

EXCEPTIONS TO COVERAGE

- This Survey Was Completed Using Commitment For Title Insurance from Secure Land Title, Under File No. 7220023-00425 dated October 1, 2023
- EXCEPTION NO. 1-2, 5-11, 24 (NOT A SURVEY MATTER)
- EXCEPTION NO. 3 (SEE SIGNIFICANT OBSERVATION AND SURVEYORS NARRATIVE SECTION "H"): Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the land and is not shown by the Public Records.
- EXCEPTION NO. 4 (SEE SIGNIFICANT OBSERVATIONS): Easements, or claims of easements, not shown by the Public Records.
- EXCEPTION NO. 12 (SEE SIGNIFICANT OBSERVATIONS 4): Subject to all existing roads, streets, alleys, ditches, reservoirs, utilities, canals, pipe lines, power, telephone, sewer, gas or water lines, and rights of way and easements thereof.
- EXCEPTION NO. 13 (PLOTTED AFFECTS EAST PROPERTY LINE AND GROUND NOT INCLUDED HERE IN): Terms and Conditions of that certain Boundary Line Agreement Recorded: 4/20/2006, Entry No.: 2174441.
- EXCEPTION NO. 14 (PLOTTED AFFECTS EAST PROPERTY LINE AND GROUND NOT INCLUDED HERE IN): Terms and Conditions of that certain Boundary Line Agreement Recorded: 4/20/2006, Entry No.: 2174442.
- EXCEPTION NO. 15 (PLOTTED AFFECTS EAST PROPERTY LINE AND GROUND NOT INCLUDED HERE IN): Terms and Conditions of that certain Boundary Line Agreement Recorded: 4/20/2006, Entry No.: 2174443.
- EXCEPTION NO. 16 (PLOTTED AFFECTS EAST PROPERTY LINE AND GROUND NOT INCLUDED HERE IN): Terms and Conditions of that certain Boundary Line Agreement Recorded: 4/20/2006, Entry No.: 2174444.
- EXCEPTION NO. 17 (NOT PLOTTED BLANKET PROPERTY AND LAND NOT INCLUDED HERE IN): Terms and Conditions of that certain Certificate of Creation of the North View Fire District Recorded: 12/10/2008, Entry No.: 2379362.
- EXCEPTION NO. 18 (PLOTTED AFFECTS THE MAJORITY OF PARCEL 1): Terms and Conditions of that certain Deferal Required Improvements and Covenant to Run with the Land Agreement Recorded: 6/14/2013, Entry No.: 2640631.
- EXCEPTION NO. 19 (NOT PLOTTED BLANKET PROPERTY AND OTHER LAND NOT INCLUDED HERE IN): Terms and Conditions of that certain Certificate of Creation from the Northern Utah Environmental Resource Agency ("NUERA") Recorded: 1/20/2015, Entry No.: 2718461.
- EXCEPTION NO. 20 (BLANKETS PROPERTY): The effect of the 1969 Farmland Assessment Act, wherein there is a five (5) year roll-back provision with regard to assessment and taxation, which becomes effective upon a change in use of all or part of eligible land, by reason of that certain Application for Assessment and Taxation of Agricultural Land, recorded September 4, 2020 as Entry No. 3082712, of the Official Records.
- EXCEPTION NO. 21 (NOTHING TO PLOT CALLS PROPERTY BY PARCEL NUMBER): Terms and provisions of a Decree of Divorce in the Matter of Divorce/Annulment, 3rd District Court, Salt Lake, Salt Lake County, Case No. 22901014 Petitioner: HEIDI FERGUSON Respondent: RUSSELL SCOTT WAHLEN Judgment Filed: 1/30/2019.
- EXCEPTION NO. 22 (BLANKETS PROPERTY): DEED OF TRUST Amount: \$500,000.00 Beneficiary: Bank of Utah Trustee: Bank of Utah Trustor: Wahlen Acres, L.L.C. Dated: 7/20/2021 Recorded: 7/26/2021 Entry No.: 3170653.
- EXCEPTION NO. 23 (PLOTTED AFFECTS THE BOUNDARY ADJOINING PARCEL 11-033-0086): Terms and Conditions of that certain Boundary Line Agreement and Quit Claim Deed Recorded: 11/21/2022 Entry No.: 3264427.

