



North American Title Company  
110 North Main Street, Suite A  
Bountiful, UT 84010  
Phone: 801-296-2880  
Fax: 801-207-8477

COMMITMENT FOR TITLE INSURANCE

North American Title Insurance Company

Order Number: 4542152  
Reference Number: 40902-13-02741

**Schedule A**

1. Effective Date: 09/04/2013 at 8:00 AM

2. Policy or Policies to be issued:

A. Policy to be Insured:  
2006 Owners Policy  
**Proposed Insured:** TBD  
**Amount of Insurance:**  
**Premium:** \$  
**Endorsements:**  
**Endorsement Amount:** \$

B. Policy to be Issued:  
2006 Loan Policy  
**Proposed Insured:**  
**Amount of Insurance:**  
**Premium:** \$  
**Endorsements:**  
**Endorsement Amount:** \$

3. The estate or interest in the land described or referred to in this Commitment is  
Fee Simple

Countersigned:

North American Title Company  
110 North Main Street, Suite A  
Bountiful, UT 84010

This Commitment is invalid unless Schedules B and Cover are attached.

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4. Title to the estate or interest in the land described or referred to in this Commitment and covered herein is Fee Simple and is at the effective date hereof vested in:

Melvin Ray Clarke and Elroy J. Harris Trustees of the Melvin Ray Clarke revocable Trust dated September 20th 2012

5. The land referred to in this Commitment is situated in the County of Weber, State of Utah, and described as follows:

See Exhibit "A" attached hereto, and by this reference made a part hereof:

The address of said property is: 4770 East 2650 North, Eden, UT 84310

## **Schedule B Section 1 Requirements**

Requirements:

- A. Pay the full consideration to, or for the account of, the grantors or mortgagors.
- 1. Pay all taxes, charges, assessments, levied and assessed against subject premises, which are due and payable.
- 2. Satisfactory evidence should be had that improvements and/or repairs or alterations thereto are completed, that contractor, sub-contractors, labor and materialmen are all paid, and have released of record all liens or notice of intent to perfect a lien for labor or material.
- 3. Pay all premiums, fees and charges for this report, and any Policy issued hereunder.
- 4. Provide the Company, in writing, with instructions as to the full nature of the transaction, including but not limited to: Names of any party not referred to in this commitment who will receive an interest in the land, or who will be named as a proposed insured (Owner and/or Lender) and amounts (Owners and/or Lenders) of policies to be issued. Additional requirements or exceptions may then be made.

NOTICE TO APPLICANT: The land covered herein may be served by districts or service companies and/or municipalities which assess charges for water, sewer, electricity and other utilities, etc., which are not covered by this report or insured under a Title Insurance Policy issued hereunder.

- 5. Documentation sufficient to vest title in the proposed Insured Owner.
- 6. Trust Deed or other approved security instrument, executed by the appropriate parties.

## **Schedule B Section 2 Exceptions**

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

1. Any facts, rights, interest, or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or which may be asserted by persons in possession, or claiming to be in possession, thereof.
2. Easements, liens, encumbrances, or claims thereof, which are not shown by the Public Records.
3. 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 that is not shown by the Public Records.
4. 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.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Taxes or special 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. Proceedings by a public agency, which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
7. Any Service, installation, connection, maintenance or construction charges for sewer, water, electricity or garbage collection or disposal or other utilities unless shown as an existing lien by the Public Records.
8. 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.

Exception Numbers 1 through 8 will not appear in any Extended Coverage Mortgage Policy to be issued hereunder.

9. Taxes for the year 2013 are now a lien, but not yet due. Tax ID No. Tax ID / Parcel No. 22-046-0030. (2012 taxes were paid in the amount of \$1,032.14)  
(Payment includes a direct charge in the amount of \$44.00)
10. A tax certification for the year 2013 of \$20.00 by Eden Park District, and \$24.00 to Ogden Valley Translator, for a total of \$44.00, as an additional amount due with the general property taxes when due and payable.
11. The terms and provisions of the Farmland Assessment Act of 1969" in Title 59 Chapter 2, Part 5 of the Utah Code, and amendments thereof, disclosed by that certain Application for Taxation of Agricultural Land, dated February 1, 2007, and recorded February 13, 2007, as Entry No. 2241910, of Official Records, which, in part, provides for the right of Weber County to reassess said property for previous years and the collection of additional taxes resulting from any such reassessment.

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## Schedule B Section 2 Exceptions continued

12. Said property is located within the boundaries of Weber County, Eden Cemetery, Weber County Fire Service Area 4, Ogden Valley Natural Gas Improvement District and is subject to the charges and assessments levied thereunder.
13. Resolution 23-2005, a resolution of the Board of County Commissioners of Weber County creating and establishing a special service district throughout all of Weber County, to be known as the "Weber Area Dispatch 911 and Emergency Services District", recorded January 24, 2006, as Entry No. 2156401 of Official Records.
14. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the Public Records or listed in Schedule B. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
15. Rights of way for any roads, ditches, canals, or transmission lines, and incidental purposes now existing over, under, or across said property.
16. Right of way and easement for any and all facilities appurtenant to the maintenance of the existing canal.

Any loss or claim arising from the fact that the number property line of the herein described property is referred to in various deeds of record as the center line of the existing canal line of the canal which boundary may be subject to change and/or uncertainty.

