

Surveyor's Certification

We, Martin B. Moore, Jr., Weber County Surveyor, and Ernest D. Rowley, Chief Deputy Surveyor for the Weber County Surveyor's Office, do hereby certify that we, of the Weber County Surveyor's Office, of the State of Utah, have conducted an Ownership Records Research of the tract of land shown hereon, that this plat has been prepared from the records of the Davis and Weber County Recorder's Offices and the Weber County Surveyor's Office. I further certify that this record and its accompanying sheets are a true and accurate record of this work.



Basis of Bearing
The Basis of Bearing for this project is S 89°14'40" E between the West Quarter corner and Center Quarter corner of Section 26, Township 5 North, Range 1 West, Salt Lake Base and Meridian. This bearing is based on NAD27 as maintained by the Weber County Surveyor's Office.

Attorney General's Office Acknowledgment

This record of Ownership Records Research and the accompanying property descriptions were made at the request of the Utah State Office of the Attorney General.

Signature of Registrar _____ Date _____

LINE TABLE

L1	S 77°09'26" E 45.72'
L2	S 84°31'41" E 28.23'
L3	S 00°03'43" W 48.80' along 1/16th section line
L4	N 88°59'04" E 45.12'
L5	N 75°41'56" E 107.43'
L6	N 63°26'38" E 70.27'
L7	N 64°48'28" E 53.67'
L8	N 71°34'19" E 46.32'
L9	N 71°34'19" E 7.89'
L10	N 80°02'15" E 18.94'
L11	N 80°02'15" E 30.11'
L12	N 01°20'20" E 163.60'
L13	N 01°20'20" E 139.90'
L14	N 89°34'40" W 27.00'
L15	N 00°25'20" E 116.41'
L16	N 00°25'20" E 41.74'
L17	N 77°09'26" W 32.27'
L18	N 69°27'05" W 91.18'
L19	N 63°45'32" W 108.58'
L20	N 69°52'14" W 85.25'
L21	N 83°39'44" W 84.56'
L22	S 81°25'08" W 71.51'
L23	S 64°30'42" W 96.06'
L24	S 78°12'40" W 124.02'
L25	N 74°45'03" W 60.84'
L26	N 65°53'40" W 64.09'
L27	N 75°58'08" W 52.59'
L28	N 88°09'12" W 98.91'
L29	S 71°34'19" W 131.09'
L30	S 62°42'35" W 111.24'
L31	S 38°10'07" W 113.53'
L32	S 28°26'37" W 61.75'
L33	N 00°03'43" E 28.27'



Canaan Hay Company, Tract A
A tract of land located in the Northwest Quarter of the Southwest Quarter of Section 26, Township 5 North, Range 1 West, Salt Lake Base and Meridian, having a basis of bearing of North 89°14'40" East along the quarter section line between the West Quarter and Center Quarter corners of said section, said corners being monumented with Weber County brass caps dated 1967 and 1966 respectively. Said West Quarter corner monument having NAD27 state plane coordinates of record of N-1881792.876 and Y-29408.621 as surveyed and maintained by the Weber County Surveyor's Office, being more particularly described as follows: Beginning at a point located 1282.02 feet South 89°14'40" East, along said quarter section line to the west line of a parcel described and recorded on 26-Nov-2004, in the deed records of Weber County as Entry # 2070568. This description is a result of a survey which is filed in the Weber County Surveyor's Office record of survey files as # **348-7**, said survey being made a part hereof.

Bybee, Tract C
A tract of land being part of the Northeast Quarter of the Southwest Quarter of Section 26, Township 5 North, Range 1 West, Salt Lake Base and Meridian, having a basis of bearing of North 89°14'40" East along the quarter section line between the West Quarter and Center Quarter corners of said section, said corners being monumented with Weber County brass caps dated 1967 and 1966 respectively. Said West Quarter corner monument having NAD27 state plane coordinates of record of N-1881792.876 and Y-29408.621 as surveyed and maintained by the Weber County Surveyor's Office, being more particularly described as follows: Beginning at a point located 1282.02 feet South 89°14'40" East, along said quarter section line to the west line of a parcel described and recorded on 26-Nov-2004, in the deed records of Weber County as Entry # 2070568. This description is a result of a survey which is filed in the Weber County Surveyor's Office record of survey files as # **348-7**, said survey being made a part hereof.

Abdi Sharifan, Tract G
A tract of land being part of the North Half of the Southwest Quarter of Section 26, Township 5 North, Range 1 West, Salt Lake Base and Meridian, having a basis of bearing of North 89°14'40" East along the quarter section line between the West Quarter and Center Quarter corners of said section, said corners being monumented with Weber County brass caps dated 1967 and 1966 respectively. Said West Quarter corner monument having NAD27 state plane coordinates of record of N-1881792.876 and Y-29408.621 as surveyed and maintained by the Weber County Surveyor's Office, being more particularly described as follows: Beginning at a point located 1282.02 feet South 89°14'40" East, along said quarter section line to the west line of a parcel described and recorded on 26-Nov-2004, in the deed records of Weber County as Entry # 2070568. This description is a result of a survey which is filed in the Weber County Surveyor's Office record of survey files as # **348-7**, said survey being made a part hereof.

Un-known Heirs (Weber County Parcel), Tract B
A tract of land located in the Northwest Quarter of the Southwest Quarter of Section 26, Township 5 North, Range 1 West, Salt Lake Base and Meridian, having a basis of bearing of North 89°14'40" East along the quarter section line between the West Quarter and Center Quarter corners of said section, said corners being monumented with Weber County brass caps dated 1967 and 1966 respectively. Said West Quarter corner monument having NAD27 state plane coordinates of record of N-1881792.876 and Y-29408.621 as surveyed and maintained by the Weber County Surveyor's Office, being more particularly described as follows: Beginning at a point located 1282.02 feet South 89°14'40" East, along said quarter section line to the west line of a parcel described and recorded on 26-Nov-2004, in the deed records of Weber County as Entry # 2070568. This description is a result of a survey which is filed in the Weber County Surveyor's Office record of survey files as # **348-7**, said survey being made a part hereof.

Un-known Heirs (Davis County Parcel), Tract E
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Un-known Heirs (Davis County Parcel), Tract D
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Un-known Heirs (Weber County Parcel), Tract H
A tract of land located in the Northwest Quarter of the Southwest Quarter of Section 26, Township 5 North, Range 1 West, Salt Lake Base and Meridian, having a basis of bearing of North 89°14'40" East along the quarter section line between the West Quarter and Center Quarter corners of said section, said corners being monumented with Weber County brass caps dated 1967 and 1966 respectively. Said West Quarter corner monument having NAD27 state plane coordinates of record of N-1881792.876 and Y-29408.621 as surveyed and maintained by the Weber County Surveyor's Office, being more particularly described as follows: Beginning at a point located 1282.02 feet South 89°14'40" East, along said quarter section line to the west line of a parcel described and recorded on 26-Nov-2004, in the deed records of Weber County as Entry # 2070568. This description is a result of a survey which is filed in the Weber County Surveyor's Office record of survey files as # **348-7**, said survey being made a part hereof.

Un-known Heirs (Davis County Parcel), Tract I
A tract of land located in the Northwest Quarter of the Southwest Quarter of Section 26, Township 5 North, Range 1 West, Salt Lake Base and Meridian, having a basis of bearing of North 89°14'40" East along the quarter section line between the West Quarter and Center Quarter corners of said section, said corners being monumented with Weber County brass caps dated 1967 and 1966 respectively. Said West Quarter corner monument having NAD27 state plane coordinates of record of N-1881792.876 and Y-29408.621 as surveyed and maintained by the Weber County Surveyor's Office, being more particularly described as follows: Beginning at a point located 1282.02 feet South 89°14'40" East, along said quarter section line to the west line of a parcel described and recorded on 26-Nov-2004, in the deed records of Weber County as Entry # 2070568. This description is a result of a survey which is filed in the Weber County Surveyor's Office record of survey files as # **348-7**, said survey being made a part hereof.

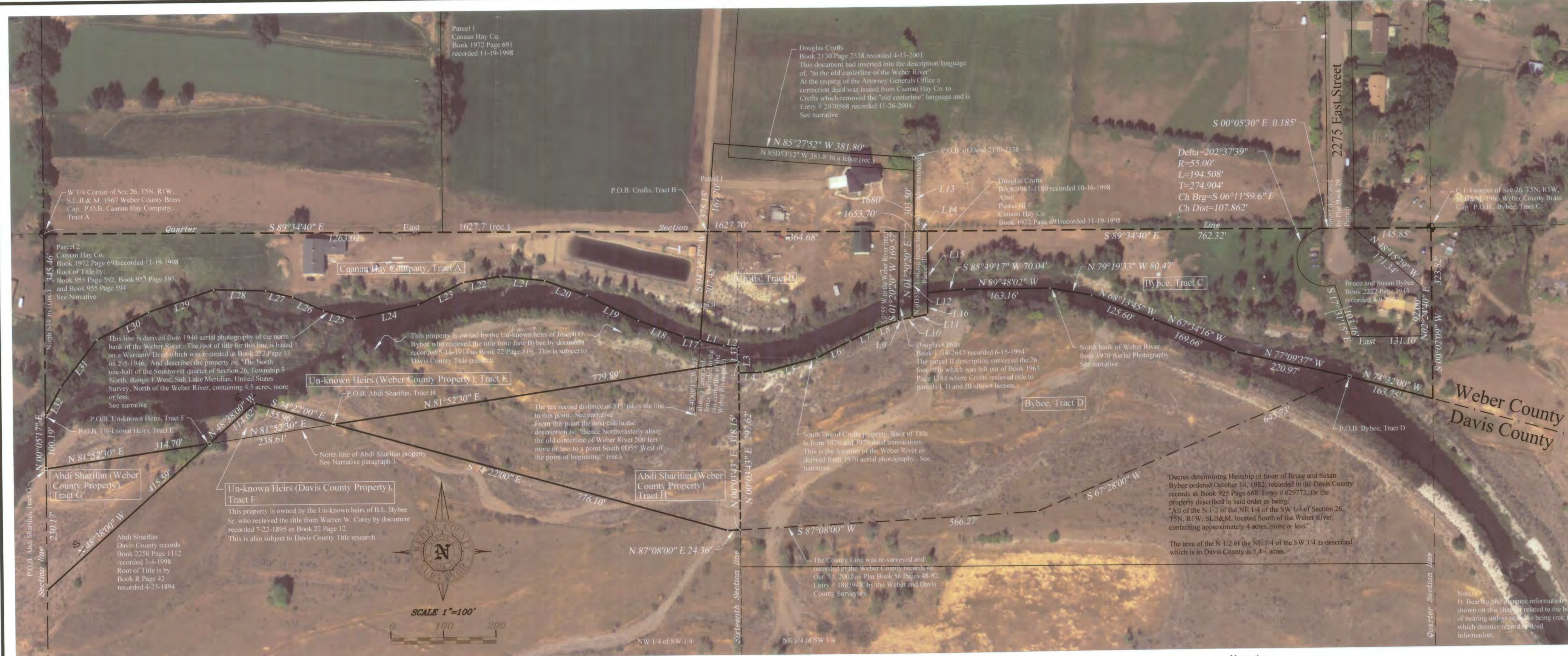
Un-known Heirs (Weber County Parcel), Tract J
A tract of land located in the Northwest Quarter of the Southwest Quarter of Section 26, Township 5 North, Range 1 West, Salt Lake Base and Meridian, having a basis of bearing of North 89°14'40" East along the quarter section line between the West Quarter and Center Quarter corners of said section, said corners being monumented with Weber County brass caps dated 1967 and 1966 respectively. Said West Quarter corner monument having NAD27 state plane coordinates of record of N-1881792.876 and Y-29408.621 as surveyed and maintained by the Weber County Surveyor's Office, being more particularly described as follows: Beginning at a point located 1282.02 feet South 89°14'40" East, along said quarter section line to the west line of a parcel described and recorded on 26-Nov-2004, in the deed records of Weber County as Entry # 2070568. This description is a result of a survey which is filed in the Weber County Surveyor's Office record of survey files as # **348-7**, said survey being made a part hereof.

Un-known Heirs (Davis County Parcel), Tract K
A tract of land located in the Northwest Quarter of the Southwest Quarter of Section 26, Township 5 North, Range 1 West, Salt Lake Base and Meridian, having a basis of bearing of North 89°14'40" East along the quarter section line between the West Quarter and Center Quarter corners of said section, said corners being monumented with Weber County brass caps dated 1967 and 1966 respectively. Said West Quarter corner monument having NAD27 state plane coordinates of record of N-1881792.876 and Y-29408.621 as surveyed and maintained by the Weber County Surveyor's Office, being more particularly described as follows: Beginning at a point located 1282.02 feet South 89°14'40" East, along said quarter section line to the west line of a parcel described and recorded on 26-Nov-2004, in the deed records of Weber County as Entry # 2070568. This description is a result of a survey which is filed in the Weber County Surveyor's Office record of survey files as # **348-7**, said survey being made a part hereof.

Ownership Records Research for Crofts, Canaan Hay Co., & Bybee properties,
Being a part of the North Half of the Southwest Quarter of Township 5 North, Range 1 West, Salt Lake Base and Meridian.

Plot Prepared by: M. B. Moore, Jr., Chief Deputy Surveyor
DRAWING DATE: Nov. 21, 2006
Approved for Filing by: Martin B. Moore, Jr., Weber County Surveyor
APPROVAL DATE: _____
SHEET 1 of 6
003489 SURVEY FILING NUMBER

UTAH COUNTY SURVEY SYSTEM - FILE: Job 5-14, Subproject: Crp-01-Surveying Job



Surveyor's Certification
We, Martin B. Moore, Jr., Weber County Surveyor, and Ernest D. Rowley, Chief Deputy Surveyor for the Weber County Surveyor's Office, do hereby certify that we, of the Weber County Surveyor's Office, of the State of Utah, have conducted an Ownership Records Research of the tract of land shown herein, that this plan has been prepared from the records of the Davis and Weber County Recorder's Office and the Weber County Surveyor's Office. I hereby certify that this record and its accompanying sheets are a true and accurate record of this work.

Basis of Bearing
The Basis of Bearing for this project is S 89°34'40\"/>

Attorney General's Office Acknowledgment
This record of Ownership Records Research and the accompanying party descriptions were made at the request of the Utah State Office of the Attorney General.

Signature of Register: *[Signature]* Date: 7/18/05

LINE TABLE

L1	S 77°09'26\"/>
L2	S 84°31'41\"/>
L3	S 00°03'43\"/>
L4	N 88°59'04\"/>
L5	N 75°41'56\"/>
L6	N 63°26'38\"/>
L7	N 64°48'28\"/>
L8	N 71°34'19\"/>
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L13	N 01°20'20\"/>
L14	N 89°34'40\"/>
L15	N 00°25'20\"/>
L16	N 00°25'20\"/>
L17	N 77°09'26\"/>
L18	N 69°27'05\"/>
L19	N 63°45'32\"/>
L20	N 69°52'14\"/>
L21	N 83°39'44\"/>
L22	S 81°25'08\"/>
L23	S 64°30'42\"/>
L24	S 78°12'40\"/>
L25	N 74°45'03\"/>
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L29	N 71°34'19\"/>
L30	S 62°42'35\"/>
L31	S 38°10'07\"/>
L32	S 28°26'37\"/>
L33	N 00°03'43\"/>

Caanan Hay Company, Tract A
A tract of land located in the Northwest Quarter of the Southwest Quarter of Section 26, Township 5 North, Range 1 West, Salt Lake Base and Meridian, having a basis of bearing of South 89°34'40\"/>

Crofts, Tract B
A tract of land being part of the North Half of the Southwest Quarter of Section 26, Township 5 North, Range 1 West, Salt Lake Base and Meridian, having a basis of bearing of South 89°34'40\"/>

Bybee, Tract C
A tract of land being part of the Northeast Quarter of the Southwest Quarter of Section 26, Township 5 North, Range 1 West, Salt Lake Base and Meridian, having a basis of bearing of North 89°34'40\"/>

Abdi Sharifan, Tract D
A tract of land being part of the Northeast Quarter of the Southwest Quarter of Section 26, Township 5 North, Range 1 West, Salt Lake Base and Meridian, having a basis of bearing of North 89°34'40\"/>

Un-known Heirs (Weber County Property), Tract E
This property is owned by the Un-known heirs of Joseph O. Bybee who received the title from Jane Bybee by document recorded 5-16-1914 as Book 72 Page 519. This is subject to Davis County Title research.

Un-known Heirs (Davis County Property), Tract F
This property is owned by the Un-known heirs of B.L. Bybee Sr. who received the title from Warren W. Corey by document recorded 7-22-1895 as Book 22 Page 12.

