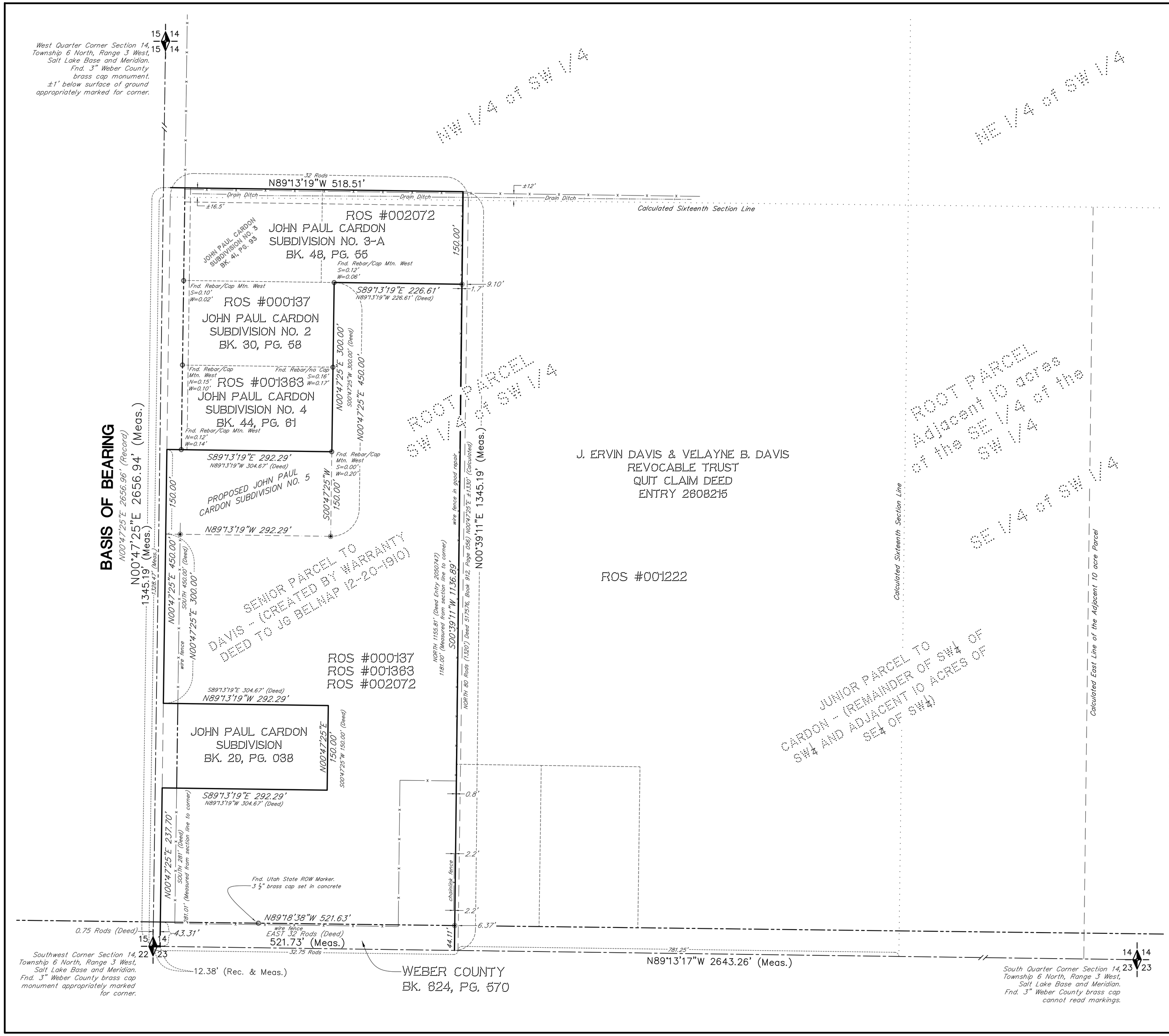

NARRATIVE:

Boundary Consultants were retained by Robert Pilarczyk to survey the subject parcel and prepare a subdivision plat for the John Paul Cardon No. 5 Subdivision. In the course of the survey it was determined that the east boundary corners were falling approximately ±2 feet east of an extant, well maintained fence. We asked Mr. Cardon about the age of fence to which he replied that he had replaced an existing fence with a new fence in the 1970's and again with the current fence in the 1990's with the neighbor participating in the construction and cost of the new fence line. This statement raised a red flag as to whether the Principles of Acquiescence should be applied to the boundary and if the fence line should be held as the boundary. We examined several Records of Surveys done on the Cardon Parcel by Mountain West Professional Land Surveyors, L.L.C. dated 1/1987, 6/1998, both certified by Martin B. Moore Jr., deseaced, 10/1998, and 5/1999, certified by Dick N. Meechem and a Record of Survey on the adjoining Davis Parcel by Mountain Engineering dated 7/1995, certified by William L. Holyoak. The earliest survey work on the subject parcel and adjoiner was done by Mountain West Professional Land Surveyors in 1987 certified by Mr. Moore showing the east boundary running coincident with a fence line. The next survey in succession was done in 1995 by Mountain Engineering certified by Mr. Holyoak where it is clear that he held the extant fence line as a Boundary by Acquiescence. The following three surveys performed by Mountain West all hold Mr. Moore's east boundary. We decided to abstract title to the Cardon and Davis Parcels to determine Junior – Senior Rights with the result shown hereon. The Cardon Parcel is Senior in Title to the Davis Parcel but is short in its East–West Axis by ±6 feet on the South and ±9 feet on the North holding the Records of Survey prepared by Mountain West. As we have re–traced Mr. Moore's work in the past and found it to be quite reliable, we have honored his location of the East line of Cardon as an Acquiesced line to a fence that existed in 1987 with the belief that the fence was in fact moved ±2' West in its last rebuild and was held as a Boundary by Acquiescence by Mr. Holyoak in error. We also found the North Boundary to be a Boundary by Acquiescence to an ancient fence line that is still in tact. The plats for the John Paul Cardon Subdivisions 1 through 4 all place their West Boundaries at the West Section Line of Section 14 which is in error as Mr. Cardon has never owned to the Section Line. In creating the Plat for the John Paul Cardon Subdivision No. 5 we have dedicated the roadway for 7500 West Street from the deed line to the extension of the extant east right of way line of the "Cardon Plats" Phases 1 through 4.

