

08-017-0002

11-087-0023, 0045, 0046

11-089-0001, 0008

12-117-0010, 0013, 0014

NW 6 3N-1W

W 1/2 31 4N-1W

E 1/2 36 4N-2W

AFFIDAVIT

E 1563360 B 2591 P 781  
SHERYL L. WHITE, DAVIS CNTY RECORDER  
1999 DEC 10 2:21 PM FEE 29.00 DEP KM  
REC'D FOR BACKMAN-STEWART TITLE SERVICES

When Recorded Return To:

BACKMAN STEWART TITLE

ATTN: LYNDA ROSE

167 EAST 6100 SOUTH

MURRAY, UTAH 84107

RETURNED

DEC 10 1999

The affiant herein, upon being duly SWORN and UPON OATH does say and depose as follows:

1. That the affiant, JOSEPH F. HILL, NOT INDIVIDUALLY BUT AS GENERAL PARTNER OF THE JOSEPH F. AND ROZANNA S. HILL FAMILY LIMITED PARTNERSHIP CREATED BY JOSEPH F. HILL AS GENERAL PARTNER AND ROZANNA S. HILL AS LIMITED PARTNER AND RFH FAMILY ENTERPRISES, LLC, A UTAH LIMITED LIABILITY COMPANY, WITH ITS PRINCIPAL ADDRESS OF 442 NORTH ANGEL STREET, KAYSVILLE, UTAH 84037, RICHARD F. HILL, AS TRUSTEE OF THE JERRY A. HILL 1998 CHARITABLE REMAINDER UNITRUST U/A/D OCTOBER 2, 1998, RICHARD F. HILL, AS TRUSTEE OF THE TRACY A. HILL 1998 CHARITABLE REMAINDER UNITRUST U/A/D OCTOBER 2, 1998, RICHARD F. HILL, AS TRUSTEE OF THE JENNIFER H. WHITTAKER 1998 CHARITABLE REMAINDER UNITRUST U/A/D OCTOBER 2, 1998, AND RICHARD F. HILL, AS TRUSTEE OF THE JEFFREY A. HILL 1998 CHARITABLE REMAINDER UNITRUST U/A/D OCTOBER 2, 1998

2. That the affiant is the SELLER of the following described property.

SEE ATTACHED DESCRIPTION

3. That at the date hereof the affiant has knowledge that no oil, gas, casinghead gas, casinghead gasoline or minerals of any kind have been excavated or extracted from said property in the last five years, and that affiant has not granted to any party the right to excavate or extract oil, gas, casinghead gas, casinghead gasoline or minerals of any kind.

THIS AFFIDAVIT IS GIVEN AS AN INDUCEMENT TO BACKMAN-STEWART TITLE SERVICES, LTD. AND/OR STEWART TITLE GUARANTY COMPANY TO ISSUE ITS POLICY, POLICIES, ENDORSEMENT OR ENDORSEMENTS AS CONTEMPLATED BY THIS AND FUTURE TRANSACTIONS AFFECTING THE LAND DESCRIBED ABOVE; AND THE AFFIANT UNDERSTANDS THAT BACKMAN-STEWART TITLE SERVICES, LTD. AND/OR STEWART TITLE GUARANTY COMPANY WILL RELY THEREON.

Sworn and subscribed December 3, 1999

SEE ATTACHED SIGNATURE PAGES AND NOTARY ACKNOWLEDGEMENTS

PARCEL 1:

E 1563360 B 2591 F 782

Beginning at a point South 0 deg. 15' West 1584.0 feet and East 136.0 feet and North 24 deg. 55' East 72.45 feet from the Northwest corner of Section 6, Township 3 North, Range 1 West, Salt Lake Meridian, and running thence South 84 deg. East 385.37 feet to a point North 51 deg. 15' East of a point 6.38 chains South 0 deg. 46' West 25.3 chains South 39 deg. 39' West and North 63 deg. 26' West 4.35 chains and West 12.15 chains from the North quarter of said Section 6; thence North 51 deg. 15' East 1360.56 feet to a point South 35 deg. 12' East of a point 23.04 chains West of said North quarter corner; thence North 35 deg. 12' West 816.42 feet to the North line of said Section 6; thence East 200.7 feet, more or less, to the Southwest corner of the East half of the Southwest quarter of Section 31, Township 4 North, Range 1 West, Salt Lake Meridian, thence North 141.9 feet; thence North 52 deg. 30' East 458.7 feet to a point 2.35 chains South and 18.1 chains South 52 deg. 30' West of the Northeast corner of the South half of the Southwest quarter of said Section 31; thence North 39 deg. 15' West 371.6 feet; thence North 25 deg. 30' East 217.8 feet; thence North 21 deg. East 739.2 feet; thence North 62 deg. 40' East 807.8 feet to the center of a street at a point 10.05 chains West and 10.95 chains South 40 deg. 15' East of the Northeast corner of the Southwest quarter of said Section 31; thence North 40 deg. 15' West 250.4 feet along the center of said Street; thence South 54 deg. 20' West 806.0 feet; thence South 24 deg. 55' West 3575.55 feet to the point of beginning.

