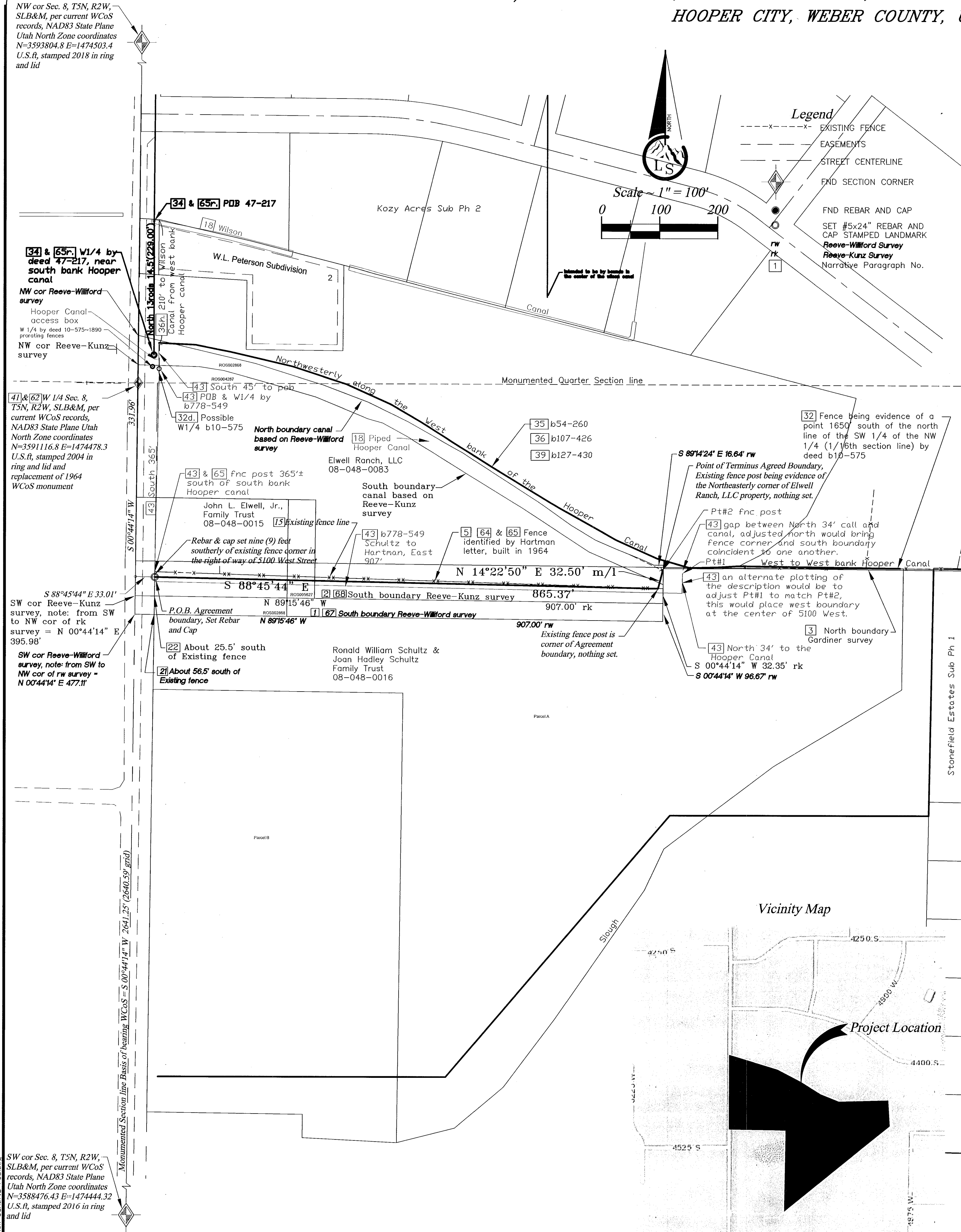


PART OF THE SW 1/4 OF SECTION 8, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN
HOOPER CITY, WEBER COUNTY, UTAH



AGREEMENT DESCRIPTIONS

EXHIBIT A, description of record (Schultz, 08-048-0016)
All that tract of land described in Quit Claim Deed recorded as Entry number 2313942 on 03-Jan-2008 described therein as follows:
Part of the Southwest Quarter of Section 8, Township 5 North, Range 2 West, Salt Lake Base & Meridian, U.S. Survey; Beginning at a point North 2116.31 feet from the Southwest corner of said Section 8; Running thence North 150 feet; Thence East 907 feet; Thence North 34 feet to the South Bank of the Hooper Canal; Thence East 413 feet; thence South 200 feet, more or less, to the center of a canal; Thence Southerly along said canal to a point East 463 feet and South 724 feet from the point of beginning; Thence North 724 feet; Thence West 463 feet to the point of beginning. Excluding the West 33 feet for a county road.

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 plot was prepared from the field notes of this survey and from documents and records as listed or noted hereon but not limited thereto.