DESCRIPTION:

ENTRY 2050747:

Part of the Southwest Quarter of Section 14, Township 6 North, Range 3 West, Salt Lake Meridian, U.S. Survey:
Beginning at a point .75 of a rod EAST of the Southwest Corner of said Quarter Section; Running thence EAST 32 rods; Thence NORTH 1155.81 feet; Thence North 89°13'19" West 226.61 feet; Thence South 00°47'25" West 300.00 feet; Thence North 89°13'19" West 304.67 feet; Thence SOUTH 450.00 feet; Thence South 89°13'19" East 304.67 feet; Thence South 00°47'25" West 150 feet; Thence North 89°13'19" West 304.67 feet; Thence SOUTH 281 feet to the point of beginning.
Excepting that portion conveyed to Weber County, Book 624, P_age 570 of Records.

AS SURVEYED REMAINDER PARCEL:

A parcel of land lying and situate in the Southwest Quarter of the Southwest Quarter of Section 14, Township 6 North, Range 3 West, Salt Lake Base and Meridian, Reese Township, Weber County, Utah. Comprising the remaining 9.56 acres of that particular 10.56 acre parcel of land described in that certain Quit Claim Deed recorded as Entry 2050747 of the Weber County Records which is the remainder parcel to that particular parcel of land described in that certain Warranty Deed to John Paul Cardon and wife Matilda Darlene Cardon dated March 11, 1969 and recorded as Entry 517576, in Book 912, at Page 56 of said records this parcel being created by Warranty Deed to J.G. Belnap from John Davis and wife Martha J. Davis dated December 20, 1910, recorded in Book 64, at Page 21 of said Records. Basis of Bearing for subject parcel being North 89°13'17" West coincident with the South line of the Southwest Quarter of said Section 14.
Subject parcel being more particulary described as follows:

Beginning at a point 0.75 rods [12.38 feet measured] East [South 89°13'17" East measured] of the Southwest Corner of said Section 14 and running thence EAST [South 89°13'17" East measured] 32 rods [521.73 feet measured]; Thence NORTH [North 00°39'11" East measured] 80 rods [1345.19 feet measured]; Thence WEST [North 89°13'19" West measured] 32 rods [530.89 feet measured]; Thence SOUTH [South 00°47'25" West measured] 80 rods [1345.19 feet measured] to the Point of Beginning.

Less and Excepting Therefrom the following Six (6) Parcels:

1. That particular parcel of land transferred to Weber County by that certain Warranty Deed recorded in Book 624, at Page 570 of the Weber County Records.
2. John Paul Subdivision, Entry 1014239, Book 29, Page 038 of the Weber County Records.
3. John Paul Subdivision No. 2, Entry 1049494, Book 30, Page 058 of the Weber County Records.
4. John Paul Subdivision No. 3–A, Entry 1586279, Book 48, Page 055 of the Weber County Records.
5. John Paul Subdivision No. 4, Entry 1472037, Book 44, Page 061 of the Weber County Records.
6. The proposed John Paul Subdivision No. 5.

160 0 80 160
SCALE OF FEET

LEGEND

- 17= SECTION CORNER & SECTION LINE
- = SIXTEENTH SECTION LINES
- = SET 5/8" BAR & CAP LS 356548 & PROPERTY LINE
- = FOUND EVIDENCE AS NOTED
- = DEED BOUNDARY
- = ADJOINING PROPERTY LINES
- = RIGHT OF WAY LINES
- = PROPOSED SUBDIVISION LOT LINES
- = DIMENSION LINES

ROS 1234 = RECORD OF SURVEY FILE NUMBER
= MEASURED REC. = RECORD

Dennis E. Hawkes, PLS
Professional Land Surveyor No. 356548
State of Utah

DATE: 04-28-13
PLOT DATE:
SCALE: 1"=80
PROJECT NUMBER: 1307001

RECORD OF SURVEY OF TAX PARCEL 10-039-0024

LYING AND SITUATE IN THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 6 NORTH, RANGE 3 WEST, SALT LAKE BASE AND MERIDIAN

Boundary Consultants
Professional Land Surveyors
1295 North 1700 West Farr West, Utah
801-792-1569 801-690-7158 FAX

DESIGNED DEH
DRAFTED DEH
CHECKED DEH

SHEET 1 OF 1