Bybee, Tract G
A tract of land being part of the Northeast Quarter of the Southwest Quarter of Section 26, Township 5 North, Range 1 West, Salt Lake Base and Meridian, having a basis of bearing of North 89°34'40\"/>

Abdi Sharifan, Tract H
A tract of land being part of the Northeast Quarter of the Southwest Quarter of Section 26, Township 5 North, Range 1 West, Salt Lake Base and Meridian, having a basis of bearing of North 89°34'40\"/>

Un-known Heirs (Weber County Property), Tract I
This property is owned by the Un-known heirs of B.L. Bybee Sr. who received the title from Warren W. Corey by document recorded 7-22-1895 as Book 22 Page 12.

Un-known Heirs (Davis County Property), Tract J
This property is owned by the Un-known heirs of B.L. Bybee Sr. who received the title from Warren W. Corey by document recorded 7-22-1895 as Book 22 Page 12.

Abdi Sharifan, Tract K
A tract of land located in the Northwest Quarter of the Southwest Quarter of Section 26, Township 5 North, Range 1 West, Salt Lake Base and Meridian, having a basis of bearing of South 89°34'40\"/>

Un-known Heirs (Weber County Property), Tract L
A tract of land located in the Northwest Quarter of the Southwest Quarter of Section 26, Township 5 North, Range 1 West, Salt Lake Base and Meridian, having a basis of bearing of South 89°34'40\"/>

Un-known Heirs (Davis County Property), Tract M
A tract of land located in the Northwest Quarter of the Southwest Quarter of Section 26, Township 5 North, Range 1 West, Salt Lake Base and Meridian, having a basis of bearing of South 89°34'40\"/>

Abdi Sharifan, Tract N
A tract of land located in the Northwest Quarter of the Southwest Quarter of Section 26, Township 5 North, Range 1 West, Salt Lake Base and Meridian, having a basis of bearing of South 89°34'40\"/>

Un-known Heirs (Weber County Property), Tract O
A tract of land located in the Northwest Quarter of the Southwest Quarter of Section 26, Township 5 North, Range 1 West, Salt Lake Base and Meridian, having a basis of bearing of South 89°34'40\"/>

Un-known Heirs (Davis County Property), Tract P
A tract of land located in the Northwest Quarter of the Southwest Quarter of Section 26, Township 5 North, Range 1 West, Salt Lake Base and Meridian, having a basis of bearing of South 89°34'40\"/>

Abdi Sharifan, Tract Q
A tract of land located in the Northwest Quarter of the Southwest Quarter of Section 26, Township 5 North, Range 1 West, Salt Lake Base and Meridian, having a basis of bearing of South 89°34'40\"/>

Un-known Heirs (Weber County Property), Tract R
A tract of land located in the Northwest Quarter of the Southwest Quarter of Section 26, Township 5 North, Range 1 West, Salt Lake Base and Meridian, having a basis of bearing of South 89°34'40\"/>

Un-known Heirs (Davis County Property), Tract S
A tract of land located in the Northwest Quarter of the Southwest Quarter of Section 26, Township 5 North, Range 1 West, Salt Lake Base and Meridian, having a basis of bearing of South 89°34'40\"/>

Abdi Sharifan, Tract T
A tract of land located in the Northwest Quarter of the Southwest Quarter of Section 26, Township 5 North, Range 1 West, Salt Lake Base and Meridian, having a basis of bearing of South 89°34'40\"/>

Un-known Heirs (Weber County Property), Tract U
A tract of land located in the Northwest Quarter of the Southwest Quarter of Section 26, Township 5 North, Range 1 West, Salt Lake Base and Meridian, having a basis of bearing of South 89°34'40\"/>

Un-known Heirs (Davis County Property), Tract V
A tract of land located in the Northwest Quarter of the Southwest Quarter of Section 26, Township 5 North, Range 1 West, Salt Lake Base and Meridian, having a basis of bearing of South 89°34'40\"/>

RECEIVED
SEP 01 2005
Weber County Surveyor

Ownership Records Research for Crofts, Caanan Hay Co., & Bybee properties,
Being a part of the North Half of the Southwest Quarter of Township 5 North, Range 1 West, Salt Lake Base and Meridian.

Plot Prepared By: E. Rowley, P.L.S.
Chief Deputy Surveyor
DRAWING DATE: May 11, 2005
Approved for Filing By: Martin Moore, P.L.S.
Weber County Surveyor
APPROVAL DATE: 7/18/05

WEBER COUNTY SURVEYING
Martin B. Moore, Jr., Weber County Surveyor
Ernest D. Rowley, Chief Deputy

2380 Washington Blvd. Rm 260
Ogden, Utah 84401
(801) 399-8020
FAX: (801) 399-8316

SHEET 1 of 5
003489
SURVEY FILING NUMBER



1953 OWNERSHIP

This deed (411-401) describes property north of the centerline of the river. The description for this tract has changed from that which was deeded to Joseph Bybee. Joseph received the land as an entire 40-acre aliquote part of the section and later in the same year received a deed for the land North "OF" the river in 1924. The language of the 1924 deed limited the position of the boundary to the north bank of the river as it existed in that year. This description describes the land as going to the centerline of the river by using the term "TO" the river. Unfortunately, at this time, we do not know where the river was in 1953. It could have been somewhere between the 1946 and 1953 locations as shown on the aerial photography.

Narrative Continued from Sheet 2

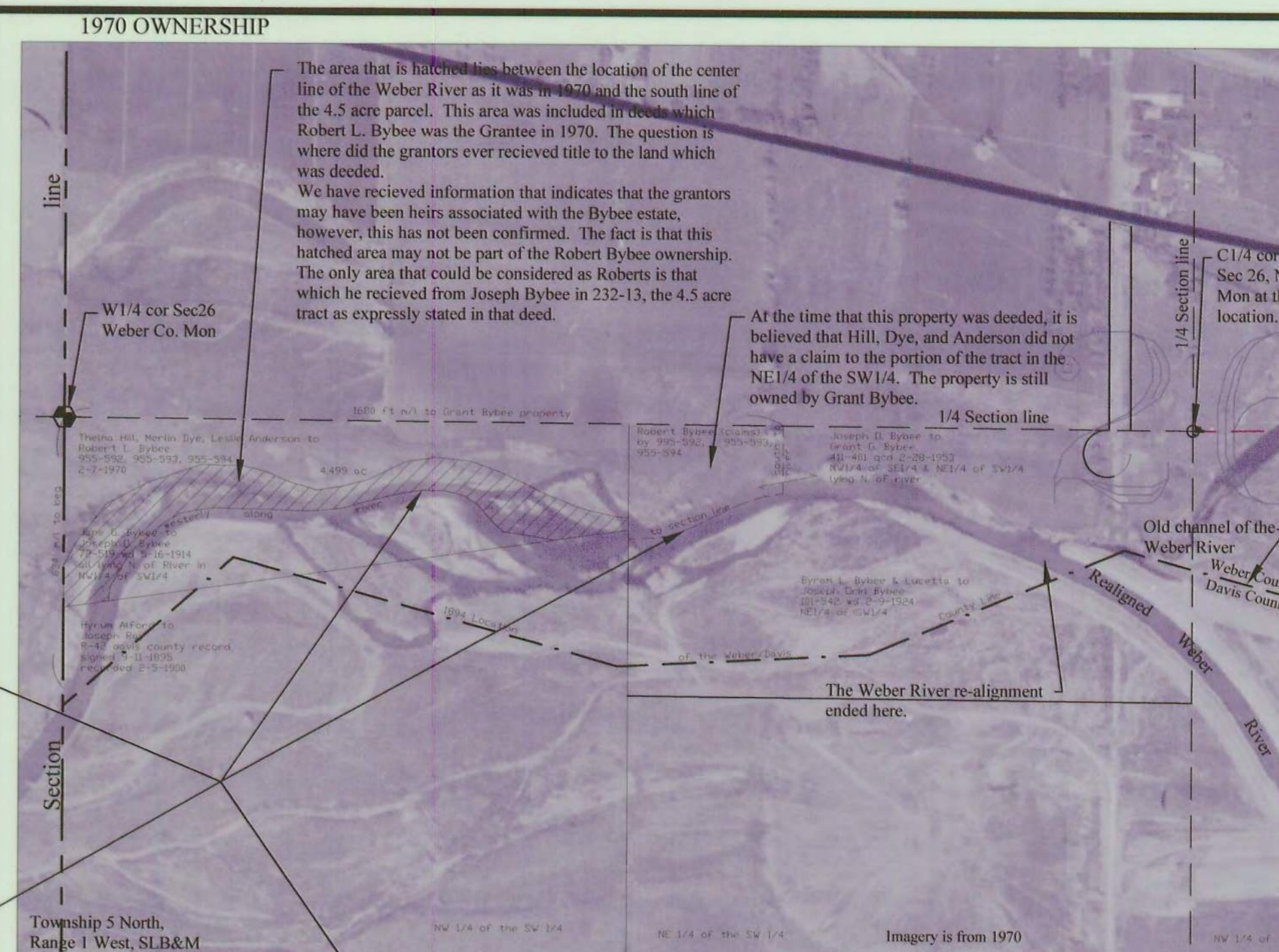
23. I believe that it is necessary at this point to discuss the validity of deed descriptions if they contain an error or do not contain an error. In a 2002 Utah Supreme Court Case, *Ault v. Holden*, 49 P.3d 781 (UT 2002), the court is considering an argument that a deed is invalid because the description fails to close mathematically. In other words: "In Utah, a warranty deed conveys title so long as the deed's description of the property is *sufficiently definite* - to identify the property it conveys." *Colman v. Butkovich*, 556 P.2d 503, 505 (Utah 1976) (emphasis added). In other words: The fact that parts of the description given of the property are incorrect or incompressible will not destroy the operative effect of a conveyance, if a sufficient part of the description remains for purposes of identification. In such cases the misdescription will be ignored and the land held to be sufficiently described. The text is said to be *inferred and a surveyor* - with the deed before him and with or without the aid of extrinsic evidence can locate the land and establish the boundaries. 23 Am. Jur. 2d 554 (1983) (emphasis added)." 24. From this, I believe it to be a matter of judicial notice as can and will be overcome with the use of extrinsic evidence, which is a function of survey. In the case of the 4.5 acres being called in the Warranty Deed as being in the North Half of the SW 1/4, I believe there is ample evidence in this 1953 deed to believe that the river location for this NE 40-acre tract is virtually the same location. See Note 5 - 1953; heron for deed 411-401. 25. In 1953 Joseph Bybee sells to Grant Bybee the NE 40-acre lying north of the river. This would follow a line shown on the 1953 Ownership plot on Sheet 3 which is using the 1958 aerial photography for the background since we don't have 1953 photography. When comparing the 1946 and 1953 photography the difference in the river location for this NE 40-acre tract is virtually the same location. See Note 5 - 1953; heron for deed 411-401. 26. In 1970 there were some deeds recorded from Thelma Hill (955-592), Merlin Dye (955-593), and Leslie Anderson (955-594) to Robert L. Bybee. In this transaction a portion of the Grant Bybee property in the NE 40-acre tract was included. At this point there is no record that Grant had sold this property for it to be legally included in the quit claim deed descriptions. However, the descriptions for all three deeds are identical and as far as their significance is concerned they conveyed any interest those individuals may have had in the 4.5 acre tract in the NW 40-acre and a portion of the Grant Bybee property in the NE 40-acre to Robert Bybee. 27. Also, they are important in that a subsequent transaction from Grant Bybee to Robert Bybee which was recorded 9-17-1979 in Book 1323 page 512 utilized the exact same description. Thus, at the time of the transaction of Grant to Robert the location of the river in 1970 is the point that would be used to establish the ownership along the center of the river as it relates to the NE 40-acre, thus limiting the subsequent purchasers to that line of ownership. See the 1970 Ownership which has April 1970 aerial photography as background. Also, see the note which describes the hatched area. 28. It is our opinion that the limits of the Robert Bybee property are accurately shown on the 1979 Ownership panel on sheet 3.

Book 411 Page 401

Book 955 Page 592

Book 955 Page 592

Book 955 Page 594



1979 OWNERSHIP

Book 1323 Page 510

Book 955 Page 593

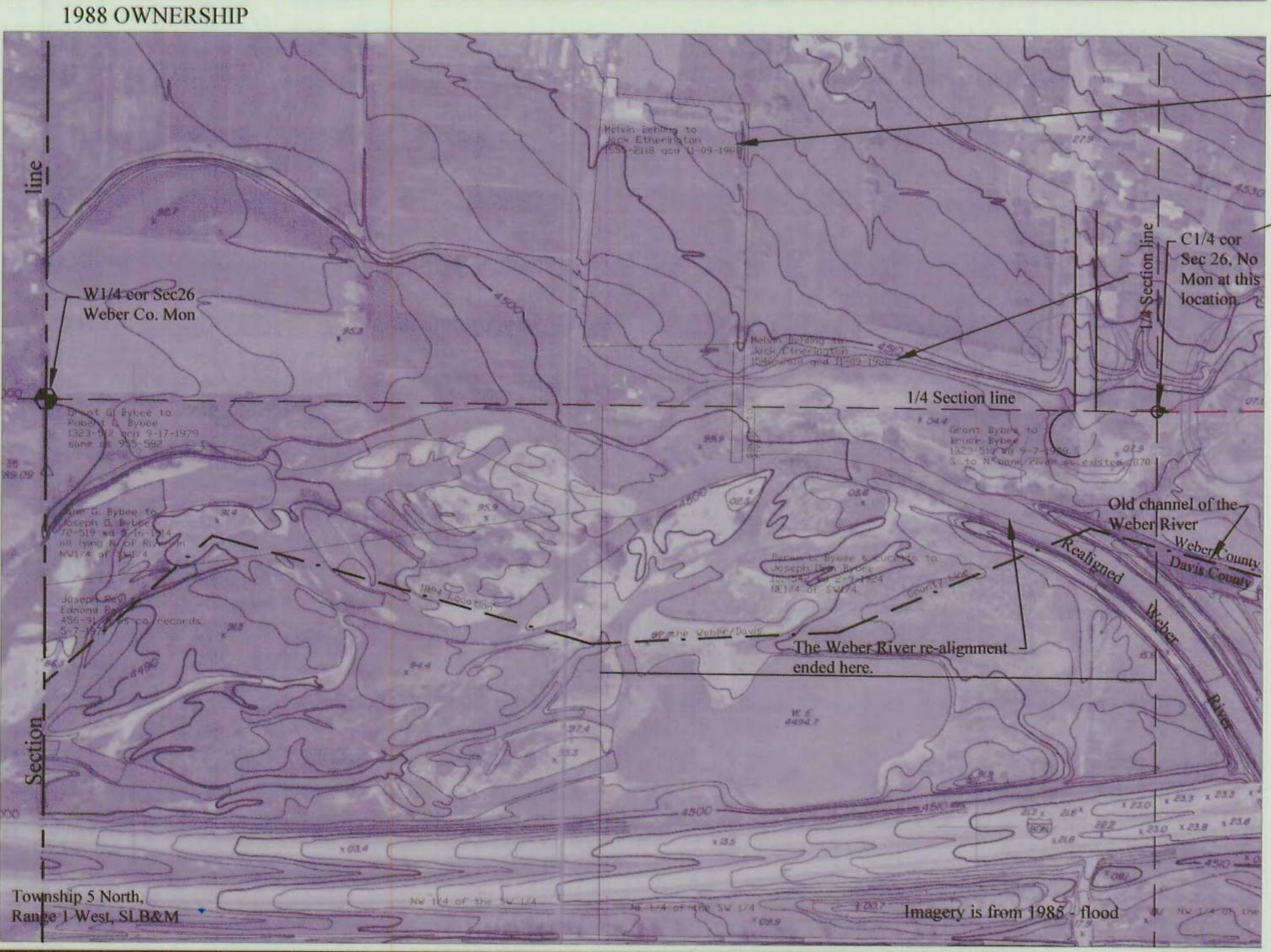
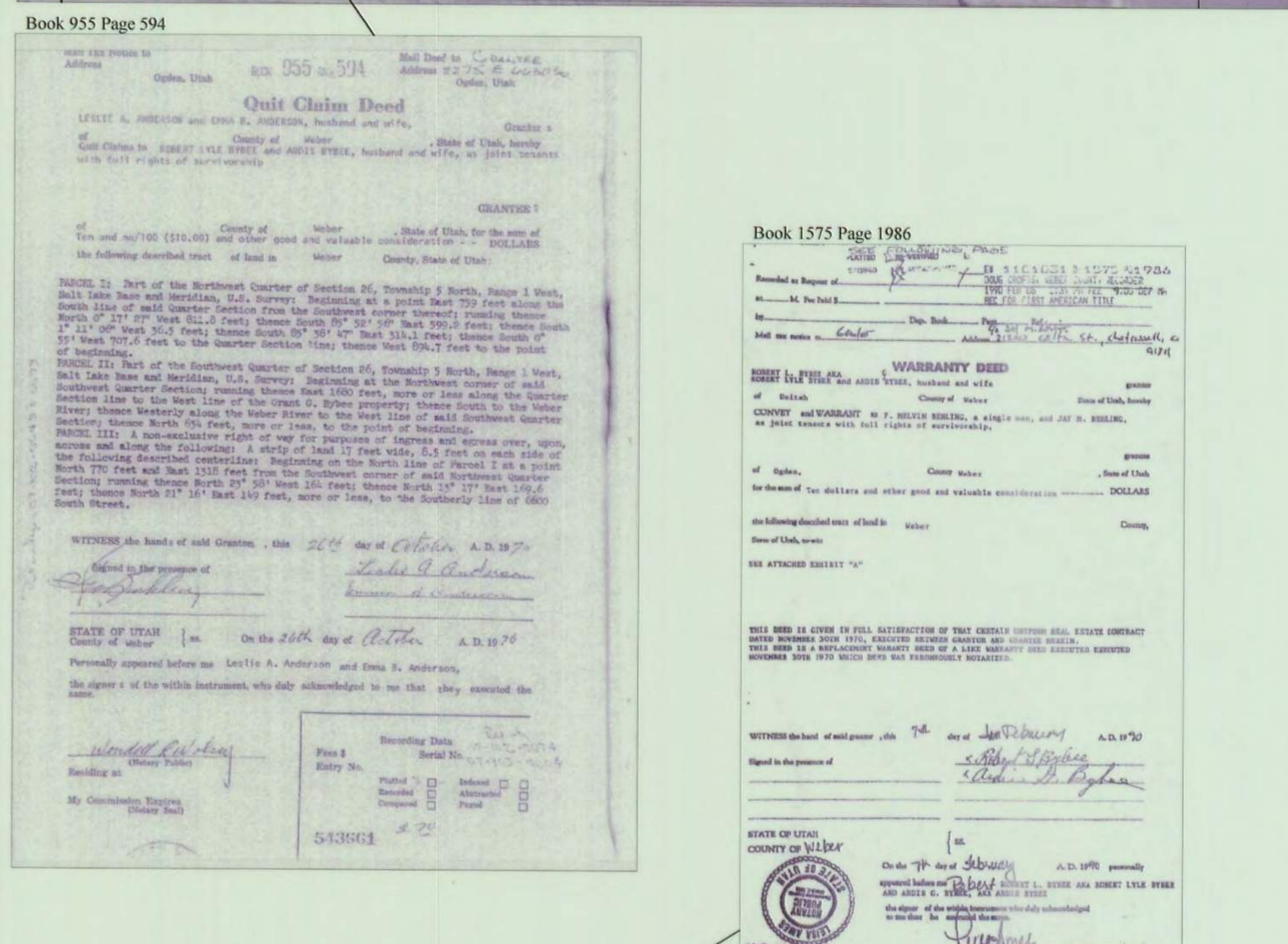
Book 955 Page 594

