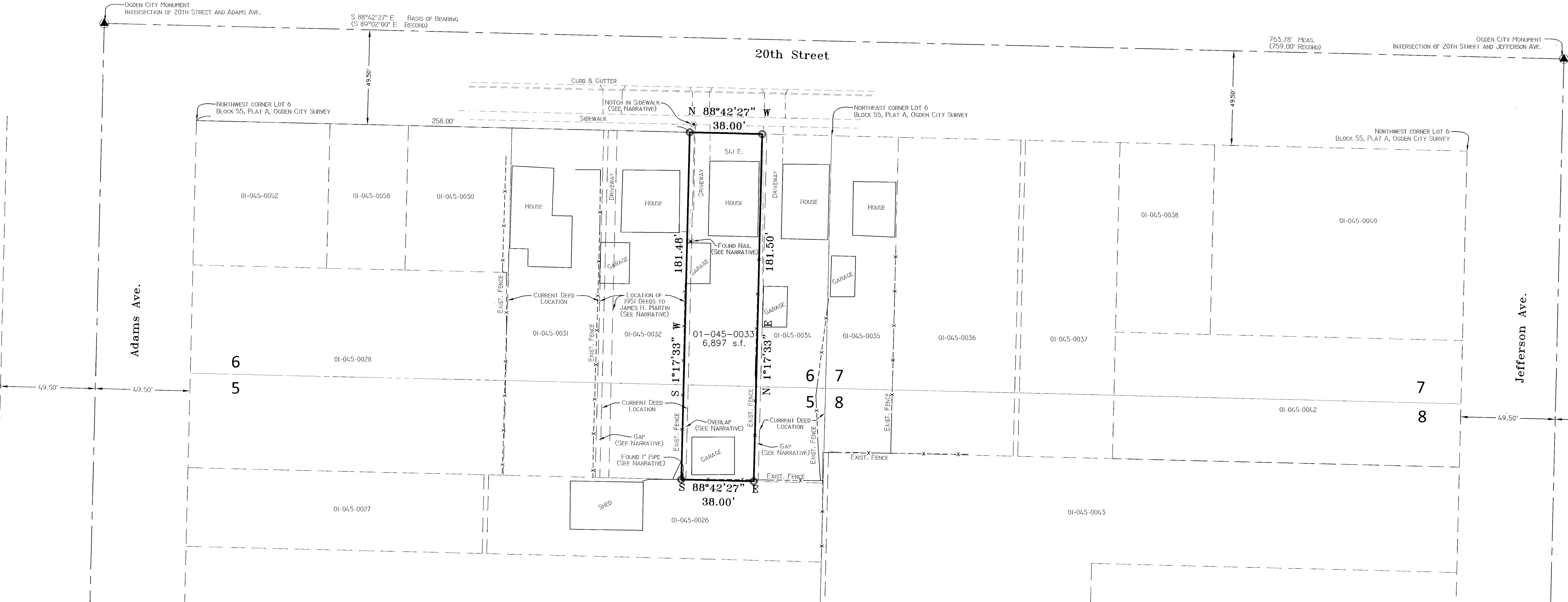
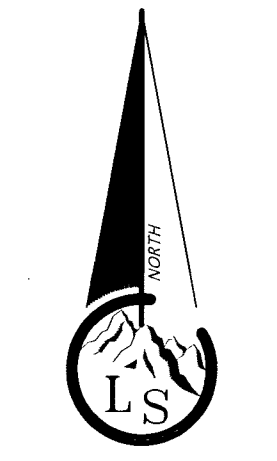


**PART OF LOTS 5 AND 6, BLOCK 55, PLAT A, OGDEN CITY SURVEY  
SECTION 28, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN  
OGDEN CITY, WEBER COUNTY, UTAH  
RECORD OF SURVEY**



- Legend**
- - - - - EXISTING FENCE
  - - - - - ADJACENT PARCELS
  - - - - - STREET CENTERLINE
  - - - - - STREET CENTERLINE
  - ▲ FND STREET MONUMENT
  - FND MARKERS (AS NOTED)
  - SET #5x24" REBAR AND CAP STAMPED LANDMARK

**NARRATIVE**

This survey was requested by Maria Gonzalez to determine the location of the property as it exists on the ground.

Documents used to aid in this survey:

- Weber County Tax Plat 01-045 (current and prior years).
- Deeds of record as found in the Weber County Recorder's Office for parcels 01-045-0026, 01-045-0028, 01-045-0030, 01-045-0031, 01-045-0032, 01-045-0033, 01-045-0034, 01-045-0035, 01-045-0036, 01-045-0037, 01-045-0038, 01-045-0040.
- Record of Survey's: #5053.
- Ogden City Bible Sheet drawing No. 2654.
- Ogden City Plats 01-001, 02-001.

