**#** 0133649

Record

Recording requested By CHICAGO TITLE AGENCY OF NEVADA Lincoln County - NV

Leslie Boucher Recorder Fee: \$54.00 Page 1 of 16 Recorded By LB

Book- 248 Page-0121

Parcel No.: 8-201-28 et al

## RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO:

Wells Fargo Bank, National Association Real Estate Group (AU #02961) MAC #A0344-22 2033 N. Main Street, Suite 400 Walnut Creek, CA 94596-3722

Attn: Lynette K. Ikeda Loan No. 101452-001

08007205

# MEMORANDUM OF SEVENTH MODIFICATION AGREEMENT AMENDING DEED OF TRUST

(Short Form)

### **Lincoln County**

The undersigned declare that they have entered into a seventh modification agreement dated of even date herewith ("Agreement"), wherein provisions are made for (a) amendment of that certain deed of trust dated September 8, 2005 and executed by Coyote Springs Investment LLC, a Nevada limited liability company, Coyote Springs Land Development Corporation, a Nevada corporation, Coyote Springs Land Company LLC, a Nevada limited liability company, Coyote Springs Nursery LLC, a Nevada limited liability company, and Coyote Springs Golf Operations I, LLC, a Nevada limited liability company, collectively as Trustor, to American Securities Company of Nevada, a Nevada corporation, as Trustee in favor of WELLS FARGO BANK, NATIONAL ASSOCIATION, as Administrative Agent, as Beneficiary, which was recorded on September 27, 2005, in the Official Records of the County of Lincoln, State of Nevada, as Instrument No. 125286, in Book 206, Page 467 ("Deed of Trust"), and/or (b) amendment of certain obligations secured by that deed of trust. The "Total Commitment Amount", as defined in said Agreement, and the aggregate principal amount of the Notes (as referred to in the Deed of Trust, as amended), which is secured by the Deed of Trust is reduced to ONE HUNDRED MILLION DOLLARS (\$100,000,000). Capitalized terms used in this Memorandum shall have the same meaning ascribed to them in the Agreement. This instrument is a Memorandum of the seventh modification agreement, and the same is incorporated herein by this reference with the same effect as though set forth herein in its entirety.

[Signatures Follow on Next Page]

Dated as of: April 2, 2009

### "BENEFICIARY/ADMINISTRATIVE AGENT"

WELLS FARGO BANK, NATIONAL ASSOCIATION, as Beneficiary/Administrative Agent, on behalf of itself and

Lenders

By:

Chinar Mithani Vice President

"BORROWER/TRUSTOR"

COYOTE SPRINGS INVESTMENT LLC, a Nevada limited liability company

BY: SIGNED IN COUNTARPART

Harvey Whittemore

Its: Mapager

Thomas A. Seeno

its: Manager

By: SIGNED IN COMTERPART

Brad Mamer

Its: Managing Member

B/ - AMI MINNUSO

Larry Sunderson
Its: Managing Member

COYOTE SPRINGS LAND DEVELOPMENT CORPORATION, a Nevada corporation

By:

SIGNED IN COUNTED PART Harvey Whittemore, President

[SIGNATURES CONTINUE ON NEXT PAGE]

Page 2 of 7

Dated as of: April 2, 2009

### "BENEFICIARY/ADMINISTRATIVE AGENT"

WELLS FARGO BANK, NATIONAL ASSOCIATION, as Beneficiary/Administrative Agent, on behalf of itself and Lenders

By:

Chinar Mithani
Vice President

"BORROWER/TRUSTOR"

COYOTE SPRINGS INVESTMENT LLC, a Nevada limited liability company

Harvey Whittemore

its: Manager

By: SIGNED in Contacted

Thomas A. Seeno

Its: Manager

By: Jigner incomforther

Brad Mamer
Its: Managing Member

By: SIGNED IN COUNTERPRE

Larry Gunderson
Its: Managing Member

COYOTE SPRINGS LAND DEVELOPMENT CORPORATION A Devada corporation

By:

Harvey Whittemore, President

[SIGNATURES CONTINUE ON NEXT PAGE]

Page 2 of 7

Dated as of: April 2, 2009

## "BENEFICIARY/ADMINISTRATIVE AGENT"

WELLS FARGO BANK, NATIONAL ASSOCIATION, as Beneficiary/Administrative Agent, on behalf of itself and Lenders

