

Commitment Number: 5660020
11/05/2014



First American Title

5929 S. Fashion Pointe Drive, Suite 120
South Ogden, UT 84403
(801)479-6600
Fax: (866)464-4408
sheiner@firstam.com

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COMMITMENT FOR TITLE INSURANCE PREPARED FOR:

PROPERTY INFORMATION:

156 North Highway 158, Eden, UT 84310

LISTING AGENT

SELLING AGENT

LENDER

BUYER/SELLER

To Be Determined

BUYER/BORROWER:

David M. Clapier

7310 S. 950 W.

SELLER/OWNER:

WILLARD UT 84340

PH. 801-510-3568

We agree to issue a policy to you according to the terms of this Commitment. When we show the policy amount and your name as the proposed insured in Schedule A, this Commitment becomes effective as of the Commitment Date shown in Schedule A.

If the Requirements shown in this Commitment have not been met within six months after the Commitment Date, our obligation under this Commitment will end. Also, our obligation under this Commitment will end when the Policy is issued and then our obligation to you will be under the Policy.

Our obligation under this commitment is limited by the following: (1) The Provisions in Schedule A. (2) The Requirements in Schedule B-1. (3) The Exceptions in Schedule B-2. (4) The Conditions on the inside cover page.

The Commitment is not valid without SCHEDULE A and Sections 1 and 2 of SCHEDULE B.

Underwritten by:

**SCHEDULE B - Section 1
Requirements**

The following are the requirements to be complied with:

- (A) Pay the agreed amounts for interest in the land and/or the mortgage or deed of trust to be insured.
- (B) Pay us the premiums, fees and charges for the policy. In the event the transaction for which this commitment is furnished cancels, the minimum cancellation fee will be \$120.00.
- (C) Provide us with releases, reconveyances or other instruments, acceptable to us, including payment of any amounts due, removing the encumbrances shown in Schedule B-2 that are objectionable to the proposed insured.
- (D) Provide us with copies of appropriate agreements, resolutions, certificates, or other evidence needed to identify the parties authorized to execute the documents creating the interest to be insured.
- (E) The documents creating the interest to be insured must be signed, delivered and recorded.
- (F) You must tell us, in writing, the name of anyone not referred to in this Commitment who will receive an interest in, or who will make a loan secured by a deed of trust or mortgage secured by, the land described in this Commitment.
- (G) After we have received the information requested in these requirements, together with any other information about the transaction, we will have the right to add requirements to this Schedule B-1 or special exceptions to Schedule B-2.
- (H) Provide us with any information regarding personal property taxes which may have been assessed or are due and payable which could become a lien on the real property.
- (I) A physical inspection of the land must be done to determine whether construction has commenced or whether materials or supplies have been delivered on the land. Should the inspection reveal that construction has commenced or that materials or supplies have been delivered, additional requirements or exceptions may be added.
- (J) A Notice of Construction Loan must be filed in the State Construction Registry.

**SCHEDULE B - Section 2
Exceptions
Amendment No. 1**

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction.

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interest or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easements or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments and any other facts which a correct survey would disclose, and which are not shown by public records.
5. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
6. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
7. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this commitment.

Exceptions 1-7 will be omitted on extended coverage loan policy

8. Taxes for the year 2014 now a lien, not yet due. Tax Parcel No. 20-017-0003
9. General property taxes for the year(s) 2011 are **delinquent** in the principal amount of \$893.75, plus interest, penalty and costs. Tax Parcel No. 20-017-0003

Subsequent delinquency for the year 2012 in the principal amount of \$915.67, plus interest, penalty and costs.

Subsequent delinquency for the year 2013 in the principal amount of \$905.43, plus interest, penalty and costs.
10. Any charge upon the land by reason of its inclusion in Weber County Fire Protection Service Area No. 4.
11. A resolution proposing to create a special improvement district known as Ogden Valley Natural Gas Improvement District with power and authority to impose assessments for improvements, provisions, restrictions, and/or requirements as disclosed by document recorded June 18, 1996 as Entry No. 1413086 in Book 1811 at Page 2786 of Official Records.

