



**NARRATIVE:**

Boundary Specialists were retained by Jim and Tammie Ames to perform a record of survey of the parcel of land shown hereon. Field work commenced on February 16, 2004 with subsequent field work being performed on March 05, 2004. Field data was collected using a Trimble 5800 GPS system. A #5 rebar 18 inches long with a yellow plastic cap stamped 356548 was set at the northeast corner of the Parcel, no other property corners were set as the southeast and southwest corners fall upon fence posts, the northwest corner was not set at the date of recording of this survey because of a dispute in its location. The corner will be set at its proper location upon resolution of the dispute. A thorough search was made for evidence of the West line of Section 17 with no success, the location of the Section corners were established from the Ogden City Plat Maps.

The root parcel to the North Pointe Village Subdivision Phase 1 was created on February 14, 1874 when Erastus Bingham Sr. deeded a portion of his holdings to Josephus Hatch. This transfer made the Hatch parcel Senior in Title to the adjoining parcels to the East (the subject parcel). A fence line has existed along the approximate boundary of the subject parcel and the Hatch parcel for over 50 years, this has been ascertained from parcel evidence given by Rex North. Mr. North had grazed sheep on the Hatch parcel for over 40 years and had maintained the fence, by his testimony to me, as a fence of convenience to keep his sheep in. He stated that he had no knowledge of the true boundary and that he had not maintained the fence as a boundary fence. The previous owners of the Ames parcel, (Steven Sellers, Book 1685, Page 848, and Jim Wilcox, Book 1518, Page 920) had constructed improvements to the above stated fence and had treated it as a boundary fence. According to parcel evidence given by the Ames' they bought the property with the understanding that the existing fence was the true boundary and treated it as such maintaining their improvements to that line. With the creation of the North Pointe Village Subdivision Phase 1 a portion of those improvements now lie upon Lots 23 and 24 of the subdivision thus creating a dispute as to true title to the encroachment area. Based upon the parcel evidence collect by Boundary Specialists, the existence of an unrecorded Plat of Survey performed by Snake River Land Surveyors of American Falls, Idaho, as file number 85063, dated November 20, 1985, and other physical evidence we can substantiate the existence of the fence line but, cannot substantiate a "Boundary by Acquiescence". Should a Quiet Title Action be pursued it is Boundary Specialist recommendation that a competent Real Estate Attorney be consulted.

*David E. Hawkes*  
 David E. Hawkes, P.L.S. March 30, 2004  
 Date

**DESCRIPTIONS:**

**DEED DESCRIPTION:**

Book 2176, Page 1518

Part of the Southwest Quarter of Section 17, Township 6 North, Range 1 West, Salt Lake Base and Meridian, U.S. Survey. Beginning at a point 11.69 chains NORTH and 2352 feet WEST and 163 feet NORTH from the southeast corner of said quarter section; Running thence WEST 90 feet; Thence NORTH 166 feet; Thence EAST 90 feet; Thence SOUTH 166 feet to the place of beginning.

Subject to Right of Way for road (7th Street) along the north 27.4 feet, more or less, thereof.

**BOUNDARY LINE AGREEMENTS:**

Book 2005, Page 359

Part of the Southwest Quarter of Section 17, Township 6 North, Range 1 West, Salt Lake Base and Meridian, U.S. Survey. Beginning at a point 11.69 chains NORTH and 2352 feet WEST and 176 feet NORTH, more or less, to an existing cedar fence, from the southeast corner of said quarter section, and running thence WEST along said cedar fence line 90 feet, more or less, to the west line of property known as Tax I.D. 12-091-0075.

Book 2005, Page 360

Part of the Southwest Quarter of Section 17, Township 6 North, Range 1 West, Salt Lake Base and Meridian, U.S. Survey. Beginning at a point 11.69 chains NORTH and 2352 feet WEST and 176 feet NORTH, more or less, to an existing cedar fence, from the southeast corner of said quarter section, and running thence NORTH along said cedar fence line 166 feet, more or less, along said fence and fence line extended to the north property line known as Tax I.D. 12-091-0075.

**AS SURVEYED DESCRIPTION:**

A parcel of land lying and situate in the Southwest Quarter of the Southwest Quarter of Section 17, Township 6 North, Range 1 West, Salt Lake Base and Meridian, Ogden City, Weber County, Utah. Comprising that particular parcel of land ascribed in that certain Quit Claim Deed dated October 17, 2001, recorded October 22, 2001 as Entry Number 1802946, in Book 2176 at Page 1518 of the Weber County Records together with and excepting therefrom those particular areas of land enclosed by those particular Cedar Fence lines described in those certain Boundary Line Agreements dated April 09, 1999 and recorded April 14, 1999 as Entry Numbers 1628117 and 1628118, recorded in Book 2005, at Pages 359 and 360 of said Weber County Records.

Basis of Bearing for subject parcels being South 00°58'22" West 1140.70 feet (measured), (South 00°58'00" West record) between the Ogden City well monuments monumentalizing the center lines of Seventh Street, Ninth Street and the monument line of Wall Avenue.