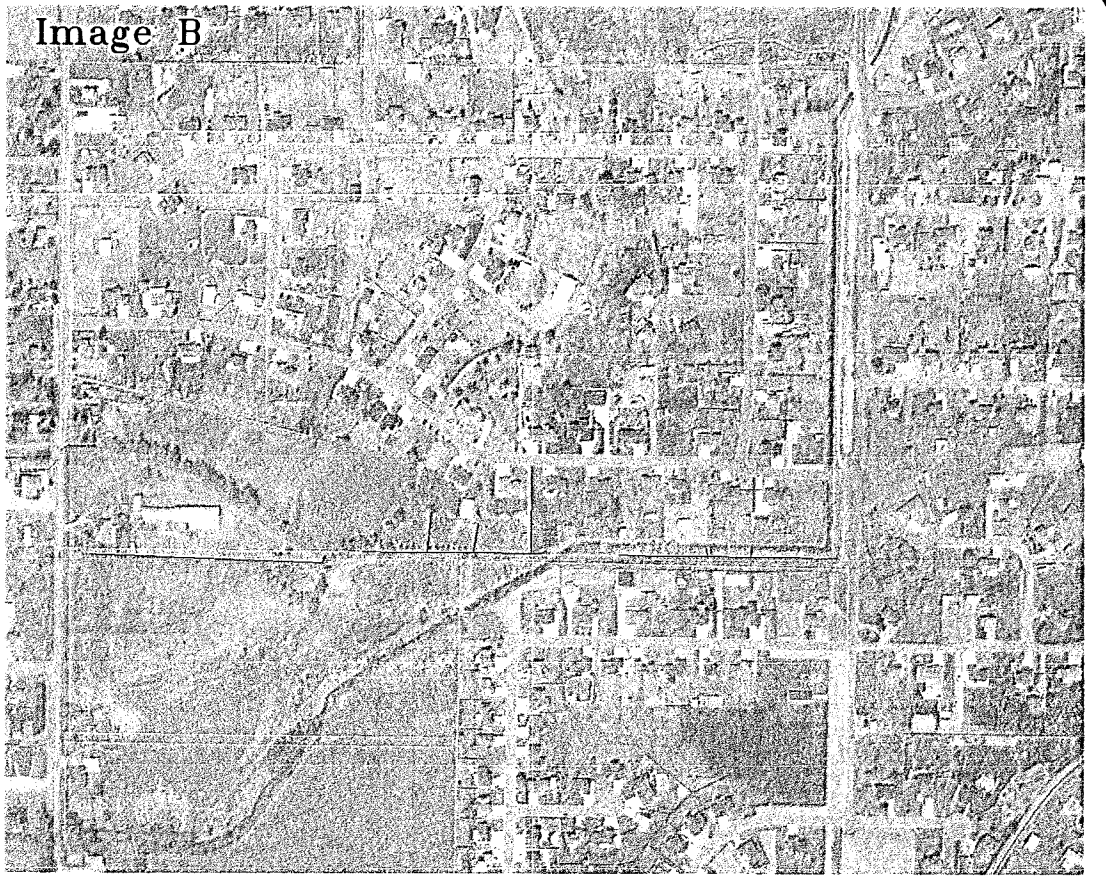
NARRATIVE

The purpose of the survey is to document the history of a boundary dispute and subsequent Agreement made with respect to the common boundary line between the John L. Elwell, Jr., Elwell Ranch, LLC (Elwell) and Ronald William Schultz & Joan Hadley Schultz Family Trust (Schultz) properties (collectively the Parties). The basis of bearing is as noted in the As Surveyed description of the Boundary Line Agreement (Exhibit D) as shown on this plot.

EXCERPTS of Confidential Expert Analysis Report of Ernest D. Rowley, PLS, CFedS

- 1. Record of Survey plat No. 002868 by Reeve & Associates, Inc., certified by Randall J. Willford, PLS filed on April 29, 2002. Hereinafter "the Willford survey".
- 2. Record of Survey plat No. 004287 by Reeve & Associates, Inc., certified by Robert D. Kunz, PLS filed on April 13, 2009. Hereinafter "the Kunz survey".
- 3. Record of Survey plat No. 005627 by Gardner Engineering, certified by Clint H. Whitney, PLS filed on December 21, 2016. Hereinafter "the Gardner survey".
- 4. "2nd Draft" of an October 11, 2016 letter addressed "To Whom It May Concern", delivered certified mail to Elwell Ranch, LLC and John L. Well Jr. Family Living Trust. RE: Boundary Line with Shultz Family, prepared by M. Darin Hammond, esq. of Smith Knowles, P.C.
- 5. October 12, 2017 letter "To Whom it may concern" addressed to Elwell-Shultz, South Property Fence Line, West Haven, UT 84315, prepared and signed by Randy R. Hartman. (See Exhibit A, sheet 3 of 3).
- 6. Numerous deeds found in the chains of title that are on record in the Weber County Recorder's Office for the West Half of Section 8, Township 5 North, Range 2 West, Salt Lake Base and Meridian.
- 7. Ownership plats (tax maps of the county recorder) for: 1) end of quarter for Section 2014, 2) end of year 2015, 3) print date 12-4-2017.
- 8. 1947 Aerial photograph of the area obtained from the State office of the AGRC (Automated Geographical Reference Center). A digital copy of this photograph was obtained and inserted as a background image to aid in the location of the canals and roads.
- 9. Digital 2012 Aerial photographs of the area which were also obtained from the State office of the AGRC used for the same evaluation purpose to compare how the canal locations differ or are similar.