12. A perpetual easement over, across or through the land to construct, reconstruct, operate and maintain an underground pipeline or pipelines and appurtenant structures on, over or across and incidental purposes, as granted to The United States of America by Instrument recorded October 19, 1955 as Entry No. 244701 in Book 494 at Page 70 of Official Records.
13. A perpetual easement over, across or through the land to construct, reconstruct, operate and maintain a highway, telephone lines, power lines and appurtenances thereto, on, over or across and incidental purposes, as granted to The United States of America by Instrument recorded October 19, 1955 as Entry No. 244701 in Book 494 at Page 70 of Official Records.
14. A perpetual easement over, across or through the land to construct, reconstruct, operate and maintain an underground pipeline or pipelines and appurtenances and an earth lined open channel for Wheeler Creek on, over or across and incidental purposes, as granted to The United States of America by Instrument recorded October 19, 1955 as Entry No. 244701 in Book 494 at Page 70 of Official Records.
15. An easement over, across or through the land for installation maintenance and placement of a pipeline and associated works and incidental purposes, as granted to David M. Clapier, Keith Bradley Clapier, Barton J. Clapier and Kurt H. Clapier by Instrument recorded January 08, 1991 as Entry No. 1128660 in Book 1592 at Page 2136 of Official Records.
16. Petition to Weber Basin Water Conservancy District for the allotment of water recorded January 03, 2006 as Entry No. 2152459 of Official Records.
17. Resolution No. 27-2012 a Resolution of the Board of County Commissioners of Weber County, Utah, confirming the tax to be levied for Municipal Services provided to the unincorporated area of Weber County and describing the services to be provided therein recorded December 13, 2012 as Entry No. 2610456 of Official Records.
18. Weber County Zoning Development Agreement recorded April 15, 2014 as Entry No. 2682660 of Official Records.
19. The State Construction Registry discloses the following Preliminary Notice(s): None
20. Mechanics' and/or Materialmen's Lien claims if either work is started, any material delivered or service rendered, prior to the recordation of the Security Instrument to be insured.

LOSS OF PRIORITY under this provision may jeopardize the Company's ability to insure under an ALTA Lenders Policy.

The name(s) David M. Clapier, Keith Bradley Clapier, Barton J. Clapier and Kurt H. Clapier, has/have been checked for judgments, State and Federal tax liens, and bankruptcies and if any were found, are disclosed herein.

NOTE: According to Official Records, there have been no documents conveying the land described herein within a period of 24 months prior to the date of this commitment, except as follows: NONE

NOTE to proposed insured lender only: No Private transfer fee covenant, as defined in Federal Housing Finance Agency Final Rule 12 CFR Part 1228, that was created and first appears in the Public Records on or after February 8, 2011, encumbers the Title except as follows: None

SCHEDULE A

Amendment No. 1

ESCROW/CLOSING INQUIRIES should be directed to your Escrow Officer: **Susan Heiner at (801)479-6600 located at 5929 S. Fashion Pointe Drive, Suite 120, South Ogden, UT 84403.**

Effective Date: August 27, 2014 at 7:30 a.m.

- 1. Policy or (Policies) to be issued:

ALTA 2006 Extended Lender's for \$0.00 **PREMIUM \$TBD**

Proposed Insured:
To Be Determined

Endorsements **PREMIUM \$**

- 2. The estate or interest in the land described or referred to in this commitment and covered herein is fee simple and title thereto is at the effective date hereof vested in:

David M. Clapier, Keith Bradley Clapier, Barton J. Clapier and Kurt H. Clapier, grandchildren, with full rights of survivorship, as to Parcel 1 and David M. Clapier, Keith Bradley Clapier, Barton J. Clapier and Kurt H. Clapier as to Parcel 2

- 3. The land referred to in this Commitment is located in Weber County, UT and is described as:

PARCEL 1:

A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 6 NORTH, RANGE 1 EAST, SALT LAKE MERIDIAN, U.S. SURVEY: BEGINNING AT A POINT 1031.3 FEET WEST OF THE EAST QUARTER CORNER OF SAID SECTION 16, AND RUNNING THENCE NORTH 660 FEET; THENCE EAST 595.6 FEET, MORE OR LESS, TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE RELOCATED EDEN HIGHWAY; THENCE SOUTHWESTERLY ON A REGULAR CURVE TO THE LEFT, HAVING A RADIUS OF 528.3 FEET AND A DISTANCE OF 65 FEET WHEN MEASURED ON A 65 FOOT CHORD; THENCE SOUTH 34°31' WEST 109.5 FEET; THENCE NORTH 55°39' WEST 20 FEET; THENCE SOUTH 38°32' WEST 215 FEET; THENCE NORTH 43° WEST 50 FEET; THENCE SOUTH 47° WEST 289 FEET; THENCE SOUTH 43° EAST 80 FEET; THENCE SOUTH 47° WEST 208.7 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM, THAT PORTION THEREOF CONVEYED TO UNITED STATES OF AMERICA BY DEED RECORDED OCTOBER 19, 1955 AS ENTRY NO. 244701 IN BOOK 494 OF RECORDS, PAGE 70, MORE PARTICULARLY DESCRIBED AS FOLLOWS: A TRACT OF LAND IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE1/4NE1/4) OF SECTION SIXTEEN (16), TOWNSHIP SIX (6) NORTH, RANGE ONE (1) EAST, SALT LAKE BASE AND MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE

SOUTHEASTERLY LINE OF THE GRANTORS' PROPERTY, ALSO BEING A POINT ON THE NORTHERLY LINE OF THE EXISTING PINEVIEW RESERVOIR, FROM WHICH POINT THE EAST QUARTER CORNER OF SAID SECTION 16 BEARS SOUTH 62°17' EAST SEVEN HUNDRED SEVENTY-SIX AND NINE-TENTHS (776.9) FEET, AND RUNNING THENCE NORTH 43°00' WEST TEN (10.0) FEET; THENCE NORTH 39°33' EAST THREE HUNDRED SEVENTY-SEVEN AND NINE-TENTHS (377.9) FEET; THENCE EAST EIGHTEEN AND THREE-TENTHS (18.3) FEET TO A POINT ON THE SOUTHEASTERLY LINE OF THE GRANTORS' PROPERTY AND THE NORTHERLY LINE OF THE SAID EXISTING RESERVOIR; THENCE FOLLOWING FOUR COURSES ALONG THE SOUTHEASTERLY LINE OF THE GRANTORS' PROPERTY AND THE NORTHERLY LINE OF THE SAID EXISTING RESERVOIR ALONG A REGULAR CURVE TO THE LEFT WITH A RADIUS OF 528.3 FEET FOR AN ARC DISTANCE OF SIXTY-FIVE (65.0) FEET (THE TANGENT TO THE CURVE AT THE POINT OF BEGINNING BEARS SOUTH 41°25' WEST) THENCE SOUTH 34°21' WEST ONE HUNDRED NINE AND FIVE-TENTHS (109.5) FEET, THENCE NORTH 55°39' WEST TWENTY (20.0) FEET, THENCE SOUTH 38°32' WEST TWO HUNDRED FIFTEEN (215.0) FEET TO THE POINT OF BEGINNING.

ALSO LESS AND EXCEPTING THEREFROM, THAT PORTION CONVEYED TO UNITED STATES OF AMERICA BY DEED RECORDED OCTOBER 19, 1955 AS ENTRY NO. 244701 IN BOOK 494 OF RECORDS, PAGE 70, MORE PARTICULARLY DESCRIBED AS FOLLOWS: A TRACT OF LAND IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE1/4NE1/4) OF SECTION SIXTEEN (16), TOWNSHIP SIX (6) NORTH, RANGE ONE (1) EAST, SALT LAKE BASE AND MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE GRANTORS' PROPERTY ALSO BEING A POINT ON THE NORTHERLY LINE OF THE EXISTING PINEVIEW RESERVOIR, FROM WHICH POINT THE EAST QUARTER CORNER OF SAID SECTION 16 BEARS EAST TEN HUNDRED THIRTY-ONE AND THREE-TENTHS (1031.3) FEET, AND RUNNING THENCE NORTH ALONG THE WEST LINE OF THE GRANTORS' PROPERTY TWO HUNDRED TEN AND EIGHT-TENTHS (210.8) FEET; THENCE NORTH 67°11' EAST FIFTY-SEVEN AND THREE-TENTHS (57.3) FEET; THENCE SOUTH 54°32' EAST FIFTY-FIVE AND FIVE-TENTHS (55.5) FEET; THENCE SOUTH 43°00' EAST EIGHTY (80.0) FEET TO A POINT ON THE SOUTHEASTERLY LINE OF THE GRANTORS' PROPERTY ALSO BEING A POINT ON THE NORTHERLY LINE OF THE SAID EXISTING RESERVOIR; THENCE SOUTH 47°00' WEST ALONG THE SOUTHEASTERLY LINE OF GRANTORS' PROPERTY AND THE NORTHERLY LINE OF THE SAID EXISTING RESERVOIR TWO HUNDRED EIGHT AND SEVEN-TENTHS (208.7) FEET TO THE POINT OF BEGINNING.