In the process of working on this survey there was discovered a discrepancy between the current recorded deeds of parcels 01-045-0032 (-0032), 01-045-0033 (-0033), and 01-045-0034 (-0034). According to the Ogden City Plat A (01-001 and 02-001) Block 55 was divided into 10 lots, each being 20 rods (330 feet) by 8 rods (132 feet). The monuments marking the intersections of 20th Street and Adams Ave. and 20th Street and Jefferson Ave are measured at 763.78 feet having an excess of 4.78 feet in the East and West direction from the official Block 55 Ogden City Plat A. This excess in the block causes an excess of 2.39 feet for Lots 6 and 7 each. The deeds of record for parcels -0032 and -0034 have ties from the Northeast corner of Lot 6. All other parcels along 20th Street, in Lot 6 have ties to the Northwest corner of Lot 6. This difference in ties causes a 2.39 overlap in the common line between parcels -0032, -0033 and causes a 2.39 gap in the common line between parcels -0033, -0034.

To help understand how to resolve this difference research began from patent and progressed forward to present day. Documents and events of importance are as follows:

1872 Patent from the U.S.A. to Ogden City.

1888 Deed from Ogden City to Robert Martin all of Lots 5 and 6, Block 55, Plat A, Ogden city Survey (Book V, Page 430)

Note this property began to be divided amongst, and remained in the Martin family.

1902 Court Decree of legal sale of land to William R. Martin. (Book 42, Page 55). Property description contained all of parcels -0031, -0032, -0033, -0034, and part of parcels -0028, -0030.

1902 Deed from William R. Martin to Eliza M. Martin (Book 41, Page 273). Property description contained all of parcels -0033, -0034 and part of parcel -0032.

1915 Deed from Eliza M. Martin to James H. Martin (Book 77, Page 185). Property description contains all of parcel -0033. This description matches the current deed description of record.

Note this is the first division of the three parcels in question, and obtains senior rights.

1927 Tax Sale from Eliza M. Martin by County Treasurer to Weber County (Tax Record 8/6). Property description contains a part of parcel -0032.

Note that this description was written by the Weber County office and is the first description that begins with a tie to the Northeast corner of Lot 6 and the first appearance of the aforementioned 2.39 foot overlap. All descriptions pertaining to divisions of Lot 6 prior to this were written from the Northwest corner of Lot 6 and were consistent with each other.

1928 Tax Sale from Eliza M. Martin by County Treasurer to Weber County (Tax Record 7/2). Property description contains all of parcel -0034.

Note this description was also written by the Weber County office and also begins with a tie to the Northwest corner of Lot 6 and the first appearance of the aforementioned 2.39 foot gap.

1931 Tax Sale from James H. Martin by County Treasurer to Weber County (Tax Record 10/6).

Note that this description was also written by the Weber County office and also begins with a tie to the Northwest corner of Lot 6. Also note it appears the intent of this tax sale is for parcel -0033, but this description does not match the description of the original deed to James H. Martin.

1931 Quit Claim Deed from Weber County to Andrew J. and Dora M. Martin (Book 115, Page 226).

Note the description of this deed matches the modified description of the Tax Record 8/6 from 1927.

1932 Quit Claim Deed from Weber County to Andrew J. and Dora M. Martin (Book 116, Page 419-420).

Note the description of this deed matches the modified description of the Tax Record 7/2 from 1928.

1937 Quit Claim Deed from Weber County to James H. Martin (Book A2, Page 491).

Note the description of this deed matches the modified description of the Tax Record 10/6 from 1931.

1944 Court Order and Decree (Recorded in 1959, Book 619, Page 569-570) from Eliza M. Martin (deceased) to Andrew J. Martin a parcel described being a part of parcel -0032. And to Andrew J. Martin and Robert W. Martin a parcel described as being parcel -0034.

Note both of these descriptions come from the Northwest corner of Lot 6, and would fit in harmony with the previously recorded deeds in this Lot. The description of the parcel granted to Andrew and Robert (parcel -0034) is written in a way that would incorporate the extra 2.39 feet into this parcel. This would also be consistent with the location of existing fences as currently found on the ground.

1951 Warranty Deed from Beda Martin Coy to James H. Martin (Book 372, Page 378). Property description contains part of parcel -0032 (a 7 foot strip of ground). This description is written with a tie to the Northwest corner.

