

MAIL TAX NOTICES TO:

BJS IV LLC  
165 North 1330 West #D3  
Orem, UT 84057

James Nelson  
984 Sunburst Lane  
Alpine, UT 84004

File No.: 120974-DMY

ENT 204299:2020 PG 1 of 9  
**Jeffery Smith**  
**Utah County Recorder**  
2020 Dec 21 04:07 PM FEE 40.00 BY SM  
RECORDED FOR Cottonwood Title Insurance Agency, Inc.  
ELECTRONICALLY RECORDED

## **BOUNDARY LINE AGREEMENT**

In Reference to Tax ID Number(s):  
11-049-0009 and 52-168-0005

Mail Tax Notices To:

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\_\_\_\_\_  
  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Tax Parcel Nos:  
52-168-0005, 11-049-0009

\_\_\_\_\_

*(Space above for Recorder's Use Only)*

**BOUNDARY LINE AGREEMENT**

THIS BOUNDARY LINE AGREEMENT is made and entered into this 18 day of December, 2020, by and between BJS IV LLC, a Utah limited liability company (“**BJS**”) and JAMES NELSON and KAREN NELSON, husband and wife (collectively, “**Nelson**”). BJS and Nelson are sometimes referred to herein collectively as the “**Parties**” and individually as a “**Party**.”

**RECITALS**

- A. BJS currently owns that certain property located in Utah County, State of Utah described on Exhibit A attached hereto (the “**BJS Property**”).
- B. Nelson currently owns that certain property located in Utah County, State of Utah described on Exhibit B attached hereto (the “**Nelson Property**”). The Nelson Property is adjacent to the west of the BJS Property.
- C. By entering into this Agreement, the Parties desire to adjust the common boundary between the BJS Property and the Nelson Property in order to resolve a potential boundary dispute.

**TERMS AND CONDITIONS**

NOW THEREFORE, in consideration of the mutual covenants herein and other good and valuable consideration, the receipt and sufficiency of which are hereby conclusively acknowledged, and for the purpose of permanently establishing the common legal and physical boundary line between the parcels described herein, the Parties hereby agree as follows.

- 1. **New Boundary Line**. The Parties agree that the boundary line between the BJS Property and the Nelson Property is and shall be the line described in Exhibit C attached hereto

(the "New Boundary Line"). The New Boundary Line is depicted on that certain Record of Survey Map filed with the Utah County Surveyor as File No. 20-059.

2. **Quitclaim.** BJS does hereby remise, release and quitclaim unto Nelson all real property lying west of the New Boundary Line and Nelson does hereby remise, release and quitclaim unto BJS all real property lying east of the New Boundary Line.

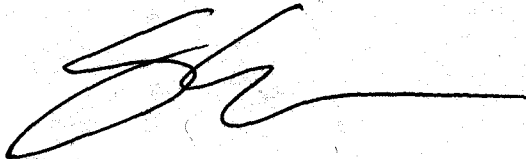
3. **New Legal Descriptions.** Giving effect to this Boundary Line Agreement and the New Boundary Line referred to herein, the revised legal description for the BJS Property is set forth on Exhibit D hereto, and the revised legal description for the Nelson Property is set forth on Exhibit E hereto.


4. **Recording.** The Parties agree to cause this Agreement to be recorded with the office of the Utah County Recorder.

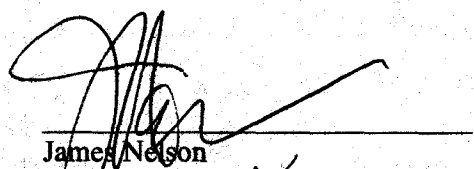
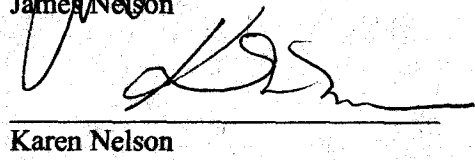
5. **Counterparts.** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute but one and the same instrument.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed as of the date first above written.