ALSO LESS AND EXCEPTING THAT PORTION OF GROUND CONVEYED BY THAT CERTAIN QUIT CLAIM DEED RECORDED JANUARY 08, 1991 AS ENTRY NO. 1128659 IN BOOK 1592 AT PAGE 2135 OF OFFICIAL RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: A PARCEL OF LAND IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 6 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT BEING NORTH 0°48'30" EAST 200.86 FEET ALONG THE EAST LINE OF SAID SECTION 16 AS SHOWN ON THAT SURVEY BY BINGHAM ENGINEERING FOR THE OGDEN RIVER WATER USERS ASSOCIATION, DATED MAY 31, 1990, AND WEST 936.06 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION 16 AS SHOWN ON SAID SURVEY; THENCE NORTH 43°00' WEST 64.22 FEET TO A 5/8" IRON ROD; THENCE NORTH 46°24'17" EAST 216.42 FEET TO A 5/8" IRON ROD; THENCE NORTH 80°47'40" EAST 33.00 FEET TO A 5/8" IRON ROD; THENCE SOUTH 54°07'12" EAST 45.00 FEET TO A FENCE CORNER; THENCE SOUTH 50°33' EAST 4.00 FEET ALONG A FENCE; THENCE SOUTH 47°00' WEST 253.04 FEET TO THE POINT OF BEGINNING.

ALSO: A PARCEL OF LAND IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 6 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT BEING NORTH 0°48'30" EAST 361.41 FEET ALONG THE EAST LINE OF SAID SECTION 16 AS SHOWN ON THAT SURVEY BY BINGHAM ENGINEERING FOR THE OGDEN RIVER WATER USERS ASSOCIATION, DATED MAY 31, 1990, AND WEST 692.86 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION 16 AS SHOWN ON SAID SURVEY; THENCE SOUTH 38°32' WEST 29.08 FEET TO A 5/8" IRON ROD IN A FENCE LINE; THENCE NORTH 50°33' WEST 54.76 FEET ALONG SAID FENCE;

THENCE LEAVING SAID FENCE NORTH 47°00' EAST 35.96 FEET TO A 5/8" IRON ROD; THENCE SOUTH 43°00' EAST 50.00 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

RIGHT OF WAY EASEMENT CONVEYED IN THAT QUIT CLAIM DEED RECORDED JANUARY 08, 1991 AS ENTRY NO. 1128659 IN BOOK 1592 AT PAGE 2135 OF OFFICIAL RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 6 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN TO BE USED AS A RIGHT OF WAY EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT BEING NORTH 0°48'30" EAST 361.41 FEET ALONG THE EAST LINE OF SAID SECTION 16 AS SHOWN ON THAT SURVEY BY BINGHAM ENGINEERING FOR THE OGDEN RIVER WATER USERS ASSOCIATION, DATED MAY 31, 1990 AND WEST 692.86 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION 16 AS SHOWN ON SAID SURVEY, SAID POINT ALSO BEING A 5/8" IRON ROD; THENCE SOUTH 49°27' EAST 42 FEET MORE OR LESS, TO THE NORTHERLY EDGE OF THE PAVEMENT ON HIGHWAY 162; THENCE SOUTH 40°33' WEST 29.07 FEET ALONG SAID NORTHERLY EDGE; THENCE NORTH 49°27' WEST 40.98 FEET, MORE OR LESS TO A 5/8" IRON ROD; THENCE NORTH 38°32' EAST 29.08 FEET TO THE POINT OF BEGINNING.

