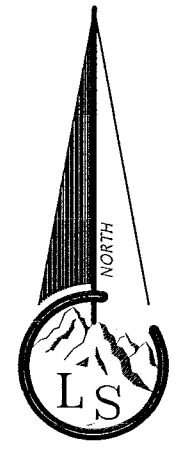


PART OF THE SW 1/4 OF SECTION 32, TOWNSHIP 7 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN
PLAIN CITY, WEBER COUNTY, UTAH - Record of Survey Date: December 2017

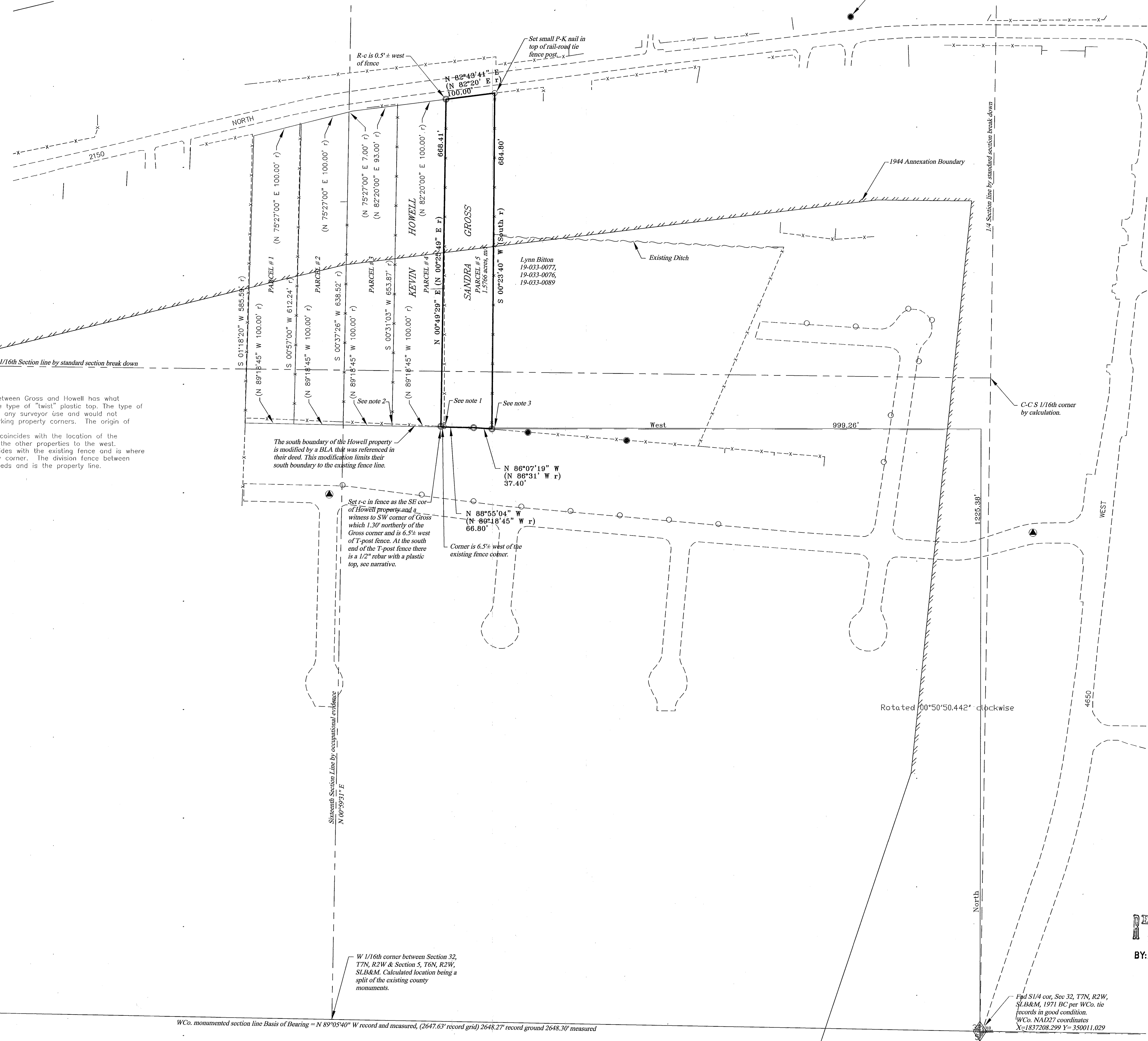


Scale ~ 1" = 100'

Legend

- - - - - EXISTING FENCE
- - - - - EASEMENTS
- - - - - STREET CENTERLINE
- ◆ FND SECTION CORNER
- ▲ FND STREET MONUMENT
- FND CURB NAIL
- FND REBAR AND CAP
- SET #5x24" REBAR AND CAP STAMPED LANDMARK RECORD DATA

- NOTES:
- The south end of the division fence between Gross and Howell has what appears to be a 1/2" rebar with some type of "twist" plastic top. The type of cap is something that I have not seen any surveyor use and would not conform to State requirements for marking property corners. The origin of this rebar is unknown.
 - The SW corner of the Howell property coincides with the location of the existing fence as does the corners of the other properties to the west.
 - The SE corner of Gross property coincides with the existing fence and is where I set a rebar and cap for the property corner. The division fence between Gross and Bitton conforms with the deeds and is the property line.



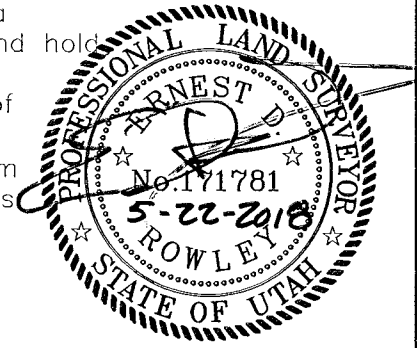
RECORD DESCRIPTION (Gross Parcel)
As recorded by Warranty Deed in Book 1556 Page 736 of the Weber County deed records on March 2, 1989 which describes the property as follows: Begin at a point which is north 1227.20 feet and West 1030.19 feet from the Southeast corner of the Southwest quarter of Section 32, Township 7 North, Range 2 West, Salt Lake Base and Meridian and running thence North 86 degrees 31 minutes 00 seconds West 37.40 feet, thence North 89 degrees 18 minutes 45 seconds West 68.80 feet, thence North 00 degrees 25 minutes 49 seconds East 668.41 feet to the Southerly line of a street (2150 North Street), thence North 82 degrees 20 minutes 00 seconds East 100.00 feet along said street, thence South 684.00 feet to the point of beginning.

RECORD DESCRIPTION (Howell Parcel)
As recorded by Warranty Deed as Entry number 2757325 of the Weber County deed records on September 23, 2015 which describes the property as follows: Beginning at a point which is north 1227.20 feet and West 1030.19 feet and North 86°31'00" West 37.40 feet and North 89°18'45" West 66.80 feet from the Southeast corner of the Southwest Quarter of Section 32, Township 7 North, Range 2 West, Salt Lake Base and Meridian and Running Thence North 89°18'45" 100.00 feet, thence North 00°31'03" East 653.87 feet to the Southerly line of a street (2150 North Street), thence North 82°20'00" East 100.00 feet along said street, thence South 00°25'49" West 668.41 feet to the point of beginning. Less and excepting therefrom any portion which lies south of existing fence lines as described by Quit Claim Deed and Boundary Line Agreement, Recorded July 14, 1994, as Entry No. 1301565 in Book 1723 at Page 597 of official records.