Book 1575 Page 1986

Book 955 Page 593

Book 955 Page 594

Book 1575 Page 1986



1988 OWNERSHIP

Book 1555 Page 2118

Book 1546 Page 2618

Book 1555 Page 2118

Book 1546 Page 2618



1990 OWNERSHIP

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SEP 01 05
Weber County Surveyors

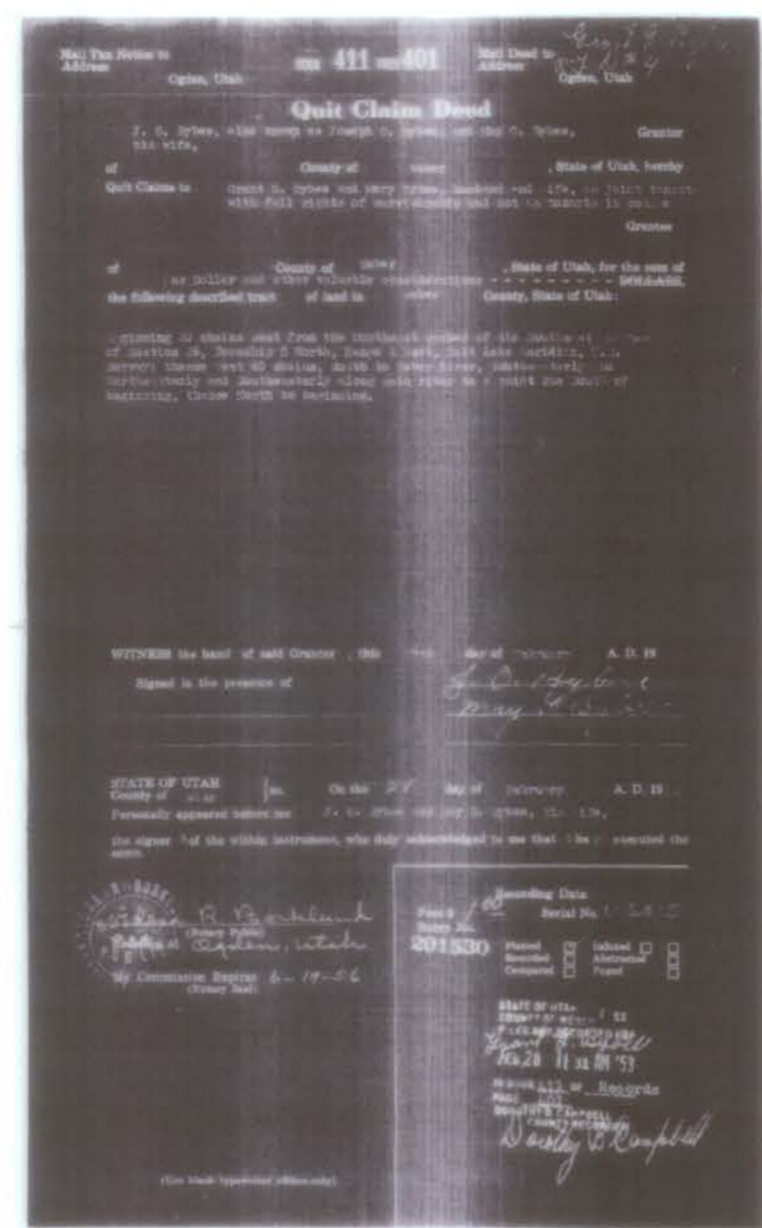
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& Bybee properties,**
*Being a part of the North Half of the Southwest Quarter of
Township 5 North, Range 1 West, Salt Lake Base and Meridian.*

**WEBER COUNTY
SURVEYING**

SHEET 3 of 5
003489
SURVEY FILING NUMBER



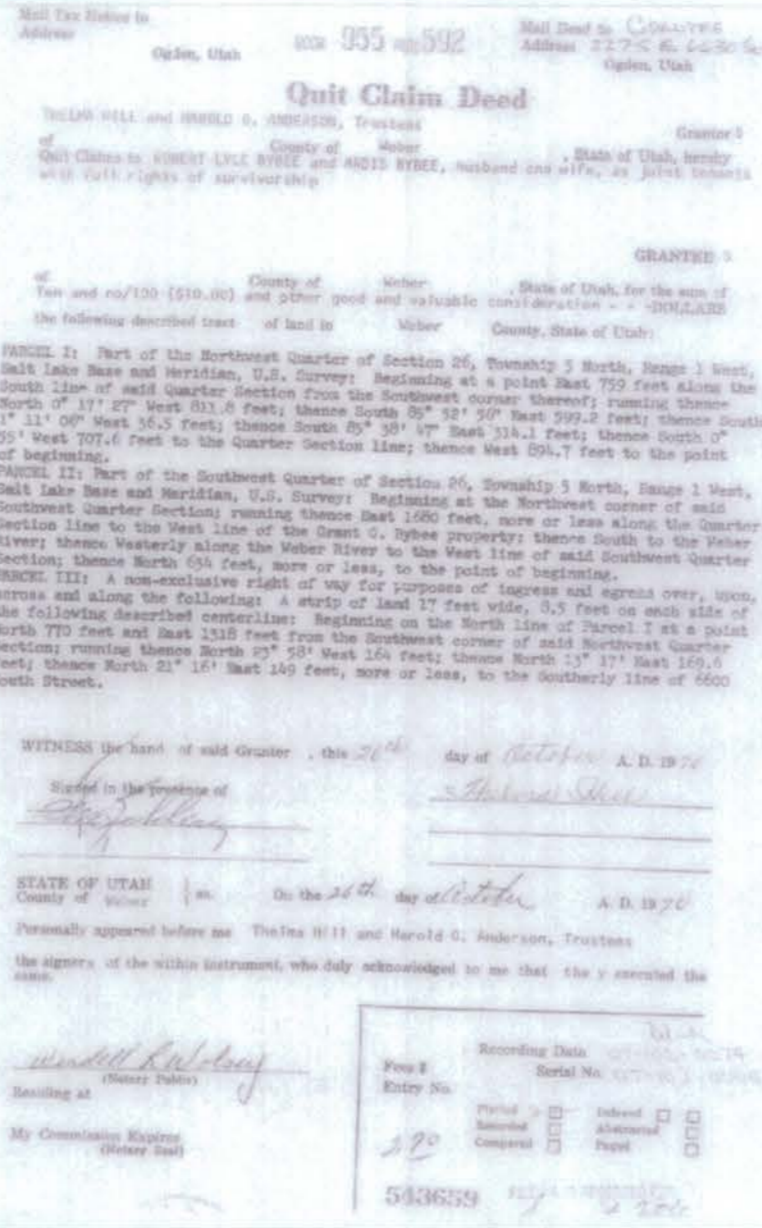
Book 411 Page 401



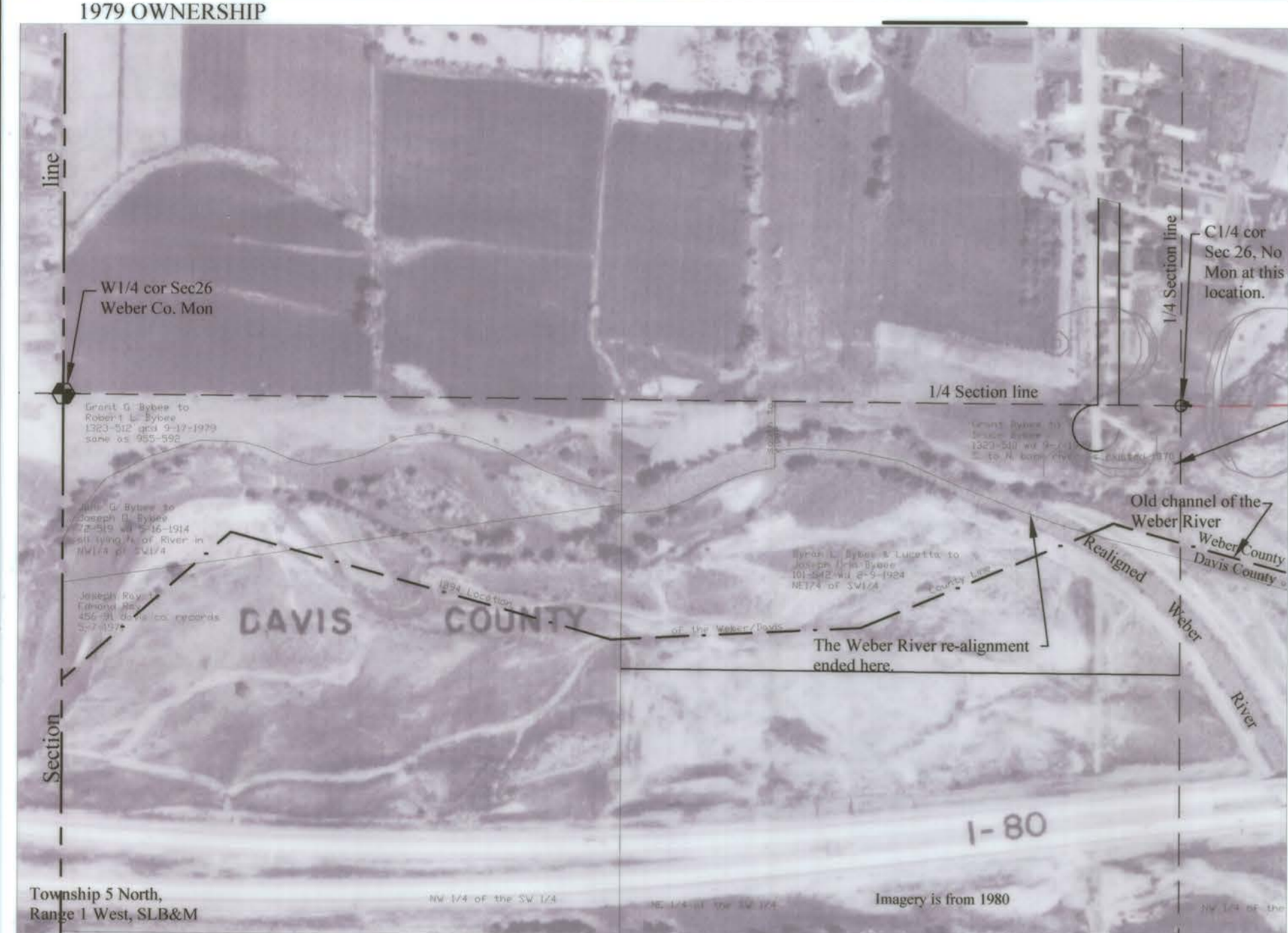
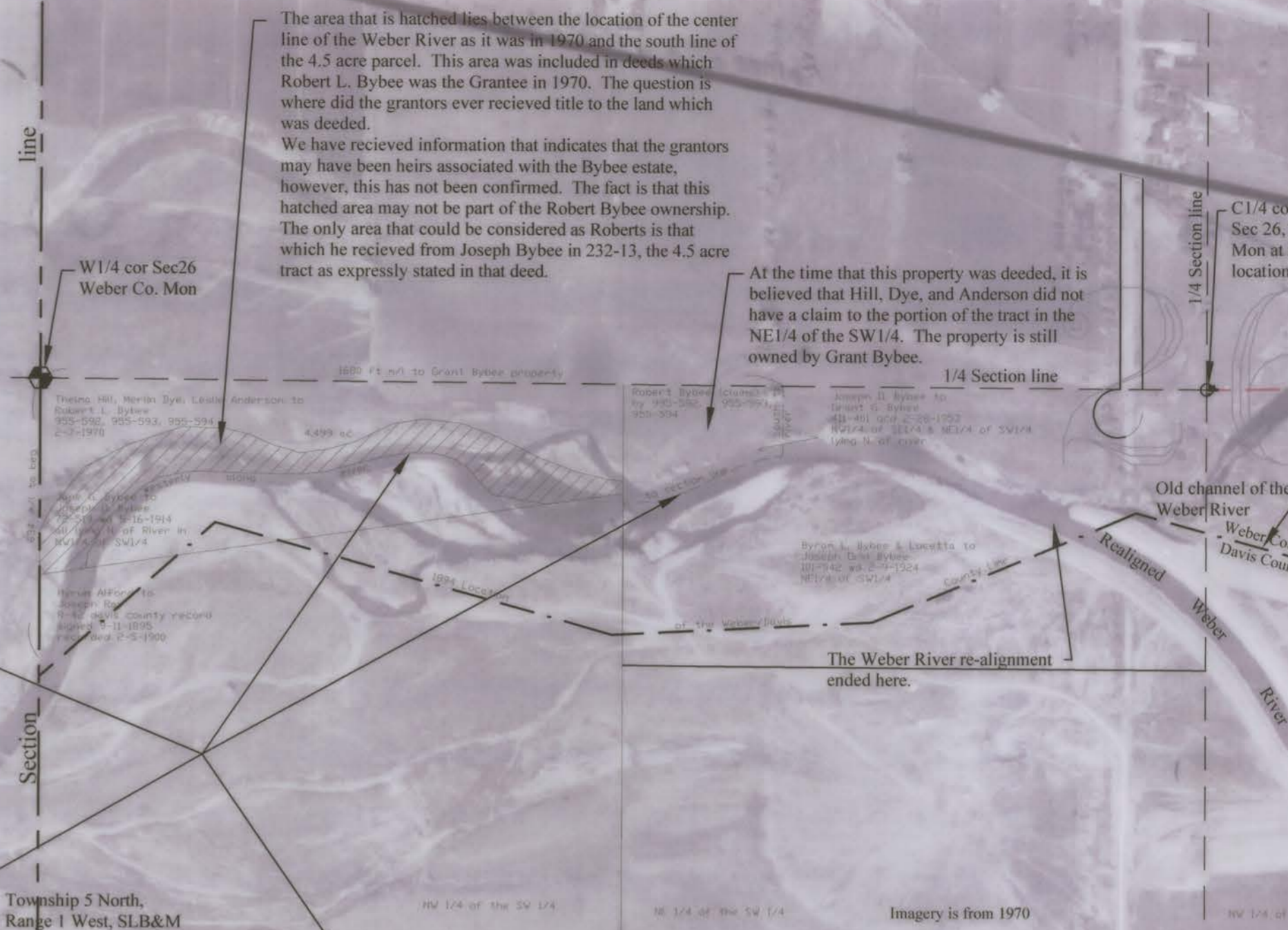
Note 5 - 1953: This deed (411-401) describes property north of the centerline of the river. The description for this tract has changed from that which was deeded to Joseph Bybee. Joseph received the land as an entire 40 acre aliquate part of the section and later in the same year received a deed for the land North "Of" the river in 1924. The language of the 1924 deed limited the position of the boundary to the north bank of the river as it existed in that year. This description describes the land as going to the centerline of the river by using the term "TO" the river. Unfortunately, at this time, we do not know where the river was in 1953. It could have been somewhere between the 1946 and 1953 locations as shown on the aerial photography.

