

STATE OF UTAH



OFFICE OF THE LIEUTENANT GOVERNOR

CERTIFICATE OF INCORPORATION

I, Deidre M. Henderson, Lieutenant Governor of the State of Utah, hereby certify that there has been filed in my office a notice of incorporation for the FIDDLERS CANYON INFRASTRUCTURE FINANCING DISTRICT located in CEDAR CITY, dated JUNE 19, 2024, complying with §17B-1-215, Utah Code Annotated, 1953, as amended.

Now, therefore, notice is hereby given to all whom it may concern that the attached is a true and correct copy of the notice of incorporation, referred to above, on file with the Office of the Lieutenant Governor pertaining to the FIDDLERS CANYON INFRASTRUCTURE FINANCING DISTRICT, located in IRON COUNTY, State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 6<sup>th</sup> day of September, 2024 at Salt Lake City, Utah.



A handwritten signature in black ink that reads "Deidre M. Henderson".

DEIDRE M. HENDERSON  
Lieutenant Governor



**EXHIBIT E**  
**NOTICE OF IMPENDING BOUNDARY ACTION**

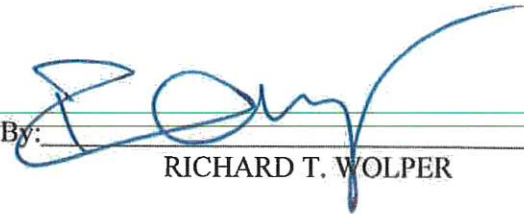
**(Fiddlers Canyon Infrastructure Financing District)**

**TO: The Lieutenant Governor, State of Utah**

**NOTICE IS HEREBY GIVEN** a petition proposing the creation of the Fiddlers Canyon Infrastructure Financing District has been certified by the County Clerk of Iron County, Utah. A copy of the Final Local Entity Plat satisfying the applicable legal requirements as set forth in Utah Code Ann. §17-23-20, approved as a final local entity plat by the Surveyor of Iron County, Utah, is attached hereto and incorporated by this reference. The Petitioner(s) hereby certifies that all requirements applicable to the creation of the District, have been met. The District is not anticipated to result in the employment of personnel.

**WHEREFORE**, the Petitioner(s) hereby respectfully requests the issuance of a Certificate of Incorporation pursuant to and in conformance with the provisions of Utah Code Ann. §17B-1-215.

**DATED** this JUNE 19TH, 2024.

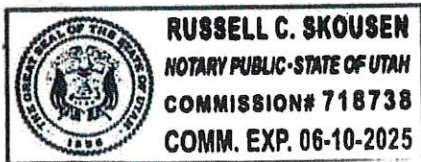
  
By: \_\_\_\_\_  
RICHARD T. WOLPER


**VERIFICATION**

STATE OF UTAH                    )  
  :ss.

COUNTY OF SALT LAKE        )

SUBSCRIBED AND SWORN to before me this JUNE 19TH, 2024.



  
\_\_\_\_\_  
NOTARY PUBLIC









**GOVERNING DOCUMENT  
FOR**

**FIDDLERS CANYON INFRASTRUCTURE FINANCING DISTRICT**

**LOCATED IN CEDAR CITY, UTAH**

Prepared

by

Gilmore & Bell, P.C.  
Salt Lake City, Utah

JUNE 19, 2024





TABLE OF CONTENTS

I. INTRODUCTION .....1

II. DEFINITIONS .....1

III. ORIGINAL DISTRICT BOUNDARIES .....2

IV. DESCRIPTION OF POWERS AND IMPROVEMENTS.....2

V. THE BOARD OF TRUSTEES.....2

VI. GOVERNING DOCUMENT AMENDMENT .....3

LIST OF EXHIBITS

**EXHIBIT A**            Legal Description of Original District Boundaries



## **I. INTRODUCTION**

The District is a body corporate and politic with perpetual succession, a quasi-municipal corporation, a political subdivision of the State, and separate and distinct from and independent of any other political subdivision of the State. It is intended that the District will provide a part or all of the Improvements for the use and benefit of all anticipated inhabitants and taxpayers of the District. The primary purpose of the District will be to finance or reimburse the construction of these Improvements pursuant to the Special District Act and the Assessment Act and to finance or reimburse the construction of C-PACE Improvements.

