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5/6/2014 3:29:00 PM \$28.00
Book - 10228 Pg - 9196-9200
Gary W. Ott
Recorder, Salt Lake County, UT
INWEST TITLE SRVS LAYTON
BY: eCASH, DEPUTY - EF 5 P.

When recorded, Return to:

Timothy J. Dance, Esq.
SNELL & WILMER L.L.P.
Beneficial Tower
15 West South Temple, Suite 1200
Salt Lake City, Utah 84101

Send Tax Notices to:

6028 SOUTH RIDGELINE DRIVE STE 203
SOUTH OGDEN, UT 84405

TRUSTEE'S DEED

This Trustee's Deed is made and executed as of the 16th day of April, 2014, **BY AND FROM** Brian D. Cunningham, Esq., as Successor Trustee ("**Trustee**") under that certain Construction Deed of Trust, dated December 15, 2005, and recorded December 20, 2005 as Entry No. 9587759, in Book 9232, beginning on Page 7326, in the official records of Salt Lake County, Utah (the "**Deed of Trust**").

WHEREAS, on or about December 15, 2005, **ARLIN GEOPHYSICAL COMPANY INC.**, as trustor, (the "**Trustor**"), executed the Deed of Trust for the benefit of **R.E. LOANS, LLC**, as original beneficiary and as the holder of that certain Promissory Note, dated December 15, 2005 (as amended, endorsed and assigned, the "**Note**"), in the original principal amount of ELEVEN MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS (\$11,250,000.00). The Deed of Trust covers real property, hereinafter described, and all related buildings and improvements and certain personal property described in the Deed of Trust, and located in Salt Lake County, State of Utah. The beneficial interest in the Deed of Trust was assigned to **Utah Lowe Property Holding, LLC** ("**Beneficiary**"), pursuant to that certain Assignment of Trust Deed dated February 15, 2013 and recorded on February 20, 2013 as Entry No. 11581009 in Book 10109, beginning on Page 7257; and

WHEREAS, breach and default was made under the terms of the Deed of Trust and the Note in the particulars set forth in the Notice of Default hereinafter referred to; and

WHEREAS, Beneficiary appointed Brian D. Cunningham, an active member of the Utah State Bar in good standing, whose business address is: 15 West South Temple, Suite 1200, Salt Lake City, Utah 84101, as Successor Trustee (the "**Successor Trustee**") under the Deed of Trust in that certain *Substitution of Trustee and Ratification*, dated September 23, 2013, and recorded on September 27, 2013, as Entry No. 11732802, in Book 10181, beginning on Page 4478, in the official records of the Salt Lake County Recorder, State of Utah, and Beneficiary hereby ratifies and confirms any and all actions taken by Successor Trustee for or on behalf of Beneficiary of Beneficiary's predecessor prior to the date of the ratification of this document; and

WHEREAS, the Successor Trustee under the Deed of Trust executed, and thereafter filed for record, a written *Notice of Default and Election to Sell Under Deed of Trust*, dated September 26, 2013 (the "**Notice of Default**") containing an election to sell the property described in the Deed of Trust (the "**Property**"), which Notice of Default was recorded on September 27, 2013, as Entry No. 11732803, in book 10181, beginning on Page 4482, in the official records of the Salt Lake County Recorder, State of Utah, and not more than ten days after recordation of such Notice of Default, the Successor Trustee did mail, by certified mail, with postage prepaid, a copy of the Notice of Default, with the recording date shown, thereon, addresses to the Trustor and

to each person whose name and address was set forth in a request for notice recorded prior to the filing for record of the Notice of Default; and

WHEREAS, Successor Trustee, in consequence of such declaration of default, election and demand for sale, an in accordance with the Deed of Trust and the provisions of the laws of the State of Utah, did thereafter executed a Notice of Trustee's Sale (the "Notice of Sale") stating that the Successor Trustee would sell at public auction to the highest bidder, payable in lawful money of the United States, the Property therein and hereinafter described, such property being located in the County of Salt Lake, State of Utah, and fixing the time and place of the sale as March 6, 2014, at 11:30 a.m. (Utah time) near the Scott M. Matheson statue inside the rotunda at the East Entrance to the Scott M. Matheson Courthouse, located at 450 South State Street, Salt Lake City, Utah; and

