

SURVEYORS CERTIFICATE:

I, David E. Hawkes, certify that I am a Professional Land Surveyor as prescribed by the laws of the State of Utah, holding certificate number 356548, and that a survey of the described tract of land has been made by me and is found to be as shown on this Record of Survey.

Signature of David E. Hawkes and Date: July 13, 2005

NARRATIVE:

I was retained by Ted Ligori to survey his parcels of land located at 237 West 2nd Street, also known as parcel number 12-075-0043 of the Weber County records, and re-establish the boundary. He felt he was being encroached upon by a new subdivision that adjoined his east boundary, the West Oaks Phase 2 subdivision. He informed me that his old fence line had been torn down and that the new subdivision was being built to an interior fence line that he had constructed to keep his horses out of the ditch which ran along that boundary line. This ditch has subsequently been filled in by the developer of the subdivision or lot owners. He stated that he thought he was being encroached upon by ten to twelve feet.

Because of the question of encroachment I began my boundary analysis by abstracting title to the Ligori parcels to: 1) Determine seniority, 2) Determine how the parcels had been transferred over the years, 3) Determine if any substantial changes had been made to the properties' descriptions that may account for the apparent ambiguity in the location of the east boundary line.

Through that analysis I have determined the following: 1) The West Oaks parcel is the Parent Parcel to Ligori's parcel one and as such Ligori is senior in title and must receive all of the land described at the time of conveyance. 2) The Ligori parcels had started out with two different owners, both parcels subsequently being purchased by Andrew G. Erickson, then transferred together up to the present owner. 3) I found that the tie to the point of beginning of the Ligori parcel one had been changed and an important call to the East line of Andrew G. Erickson's land had been omitted. Ligori's parcel one was created December 07, 1904 when Jesse S. Brown divided his parcel (the root parcel to the West Oaks Phase 2 subdivision) by partitioning out a parcel of land that ran coincident with his west boundary line and selling that parcel to his neighbor to the west, Andrew G. Erickson (Ligori's parcel one). The fact that Jesse S. Brown made reference to the Andrew G. Erickson parcel indicates that he, in fact, acknowledged his west boundary as being the east boundary of the Erickson parcel. This left me with the obligation to determine where in fact the Andrew G. Erickson parcel was lying and situate to be able to resolve the position of Ligori's parcel one.

I performed an initial field survey on September 19, 2003 with subsequent field work on October 12 and 22, 2003. My findings are as follows:

Occupation lines of the parcels lying and situate in the Southwest Quarter of the Northwest Quarter of Section 8 are not in harmony with their deed calls. The easterly calls from the Southwest corner of the Northwest Quarter of the Section, which does not physically exist on the ground, to the point of beginning of each of these parcels contain the ambiguity that has the decided position of these parcels lying west of their occupation lines. When possession lines are mapped, the areas contained inside the closed figures match fence and occupation lines very closely. The Stone / Montgomery / Leavitt farm that is situate to the west of the Ligori parcels has been kept in much the same state for well over 100 years, (this has been ascertained from perol evidence given by Anna Stone Keogh and David Stone Montgomery, resident owners of the farm). Some of the interior fence lines that separated the different parcels have been taken down but, remains of those fence lines still exist which enable the location of their historic position to be ascertained with certainty. The east line of the Stone / Montgomery / Leavitt farm forms the west line of the Ligori parcels. Along that boundary line I found remains of an ancient fence line as well as an existing fence along the southerly portion of it. In the northerly portion of that fence line and in harmony with the north and westerly most corner of the Ligori parcel one, I found an old cedar post that has been in that position so long that a tree has grown around it (see the photo on sheet 2 of 2). When I measured the distance from the cedar post to the fence post monumenting the southwest corner of the Ligori Parcel two, I found that it matched the record distance call of 99.00 feet. Based upon my findings along that easterly line I decided to hold that line as the true west line of the Ligori parcels and the historic west line of the Jesse S. Brown / Andrew G. Erickson parcels. I repositioned the Ligori parcels easterly 12.54 feet to be in harmony with the above described fence line. I then analyzed the Ligori's easterly line to see how they fit with the occupation along that line. Clara S. Stone owns the parcels of land that front on 2nd Street to the east and west of Ligori. The point of beginning to Stone's easterly parcel is described as "being on the old fence boundary line," a portion of that fence line has been replaced with a chain link fence. A large Cottonwood Tree is standing at the southwest corner of Stone's parcel and contains the remains of the "old boundary fence" grown into its trunk. These remains are in harmony with the position of the above stated chain link fence. The distance between the chain link fence and the remains of the fence line along the westerly line of Ligori's parcel two is 214.64 feet versus the record distance of 214.5 feet. Clara S. Stone's parcel to the East of Ligori's also has a chain link fence running along its East boundary line. The measured distance between her perimeter fence lines is 60.8 feet versus a record distance of 62.00 feet.