Narrative Continued from Sheet 2
23. I believe that it is necessary at this point to discuss the validity of deed descriptions if they contain an error or do not contain an error. In a 2002 Utah Supreme Court Case, *Autry v. Holden*, 44 P.3d 781 (UT 2002), the court is considering an argument that a deed is invalid because the description fails to close mathematically. The court states: "In Utah, a warranty deed conveys title as long as the deed's description of the property is 'sufficiently definite' - to identify the property it conveys." *Culshaw v. Bukovich*, 556 P.2d 503, 505 (Utah 1976) (emphasis added). In other words: "The fact that parts of the description given of the property are incorrect or incomplete will not destroy the operative effect of a conveyance, if a sufficient part of the description remains for purposes of identification. In such cases the misdescription will be ignored and the land to be sufficiently described. The test is said to be whether a surveyor, with the deed before him and with or without the aid of extrinsic evidence can locate the land and establish the boundaries." 23 Am. Jur. 2d *Deeds* §54 (1983) (emphasis added)."
24. From this, I believe it is a matter of judicial notice that topographical errors can and will be overcome with the use of extrinsic evidence, which is a function of survey. In the case of the 4.5 acres being called in the Warranty Deed as being in the North Half of the SW 1/4, I believe that there is ample evidence to limit the 4.5 acres to the NW 40ac tract.
25. In 1953 Joseph Bybee sells to Grant Bybee the NE 40ac lying north of the river. This would follow a line shown on Sheet 3 which is using the 1958 aerial photography for the background since we don't have 1953 photography. When comparing the 1946 and 1958 photography the difference in the river location for this NE 40 ac tract is virtually the same location. See Note 5 - 1953; heron for deed 411-401.
26. In 1970 there were some deeds recorded from Thelma Hill (955-592), Merlin Dye (955-593), and Leslie Anderson (955-594) to Robert L. Bybee. In this transaction a portion of the Grant Bybee property in the NE 40ac tract was included. At this point there is no record that Grant had sold this property for it to be legally included in the quit claim deed descriptions. However, the descriptions for all three deeds are identical and as far as their significance is concerned they conveyed any interest those individuals may have had in the 4.5 acre tract in the NW 40ac and a portion of the Grant Bybee property in the NE 40ac to Robert Bybee.
27. Also, they are important in that a subsequent transaction from Grant Bybee to Robert Bybee which was recorded 9-17-1979 in Book 1323 page 512 utilized the exact same description. Thus, at the time of the transaction of Grant to Robert the location of the river in 1970 is the point that would be used to establish the ownership along the center of the river as it relates to the NE 40ac, thus limiting the subsequent purchasers to that line of ownership. See the 1970 Ownership panel on Sheet 3 which is using the 1958 aerial photography as background. Also, see the note which describes the hatched area.
28. It is our opinion that the limits of the Robert Bybee property are accurately shown on the 1979 Ownership panel on sheet 3.
29. Also, in 1979 Grant sold to Bruce and Susan Bybee property described in document 1323-510. This description uses terms that make a specific reference to a month and year that is 109 years prior to the execution of the document to fix a boundary line on a river which has moved many times and with which there is no possible way of determining where it was in 1870 let alone in the month of September of 1870. It would be more likely that the date was a typographical error and, perhaps, was intended to reference the year 1970. The river location in September of that year could be determined fairly accurately from the April 1970 photography and 1969 and 1970 was a time when the location of the river was being moved in the intermediate construction.
30. When Grant Bybee received this property in 1953 it was deeded "north of the river", the root of the description comes from a 1924 transaction in deed 101-626. And appears to be essentially the same in subsequent transactions with the exception that in a tax sale Weber County conveyed to R.L. Bybee the same description with an acreage of 10 acres attached to it in 1927.
31. In reference to Note 6 - 1979, which discusses the issue of the channel change of the Weber River due to interstate construction, the drawings on file with UDOT for this interchange show three revision dates of 3-24-65, 6-14-71, 4-14-75. The April 1970 photo shows that the channel change was probably completed at that time and a possible reason for the language used in the description where it states, "thence Easterly along the old channel of said river..." This language was apparently intended to designate the location of the river prior to the channel change and used the term "old" to designate between the original location (old) and the re-aligned location (new). The reason this is discussed in such detail will become clear in this narrative.
Narrative continued on Sheet 4

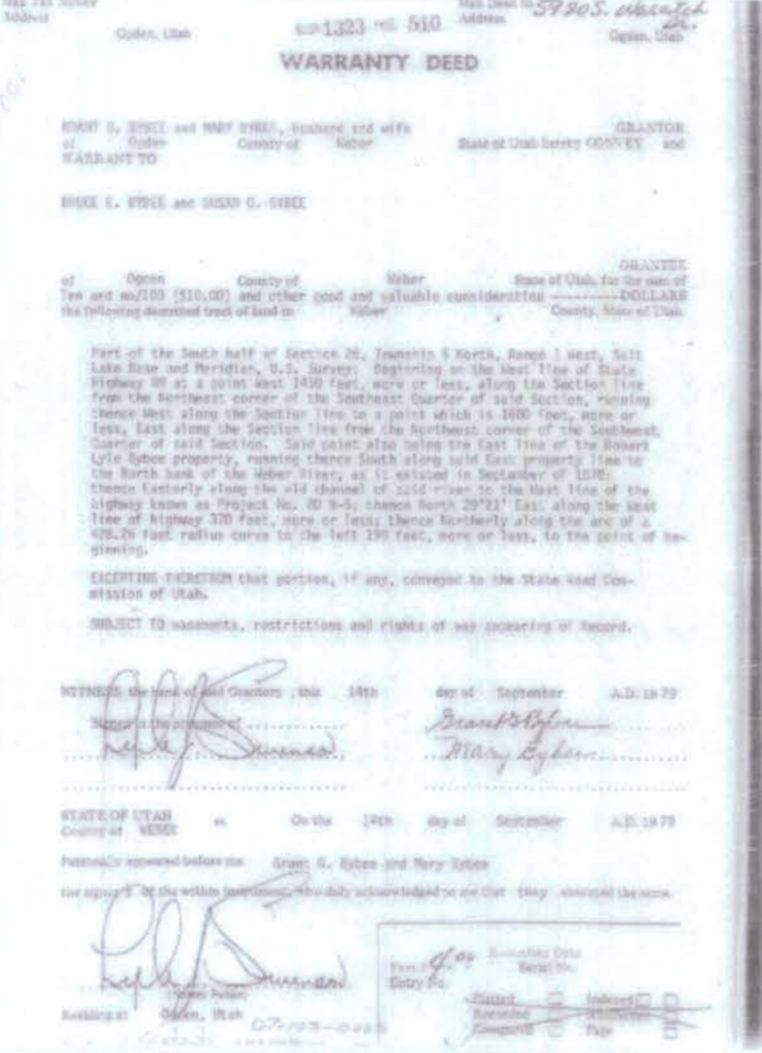
Book 955 Page 592



1970 OWNERSHIP

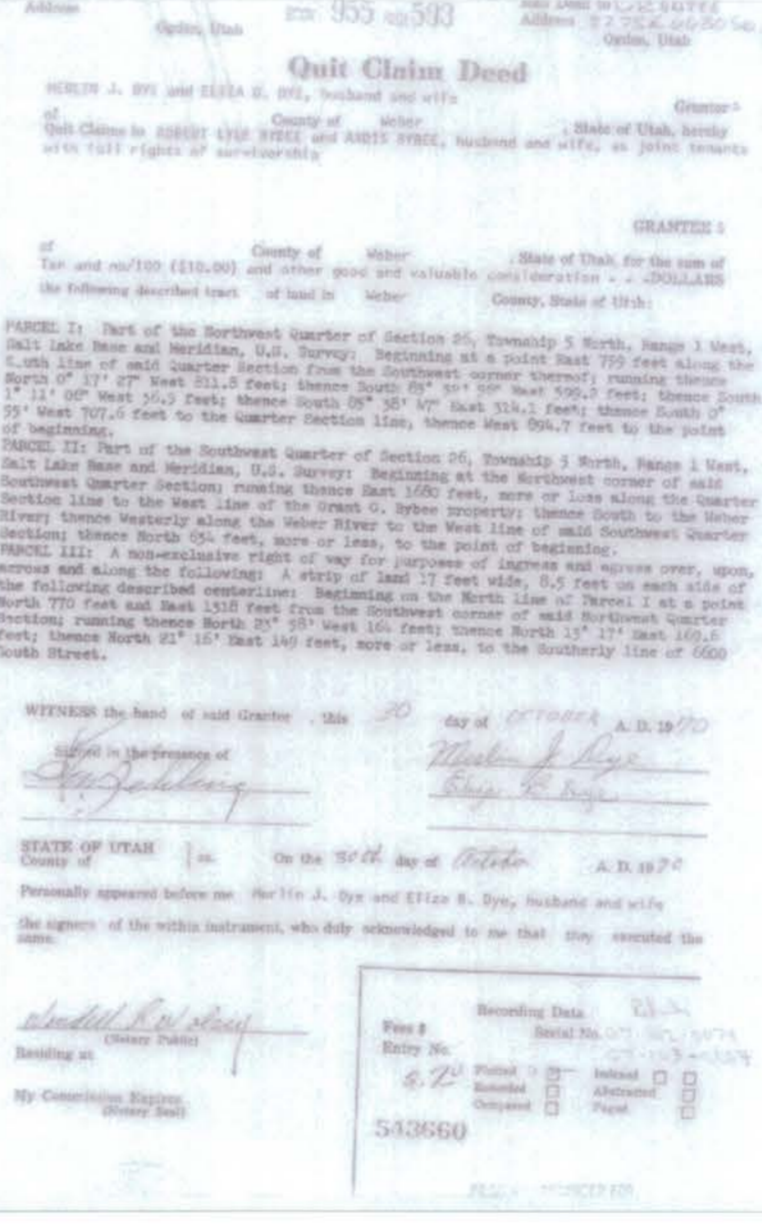


Book 1323 Page 510

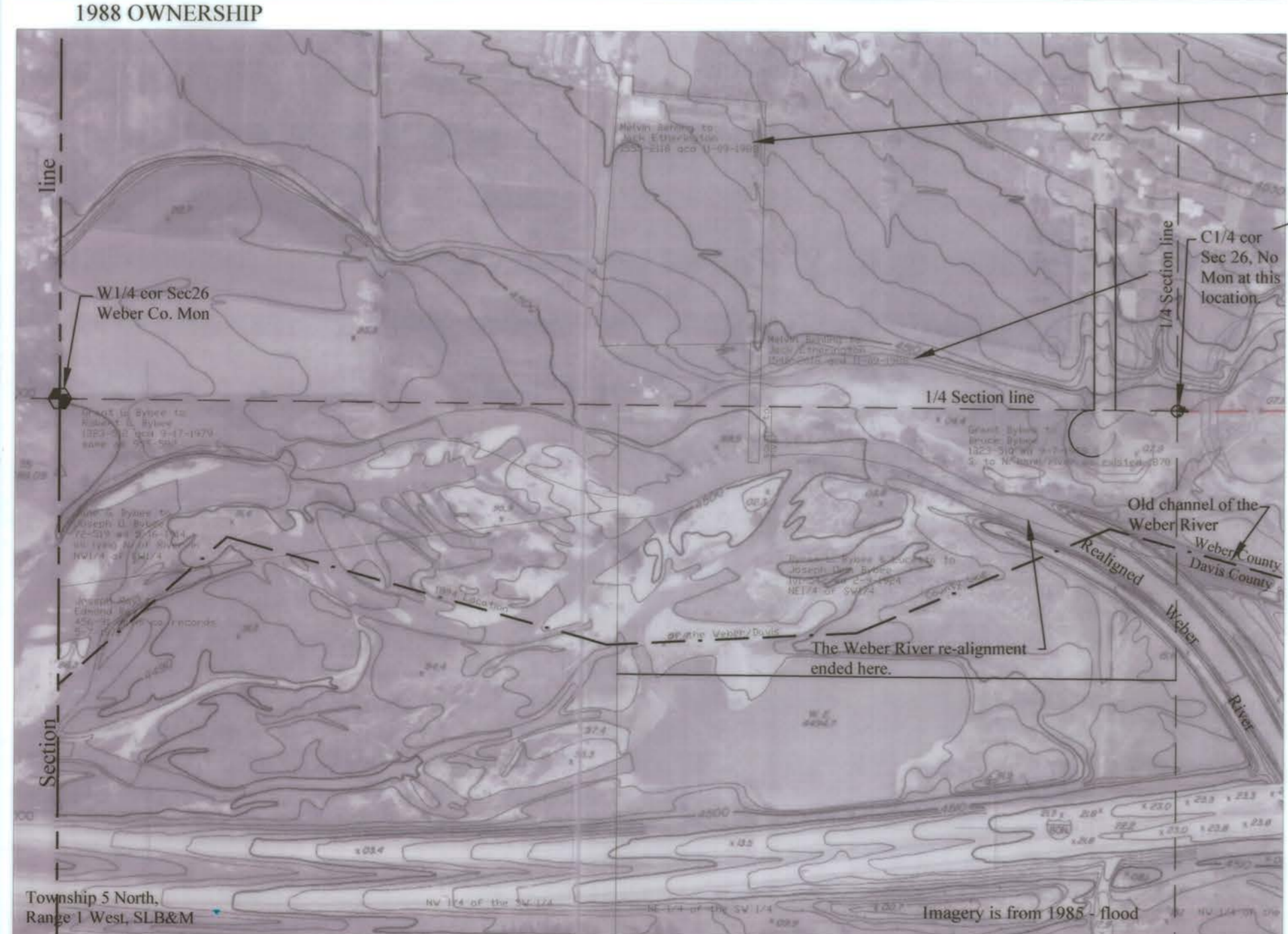
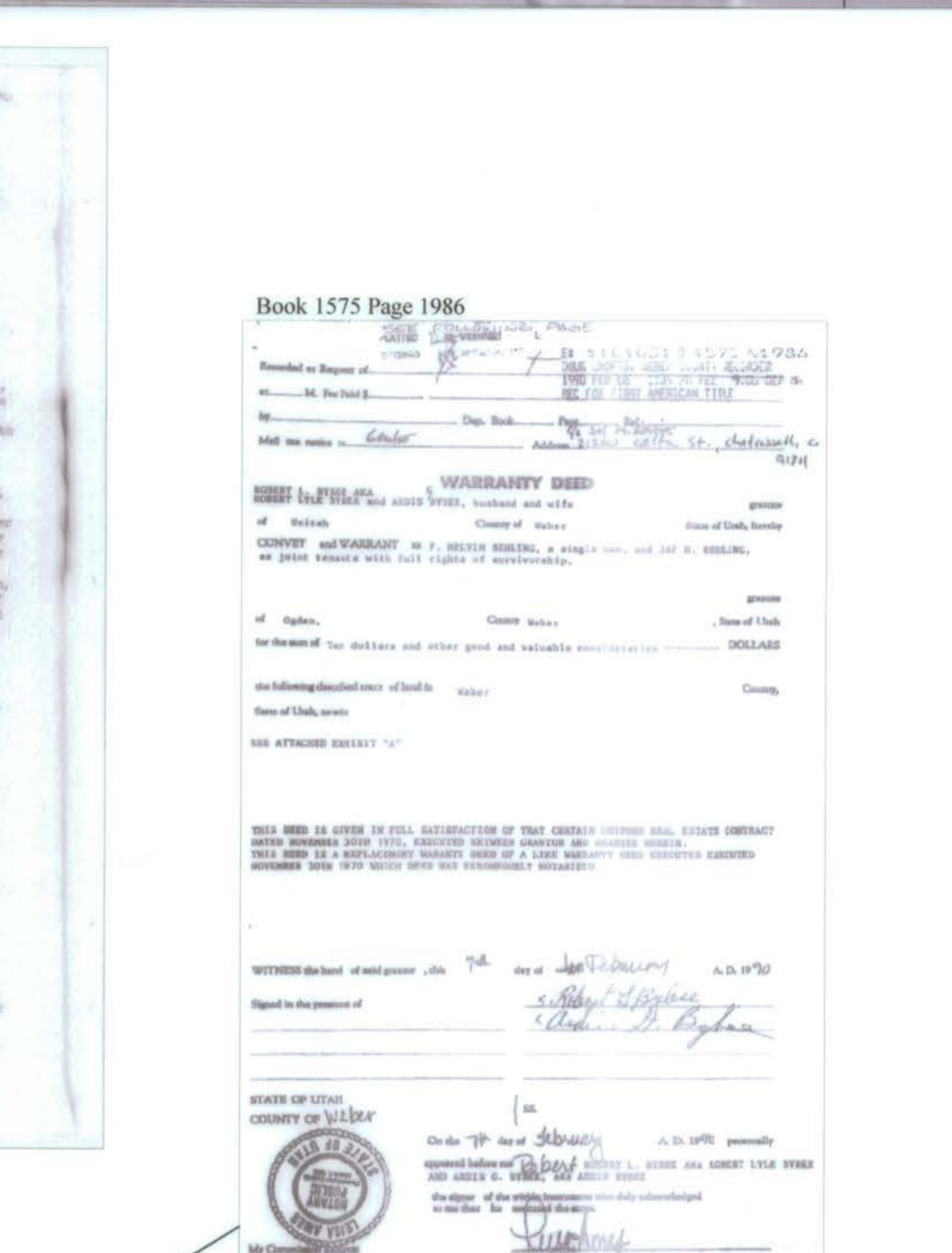
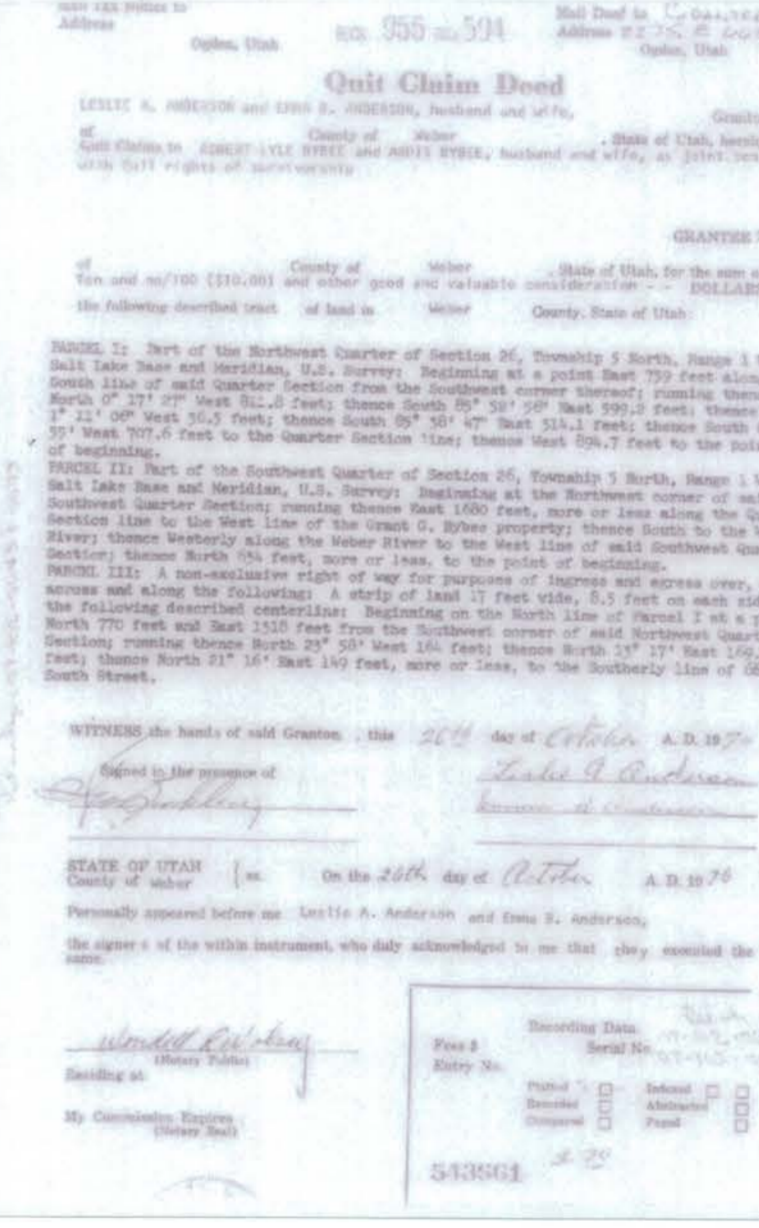