BOUNDARY DESCRIPTIONS "TITLE REPORT"

PARCEL 1:
A PART OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 6 NORTH, RANGE 1 WEST OF THE SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF 1100 NORTH STREET BEING LOCATED NORTH 88°56'46" WEST 271.86 FEET ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER AND SOUTH 0°00'00" EAST 30.23 FEET FROM THE SOUTH QUARTER CORNER OF SAID SECTION 5; RUNNING THENCE SOUTH 2°03'28" EAST 99.77 FEET; THENCE NORTH 87°54'21" EAST 15.93 FEET; THENCE SOUTH 13°07'46" EAST 125.35 FEET; THENCE ALONG THE ARC OF A 57.62 RADIUS FOOT CURVE TO THE LEFT 41.35 FEET, HAVING A CENTRAL ANGLE OF 41°06'59" WITH A CHORD BEARING SOUTH 29°49'55" EAST 40.47 FEET; THENCE ALONG THE ARC OF A 143.14 FOOT RADIUS CURVE TO THE LEFT 46.29 FEET, HAVING A CENTRAL ANGLE OF 18°31'47" WITH A CHORD BEARING SOUTH 79°17'52" EAST 46.09 FEET; THENCE NORTH 88°44'34" EAST 112.68 FEET; THENCE ALONG THE ARC OF A 50.00 FOOT RADIUS CURVE TO THE LEFT 46.41 FEET, HAVING A CENTRAL ANGLE OF 53°10'55" WITH A CHORD BEARING SOUTH 63°34'41" EAST 44.76 FEET TO THE WESTERLY BOUNDARY LINE OF THOROUGHBERD MEADOWS 1ST AMENDMENT; THENCE ALONG SAID WESTERLY BOUNDARY LINE FOLLOWING TWO(2) COURSES; (1) SOUTH 1°08'50" WEST 57.73 FEET; (2) SOUTH 1°44'27" WEST 280.14 FEET; THENCE SOUTH 74°30'12" WEST 381.20 FEET; THENCE NORTH 22°51'38" WEST 600.14 FEET; THENCE NORTH 3°49'18" WEST 84.00 FEET TO A POINT ON THE EASTERLY BOUNDARY LINE OF ROCKING R SUBDIVISION PHASE 2; THENCE ALONG SAID EASTERLY LINE NORTH 1°20'37" WEST 97.22 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF 1100 NORTH STREET; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOLLOWING THREE(3) COURSES; (1) NORTH 89°18'37" EAST 185.68 FEET; (2) ALONG THE ARC OF A 282.00 FOOT RADIUS CURVE TO THE RIGHT 31.39 FEET, HAVING A CENTRAL ANGLE OF 6°22'39" WITH A CHORD BEARING SOUTH 87°39'19" EAST 31.37 FEET; (3) SOUTH 84°28'00" EAST 135.52 FEET TO THE POINT OF BEGINNING.

SIGNIFICANT OBSERVATIONS

- Encroachment. At the time of the survey, vehicular egress and ingress were observed crossing the property line to access Parcel 11-033-0086 up the limits of the "Edge of Gravel."
- Encroachment. At the time of the survey, pedestrian egress and ingress crossing the property to access the school to pick up enrolled students was observed. A brief dialogue revealed that they crossed the property nearly every day.
- Evidence of vehicular traffic crossing the property line.
- Encroachment. Utilities Crossing the property outside of a utility easement.
- Encroachment. The gate opens and swings over the property line in excess of four feet.
- Encroachment. Concrete Fence and landscaping are encroaching over the property line. See narrative section "L."
- Existing Barn Eve is within 0.1 feet of the property corner.
- Encroachment. Curb, gutter, asphalt, and side walk constructed outside of right of way and encroaches in to Parcel 1.

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SURVEYOR'S CERTIFICATE

To Secure Land Title and Banyan Investments S503 LLC;
This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA/NSPS, and includes items 1, 2, 3, 4, 5, 6(a), 7(a), 8, 11(a), 13, 17, 18, 19, and 20 (off-site utilities needed for design) of the Table A thereof. Field work was completed on December, 9th 2023. The Date of the plat map is December, 20th 2023.

Tyler Harper Utah Professional Land Surveyor Licence Number 12542803.