AS SURVEYED DESCRIPTION (Gross Parcel)
A parcel of land located in the Southwest Quarter of Section 32, Township 7 North, Range 2 West, Salt Lake Base and Meridian, known as Parcel #5 shown and recorded on a map titled, "Preliminary Prepared For: Mick Moreno" dated 01-03-89, Drg. No. M18-88-3284 done by Great Basin Engineering & Surveying of Bountiful, said parcel having a basis of bearing of North 89°05'40" West between the monumented South Quarter corner (Weber County NAD27 coordinates of X= 1837208.299 and Y= 350011.029) and the monumented Southwest corner (Weber County NAD27 coordinates of X= 1834561.0 and Y= 3500.5288) of said Section 32, said parcel being more particularly described as follows: BEGINNING at the Southeast corner of said Parcel #5, monumented by a 5/8" rebar with a Landmark Surveying cap next to an existing wood fence post, which point is located 1225.38 feet North and 999.26 feet West, FROM said South Quarter corner of Section 32; RUNNING thence North 86°07'19" West 37.40 feet, along an existing fence line to a 5/8" rebar with a Landmark Surveying cap; Thence North 88°55'04" West 66.80 feet; Thence North 00°49'29" East 668.41 feet, said line passing through a 5/8" rebar with a Landmark Surveying cap at a distance of 1.3 feet Northerly of the Southwest corner of said Parcel #5, to a 5/8" rebar with a Landmark Surveying cap representing the southerly line of 2150 North Street; Thence North 82°43'41" East 100.00 feet, to a small P-K nail set in a rail-road tie post being the northeast corner of said Parcel #5; Thence South 00°23'40" West 684.80 feet, along or near an existing fence line, to the point of beginning. Containing 1.5766 Acres, more or less.

NARRATIVE
The purpose of the survey is to identify the deed and property line of the Sandra Gross property. This is in response to a dispute regarding a newly constructed fence line by the Howell's which encroaches 6.5 feet into Sandra's property at the south end and 0.5 feet of encroachment at the north end of the new fence. The basis of bearing is as noted hereon and in the As Surveyed Description (Gross Parcel). The project was surveyed using GPS RTK techniques with the GPS Base occupying B.O.R. B.M. monument designated "6-2 NE 6" which have Weber County record position of Latitude=11°17'53.0445" N & Longitude=122°10'44.005" W.
1. I began this survey by doing document research related to the properties in question. This research turned up a boundary line agreement that was signed by the Weber County Commissioners which would affect the south boundary of Gross's, yet I could not see where the County had a title interest to enter into such an agreement. Also, there were no other signatures of any of the private parties that were owners of the property on each side of the line described in that agreement.
2. The identification of this agreement prompted other avenues of research which entailed a detailed search of the deeds in the Southwest Quarter of the section and making GRAMA requests of Weber County and Plain City. The GRAMA request to the county was responded to by stating that they had no records relating to the document. Plain City responded with numerous documents which all appear to be related to the Big Cottonwood Estates Subdivision phases. I did not see anything in those documents that were responsive to the county agreement document.
3. It became necessary to draft (plot) numerous deeds related to the Southwest Quarter of the section to piece together the chain of descriptions to eventually identify the circumstances associated with the southerly portion of the Nick Moreno property. Nick is Sandra's deceased father and owned a tract of land which has been divided by him based on a Great Basin Preliminary plat. A copy of this 8.5"x11" drawing was provided to me by Sandra and contains a statement written and signed by Nick Moreno which states, "I Nick Moreno Sr. Give all my Blood Children ONLY a Parcel of Land as a GIFT, No March 2nd 1989 Located in Plain City." There is not enough information on the plat to know if it was surveyed and monumented or a division of the record title.
4. Evaluating the Great Basin (GB) plot it became evident that the tie to the current county monument for the S 1/4 corner were slightly off. The tie on the plot was noted to be, North 1227.20' and West 1030.19' to the southeast corner of Parcel #5. The physical location of the fence that is the southeast corner of Parcel #5 is by my measurement North 1225.38' and West 999.26'. The Southeast corner of the Parcel #5 was held to be at a fence post that has been identified as the corner of the Gross's property. It also became necessary to rotate the GB plot 00°23'40" CW. When doing so most fences match the Parcel lines created by the GB plot.
5. While this translation and rotation rectified the location of the Parcel divisions it did not explain the problems with the south boundary of Gross's and the north boundary of the Big Cottonwood Estates Subdivision.

SURVEYOR'S CERTIFICATE
I, Ernest D. Rowley, do hereby certify that I am a professional land surveyor in the State of Utah and hold certificate no. 171781-2201 as prescribed by the laws of this State. That I have made a survey of the property(s) shown hereon in accordance with UCA 17-23-17. That this plat was prepared from the field notes of this survey and from documents and records as noted hereon.



Landmark Surveying, Inc.
A Complete Land Surveying Service
www.LandmarkSurveyUtah.com
4646 South 3500 West - AA-3
West Haven, UT 84401
801-731-4075

CLIENT: Sandra Gross
Address:

RECEIVED
MAY 29 2018
BY: 6003A

SW 1/4 of Section 32,
Township 7 North, Range 2 West, Salt Lake Base and Meridian.

Revisions	DRAWN BY: EDR
	CHECKED BY: ...
	DATE: March 20, 2018
	FILE: 3659

Sheet 1 of 2

SW cor, Sec 32, T7N, R2W, SLB&M, 1989 BC per WCo. tie records in fair condition. WCo. NAD27 coordinates X=1834561.0 Y=350052.88

W 1/16th corner between Section 32, T7N, R2W & Section 5, T6N, R2W, SLB&M. Calculated location being a split of the existing county monuments.

Find S1/4 cor, Sec 32, T7N, R2W, SLB&M, 1971 BC per WCo. tie records in good condition. WCo. NAD27 coordinates X=1837208.299 Y=350011.029

WCo. monumented section line Basis of Bearing = N 89°05'40" W record and measured, (2647.63' record grid) 2648.27' record ground 2648.30' measured

NARRATIVE (Continued)

- The deed for the Howell Parcel #4 states that the property being conveyed is "Less and Excepting therefrom any portion which lies south of existing fence lines as described by Quit Claim Deed and Boundary Line Agreement, recorded July 14, 1994 as Entry No. 1301565 in Book 1723 at page 597 of official records" (see document recorded Entry# 2757325). The deed for Parcel #5, Gross's, does not have this statement. However, because of this exception for Parcel #4 I did not set the southwest corner of Parcel #5 south of the fence. Instead the rebar that was set represents the Southeast corner of the Howell's property being Parcel #4.
- The deed for Parcel #3 (Entry no. 2608115) also contains the exception for the boundary line agreement (BLA) that Parcel #4 contained.
- The deeds for Parcel #1 and Parcel #2 do not make reference to the boundary line agreement.
- In looking at the boundary line agreement, recorded as Entry# 1301565 Book 1723 page 597 on July 14, 1994 (BLA), the document was executed by Weber County as Grantor with a statement that reads, "The following description is to be established as the Boundary Line between the adjoining parcels of land and property owners as set forth herein." Then it names several individuals, none of which signed the document. The only signatures are those of the three county commissioners and a Notary Public.
- The effect that the BLA has had on the two properties in question became an issue related to the location of the southwest corner of Gross's (Parcel #5) and the southeast corner of the Howell's (Parcel #4).
- The document raised the question of authority related to the County Commission to execute such an agreement. Which question began a lengthy research process starting with the first recorded transactions on the property. The following will be an abbreviated version of the title history that will focus on key documents in the chain to help answer the questions relating to the south boundary of the subject properties, which are also the approximate north boundary of Big Cottonwood Subdivision.