BJS IV LLC, a Utah limited liability company



By: Joan B. Shippen   
Name: Joan B. Shippen, Stephen R. Shippen + David S. Shippen  
Its: Managers

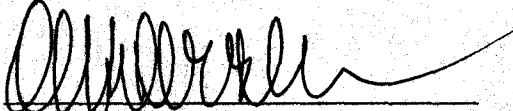
  
James Nelson  
Karen Nelson

STATE OF UTAH

COUNTY OF Salt Lake

Jean B. Shippen  
Stephen R. Shippen  
David S. Shippen

On the 18 day of December, 2020, personally appeared before me \_\_\_\_\_ proved on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged that he/she, being authorized so to do, executed the foregoing instrument on behalf of BJS IV LLC, a Utah limited liability company, for the purposes therein contained.

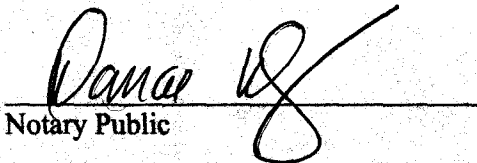
  
\_\_\_\_\_  
Notary Public

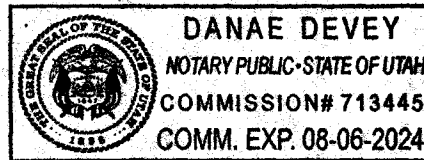


STATE OF UTAH

COUNTY OF Utah

On the 10 day of December, 2020, personally appeared before me JAMES NELSON and KAREN NELSON, proved on the basis of satisfactory evidence to be the persons whose names are subscribed to this instrument, and acknowledged that each of them executed the foregoing instrument.

  
\_\_\_\_\_  
Notary Public



**Exhibit A**

**(Legal Description of BJS Property)**

**Commencing at a point on the Northeast corner of the Northwest Quarter of the Northeast quarter of Section 19, Township 4 South, Range 2 East, Salt Lake Base and Meridian; thence South  $89^{\circ}51'11''$  West 122 feet more or less along the section line to the center line of the East Field Irrigation Ditch; thence South  $13^{\circ}20'$  West 393.13 feet along the center line of said ditch; thence East 211.00 feet more or less to the East line of the Northwest quarter of the Northeast quarter of said Section 19; thence North  $14^{\circ}40'$  East along said line 382.84 feet to beginning.**

**Exhibit B**

(Legal Description of Nelson Property)

Parcel 1:

Lot 5, Plat A, SHADOW MOUNTAIN ESTATES SUBDIVISION, according to the official plat thereof as recorded in the office of the Utah County Recorder, State of Utah.

Parcel 2:

Commencing from the Southwest Corner of Lot 4, Plat A, SHADOW MOUNTAIN ESTATES SUBDIVISION; thence along the arc of a 50 foot radius curve to the left 4.33 feet (chord bears North 1°00'01" East 4.33 feet); thence North 79°24'14" East 111.42 feet; thence South 89°51'19" East 271.91 feet; thence South 13°11'14" West 17.30 feet; thence South 88°30' West 347.73 feet; thence North 86°31'15" West 30 feet to the point of beginning.

**Exhibit C**

**(Legal Description of New Boundary Line)**

Beginning at a point which is S 89°52'59" W along the section line 1529.65 feet and South 205.49 feet from the Northeast Corner of Section 19, Township 4 South, Range 2 East, Salt Lake Base and Meridian to a point on the center line of an existing creek; thence along said creek S 13°10'14" W 33.71 feet; thence S 10°17'45" E 29.49 feet; thence S 7°37'23" W 44.00 feet; thence S 17°40'04" W 85.01 feet; thence S 04°58'37" W 142.12 feet; thence S 00°39'19" E 38.84 feet.