SURVEYOR'S NARRATIVE

- A. JLM Development Apricot, LLC has requested an ALTA/NSPS Land Title Survey for development purposes, which includes compliance with Table A items 1, 2, 3, 4, 5, 6(a), 7(a), 8, 11(a), 13, 17, 18, 19, and 20, specifically "offsite utility inverts."
- B. The bearing basis is North 1°09'38" East, measured between found Center Line Monuments in the following intersections within Washington Boulevard: 1100 North and Lachwood Drive. This information is graphically depicted under Section "Primary Control." Other control evidence was found besides what is graphically depicted and can be referenced as values shown in the coordinate table. The benchmark for this survey is the Center Line Monument, found at the intersection of 1100 North and Washington Boulevard and held at an elevation of 4327.00 feet. Orthometric height measurements were computed based on Geoid 18 CONUS for GNSS observations.
- C. Line segments, as labeled, contain quotations with a letter such as "A." The lettering corresponds to this narrative. This designation aids in expounding on the retracement principles and facts the Surveyor used to retrace the corresponding property line. Data contained within parentheses denotes data found of record. For instance, (R45) references the Data Reference Table. The Data Reference Table has naming conventions that refer to the Grantee in a conveying document, the client of the Record of Survey, the document's name, and the sources from which the data has been obtained.
- D. The agreement made in (R8) has been upheld, with measured values used rather than the record due to discovering several anomalies in the field. Specifically, a Rebar and Cap, Nail in the Curb, Lath labeled property corner, and Lath marked point on the property line were found to be approximately 0.5 feet West of their anticipated positions. However, based on evidence gathered from the field, it was determined that these monuments were relied upon as the boundary and appeared to be in line with the intention of the agreement. As such, appropriate adjustments were made to ensure accuracy and compliance with the original agreement.
- E. It is essential to note that the boundary between two parties can only be adjusted by those parties, not by any other outside of the agreement. Upon research, it was found that (R9) served as the controlling conveyance. To protect the rights and title granted from (R9), certain portions of (R8) were relinquished to (R9). The placement of (R9) was determined based on the implied intent to be contiguous with the right of way of Wahlen Way.
- F. Defending the agreement of (R35, R36, R37, R7), which (R31) was intended to be based on.
- G. Harmony in the record was found between (R11, R17, R18, and R22, as well as other deeds referenced in the Reference table.) Being 640.86 feet South of the North Quarter Corner of Section 8, Township 6 North, Range 1 West. Other conflicting elements of the boundary location are found most notable in (R9 and R38.) The Surveyor's understanding is that these contradictory elements are due to the opinion from (R38) that the existing fence is the boundary line. This survey differs from this opinion due to the following facts of survey.
- G.a.1. The measurement of 640.86 feet is placed in the center line of a ditch.
- G.a.2. Ditch and water management structures with pipes crossing the fence line for flood irrigation benefited the southern property.
- G.a.3. Access points with gates through the fence line to cross the fence line were found. See Image 11
- G.b. For boundary lines to be altered from the record in this matter by means of unwritten rights, the following elements of boundary by acquiescence must be met as outlined in Q2 vs. Hughes.
- G.b.1. Acquiescence must be between adjoining landowners.
- G.b.2. Acquiescence must be up to a clearly defined line.
- G.b.3. Acquiescence must be mutually treated as a boundary.
- G.b.4. Acquiescence must occur for a long period of time, "Defined as at least 20 years."
- G.c. As stated, the Surveyor's professional opinion is that this acquiescence does not have its claim as the evidence found attacks elements two and three. The Surveyor believes that the "intent of the parties" when the boundaries were created was to be along the Center Line of a ditch, ensuring both landowners could manage their respective water rights. The facts mentioned support this theory. Should the fence line actually be the boundary using agreement rather than acquiescence, the statute of frauds would require some form of constructive notice regarding a boundary line agreement, deed, or court order.
- H. The Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys (effective February 23, 2021) states in section 3.D. that "The boundary lines and corners of any property or interest in real property being surveyed... must be established and/or retraced in accordance with appropriate boundary law principles governed by the set of facts and evidence found in the course of performing the research and fieldwork." With additional clarification in 3.D.ii stating, "uncertainty must be weighed as part of the evidence in the determination of where, in the Surveyor's opinion, the boundary lines and corners of the surveyed property should be located." With this direction in mind, the Surveyor gives his professional opinion that a claim to the boundary by acquiescence may be legitimate and only lacks the constructive notice mentioned in section "Gc." Elements of the same principles discussed in section "Gb" may have been met with the following facts of the survey being considered.
- H.1. Parol Evidence from Doug Russell regarding the fence surrounding his property and the fence line separating the school's property from parcels described their existence as "Forever." See Image 20.
- H.2. A ditch in some places was found to run along this line, but no structures or shared use were discovered.
- H.3. Controlling constructive notice (R11 and R10) Place the title line approximately 3 feet East of the fence line, "the ditch being west."
- H.4. Other Surveyors have believed acquiescence to be present along this line, as shown in (R32 and R38.)
- I. Passive action by two landowners to create a boundary does not grant acquiescence to a third party to a claim beyond or within their boundary. Each line must be considered independently. Parol evidence from the owner of Parcel 11-245-0004, being paraphrased, stated that the fence was constructed about two years ago. He explained how he assumed the location of his boundary based on the location of a stake, having believed it to have some significance to be the property line and the location of the East fence line of Parcel 11-033-0002. "The construction of the fence destroyed the "stake." Said landowner testified to its approximate location being near a found pipe stub see image 10. Due to finding no evidence that the "stake" was set by another Surveyor and its position not agreeing with facts of record the Surveyor finds little evidence sustainable for the newly constructed fence to be the boundary line. Further evidence to the boundary of (R28) was found as an old rusted tee post extending about 2.5 feet from the ground. Similar tee posts were located at the southwest and southeast corners of Lot 2R of (R28), consistent with the record. The Surveyor believes these tee posts to be "original monuments" as it was an industry standard when (R28) was surveyed to place tee posts in this manner for property corners. To protect the unwritten rights developed between Parcel 1 and Parcel 11-033-0002, a measurement not of record regarding Parcel 1 should be used along parcel 11-033-0002 claim to the Southeast corner of lot 4R of (R28.)
- J. For the same reason explained in section "E," the Surveyor honored the conveyance record of (R20.)
- K. Property corners were monumented as shown here on and serve as a point to the research and analysis completed in this survey. Should any data be found that is not mentioned here or that is contrary to the opinion of the Surveyor, it should be presented for consideration.

