

**WHEN RECORDED, RETURN TO:**

Russell A. Nevers, Esq.  
FREEMAN LOVELL, PLLC  
4568 S Highland Dr, Suite 290  
Salt Lake City, Utah 84117

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**TRUSTEE'S DEED UPON SALE**

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THIS INDENTURE, made this 15th day of March 2022, between **Russell A. Nevers, Esq., Successor Trustee** (hereinafter referred to as "Successor Trustee"), and **Indicate Capital Fund 1, LLC**, whose legal address is 2828 N Speer Blvd, Suite 210, Denver, Colorado 80211 (hereinafter referred to as "Grantee").

WITNESSETH:

WHEREAS, Montdella Townhomes, LLC did by Trust Deed dated March 26, 2021, and recorded in the official records of Utah County, State of Utah, on March 29, 2021, as Entry No. 58739:2021 (the "Trust Deed"), did grant and convey to Trustee under the Trust Deed, upon the trusts therein expressed, that certain real property situated in Utah County, State of Utah, as later described in this Trustee's Deed Upon Sale (the "Property"), to secure, among other obligations, payment of that certain Promissory Note dated March 26, 2021 (the "Note"), according to the terms thereof, together with other sums of money advanced and interest thereon; and

WHEREAS, breach and default were made under the terms of the Trust Deed in the particulars set forth in the Notice of Default, as hereinafter described, to which reference is hereby made; and

WHEREAS, Russell A. Nevers, a member of the Utah State Bar, was appointed Successor Trustee under the Trust Deed pursuant to that certain Substitution of Trustee recorded in the official records of Utah County, State of Utah on September 22, 2021, as Entry No. 163766:2021; and

WHEREAS, the original beneficiary, Indicate Capital Fund 1, LLC, or holder of the Note, did make a declaration of default and demand for sale upon Successor Trustee with regard to the Trust Deed, and did thereafter cause to be executed a Notice of Default and election to cause Successor Trustee to sell the Property to satisfy the obligations secured by the Trust Deed, which Notice of Default was duly recorded as Entry No. 165467:2021, in the records of Utah County, State of Utah; and

WHEREAS, Successor Trustee in consequence of said declaration of default, election, and demand for sale, and in compliance with the terms of the Trust Deed, did execute a Notice of

Trustee's Sale stating that he, as such Successor Trustee, by virtue of the authority in him vested, would sell the Property at auction to the highest bidder, fixing the time and place of sale as, February 7, 2022, at the hour of 12:00 PM, at the front entrance of the Fourth Judicial District Court located at 75 East 80 North, American Fork, Utah; and did cause copies of such Notice of Trustee's Sale to be posted on the Property and in the Utah County Recorder's office for not less than twenty (20) days before the date of sale therein fixed, as provided for under Utah Code Ann. § 57-1-25; and did cause copies of such Notice of Trustee's Sale to be published for three (3) consecutive weeks in a newspaper having a general circulation in the County in which said real property is situated, the last publication date being more than ten (10) days, but not more than thirty (30) days prior to such date of sale; and

WHEREAS, copies of the recorded Notice of Default and the Notice of Trustee's Sale were mailed, in accordance with Utah Code Ann. § 57-1-26, to all those parties entitled to special notice as provided for in § 57-1-26 and to the United States Internal Revenue Service as required by federal law; and

WHEREAS, all applicable statutory provisions of the State of Utah and all of the provisions of the Trust Deed have been complied with as to acts to be performed and notices to be given; and

WHEREAS, on February 7, 2022, Successor Trustee, did appear at the place of sale fixed, and, pursuant to Utah Code Ann. § 57-1-27(2), did postpone the sale date to February 22, 2022; and

WHEREAS, on February 22, 2022, Successor Trustee, did appear at the place of sale fixed, and, pursuant to Utah Code Ann. § 57-1-27(2), did postpone the sale date to March 8, 2022;

WHEREAS, on March 8, 2022, Successor Trustee, did appear at the place of sale fixed, and did sell the Property at public auction to White Ogden Investments, LLC ("White Ogden"), being the highest bidder therefore, for good and valuable consideration;

WHEREAS, White Ogden failed to deliver the full amount of the purchase price pursuant to the terms of the applicable Memorandum of Trustee's Sale; and

WHEREAS, as a result White Ogden's failure to deliver the full amount of the purchase price, Successor Trustee awarded the high bid to Grantee, the next highest bidder.

NOW, THEREFORE, Successor Trustee, in consideration of the premises recited and of the sum bid and paid by Grantee, the receipt of which is hereby acknowledged, and by virtue of the authority vested in Successor Trustee by the Trust Deed, does, by these present, GRANT AND CONVEY unto Grantee, but without any covenant or warranty, express or implied, all of that certain real property situated in Utah County, State of Utah, and more particularly described as follows:

**Street address:**  
250 South Main Street  
Alpine, UT 84004

**Legal description:**

**Property is located in Utah County, State of Utah and is more particularly described as:**  
PARCEL 1:

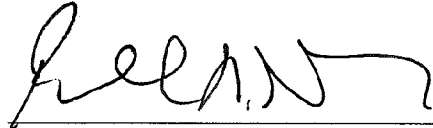
All of Units 1 through 25, inclusive, MONTELLA TOWNHOMES AMENDED SUBDIVISION, Amending Montdella Subdivision, according to the official plat thereof on file and of record in the office of the Utah County Recorder, recorded July 14, 2020 as Entry No. 100155:2020.

PARCEL 1A:

A right of easement of use and enjoyment in and to the Common Areas described, and as provided for, in said Declaration of Covenants, Conditions, and Restrictions, recorded December 17, 2019 as Entry No. 133919:2019, which include, without limitation, an easement for vehicular ingress and egress over and across said Common Areas and Private Roads to and from said Units to a physically open and legally dedicated public street.

Parcel No. 67-088-0001, 67-088-0002, 67-088-0003, 67-088-0004, 67-088-0005, 67-088-0006, 67-088-0007, 67-088-0008, 67-088-0009, 67-088-0010, 67-088-0011, 67-088-0012, 67-088-0013, 67-088-0014, 67-088-0015, 67-088-0016, 67-088-0017, 67-088-0018, 67-088-0019, 67-088-0020, 67-088-0021, 67-088-0022, 67-088-0023, 67-088-0024 and 67-088-0025

Dated this 15th day of March 2022.

  
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Russell A. Nevers, Esq.  
Successor Trustee

STATE OF UTAH                    )  
  : SS  
COUNTY OF SALT LAKE    )

The foregoing Trustee's Deed Upon Sale was executed and acknowledged before me this 15th day of March 2022, by Russell A. Nevers, Esq., as Successor Trustee.

  
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Notary Public

