

Weber County Subdivision Application

All subdivisions submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted / Completed 07/08/13	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
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Subdivision and Property Information

Subdivision Name Brandy Malan Subdivision		Number of Lots 1
Approximate Address 2873 North, Hwy 162, Eden, Utah		Land Serial Number(s) 22-022-0014
Current Zoning AV3	Total Acreage 1.09	
Culinary Water Provider Eden Waterworks	Secondary Water Provider N/A	Wastewater Treatment Existing Septic Tank

Property Owner Contact Information

Name of Property Owner(s) Heirs of the Dean Malan Revocable Trust		Mailing Address of Property Owner(s) Debra Bernkopf 1447 Hudson St Ogden Ut Jeff Malan 2873 N. Hwy 162 Eden Ut Steven Malan 5645 E 2500 N. Eden Ut
Phone	Fax	
Email Address		Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail

Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s) Debra Bernkopf Heir & Primary Trustee		Mailing Address of Authorized Person 1447 Hudson Street Ogden, Utah 84404
Phone 801-334-9153	Fax N/A	
Email Address bernkopf@comcast.net		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail

Surveyor/Engineer Contact Information

Name or Company of Surveyor/Engineer Landmark Surveying Inc		Mailing Address of Surveyor/Engineer 4646 S.3500 W., Ste 3, West Haven, Utah 84401
Phone 801-731-4075	Fax	
Email Address www.LandmarkSurveyUtah.com		Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail

Property Owner Affidavit

I (We), DEBRA M. BERNKOPF depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

Debra M. Bernkopf
(Property Owner)
ESTATE TRUSTEE

(Property Owner)

Subscribed and sworn to me this 8 day of July, 2013.

(Notary)

FOLDER = DEAN MALAN PROPERTY

Authorized Representative Affidavit

I (We), Debra M. Bernkopf, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), ESTATE TRUSTEE, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

(Property Owner)

Dated this _____ day of _____, 20 _____, personally appeared before me _____, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

(Notary)

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Debra Bernkopf
 (Property Owner) _____
 (Property Owner)

Subscribed and sworn to me this _____ day of _____, 20 _____

(Notary)

Authorized Representative Affidavit

I (We), DEBRA BERNKOPF, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), _____, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

Debra Bernkopf
(Property Owner)

(Property Owner)

Dated this _____ day of _____, 20 _____, personally appeared before me _____, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

(Notary)

DECLARATION OF TRUST AND AGREEMENT

THIS DECLARATION OF TRUST AND AGREEMENT is made and executed this 10th day of April, 2012, by DEAN A. MALAN (aka Alton Dean Malan), of Eden, Utah, (hereinafter sometimes referred to as the "Grantor") and DEAN A. MALAN (aka Alton Dean Malan), of Eden, Utah, (hereinafter sometimes referred to as the "Trustee").

1. NAME OF TRUST. This Trust shall be known as the "DEAN A. MALAN REVOCABLE TRUST".

2. DECLARATION OF TRUST. Simultaneously with the execution of this Declaration of Trust and Agreement, the Grantor does gratuitously transfer to Trustee (without any consideration therefore) his entire right, title, and interest in and to the assets more fully described in Schedule "A", which schedule is attached hereto and by reference made a part hereof. The assets listed on Schedule "A" and all other property which may be received by Trustee hereunder shall constitute the Trust Estate of the Trust and shall be held, managed, and distributed as hereinafter provided. The transfers and designations hereby made shall be deemed effective immediately upon the execution of this Agreement even if further ministerial acts are necessary to effect changes on the records. The Trustee acknowledges receipt of the assets listed on Schedule "A".

3. ADDITIONAL PROPERTY. Grantor, or any other person, may at any time transfer and deliver to Trustee, in addition to the property listed in Schedule "A" attached hereto, cash, securities, and other property acceptable to Trustee, which property, including the proceeds of any life insurance as and when received by Trustee, as invested and reinvested, shall be added to the Trust Estate and shall be held, administered, and distributed as hereinafter provided.