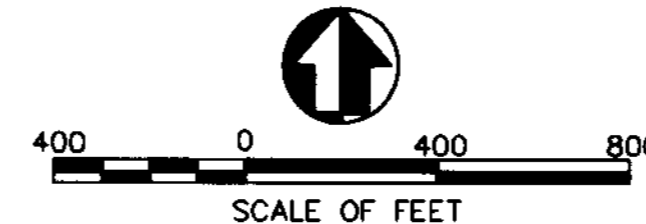
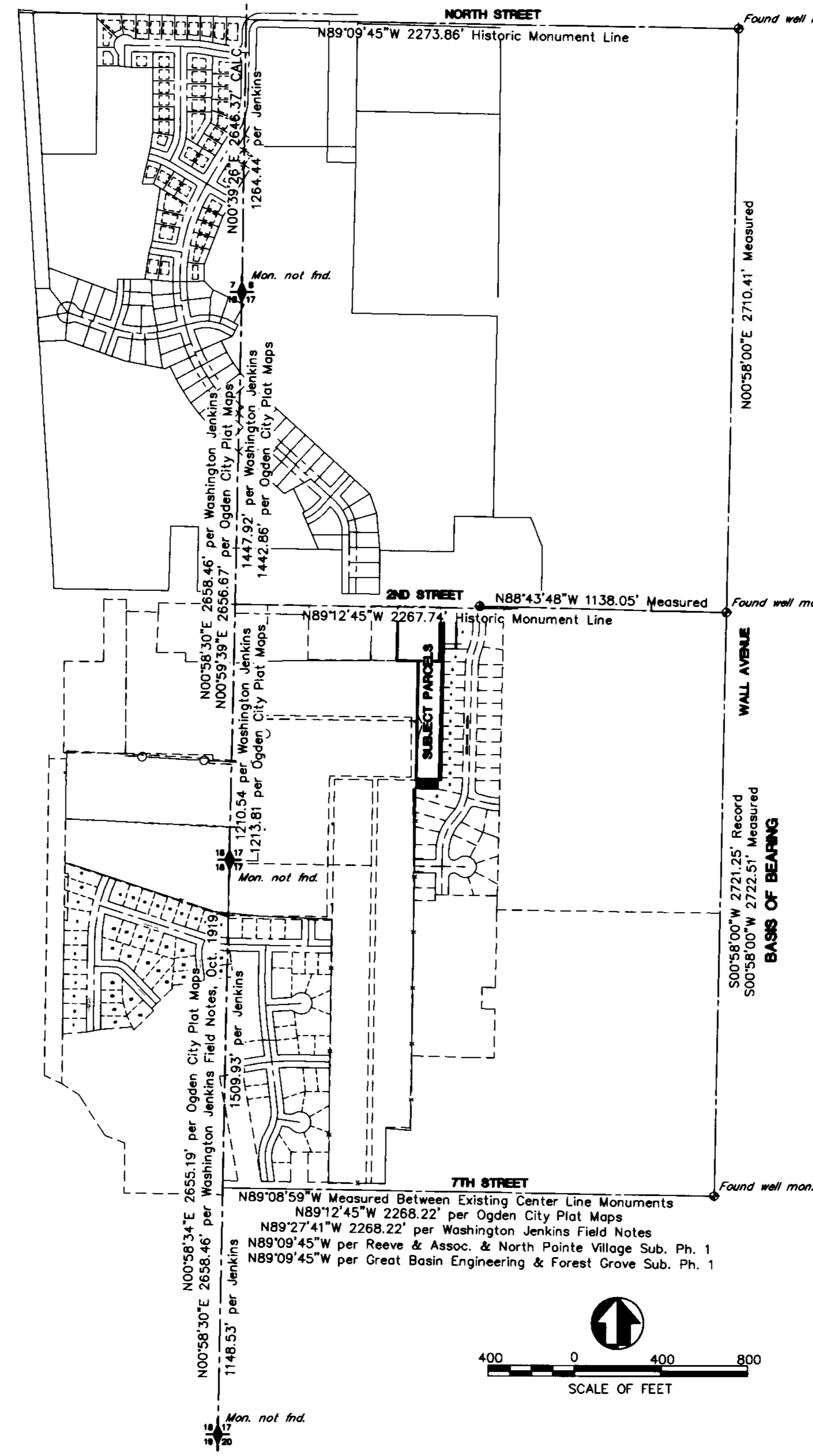
Based upon the field survey I have reached the following conclusions: 1) West Oaks Phase 2 Subdivision encroaches upon Ligori's Parcel one 8.11 feet at the northwest corner of Lot 44, West Oaks Phase 2 Subdivision and tapers out to 13.01 feet at Ligori's southeast corner. 2) I believe the source of the encroachment to be from taking the deeds at face value and rotating the call of North from the section corner to match the bearing of the record section line and ignoring long-standing occupation. The seniority of the Ligori parcel was ignored and the parent or junior parcel was not treated as a remainder parcel, subject to any excess or deficiency in its area. 3) I believe the source of the ambiguity in the calls to the point of beginning to be as follows: A) Township 6 North, Range 1 West, was subdivided into sections in 1855. The G.L.O. records of that survey show the North line of Section 17, to be 80 chains or 2640.00 feet. The section corners to the North line of Section 17 are no longer in place on the ground. Re-establishment of those corners by following the Ogden City Plat Maps have the north line of Section 17 being 2633.77 feet long or 13.77 feet longer than what the G.L.O. records indicate. B) I believe the original parcels were laid out from east to west and the distance from the Southwest Corner of the Northwest Quarter was calculated based upon a standard Quarter Section of 2640 feet and not measured upon the ground. If the parcels fronting on 2nd Street are laid out in the configuration they were first created in, multiple gaps and overlaps exist indicating a lack of field survey when they were first created.