Note 6 - 1979: This deed (1323-510) was issued in 1979 using a different description than was used when Grant received the property in 1953. Between the time that Grant received it and he deeded it to Bruce, Interstate 84 was constructed which moved the location of the Weber River to where it is at present. The river has been stabilized in a man-made channel and has not visibly moved since that time. It appears that when Grant sold this property to Bruce, it was intended to follow the alignment of the river prior to the channel change by the freeway construction, therefore, when the deed was written it utilized different language but was intending to convey the same tract of land which was described in the 1953 description. The 1953 description was written as being all that part of the 40 acre tract "North Of the river", a type of aliquate part description, and in the 1979 transaction the description was written using a metes and bounds description. This metes and bounds description (shown hereon) uses a bounds tie call "South ..." to the north bank of the Weber river, as it existed in September of 1870; then it calls to follow the "old channel of said river", in what appears to be an attempt to describe the river bank prior to it being moved in freeway construction. Where the river was in September 1870 we do not know, but we believe that the description was attempting to describe the same property that Joseph Bybee gave to Grant Bybee in 1953. Although, the precise location of the river in 1953 is not known, we do not believe that it has moved in a substantial way and its present day location is for all intents and purposes in the same location as it was at the time of the 1953 deed transaction.

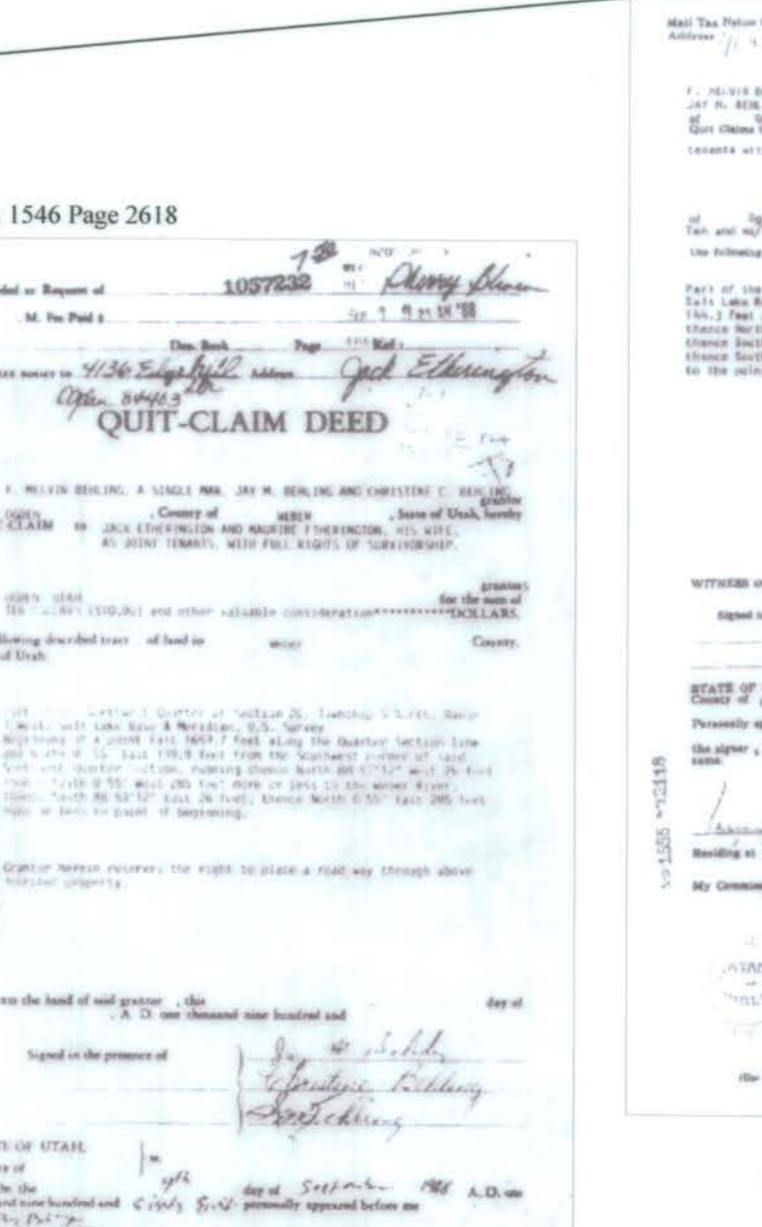
Book 955 Page 593



Book 955 Page 594

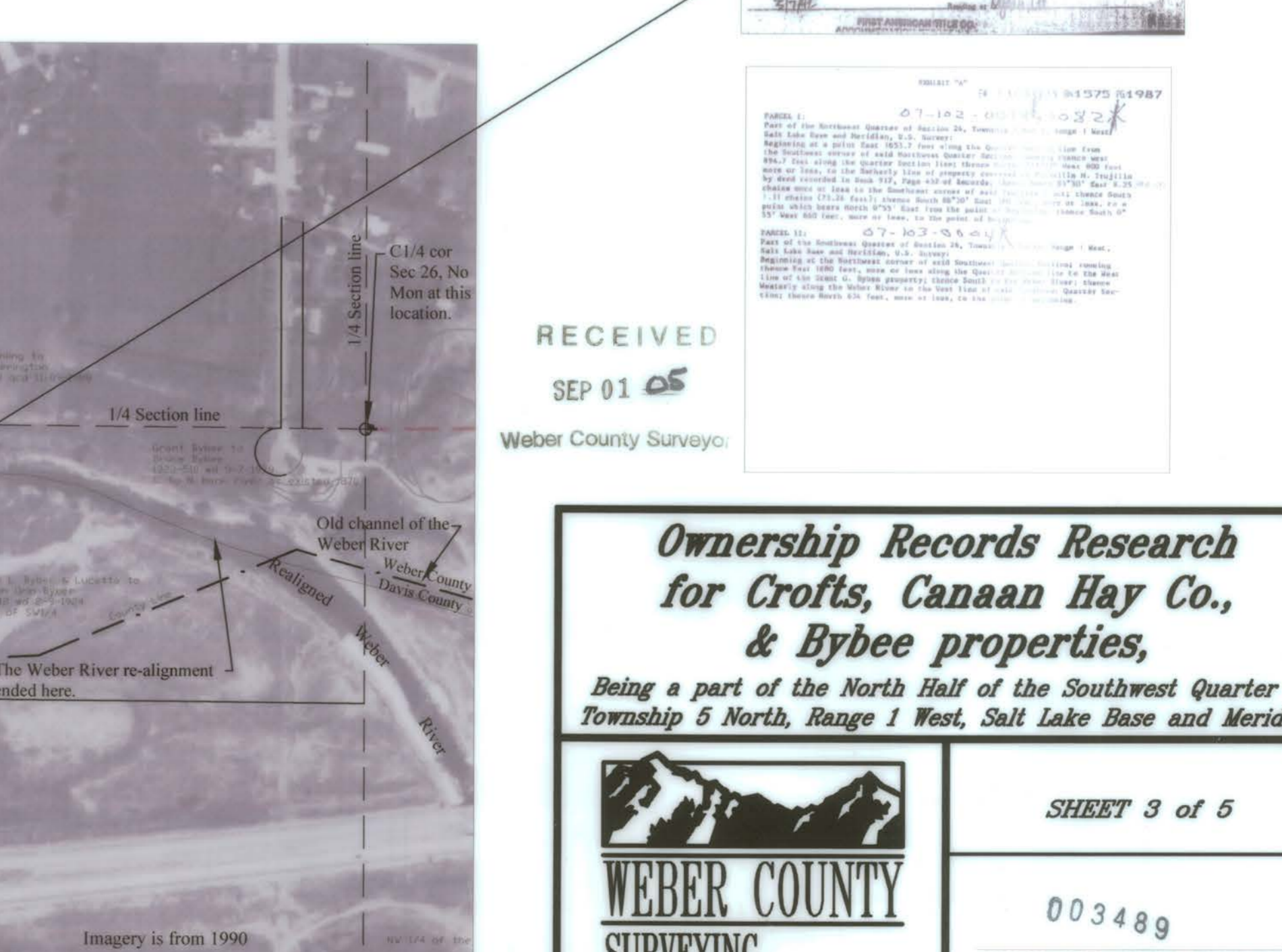


Book 1555 Page 218



Note 7 - 1979: This deed (1555-218) was issued in 1979 using a different description than was used when Grant received the property in 1953. Between the time that Grant received it and he deeded it to Bruce, Interstate 84 was constructed which moved the location of the Weber River to where it is at present. The river has been stabilized in a man-made channel and has not visibly moved since that time. It appears that when Grant sold this property to Bruce, it was intended to follow the alignment of the river prior to the channel change by the freeway construction, therefore, when the deed was written it utilized different language but was intending to convey the same tract of land which was described in the 1953 description. The 1953 description was written as being all that part of the 40 acre tract "North Of the river", a type of aliquate part description, and in the 1979 transaction the description was written using a metes and bounds description. This metes and bounds description (shown hereon) uses a bounds tie call "South ..." to the north bank of the Weber river, as it existed in September of 1870; then it calls to follow the "old channel of said river", in what appears to be an attempt to describe the river bank prior to it being moved in freeway construction. Where the river was in September 1870 we do not know, but we believe that the description was attempting to describe the same property that Joseph Bybee gave to Grant Bybee in 1953. Although, the precise location of the river in 1953 is not known, we do not believe that it has moved in a substantial way and its present day location is for all intents and purposes in the same location as it was at the time of the 1953 deed transaction.

1990 OWNERSHIP



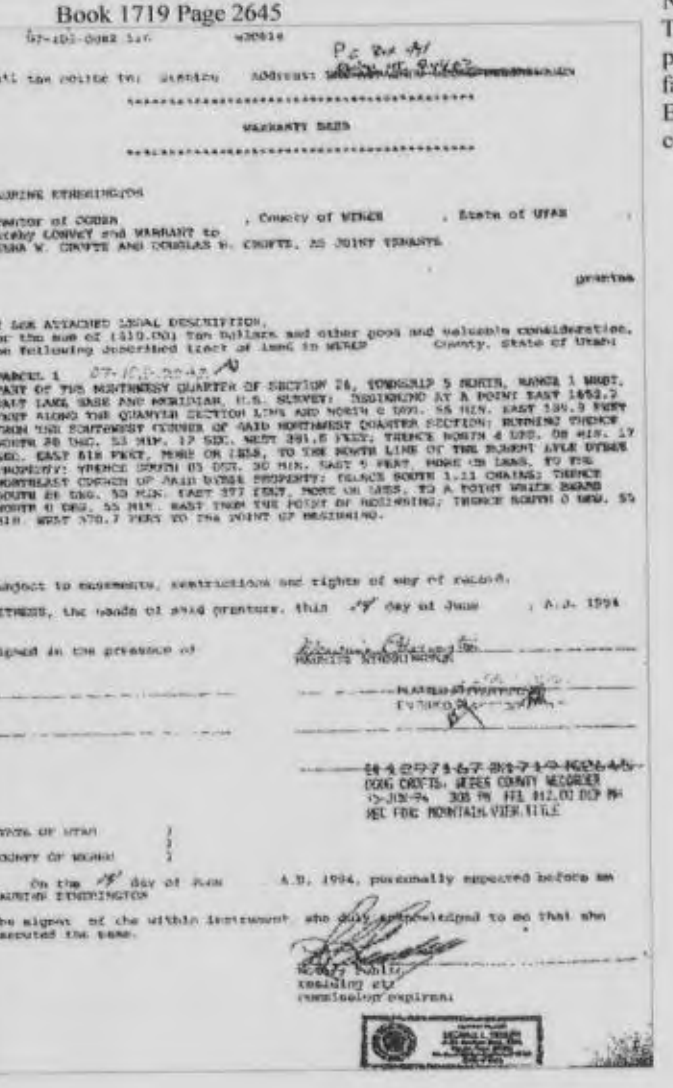
Ownership Records Research for Crofts, Canaan Hay Co., & Bybee properties, Being a part of the North Half of the Southwest Quarter of Township 5 North, Range 1 West, Salt Lake Base and Meridian. SHEET 3 of 5 WEBER COUNTY SURVEYING 003489 SURVEY FILING NUMBER



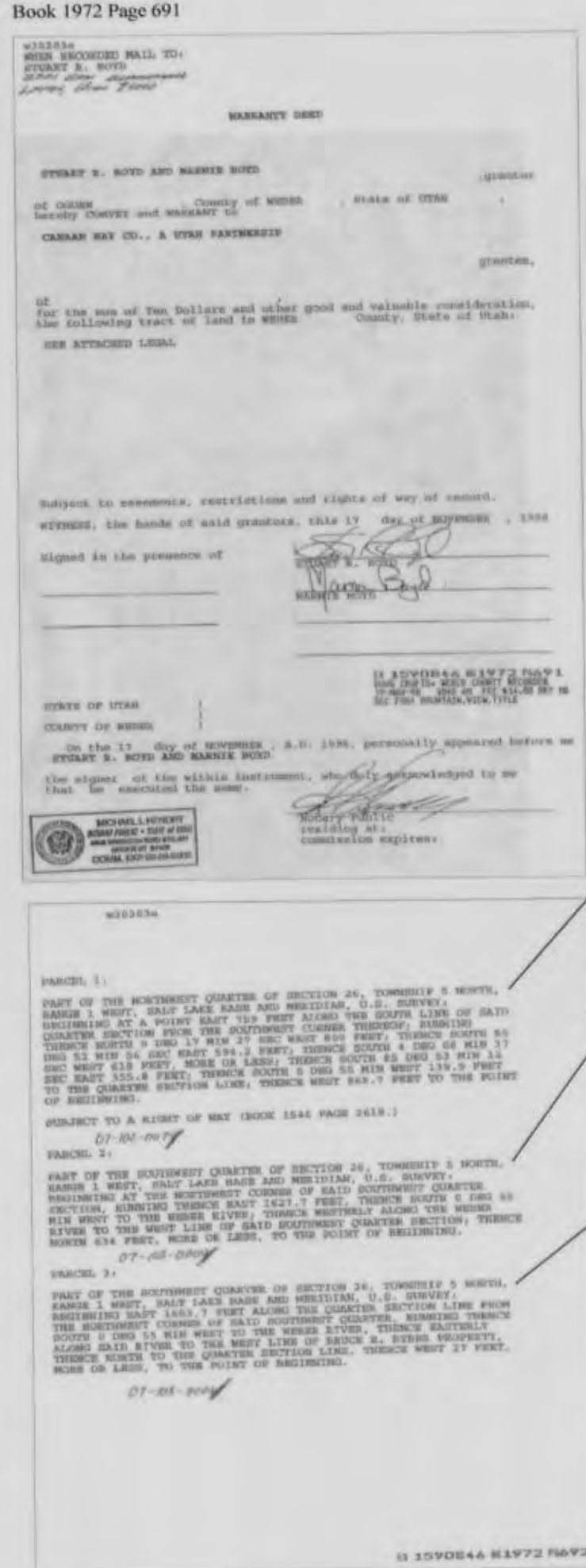
Note 9 - Nov. 19, 1998: November 19, 1998 Crofts sells to Stuart Boyd the same descriptions that he received from Behling.