4. **STATEMENT OF FAMILY.** I declare that I am a widower and that I have three (3) children now living, to wit:

<u>Name</u>	<u>Birthdate</u>
Debra M. BernKopf	July 29, 1953
Jeff D. Malan	February 13, 1956
Steven L. Malan	March 3, 1962

Said children, are hereinafter referred to as my “**Children**”. Grantor intends the provisions of this Trust to apply only to such Children and no others. Trustee may rely on such dates of birth for any purpose.

5. **RIGHTS RESERVED BY GRANTOR.**

(A) **Amendment and Revocation.** While living, competent, and not under any legal disability, Grantor shall have the right at any time, and from time to time, without the consent of any person, and without notice to any person other than Trustee, to revoke or modify the Trust in whole or in part, to change the beneficiaries thereof, or to withdraw the whole or any part of the Trust Estate by filing notice of such revocation, modification, change or withdrawal with Trustee, provided that the terms of this Agreement may not be modified by Grantor in such manner as to increase the obligations or alter the rates of the commissions of Trustee without Trustee’s written consent.

(B) **Right to Direct.** While living, competent, and not under any legal disability, Grantor shall have the right, at any time, and from time to time, to direct Trustee in writing with reference to the retention, sale, or exchange, encumbrance, lease, management and control of any property of the Trust Estate, and with respect to the investment or reinvestment of any of the funds of the Trust in any property that Grantor may deem advisable. Upon receipt of any such written direction, Trustee shall comply therewith and shall not incur any liability by reason of so doing.

principal place of residence which is subject to the provisions of this trust without the express written permission of Grantor.

(C) **Specified Powers over Distribution.** Trustee's powers over distributions shall include but not be limited to the power to make distribution or division of the Trust property in cash or in kind or both, to allot different kinds of disproportionate shares of property or undivided interest in property among the beneficiaries of portions, to determine the value of any such property, and to sell such property as it deems necessary to make any division or distribution.

(D) **Court Approval Not Required.** All powers granted herein may be exercised without authorization or approval of any court and shall remain exercisable as a separate authority after the termination of the Trust until actual or final distribution. Trustee shall not be required to file periodical accounts in any court.

9. **TRUSTEE PROVISIONS.**


(A) **Appointment.** The original Trustee hereunder is **DEAN A. MALAN**. Except as otherwise provided herein, if the individual specified above as Trustee should fail to qualify as Trustee, or for any reason cease to act in such capacity, the successor trustee shall be **DEBRA M BERNKOPF**, now residing in Ogden, Utah. If for any reason she fails or ceases to serve, Grantor appoints **JEFF D MALAN**, now residing in Eden, Utah, to act as Successor Trustee. If he fails or ceases to serve, Grantor appoints **STEVEN L. MALAN**, now residing in Eden, Utah, to act as Successor Trustee. If all of the above-named individuals fail or cease to serve as Trustee, the trustee may be a corporate executor who has sought appointment and has been qualified according to the probate laws and who has been appointed by an appropriate court. It shall have all the powers of any preceding trustee.

however, deposit in any bank designated in writing by a beneficiary to his or her credit, income, or principle payable to such beneficiary.

(E) **Severability.** If any provision of this instrument shall be invalid or unenforceable, the remaining provisions shall nevertheless be carried into effect.

(F) **Declaration of Grantor.** The undersigned Grantor named in the foregoing does hereby certify that she has read this Declaration of Trust and Agreement and that the same fully and accurately sets out the terms and conditions under the Trust and allocation of the Trust Estate and does hereby approve, ratify, and confirm said Declaration of Trust and Agreement in all particulars.

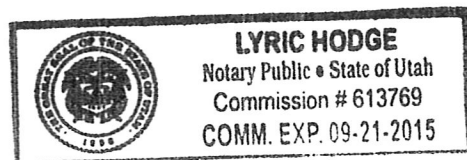
IN WITNESS WHEREOF, Grantor and Trustee have executed this Amended Declaration of Trust this 10th day of April, 2012.