By:

lts:

Chinar Mithani

Chinar Mithani
Vice President

"BORROWER/TRUSTOR"

COYOTE SPRINGS INVESTMENT LLC, a Nevada limited liability company

By: 16/19/10/ Harvey Whittemore

Manager

By: JENED IN CO

Thomas A Seeno Its: Manager

By: Brad Mamer

Its: Managing Member

By: SIGNOIN COUNTEMPACE

Larry Gunderson its: Managing Member

COYOTE SPRINGS LAND DEVELOPMENT CORPORATION, a Nevada corporation

Ву:

JIGHEDIN COMZ

Harvey Whittemore, President

[SIGNATURES CONTINUE ON NEXT PAGE]

Page 2 of 7

WNG/Coyote Reviewed for Co Emilia K. Cargi

WFRE34 (REV 3/03)

# BORROWER/TRUSTOR (continued):

COYOTE SPRINGS LAND COMPANY LLC, a Nevada limited liability company

By: Wingfield Nevada Group Management Company, LLC, a Nevada limited liability company

its: Manager

By:

Harvey Whittemore, Manager

COYOTE SPRINGS NURSERY LLC, a Nevada limited liability company

By:

Harvey Whitterhore, Manager

COYOTE SPRINGS GOLF OPERATIONS I, LLC, a Nevada limited liability, company

By:

Brad Mamer, President, Director/Manager

[SIGNATURES CONTINUE ON NEXT PAGE]

WFRE34 (REV 3/03)

Page 3 of 7

WNG/Coyote Springs Reviewed for Coptent By 4-3-07

# **BORROWER/TRUSTOR (continued):**

COYOTE SPRINGS LAND COMPANY LLC, a Nevada limited liability company

By: Wingfield Nevada Group Management Company, LLC, a Nevada limited liability company

Its: Manager

By:

Harvey Whittemore, Manager

COYOTE SPRINGS NURSERY LLC, a Nevada limited liability company

By:

Harvey Whittemore, Manager

COYOTE SPRINGS GOLF OPERATIONS I, LLC, a Nevada limited liability company

By:

Brad Mamer, President, Director/Manager

[SIGNATURES CONTINUE ON NEXT PAGE]

WFRE34 (REV 3/03)

Page 3 of 7

### "BORROWER"

RED HAWK LAND COMPANY, LLC a Nevada lipsifed liability company

Harvey Whitemore Manager

Its:

By:

Thomas A. Seeno

lts: Manager

516/18 By:

**Brad Mamer** Magager Its:

By: Skylo Dangler

Its: Manager

THE FOOTHILLS AT WINGFIELD, LLC a Nevada lippited liability company

Harvey Whitternore By:

Manager Its:

(ALL SIGNATURES MUST BE ACKNOWLEDGED)

## "BORROWER"

RED HAWK LAND COMPANY, LLC a Nevada limited liability company

By: S/6/17/10 (

Its: Manager

Thomas A. Seeno

Its: Manager

By:

By: SIGNEY IN COUNTALARS

Brad Mamer

Its: Manager

By: Skylo Dangler County Count

OMZAPARZ

Its: Manager

THE FOOTHILLS AT WINGFIELD, LLC a Nevada limited liability company

By: <u>SIGNOD IN</u> (

Harvey Whittemore

Its: Manager

(ALL SIGNATURES MUST BE ACKNOWLEDGED)

WFRE34 (REV 3/03)

Page 4 of 7

WNG/Coyote Springs

Reviewed for Conte

# "BORROWER"

RED HAWK LAND COMPANY, LLC a Nevada limited liability company

> SIGNER IN GOWTOR Harvey Whittemore

Manager ( its:

SIGNED By:

Thomas A

Manager Its:

By: **Brad Mamer** 

Its: Manager

6180 11 By:

Skylo Dangler Its: Manager

THE FOOTHILLS AT WINGFIELD, LLC a Nevada limited liability company

SIGNED IN Harvey Whittemore Coun ToRPANT

Manager Its:

(ALL SIGNATURES MUST BE ACKNOWLEDGED)

WFRE34 (REV 3/03)