## **II. DEFINITIONS**

In this Governing Document, the following terms shall have the meanings indicated below, unless the context hereof clearly requires otherwise:

“Assessment Act” means Title 11, Chapter 42, Utah Code as may be amended from time to time.

“Board” means the board of trustees of the District.

“C-PACE Act” means Title 11, Chapter 42a, Utah Code as may be amended from time to time.

“C-PACE Improvements” means any improvements within an energy assessment area pursuant to the C-PACE Act.

“District” means FIDDLERS CANYON Infrastructure Financing District.

“Governing Document” means this Governing Document for the District.

“Improvements” means all or a portion of the improvements authorized to be planned, designed, acquired, constructed, installed, relocated, redeveloped and financed as generally permitted in the Special District Act or the Assessment Act, as determined by the Board.

“Original District Boundaries” means the boundaries of the District, as area described in **Exhibit A** hereto.

“Petitioner” means FIDDLERS CANYON HILLS, LLC, as the petitioner(s) requesting the creation of the District.

“Special District Act” means Title 17B of the Utah Code, including Chapter 2a, Part 13, Infrastructure Financing Districts, as amended from time to time.

“State” means the State of Utah.

“Trustee” means a member of the Board.

“Utah Code” means the Utah Code Annotated 1953, as amended.



### **III. ORIGINAL DISTRICT BOUNDARIES**

A. Original District Boundaries. The area of the Original District Boundaries includes approximately 58.8 acres, as further described in **Exhibit A**.

B. Corrections to Legal Descriptions. Prior to recordation of a final local entity plat of the District, the Petitioner or their designee may make any corrections, deletions, or additions to the legal descriptions attached hereto which may be necessary to conform the same to the intent hereof, to correct errors or omissions therein, to complete the same, to remove ambiguities therefrom, or to conform the same to other provisions of said instruments.

### **IV. DESCRIPTION OF POWERS AND IMPROVEMENTS**

A. District Powers. The District shall have all of the power granted to an infrastructure financing district under the Special District Act, including any powers granted after the date of this Governing Document, except as may be expressly amended or reserved by resolution of the Board. The District shall have the power and authority to provide the Improvements within and without the boundaries of the District as such power and authority is described in the Special District Act, the Assessment Act, and other applicable statutes, common law and the Constitution, subject to the limitations set forth herein.

B. Proposed Improvements. The purpose of the District is to finance the Improvements and C-PACE Improvements. It is anticipated that the district will finance all or a portion of the following Improvements, provided the District may finance any improvements permitted under the Special District Act, the Assessment Act, or the C-PACE Act: Roadways, sewer, water, storm drain, [utilities,] and related improvements.

### **V. THE BOARD OF TRUSTEES**

A. Board Composition. The Board shall be composed of three Trustees. The owners of surface property within the District waived the residency requirement. The initial Board is appointed as follows, with all terms commencing on the date of issuance of a certificate of creation by the Office of the Lieutenant Governor of the State of Utah:

1. Trustee 1. Richard T. Wolper is hereby appointed to the Board with an initial term of six years.

2. Trustee 2. Russell C. Skousen is hereby appointed to the Board with an initial term of four years.

3. Trustee 3. Nicholas Polychronis is hereby appointed to the Board with an initial term of six years.

B. Transition to Elected Board. Respective board seats shall transition from appointed to elected seats for terms of four years upon the expiration of each Trustee's initial term. No transition pursuant to this Section shall become effective until the scheduled regular election of the District in conjunction with the expiration of the then current term.





C. Reelection, Reappointment, Vacancy. Upon the expiration of a Trustee's respective term or any other vacancy relating thereto, any Trustee seat which has not transitioned to an elected seat shall be appointed by the remaining members of the Board, from owners of land or agents and officers of an owner of land within the boundaries of the District. Any property owner owning at least one-third of the taxable value of the property within such District at the time of a Trustee's nomination shall be entitled to nominate one Trustee seat for each [one-third][one-fifth] value (provided that the Board retains discretion to reject any nominee and request a new nominee from such property owner). In the event that no qualified candidate files to be considered for appointment or files a declaration of candidacy for a seat, such seat may be appointed by the remaining members of the Board from registered voters residing within the District, owners of land, or agents and officers of an owner of land within the boundaries of the District.