DEED DESCRIPTION:

ENTRY NUMBER 815975, BOOK 1361, PAGE 1113

A part of the Northwest Quarter of Section 17, Township 6 North, Range 1 West of the Salt Lake Base and Meridian, U.S. Survey: Beginning at a point 17.85 chains North and 14.20 chains East of the Southwest corner of said Quarter Section, and running thence East 1 rod, thence South 771.2 feet, thence West 115.5 feet, thence North 551.5 feet, thence East 99 feet, thence North 219.7 feet to the place of beginning.

Also, a part of the Northwest Quarter of said Section 17, beginning at a point 18.35 chains North and 11.20 chains East of the Southwest corner of said Quarter section and running thence South 3.83 chains, thence East 3.0 chains, thence North 3.83 chains, thence West 3.0 chains, to the place of beginning.



NOTE:

This Record of Survey is being amended to correct erroneous information that was taken from other Record of Surveys and Subdivision Plats in the area which upon further investigation and research have been shown to be incorrect. The location of the subject parcels has not been changed and the ties to existing found monumentation along the monument line of Wall Avenue remains the same. The changes made to this Record of Survey and the "As Surveyed Description" have been the ancillary calls to section corners which do not physically exist upon the ground and which have conflicting locations on record documentation.

PARCEL 1

March 25, 1879 - United States of America -to- Rachael Cook, Widow of Michael Cook who assigned grant to William R. Preston who assigned grant to Samuel Gates - All of NW 1/4 (Recorded May 07, 1872 in Book G at Page 366 of Weber County Records)
June 27, 1872 - Samuel Gates -to- Lewis Telfer - Beginning 12.6 chains East from the Southwest corner of said Quarter Section, North 14.52 chains; East 1.50 chains; North 3.80 chains; East .83 chains; North 6.34 chains; East 5.22 chains; South 34 1/4 E. East 1.90 chains; South 5.07 chains; West 3.42 chains; South 18.35 chains; West 5.90 chains to beginning. (Recorded July 19, 1872 in Book G at Page 371 of Weber County Records)
July 14, 1881 - Lewis Telfer -to- Emeline Washburn - Beginning 12.6 chains East from the Southwest corner of said Northwest Quarter; North 14.52 chains; East 1.50 chains; North 3.80 chains; East .83 chains; North 6.34 chains; East 5.22 chains; South 34 1/4 E. East 1.90 chains; South 5.07 chains; West 3.42 chains; South 18.35 chains; West 5.90 chains to beginning. (Recorded September 16, 1881 in Book N at Page 278 of Weber County Records)
May 10, 1882 - Emeline Washburn -to- Wallace T. Washburn - Beginning 12.6 chains East from the Southwest corner of said Northwest Quarter; North 14.52 chains; East 1.50 chains; North 3.80 chains; East .83 chains; North 6.34 chains; East 5.22 chains; South 34 1/4 E. East 1.90 chains; South 5.07 chains; West 3.42 chains; South 18.35 chains; West 5.90 chains to beginning. (Recorded May 11, 1882 in Book P at Page 281 of Weber County Records)
June 19, 1885 - Wallace T. and Martha R. Washburn -to- Jesse S. Brown - Beginning 12.6 chains East from the Southwest corner of said Northwest Quarter; North 14.52 chains; East 1.50 chains; North 3.80 chains; East .83 chains; North 6.34 chains; East 5.22 chains; South 34 1/4 E. East 1.90 chains; South 5.07 chains; West 3.42 chains; South 18.35 chains; West 5.90 chains to beginning. (Recorded June 19, 1885, at 2:35 PM, in Book S at Page 357 of Weber County Records)
December 07, 1904 - Jesse S. Brown -to- Andrew G. Erickson - Beginning at a point on the South line of Second Street, in Ogden City, Utah, 918 feet EAST from the West line of said Quarter Section, said point being the East line of Andrew G. Erickson's land, and running thence EAST 1 rod, thence SOUTH 771.2 feet; thence WEST 115.5 feet; thence NORTH 551.5 feet; thence EAST 99 feet; thence NORTH 219.7 feet to the place of beginning. (Recorded December 07, 1904 in Book 17 at Page 313 of Weber County Records)
[FINAL TRANSFER OF PARCEL 1 AS A LINK PARCEL, THIS TRANSFER ESTABLISHES THE LIGORI PARCEL (parcel number 1) AS SENIOR IN TITLE TO THAT PORTION OF THE JESSE S. BROWN PARCEL, RETAINED BY HIM, WHICH IS A PORTION OF THE ROOT PARCEL TO THE WEST OAKS SUBDIVISION, PHASE 2.]