1951 Warranty Deed from Andrew J. and Dora M. Martin to James H. Martin (Book 372, Page 379). Property description contains part of parcel -0032. This description matches the description from the 1944 Court Decree with a tie to the Northwest corner.

Note both parcels deeded to James H. Martin in 1951 appear to have the intent of being the parcel -0032 and has ties written from the Northwest corner of Lot 6 and would fit in harmony with the parcels on the West and East. The description of these two deeds also closely matches existing fences on each side of said parcel -0032.

1952 Warranty Deed from James H. Martin to Melvin L. Schwartz and Emma M. Schwartz (Book 396, Page 130). Property description contains all of parcel -0032 and matches current deed description which has a tie to the Northeast corner of Lot 6.

Note this deed was recorded one year after the two deeds which transferred the parcel to James H. Martin but does not retain the same tie to the Northwest corner of Lot 6 as in the prior deeds. With the tie written from the Northeast corner of Lot 6 the aforementioned overlap again appears. This description is continued through subsequent deed transfers to the current deed being Warranty Deed Entry #2563795, recorded February 24, 2012 of Weber County Records.

1959 Quit Claim Deed from Robert W. Martin to Andrew J. Martin (Book 619, Page 578). Robert conveys his interest in parcel -0034. This Description matches the 1944 Court Decree and is written with a tie from the Northwest corner of Lot 6.

1965 Warranty Deed from Andrew J. Martin to Andrew J. Martin and Dora M. Martin. (Book 804, Page 600). Property description contains parcel -0032. Andrew deeded same parcel as described in the 1994 Court Decree to him and his wife Dora.

1968 Warranty Deed from James H. Martin to Emma Martin Schwartz (Book 887, Page 446). Property description contains all of parcel -0033. This description has a tie to the Northwest corner of Lot 6 and matches the current deed description of record.

Note this is the first deed found of record for parcel -0033 since Weber County Quil Claimed the parcel to James H. Martin in 1937 which was written with a tie to the Northeast corner of Lot 6. But this 1968 description matches the Warranty Deed from 1915 (Book 77, Page 185) and is continued through subsequent deed transfers to the current deed being Warranty Deed Entry #2813499, recorded September 6, 2016 of Weber County Records.

1969 Warranty Deed from Dora M. Martin to Virginia Etherington (Book 932, Page 344). Same description as 1944 Court Decree containing parcel -0034.

1979 Quit Claim Deed from Eileen Hjarth Meister to Rex L. Bullington and Wife Sharon T. Bullington (Book 1339, Page 246). Property description contains parcel -0034 and is described from the Northeast corner of Lot 6 and matches current deed description of record.

Note this description is the first description since the 1944 Court Decree for the current parcel -0034, which contains the tie to the Northeast corner of Lot 6. Starting with said 1944 Court Decree, prior documents recorded containing a description for this parcel were written with the tie being to the Northwest corner of Lot 6.

This description is continued through subsequent deed transfers to the current deed being Warranty Deed Entry #2810466, recorded August 22, 2016 of Weber County Records.

Following the sequence of events on the properties in question the first deed creating one of these lots is the 1915 Deed from Eliza M. Martin to James H. Martin (Book 77, Page 185), which created the current parcel -0033. This gives senior rights to this parcel and the description in said deed is still used in the

current deed of record. This description is supported by evidence on the ground such as fences and buildings. Parcels -0032 (part of) and -0034 were first created from Tax Sales in 1927 and 1928 which descriptions for said sales were written by the Weber County offices and contained ties to the Northeast corner of Lot 6 instead of the Northwest corner of said Lot 6. Since the creation of these parcels were after the aforementioned creation of parcel -0033, they gain junior rights and are only allowed to transfer land that has not been previously transferred in a deed. Thus the 2.39 foot overlap between parcels -0032 and -0033 should be contained all in parcel -0033.

Other deeds of record that support this begin with the 1944 Court Order and Decree (recorded in 1959). The descriptions contained in this Decree appears that they might have been written by a Land Surveyor as they begin with ties from the Northwest corner of Lot 6 and remain consistent with the prior recorded parcels with no overlaps or gaps. These descriptions are also consistent with evidences found on the ground such as fences and buildings. The currently constructed parcel -0032 was created in the two deeds recorded in 1951 when James H. Martin bought parcels from Beda Martin Coy (Book 372, Page 378) and Andrew J. Martin (Book 372, Page 379). The descriptions in these two deeds contain ties to the Northwest corner of Lot 6 and again coincide with previously recorded parcels and fence lines and does not cause a 2.39 foot overlap. In 1952 James H. Martin then deeded to Melvin Schwartz (Book 396, Page 130) the combined parcels he just acquired in 1951, but the description is written with the tie to the Northeast corner of Lot 6 which moves this parcel (-0032) to the East and causes the 2.39 foot overlap with parcel -0033. This description also does not fit existing fence lines.