D. Conflicts of Interest. Trustees shall disclose all conflicts of interest. Any Trustee who discloses such conflicts in accordance with the Special District Act, shall be entitled to vote on such matters.

## **VI. GOVERNING DOCUMENT AMENDMENT**

Subject to the limitations of the Special District Act, this Governing Document may be amended by passage of a resolution of the Board approving such amendment.





**EXHIBIT A**  
**Legal Description of Original District Boundaries**

BEGINNING AT A POINT NORTH 00°18'30" WEST 2034.04 FEET ALONG THE SECTION LINE AND EAST, 353.55 FEET FROM THE SOUTHWEST CORNER OF SECTION 36, TOWNSHIP 35 SOUTH, RANGE 11 WEST, SALT LAKE BASE AND MERIDIAN, CEDAR CITY, UTAH; AND RUNNING THENCE SOUTH 00°02'08" EAST 729.19 FEET; THENCE NORTH 90°00'00" WEST, 350.08 FEET TO SAID SECTION LINE OF SECTION 36; THENCE ALONG THE SECTION LINE SOUTH 00°18'30" EAST, 1304.84 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 35; THENCE ALONG THE SECTION LINE SOUTH 89°35'21" WEST, 801.40 FEET; THENCE NORTH 00°18'38" WEST 500.00 FEET; THENCE SOUTH 89°35'21" WEST, 1166.28 FEET; THENCE NORTH 25°22'26" EAST, 630.86 FEET; THENCE NORTH 20°55'40" EAST, 140.38 FEET; THENCE NORTH 25°08'23" EAST, 216.24 FEET; THENCE SOUTH 64°44'08" EAST, 19.98 FEET; THENCE NORTH 25°08'23" EAST, 107.25 FEET; THENCE NORTH 62°35'00" WEST, 20.00 FEET; THENCE NORTH 27°24'45" EAST 230.09 FEET; THENCE ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF FIDDLERS CANYON ROAD AS FOLLOWS: THENCE ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 379.70 FEET; A DISTANCE OF 196.65 FEET, LONG CHORD FOR SAID CURVE BEARS NORTH 74°06'00" EAST, 194.46 FEET; THENCE NORTH 59°15'46" EAST 48.00 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1034.31 FEET, A DISTANCE OF 288.83 FEET; THENCE NORTH 75°15'46" EAST 39.44 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 583.39 FEET, A DISTANCE OF 310.45 FEET; THENCE NORTH 44°46'23" EAST 84.52 FEET TO A POINT ON THE CENTERLINE OF PROPOSED BELLA DESTINO DRIVE A 50 FOOT RIGHT OF WAY; THENCE SOUTH 45°04'18" EAST, 338.53 FEET TO A POINT OF CURVATURE WITH 500.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE 271.72 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 31°08'14"; THENCE NORTH 76°03'56" EAST, 25.00 FEET; THENCE SOUTH 77°37'01" EAST, 150.79 FEET; THENCE NORTH 38°36'43" EAST 557.75 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THAT PORTION CONVEYED IN THAT CERTAIN WARRANTY DEED RECORDED ON NOVEMBER 10, 2015 AS ENTRY NO. 676670 IN BOOK 1329 AT PAGE 98 AND CORRECTED IN THAT CERTAIN SCRIVENER'S AFFIDAVIT RECORDED NOVEMBER 24, 2015 AS ENTRY NO. 677190 IN BOOK 1330 AT PAGE 314 AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT NORTH 00°18'30" WEST 1305.00 FEET ALONG THE SECTION LINE FROM THE SOUTHWEST CORNER OF SECTION 36, TOWNSHIP 35 SOUTH, RANGE 11 WEST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 90°00'00" EAST 350.08 FEET; THENCE NORTH 00°02'08" WEST 888.44 FEET; THENCE SOUTH 44°46'23" WEST 6.01 FEET; THENCE NORTH 45°13'37" WEST 550.00 FEET TO A POINT OF CURVATURE TO THE LEFT HAVING A RADIUS OF 15.00 FEET AND A CENTRAL ANGLE OF 90°00'00"; THENCE ALONG THE ARC OF SAID CURVE 23.56 FEET; THENCE SOUTH 44°46'23" WEST 697.37 FEET ALONG THE SOUTHEASTERLY RIGHT OF WAY OF FIDDLERS CANYON ROAD; THENCE SOUTH 45°23'00" EAST 133.53 FEET TO A POINT OF CURVATURE TO THE RIGHT HAVING A RADIUS OF 275.00 FEET AND A CENTRAL ANGLE OF 11°39'34"; THENCE ALONG THE ARC OF SAID CURVE 55.96 FEET; THENCE SOUTH 33°43'26" EAST 768.92 TO THE POINT OF BEGINNING.