PARCEL 2

March 25, 1879 - United States of America -to- Rachael Cook, Widow of Michael Cook who assigned grant to William R. Preston who assigned grant to Samuel Gates - All of NW 1/4 (Recorded May 07, 1872 in Book G at Page 366 of Weber County Records)
June 27, 1872 - Samuel Gates -to- William Henry Hall - Commencing 18.35 chains NORTH and 11.20 chains EAST of the SW corner of said NW Quarter; Thence SOUTH 3.83 chains; Thence EAST 3 chains; Thence NORTH 3.83 chains; Thence WEST 3 chains to the point of beginning. (Recorded May 06, 1886 in Book 7 at Page 184 of Weber County Records)
January 02, 1892 - William Henry Hall -to- Ogden City (for taxes) - Commencing 18.35 chains NORTH and 11.20 chains EAST of the SW corner of said NW Quarter; Thence SOUTH 3.83 chains; Thence EAST 3 chains; Thence NORTH 3.83 chains; Thence WEST 3 chains to the point of beginning. (Recorded January 14, 1892 in File at Page 509 of Weber County Records)
December 30, 1893 - Ogden City -to- O.J. Stillwell - Commencing 18.35 chains NORTH and 11.20 chains EAST of the SW corner of said NW Quarter; Thence SOUTH 3.83 chains; Thence EAST 3 chains; Thence NORTH 3.83 chains; Thence WEST 3 chains to the point of beginning. (Recorded January 03, 1894 in No. 1 at Page 382 of Weber County Records)
May 25, 1894 - O.J. Stillwell -to- William Henry Hall - Commencing 18.35 chains NORTH and 11.20 chains EAST of the SW corner of said NW Quarter; Thence SOUTH 3.83 chains; Thence EAST 3 chains; Thence NORTH 3.83 chains; Thence WEST 3 chains to the point of beginning. (Recorded May 28, 1894 in Book 23 at Page 160 of Weber County Records)
June 10, 1904 - William Henry Hall and wife -to- Andrew G. Erickson - Beginning at a point 18.35 chains NORTH and 11.20 chains EAST of the Southwest corner of said quarter section, Thence SOUTH 3.83 chains, Thence EAST 3 chains, Thence NORTH 3.83 chains, Thence WEST 3 chains to beginning. (Recorded June 10, 1904 at 2:52 PM, in Book 45 at Page 575 of Weber County Records)
December 06, 1904 - Andrew G. Erickson and wife -to- Michael Bertelson - Beginning at a point 18.35 chains NORTH and 11.20 chains EAST of the Southwest corner of said quarter section, Thence SOUTH 3.83 chains, Thence EAST 3 chains, Thence NORTH 3.83 chains, Thence WEST 3 chains to beginning. (Recorded December 06, 1904 at 2:52 PM, in Book 47 at Page 310 of Weber County Records)
February 11, 1907 - Michael Bertelson -to- Andrew G. Erickson - Beginning at a point 18.35 chains NORTH and 11.20 chains EAST of the Southwest corner of said quarter section, Thence SOUTH 3.83 chains, Thence EAST 3 chains, Thence NORTH 3.83 chains, Thence WEST 3 chains to beginning. (Recorded February 11, 1907 at 12:19 PM in Book 121 at Page 418 of Weber County Records)
[FINAL TRANSFER OF PARCEL 2 AS LINK PARCEL.]