**Exhibit D****(Legal Description of Revised BJS Property)**

Beginning at the Northwest corner of Lot 1 of McNiel Subdivision, Plat "I" on file with the Utah County Recorders Office, which point is South  $89^{\circ}52'59''$  West 1343.59 feet from the Northeast Corner of Section 19, Township 4 South, Range 2 East, Salt Lake Base and Meridian; thence South  $00^{\circ}33'20''$  West along the westerly line of Lots 1, 2 and 3 of said subdivision 383.06 feet; thence West along the northerly line of Lot 3 of said subdivision and Lot 2 of McNiel Subdivision, Plat "E" 213.43 feet to the easterly line of Shadow Mountain Estates Subdivision, Plat "A" of official records and the center of an existing cree; thence along said easterly line and along said creek the following twelve (12) courses; (1) North  $17^{\circ}40'04''$  East 75.27 feet; thence North  $07^{\circ}37'23''$  East 44.00 feet; thence North  $10^{\circ}17'45''$  West 29.49 feet; thence North  $13^{\circ}11'14''$  East 63.09 feet; thence North  $26^{\circ}54'48''$  East 51.52; thence north  $68^{\circ}04'44''$  East 28.74 feet; thence north  $25^{\circ}50'10''$  East 36.24 feet; thence North  $08^{\circ}10'30''$  East 30.92 feet; thence North  $31^{\circ}40'48''$  West 34.75 feet; thence North  $07^{\circ}54'33''$  East 57.65 feet; thence North  $09^{\circ}45'39''$  West 55.71 feet; thence North  $37^{\circ}56'40''$  East 21.15 feet; thence North  $19^{\circ}43'41''$  West 31.08 feet to the southerly right of way line of Alpine Boulevard; thence along said right of way and along the arc of a 467.00 foot radius curve to the right 155.26 feet through a central angle of  $19^{\circ}02'57''$ , the chord bears South  $76^{\circ}04'03''$  East 154.55 feet; thence South 92.88 feet to the northerly line of said McNiel Subdivision, Plat "I"; thence South  $89^{\circ}52'59''$  West along said line 23.58 feet to the point of beginning.



**Exhibit E****(Legal Description of Revised Nelson Property)****Parcel 1:**

Beginning at a point which is S 89°52'59" W along the section line 1575.58 feet and South 572.27 feet from the Northeast Corner of Section 19, Township 4 South, Range 2 East, Salt Lake Base and Meridian; thence N 86°46'15" W 338.66 feet; thence N 85°25'38" W 55.00 feet; thence N 18°49'36" W 295.39 feet to a point of curvature; thence along an arc 73.16 feet to the left, having a radius of 531.48 feet, the chord bears N 75°07'01" E 73.10 feet to a point of curvature; thence along an arc 9.06 feet to the right, having a radius of 10.00 feet, the chord bears S 82°51'47" E 8.75 feet to a point of curvature; thence along an arc 104.39 feet to the left, having a radius of 50.00 feet, the chord bears N 63°17'23" E 86.44 feet; thence S 86°31'15" E 30.00 feet; thence N 88°30'00" E 347.83 feet to a point being on the easterly line of Shadow Mountain Estates Subdivision, Plat "A" of official records and the center of an existing creek; thence along said easterly line and along said creek the following six (6) calls ; (1) S 13°10'14" W 33.71 feet; (2) S 10°17'45" E 29.49 feet; (3) S 7°37'23" W 44.00 feet; (4) S 17°40'04" W 85.01 feet; (5) S 4°58'37" W 142.12 feet; (6) S 0°39'19" E 38.84 feet to the POINT OF BEGINNING.

**Parcel 2:**

Commencing from the Southwest Corner of Lot 4, Plat A, SHADOW MOUNTAIN ESTATES SUBDIVISION; thence along the arc of a 50 foot radius curve to the left 4.33 feet (chord bears North 1°00'01" East 4.33 feet); thence North 79°24'14" East 111.42 feet; thence South 89°51'19" East 271.91 feet; thence South 13°11'14" West 17.30 feet; thence South 88°30' West 347.73 feet; thence North 86°31'15" West 30 feet to the point of beginning.