

APN: 59-013-0053

WHEN RECORDED MAIL TO
Russel Warthen, trustee
3422 E. Rochelle Ave.
Las Vegas, NV 89121
MAIL TAX STATEMENTS TO
Zenith Land Partners LLC:
2040 Murray Holladay Rd. Ste. 204
Salt Lake City, UT 84117

CTIA 102818-KW

Space above this line for Recorder's Use

Modification and Supplement to Deed of Trust

THIS AGREEMENT, made this 31st day of December, 2018 by and between Zenith Land Partners LLC, a Delaware limited liability company, hereinafter called Trustor, Cotton Wood Title Insurance Agency, hereinafter called Trustee, and First Savings Bank custodian FBO the Russel E. Warthen, IRA, as to an undivided 54.29% interest, John Merrill Warthen, Trustee of the John Merrill Warthen Family Trust dated December 3, 1997, as to an undivided 29.29% interest and Russel E. Warthen and John Merrill Warthen, Trustees of the Judith G. Lally 1999 Irrevocable Trust dated January 1999, as to an undivided 16.42% interest and/or any of their successors or assigns, hereinafter called Beneficiary,

THAT WHEREAS, a Deed of Trust, Security Agreement and Fixture Filing with Assignment of Rents dated June 21, 2018 and on the 22nd day of June, 2018, Trustor did make, execute and deliver to Trustee that certain Deed of Trust recorded on June 27, 2018 as ENT No. 59955:2018 in the office of the County Recorder of Utah County, State of Utah, securing a promissory note dated June 21, 2018 in favor of First Savings Bank custodian FBO the Russel E. Warthen, IRA, as to an undivided 54.29% interest, John Merrill Warthen, Trustee of the John Merrill Warthen Family Trust dated December 3, 1997, as to an undivided 29.29% interest and Russel E. Warthen and John Merrill Warthen, Trustees of the Judith G. Lally 1999 Irrevocable Trust dated January 1999, as to an undivided 16.42% interest and/or any of their

successors or assigns as Beneficiary and covering the following described property: See Attached Exhibit "A" for legal description.

NOW THEREFORE, for value received the parties hereto do hereby modify and supplement said deed of trust to provide for the Purpose of Security an indebtedness evidenced by the original and the amended promissory note dated December 31, 2018 and any extension or renewal thereof in the principal sum of \$744, 680.85 executed by the Trustor in favor of the beneficiary or order.

Trustor does hereby grant and convey the last above described real property to Trustee under said deed of trust together with power of sale and subject to each and all of the terms and conditions of said deed of trust, including this modification and supplement thereto.

IT IS FURTHER AGREED, by and between the parties hereto that in all other respects not inconsistent herewith the terms of said deed of trust which is incorporated herein by reference thereto shall remain in full force and effect and be binding hereon. Said deed of trust modified and supplemented shall constitute one deed of trust.

Trustee is hereby authorized and directed to endorse a memorandum hereof upon said deed of trust and promissory note. This agreement shall inure to and bind the heirs, devisees, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the date set opposite their names.


[SIGNATURE PAGES TO FOLLOW]

Zenith Land Partners LLC, a Delaware limited liability company
By its three Managers,

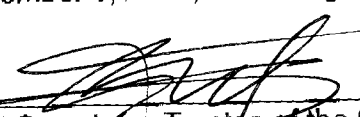
CWA INVESTMENTS, LLC A UTAH LIMITED LIABILITY COMPANY,
as Manager for Zenith Land Partners LLC,

BY  Dated 1-14-19
Charles W. Akerlow an individual (Manager)

SCELISSA LLC, A DELAWARE LIMITED LIABILITY COMPANY as
Manager for Zenith Land Partners LLC,

BY  Dated 1-14-19
Roger Scott McQuarrie an individual (Manager)

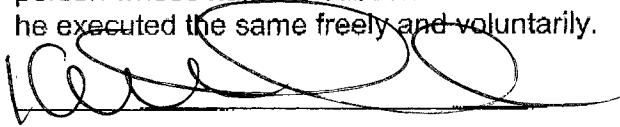
MOUNT ROYAL PARTNERS, LLC AN ARIZONA LIMITED LIABILITY COMPANY
as Manager for Zenith Land Partners LLC By CMPS Trust under Agreement dated
November 6, 2015, as Manager for Mount Royal Land Partners

BY  Dated 1/14/19
Matt Smock, as Trustee of the CMPS Trust
under Agreement dated November 6, 2015, (Manager)

[Notary block on following pages]

STATE OF Utah)
)
COUNTY OF Utah) SS.