PARCELS 1 and 2 COMBINED

February 15, 1907 - Andrew G. Erickson and wife -to- Emma J. Wilson - Beginning at a point 18.35 chains NORTH and 11.20 chains EAST of the Southwest corner of said quarter section, Thence SOUTH 3.83 chains, Thence EAST 3 chains, Thence NORTH 3.83 chains, Thence WEST 3 chains to beginning. ALSO: Beginning at a point on the South line of Second Street, in Ogden City, Utah, 918 feet EAST from the West line of said Quarter Section, said point being the East line of Andrew G. Erickson's land, and running thence EAST 1 rod, thence SOUTH 771.2 feet; thence WEST 115.5 feet; thence NORTH 551.5 feet; thence EAST 99 feet; thence NORTH 219.7 feet to the place of beginning. (Recorded March 27, 1907 at 11:35 AM, in Book 53 at Page 538 of Weber County Records)
[THIS TRANSFER WITHIN THE ORDER IN WHICH THE PARCELS ARE DESCRIBED, (parcel one is described first)...]
July 30, 1925 - Emma J. Wilson -to- E.W. Clayton - Beginning at a point 17.85 chains NORTH and 14.20 chains EAST of the Southwest corner of said quarter section, Thence EAST 1 rod, thence SOUTH 771.2 feet; thence WEST 115.5 feet; thence NORTH 551.5 feet; thence EAST 99 feet; thence NORTH 219.7 feet to the place of beginning. ALSO: Beginning at a point 18.35 chains NORTH and 11.20 chains EAST of the Southwest corner of said quarter section, Thence SOUTH 3.83 chains, Thence EAST 3 chains, Thence NORTH 3.83 chains, Thence WEST 3 chains to beginning. (Recorded August 03, 1925 in Book 104 at Page 197 of Weber County Records)
[THE ABOVE DESCRIPTION CHANGES THE TIE TO THE POINT OF BEGINNING OF PARCEL 1 AND ALSO WITHIN THE ORDER IN WHICH THEY ARE DESCRIBED. (parcel one is described first).]
August 14, 1925 - E.W. Clayton and wife -to- Horace Clayton - Beginning at a point 17.85 chains NORTH and 14.20 chains EAST of the Southwest corner of said quarter section, Thence EAST 1 rod, thence SOUTH 771.2 feet; thence WEST 115.5 feet; thence NORTH 551.5 feet; thence EAST 99 feet; thence NORTH 219.7 feet to the place of beginning. ALSO: Beginning at a point 18.35 chains NORTH and 11.20 chains EAST of the Southwest corner of said quarter section, Thence SOUTH 3.83 chains, Thence EAST 3 chains, Thence NORTH 3.83 chains, Thence WEST 3 chains to beginning. (Recorded August 30, 1925 at 11:30 AM in Book 106 at Page 37 of Weber County Records)
December 18, 1926 - Horace Clayton -to- Ida Clayton - Beginning at a point 17.85 chains NORTH and 14.20 chains EAST of the Southwest corner of said quarter section, Thence EAST 1 rod, thence SOUTH 771.2 feet; thence WEST 115.5 feet; thence NORTH 551.5 feet; thence EAST 99 feet; thence NORTH 219.7 feet to the place of beginning. ALSO: Beginning at a point 18.35 chains NORTH and 11.20 chains EAST of the Southwest corner of said quarter section, Thence SOUTH 3.83 chains, Thence EAST 3 chains, Thence NORTH 3.83 chains, Thence WEST 3 chains to beginning. (Recorded December 18, 1926 at 11:50 AM in Book 106 at Page 294 of Weber County Records)