17. AN EASEMENT FOR ROADWAY PURPOSES OVER THE FOLLOWING DESCRIBED REAL PROPERTY:  
Grantor: Melvin Clarke and Joan Clarke, husband and wife  
Grantee: Marilyn K. Clarke  
Dated: June 15, 1977  
Entry No.: 702134  
Book/Page: 1183/458
18. Effect of the Weber County Ordinance No. 12-81 establishing a county service area providing for payment for services by a property tax or service charge, Recorded December 22, 2011, Entry No. 849262, in Book 1394, Page 1772 of Official Records.
19. A RIGHT-OF-WAY FOR INSTALLATION, MAINTENANCE AND REPAIR OF A STORM DRAIN:  
Grantor: Melvin R. Clarke and H. Joan Clarke, husband and wife  
Grantee: Weber County School District  
Dated: September 15, 1985  
Recorded: September 18, 1985  
Entry No.: 948005  
Book/Page: 1475/1986
20. Effect of the Weber County Resolution No. 18-96 establishing the Ogden Valley Natural Gas Improvement District, April 12, 1996, Entry No. 1399404, in Book 1801, Page 295 of Official Records.

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## Schedule B Section 2 Exceptions continued

21. EASEMENT AND CONDITIONS CONTAINED THEREIN:

Grantee: Wolf Creek Irrigation Company  
Dated: August 3, 1999  
Recorded: November 10, 1999  
Entry No.: 1673395  
Book/Page: 2043/1161

22. EASEMENT AND CONDITIONS CONTAINED THEREIN:

Grantee: Wolf Creek Irrigation Company  
Dated: September 3, 1999  
Recorded: November 10, 1999  
Entry No.: 1673396  
Book/Page: 2043/1165

23. DEED OF TRUST

Trustor: Melvin R. Clarke  
Trustee: America First Federal Credit Union  
Beneficiary: America First Federal Credit Union  
Amount: \$25,000.00, plus interest  
Dated: February 6, 2010  
Recorded: February 9, 2010  
Entry No.: 2458018

24. Effect of the Weber County Resolution No. 27-2012 confirming the tax to believed for municipal services provided to unincorporated area of Weber County, Recorded December 13, 2013, Entry No. 2610456 of Official Records.

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The policy to be issued contains an arbitration clause. Any matter in dispute between you and the Company may be subject to arbitration as an alternative to court action. Upon request, the company will provide a copy of this clause and the accompanying arbitration rules prior to the closing of the transaction. Any decision reached by arbitration shall be binding upon both you and the Company. The arbitration award may include attorney's fees, if allowed by state law, and may be entered as a judgment in any court of proper jurisdiction.

NOTE: For Informational purposes only, a 24 month chain of title is provided: A review of the records contained in the County Recorder's Office was conducted to the effective date of this commitment as shown in Schedule "A" herein and the following Deeds of Conveyance and/or Real Estate Purchase Contracts were found:

Warranty Deed dated September 20, 2012, and recorded September 24, 2012, as Entry No. 2597152, wherein Melvin R. Clarke appears as grantor and Melvin Ray Clarke and Elroy J. Harris Trustees of the Melvin Ray Clarke revocable Trust dated September 20th 2012 appears as grantee.

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## **Schedule B Section 2 Exceptions continued**

Delivery to the Company of a copy of the Declaration of Trust identified as The Melvin Ray Clarke Revocable Trust, dated September 20, 2012 wherein Melvin Ray Clarke and Elroy J. Harris are named as Trustees evidencing the authority of the Trustee to complete the contemplated transaction.

NOTE: Judgments were checked as to The Melvin Ray Clarke revocable Trust dated September 20th 2012 and no unsatisfied judgments were found.

NOTE: Judgments were checked as to Melvin Ray Clarke and Elroy J. Harris, Individually and as Trustees and no unsatisfied judgments were found.

NOTE: Title is to vest in persons not yet revealed, and when so vested will then be subject to matters disclosed by a search of the record against their names.

**Exhibit "A"**  
**(Legal Description)**

Part of the Southeast Quarter of Section 28, and the Southwest Quarter of Section 27, and of the Northwest Quarter of Section 34, Township 7 North, Range 1 East, Salt Lake Meridian, U.S. Survey, described as follows: Beginning at the Southeast corner of the Southeast Quarter of said Section 28, running thence North 89°40'15" West 110.00 feet, thence North 689.05 feet, thence South 40°31' East 115.30 feet, thence South 10°57' East 79.14 feet, thence South 25°07' West 94.13 feet, thence South 26°32' East 134.34 feet to the center of canal, thence 7 courses along the center of said canal as follows: South 26°32' East 8.20 feet, South 53°09' East 54.00 feet, South 89°31' East 80.00 feet, South 46°15' East 100.14 feet, South 7°49' East 159.24 feet, South 6°01'30" West 162.62, South 41°03' East 230.35 feet, thence running North 65°50' East 120.77 feet, thence North 85°52'51" East 92.20 feet, thence South 43°12'09" East 206.56 feet, thence South 8°43'10" East 2.45 feet; thence South 81°16'50" West 353.49 feet thence North 0°22'00" West 112.18 feet; thence North 43°01'47" West 213.84 feet; thence South 81°27'25" West 212.32 feet; thence North 202.52 feet to the point of beginning.

The following is shown for information purposes only: 22-046-0030