

HOOPER ESTATES PHASE NO. 3  
ENTRY 1282702, BOOK 37, PAGE 65  
PLAT MAP NUMBER 37-65

003593

**SURVEYORS CERTIFICATE:**

I, David E. Hawkes, certify that I am a Professional Land Surveyor holding license number 356548 in accordance with Title 58, Chapter 22, Professional Engineers and Land Surveyors Licensing Act and that a survey of the described tract of land has been completed by me in accordance with Section 17-23-17 and that I have verified all measurements and have placed monuments as shown hereon.

*David E. Hawkes*  
DAVID E. HAWKES

April 3, 2006  
DATE

**NARRATIVE:**

I, David E. Hawkes was retained by Shauna Lyon to perform a Record of Survey of the subject parcels prior to the preparation of a Boundary Line Agreement and Sub Division Plat. The subject parcels deeds are tied to the West Quarter Corner of Section 7, Township 5 North, Range 2 West, Salt Lake Base and Meridian, which does not physically exist upon the ground. Its location was determined and held from a Record of Survey and Subdivision Plats of the Hooper Estates Phases 3 and 4, prepared by Great Basin Engineering to maintain harmony between those adjoining parcels of land and the subject parcels. A Record of Survey and Sub Division Plat prepared by Construction and Land Surveys and the Weber County Surveyors Section Tie Sheet for the West Quarter Corner of said Section 7 differ in its location by 0.54 feet as noted hereon.

Parcel 08-046-0063 shown and denoted on this survey with a number 1, and also noted as "Area with Color of Title" is owned in fee simple by Kevin Dix Kariger, evidenced by that certain deed recorded September 01, 2000 as Entry 1724777, in Book 2089, at Page 2384 of the Weber County Records. This parcel is marked on the ground by red "T" posts which do not correspond with its deed location and place it upon property owned in fee simple by Shelly A. Bernhardt, evidenced by that certain deed recorded August 18, 2004 as Entry 2051060 of the Weber County Records. The parcels deed places it upon land owned by Russell and Nancy Hill, owners in fee simple of subject Parcel 2 of this survey as shown hereon. Further research shows that this parcels origins are from a Quit Claim Deed from Ace Financial Services to Kevin Dix Kariger. Since I have not been able to find any prior records of this parcel I believe that it has been created in error by Weber County in a tax sale trying to account for strips of land not accounted for by deeds, (Deed Gore areas), and will require a Quit Title Action to remedy the cloud on the Hill's title.

In performing this survey I found fences to closely match deed locations with the exception of the areas denoted as "Areas of Possible Acquiescence" along the easterly and southerly lines of Subject Parcel 1. Ancient fence lines exist in those areas that are well in excess of 20 years old with evidence of use and occupation up to those fence lines indicating the strong possibility that Boundary by Acquiescence would apply to these areas. I also noted the existence of a recent fence which is currently under construction that follows the south deed line of Subject Parcel 1. In investigating the acquiescence issue I spoke with Brent Julander owner of parcels 08-046-0039, -0059 and asked him about the old and new fence lines. He stated to me that he had begun construction of the new fence line after Kevin Kariger, the previous owner of Subject Parcel 1, had approached him and stated that the old fence was in fact not the true property line. Mr. Julander indicated that Mr. Kariger showed him a rebar monumentalizing the southeast corner of the subject Parcel 1 and he had begun construction of the new fence from that point. After speaking with my clients about the situation they informed me that Mr. Kariger had led them to believe that the old fence lines were the boundary and did not indicate to them the existence of the rebar at the southeast corner of Parcel 1 or the existence of a boundary dispute with the Julanders of the Simpsons, owners of the parcels to the south and east. The Julander's deed for Parcel 08-046-0039 is described from the West Quarter Corner of Section 7, when the root title to that parcel lies in a Warranty Deed to Valentine George Simpson dated January 22, 1896 and is described from the Southwest Corner of Section 7. This deed actually leaves a deed gore parcel (gap) between the Subject Parcel 1 and Julander's of approximately 32 feet. In mapping the areas of occupation for the parcels of land from 4600 South Street north to Julander's it was noted that occupation does not match deed locations and a northerly shift of the deeds is required to match occupation. When the area enclosed by the deeds is compared with occupation they are found to closely match one another. When these parcels are shifted and fitted to fence lines there appears to be excess ground not accounted for by deeds and still leaves a gore area between the Julander and Simpson parcels and the Subject Parcel 1 of this survey. It is my recommendation that a Boundary Line Agreement be pursued with the Simpsons and Julanders.