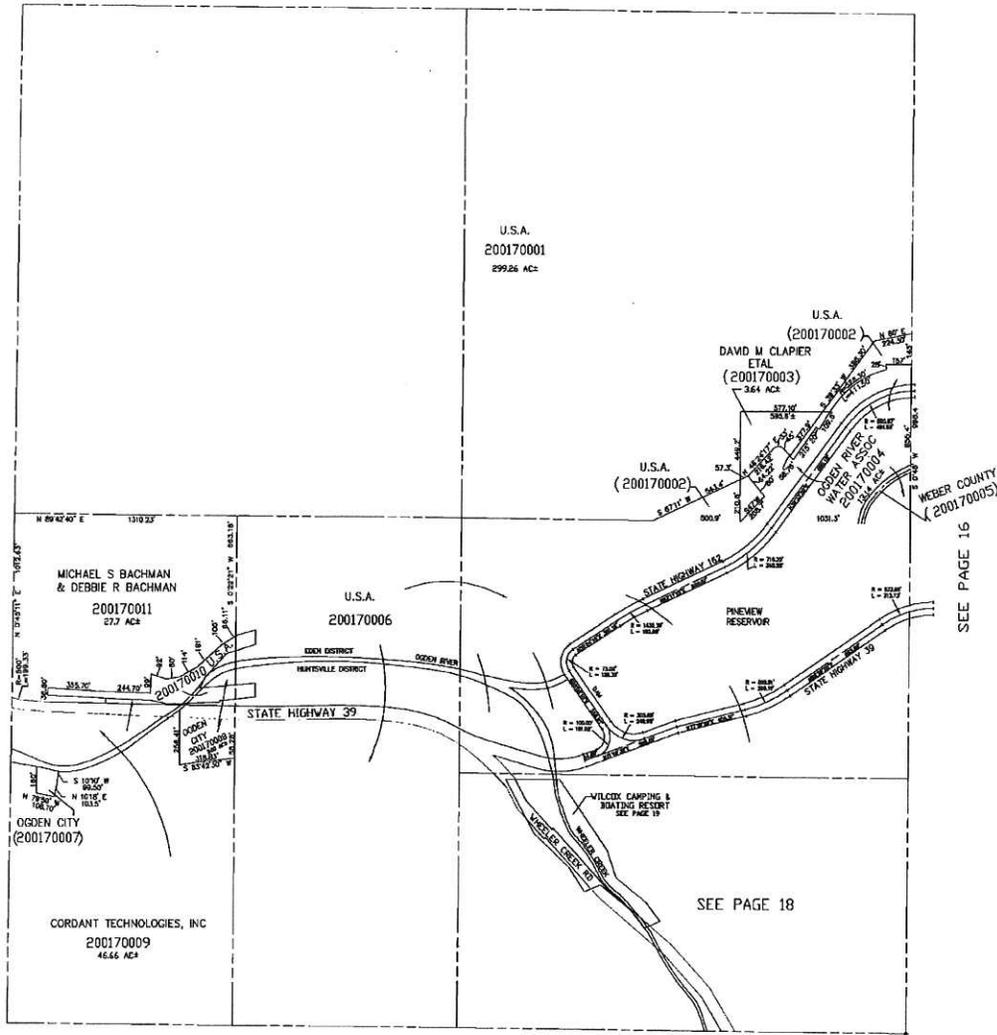
Said property is also known by the street address of:
156 North Highway 158, Eden, UT 84310

SECTION 16, T.6N., R.1E., S.L.B. & M.
IN WEBER COUNTY
SCALE 1" = 400'

TAXING UNIT: 317

SEE PAGE 4

SEE PAGE 20



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NOTE: ALL DISTANCE DATA OBTAINED BY THE U.S. DEPT. OF INTERIOR BUREAU OF RECLAMATION. PROPERTY OWNERS CALIBRATION OF SURVEYS 192 & 20 FROM 1976. 2001-2009 TO BE RECALCULATED FOR SURVEYS 192 & 20 FROM 1976. 2001-2009 TO BE 681-2728 FOR SURVEY 20.