ENT 33106: 2023 PG 1 of 3 Andrea Allen Utah County Recorder 2023 May 24 08:35 AM FEE 40.00 BY MG RECORDED FOR Freeman Lovell PLLC ELECTRONICALLY RECORDED

WHEN RECORDED, RETURN TO:

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

## TRUSTEE'S DEED UPON SALE

THIS INDENTURE, made this 23rd day of May 2023, between Russell A. Nevers, Esq., Trustee (hereinafter referred to as "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, Peloton Partners, LLC ("Grantor") did by Trust Deed dated June 3, 2022, and recorded in the official records of Utah County, State of Utah, on June 3, 2022, as Entry No. 66792:2022 (the "Trust Deed"), did grant and convey to Grantee 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 June 3, 2022 (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 Trustee under the Trust Deed; 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 Trustee with regard to the Trust Deed, and did thereafter cause to be executed a Notice of Default and election to cause Trustee to sell the Property to satisfy the obligations secured by the Trust Deed, which Notice of Default was duly recorded as Entry No. 765:2023, in the records of Utah County, State of Utah; and

WHEREAS, 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 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, May 22, 2023, at

the hour of 10:00 a.m., 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 May 22, 2023, Trustee, did appear at the place of sale fixed, and did sell the Property at public auction to Grantee pursuant to a credit bid in the amount of \$480,586.78, which amount represents the amount of principal, interest, and fees owed by Grantor under the Note;

NOW, THEREFORE, Trustee, in consideration of the premises recited and of the credit bid made by Grantee, and by virtue of the authority vested in 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 on Exhibit A attached hereto.

Dated this 23rd day of May 2023.

Russell A. Nevers, Esq.

Trustee

STATE OF UTAH

SS

)

COUNTY OF SALT LAKE )

The foregoing Trustee's Deed Upon Sale was executed and acknowledged before me this 23rd day of May 2023, by Russell A. Nevers, Esq., as Trustee.

JANET L TURNER
Notary Public - State of Utah
Comm. No. 714282
My Commission Expires on
Sep 28, 2024

Notary Public

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## **EXHIBIT A**

## Description of Property:

UNIT 304, BUILDING II, LAKEFRONT @ VINEYARD TOWN CENTER, PHASE 2D 7th SUPPLEMENTAL CONDOMINIUMS, AS THE SAME IS IDENTIFIED IN THE RECORDED SURVEY MAP IN UTAH COUNTY, UTAH, AS ENTRY NO. 108714:2020 AND MAP FILING NO. 17178 (AS SAID RECORD OF SURVEY MAP MAY HAVE HERETOFORE BEEN AMENDED OR SUPPLEMENTED) AND IN THE DECLARATION OF COVENANTS, CONDITIONS AND

RESTRICTIONS RECORDED IN UTAH COUNTY, UTAH, AS ENTRY NO. 84264:2019 (AS SAID DECLARATION MAY HAVE HERETOFORE BEEN AMENDED OR SUPPLEMENTED).

ALSO UNIT 304 (GARAGE), BUILDING II, LAKEFRONT @ VINEYARD TOWN CENTER, PHASE 2D 7th SUPPLEMENTAL CONDOMINIUMS, AS THE SAME IS IDENTIFIED IN THE RECORDED

SURVEY MAP IN UTAH COUNTY, UTAH, AS ENTRY NO. 108714:2020 AND MAP FILING NO. 17178 (AS SAID RECORD OF SURVEY MAP MAY HAVE HERETOFORE BEEN AMENDED OR SUPPLEMENTED) AND IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED IN UTAH COUNTY, UTAH, AS ENTRY NO. 84264:2019 (AS SAID DECLARATION MAY HAVE HERETOFORE BEEN AMENDED OR SUPPLEMENTED).

TOGETHER WITH THE UNDIVIDED OWNERSHIP INTEREST IN SAID PROJECT'S COMMON AREA AS ESTABLISHED IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND ALLOWING FOR PERIODIC ALTERATION BOTH IN THE MAGNITUDE OF SAID UNDIVIDED INTEREST AND IN THE COMPOSITION OF THE COMMON AREAS AND FACILITIES TO WHICH SAID INTEREST RELATES.

Also Known As:

351 West 785 North Vineyard, UT 84059