While surveying onsite the surveyor was approached by the owner of parcel -0032 who explained this was all family property and he believes his property line should be 2 feet beyond the existing fence line between his parcel and the subject parcel. He also explained there was a nail placed in front of and garage and a notch in the sidewalk he believes come from a survey done on parcel -0033 sometime in the 1970's or 1980's. There is no survey of record found in the Weber County Surveyor's office nor did he have the survey because according to him it was for parcel -0033 and not his parcel. These markers were surveyed and are not consistent with what would have been the deeds at the time he states the survey was done. Being a Warranty Deed recorded in 1968 in Book 887, Page 446, or a Warranty Deed recorded in 1975 in Book 1090, Page 738. These markers are more consistent with the location of parcel -0032 according to the aforementioned 1952 deed to Melvin Schwartz (Book 396, Page 130), but as explained previously this parcel has a modified description with a tie to the Northwest corner of Lot 6 and is a junior right parcel and cannot lay claim to the 2.39 foot overlap. Therefore these markers have not been held. There was also found a 1" iron pipe with no cap found at the Southern tie of said parcels. This pipe resembles the materials surveyors used to mark corners many years ago but it is unknown who placed this pipe and if it is a marker to identify a property corner. It's location places it 0.5 feet East of the property line as described in the current deed for parcel -0033 (with a tie from the Northwest corner of Lot 6), and 1.9 feet West of the property line as described in the current deed for parcel -0032 (with a tie from the Northeast corner of Lot 6). If this pipe is a marker for property corners it supports the locations of the Deeds with ties to the Northwest corner of Lot 6.

The conclusion of this survey is parcel -0033 retains the current deed location with the tie from the Northwest corner of Lot 6 and is marked as shown on this drawing. Parcel -0032 should be held according to the descriptions from the 1951 deeds which is also tied to the Northwest corner of Lot 6.

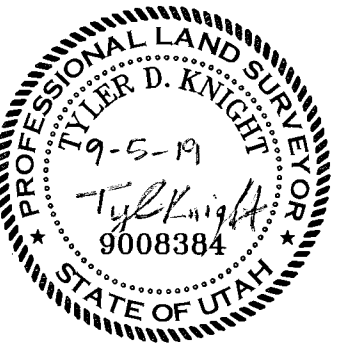
Basis of Bearing is State Plane Grid from found street monuments as shown. Bearings and distances of record have been related from cardinal direction to the State Plane Grid bearing and are shown in the drawing.

**BOUNDARY DESCRIPTION**  
Record Description from Warranty Deed Entry #2813499, recorded September 6, 2016 of Weber County Records.

Part of Lots 5 and 6, Block 55, Plat A, Ogden city Survey; Beginning at a point 258 feet East of the Northwest corner of said Lot 6, and running thence South 11 rods; thence East 38 feet; thence North 11 rods; thence West 38 feet, to the place of beginning.

**SURVEYOR'S CERTIFICATE**

I, Tyler D. Knight, do hereby certify that I am a professional land surveyor in the State of Utah in accordance with Title 58, Chapter 22, Professional Engineers and Land Surveyors Act; and hold certificate no. 9008384-2201 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. Monuments have been placed as represented on the plat.



<p><b>Landmark Surveying, Inc.</b> A Complete Land Surveying Service www.LandmarkSurveyUtah.com</p>		<p>4646 South 3300 West - #A-3 West Haven, UT 84401 801-731-4075</p>
<p><b>CLIENT: Maria Gonzalez</b> Address: 541 20th Street Ogden UT, 84401</p>		<p>1</p>
<p>NW 1/4 of Section 28, Township 6 North, Range 1 West, Salt Lake Base and Meridian.</p>		<p><b>Record of Survey</b></p>
<p>Revisions</p>	<p>DRAWN BY: TK CHECKED BY: EDR DATE: 9/4/2019 PROJ: 3970</p>	
<p>This plat and associated documents are "PRELIMINARY NOT FINAL" and subject to change without a valid signature and date across the Professional Land Surveyor's seal in accordance with R156-22-601 of the Utah Administrative Code of the Utah Department of Commerce, Division of Occupational and Professional Licensing. If this document is unsigned it is a Preliminary document(s) and is not intended for and shall not be used in Construction, nor to be Recorded or Filed, nor implemented or used as a Final Product.</p>		