Narrative continued from Sheet 3
32. To continue with the Robert Bybee parcel created by the 1970 recordation of quit claim deeds.
33. The 1988 Ownership drawing shown on Sheet 3 is included to help track the ownership of the parcels as they begin to be decided in a manner different than has been done to date. It appears that in 1988 F. Melvin Behling did not own the strip which extends into the NE 40ac tract that was deeded to Etherington. However, in a 1990 transaction Robert Bybee deeds to Behling the property as he received it, therefore, an after acquired title right would have taken place in this instance and Etherington would have clear title to the narrow strip which leads to the river.
34. The condition of the 1990 ownership is shown on Sheet 3. It should be noted that the abstract of title on the Davis County side for the property being shown as Joseph Bybee's in the NE 40ac tract has not been fully abstracted, however, a 1982 court decision gives to Bruce and Susan Bybee clear title to property described as:
* All of the North one-half of the Northeast one-fourth of the Southwest one-fourth of Section 26, Township 5 North, Range 1 West, Salt Lake Meridian, located South of the Weber River, containing approximately 4 acres, more or less.
This clears title to the NE 40ac tract within Davis County. We believe that this decision was limited to Davis County by the acreage value. When calculating the acreage for the tract described limiting it to the county line there is 5.4 acres of land on the Davis County side. The Davis County records in this area have been different from the Weber County records in that Davis has had access to the 1894 survey of the county line, where Weber did not.
35. See Note 7 - 1994: Even though the stem running to the river was not owned by Etherington when conveyed to Crofts it was acquired at a later date by Etherington as previously discussed, and Crofts would have obtained the title by after acquired title rights. The document 1719-2645, is the one that Crofts received title to this property with.
36. In 1998 Crofts purchases from Behling the property shown as Parcels 1-3 on the Oct. 1998 Ownership plot. This was done with document 1963-1182, note the language of the descriptions for parcel 2 (see the deed on Sheet 4). The description language has changed from that which Behling received, however, we believe that the intent of the document is to deed all that Behling received title to, and the fact that you can't sell what you don't own still applies, as discussed in Note 8 - Oct. 1998.
37. At this point Note 8 - Oct. 1998 states the fact that the 1946 ownership lines in the NW 40 ac and 1970 ownership lines in the NE 40ac tracts still are held as the legal limits of ownership and to all that Crofts could legally obtain title to.

44. With reference to the Oct. 1998 Ownership plot, it is important to emphasize that the description from document 1963-1182 even though it is different from the description that Behling took title to, in our opinion, can not and does not convey anything other than what was described and deeded to Behling.
45. The plot for Nov. 19, 1998 Ownership, shows the transaction that Crofts sells to Boyd, using the same deed descriptions that he received from Behling in document 1963-1182, note the overlap shown and the note that the area was deeded to Boyd. On the same date Boyd sells to Canaan Hay Co. the same property.
46. As shown on the 1999 Ownership plot Crofts deeds to himself property described in document 1993-929 which is shown leaving a gap and causing an overlap with the Parcel 1 which was deeded to Canaan Hay Co.
47. In 2001 Boyd sells a portion of his land to Crofts as described in document 2130-2338. This description now calls for the "old centerline of the weber river". As can be seen from the 2001 Ownership plot the call to the river being described as "thence South 4008'17" West along fence line and knice line extended, 515 feet more or less to the old centerline of the Weber River," extends beyond the physical location of the river. The correct interpretation of the distance being noted as "more or less" would be to ignore the distance and use the bounds call. In this case the call to now to the "old centerline" of the river and what is meant by that addition to the description is not readily accessible from the record.
48. For instance, you could believe that there may be an attempt to claim to the county line, which was originally described as the centerline of the river. But this usage would include property that is not part of the real title for the Canaan Hay Co.
49. Then again, you could try to interpret an old channel of the river. But again, if it is south of the current river it violates the root title. Also, where is the old channel being referred to? As seen on the 1985 photography in flood years the river cuts and uses many channels. Which one is being referred to?
50. To clarify this question in 2004 the investigator for the Attorney General's Office passed this question with Mr. Crofts as to why the addition of the term old channel was added to the description. The response that was given was that he included the language referring to the old centerline so that his description was consistent with the Bybee's property to the east of him. That if the Bybee's were entitled to have their property to the old river so was he. This response is also an admission that Mr. Crofts wrote the description.
51. This belief on Mr. Crofts part is incorrect. As has been discussed previously, the reason for the language referring to an old centerline of the river was used in the Bybee descriptions to distinguish between the realigned channel of the river and the river alignment prior to the realignment which was their rightful property line.
Narrative continued on Sheet 5

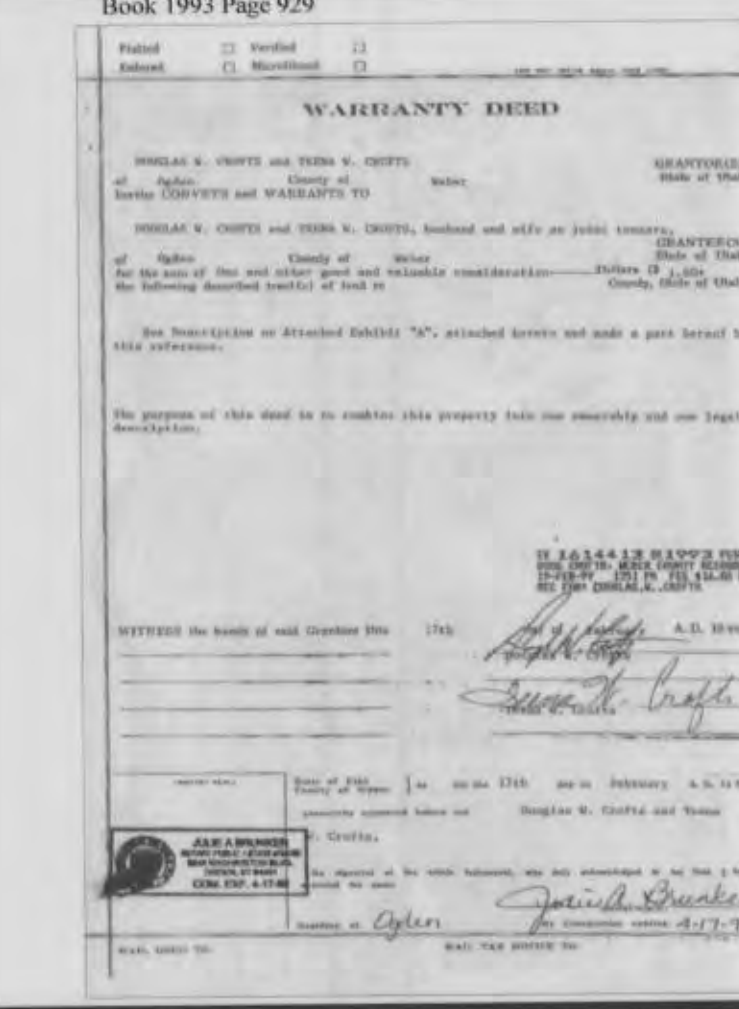


Note 10 - Nov. 19, 1998: On that same day, November 19, 1998, Boyd sells to Canaan Hay Co. the same descriptions that Crofts sold to him.



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Weber County S...

Note 7 - 1994: This document is the first time that Crofts received title to this property. The 27 foot wide stem that extends to the river, as far as our records research has shown, was not owned by Etherington to convey to Crofts at this time. But was conveyed at a later date.
Note 8 - Oct. 1998: Crofts purchased additional property with these descriptions (1963-1182) which deeded "...to the Weber River; thence Westerly along the weber river..." There are two issues at work at the time of this transaction.
1. You can't sell what you don't own.
2. The description of the property has changed from what Behling received.
As to the first issue, the limit of title so far as the Northwest Quarter of the Southwest Quarter is concerned, the limit is to the original 4.5 acre tract whichling can not give title beyond that description. As to the second issue, the description of the property has changed to describe a different location of the east line of the property. Namely, using 1627.7 feet East instead of the 1680 foot east deed call. The other difference is the inclusion of a distance of 634 feet in the last call. This has not been present in any of the prior descriptions. From prior and subsequent deed transactions it could be deduced that the intent was for Crofts to acquire all that property which was deeded to F. Melvin Behling by Robert Bybee as recorded in deed 1575-1989. This being the case Crofts would be entitled to that same tract of land, though it may not coincide precisely with the center line of the river as it exists today.



Note 11 - 1999: In this document (1993-929) Crofts deeds to himself the tract shown in yellow. The first and second call in the deed is "South 0D55' West 283 feet, more or less to the Weber River; thence North 88D53'12" West, along the Weber River, 26 feet". The language in this description shows that at the date of this description Mr. Crofts did not claim any land south of the Weber river. This would be consistent with his predecessors in title, in that they did not own beyond what was deeded to them in 1970 and 1979.

Ownership Records Research for Crofts, Canaan Hay Co., & Bybee properties, Being a part of the North Half of the Southwest Quarter of Township 5 North, Range 1 West, Salt Lake Base and Meridian. SHEET 4 of 5 WEBER COUNTY SURVEYING 003489 SURVEY FILING NUMBER



Note 9 – Nov. 19, 1998:
November 19, 1998 Crofts sells to Stuart Boyd the same descriptions that he received from Behling.

Narrative continued from Sheet 3
32. To continue with the Robert Bybee parcel created by the 1970 recordation of quit claim deeds; also in 1979 a deed (1323-512) was recorded where Grant sells to Robert the same property described precisely as in the 1970 quit claim deeds of book 955 pages 592-594. This transaction then fixes the south line of the parcel conveyed at the 1970 river location for the NE 40ac tract and clears the title claim of Robert for that portion of the NE 40ac.
33. The 1998 Ownership drawing shown on Sheet 3 is included to help track the ownership of the parcels as they begin to be deeded in a manner different than has been done to date. It appears that in 1988, Melvin Behling did not own the strip which extends into the NE 40ac that was deeded to Etherington. However, in a 1990 transaction Robert Bybee deeds to Behling the property as he received it, therefore, an after acquired title right would have taken place in this instance and Etherington would have clear title to the narrow strip which leads to the river.
34. The condition of the 1990 ownership is shown on Sheet 3. It should be noted that the abstract of title on the Davis County side for the property being shown as Joseph Bybee's in the NE 40ac has not been fully abstracted, however, a 1982 court decision gives to Bruce and Susan Bybee clear title to property described as:
All of the North one-half of the Northeast one-fourth of the Southwest one-fourth of Section 26, Township 5 North, Range 1 West, Salt Lake Meridian, located South of the Weber River, containing approximately 4 acres, more or less.
This clears title to the NE 40ac tract within Davis County. We believe that this decision was limited to Davis County by the acreage value. When calculating the acreage for the tract described limiting it to the county line there is 5.4 acres of land on the Davis County side. The Davis County records in this area have been different from the Weber County records in that Weber has had access to the 1894 survey of the county line, where Weber did not.
35. See Note 7 – 1998 on Sheet 4. Even though the stem running to the river was not owned by Etherington when conveyed to Crofts it was acquired at a later date by Etherington as previously discussed, and Crofts would have obtained the title by after acquired title rights. The document 1719-2645 is the one that Crofts received title to this property with.
36. In 1998 Crofts purchases from Behling the property shown as Parcels 1-3 on the Oct. 1998 Ownership plot. This was done with document 1963-1182. Note the language of the descriptions for parcel 2 (see the deed on Sheet 4). The description language has changed from that which Behling received, however, we believe that the intent of the document is to deed all that Behling received title to, and the fact that you can't sell what you don't own still applies, as discussed in Note 8 – Oct. 1998.
37. At this point Note 8 – Oct. 1998 states the fact that the 1946 ownership lines in the NW 40 ac and 1970 ownership lines in the NE 40ac tracts still are held as the legal limits of ownership and is all that Crofts could legally obtain title to.

44. With reference to the Oct. 1998 Ownership plot, it is important to emphasize that the description from document 1963-1182 even though it is different from the description that Behling took title to, in our opinion, can not and does not convey anything other than what was described and deeded to Behling.
45. The plot for Nov. 19, 1998 Ownership shows the transaction that Crofts sells to Boyd, using the same deed descriptions that he received from Behling in document 1963-1182, note the overlap shown and the note that the area was deeded to Boyd. On the same date Boyd sells to Canaan Hay Co. the same property.
46. As shown on the 1999 Ownership plot Crofts deeds to himself property described in document 1993-929 which is shown leaving a gap and causing an overlap with the Parcel 1 which was deeded to Canaan Hay Co.
47. In 2001 Boyd sells a portion of his land to Crofts as described in document 2130-2358. This description now calls for the "old centerline of the river". As can be seen from the 2001 Ownership plot the call to the river being described as "hence South 4008'17" West along fence line and fence line extended, 515 feet more or less to the old centerline of the Weber River", extends beyond the physical location of the river. The correct interpretation of the distance being noted as "more or less" would be to ignore the distance and use the bounds call. In this case the call is now to the "old centerline" of the river and what is meant by that addition to the description is not readily accessible from the record.
48. For instance, you could believe that there may be an attempt to claim to the county line, which was originally described as the centerline of the river. But this usage would include property that is not part of the root of title for the Canaan Hay Co.
49. Then again, you could try to interpret an old channel of the river. But again, if it is south of the current river it violates the root title. Also, where is the old channel being referred to? As seen on the 1985 photography in flood years the river cuts and uses many channels. Which one is being referred to?
50. To clarify this question in 2004 the investigator for the Attorney General's Office pursued this question with Mr. Crofts to say why the addition of the term old channel was added to the description. The response that was given was that he included the language referring to the old centerline so that his description was consistent with the Bybee's property to the east of him. That if the Bybee's were entitled to have their property go to the old river so was he. This response is also an admission that Mr. Crofts wrote the description.
51. This belief on Mr. Crofts part is incorrect. As has been discussed previously, the reason that the language referring to an old centerline of the river was used in the Bybee descriptions was to distinguish between the realigned channel of the river and the river alignment prior to the realignment which was their rightful property line.
Narrative continued on Sheet 5

Book 1719 Page 2645
WARRANTY DEED
BYBEY, ROBERT & SUSAN BYBEY
TO
STUART BOYD AND MARKER BOYD
County of WEBER, State of UTAH
Signed in the presence of
Witnesses
On the 17 day of November, A.D. 1998, personally appeared before me
ROBERT BYBEE, Notary Public for Utah, duly sworn, who acknowledged to me that she executed the same.

Note 7 – 1994:
This document is the first time that Crofts received title to this property. The 27 foot wide stem that extends to the river, as far as our records research has shown, was not owned by Etherington to convey to Crofts at this time. But was conveyed at a later date.
Note 8 – Oct. 1998:
Crofts purchased additional property with these descriptions (1963-1182) which deeded "...to the Weber River; Thence Westerly along the Weber River ...". There are two issues at work at the time of this transaction.
1. You can't sell what you don't own.
2. The description of the property has changed from what Behling received.
As to the first issue, the limit of title so far as the Northwest Quarter of the Southwest Quarter is concerned, the limit is to the original 4.5 acre tract which was deeded to Robert L. Bybee in 1946. Behling can not give title beyond that description. As to the second issue, the description of the property has changed to describe a different location of the east line of the property. Namely, using 1627.7 feet East instead of the 1680 foot east deed call. The other difference is the inclusion of a distance of 634 feet in the last call. This has not been present in any of the prior descriptions.
From prior and subsequent deed transactions it could be deduced that the intent was for Crofts to acquire all that property which was deeded to F. Melvin Behling by Robert Bybee as recorded in deed 1575-1989. This being the case Crofts would be entitled to that same tract of land, though it may not coincide precisely with the center line of the river as it exists today.