Page 4 of 7

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT			
		Ede No.	
STATE OF California	SS	File No: APN No:	
COUNTY OF Contra Costa	)	AIN NO.	
On April 3, 2009 before me, Jud	ie Borges	, Notary Public, personally appeared	
Thomas A. Seeno and Larry A. Gunderson			
who proved to me on the basis of satisfactory evidence to acknowledged to me that they executed the same in their	be the persons whose names are authorized capacities, and that	e subscribed to the within instrument and by their signatures on the instrument the	
persons, or the entity upon behalf of which the persons act		,	
I certify under PENALTY OF PERJURY under the laws of the	State of California that the fore	going paragraph is true and correct.	
WITNESS my hand and official seal.		JUDIE SORGES	
Signature Leder Dorges		Commission # 1744649 S Notary Public - California #	
Signotal Company		Contra Costa County	
	Thir	My Comm Bohas May 11, 2011 area for official notarial seal.	
	IIIS	alled for Official Hotalial Seal.	
	ONAL SECTION		
CAPACITY	CLAIMED BY SIGNER	/	
Though statute does not require the Notary to fill in the dat	a below, doing so may prove in	valuable to persons relying on the	
documents.	. \ /		
INDIVIDUAL			
CORPORATE OFFICER(S) TITLE(S)			
PARTNER(S) LIMITED	GENERAL		
ATTORNEY-IN-FACT	_/ / /		
TRUSTEE(S)	/ / /	~	
GUARDIAN/CONSERVATOR	\ \		
OTHER			
SIGNER IS REPRESENTING:			
STOTE NEW THEO.			
Name of Person or Entity	Name of Person or	Entity	
Name of Person of Endry	Name of Person of	Lifety	
OPTI	ONAL SECTION		
Though the data requested here is not required by law, it could prevent fraudulent reattachment of this form.			
THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED BELOW			
TITLE OR TYPE OF DOCUMENT: Memorandum of seventh Modification Agreement Amending Deed of Trust			
NUMBER OF PAGES DATE OF	F DOCUMENT	<del></del>	
SIGNER(S) OTHER THAN NAMED ABOVE	······································		
	Reproduced by First American Ti	tle Insurance Company National Commercial Services 11/2007	

STATE OF NEVADA	
COUNTY OF W ASHOE	ss.
This instrument was acknowledged before me on	APRIC WITH , 2009, by HARVEY WHITTEMORE
COYOTE SPRINGS INVESTMENT LLC;	AHER OF
COYOTE SPRINGS LAND COMPANY LLC;	BLL NEWFOR LIMITED LIABILITY COMPANIES.
COYOTE SPRINGS NURSERY LLC; RED HAWK LAND COMPANY, LLC; AND, THE POSTHILLS AT WINGFIELD, LLC	Signature Notary Public for Nevada
·	My commission expires 4/20/18
	Fi.T. DOVE DOYLE  Notary Public - State of Nevada  Appointment Recorded in Washoe County  No: 06-105302-2 - Expires April 20, 2010
STATE OF NEVADA	/
COUNTY OF WASHOE	SS
This instrument was acknowledged before me on	APRIL 3RD , 2009 by SKYLO DANGLER
asMA	NAGER of
RED HAWK CAND COMPANY LLC	a NEVADA LIMITEDLIABILITY COMPANY.
	Signature
	My commission expires 4/20/16
	R.T. DOVE DOYLE  Notary Public - State of Nevada  Appointment Recorded in Washoe County  No: 06-105302-2 - Expires April 20, 2010

STATE OF NEVADA	
COUNTY OF WASHOE	SS.
This instrument was acknowledged before me o	n APRILLOTH, 2019, by HARVEY WHITTEMERE
as_PR	ESIDENT
COYUTE SPRINGS CAND DEVELOPMENT CURRORATION	Signature Notary Public for Nevada
	My commission expires 4(28/16
STATE OF CALIFORNIA COUNTY OFss.	R.T. DOVE DOYLE  Notary Public - State of Nevada  Appointment Recorded in Washoe County  No: 06-105302-2 - Expires April 20, 2010
On	before me,,
to me that he/she/they executed the same	who proved to me on the basis of satisfactory ware subscribed to the within instrument and acknowledged in his/her/their authorized capacity(ies), and that by person(s), or the entity upon behalf of which the person(s)
I certify under PENALTY OF PERJURY und paragraph is true and correct.	er the laws of the State of California that the foregoing
WITNESS my hand and official seal Signature	)
My commission expires	

