

Ent 137393 Bk 999 Pg 491 - 493
Date: 17-May-2017 03:23:35PM
Fee: \$15.00 Check Filed By :IH
DAVID O CARPENTER, Recorder
SAN JUAN COUNTY CORPORATION
For: FIRST AMERICAN TITLE INSURANCE

Tax Serial Number:
C40210267806, C0029018001A

RECORDATION REQUESTED BY:
First Utah Bank
Business Banking Department - Main
3826 S. 2300 East
Salt Lake City, UT 84109

WHEN RECORDED MAIL TO:
First Utah Bank
Business Banking Department - Main
3826 S. 2300 East
Salt Lake City, UT 84109

SEND TAX NOTICES TO:
First Utah Bank
Business Banking Department - Main
3826 S. 2300 East
Salt Lake City, UT 84109

FOR RECORDER'S USE ONLY

FAT 124714 NCS

MODIFICATION OF DEED OF TRUST

THIS MODIFICATION OF DEED OF TRUST dated May 9, 2017, is made and executed between Desert Rose Inn L.L.C., a Utah limited liability company ("Trustor") and First Utah Bank, whose address is Business Banking Department - Main, 3826 S. 2300 East, Salt Lake City, UT 84109 ("Lender").

DEED OF TRUST. Lender and Trustor have entered into a Deed of Trust dated July 28, 2014 (the "Deed of Trust") which has been recorded in San Juan County, State of Utah, as follows:

Recorded on January 30, 2014 as Entry No: 120928, in Book No: 959, on Page Nos: 703-715, in the San Juan County Recorder's Office.

Modified and Recorded on October 6, 2014 as Entry No: 122752, in Book No: 966, on Page Nos: 754-749, in the San Juan County Recorder's Office.

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

Tract "A" (Outside Subdivision) Parcel No. C40210267806

A tract of land within the E1/2 of Section 26, Township 40 South, Range 21 East, SLB&M, County of San Juan, State of Utah, more particularly described as follows;

Beginning at a point located South 242.85 feet and East 3423.27 feet East from the W1/4 corner of said Section 26, and considering the line between the west quarter corner and the northwest corner of said Section N00°01'00"W; thence East 87.73 feet, thence N26°02'43"W 357.54 feet more or less to the South Right-of-Way line of U.S. Highway 191, thence along said right-of-way line N75°21'53"E 261.85 feet more or less to a point on the west line of the Cottonwood Addition Subdivision, thence along the west line of said Subdivision S04°19'32"E 472.39 feet more or less to the southwest corner of said Subdivision, thence along the south line of said Subdivision N85°40'28"E 460.00 feet, thence S04°19'36"E 255.00 feet, thence S85°40'24"W 290.00 feet, thence N04°19'36"W 160.00 feet, thence S85°40'24"W 145.00 feet, thence S04°19'36"E 160.00 feet, thence S85°40'24"W 88.60 feet, thence N27°07'15"W 385.08 feet to the point of beginning, containing 4.86 acres more or less.

EXCEPTING all oil, gas and other minerals.

Tract "B" (Inside Subdivision) Parcel No. C0029018001A

A tract of land within the Cottonwood Addition Subdivision and within the E1/2 of Section 26, Township 40 South, Range 21 East, SLB&M, County San Juan, State of Utah, more particularly described as follows;

Beginning at a point located on the west line of said Cottonwood Addition Subdivision S85°40'28"W 20.00 feet from the northwest corner of Block 18 of said Subdivision; thence N85°40'28"E 380.00 feet to the northeast corner of said Block 18, thence S04°19'32"E 265.00 feet to the southeast corner of said Block 18, thence S85°40'28"W 240.00 feet to the southwest corner of Lot 15, Block 18, thence S04°19'32"E 160.00 feet to the southeast corner of Lot 5, Block 28, thence N85°40'28"E 90.00 feet to the midpoint on the south line of lot 3, Block 28, thence S04°19'32"E 140.00 feet to a point on the south line of said Subdivision, thence S85°40'28"W 230.00 feet to the southwest corner of said Subdivision, thence N04°19'32"W 565.00 feet to the point of beginning; LESS that portion of the above described tract of land that lies within the existing right-of-way of U.S. 191.

EXCEPTING all interest in the oil, gas and other minerals and mineral rights reserved, excepted or conveyed by prior owners so as to sever the same from the remaining fee simple estate.

The Real Property or its address is commonly known as 701 Main Street, Bluff, UT 84512. The Real Property tax identification number is C40210267806, C0029018001A.

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

Adding Desert Rose Inn L.L.C. as a Trustor and Removing Desert Rose Inn L.L.C. Revocable Trust as Trustor.

CONTINUING VALIDITY. Except as expressly modified above, the terms of the original Deed of Trust shall remain unchanged and in full

MODIFICATION OF DEED OF TRUST
(Continued)

Loan No: 9200030998

Page 2

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 endorsers 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 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 MAY 9, 2017.

TRUSTOR:

DESERT ROSE INN L.L.C.

By: Amer M. Tumeh
Amer M. Tumeh, Manager of Desert Rose Inn L.L.C.

LENDER:

FIRST UTAH BANK

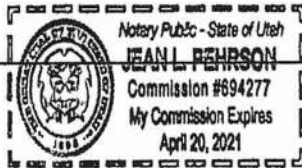
X [Signature]
Justin Delgado, Commercial Loan Officer

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF UTAH)
) SS
COUNTY OF San Juan)

On this 9 day of May, 20 17, before me, the undersigned Notary Public, personally appeared Amer M. Tumeh, Manager of Desert Rose Inn L.L.C., and known to me to be a member or designated agent 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 he or she is authorized to execute this Modification and in fact executed the Modification on behalf of the limited liability company.

By Juan L. Pelibron Residing at Monticello, UT
Notary Public in and for the State of UTAH My commission expires 04-20-21



MODIFICATION OF DEED OF TRUST
(Continued)

Loan No: 9200030998

Page 3

LENDER ACKNOWLEDGMENT

STATE OF UTAH)
) SS
COUNTY OF SALT LAKE)



Notary Public
TONI FOSTER
Commission #689983
My Commission Expires
August 4, 2020
State of Utah

On this 17th day of MAY, 2017, before me, the undersigned Notary Public, personally appeared Justin Delgado and known to me to be the Commercial Loan Officer, authorized agent for First Utah Bank that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of First Utah Bank, duly authorized by First Utah 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 First Utah Bank.

By [Signature]
Notary Public in and for the State of UTAH

Residing at UTAH
My commission expires 8/4/20