- Title history:**
- In 1881 Moroni Sken deeded three parcels shown in Exhibit A as U-419 and 6-461, then in 1883 he deeded the parcel shown as W-277. This was subsequent to his receiving the Patent for the East 1/2 of the Southwest Quarter in 1882 even though it was not recorded in 1884.
 - W-277 and 20-360 cover Parcels #3, 4, and 5. Evaluating 20-360 the tie from the south quarter places the SW corner of the property at Point A. After evaluating the property and additional deedings done in 1917 with document 60-615 it became evident that the property should be positioned where shown in Exhibit A. Note, the corrected tie in 60-615 still did not match the fenced location of the property without the adjustment made as shown.
 - Although 22-353 has a 65.4 foot closing error it was helpful in being able to identify the 17 foot south shift of the W-277 and 20-360 with the location of the POB which is on the 1/16th section line, Point B. The closing error on Exhibit A has been placed just prior to the last call at the southeast of the parcel in 4650 West Street.
 - 57-243 is one of the first deeds to cover Parcels 1 and 2 other than the Patent.
 - The document that caused much of the problem related to the south boundary of the Moreno property is 105-176 which is a Court Decree of Divorce. It was executed in 1923 but not recorded until 1926. It was intended to describe the same property as deeded by W-277 and 33-359 but instead of using the W 1/16th corner between Section 32 and Section 5 as deed W-277 did the scrivener that prepared the description for the court order changed the tie from the W 1/16th corner to the South 1/4 corner.
 - Additionally, the court description used the same bearing and distance for the P.O.B. tie as did W-277 establishing a new P.O.B. for the parcel, see Point C. This caused the description to be incorrectly shifted North by the Latitudinal difference of the bearing of the south boundary of the parcel. I have drafted the dashed "Line 1" which shows that by ignoring the Latitudinal difference the P.O.B. points of W-277 and 105-176 are essentially East-West of one another. This error caused a described "gap" between 105-176 and 22-353 which is shown with hatching.
 - Unfortunately, this tie error of 105-176 is perpetuated in nearly all subsequent transactions which eventually caused the gap to be sold at a tax sale by the county.
 - In 1944 Plain City annexed a portion of Parcels 1 thru 5 with a description that was essentially 300 feet south of 2150 North Street. It has been the practice of the County Recorder's Office to re-write land descriptions when annexations occur that split parcels such as this annexation did for the Moreno property. The reason to mention this has to do with what happens to the tax descriptions of these properties and the tax sale that the county did for the "gap".
 - Then in 1948 Carl Olson sells to Rulon Jenkins a tract that eventually becomes Parcel 1 and 2 of the Moreno property. This was 322-554 and created the West boundary of Nick Morano and Parcel 1. There is an existing fence line at this west boundary and has been identified as closely conforming to the granted location of the Jenkins parcel.

Scale ~ 1" = 150'

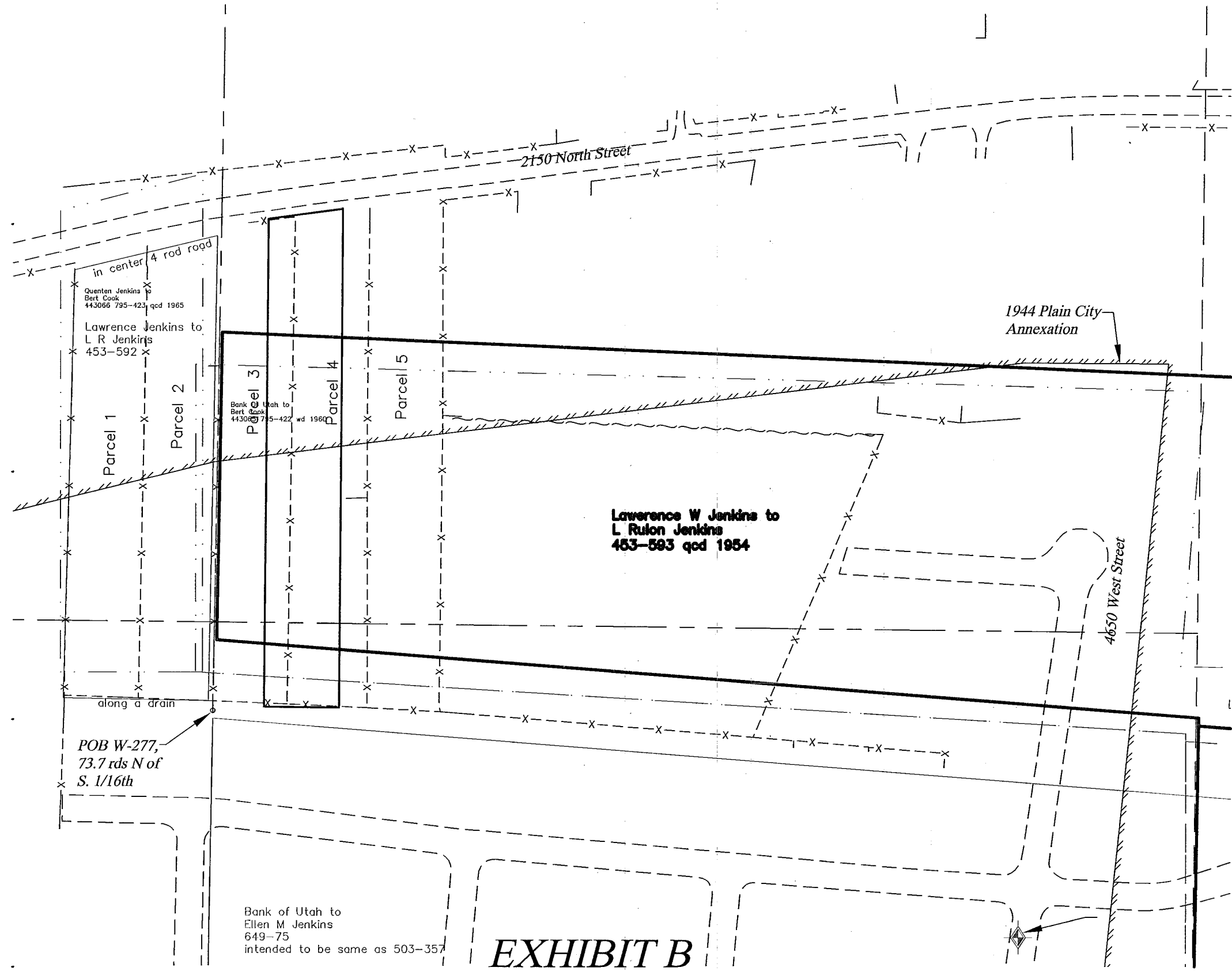


EXHIBIT B

NARRATIVE (Continued)