UTILITY NOTE

The underground utilities shown have been located from field survey information and existing drawing received from the designing Engineer, and respectable utility companies, the Surveyor makes no guarantees that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The Surveyor further does not warrant the underground utilities shown are in the exact location indicated although he does certify that they are located as accurately as possible from information available. The Surveyor has not physically located the underground utilities. The Surveyor must not at the time of survey snow blanketed the earth and can not liable for above ground utilities covered in snow.

GENERAL NOTES

- (R8) Was rotated 0°00'36" clockwise to match basis. All measurements along (R8) are record with the application of said rotation unless noted.
- Gross land area for parcel 1 is 6.6715 Acres or 290610.54 Square Feet.
- Near the access of 1100 North Street recent fill dirt had been brought to the site.
- There is no evidence of proposed changes in the Right of Way lines to the knowledge of the Surveyor.
- No parking stalls were found throughout Parcel 1.
- The Benchmark for this survey is the Center Line Monument, found at the intersection of 1100 North and Washington Boulevard and held at an elevation of 4327.00 feet. Orthometric height measurements were computed based on Geoid 18 CONUS for GNSS observations. Local benchmarks being points 400, 401, and 403 as shown in the Secondary Control Coordinate Table.
- No Zoning report was provided to the Surveyor at the time of survey.
- No property address has been assigned to Parcel 1. The provided Title report notes the address as Harrisville UT 84404.
- No buildings were found on Parcel 1 at the time of survey.
- Two "no trespassing" signs were observed entering the property via Wahlen way. They can be viewed from Survey Images 13 and 14.
- Plans and reports obtained by Surveyor were provided from the 811 Planning and Engineering network. Not all providers responded to the utility request.
- No plottable offsite easements were contained within the provided title report.
- External utility information is provided in the form of electronic format.