This instrument was acknowledged before me on this 14 day of January, 2019, by Charles W. Akerlow, known/proved to me to be the person whose name is subscribed to this instrument and who acknowledged to me that he executed the same freely and voluntarily.

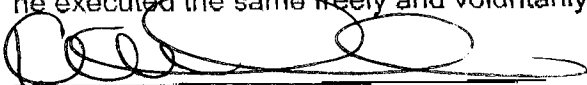


Notary Public



STATE OF Utah)
)
COUNTY OF Utah) SS.

This instrument was acknowledged before me on this 14 day of January, 2019, by Scott McQuame, known/proved to me to be the person whose name is subscribed to this instrument and who acknowledged to me that he executed the same freely and voluntarily.

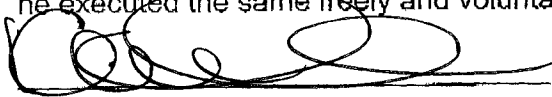


Notary Public



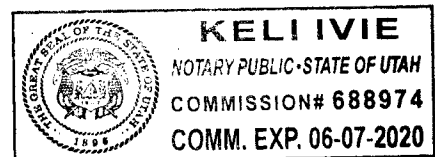
STATE OF Utah)
)
COUNTY OF Utah) SS.

This instrument was acknowledged before me on this 14 day of January, 2019, by Matt Smock, Trustee*, known/proved to me to be the person whose name is subscribed to this instrument and who acknowledged to me that he executed the same freely and voluntarily.



Notary Public

* of the CMPS Trust Under Agreement dated November 6, 2015.



Signed in Counter Part

Beneficiary: First Savings Bank custodian FBO the Russel E. Warthen, IRA

Susan O'Connor 1-9-2019
By: Susan O'Connor Date
First Savings Bank Custodian

Beneficiary: John Merrill Warthen, Trustee of the John Merrill Warthen Family Trust dated December 3, 1997

John Merrill Warthen 1/11/19
By: John Merrill Warthen, Trustee Date

Beneficiary: Russel E. Warthen and John Merrill Warthen, Trustees of the Judith G. Lally 1999 Irrevocable Trust dated January 1999

Russel E. Warthen 1-9-2019
By: Russel E. Warthen, Trustee Date

Beneficiary: Russel E. Warthen and John Merrill Warthen, Trustees of the Judith G. Lally 1999 Irrevocable Trust dated January 1999

John Merrill Warthen 1/11/19
By: John Merrill Warthen, Trustee Date

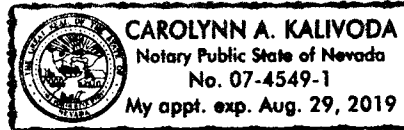
[Notary block on following pages]

STATE OF NV)
)
COUNTY OF Clark) SS.

This instrument was acknowledged before me on this 9th day of January, 2019, by Susan O'Connor, known/proved to me to be the person whose name is subscribed to this instrument and who acknowledged to me that he executed the same freely and voluntarily.

Carolynn A Kalivoda

Notary Public

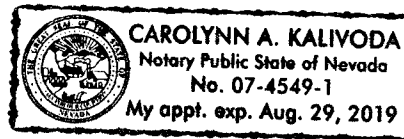


STATE OF NV)
)
COUNTY OF Clark) SS.

This instrument was acknowledged before me on this 9th day of January, 2019, by Russel E Warthen, known/proved to me to be the person whose name is subscribed to this instrument and who acknowledged to me that he executed the same freely and voluntarily.

Carolynn A Kalivoda

Notary Public



STATE OF Utah)
)
COUNTY OF Utah) SS.

This instrument was acknowledged before me on this 11 day of January, 2019, by John Merrill Warthen, trustee, known/proved to me to be the person whose name is subscribed to this instrument and who acknowledged to me that he executed the same freely and voluntarily.