- EXHIBIT B**
- In 1954 Rulon Jenkins received two parcels by deeds 453-592 and 453-593. Deed 453-592 subdivided 322-554 (see Exhibit A) and describes the tract as "S 75'27" W (in center of sd road) 197 ft; th S along fence line, to intersection of drains" ... "th E 195 ft along a drain". These bounds calls make the location of the property clear. The fence and drain being called for are still evident along the west and south boundaries respectively.
 - Parcel 423-593 intended to deed the same property as 105-176 but perpetuated the same POB tie error that was created by the divorce decree. Again, this error left a gap in the county tax map. The gap is between Line 3 and Senior Line 4. If the property was placed where it was first deeded then Line 2 would shift south about 100 feet to match the existing Ditch and Line 3 would shift by the same 100 feet to the south to match the Senior Line 4. This would close the gap and keep intact the rightful ownership of the properties in this area.
 - Rulon Jenkins then acquires the property to the south by 503-357. This grants the property which originally created the senior line 4. Because Jenkins purchased the property to the south of the Senior Line 4 and that the property to the North of said line is also his and should be shifted to the south to match Senior Line 4 and eliminating the gap this Senior Line 4 effectively goes away through merger of title.
 - Bank of Utah then acquires both of the Rulon Jenkins parcels by documents 633-363 and 633-364 in 1959. Subsequently in 1960, Bank of Utah deeds the southern parcel to Ellen Jenkins by 649-75. This transaction resurrected the Senior Line 4 and again separated the two parcels. Then in 1960 Bank of Utah conveys the northerly parcel to Bert Cook. The location using the metes of the description is shown and noted "Cook Boundary" in Exhibit B. Jenkins also sells to Cook the parcel west of the 1/16th section line by 795-423. The platted location of these descriptions is shown and it is evident that they do not conform to the intended location of the property. The Cook parcel (795-423) would conform to the location of the Drain Ditch and with that in mind it could also be shown that the Cook 795-422 parcel obtained from Bank of Utah should also be adjusted to fit the same location. However, this is not what happened in the tax records. The conveyance from Bank of Utah continued the same error in the tax record of the county which left a "gap" between the Senior Line 4 and the Cook Boundary.

- EXHIBIT C**
- In 2005 Landmark Surveying did some work on the Big Cottonwood Subdivision to put together a topography drawing of the area for further engineering to be done on the job. From the topography work it is documented that there was a large drain ditch that separated the properties. The existing fence line (which still is in place today) appears to have been built on the north bank of the Drain ditch and the property lines were intended to be the south bank of the ditch.
 - Exhibit C shows the Cook parcel location being adjusted to fit the bounds calls in 795-423 in which Jenkins got the property the deeds were calling for the Drain ditch. If this bounds was to the north bank, center line, or south bank it did not say.
 - Holding the Bank of Utah parcel as attached to the Jenkins parcel and adjusting them simultaneously shows that the using the County Road bounds call places the parcels so that the location would more closely fit the Irrigation ditch on the north boundary of the Bank of Utah parcel.
 - On the south of the Bank of Utah to Cook parcel the boundary comes close to matching the Senior Line 4. If further adjustment was made to bring the Irrigation ditch on the north and the Senior Line 4 together the "gap" would be eliminated and the north boundary of the Jenkins to Cook parcel would be near the south edge of the existing pavement.

Scale ~ 1" = 150'

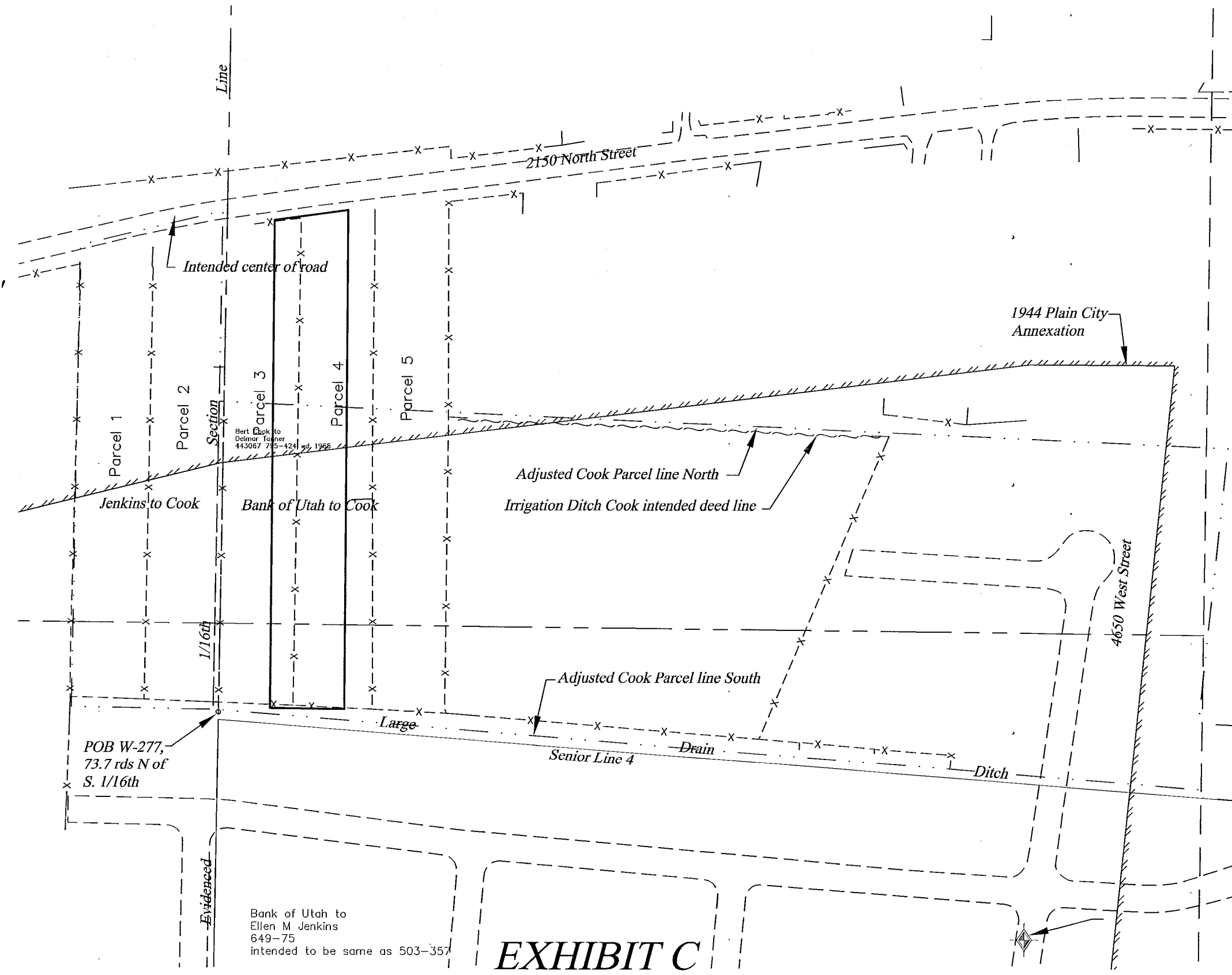


EXHIBIT C

Scale ~ 1" = 150'