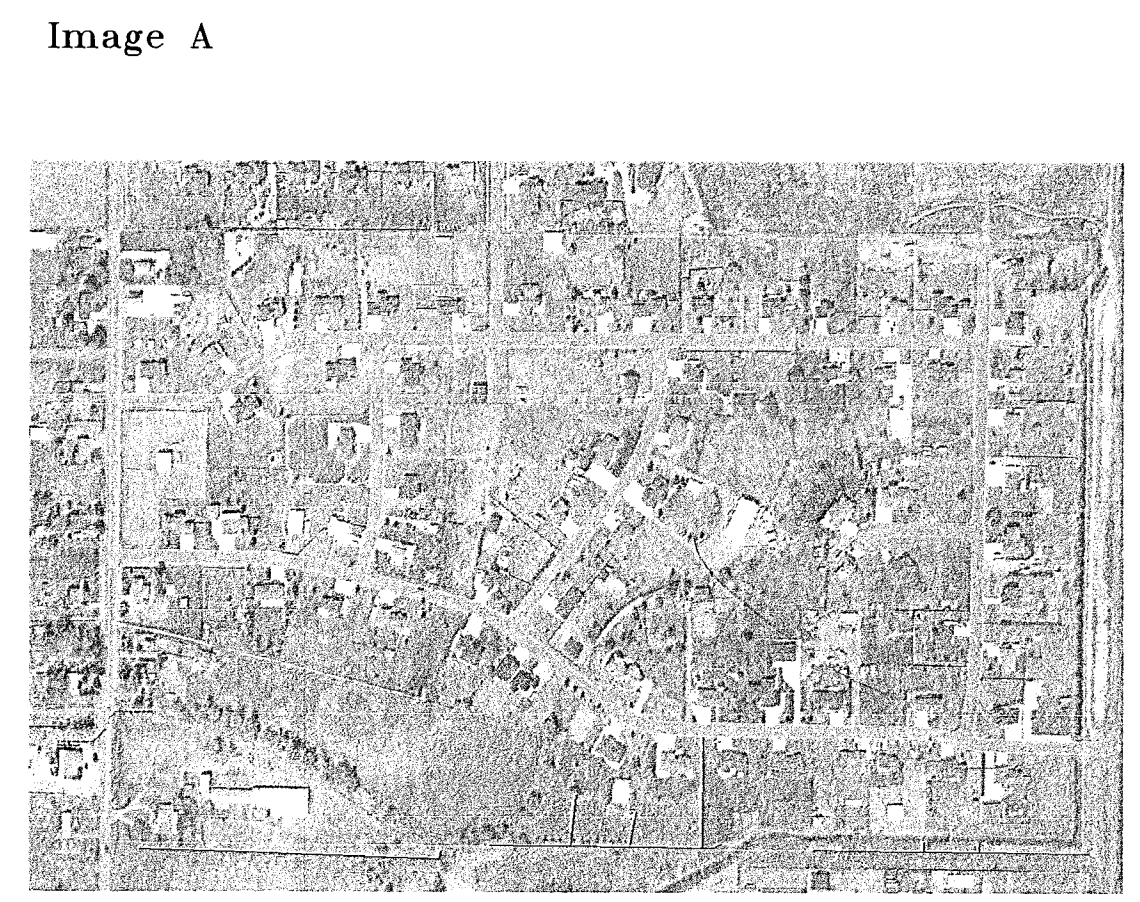
REVIEW, COMMENTS, CONCLUSIONS AND OPINIONS:
10. This dispute is arising over the location of the common boundary line between property owned by the Shultz family and Mr. John Elwell.
11. This dispute apparently began when a survey was conducted by Randall (Randy) Willford, PLS while he was employed by Reeve and Associates, Inc., the Willford survey. This survey was conducted for the Elwell property for the purpose as stated on the plat narrative as follows: "The purpose of this survey is to define the Elwell property for John Elwell and create descriptions of two parcels within said property."
12. The location that the Willford survey established the common boundary between the Elwell and Shultz property is 395.98 feet southerly of the monumented location of the West Quarter corner of Section 8. The location of this quarter corner that the Willford survey is utilizing was originally set by the Weber County Surveyor and in my opinion, is in the wrong location to control the property line in question.
13. The origin of the boundary line in question was created by a Warranty Deed recorded Entry no. 430010 Book 778 page 549 on July 8, 1964 and signed by William C. Schultz and his wife Eva R. Shultz on July 6th, 1964.
14. The current monument was set by the county in 1963 but it is my opinion that the scrivener of the Hartman deed either, did not know the monument existed or did not use the county position to describe the property.
15. It is my opinion based on the evaluation detailed in this report that the common property line is the location of an old fence line that has been in existence between these properties for many years.
HISTORICAL BACKGROUND:
16. To develop an understanding of the historical background I started with an examination of the chain of title for the entire West Half of Section 8. The details of this examination will be provided in the Evaluation of Documents section herein.
17. During that investigation several clues to the location of Monument surfaced. It was learned that the location of the West Quarter corner has not been stable in the written record when comparing deed monument ties with the physical location of the Hooper and Wilson canals. These canals have remained in place for around a hundred years and have been included as bounds calls (see footnote 3 on sheet 3 of 3) in many documents relating to the properties in this area.
18. Because of the age of the canals and the frequency in which they have been used as deed bounds calls they have become, in my opinion, the most reliable "monuments" which have controlled the location of the property boundaries. A chronological chain of relevant documents related to the properties will demonstrate the positions of section corners and how the introduction of the 1963 county monument has created additional confusion over the location of property lines in this area.
19. According to a letter written and signed by Randy R. Hartman, October 12, 2017, (see footnote 4 on sheet 3 of 3) Mr. Hartman constructed with his father, the cedar post fence line that is still in existence between the two properties. This fence was built in 1964.