[Signature]

* of the John Merrill Warthen Family Trust dated December 3, 1997.

Notary Public



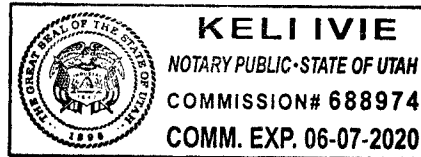
STATE OF Utah)
)
COUNTY OF Utah) SS.

This instrument was acknowledged before me on this 11 day of January, 2019, by John Merrill Warthen trustee, known/proved to me to be the person whose name is subscribed to this instrument and who acknowledged to me that he executed the same freely and voluntarily.

[Signature]

* Trustees of the Judith G. Lally 1999 Irrevocable Trust dated January 1999.

Notary Public



**EXHIBIT A
PROPERTY DESCRIPTION**

PARCEL 1:

Commencing North 89°45'06" West 2744.32 feet and North 89°46'35" West 1102.84 feet and South 3111.11 feet and South 59°15'27" West 195.65 feet from the Northeast corner of Section 13, Township 6 South, Range 1 West, Salt Lake Base and Meridian; thence South 59°15'27" West 288.06 feet; thence along a curve to the right (chord bears: North 70°11'45" West 838.55 feet, radius of 543 feet) along a curve to the left (chord bears: North 33°25'20" West 217.6 feet, radius of 457 feet); thence North 47°11'42" West 97.9 feet; thence North 42°48'06" East 206.15 feet; thence along a curve to the left (chord bears: North 25°42'06" East 472.61 feet, radius of 803.5 feet); thence North 08°35'54" East 50.29 feet; thence along a curve to the right (chord bears: North 48°37'43" East 183.84 feet, radius of 250 feet); thence North 72°44'28" East 205.87 feet; thence along a curve to the left (chord bears: South 27°25'28" East 815.74 feet, radius of 2590 feet); thence South 12°43'28" East 57.31 feet; thence along a curve to the left (chord bears: South 20°14'02" East 441.69 feet, radius of 1690.09 feet) to the point of beginning.

PARCEL 1A:

A temporary Utility and Right-of-Way Easement described in that certain document recorded November 9, 2006 as Entry No. 150850:2006 in the office of the Utah County Recorder. Said easement will expire when a permanent dedicated improved road with utilities is in place. The location of said easement is more particularly described as follows:

Beginning at a point located North 89°45'06" West along the section line 1,630.03 feet and South 1,407.31 feet from the Northeast corner of Section 13, Township 6 South, Range 1 West, Salt Lake Base and Meridian; thence South 29°09'56" East 96.50 feet; thence along the arc of a 953.50 foot radius non tangent curve to the right 1,570.69 feet (chord bears North 71°58'27" West 1,399.03 feet); thence along the arc of a 696.50 foot radius non tangent curve to the left 767.92 feet (chord bears North 56°22'05" West 729.61 feet); thence North 87°57'13" West 71.84 feet; thence along the arc of a 803.50 foot radius non tangent curve to the right 977.23 feet (chord bears South 40°42'23" West 918.11 feet); thence South 75°32'54" West 344.08 feet; thence South 14°27'06" East 370.91 feet; thence along the arc of a 2,410.00 foot radius curve to the left 1,387.21 feet (chord bears South 30°56'30" East 1,368.14 feet); thence South 41°10'23" West 180.05 feet; thence South 59°15'27" West 371.84 feet; thence North 30°44'33" West 56.00 feet; thence North 59°15'27" East 355.63 feet; thence along the arc of a 2,590.00 foot radius non tangent curve to the right 1,436.90 feet (chord bears North 30°20'43" West 1,418.55 feet); thence North 14°27'06" West 467.41 feet; thence North 75°32'54" East 524.08 feet; thence along the arc of a 707.00 foot radius curve to the left 950.00 feet (chord bears North 37°03'14" East 880.13 feet); thence South 87°57'13" East 167.87 feet; thence along the arc of a 793.00 foot radius curve to the right 874.32 feet (chord bears South 56°22'05" East 830.70 feet); thence along the arc of a 857.00 foot radius reverse curve to the left 1,411.73 feet (chord bears South 71°58'27" East 1,257.44 feet) to the point of beginning.

Tax Id No.: 59-013-0053