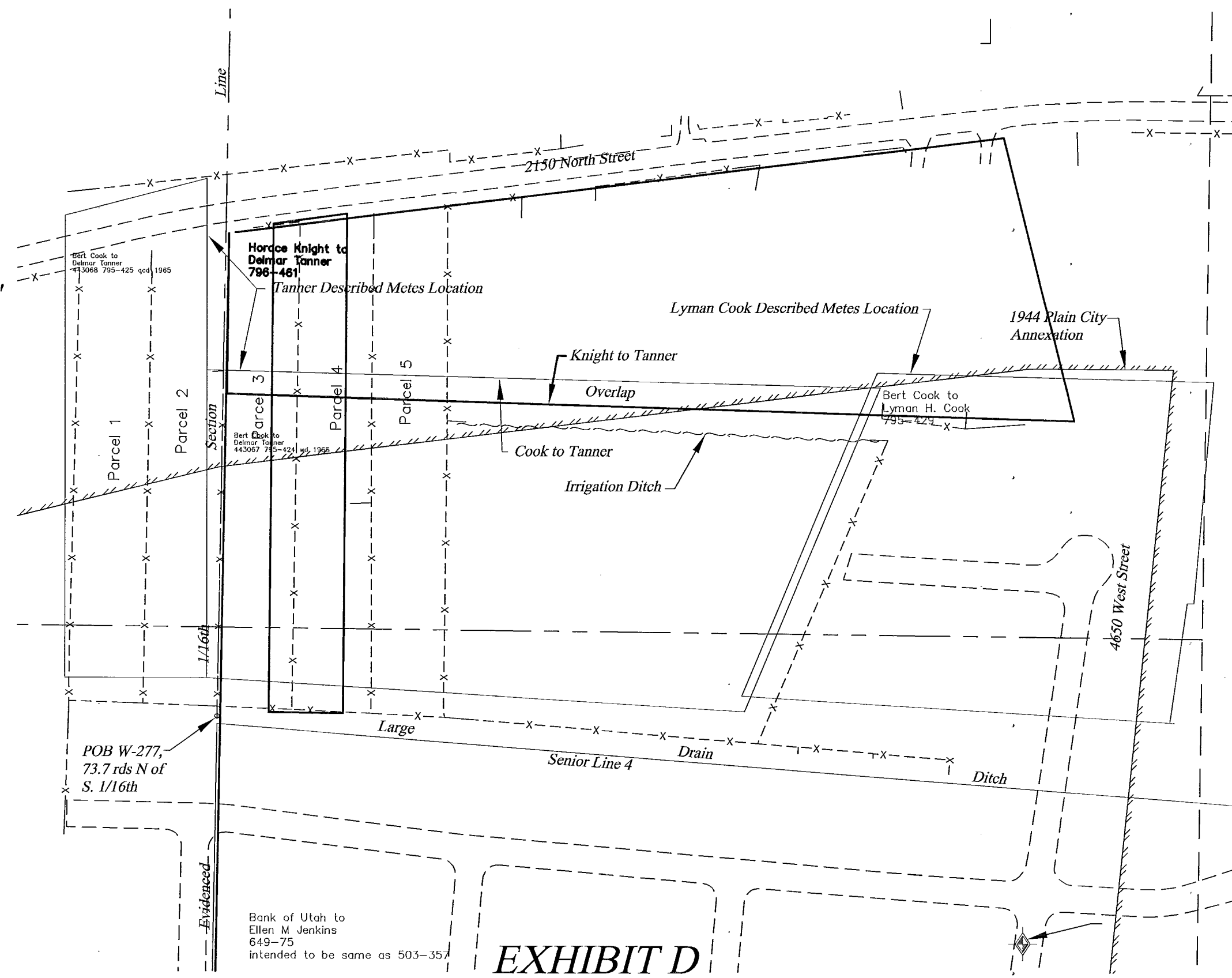
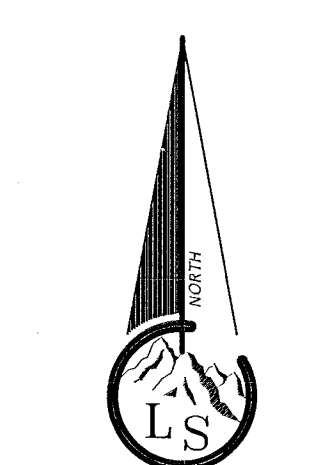


EXHIBIT D

NARRATIVE (Continued)

- EXHIBIT D**
- In 1962 Bert Cook sells the property to Tanner and Lyman Cook. The parcel that is now Big Cottonwood Estates Phase 3 was sold to Lyman Cook by deed 795-429 and is shown in the described metes location.
 - The western part of the Bank of Utah to Cook parcel was sold to Tanner along with the Jenkins to Cook parcel. These are also shown in their described metes location. From these described metes locations it can be seen that the gap on the south still persists in the documents.
 - Also in 1962 Knight's sell to Tanner the property which is between the south boundary of the county road (as bounded in 796-461) and the former Cook property. It can be seen that the south boundary of the metes description of the Knight to Tanner parcel does not fit the Irrigation Ditch and causes an overlap with the Cook to Tanner metes description. This is not a problem because the title is held by the same owner now, however, it still raises the question with the status of the "gap" at the Large Drain Ditch.
 - If the Knight description location would be held as correctly describing the common line for the Knight and Cook properties and the Cook parcels adjusted to match the Knight parcel then there would still be a "gap" at the south by the Large Drain Ditch but the descriptions would fit fairly close to the existing fence line which was on the north side of the Large Drain Ditch. At this point Tanner owns all of the property between the County Road and the north boundary of the Large Drain Ditch.
 - The only question is the status of the Large Drain Ditch ownership. Following the previous analysis the "gap" would also be owned by Tanner.



Scale ~ 1" = 250'

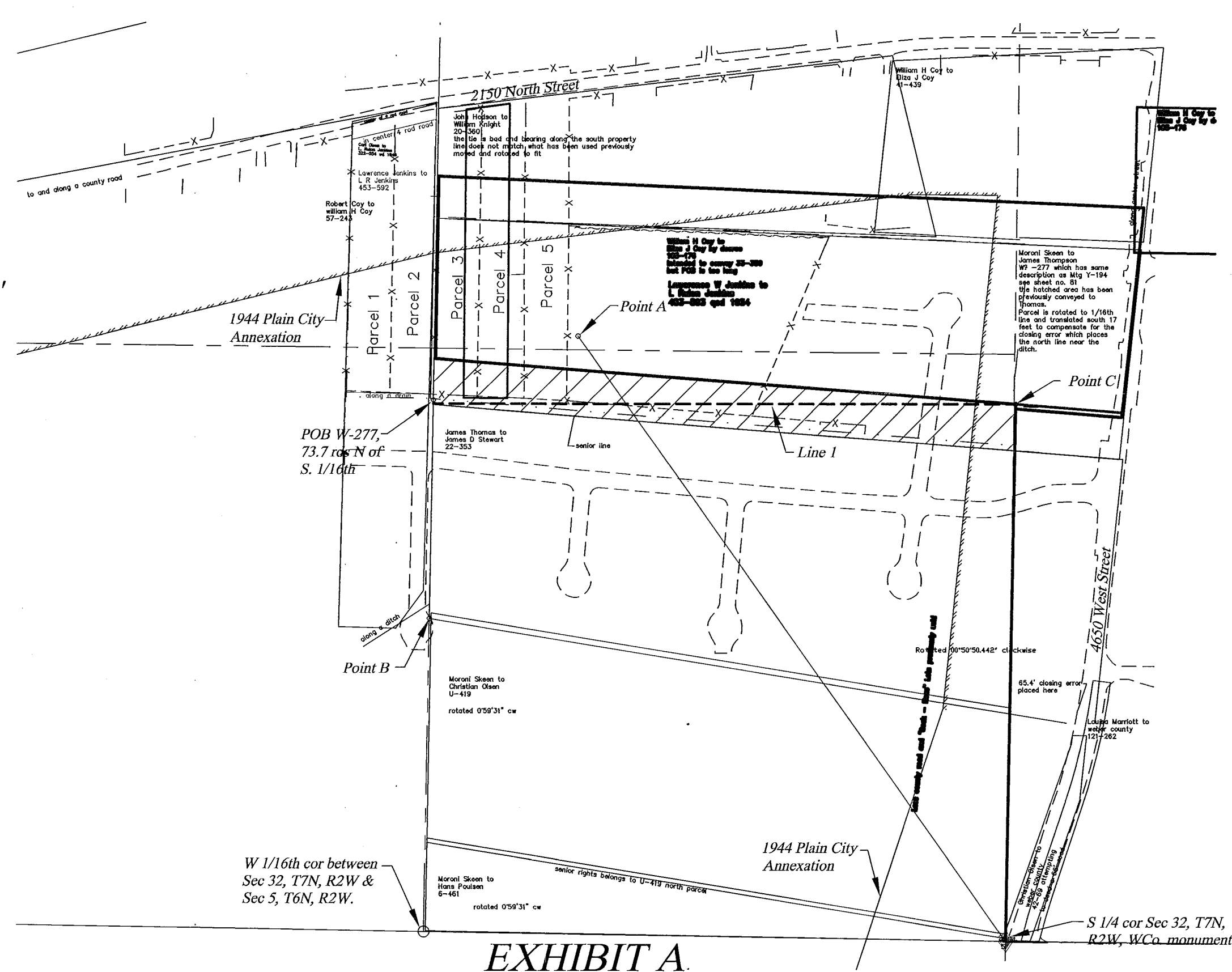


EXHIBIT A

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MAY 29 2018
BY: 6003 B

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4646 South 3500 West - #A-3
West Haven, UT 84401
801-731-4075