20. Roy and Elouise Hartman purchased this property from William Schultz in 1964. The document that was used in this purchase was the origin of the boundary line in question. Prior to this conveyance the Elwell and Schultz properties were under a single title and description that called for the Hooper canal as the north boundary and extended several hundred feet south of what is now the disputed division line.
21. The Willford survey placed the property boundary about 56.5 feet south of the existing fence line at the east end and about 73 feet south of the fence at the west end.
22. The Kunz survey placed the property boundary about 25.5 feet south of the existing fence line at the east end and about 42 feet south of the fence at the west end.
23. The Gardner survey held the existing fence line as the property boundary.
24. Once this dispute arose, there was an attempt to enter into a boundary line agreement with respect to the location of the existing fence line, however, that agreement it did not occur.
25. This evaluation of necessity began in the county abstract records with the oldest documents for the Northwest and Southwest Quarters of Section 8.
26. The first transaction found was the patent, (see footnote 5, sheet 3 of 3)
27. Patent for the South Half of the Northwest Quarter of the section:
a. was issued to John Adkins, grantor, and signed 8-23-1875, however, the document book and page is not able to be found at this date.
28. bk-25 (see footnote 6, sheet 3 of 3) conveyed the South Half of the Northwest Quarter,
a. John Adkins, grantor, Richard Papworth, grantee, signed 7-17-1876.
29. bk-366 conveyed an approximate 20 acre parcel in the Southwest Quarter described as a rectangle 20 and 1/3 rods north-south and 100 rods east-west with the northwest corner of the parcel beginning at the West Quarter corner.
a. Calvin C Wilson, grantor, Richard Papworth, grantee, signed 5-3-1877.
30. bn-354 conveyed the North Half of the Southwest Quarter by patent,
a. from the USA, grantor, Calvin C Wilson, grantee, signed 4-5-1877.
31. bn-290 conveyed the South Half of the Northwest Quarter,
a. Richard Papworth, grantor, Calvin C Wilson, grantee, signed 9-7-1881.
32. b10-575 conveyed a parcel that is 1650 feet (100 rods) north-south and 2640 feet (160 rods) east-west.
a. Calvin E. Wilson, grantor, Emeline E. Wilson, grantee, signed 12-19-1890.
b. Examining this description with the aid of the 2012 Aerial photographs I can visually see a line that looks like the remnants of the 1/16th section line, that being the north line of the south half of the northwest quarter. Holding these fence lines and setting another line 1650 feet to the south identifies what I believe was the intended south boundary of this parcel as shown below in yellow lines. (see Image A)
c. This south line also matches an existing fence line which I have also shown in red lines. The only part of the fence that does not match this south boundary is the fence line that is in dispute.
d. This deed also provides some information on where the West 1/4 corner may have been believed to be in the 1890's which is about 24 feet north of the current 1963 county brass cap monument. (see footnote 7, sheet 3 of 3)