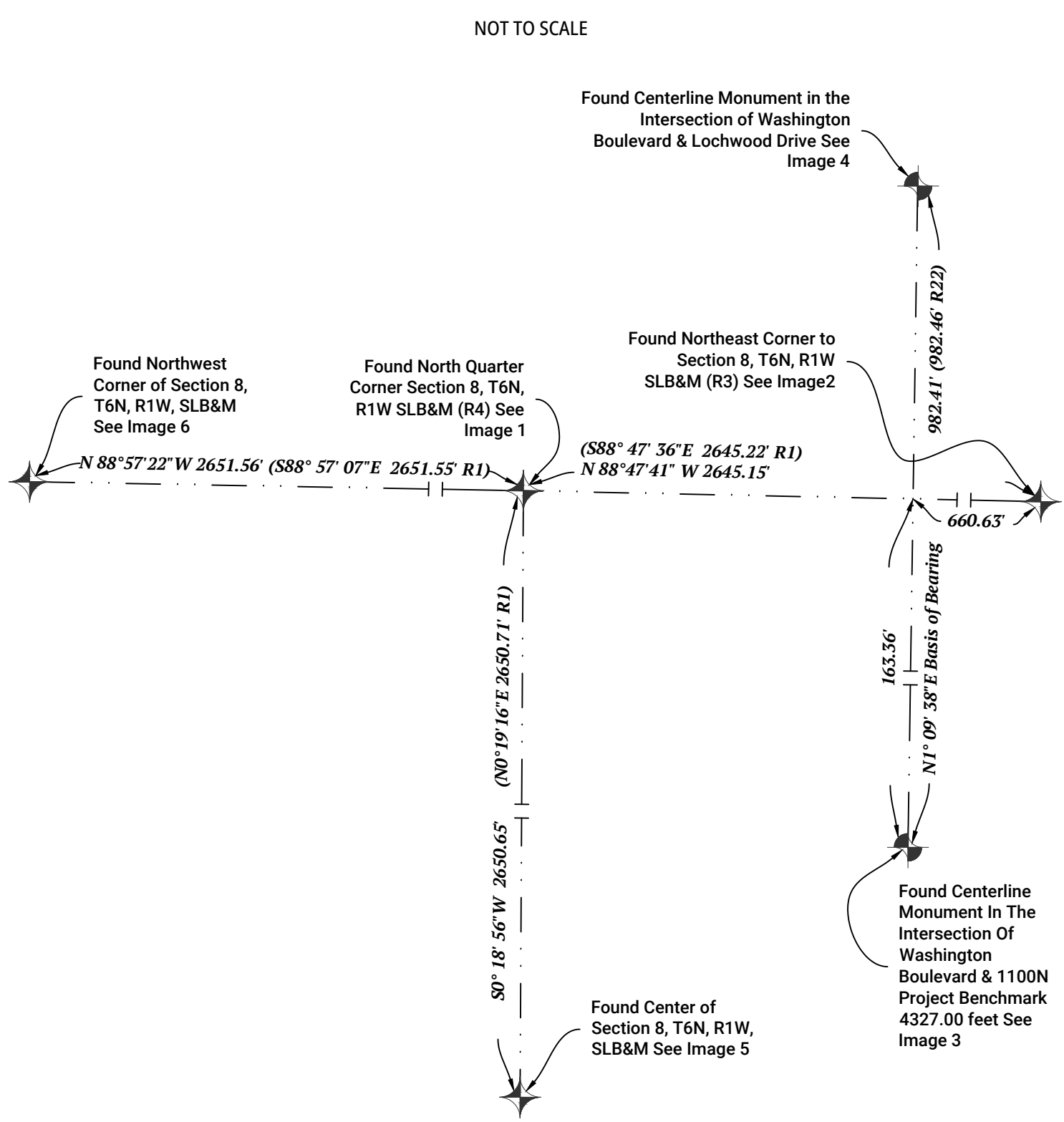
DATA REFERENCE TABLE

Reference No	Document Type	Name/Grantee	Entry No/ Book Page/ File No.
R1	Bearing Sheet	GNM	Weber County
R2	Tie Sheet	GNWNE	Weber County
R3	Tie Sheet	GNWBC	Weber County
R4	Tie Sheet	GNWBN	Weber County
R5	Tie Sheet	GNWNE	Weber County
R6	Boundary Line Agreement	C. Ernest Butters	2172443
R7	Boundary Line Agreement	Wahlen Acres, LLC	2174441
R8	Boundary Line Agreement & Quit Claim Deed	Wahlen Acres, LLC	3264027
R9	Quit Claim Deed	Harrisville City	2644072
R10	Quit Claim Deed	James H. Parker	964122
R11	Quit Claim Deed	Kenneth C. Russell	878598
R12	Quit Claim Deed	Lurinda B. Parker	1169489
R13	Quit Claim Deed	Wahlen Acres, LLC	3859142
R14	Release Of Line	Great Basin Engineering, INC.	825831
R15	Special Warranty Deed	Green Wood Charter School	2820191
R16	Warranty Deed	Apple Stores INC	878628
R17	Warranty Deed	Butters Northern Land Lights LLC	3234724
R18	Warranty Deed	Butters Properties LLC	2485912
R19	Warranty Deed	Douglas Russell	2568286
R20	Warranty Deed	Harrisville City	2548486
R21	Warranty Deed	Harrisville City	2948929
R22	Warranty Deed	Kent E. Butters	2757825
R23	Warranty Deed	PC Management, LLC	2493935
R24	Warranty Deed	Russell Wahlen	2725153
R25	Warranty Deed	Sheriffs Mounted Posse	437-56
R26	Warranty Deed	The Harvester Corporation	818183
R27	Warranty Deed	Wahlen Acres, LLC	2617864
R28	Subdivision Plat	Rocking R Subdivision Phase 2	Book 44 Page 843
R29	Subdivision Plat	Colony Subdivision No 5	Book 44 Page 849
R30	Subdivision Plat	Greenland Estates Subdivision	Book 69 Page 898
R31	Subdivision Plat	Thoroughbred Meadows 1ST Amendment	Book 74 Page 888
R32	Record of Survey	Greenwood Academy/Wahlen Acres, LLC	5373
R33	Record of Survey	Colony Subdivision No 6	6472
R34	Subdivision Plat	Colony Subdivision No 2	Book 22 Page 885
R35	Boundary Line Agreement	Wahlen Acres, LLC	2174442
R36	Boundary Line Agreement	Wahlen Acres, LLC	2174443
R37	Boundary Line Agreement	Wahlen Acres, LLC	2174444
R38	Record of Survey	Russell Wahlen	4988
R39	Subdivision Plat	Colony Subdivision No 6	Book 87 Page 853
R40	Certificate Of Creation	Land Agreement Recorded	2640631
R41	Withdrawal of Application	Taxation of Agricultural Land	3882712
R42	Decree of Divorce	RUSSELL SCOTT WAHLEN	22981814