CLIENT: Sandra Gross
Address:

SW 1/4 of Section 32,
Township 7 North, Range 2 West, Salt Lake Base and Meridian.

Revisions: _____ DRAWN BY: EDR
CHECKED BY: _____
DATE: March 20, 2018
FILE: 3639

Sheet 2 of 2

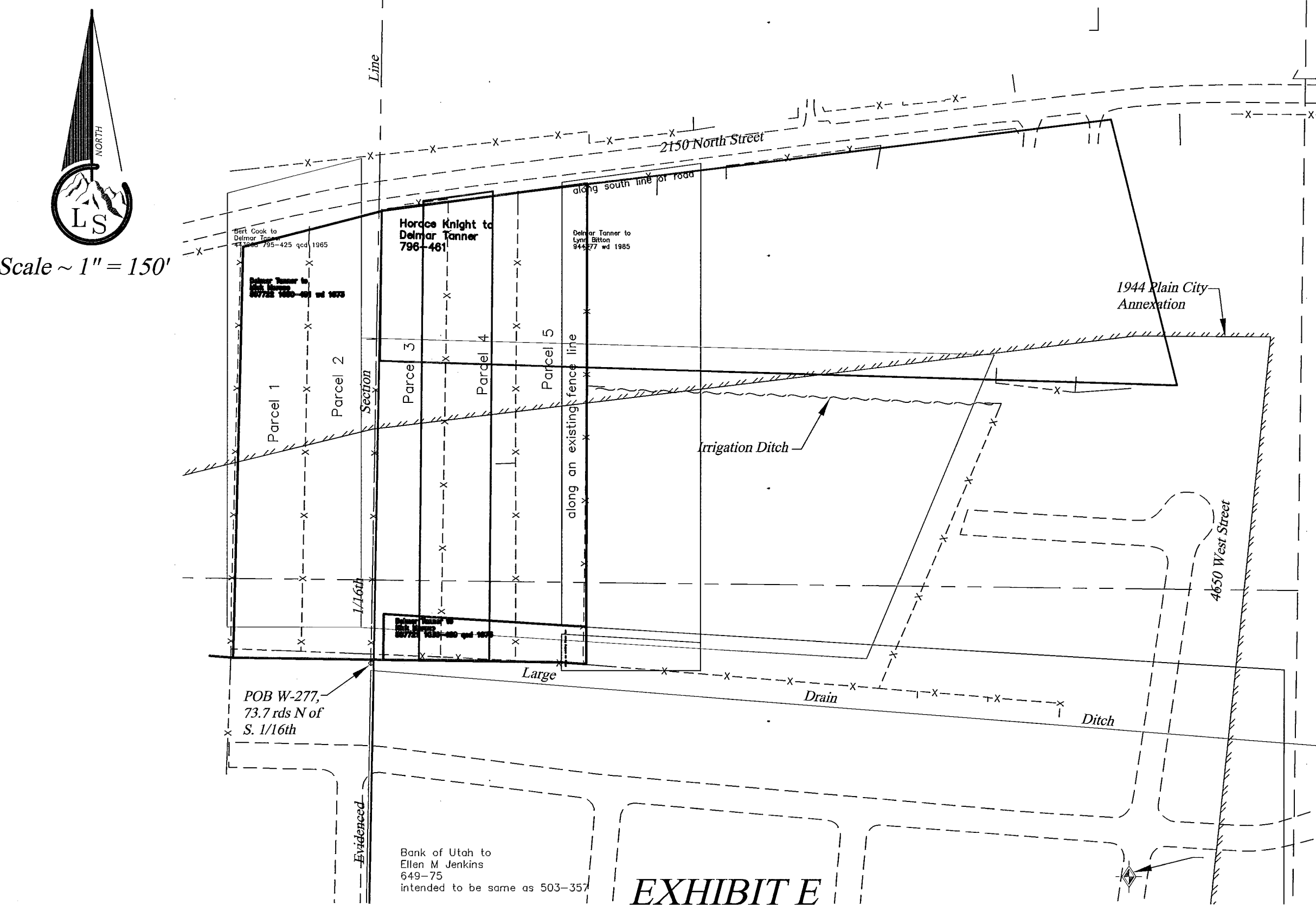


EXHIBIT E

NARRATIVE (Continued)

- While the 1962 Tax maps show a small gap (not nearly the size that it is when plotting the metes descriptions) for the Large Drain Ditch, there is no assessment being made on that strip.
- In 1973 Tanner sells the western part of his property to Nick Moreno, Sandra Gross' father. Apparently recognizing that the county was showing some type of title issue with the southern part of the property (but only that on the east of the 1/16th section line) deeded the property in two separate transactions. One being a Warranty Deed (1030-481) for the property west of the 1/16th section line along with the northern part of the property east of the 1/16th section line. Then the southern part of the property was deeded by quit claim deed (1030-480). This conveyance comprises parcels 1 thru 5 prior to being subdivided.
- The metes description location of the conveyance needed to be adjusted to the east to conform to the occupation.
- In 1985 Tanner sells to Bitton the property east of the Moreno property. In that deed it states that the west line is to be along an existing fence line. This fence is the Bitton/Gross fence. Since the fence is east of the platted location the Bitton deed must be adjusted east to conform to the existing fence line.
- The Bitton deed and fence being called for also help in placing the east-west location of the Moreno parcel.
- In January of 1989 Great Basin Engineering did a survey plat for the Moreno property which subdivided the ground into the 5 parcels that we see today. A copy of the plat was provided to me by Sandra. This survey was tied to the South quarter of the section as has most descriptions but when plotting the location of the parcel is also plots west of the occupations.
- In March of 1989 Nick Moreno deeded to his children 4 of the 5 parcels (retaining parcel 2 for him self). The descriptions used on the deeds are precisely the same as found on the Great Basin survey plat. The plat contained a hand written note which states, "I Nick Moreno Sr. Gave all my blood children, Only a parcel of land as a gift. No March 2nd 1989 located in Plain City." signed, "Nick Moreno".