**COMMISSIONERS**  
Michael P. Bleak  
Paul Cozzens  
Marilyn Wood

**ASSESSOR** / Karsten Reed  
**ATTORNEY** / Chad E. Dotson  
**AUDITOR** / Lucas Little  
**CLERK** / Jonathan T. Whittaker  
**RECORDER** / Carri R. Jeffries  
**SHERIFF** / Kenneth K. Carpenter  
**TREASURER** / Nicole B. Rosenberg

P.O. Box 429  
68 South 100 East  
Parowan, Utah 84761  
P 435.477.8300  
F 435.477.8847

August 7, 2024

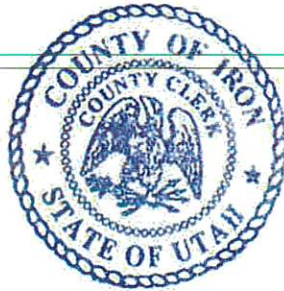
To Whom it May Concern:

I, Jonathan T. Whittaker, the duly elected County Clerk of Iron County, do hereby certify that the June 19<sup>th</sup> Petition Requesting the Creation of Fiddlers Canyon Infrastructure Financing District Located in Cedar City, Utah complies with the requirements of UCA 17B-1-203(d), 17B-1-205(1), and 17B-1-208.

I am providing this letter to the petition sponsors, as well as the Utah Lieutenant Governor's office. I am asking that the sponsors also provide a map of the proposed financing district for my records as well as to be transmitted to the Lieutenant Governor's office.

Sincerely,

Jonathan T. Whittaker  
Iron County Clerk







**PETITION REQUESTING THE CREATION OF  
FIDDLERS CANYON INFRASTRUCTURE FINANCING DISTRICT  
LOCATED IN CEDAR CITY, UTAH**

JUNE 19, 2024

Jonathan T. Whittaker  
Iron County Clerk  
PO BOX 429  
68 S 100 E  
Parowan, Utah 84761  
435-477-8340  
[Clerk.group@ironcounty.net](mailto:Clerk.group@ironcounty.net)

The undersigned (the “Petitioner(s)”) hereby request that the Clerk of IRON COUNTY, Utah (the “County Clerk”) certify this Petition for the Fiddlers Canyon Infrastructure Financing District (the “District”) pursuant to the Special District Act, Title 17B, Chapter 1, Utah Code Annotated 1953 (the “Act”). The Petitioner(s) request the formation of the District in order to assist in the financing of public infrastructure to service and benefit the area within the proposed District.

Petitioner(s)

Petitioner(s) / Owner:

FIDDLERS CANYON HILLS, LLC  
7026 S 900 E, Midvale, UT 84047

Contact Sponsor:

Richard T. Wolper  
7026 S 900 E, Midvale, UT 84047  
801-649-4000  
[rich@m25homes.com](mailto:rich@m25homes.com)

