **FIRST AMENDMENT TO DEED OF TRUST, ASSIGNMENT OF LEASES AND RENTS, AND SECURITY AGREEMENT (INCLUDING FIXTURE FILING)** ("*First Amendment*"), is made as of ~~October~~ <sup>December</sup> 26, 2019, by Sandberg Investments, L.L.C., a Utah limited liability company, located at 6382 Shenandoah Park Ave., Salt Lake City, Utah 84121 and 2620 Decker Lake, LLC, a Utah limited liability company, located at 299 South Main Street Suite 2450, Salt Lake City, Utah 84111 (collectively, "*Trustor*"); and The Northern Trust Company, an Illinois banking corporation, as Beneficiary ("*Lender*" or "*Beneficiary*"), whose address appears above.

**RECITALS**

A. Trustor executed that certain Deed of Trust, Assignment of Leases and Rents, and Security Agreement (including Fixture Filing) dated as of May 29, 2019, and recorded in the Official Records of the County of Salt Lake, Utah on June 4, 2019 on pages 628-658 of Book 10788, as document 13001867 (the "*Deed of Trust*").

B. The Deed of Trust granted, bargained, sold and conveyed, on the terms set forth in the Deed of Trust, to Beneficiary, an interest in the Property, which includes the real estate and any interest therein, the legal description of which is attached hereto as Exhibit A.

C. Trustor has asked Lender to increase the principal amount of the Loan (as that term is defined in the Deed of Trust), and Lender has agreed to increase the maximum principal amount of the Loan.

D. Substantially concurrently herewith, Trustor and Lender are executing a Loan Modification Agreement of even date herewith (the "*Loan Modification Agreement*"), which, among other things, increases the maximum principal amount of the Loan.

E. Capitalized terms used herein and not otherwise defined herein shall have the meanings set forth in the Deed of Trust.

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto hereby agree as follows:

### **AGREEMENT**

1. **Loan Agreement.** The Loan Agreement, as that term is defined in Section 1.1 of the Deed of Trust, expressly includes the modifications set forth in the Loan Modification Agreement.

2. **Loan Amount.** The first sentence of Section 1.1. of the Deed of Trust is deleted and replaced with the following sentence: "Beneficiary is making a term loan to Trust in an amount not to exceed Eighteen Million Eight Hundred Thousand and No/100 Dollars (\$18,800,000.00) (the "*Loan*")." The amount under the words "TERM LOAN AMOUNT:" on the cover sheet of the Deed of Trust is changed from "\$17,464,000" to "\$18,800,000."

3. **No Impairment.** Except as expressly provided herein, nothing in this First Amendment shall alter or affect any provision, condition or covenant contained in the Deed of Trust or affect or impair any of Beneficiary's rights, powers or remedies thereunder. It is the intent of the parties hereto that the provisions of the Deed of Trust shall continue in full force and effect.

[signature follows on next page]


IN WITNESS WHEREOF, this First Amendment to Deed of Trust, Assignment of Leases and Rents, and Security Agreement (Fixture Filing) has been executed as of the day first above written.

**TRUSTOR**

2620 Decker Lake, LLC,  
a Utah limited liability company

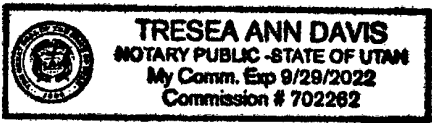
By: DPRE Management, LLC,  
a Delaware limited liability company,  
Its Manager

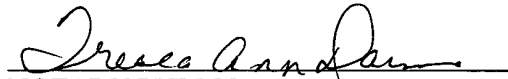
By: JR Miller Capital II LC,  
a Utah limited liability company,  
Its sole Member

By:   
Lane Critchfield, its Manager

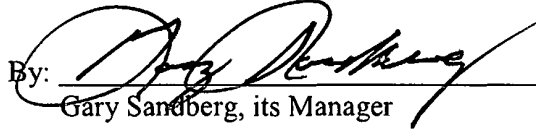
STATE OF UTAH                    )  
  : ss  
COUNTY OF SALT LAKE        )

The foregoing instrument was executed before me this <sup>15<sup>th</sup></sup> day of ~~October~~<sup>November</sup>, 2019, by Lane Critchfield, the manager of the sole member of the manager of 2620 Decker Lake, LLC, a Utah limited liability company.



  
NOTARY PUBLIC

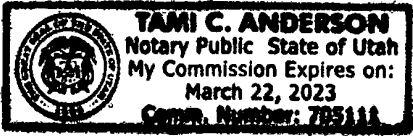
Sandberg Investments, L.L.C.,  
a Utah limited liability company

By:   
Gary Sandberg, its Manager

STATE OF UTAH            )  
                                  : ss  
COUNTY OF SALT LAKE )


The foregoing instrument was executed before me this 14<sup>th</sup> day of ~~October~~ <sup>November</sup>, 2019, by Gary Sandberg, the manager of Sandberg Investments, L.L.C., a Utah limited liability company.