- In May of 1991 the county executed a Tax Sale the record being recorded as E#1143382 B1602 p30 June 20, 1991 with a Tax Deed being recorded July 11, 1991 which described the property as shown.
- The tax sale failed to recognize the Quit Claim conveyance in which Tanner sold to Moreno the property that is on the south of Parcels 3, 4 and 5 but instead encumbered the property. At this point the county had sold to Jay E. Gresham et al the strip as shown.
- Later in July of 1994 the county commission took an action by recording a "Quit Claim Deed and Boundary Line Agreement" as Entry #1301565 B1723 p597 on July 14, 1994. The description is shown as a line type with squares. This document purports to "hereby Quit Claim the following described tract of land in Weber County...", however, the county had no interest to convey. Any such interest that may have been obtained by the tax same was conveyed to Gresham in 1991.
- The document continues, "[t]he following description is to be established as the Boundary Line between the adjoining parcels of land and property owners as set forth herein. Everything on the South of the described boundary line will vest in Quentin M. Jenkins and Joe Ann Jenkins, as their interest may appear as established by existing fence lines. Everything on the North will vest as their properties currently are vested as their interest may appear as established by existing fence lines in the names of the following grantees: Jeffrey S. Scholtec and Kim a. Tipton, Lyman Harvey Cook and Dorothy Toone Cook, Jay E. Gresham and Ledell M. Gresham, Lynn B. Bitton and Robyn N. Bitton, Sandra M. Gross, Elizabeth Moreno and Lorenzo Moreno." Then it proceeds to describe the existing fences as shown in Exhibit F.
- None of the property owners named in the document signed it, only the county commission.
- Even though the commission were the only signatories on the document in the deed which the Howell's received it states, "Less and Excepting therefrom any portion which lies south of existing fence lines as described by Quit Claim Deed and Boundary Line Agreement, recorded July 14, 1994 as Entry no. 1301565 in Book 1723 at page 597 of official records." This statement limits Howell's ownership to the existing fence line which is where I set the rebar and cap marking the common line between Howell's and Gross'.
- The Gross' deeds do not contain this limitation of title and she may have a claim south of the existing fence line.

Scale ~ 1" = 150'