d. This location is approximately 28 feet north of the location that b10-575 places the West 1/4 corner.
35. b54-260 conveyed what is now the parent parcel to the Schultz and Elwell properties. At this point they were not separate parcels but encompassed that shown in blue above. (see Image B)
a. Emeline Wilson husb. Calvin Wilson, grantors, to Thomas Fowles, grantee, signed 11-7-1907.
b. As can be seen this deed encompasses the area where the disputed line is located.
36. b107-426 creates the north boundary of the Elwell property as being the West Bank of the Hooper Canal. This description seems to have caused some confusion on what the "West" Bank of the Hooper Canal is intended to describe in the deed.
a. Thomas Fowles estate, grantor, James I Fowers, grantee, signed 6-17-1927 as an Order Confirming Sale of Real Property.
b. In deed b54-260 the west bank of the Hooper canal is used as a boundary line. In this deed, b107-426, the properties are bounded by a line being 20 rods (330 feet) south of the quarter section line at a point that could be interpreted to be on the north-south 1/16th section line. This 1/16th section line is an old fence line and now the west boundary of the Stonefield Estates Subdivision.
c. The line that is 20 rods south of the East-West 1/4 section line is evidenced, in my opinion, by an existing fence line that has been previously referred to and the same location as the yellow line in the aerial photo below. (see Image C below and footnote 8, sheet 3 of 3)