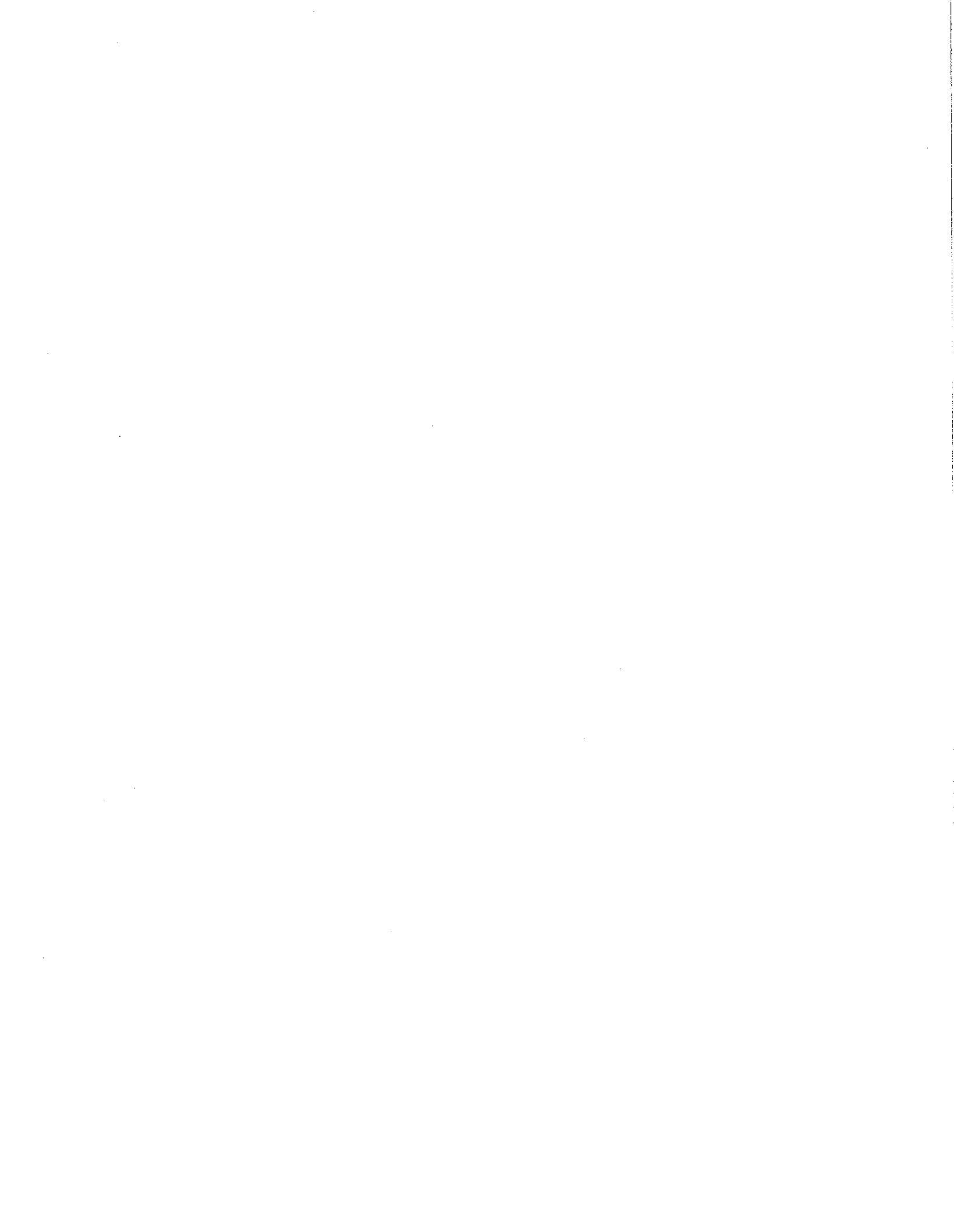
The Petitioner(s) represent 100% of the surface property owners within the proposed District’s boundaries.

**I. Proposed District Boundaries**

The Petitioner(s) request that the initial District’s boundaries include the real property described in **Exhibit A** (the “Original District Boundaries”). The Original District Boundaries are further described and depicted in the final local entity plat, as shown in **Exhibit B** (the “**Final Local Entity Plat**”).

**II. Requested Service**

The Petitioner(s) request the District be created for the purpose of financing the construction of public infrastructure relating to the Development, as permitted under the Act; to service and benefit the District area.





### **III. Governing Document**

In accordance with the requirements of the Act, attached hereto as **Exhibit C** and incorporated by reference is a draft of the Governing Document for the District (the “Governing Document”).

### **IV. Engineer’s Certificate**

In accordance with the requirements of the Act, attached hereto as **Exhibit D** and incorporated by reference is certificate of an engineer, licensed under Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act, certifying that the costs of public infrastructure and improvements to be constructed within the boundary of the District exceeds \$1,000,000.