  
NOTARY PUBLIC



**BENEFICIARY:**

The Northern Trust Company,  
An Illinois banking corporation

By:   
Name: James M Griffith  
Title: Senior Vice President

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

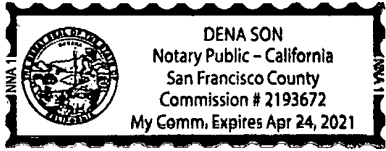
State of California )

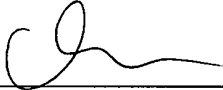
County of San Francisco )

On 12/26/19 before me, Dena Son, Notary Public, personally appeared James M Griffith, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature 

(Seal)

## EXHIBIT A

### Legal Description of the Real Property

Real property situated in Salt Lake County, Utah, described as follows:

#### PARCEL 1:

BEGINNING AT A POINT ON THE NORTH RIGHT OF WAY LINE OF PARKWAY BOULEVARD, SAID POINT BEING SOUTH 00°03'10" EAST 540.23 FEET AND WEST 1279.14 FEET AND SOUTH 25°00'00" WEST 1380.87 FEET AND SOUTH 52°59'27" WEST 368.44 FEET AND NORTH 37°00'33" WEST 60.00 FEET AND SOUTH 52°59'27" WEST 40.00 FEET AND SOUTH 07°59'27" WEST 28.03 FEET TO POINT ON AN 1102.87 FOOT RADIUS CURVE TO THE RIGHT, THE RADIUS POINT OF SAID CURVE BEARS NORTH 35°59'21" WEST; THENCE WESTERLY ALONG THE ARC OF SAID CURVE 691.27 FEET, THROUGH A CENTRAL ANGLE OF 35°54'45" (CHORD TO SAID CURVE BEARS SOUTH 71°58'01" WEST 680.01 FEET) AND SOUTH 89°55'56" WEST 115.06 FEET AND NORTH 83°32'31" WEST 75.29 FEET FROM THE CENTER OF SECTION 22, TOWNSHIP 1 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, SAID POINT ALSO BEING DUE WEST 3064.87 FEET AND DUE SOUTH 2219.60 FEET FROM SAID CENTER SECTION MONUMENT, AND RUNNING THENCE ALONG SAID NORTH LINE THE FOLLOWING TWO (2) COURSES: NORTH 83°32'31" WEST 276.66 FEET; THENCE NORTH 87°05'42" WEST 618.75 FEET TO A POINT ON AN 11,319.16 FOOT RADIUS CURVE TO THE RIGHT, THE RADIUS OF WHICH BEARS NORTH 87°26'38" EAST, THENCE NORTHERLY 1058.49 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 5°21'27" (CHORD TO SAID CURVE BEARS NORTH 00°07'22" EAST 1057.99 FEET); THENCE SOUTH 84°12'00" EAST 675.53 FEET; THENCE SOUTH 269.49 FEET TO THE POINT OF A 233.00 FOOT RADIUS CURVE TO THE LEFT THE RADIUS POINT OF WHICH BEARS EAST; THENCE SOUTHEASTERLY 203.24 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 49°58'36" (CHORD TO SAID CURVE BEARS SOUTH 24°59'18" EAST 196.85 FEET); THENCE SOUTH 40°01'25" WEST 157.77 FEET; THENCE SOUTH 59°22'26" EAST 127.77 FEET; THENCE SOUTH 45°00'00" WEST 105.79 FEET; THENCE SOUTH 45°00'00" EAST 95.35 FEET; THENCE SOUTH 77.78 FEET; THENCE SOUTH 45°00'00" EAST 199.09 FEET; THENCE SOUTH 06°27'29" WEST 57.95 FEET TO THE POINT OF BEGINNING.

#### PARCEL 1A:

A NON-EXCLUSIVE PUBLIC UTILITIES AND RIGHT OF WAY EASEMENT APPURTENANT TO PARCEL 1, AS DISCLOSED BY SPECIAL WARRANTY DEED RECORDED JULY 17, 2007 AS ENTRY NO. 10166464 IN BOOK 9492 AT PAGE 2920 OF OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS SOUTH 00°03'10" EAST 540.23 FEET AND WEST 1279.14 FEET AND SOUTH 25°00'00" WEST 1380.87 FEET AND SOUTH 52°59'27" WEST 368.44 FEET AND NORTH 37°00'33" WEST 342.2 FEET AND SOUTH 52°59'27" WEST 40.00 FEET FROM THE CENTER OF SECTION 22, TOWNSHIP 1 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN SAID POINT BEING ON THE ARC OF A CURVE TO THE LEFT, THE RADIUS POINT OF WHICH BEARS SOUTH 41°50'56" WEST 368.22 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE 268.95