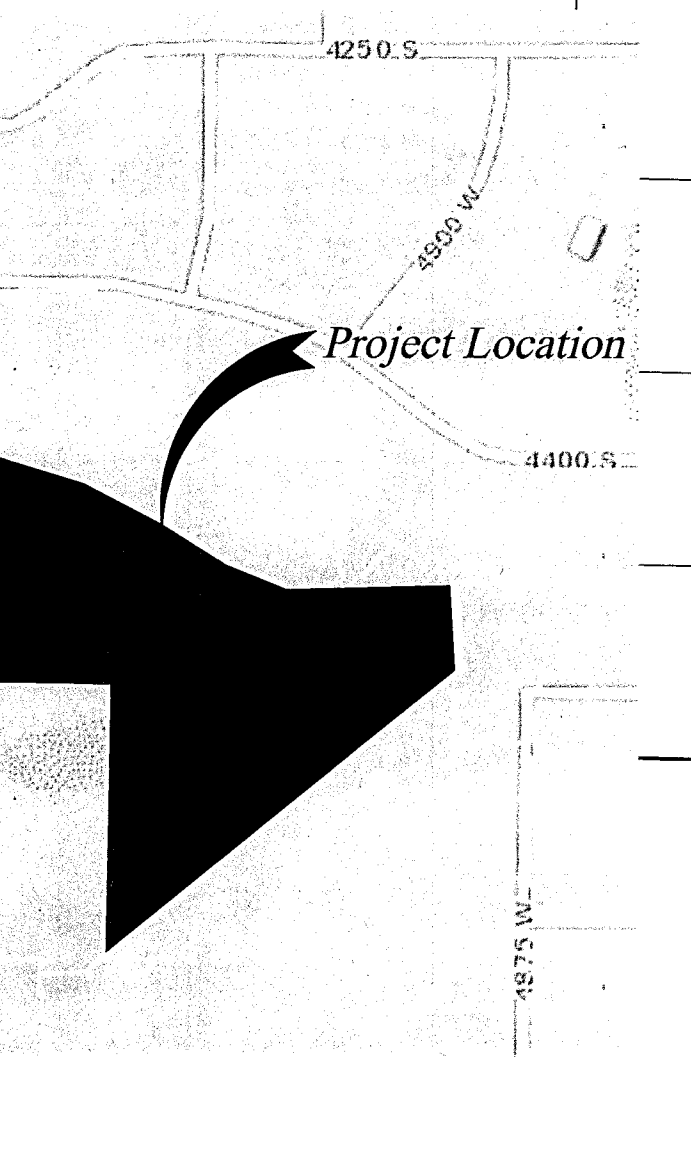


d. Using this fence line as part of the north boundary of this deed and extending the boundary to the location of the bounds call, being the West Bank of the Hooper Canal, the line does intersect the canal at a point which the canal runs in a northerly direction thereby giving meaning to the term West Bank. The confusion for this description is that it continues to call the north property line to be "thence North Westerly along the West Bank of the Hooper Canal to the West line of said Section 8". I believe that a more accurate description of the boundary intended would be something that called this west bank the north bank through this point of the meanders of the canal or something to help clarify that the west bank becomes the north bank because of the bend in the canal but returns to being the west bank on the west side of 5100 West Street.
e. The black and white image above shows in a purple color drafting of the boundaries of this description over the 1947 aerial imagery. (see Image C)
f. In this same document, b107-426 which conveyed to James I. Fowers the property south of the canal another description conveyed to Wallace B. Peterson property that was north of the canal. In that description it again calls for the west bank of the Hooper Canal and provides a distance from the West bank (which is actually the northerly bank of the Hooper canal) to the center of the Wilson Canal. These two locations can be seen on the 1947 aerial images as the purple and blue lines.
g. The Peterson description reads in part:
"thence continuing Westerly to the West Bank of the Hooper Canal, thence Westerly and Northwesterly along the West Bank of said Hooper Canal to the West line of said Section 8, thence North along said Section line 210 feet more or less to the Wilson Canal, thence along said Canal Easterly and Northwesterly."
h. In this description it specifies 210 feet between the two canals and from the drafting I have done this distance is very close to what was the north bank of the Hooper canal and center of the Wilson Canal. It should be noted that the Hooper canal in this location has been piped and the precise location of that bank can no longer be identified except for the location of the remnants of the old bridge.
37. At this point in time there is evidence of two different locations for the West 1/4 corner being about 28 feet apart.
38. b127-430 conveying same as b107-426.