April 29, 1931 - Ida Clayton -to- Mary Dalton - Beginning at a point 17.85 chains NORTH and 14.20 chains EAST of the Southwest corner of said quarter section, Thence EAST 1 rod, thence SOUTH 771.2 feet; thence WEST 115.5 feet; thence NORTH 551.5 feet; thence EAST 99 feet; thence NORTH 219.7 feet to the place of beginning. ALSO: Beginning at a point 18.35 chains NORTH and 11.20 chains EAST of the Southwest corner of said quarter section, Thence SOUTH 3.83 chains, Thence EAST 3 chains, Thence NORTH 3.83 chains, Thence WEST 3 chains to beginning. (Recorded August 24, 1934 at 9:16 AM in Book 121 at Page 7 of Weber County Records)
December 5, 1934 - Mary Dalton -to- Harry V. Wood - Beginning at a point 17.85 chains NORTH and 14.20 chains EAST of the Southwest corner of said quarter section, Thence EAST 1 rod, thence SOUTH 771.2 feet; thence WEST 115.5 feet; thence NORTH 551.5 feet; thence EAST 99 feet; thence NORTH 219.7 feet to the place of beginning. ALSO: Beginning at a point 18.35 chains NORTH and 11.20 chains EAST of the Southwest corner of said quarter section, Thence SOUTH 3.83 chains, Thence EAST 3 chains, Thence NORTH 3.83 chains, Thence WEST 3 chains to beginning. (Recorded December 13, 1934 at 12:19 PM in Book 121 at Page 76 of Weber County Records)
July 26, 1935 - Harry V. Wood and wife -to- Tenny A. Morone - Beginning at a point 17.85 chains NORTH and 14.20 chains EAST of the Southwest corner of said quarter section, Thence EAST 1 rod, thence SOUTH 771.2 feet; thence WEST 115.5 feet; thence NORTH 551.5 feet; thence EAST 99 feet; thence NORTH 219.7 feet to the place of beginning. ALSO: Beginning at a point 18.35 chains NORTH and 11.20 chains EAST of the Southwest corner of said quarter section, Thence SOUTH 3.83 chains, Thence EAST 3 chains, Thence NORTH 3.83 chains, Thence WEST 3 chains to beginning. (Recorded September 14, 1935 at 9:35 AM in Book 124 at Page 537 of Weber County Records)
November 13, 1940 - Carveline Morone -to- Doreen Ligeri - Beginning at a point 17.85 chains NORTH and 14.20 chains EAST of the Southwest corner of said quarter section, Thence EAST 1 rod, thence SOUTH 771.2 feet; thence WEST 115.5 feet; thence NORTH 551.5 feet; thence EAST 99 feet; thence NORTH 219.7 feet to the place of beginning. ALSO: Beginning at a point 18.35 chains NORTH and 11.20 chains EAST of the Southwest corner of said quarter section, Thence SOUTH 3.83 chains, Thence EAST 3 chains, Thence NORTH 3.83 chains, Thence WEST 3 chains to beginning. (Recorded December 05, 1940 at 9:37 AM in Book 134 at Page 68 of Weber County Records)
July 9, 1900 - Doreen Ligeri and Diederi Ligeri -to- Stephanie Ann Ligeri, Jennifer Irene Ligeri and Diederi Ligeri - Beginning at a point 17.85 chains NORTH and 14.20 chains EAST of the Southwest corner of said quarter section, Thence EAST 1 rod, thence SOUTH 771.2 feet; thence WEST 115.5 feet; thence NORTH 551.5 feet; thence EAST 99 feet; thence NORTH 219.7 feet to the place of beginning. ALSO: Beginning at a point 18.35 chains NORTH and 11.20 chains EAST of the Southwest corner of said quarter section, Thence SOUTH 3.83 chains, Thence EAST 3 chains, Thence NORTH 3.83 chains, Thence WEST 3 chains to beginning. (Recorded July 17, 1900 at 1:01 PM in Book 1361 at Page 111 of Weber County Records)