WHEREAS, at least twenty days before the date of the sale, Successor Trustee did cause copies of the Notice of Sale to be mailed by certified mail, postage prepaid, addressed to the Trustor and to each person whose name and address are set forth in a request for notice which had been recorded prior to the filing record of the Notice of Default, and at least thirty days before the date of the sale, Successor Trustee did cause a copy of the Notice of Sale to be published on the Utah Legal Notices website, and did cause a copy of the Notice of Sale to be published once a week for three consecutive weeks before the scheduled date of sale in The Salt Lake Tribune and Deseret News which are newspapers of general circulation in the county wherein the subject property is situated, the first date of such publication being February 5, 2014, and the last date of such publication being February 19, 2014, and did cause copies of the Notice of Sale to be posted, at least twenty days before the date of the sale therein fixed, in a conspicuous place on the Property to be sold and at the office of the Salt Lake County Recorder, State of Utah; and

WHEREAS, all applicable statutory provisions of the State of Utah and all of the provisions of the Deed of Trust have been complied with as to the acts to be performed and the notices to be given. This conveyance is made pursuant to the powers, including the power of sale, conferred upon Successor Trustee and, after fulfillment by the Successor Trustee of the conditions specified in said Deed of Trust, in compliance with the laws of the State of Utah authorizing this conveyance, including but not limited to, compliance with all requirements of the law concerning (i) the recording and mailing of the Notice of Default; (ii) the mailing, publication and posting of the Notice of Sale; (iii) the conduct of the trustee's sale of the below-described Property and all proceedings leading thereto; and (iv) compliance with Utah Code Ann. §§ 57-1-19 through 57-1-36, relating to the exercise of the power of sale and of the Property; and

WHEREAS, the beneficiary of the Deed of Trust of the date of the trustee's sale, April 16, 2014, was **UTAH LOWE PROPERTY HOLDING, LLC**; and

WHEREAS, on March 6, 2014, at 11:30 a.m. (Utah Time), Timothy J. Dance, attorney for the Successor Trustee did appear, in compliance with UTAH CODE ANN. §§ 57-1-27, near the Scott M. Matheson statue inside the rotunda at the East entrance of the Scott M. Matheson Courthouse, located on 450 South State Street, Salt Lake City, Utah, and cried a public declaration postponing the sale of the real property, hereinafter described, until April 1, 2014 at 11:30 a.m. (Utah Time) near the Scott M. Matheson statue inside the rotunda at the East entrance of the Scott M. Matheson Courthouse, located on 450 South State Street, Salt Lake City, Utah; and

WHEREAS, on April 1, 2014 at 11:30 a.m. (Utah Time), Timothy J. Dance, attorney for the Successor Trustee did appear, in compliance with UTAH CODE ANN. §§ 57-1-27, near the Scott M. Matheson statue inside the rotunda at the East entrance of the Scott M. Matheson Courthouse, located on 450 South State Street, Salt Lake City, Utah, and cried a public declaration postponing the sale of the real property, hereinafter described, until April 16, 2014 at 11:30 a.m. (Utah Time) near the Scott M. Matheson statue inside

the rotunda at the East entrance of the Scott M. Matheson Courthouse, located on 450 South State Street, Salt Lake City, Utah; and

WHEREAS, on April 16, 2014, at 11:30 a.m. (Utah Time), Timothy J. Dance, attorney for the Successor Trustee did appear, in compliance with UTAH CODE ANN. §§ 57-1-27, near the Scott M. Matheson statue inside the rotunda at the East entrance of the Scott M. Matheson Courthouse, located on 450 South State Street, Salt Lake City, Utah, and did then and there sell the Property, hereinafter described, at public auction, to the Beneficiary, such Beneficiary being the highest bidder thereof, for the sum of \$1,000,000.00 in the form of a credit bid against the obligations owed by the Trustor that were secured pursuant to the Deed of Trust.

NOW, THEREFORE, Successor Trustee, for the consideration recited above and for other good and valuable consideration, the receipt and sufficiency of which hereby are acknowledged, and by virtue of the authority which he has pursuant to the Deed of Trust and the laws of the State of Utah, does by these presents, **GRANT AND CONVEY** unto **UTAH LOWE PROPERTY HOLDING, LLC** (“**Grantee**”), but without any covenant or warranty, express or implied, all of that certain real property, including all appurtenances, fixtures and improvements of any kind located on or relating to the real property, situated in Salt Lake County, State of Utah, as more particularly described as follows:

PARCEL 1: (32-10-400-008)

THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 4 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN.

