



W3204583

When Recorded Mail to:
US Title Insurance Agency
1436 Legend Hills Drive, Suite 100
Clearfield, Utah 84015

E# 3204583 PG 1 OF 3
Leann H. Kilts, WEBER COUNTY RECORDER
16-Dec-21 11:57 AM FEE \$40.00 DEP TN
REC FOR: US TITLE INSURANCE AGENCY
ELECTRONICALLY RECORDED

A.P.N.: 22-040-0037
FILE 050949

SUBORDINATION AGREEMENT

WHEREAS, under the date of December 29, 2020 Levanta LLC (herein the BORROWERS) made, executed and delivered to Actium High Yield Loan Fund (herein the LENDER) a Promissory Note in the amount of \$1,020,000.00, secured by a Trust Deed of even date, which Trust Deed was executed by BORROWERS, as Trustor, US Title Insurance Agency as Trustee, and LENDER, as Beneficiary, and was recorded December 31, 2020 as Entry #3114636 of the official records of the Weber County Recorder. Said Trust Deed is herein referred to as the LENDER TRUST DEED; and

WHEREAS, said LENDER TRUST DEED encumbers the following described Property (herein the Property) located in Weber County, State of Utah, to-wit:

See Exhibit A attached hereto and made a part hereof.

WHEREAS, under the date of November 2, 2020, Levanta LLC, a Delaware Company, BORROWERS made, executed and delivered to Alturas, LLC, a Minnesota LLC a Promissory Note in the amount of \$507,500.00, secured by a Trust Deed of even date in the same amount, which Trust Deed was executed by BORROWERS, as Trustor, US Title Insurance Agency, as Trustee, and Alturas, LLC, a Minnesota LLC, as Beneficiary, and was recorded November 2, 2020, as Entry No. 3098309 of the official records of the Weber County Recorder. Said Trust Deed is herein referred to as the SUBORDINATED TRUST DEED; and

WHEREAS, said SUBORDINATED TRUST DEED also encumbers the Property as described above; and

WHEREAS, it is necessary that the financing of LENDER be secured by a first Trust Deed on the property with priority ahead of the lien of the SUBORDINATED TRUST DEED;

NOW, THEREFORE, in consideration of these premises and of the sum of Ten Dollars (\$10.00), the receipt of which is hereby acknowledged, and other mutual benefits and considerations derived therefrom, Alturas, LLC, a Minnesota LLC does hereby certify and declare that the lien of the SUBORDINATED TRUST DEED is hereby made second and subordinate to the lien of the LENDER TRUST DEED as described above, which covers all or a part of the Property described herein. Further, LENDER, or its agents, and/or US TITLE INSURANCE AGENCY, or its agents, are authorized to insert the recording information of the LENDER TRUST DEED in this instrument.

COURTESY RECORDING
THIS DOCUMENT IS BEING RECORDED
SOLELY AS A COURTESY TO THE PARTIES.
U.S. TITLE ASSUMES NO RESPONSIBILITY
FOR THE CONTENTS HEREOF AND MAKES
NO REPRESENTATIONS AS TO THE EFFECT
OR VALIDITY OF THIS DOCUMENT.

EXHIBIT "A"

Part of the Northeast Quarter of Section 33, part of the Northwest Quarter of Section 34, part of the Southeast Quarter of Section 28, and part of the Southwest Quarter of Section 27, Township 7 North, Range 1 East, Salt Lake Base and Meridian: Beginning at a point on the North line of said Section 33 which is 110.00 feet North 89°22'45" West along said Section line from the Northeast corner of Section 33, running thence North 0°31'13" East 683.90 feet to a centerline of a canal; thence along the center of a canal the following nine (9) courses: (1) South 40°31'00" East 115.30 feet, (2) South 10°57'00" East 79.14 feet, (3) South 25°07'00" West 94.13 feet (4) South 26°32'00" East 142.54 feet, (5) South 53°09'00" East 54.00 feet (6) South 89°31'00" East 80.80 feet, (7) South 46°15'00" East 100.14 feet, (8) South 7°49'00" East 159.24 feet and (9) South 6°04'39" West 164.53 feet; thence South 1°56'52" West 54.28 feet to the North line of Kimbers Subdivision; thence South 81°27'25" West along said North line 212.32 feet to the West line of Section 34 and West line of said Kimbers Subdivision; thence South 0°22'55" West along said West lines 306.41 feet; thence South 79°54'11" West 417.23 feet; thence North 69°49'04" West 493.43 feet; thence North 0°18'20" East 421.32 feet to said North line of Section 33, thence South 89°22'45" East along said North line 765.10 feet to the point of beginning.

LESS AND EXCEPTING THEREFROM THE FOLLOWING: Beginning at the Northmost Corner of Kimbers Subdivision, recorded as Entry No. 1353660 in Book 40 at Page 22 in the Office of the Weber County Recorder, said point lies South 89°35'03" East 208.621 feet along the Section Line and South 169.464 feet from the Northwest Corner of Section 34, Township 7 North, Range 1 East, Salt Lake Base and Meridian and running thence along said Kimbers Subdivision the following (2) courses: 1) South 81°27'25" West 212.320 feet; 2) South 00°22'55" West 306.410 feet; thence South 79°54'11" West 128.141 feet; thence North 00°22'55" East 292.378 feet; thence South 89°56'34" West 33.393 feet; thence North 215.793 feet; thence South 89°22'45" East 75.774 feet; thence North 00°31'13" East 325.000 feet; thence South 89°31'00" East 101.354 feet to the centerline of a canal; thence along said canal the following (5) courses: 1) South 53°09'00" East 42.500 feet; 2) South 89°31'00" East 80.800 feet; 3) South 46°15'00" East 100.140 feet; 4) South 07°49'00" East 159.240 feet; 5) South 06°04'39" West 164.530 feet; thence South 01°56'52" West 54.280 feet to the point of beginning.

Situated in Weber County, State of Utah