Book 1972 Page 691
WARRANTY DEED
STUART A. BOYD AND MARKER BOYD
County of WEBER, State of UTAH
Signed in the presence of
Witnesses
On the 17 day of November, A.D. 1998, personally appeared before me
ROBERT BYBEE, Notary Public for Utah, duly sworn, who acknowledged to me that she executed the same.

Note 10 – Nov. 19, 1998:
On that same day, November 19, 1998, Boyd sells to Canaan Hay Co. the same descriptions that Crofts sold to him.

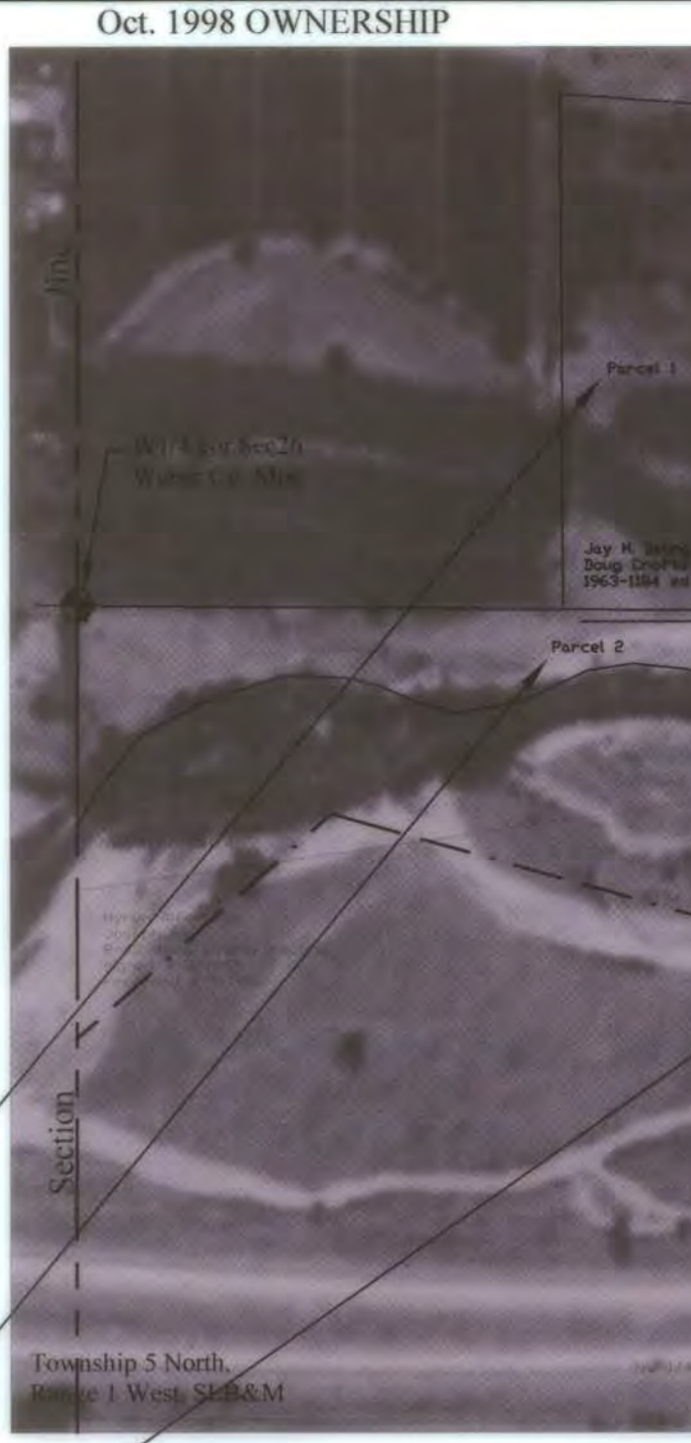
Book 1993 Page 929
WARRANTY DEED
WILLIAM R. CROFTS AND TERRY W. CROFTS
County of WEBER, State of UTAH
Signed in the presence of
Witnesses
On the 17 day of November, A.D. 1998, personally appeared before me
ROBERT BYBEE, Notary Public for Utah, duly sworn, who acknowledged to me that she executed the same.

Book 1963 Page 1182
PERSONAL REPRESENTATIVE'S DEED
WILLIAM R. CROFTS AND TERRY W. CROFTS
County of WEBER, State of UTAH
Signed in the presence of
Witnesses
On the 17 day of November, 1998, personally appeared before me
ROBERT BYBEE, Notary Public for Utah, duly sworn, who acknowledged to me that she executed the same.

Note 11 – 1999:
In this document (1993-929) Crofts deeds to himself the tract shown in yellow. The first and second call in the deed is "South 0D55' West 285 feet, more or less to the Weber River; thence North 80D53'12" West, along the Weber River, 26 feet." The language in this description shows that at the date of this description Mr. Crofts did not claim any land south of the Weber river. This would be consistent with his predecessors in title, in that they did not own beyond what was deeded to them in 1970 and 1979.

Book 1993 Page 929
WARRANTY DEED
WILLIAM R. CROFTS AND TERRY W. CROFTS
County of WEBER, State of UTAH
Signed in the presence of
Witnesses
On the 17 day of November, A.D. 1998, personally appeared before me
ROBERT BYBEE, Notary Public for Utah, duly sworn, who acknowledged to me that she executed the same.

Book 1993 Page 929
WARRANTY DEED
WILLIAM R. CROFTS AND TERRY W. CROFTS
County of WEBER, State of UTAH
Signed in the presence of
Witnesses
On the 17 day of November, A.D. 1998, personally appeared before me
ROBERT BYBEE, Notary Public for Utah, duly sworn, who acknowledged to me that she executed the same.



Note 11 – 1999:
In this document (1993-929) Crofts deeds to himself the tract shown in yellow. The first and second call in the deed is "South 0D55' West 285 feet, more or less to the Weber River; thence North 80D53'12" West, along the Weber River, 26 feet." The language in this description shows that at the date of this description Mr. Crofts did not claim any land south of the Weber river. This would be consistent with his predecessors in title, in that they did not own beyond what was deeded to them in 1970 and 1979.

Book 1993 Page 929
WARRANTY DEED
WILLIAM R. CROFTS AND TERRY W. CROFTS
County of WEBER, State of UTAH
Signed in the presence of
Witnesses
On the 17 day of November, A.D. 1998, personally appeared before me
ROBERT BYBEE, Notary Public for Utah, duly sworn, who acknowledged to me that she executed the same.

Book 1993 Page 929
WARRANTY DEED
WILLIAM R. CROFTS AND TERRY W. CROFTS
County of WEBER, State of UTAH
Signed in the presence of
Witnesses
On the 17 day of November, A.D. 1998, personally appeared before me
ROBERT BYBEE, Notary Public for Utah, duly sworn, who acknowledged to me that she executed the same.

Ownership Records Research for Crofts, Canaan Hay Co., & Bybee properties,
Being a part of the North Half of the Southwest Quarter of Township 5 North, Range 1 West, Salt Lake Base and Meridian.