SURVEY IMAGES



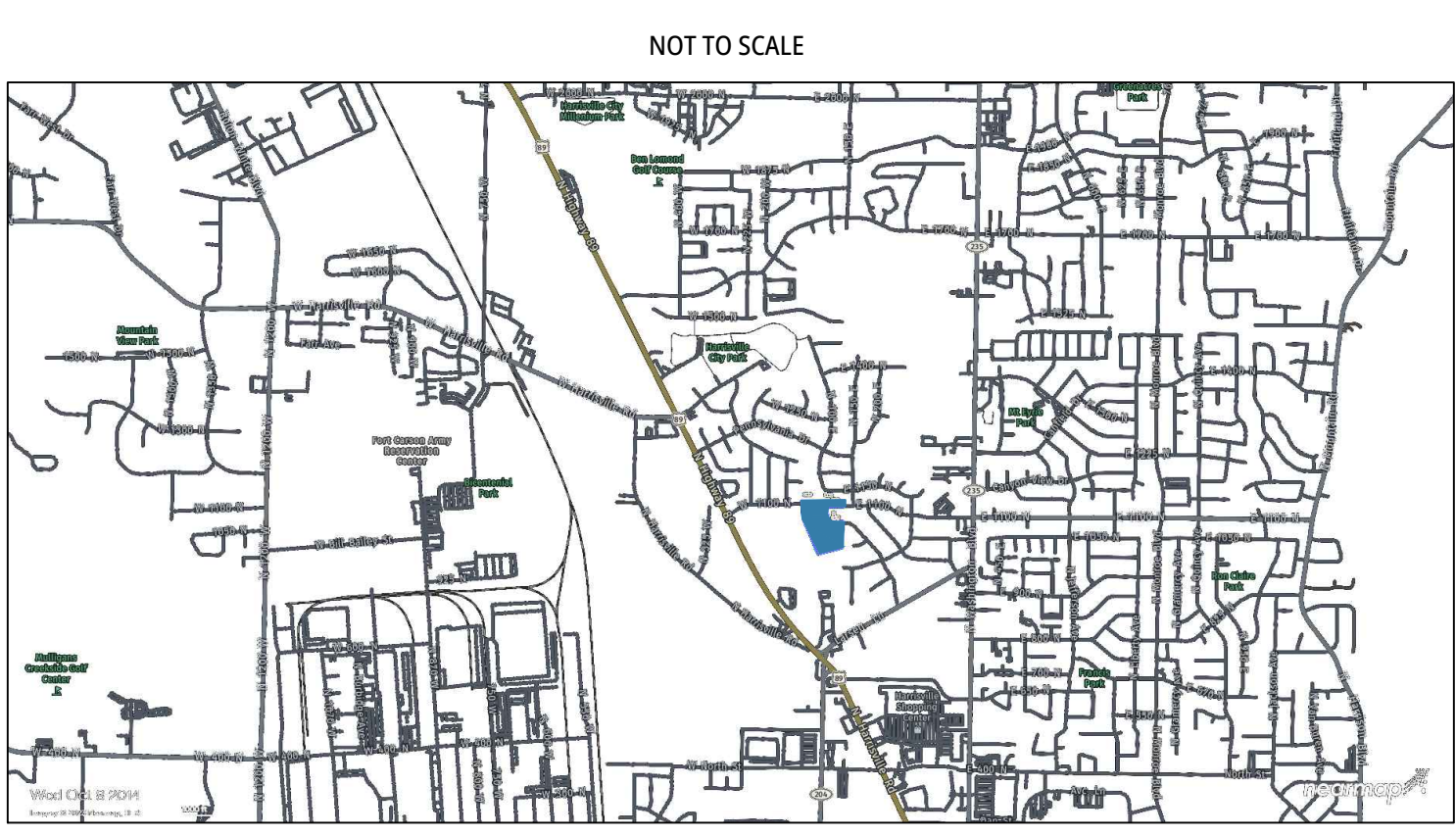
PRIMARY CONTROL DETAIL



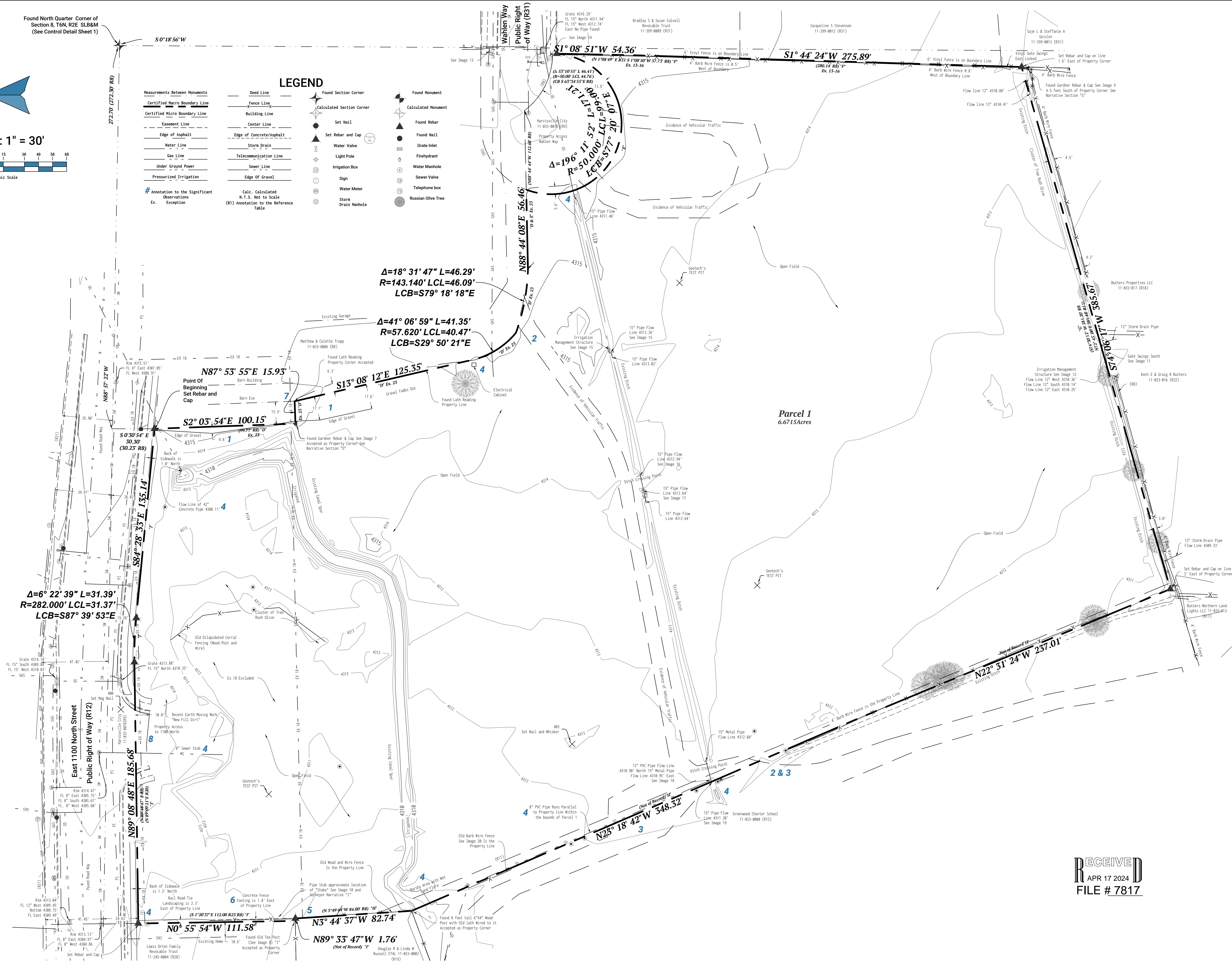
SECONDARY CONTROL COORDINATE TABLE

Point #	Northing	Eastings	Elevation	DESCRIPTION
30	3625103.77	1511425.29	4327.00	Found Monument in the Intersection of Washington Blvd. and 1100 North
40	3626085.97	1511445.19	4332.19	Found Monument in the Intersection of Washington Blvd. and Lochwood Dr
50	3625253.20	1512089.08	4329.59	Found Section Corner to the Northeast Corner of Section 8
60	3625308.84	1509444.52	4316.38	Found Section Corner to the North Quarter Corner of Section 8
70	3625357.15	1506793.40	4300.46	Found Section Corner to the Northwest Corner of Section 8
80	3622658.23	1509429.92	4285.62	Found Section Corner to the Center of Section 8
200	3625305.82	1509586.26	4316.48	Found Centerline Monument in the Intersection of 1100 N and 125 E Street
201	3625300.73	1509832.16	4317.05	Found Centerline Monument in the Intersection of 1100 N and Brook Meadow Drive