AS SURVEYED DESCRIPTION:

A parcel of land lying and situate in the Southwest Quarter of the Northwest Quarter of Section 17, Township 6 North, Range 1 West, Salt Lake Base and Meridian, Ogden City, Weber County, Utah, comprising 2.48 acres of the 2.69 acre parcels of land described in that certain Quit Claim Deed recorded as Entry Number 815075, in Book 1361, at Page 1113 of the Weber County Records, 0.21 acres being previously conveyed to the State Road Commission of Utah by that certain Right of Way Deed recorded as Entry Number 71502, in Book 165, at Pages 430-431 of the Weber County Records. Basis of Bearing for subject parcel being South 00°58'00" West 2722.51' (measured) between the Ogden City Well Monuments monumentizing Wall Avenue and the intersections of Second and Seventh Streets. Subject parcel being more particularly described as follows:

Beginning at a point on the south right of way line of Second Street as described in said right of way deed, said point being located North 89°12'45" West 1303.16 feet coincident with the historic monument line of Second Street and South 00°47'15" West 42.00 feet from the Ogden City Well Monument monumentizing the intersection of Wall Avenue and Second Street, said point also being located North 00°59'39" East 1172.02 feet coincident with the west line of the Northwest Quarter of said Section 17 and South 89°00'20" East 964.73 feet from the West Quarter Corner of said Section 17 per those particular field notes of Washington Jenkins, dated October 1919, (North 00°59'39" East 1175.30 feet coincident with the west line of the Northwest Quarter of said Section 17 and South 89°00'20" East 964.73 feet from the West Quarter Corner of Section 17 per the Ogden City Plat Maps); Thence South 00°44'21" West 758.91 feet to a 5/8" rebar and cap stamped PLS 356548; Thence North 89°15'39" West 115.50 feet to a fence line; Thence North 00°44'26" East 551.50 feet along a fence line to a cedar fence post imbedded in a tree trunk; Thence North 89°05'13" West 99.00 feet along the remains of an old fence line to a fence corner; Thence North 01°07'30" East 207.29 feet along the remains of an old fence line and the prolongation thereof to a point on the South line of said Right of Way; Thence South 89°12'45" East 213.09 feet coincident with said Right of Way Line to the Point of Beginning.



Vertical sidebar containing recording information: 07-13-2005, PLAT DATE, SHEET, DEH, DEH, 123 South Main Ste. 3, Heber, Utah, 84301, and a large vertical stamp: AMENDED RECORD OF SURVEY OF PARCEL NUMBER 12-075-0043. Includes a small circular seal at the top right.