### **V. Board of Trustees**

- a) The Petitioner(s) hereby waive the residency requirement of Section 17B-1-302 of the Act.
- b) The Petitioner(s) propose that the Boards of Trustees for the District be initially composed of three (3) members who are agents, or officers of the property owner, as follows:

**Trustee 1:** Richard T. Wolper, for an initial term of six years

7026 S 900 E, Midvale, UT 84047

**Trustee 2:** Russell C. Skousen, for an initial term of four years

7026 S 900 E, Midvale, UT 84047

**Trustee 3:** Nicholas Polychronis, for an initial term of six years

7026 S 900 E, Midvale, UT 84047

- c) Respective board seats shall transition from appointed to elected seats for terms of four years upon the expiration of each Trustee’s initial term.

### **VI. Petitioner(s) Consent and Acknowledgements**

- d) The Petitioner(s) hereby consent to:
  - i) The creation of the District within the Original District Boundaries;
  - ii) A waiver of the residency requirement for members of the Board of Trustees of the District as permitted under Section 17B-1-302 of the Act;
  - iii) A waiver of the entirety of the protest period described in Section 17B-1-213 of the Act;
  - iv) The recording of a notice as required under Section 17B-1-215(2)(a), which will apply to all real property within the Original District Boundaries.



- e) The Petitioner(s) hereby acknowledge and certify that the foregoing Trustees are either owners of property within the District or agents or officers of owners of property within the District.

#### **VII. Electronic Means; Counterparts**

This Petition may be circulated by electronic means and executed in several counterparts, including by electronic signature, all or any of which may be treated for all purposes as an original and shall constitute and be one and the same document.

#### **VIII. Instructions for Clerk**

a) In accordance with the requirements of Section 17B-1-209 of the Act, the County Clerk has 45 days to determine whether this Petition complies with the requirements of Sections 17B-1-203(d), 17B-1-205(1), and 17B-1-208(1). If the County Clerk determines that the petition complies with the applicable requirements, the County Clerk shall mail or deliver written notification of the certification and a copy of the certified petition to the Contact Sponsor. An email to the Contact Sponsor at the email address provided above is an acceptable written notification.

b) If the County Clerk certifies this Petition, the County Clerk shall, within the 45 days specified above and within 10 days of certification, file with the lieutenant governor, in addition to a copy of the certified Petition (including the exhibits hereto):

- i) a copy of the Notice of an Impending Boundary Action, attached hereto as **Exhibit E**; and

- ii) a copy of the Final Local Entity Plat.

c) Documents may be filed with the Lieutenant Governor's Office at [annexations@utah.gov](mailto:annexations@utah.gov) with the Contact Sponsor cc'd on such email.

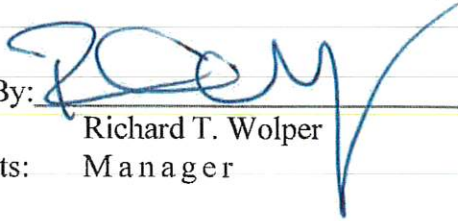
d) If the County Clerk determines that this Petition fails to comply with any of the applicable requirements, the County Clerk shall reject this Petition and notify the Contact Sponsor in writing of the rejection and the reasons for the rejection. An email to the Contact Sponsor at the email address provided above is an acceptable written notification.

e) In the event the County Clerk fails to certify this Petition within 45 days, this Petition will be deemed certified and the Petitioner(s) may notify the Lieutenant Governor's Office and submit the required documents for creation of the District.



IN WITNESS WHEREOF, the Petitioner(s) have executed this Petition as of the date indicated above.

**FIDDLERS CANYON HILLS, LLC**

By:   
Richard T. Wolper  
Its: Manager

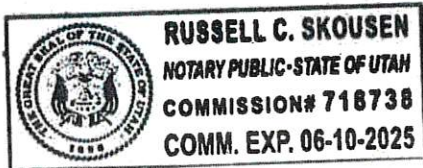
STATE OF UTAH )

ss:

COUNTY OF SALT LAKE)

On this 19<sup>th</sup> day of JUNE, personally appeared before me RICHARD T. WOLPER, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me duly sworn did say that he is the manager of FIDDLERS CANYON HILLS, LLC, that he was duly authorized by said company to sign this Petition, and that he acknowledged to me that said company executed the same for the uses and purposes set forth herein.