**DESCRIPTIONS:**

**PARCEL 1:**  
ENTRY 2055166:  
Part of the Southwest Quarter of Section 7, Township 5 North, Range 2 West, and part of the Southeast Quarter of Section 12, Township 5 North, Range 3 West, Salt Lake Base and Meridian, U.S. Survey. Beginning at a point on the south boundary line of Hooper Estates Phase No. 3, a subdivision in Weber county, Utah, which is 298.97 feet South 00°50'18" West along the section line and 234.52 feet South 89°35'26" East along the south line extended and south line of said Hooper Estates Phase No. 3 from the northwest corner of said Southwest Quarter of Section 7 and running thence South 89°35'26" East 329.79 feet along said south line to the northwest corner of Lot 1, Woodies' Place, a subdivision in Weber County, Utah; Thence South 00°50'18" West 309.54 feet, more or less, along the west line and west line extended of said Woodies' Place and to the North Boundary Line of Hooper Estates Phase No. 3, a subdivision in Weber county, Utah, which is 297.50 feet South 00°50'18" West along the section line and 165.86 feet South 89°48'00" East from the northwest corner of said Southwest Quarter of Section 7 running thence South 00°39'59" West 2.08 feet; Thence South 89°35'26" East 68.66 feet along the west and south line of said Hooper Estates No. 3; Thence SOUTH 106.87 feet; Thence WEST 139.74 feet; Thence EAST 149.88 feet; Thence NORTH 175.00 feet; Thence EAST 139.74 feet; Thence NORTH 106.87 feet to the point of beginning.

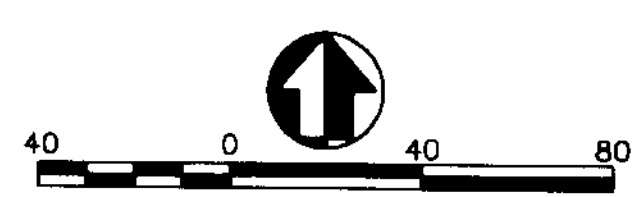
**PARCEL 2:**  
ENTRY 2147251:  
Part of the Southwest Quarter of Section 7, Township 5 North, Range 2 West, and part of the Southeast Quarter of Section 12, Township 5 North, Range 3 West, Salt Lake Base and Meridian, U.S. Survey. Beginning at a point on the south boundary line of Hooper Estates Phase No. 3, a subdivision in Weber county, Utah, which is 297.50 feet South 00°50'18" West along the section line and 165.86 feet South 89°48'00" East from the northwest corner of said Southwest Quarter of Section 7 running thence South 00°39'59" West 2.08 feet; Thence South 89°35'26" East 68.66 feet along the west and south line of said Hooper Estates No. 3; Thence SOUTH 106.87 feet; Thence WEST 139.74 feet; Thence EAST 149.88 feet; Thence NORTH 175.00 feet; Thence EAST 139.74 feet; Thence NORTH 106.87 feet to the point of beginning.

RECEIVED  
APR 03 2006  
WEBER CO SURVEYOR

**LEGEND**

- 18 17 - FOUND SECTION CORNER & SECTION LINE
- 18 17 - FOUND STREET MONUMENT & CENTER LINES
- = SET 5/8" BAR & CAP LS 356548 & PROPERTY LINE
- = EXISTING FENCE LINE
- = EXISTING RIGHT OF WAY LINE (ROW)
- = ADJOINING PROPERTY LINES
- = DIMENSION LINES
- = PUBLIC UTILITY AND DRAIN EASEMENT

ROS = RECORD OF SURVEY  
(C) = CALCULATED BEARING AND DISTANCE  
(R) = RECORD BEARING AND DISTANCE  
(M) = MEASURED BEARING AND DISTANCE



**LINE TABLE**

L1	S88°58'32"E 93.69' (M)	N88°57'59"W 93.71' (R)
L2	S89°45'27"E 98.32' (C)	N89°45'41"W 98.86' (R)
L3	S89°21'45"E 87.69' (M)	N89°21'53"W 87.70' (R)
L4	N00°02'42"W 25.98' (M)	26.15' (R)

**RECORD OF SURVEY OF**  
**TAX PARCELS 08-046-0014, -0062**  
LYING AND SITUATE IN THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 5 NORTH, RANGE 3 WEST, AND THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN

Professional Land Surveyor  
**David E. Hawkes**  
7950 South 860 WEST, Willard, Utah  
P.O. BOX 331, WILLARD, UTAH 84340  
801-792-1569 435-723-7715 FAX

DATE: 01-31-06  
SCALE: 1"=40'  
PROJECT NUMBER: 0601001

DEH DEH JJ  
SHEET 1