Subject Parcel being more particularly described as follows:

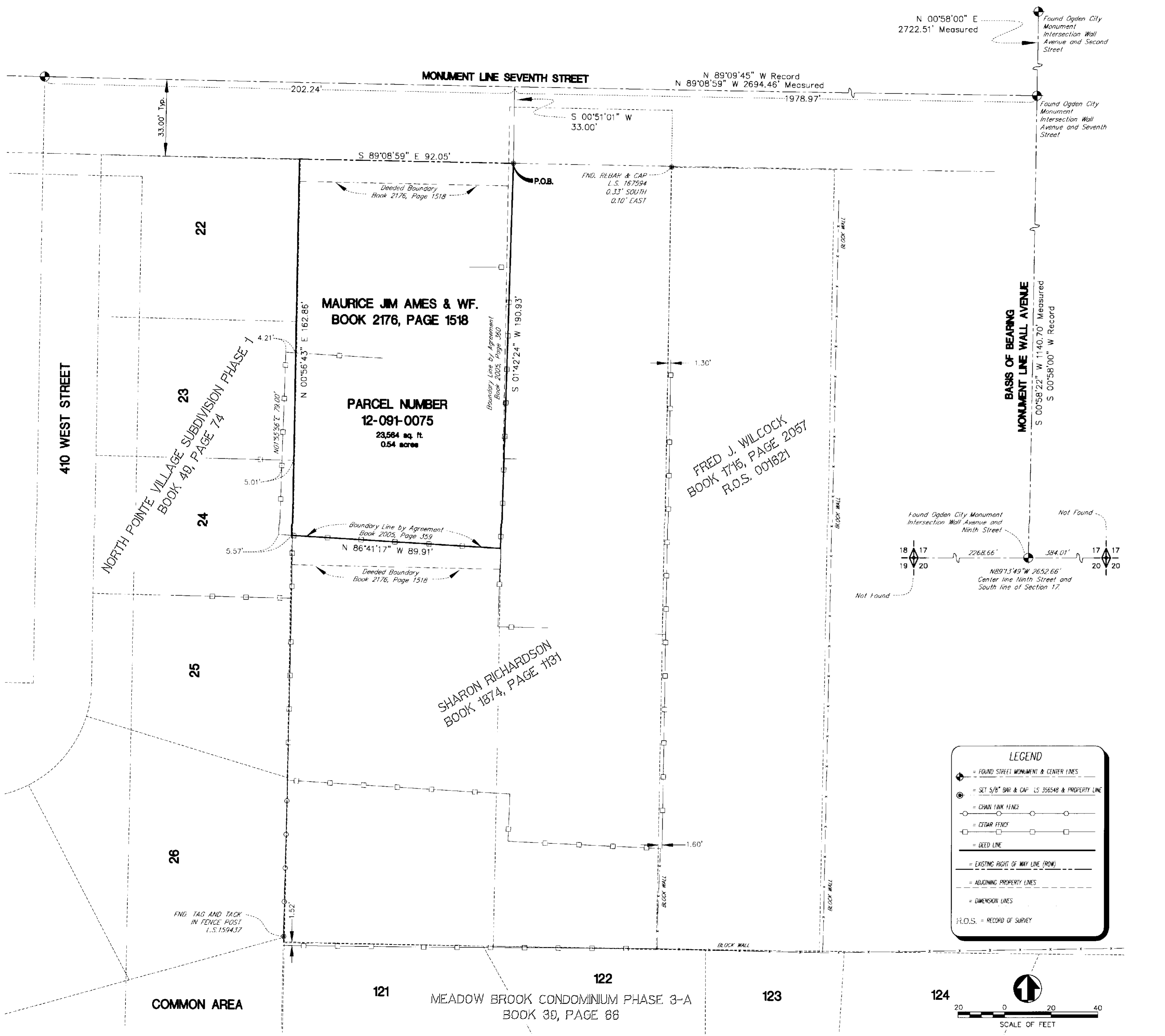
Commencing at the Ogden City well monument monumentalizing the intersection of the monument line of said Wall Avenue and the Center Line of Seventh Street, thence North 89°08'59" West (measured), (North 89°09'45" West record) 1978.97 feet coincident with the monument line of said Seventh Street; Thence South 00°51'01" West 33.00 feet to the True Point of Beginning; Thence South 01°42'24" West 190.93 feet along that particular fence line and the extension thereof described in that certain Boundary Line Agreement recorded as Entry 1628117 in Book 2005, at Page 360 of the Weber County Records to a fence corner; Thence North 86°41'17" West 89.91 feet along that particular fence line described in that certain Boundary Line Agreement recorded as Entry 1628117 in Book 2005, at Page 359 of said records to a point on the east line of that particular parcel of land transferred to Josephus Hatch by that certain Warranty Deed dated February 14, 1874, recorded in Book 1 at page 273 of the Weber County Records; Thence North 00°56'43" East 162.86 feet to a point on the South Right of Way Line of Seventh Street; Thence South 89°08'59" East 92.05 feet coincident with said Right of Way to the point of beginning.

DATE: 03-30-04  
 PLAT DATE:  
 SCALE: 1"=20'  
 PROJECT NUMBER: 0400901

**RECORD OF SURVEY OF**  
**PARCELS 12-091-0070, -0037**  
 LYING AND SITUATE IN THE SOUTHWEST QUARTER OF SECTION 17,  
 TOWNSHIP 6 NORTH, RANGE 1 WEST,  
 SALT LAKE BASE AND MERIDIAN

**BOUNDARY SPECIALISTS**  
 123 South Main Ste. 3, Heber City, Utah  
 7920 South Highway 89, Willard, Utah  
 801-792-1569 435-654-1917 FAX

DESIGNED	DEH
DRAWN	DEH
CHECKED	JU
SHEET	1
OF	1



03-30-04