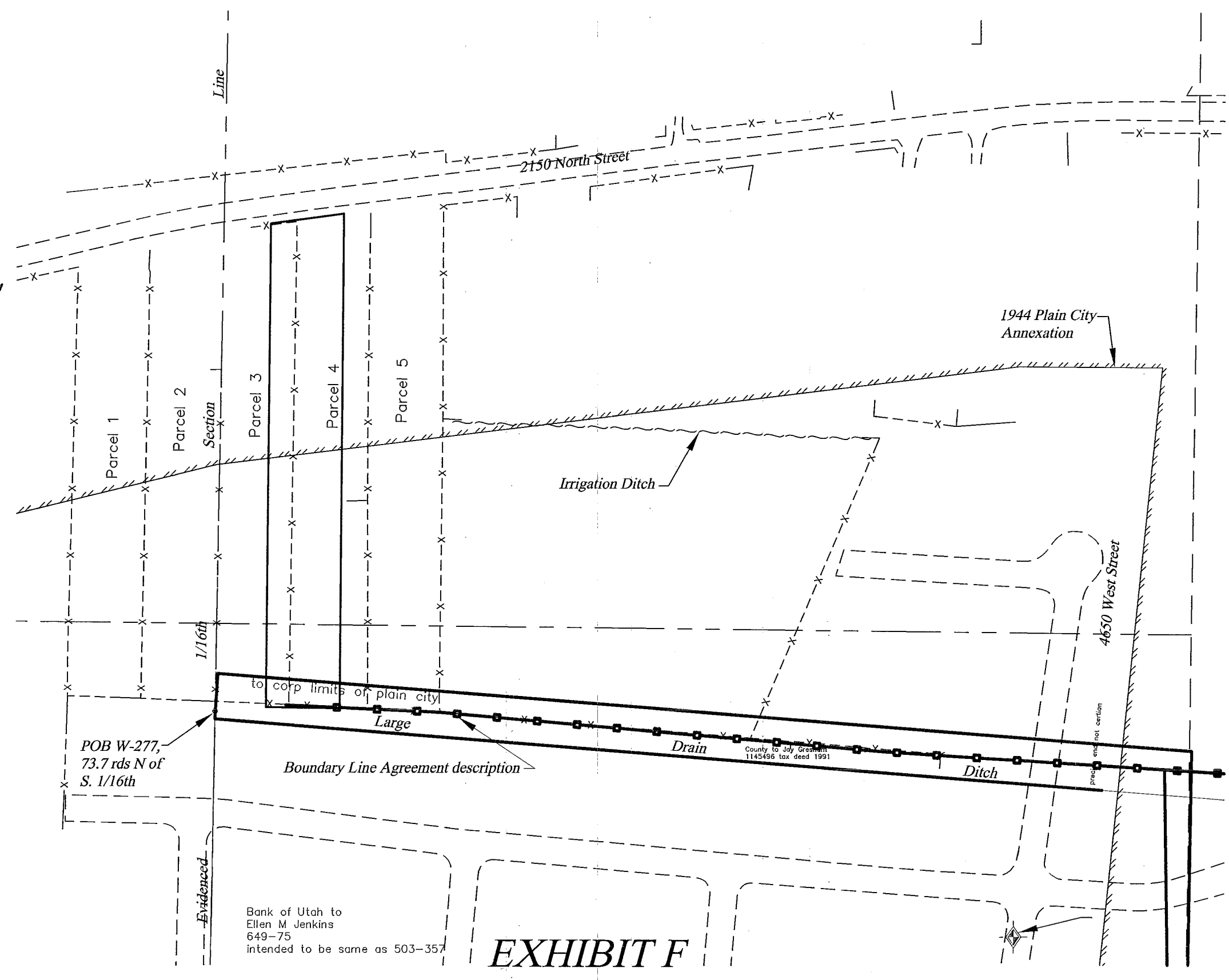


EXHIBIT F

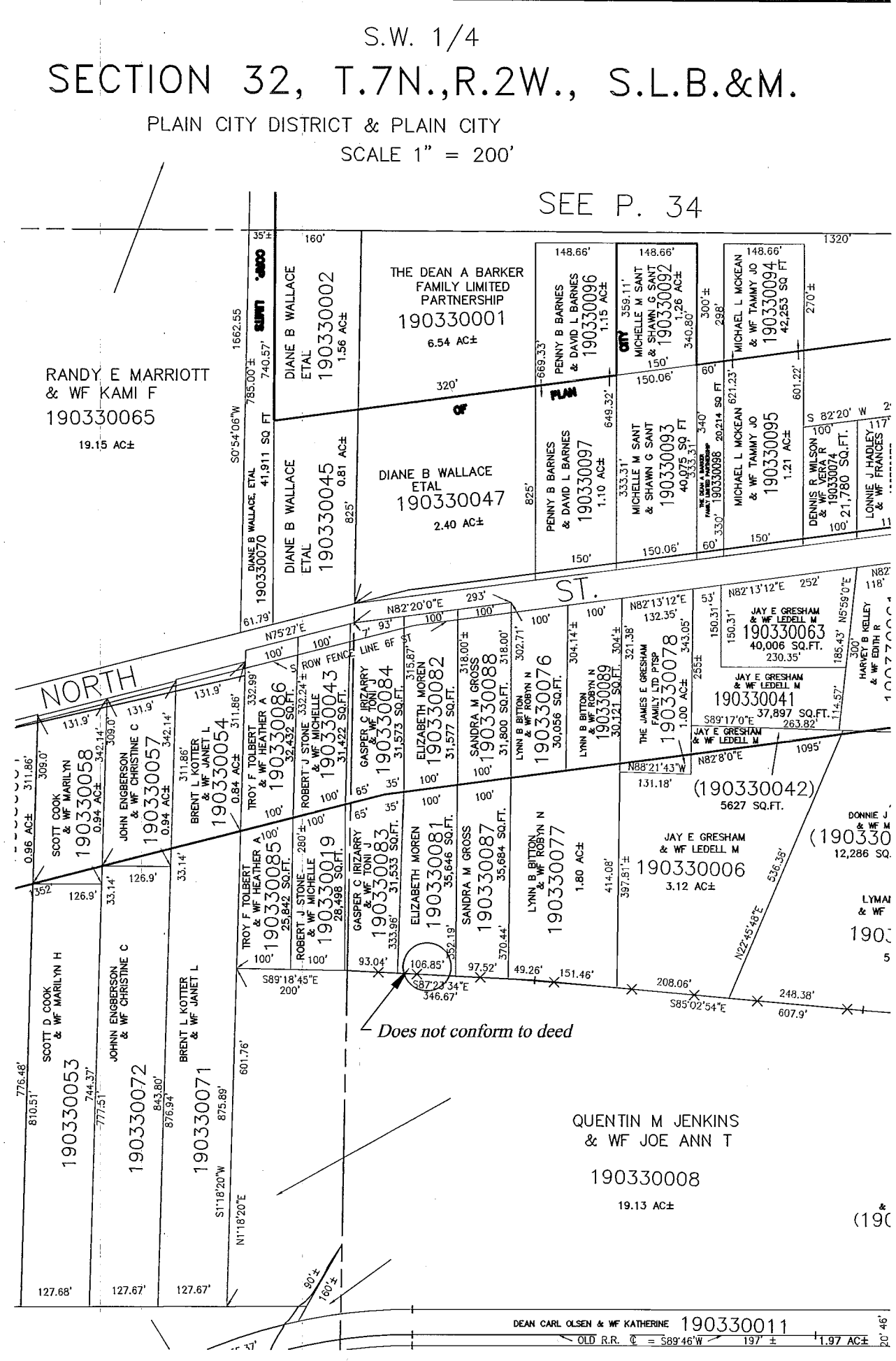


EXHIBIT G

NARRATIVE (Continued)

- Some time between 1994 and 1998 the county recorder changed the tax maps to reflect the boundary line agreement and changed the deed dimensions associated with both Gross' and Elizabeth Moreno (now Howell's) properties. There are other changes shown on this tax map but the only ones being discussed will be those of the Gross' and Howell's.
- This situation remained unnoticed and dormant until Elizabeth sold the her property to Kevin Howell in 2015.

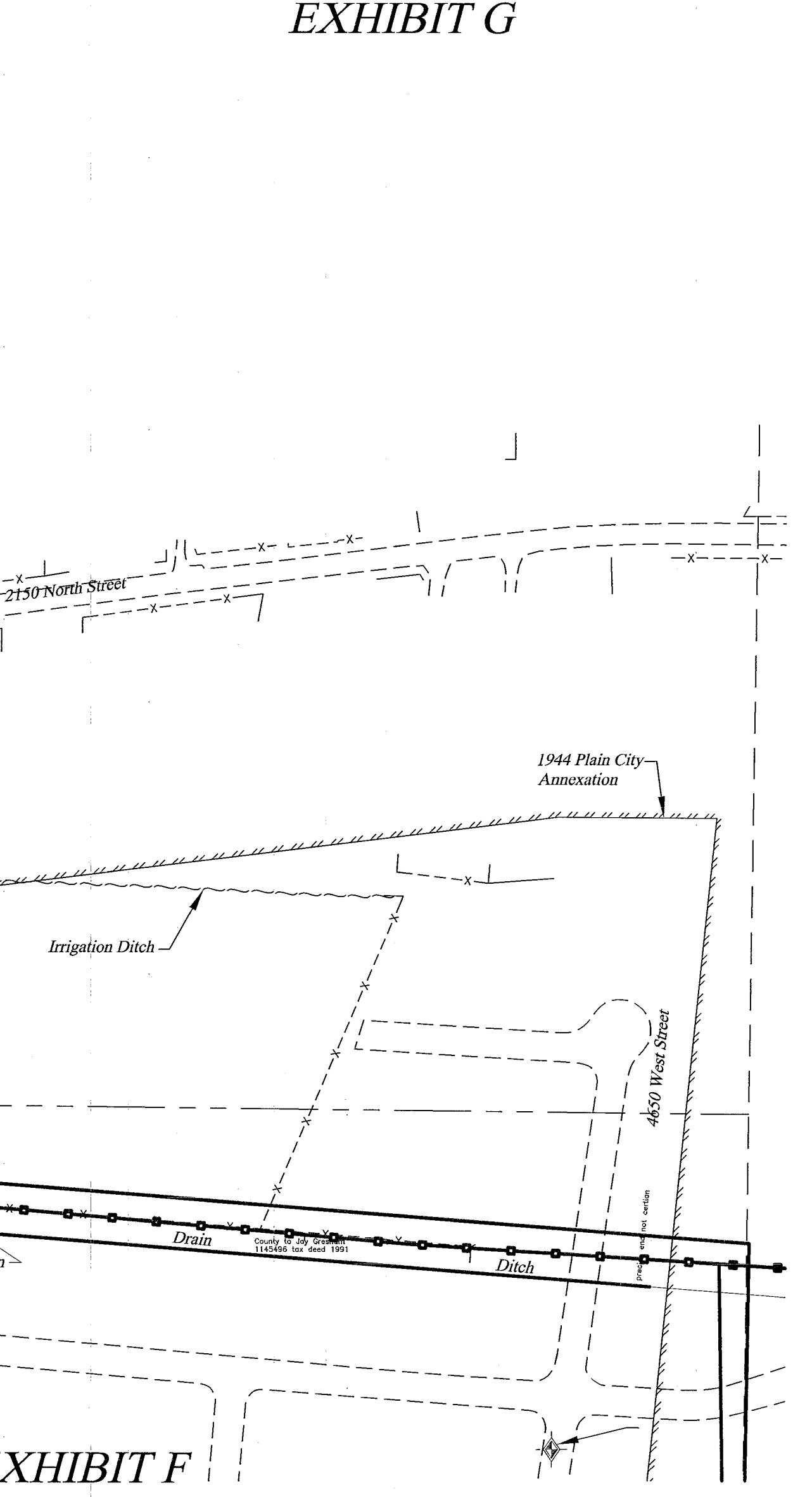


EXHIBIT H

NARRATIVE (Continued)

- This exhibit shows that the current tax descriptions for the Gross property are in serious error. This is because of the "re-writing" of the property descriptions by the county recorder. The problem originated when the 1944 Annexation to Plain City was recorded.
- The annexation caused the original properties to be located in two different tax units and the recorder re-wrote the metes descriptions to "conform" to the annexation boundary. The Moreno properties were also re-written when Nick deeded to his children the parcels 1 thru 5.
- In this re-writing and re-plating of the parcels the county recorder has "gave" an additional 6.85 feet of distance to the Howell's south boundary. However, the tax description that is being used for the Howell's property does not reflect that erroneous distance, instead it reflects the description that is contained in E#2802674 which only recognizes 100 feet of width on the north and south boundaries.
- Nick Moreno only gave Elizabeth a strip of ground 100 feet in width and Elizabeth only deeded to Howell's the same strip she received title to. The Howell's are not entitled to the 106.85 feet of distance shown on the county plat.
- The current tax map also shows that a "gap" still exists between the fence that was described in the county commission Boundary Line Agreement and the north boundary of Big Cottonwood Estate Subdivision Phase 2. There is actually no gap in these properties.

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MAY 29 2018
BY: 6003 C

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CLIENT: Sandra Gross
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SW 1/4 of Section 32,
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Revisions: _____ DRAWN BY: EDR
CHECKED BY: _____
DATE: March 20, 2018
FILE: 3659

Sheet 3 of 3

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