003503

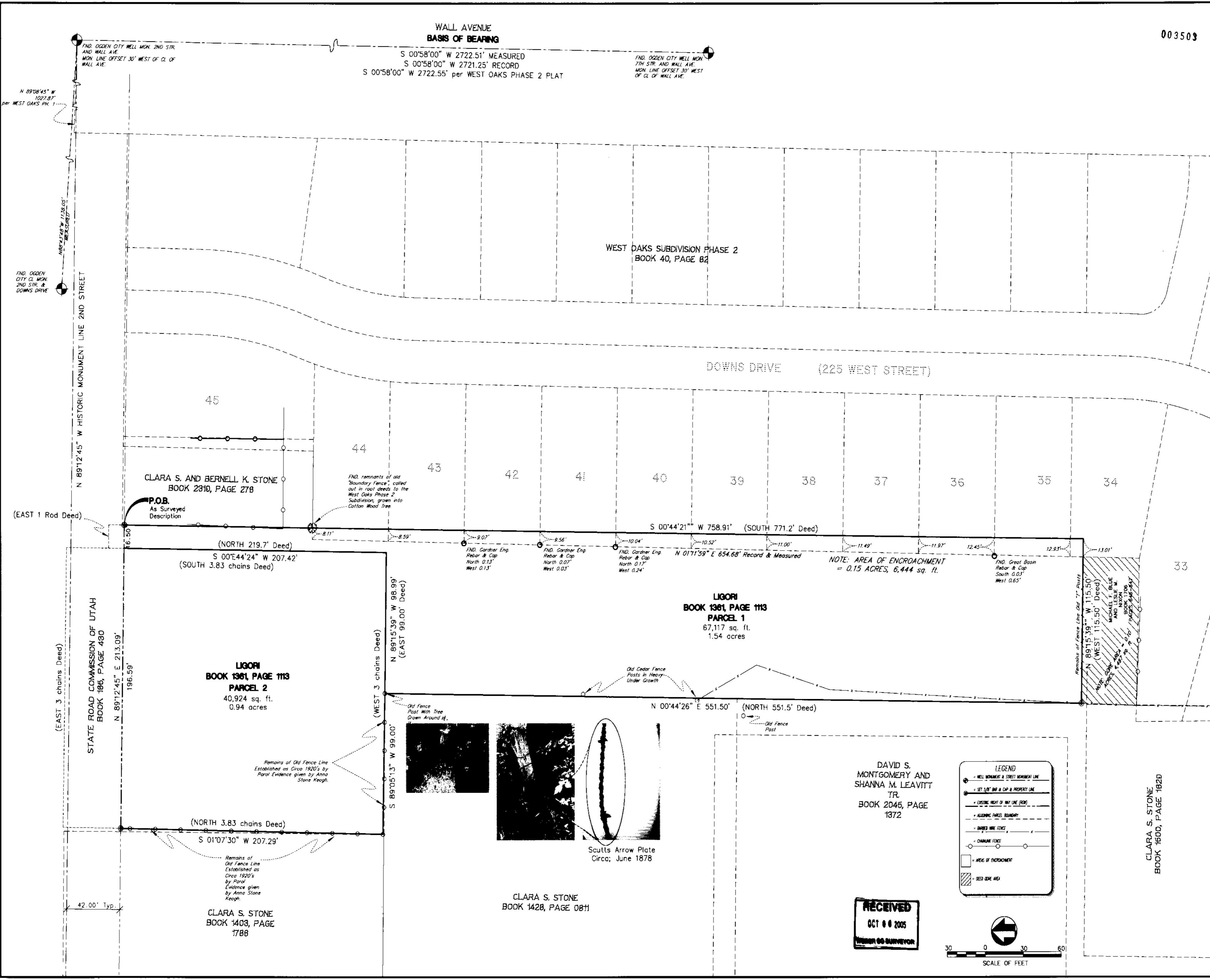
DATE	07-13-2005
PLAT DATE	
SCALE	1"=30'
PROJECT NUMBER	LIGORI

AMENDED RECORD OF SURVEY OF
 PARCEL NUMBER 12-075-0043
 LYING AND SITUATE IN THE NORTHWEST QUARTER OF SECTION 17,
 TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN

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

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