EXCEPTING AND RESERVING ALL OIL, GAS AND OTHER MINERALS OF EVERY KIND AND DESCRIPTION UNDERLYING THE SURFACE OF THE SUBJECT PROPERTY.

SITUATE IN SALT LAKE COUNTY, STATE OF UTAH.

PARCEL 2: (32-10-400-009)

THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 4 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN.

EXCEPTING AND RESERVING ALL OIL, GAS AND OTHER MINERALS OF EVERY KIND AND DESCRIPTION UNDERLYING THE SURFACE OF THE SUBJECT PROPERTY.

SITUATE IN SALT LAKE COUNTY, STATE OF UTAH.

PARCEL 3: (32-10-400-033)

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 10, TOWNSHIP 4 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE NORTH 00°00'45" WEST ALONG THE SECTION LINE 1326.41 FEET TO A POINT OF THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 10; THENCE NORTH 89°43'26" WEST 810.00 FEEL ALONG SAID NORTHERLY LINE; THENCE SOUTH 89°27'21" EAST 803.610 FEET; THENCE SOUTH 00°00'45" EAT 532.810 FEET, MORE OR LESS, TO THE SECTION LINE; THENCE SOUTH 89°46'57" EAST 692.00 FEET ALONG THE SECTION LINE TO THE POINT OF BEGINNING.

SITUATE IN SALT LAKE COUNTY, STATE OF UTAH.

PARCEL 4: (32-11-300-001)

THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 4 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN.

ALSO THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 4 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN.

EXCEPT AND RESERVING ALL OIL, GAS, AND OTHER MINERALS OF EVERY KIND AND DESCRIPTION UNDERLYING THE SURFACE OF THE SUBJECT PROPERTY.

SITUATE IN SALT LAKE COUNTY, STATE OF UTAH.

PARCEL 5: (32-11-300-002)

THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 4 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN.

SUBJECT TO PERIMETER EASEMENTS 33 FEET IN WIDTH TO PROVIDE INGRESS AND EGRESS TO AND FROM ADJOINING PARCELS; AND TOGETHER WITH SUCH RIGHTS OF WAY AS MAY HAVE BEEN AND WILL BE ESTABLISHED OVER OTHER LAND TO PROVIDE ACCESS TO THE ABOVE DESCRIBED LAND.

SITUATE IN SALT LAKE COUNTY, STATE OF UTAH.

PARCEL 6: (32-11-300-003)

THE WEST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER AND THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 4 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN.

SITUATE IN SALT LAKE COUNTY, STATE OF UTAH.

PARCEL 7: (32-14-100-002)

THE WEST HALF OF THE WEST HALF OF SECTION 14, TOWNSHIP 4 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN.

EXCLUDING THEREFROM THAT PORTION OF THE MILITARY RESERVATION AND ANY PROPERTY LYING IN UTAH COUNTY.

SITUATE IN SALT LAKE COUNTY, STATE OF UTAH.

PARCEL 8: (32-14-100-004)

THE EAST HALF OF THE WEST HALF OF SECTION 14, TOWNSHIP 4 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN.

LESS AND EXCEPTION THE FOLLOWING PARCEL:

COMMENCING AT A POINT 1193 FEET SOUTH OF THE NORTH QUARTER CORNER OF SECTION 14, TOWNSHIP 4 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE SOUTH 1307 FEET; THENCE WEST 1000 FEET; THENCE NORTH 1307 FEET; THENCE EAST 1000 FEET TO THE POINT OF BEGINNING.

EXCLUDING THEREFROM THAT PORTION OF THE MILITARY RESERVATION AND ANY PROPERTY LYING IN UTAH COUNTY.

SITUATE IN SALT LAKE COUNTY, STATE OF UTAH.

PARCEL 9: (32-14-100-005)

COMMENCING AT A POINT 1193 FEET SOUTH OF THE NORTH QUARTER CORNER OF SECTION 14, TOWNSHIP 4 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE SOUTH 1307 FEET; THENCE WEST 1000 FEET; THENCE NORTH 1307 FEET; THENCE EAST 1000 FEET TO THE POINT OF BEGINNING.

SITUATE IN SALT LAKE COUNTY, STATE OF UTAH.



Timothy J. Dance, Esq., attorney for Successor Trustee Brian D. Cunningham

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

The foregoing Trustee's Deed was acknowledged before me on May 1st, 2014, by Timothy J. Dance, Esq., attorney Successor Trustee Brian D. Cunningham.


Notary Public

[SEAL]