202	3624736.24	1510253.27	4317.21	Found Centerline Monument Near the Intersection of 275 E and Brook Meadow Street
203	3624445.79	1510031.22	4315.16	Found Centerline Monument Near the Intersection of Wahlen Way and Berkley Street
204	3624336.34	1509572.35	4311.54	Found Centerline Monument in the Intersection of Berkley Street and Marshal Lane
205	3623799.32	1509560.48	4304.64	Found Centerline Monument in the Cul De Sac Of Marshal Lane
206	3624760.31	1509795.95	4315.43	Found Centerline Monument in the Intersection of Wahlen Way and Copper Circle
207	3624670.85	1509611.07	4314.22	Found Centerline Monument in the Cul-De-Sac Of Copper Circle
208	3625025.23	1509485.10	4315.85	Found Centerline Monument at the Point Of Tangent Near The End Of The Wahlen Way
209	3625324.94	1508574.93	4309.07	Found Centerline Monument in the Intersection of 1100 North and 150 West
400	3625307.86	1508972.85	4314.38	Set Mag Nail
401	3625312.86	1510031.00	4318.16	Set Mag Nail
403	3624987.36	1508948.29	4313.09	Set Nail & Wisther

VICINITY MAP

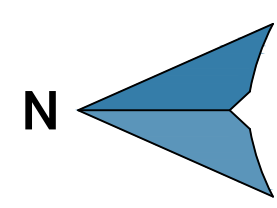
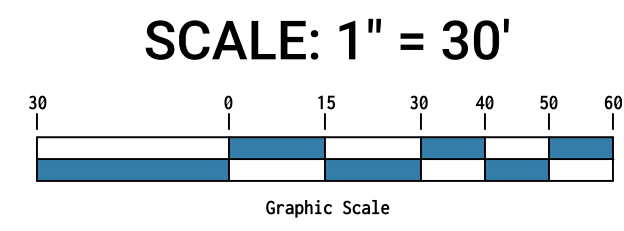


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LEGEND

Measurements Between Monuments	Deed Line	Found Section Corner	Found Monument
Certified Macro Boundary Line	Fence Line	Calculated Section Corner	Calculated Monument
Certified Micro Boundary Line	Building Line	Set Nail	Found Nail
Easement Line	Center Line	Set Rebar and Cap	Found Nail
Edge of Asphalt	Edge of Concrete/Asphalt	Water Valve	Grate Inlet
Water Line	Store Drain	Light Pole	Firehydrant
Gas Line	Telecommunication Line	Irrigation Box	Water Manhole
Under Ground Power	Sewer Line	Sign	Sewer Valve
Pressurized Irrigation	Edge of Gravel	Water Meter	Telephone box
# Annotation to the Significant Observations	Calc. Calculated	Storm Drain Manhole	Russian Olive Tree
Ex. Exception	N.T.S. Not to Scale		
	(R) Annotation to the Reference Table		



Found North Quarter Corner of Section 8, T6N, R2E, S188M (See Control Detail Sheet 1)

Parcel 1
6.6715 Acres