003489
SURVEY FILING NUMBER

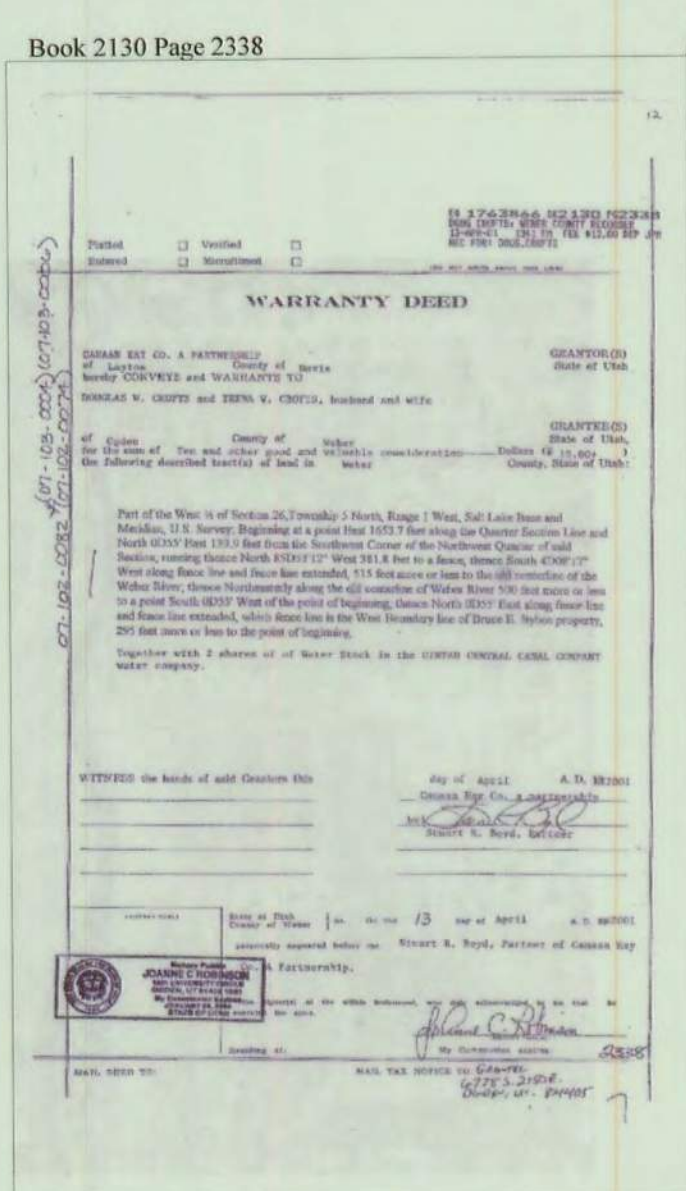
003489



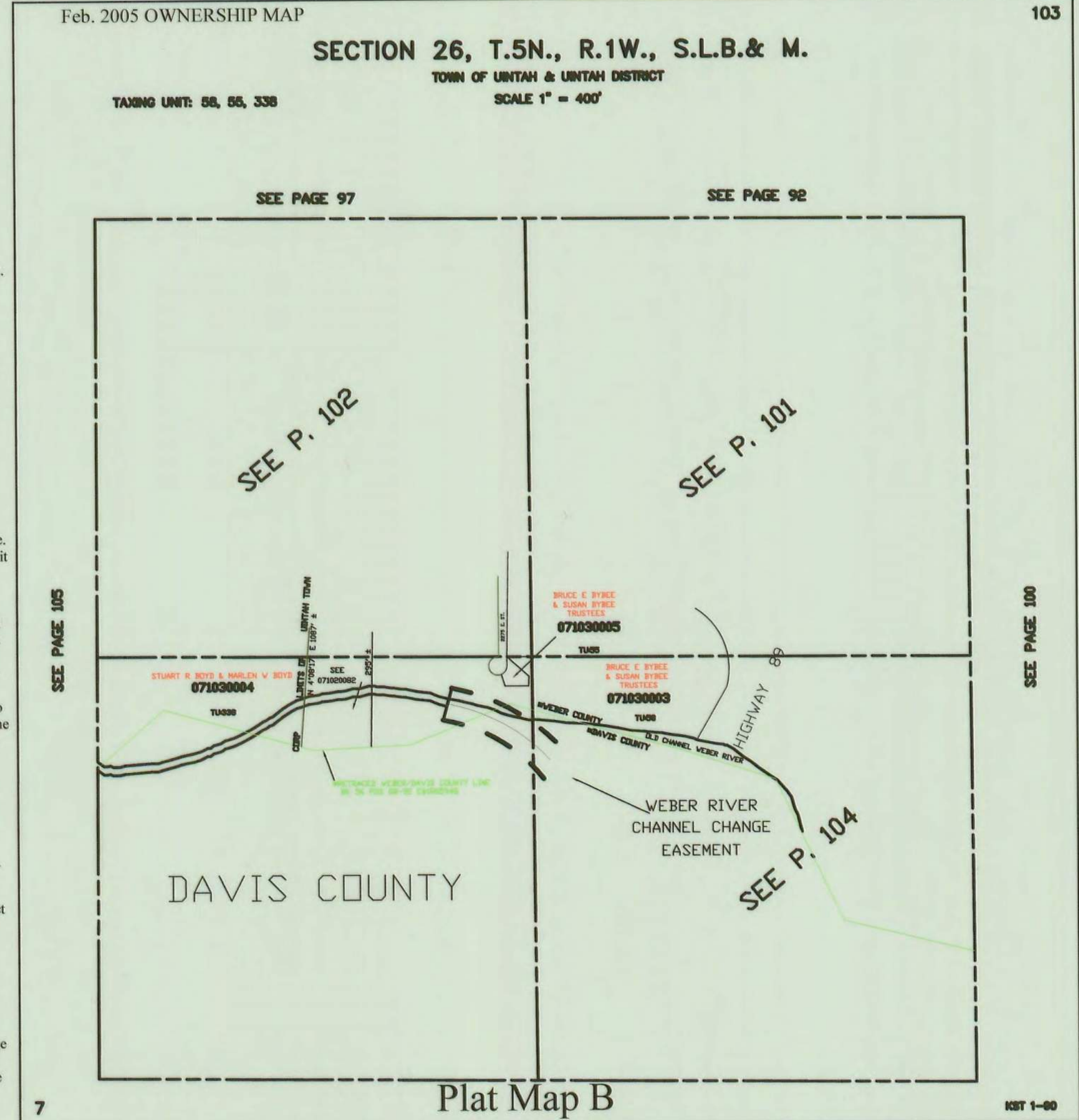
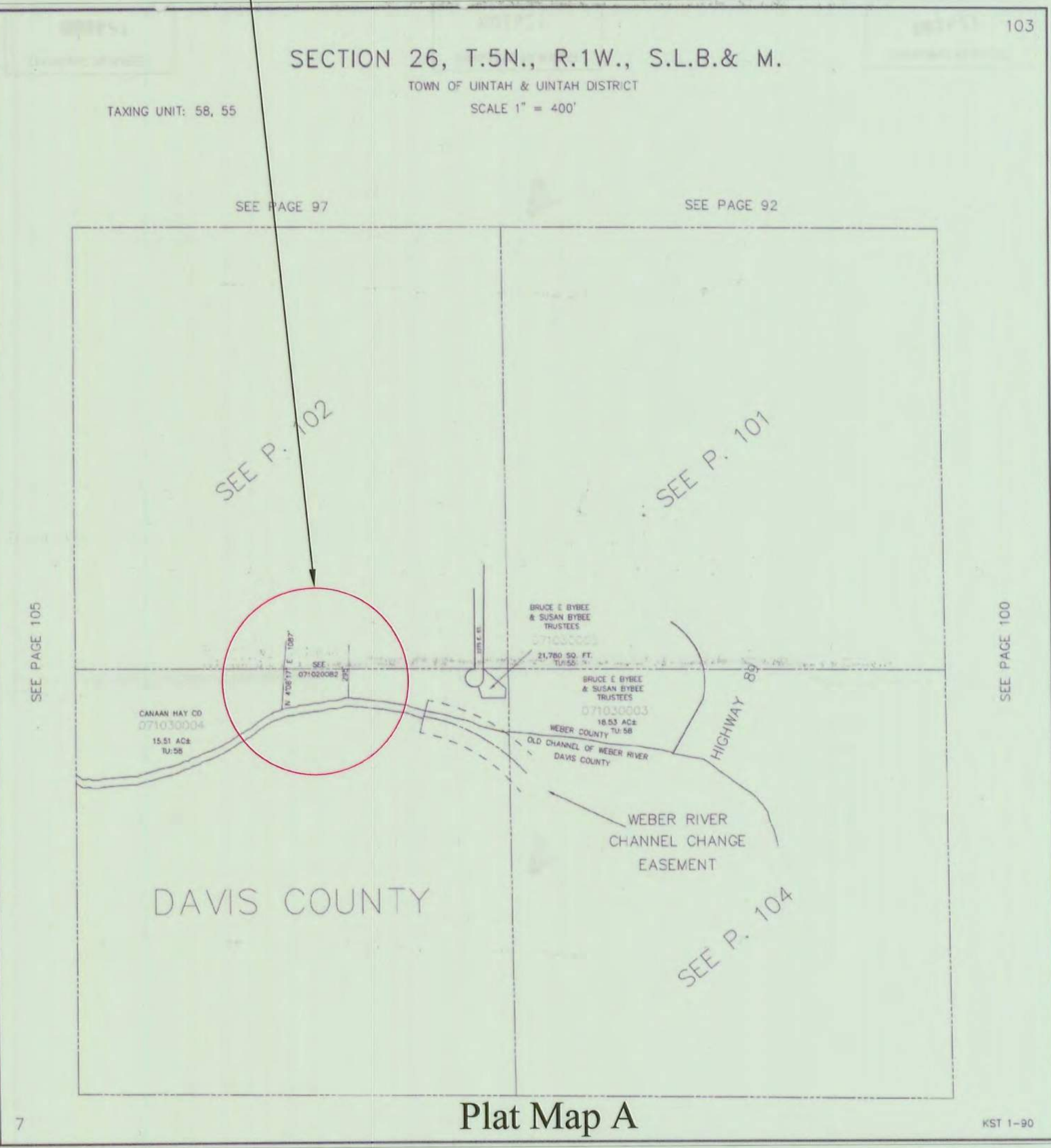
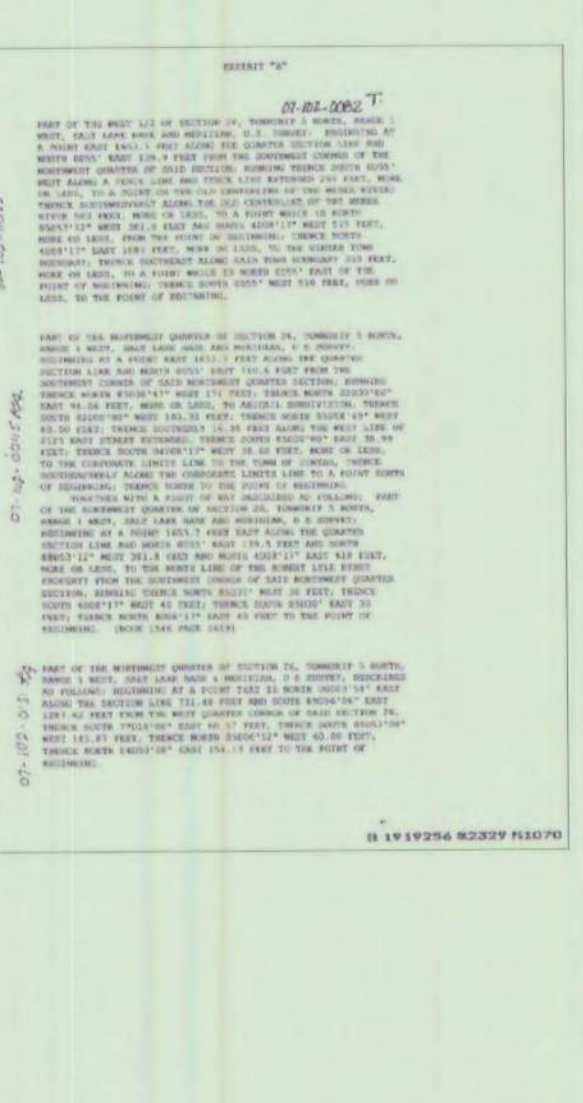
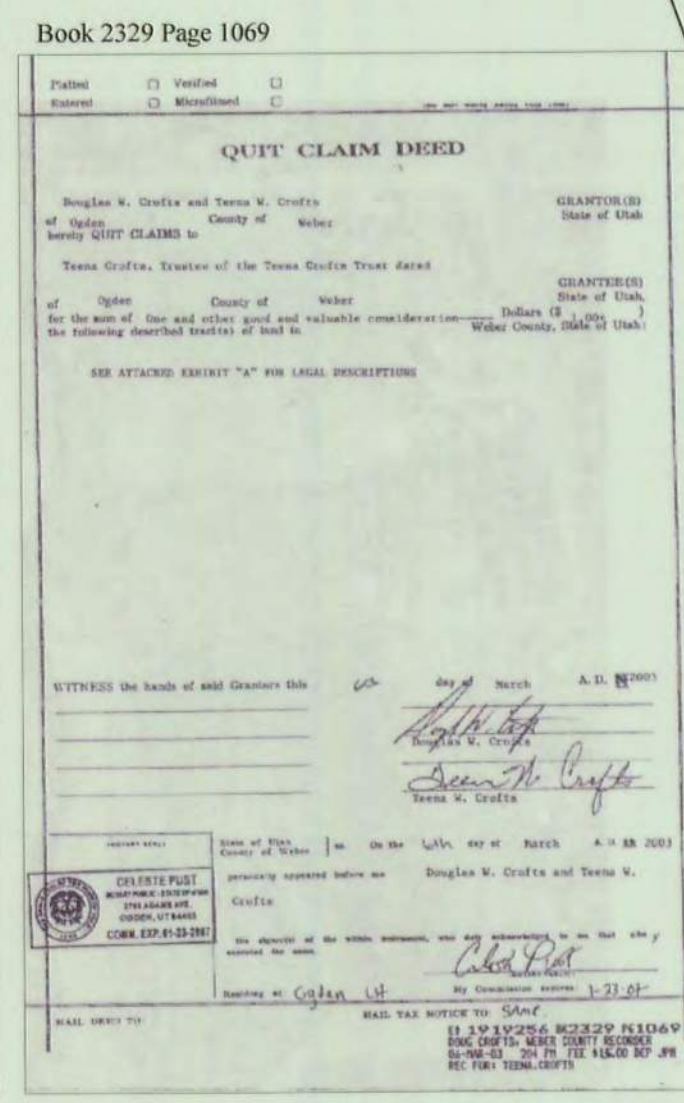
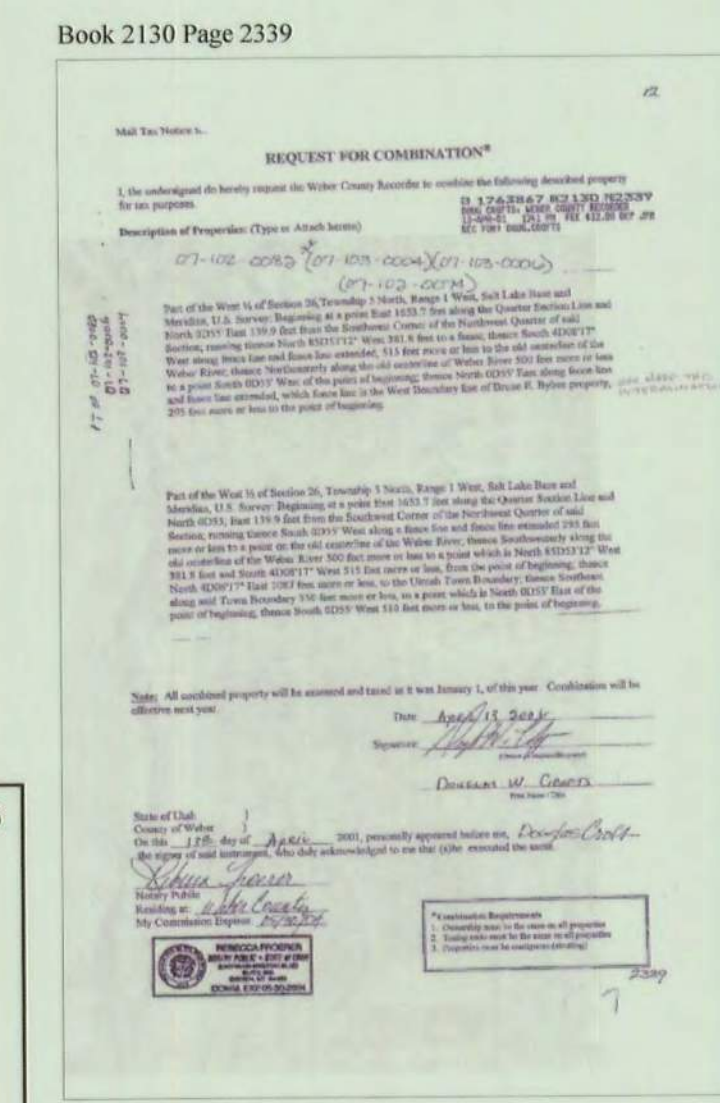
Note 12 - 2001:
 In this document (2130-2338) Canaan Hay Co. deeds to Crofts what would be the eastern end of the parcel 3 as contained on the deeds that Canaan Hay Co. took title to.
 This description is the first place that the term "Old centerline of the Weber River" is used. In this circumstance it should be taken to mean the 1970-1979 deed location of the river.
 The distance on the west line of this parcel is "515 feet more or less" and is long, the south line of the description is simply "Northeasterly along the old centerline of Weber River 500 feet or less...", and the last call (the closing call) is "North 0D55' East along fence line and fence line extended, which fence line is the West Boundary line of Bruce E. Bybee property, 295 feet more or less...".
 In this last call the 295 foot distance would run from the P.O.B. to nearly the 1970-1979 deed line. Again, showing that Crofts does not claim any property south of the 1970-1979 river line.
 It should be noted, however, that the call of the fence and fence extended as being the west boundary line of the Bruce E. Bybee property is incorrect according to the records. The fence line is west of a parcel of land which was deeded to Crofts by the Jay Behling as Book 1963 Page 1180 in 1998. Therefore, Crofts owns a small parcel east of the line as described in this deed.



Note 13 - 2001:
 The same information applies to this combination description as stated in Note 12. The limits of ownership for the south line of the property are along the 1946 and 1970-1979 deed locations.
 Also, the limit of claim in the records of the county show that Crofts only claims at this point in time, to the river.

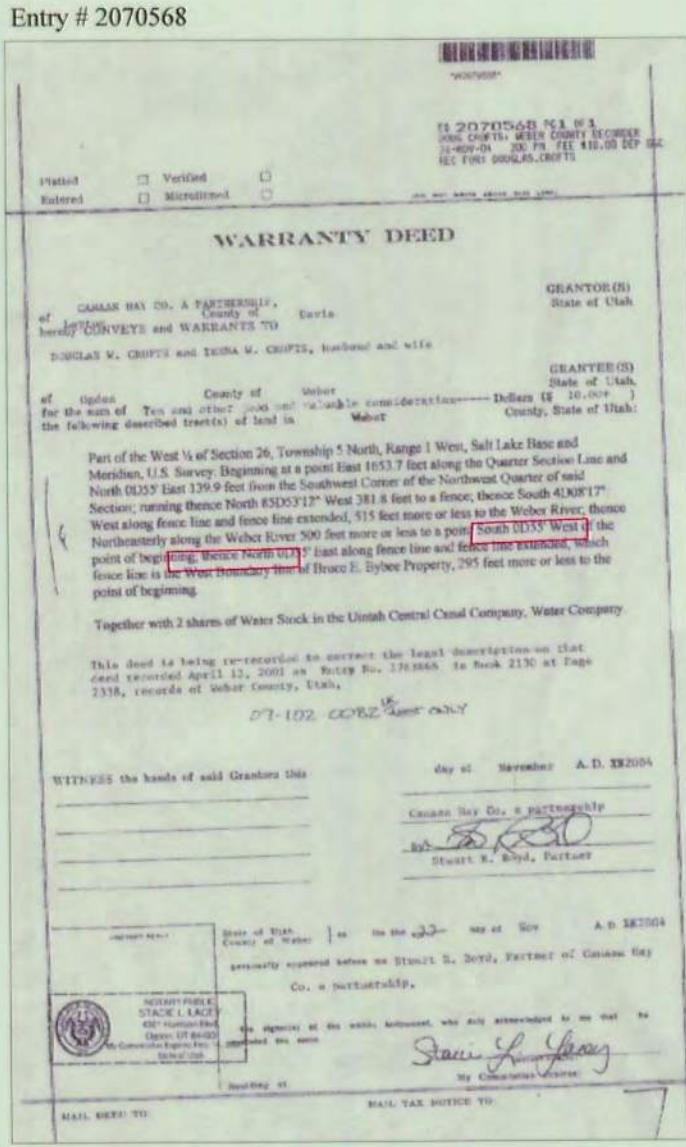


57. During the progress of the investigation that the Attorney Generals Office felt the best course of action would be to correct the documents as necessary to make the Bybee's whole. We were informed that it was requested by that agency that Mr. Crofts do what ever was necessary to make this happen. We were also informed that he agreed to do so. However, what Mr. Crofts actually did was have Canaan Hay Co. issue another Warranty Deed, a corrective deed, which removed the term "old centerline" and used simply the language "to the Weber River". This description can be seen on document recorded as entry number 2070568, shown on sheet 5 of this survey.
 58. This document was recorded with a note that: "This deed is being re-recorded to correct legal descriptions on that deed recorded April 13, 2001 as Entry No. 1763866 in Book 2130 at Page 2338, records of Weber County, Utah."
 59. It also contains a notation which was hand written that states: "07-102-0082 LK ABST ONLY". This notation is made by a member of the recorders staff who has the initials of L.K. and identifies the parcel number that it affects. In addition the notation "ABST ONLY" is a note to abstract the document only, which action does not change the tax records.
 60. As of Feb 1, 2005 the tax description for the property has not changed to reflect the changed deed description nor has the tax plat, the abstract and description are shown on sheet 5 with the language boxed in red. I have checked the records as of May 26, 2005 and the description remains the same. Thus not all documents have been corrected as required by the Attorney Generals office in this matter.
 61. This office, the Weber County Surveyor's Office, was subsequently requested to make a presentation to a screening committee at the Attorney Generals office where the facts of ownership could be discussed, and if there is a possible remedy to make the Bybee's whole. It was at the meeting that the Attorney General's office requested that we provide them with the information necessary to do that.
 62. This narrative, as required by Utah Code 17-23-17, and as previously stated, is provided to give the details and facts in this research and to provide others the means of understanding the reason the ownership lines are established as they are shown.



Narrative continued from Sheet 4
 52. The next transaction that takes place is a 2001 request for combination which has a note that it does not take place until 2002. This combination produced a new tax description for the Crofts property. In 2003 Doug Crofts sells to Teana Crofts, trustee, property described in document 2329-1069.
 53. In this description the direction of the calls are reversed from the way it was received in document 2130-2338. Reading it as written in this way places the center line of the old river at a point that falls very close to the existing river location. If this was the only document examined it might be thought that the current river location was one and the same as the old river location being described. However, this is not the way it was deeded from Canaan Hay Co. nor is it the way that Mr. Crofts is claiming the property boundary to be on the County Recorder's records.
 54. In 2003 the county tax plat records showed that Crofts was claiming to the weber river and not beyond, see Plat Map A on Sheet 5. However, the property for Canaan Hay Co. was being shown as 15.51 acres between the river and the quarter section line. The Weber River does not flow as shown on the plat map, in fact, it has not flowed there since at least 1946.
 55. Then near the time that the Weber/Davis County boundary survey was recorded, the recorders office changed the lines of ownership claim on the tax plats for his property to extend beyond the river location to the county line. In essence, Mr. Crofts who is the County Recorder, is now claiming, by virtue of the recorder's records, south of the river to what was at one time the weber river (the county boundary line).
 56. It was after this time that Mr. Crofts proposed an annexation to Uintah County and on that annexation is claiming the land south of the river to the county line as his property. It was at this time that the issue came to light and the Attorney Generals Office became involved and Mr. Crofts admitted to the investigator that he had changed the records. This annexation has been recorded as Entry number 2080993 and shows the ownership of Crofts to extend to the county boundary line, see Plat Map B on Sheet 5.

Note 15 - Nov. 2004:
 In November 2004 Canaan Hay Co. issued another Warranty Deed (Entry# 2070568, shown at the right) which is the same description verbatim, except that the word "old" has been removed, as contained Book 2130 Page 2338 in which Canaan Hay Co. deeded this property to Crofts the first time using the terminology of "old center line".
 However, the ownership plat has not been corrected to show the change and that the limit of the description goes to the 1946 and 1970-1979 river location as previously noted. This is due to the notation on this document which states; "ABST ONLY".
 This notation initiates a policy of the recorders office to prevent any change of the tax description or the ownership map. The current tax description is also included at the right as part of the electronic abstract for this parcel. See narrative.



WEBER COUNTY RECORDER ABSTRACT OF TITLE									
BOOK	PAGE	DATE	RECORD	RECORD	RECORD	RECORD	RECORD	RECORD	RECORD
2130	2338	04/13/01	1763866	1763866	1763866	1763866	1763866	1763866	1763866
2329	1069	07/10/02	1763866	1763866	1763866	1763866	1763866	1763866	1763866
2329	1069	07/10/02	1763866	1763866	1763866	1763866	1763866	1763866	1763866

Note 14 - Feb. 2005:
 It is this ownership map that is a concern with respect to the current claim of ownership. This map shows that Crofts is claiming his ownership to go to the 1894 county line. Although, the county line was described as the river and this line represents the location of the river in 1894, Crofts has no root of title that would give him the ability to claim to the county line.
 It shown by this map that Crofts is using the language of "old center line" as meaning the 1894 river location. Again, this terminology was added into the deed which he received from Canaan Hay Co. and never existed prior to that description.

Ownership Records Research for Crofts, Canaan Hay Co., & Bybee properties,
 Being a part of the North Half of the Southwest Quarter of Township 5 North, Range 1 West, Salt Lake Base and Meridian.

WEBER COUNTY SURVEYING

SHEET 5 of 5

003489 SURVEY FILING NUMBER