FEET THROUGH A CENTRAL ANGLE OF 41°50'56" TO A POINT OF TANGENCY; THENCE WEST 410.00 FEET TO A POINT OF A CURVE TO THE RIGHT, THE RADIUS POINT OF WHICH BEARS NORTH 233.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE 366.00 FEET THROUGH A CENTRAL ANGLE OF 90°00'00" TO A POINT OF TANGENCY; THENCE NORTH 395.61 FEET TO A POINT ON A CURVE TO THE LEFT, THE RADIUS POINT OF WHICH BEARS EAST 233.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 179.80 FEET, THROUGH A CENTRAL ANGLE OF 44°12'51"; THENCE SOUTH 233.13 FEET TO A POINT OF A CURVE TO THE LEFT, THE RADIUS POINT OF WHICH BEARS EAST 167.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 262.32 FEET THROUGH A CENTRAL ANGLE OF 90°00'00" TO A POINT OF TANGENCY; THENCE EAST 410.00 FEET TO A POINT OF A CURVE TO THE RIGHT, THE RADIUS POINT OF WHICH BEARS SOUTH 434.22 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 182.10 FEET THROUGH A CENTRAL ANGLE OF 24°01'44" TO A POINT ON A CURVE TO THE LEFT, THE RADIUS POINT OF WHICH BEARS NORTH 68°08'48" EAST 334.56 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 88.50 FEET THROUGH A CENTRAL ANGLE OF 15°09'23"; THENCE SOUTH 52°59'27" WEST 7.00 FEET; THENCE SOUTH 37°00'33" EAST 51.64 FEET TO THE POINT OF BEGINNING.

PARCEL 1B:

A NON-EXCLUSIVE EASEMENT AND RIGHT OF WAY FOR INGRESS, AND EGRESS, APPURTENANT TO PARCEL 1, AS DISCLOSED BY SPECIAL WARRANTY DEED RECORDED JULY 17, 2007 AS ENTRY NO. 10166464 IN BOOK 9492 AT PAGE 2920 OF OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTH RIGHT OF WAY LINE OF PARKWAY BOULEVARD SAID POINT BEING SOUTH 00°03'10" EAST 540.23 FEET AND WEST 1279.14 FEET AND SOUTH 25°00'00" WEST 1380.87 FEET AND SOUTH 52°59'27" WEST 368.44 FEET AND NORTH 37°00'33" WEST 60.00 FEET AND SOUTH 52°59'27" WEST 40.00 FEET AND SOUTH 07°59'27" WEST 28.03 FEET TO A POINT ON AN 1102.87 FOOT RADIUS CURVE TO THE RIGHT, THE RADIUS POINT OF SAID CURVE BEARS NORTH 35°59'21" WEST; THENCE WESTERLY ALONG THE ARC OF SAID CURVE 691.27 FEET, THROUGH A CENTRAL ANGLE OF 35°54'45" (CHORD TO SAID CURVE BEARS SOUTH 71°58'01" WEST 680.01 FEET) AND SOUTH 89°55'56" WEST 77.85 FEET FROM THE CENTER OF SECTION 22, TOWNSHIP 1 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, SAID POINT ALSO BEING DUE WEST 2952.89 FEET AND DUE SOUTH 2228.03 FEET FROM SAID CENTER SECTION MONUMENT AND RUNNING THENCE SOUTH 89°55'56" WEST ALONG SAID NORTH LINE 28.00 FEET; THENCE NORTH 00°35'54" EAST 56.80 FEET; THENCE NORTH 86°44'05" WEST 78.77 FEET; THENCE NORTH 06°27'29" EAST 4.79 FEET; THENCE NORTH 45°00'00" WEST 30.37 FEET; THENCE SOUTH 86°44'05" EAST 128.03 FEET; THENCE SOUTH 00°35'54" WEST 80.20 FEET TO SAID NORTH LINE AND POINT OF BEGINNING.

PARCEL 1C:

A NON-EXCLUSIVE EASEMENT AND RIGHT OF WAY FOR INGRESS AND EGRESS APPURTENANT TO PARCEL 1, AS DISCLOSED BY SPECIAL WARRANTY DEED RECORDED JULY 17, 2007 AS ENTRY NO. 10166464 IN BOOK 9492 AT PAGE 2920 OF OFFICIAL RECORDS, BEING MORE

PARTICULARLY DESCRIBED AS FOLLOWS: ALSO BEGINNING AT A POINT BEING DUE WEST 3283.39 FEET AND DUE SOUTH 1167.41 FEET FROM THE CENTER OF SECTION 22, TOWNSHIP 1 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 84°12'31" EAST 16.63 FEET; THENCE NORTH 32°31'35" EAST 20.81 FEET TO A POINT ON A 233.00 FOOT RADIUS CURVE TO THE LEFT, THE RADIUS POINT OF WHICH BEARS NORTH 61°45'27" EAST; THENCE SOUTHEASTERLY 64.95 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°58'18"; THENCE SOUTH 75°43'32" WEST 68.10 FEET; THENCE NORTH 53.15 FEET TO THE POINT OF BEGINNING.

Said property is also known by the street address of:  
2580-2620 South Decker Lake Boulevard, West Valley City, UT 84119

1038478.1