STATE OF NEVADA	
COUNTY OF CLARK	ss.
	April 3 2009 by Brad Mamer
as Managing Menaber	of Coyote Springs Investment
LLC, a Nevada limited	* liability company.
	Signature Emula Canol
	Notary Public for Nevada
	My commission expires $5-23-20/2$
/	Notary Public - State of Nevada
	County of Clark EMILIA K. CARGILL
	My Appointment Expires No: 08-6929-1 May 23, 2012
STATE OF NEVADA	
COUNTY OF CLARK	SS
This instrument was acknowledged before me on	April 3, 2009 by Brad Marner
as President. Dir	
1 1 <del>-</del>	on I, LLC, a NV limited liability Co.
~ \ \	Signature Emilianie
	Notary Public for Nevada
	My commission expires $5-23-2012$
	Notary Public - State of Nevada
	County of Clark  EMILIA K. CARGILL
	My Appointment Expires No: 08-6929-1 May 23, 2012

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT				
		File No:		
STATE OF California	)SS	APN No:		
COUNTY OF Contra Costa	)	\ \		
Thomas A. Seeno	Judie Borges	, Notary Public, personally appeared ose name is subscribed to the within instrument and		
acknowledged to me that he executed the same in h or the entity upon behalf of which the person acted, or	is authorized capacity, an	d that by his signature on the instrument the person,		
I certify under PENALTY OF PERJURY under the laws	of the State of California	that the foregoing paragraph is true and correct.		
WITNESS my hand and official seal.		JUDIE BORGES Commission # 1744549		
Signature Sucre Notges	/ _	Notary Public - California Contra Costa County		
		This area for official notarial seal.		
OPTIONAL SECTION CAPACITY CLAIMED BY SIGNER				
Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the documents.				
☐ INDIVIDUAL				
CORPORATE OFFICER(S) TITLE(S)				
PARTNER(S) LIMITED	GENERAL			
T ATTORNEY-IN-FACT	_/ /			
TRUSTEE(S)	\ \	~		
GUARDIAN/CONSERVATOR	\ \			
OTHER				
SIGNER IS REPRESENTING:	/ /			
	///			
Name of Person or Entity	Name (	of Person or Entity		
OPTIONAL SECTION				
Though the data requested here is not req	uired by law, it could prev	ent fraudulent reattachment of this form.		
THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED BELOW				
TITLE OR TYPE OF DOCUMENT: Memorandum of seventh Modification Agreement Amending Deed of Trust				
NUMBER OF PAGES D/	ATE OF DOCUMENT			
SIGNER(S) OTHER THAN NAMED ABOVE	Day advised by	First American Title Insurance Company National Commercial Sources 11/2007		

STATE OF NEVADA		
COUNTY OF CLARK	SS.	\ \
This instrument was acknowledged before me	on April 3 , 200	9, by Brud Mamer
as Manager of = 1	led Howk Los	nd Company, LLC =
a Nevada limited 1	iability com	pany
	Signature	Notary Public for Nevada
	My commission expire	5-23-2012
	EN EN	Public - State of Nevada County of Clark IILIA K. CARGILL
STATE OF CALIFORNIA COUNTY OFss.	No: 08-6929-1	ppointment Expires May 23, 2012
On	before me.	
personally appeared evidence to be the person(s) whose name(s) to me that he/she/they executed the sar his/her/their signature(s) on the instrument that acted, executed the instrument.	, who proved to is/are subscribed to the whom in his/her/their authors.	orized capacity(ies), and that by
I certify under PENALTY OF PERJURY ur	nder the laws of the Stat	e of California that the foregoing
paragraph is true and correct.  WITNESS my hand and official seal	\ \	
Signature		
My commission expires		

STATE OF CALIFORNIA COUNTY OF Control Costs.

On April 7, 2009 before me, Kathy J. Parsons, Notary Public, personally appeared Chinar Mithani, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity(iee), and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature Authorized Country and 25, 2012

KATHY J. PARSONS COMM #1798082 NOTARY PUBLIC - CALIFORNIA COUNTY (Comm. Expires May 25, 2012)