  
NOTARY PUBLIC







**EXHIBIT A  
LEGAL DESCRIPTION**

BEGINNING AT A POINT NORTH 00°18'30" WEST 2034.04 FEET ALONG THE SECTION LINE AND EAST, 353.55 FEET FROM THE SOUTHWEST CORNER OF SECTION 36, TOWNSHIP 35 SOUTH, RANGE 11 WEST, SALT LAKE BASE AND MERIDIAN, CEDAR CITY, UTAH; AND RUNNING THENCE SOUTH 00°02'08" EAST 729.19 FEET; THENCE NORTH 90°00'00" WEST, 350.08 FEET TO SAID SECTION LINE OF SECTION 36; THENCE ALONG THE SECTION LINE SOUTH 00°18'30" EAST, 1304.84 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 35; THENCE ALONG THE SECTION LINE SOUTH 89°35'21" WEST, 801.40 FEET; THENCE NORTH 00°18'38" WEST 500.00 FEET; THENCE SOUTH 89°35'21" WEST, 1166.28 FEET; THENCE NORTH 25°22'26" EAST, 630.86 FEET; THENCE NORTH 20°55'40" EAST, 140.38 FEET; THENCE NORTH 25°08'23" EAST, 216.24 FEET; THENCE SOUTH 64°44'08" EAST, 19.98 FEET; THENCE NORTH 25°08'23" EAST, 107.25 FEET; THENCE NORTH 62°35'00" WEST, 20.00 FEET; THENCE NORTH 27°24'45" EAST 230.09 FEET; THENCE ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF FIDDLERS CANYON ROAD AS FOLLOWS: THENCE ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 379.70 FEET; A DISTANCE OF 196.65 FEET, LONG CHORD FOR SAID CURVE BEARS NORTH 74°06'00" EAST, 194.46 FEET; THENCE NORTH 59°15'46" EAST 48.00 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1034.31 FEET, A DISTANCE OF 288.83 FEET; THENCE NORTH 75°15'46" EAST 39.44 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 583.39 FEET, A DISTANCE OF 310.45 FEET; THENCE NORTH 44°46'23" EAST 84.52 FEET TO A POINT ON THE CENTERLINE OF PROPOSED BELLA DESTINO DRIVE A 50 FOOT RIGHT OF WAY; THENCE SOUTH 45°04'18" EAST, 338.53 FEET TO A POINT OF CURVATURE WITH 500.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE 271.72 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 31°08'14"; THENCE NORTH 76°03'56" EAST, 25.00 FEET; THENCE SOUTH 77°37'01" EAST, 150.79 FEET; THENCE NORTH 38°36'43" EAST 557.75 FEET TO THE POINT OF BEGINNING.

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**EXHIBIT B**  
**FINAL LOCAL ENTITY PLAT**



**EXHIBIT C  
GOVERNING DOCUMENT**



**EXHIBIT D  
CERTIFICATE OF ENGINEER**





**EXHIBIT E**  
**NOTICE OF IMPENDING BOUNDARY ACTION**

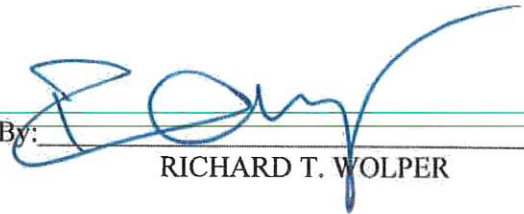
**(Fiddlers Canyon Infrastructure Financing District)**

**TO: The Lieutenant Governor, State of Utah**

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**WHEREFORE**, the Petitioner(s) hereby respectfully requests the issuance of a Certificate of Incorporation pursuant to and in conformance with the provisions of Utah Code Ann. §17B-1-215.

**DATED** this JUNE 19TH, 2024.

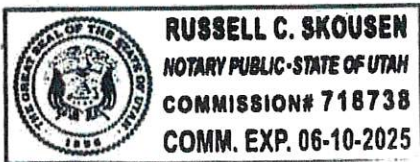
By:   
\_\_\_\_\_  
RICHARD T. WOLPER

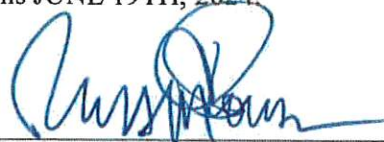
**VERIFICATION**

STATE OF UTAH                    )  
  :SS.

COUNTY OF SALT LAKE        )

SUBSCRIBED AND SWORN to before me this JUNE 19TH, 2024.



  
\_\_\_\_\_  
NOTARY PUBLIC