a. James I Fowers, grantor, Martha A. Fowers, grantee, signed 3-10-1936.
39. b127-430 conveying same as b107-426.
a. Martha A Fowers, grantor, William C. Schultz of Eva R., grantees, signed 9-16-1936.
b. This document is where the Schultz family obtained the property which identifies the West bank of the Hooper Canal as the north boundary of the property, again note that the deeds are referring to the West bank but physically on the ground this would be the North bank of the canal which point is also 210 feet south of the center of the Wilson canal.
c. It should also be noted that at this time the section line was believed to be on the east boundary of the road.



33. b29-433 conveyed approximately an additional 5 feet on the south of the yellow parcel shown above and indicated in the document that it was "given to correct 'n' of deeds page 290". Instead of deeding 20 rods it deeded 20 1/3 rods.
a. Richard Papworth, grantor, Calvin C Wilson, grantee, signed on 11-24-1897.
34. b47-217 conveys a parcel of property that is north of the properties in question.
a. Emeline E. Wilson husb. Calvin C. Wilson, grantors, Henry P. Green, grantee, signed on 10-31-1904.
b. The relevance that this document has to this property is the location that the deed places the Section line. The relevant part of the description reads:
"Beginning at a point 13 rods 14 1/2 feet north of the southwest corner said quarter section in the center of the Wilson Canal, where said canal intersects the east line of the road which runs on the west line of said section eight (8)."
c. This description does two things; one, places the section line on the east line of 5100 West Street and two, places the West 1/4 corner of the section at a location 13 rods 14 1/2 feet (29.00 feet) south of the center of the Wilson Canal. This location would be physically on or near the south bank of the Hooper Canal.

Vicinity Map



Lower Valley Coordinate system is NAD83 Utah North Zone U.S.f. expanded to ground using a combined factor of 1.0002520877833. The initial coordinates are based on the published values of the Weber County Surveyor's Office.

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4646 South 5300 West - #A-3
West Haven, UT 84401
801-731-4075

CLIENT: Neil R. Schultz
Property Address: 4492 S 5100 W, Hooper, UT

Boundary Line Agreement - ROS

Revisions	DRAWN BY: EDR
	CHECKED BY: ...
	DATE:
	FILE: 3763

1 of 3

RECEIVED
MAR 13 2020
BY: 6467