DEAN A. MALAN
GRANTOR AND TRUSTEE

On the 10th day of April 2012, personally appeared before me Dean A. Malan, personally known to me or proved to me on the basis of satisfactory evidence to be the persons whose name is signed on the preceding documents as GRANTOR AND TRUSTEE, who duly acknowledge before me that he executed the same voluntarily for its stated purpose.


NOTARY PUBLIC

Prepared by:
Ryan J. Stanger, Esq.
CRAGUN LAW FIRM, P.C.
1920 West 250 North, Suite 1
Ogden, Utah 84404
(801) 866-0031



SCHEDULE "A"

The following items of real and personal property constitute property of the DEAN A. MALAN REVOCABLE TRUST dated April 10, 2012.

PERSONAL PROPERTY

All of the personal and household effects of Grantor including but not limited to furniture, appliances, furnishings, pictures, silverware china, glass, books, jewelry, wearing apparel, boats, automobiles, and other vehicles and all policies of fire, burglary, property damage and other insurance on or in connection with the use of this property.

REAL PROPERTY

In the county of Weber State of Utah:

All of PART OF SECTION 28, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE MERIDIAN, U.S. SURVEY. BEGINNING AT A POINT NORTH 0D21'20" EAST 764.21 FEET AND NORTH 89D22'46" WEST 230.0 FEET AND NORTH 0D21'20" EAST 395.00 FEET AND SOUTH 87D55'46" EAST 130.35 FEET AND NORTH 1D51'25" EAST 38.91 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 28 AND RUNNING THENCE NORTH 89D22'46" WEST 191.50 FEET, THENCE NORTH 12D19'14" WEST 131.30 FEET, THENCE NORTH 82D EAST 32.91 FEET, THENCE NORTH 9D56' EAST 13.26 FEET, THENCE NORTH 55D22' EAST 40.4 FEET, THENCE NORTH 19D42' EAST 77.0 FEET, THENCE NORTH 33D04' EAST 60.0 FEET TO THE SOUTH LINE OF STATE ROAD RIGHT OF WAY, THENCE ALONG SAID RIGHT OF WAY SOUTH 42D46' EAST 39.2 FEET AND SOUTH 42D01' EAST 196.78 FEET, THENCE SOUTH 89D50' WEST 50.97 FEET, THENCE SOUTH 1D30'25" WEST 155 FEET, MORE OR LESS, TO THE POINT OF BEGINNING. SUBJECT TO A PERPETUAL RIGHT OF WAY FOR INGRESS AND EGRESS DESCRIBED AS FOLLOWS: A PARCEL OF LAND 16.5 FEET WIDE, BEING ADJACENT TO AND EXTENDING 16.5 FEET WEST OF A LINE WHICH BEGINS AT THE NORTHEAST CORNER OF THE ABOVE DESCRIBED TRACT OF LAND AND RUNS NORTH 1D30'25" EAST FROM SAID POINT 201.09 FEET, MORE OR LESS, TO THE SOUTH LINE OF STATE ROAD.



WEBER COUNTY CMS RECEIPTING SYSTEM
OFFICIAL RECEIPT

*** Save this receipt for your records ***

Date: 08-JUL-2013

Receipt Nbr: 1974

ID# 13071

Employee / Department: KARY - 4181 - PLANNING
Monies Received From: DEBRA BERNKOPF
Template: PUBLIC WORKS
Description: SUBDIVISION APPLICATION

The following amount of money has been received and allocated to the various accounts listed below:

Total Currency	\$	_____	.00
Total Coin	\$	_____	.00
Total Debit/Credit Card	\$	_____	.00
Pre-deposit	\$	_____	.00
Total Checks	\$	_____	525.00
Grand Total	\$	=====	525.00

Account Number	Account Name	Comments	Total
2013-01-4148-3419-0564-000	SURVEYOR'S SUBDIVISION FEE		175.00
2013-01-4149-3419-0564-000	ENGINEERING SUBDIV. FEES		175.00
2013-08-4181-3419-0564-000	SUBDIVISION FEES - PLANNING		175.00
TOTAL \$			525.00

Check Amounts

525.00

Total Checks: 1

Total Check Amounts: \$ 525.00

*** SAVE THIS RECEIPT FOR YOUR RECORDS ***