08-017-0002

PARCEL 2:

Beginning at a point which is North 89 deg. 53' West 242.0 feet from the Southeast corner of Section 36, Township 4 North, Range 2 West, Salt Lake Meridian, and running thence North 89 deg. 53' West 1738.0 feet; thence North 0 deg. 07' East parallel to the East line of Section 36 a distance of 1175.2 feet to an old fence line; thence North 51 deg. 21'06" East 3002.71 feet along the old fence line; thence North 78 deg. 38'12" East 970.82 feet along the old fence line; thence South 0 deg. 06'20" East 558.0 feet along an old fence line; thence South 89 deg. 18'40" East 641.34 feet along an old fence line; thence South 28 deg. 26' West 34.47 feet along the Westerly line of a road; thence South 40 deg. 15' East 36.85 feet along the Westerly line of said road; thence South 43 deg. 56'34" West 831.04 feet along an old existing fence line; thence South 38 deg. 56'10" West 2600.52 feet along the old fence line to the point of beginning.

11-089-0001

PARCEL 3:

Beginning at the Southwest corner of Section 31, Township 4 North, Range 1 West, Salt Lake Meridian, and running thence West 242.0 feet along the South line of Section 36, Township 4 North, Range 2 West; thence North 39 deg. 51' East 2570.0 feet; thence North 45 deg. 23' East 836.0 feet, more or less, to the South line of a road; thence South 40 deg. 15' East 250.3 feet along said road; thence South 48 deg. 30' West 816.0 feet; thence South 30 deg. 20' West 3072.0 feet, more or less, to the West line of Section 6, Township 3 North, Range 1 West, at a point South 0 deg. 15' West 816.0 feet from the Northwest corner thereof; thence North 0 deg. 15' East 816.0 feet to the point of beginning.

11-089-0002

PARCEL 4:

Beginning at a point 603.8 feet North along the quarter section line of the Southeast corner of the West half of the Northwest quarter of Section 31, Township 4 North, Range 1 West, Salt Lake Meridian, and running thence North 2040.4 feet, more or less, along the East line of the West half of said Northwest quarter to the North line of said Section; thence West 1996.88 feet along said Section line to a point 681.10 feet West along the Section line from the Northeast corner of Section 36, Township 4 North, Range 2 West, Salt Lake Meridian; thence South 0 deg. 05' West 3070.4 feet, more or less, to a point South 51 deg. 21'06" West of a point 2765.17 feet North 0 deg. 7' East of the Southeast corner of said Section 36, thence North 51 deg. 21' East 868.2 feet, more or less, to said point; thence North 51 deg. 21' East 463.4 feet, more or less, to a point South 78 deg. 38'12" West from the point of beginning; thence North 78 deg. 38'12" East 974 feet to the point of beginning.

# 11-087-02345, 46 12-117-0013, 14

Excepting therefrom: Beginning at a point 46.07 feet East along the Section line from the Northwest corner of said Section 31, and running thence East along the Section line 605.0 feet; thence South 532.78 feet; thence North 64 deg. 49' West 149.18 feet; thence West 320.0 feet; thence North 178.9 feet;

thence West 150 feet; thence North 290.4 feet to the point of beginning.

PARCEL 5:

Commencing 10.32 chains West from the Northeast corner of Section 36, Township 4 North, Range 2 West, Salt Lake Meridian, and running thence South 0 deg. 08' West 3084.18 feet, more or less, to a fence line as described by Boundary Line Agreement in Book 815, Page 139 of official records; thence South 51 deg. 21'06" West 19.56 chains along said fence line; thence North 3876.17 feet; thence East 15.27 chains to the point of beginning.

12-117-0020

JOSEPH F. HILL NOT INDIVIDUALLY BUT AS GENERAL PARTNER OF THE JOSEPH F. AND ROZANNA S. HILL FAMILY LIMITED PARTNERSHIP CREATED BY JOSEPH F. HILL AS GENERAL PARTNER AND ROZANNA S. HILL AS LIMITED PARTNER


*Joseph F Hill*  
\_\_\_\_\_  
JOSEPH F HILL

State of Utah

County of SALT LAKE

On DECEMBER 3, 1999, personally appeared before me JOSEPH F. HILL, the general partner of THE JOSEPH F. AND ROZANNA HILL FAMILY LIMITED PARTNERSHIP, CREATED BY JOSEPH F. HILL AS GENERAL PARTNER AND ROZANNA S. HILL AS LIMITED PARTNER, who by me being duly sworn (or affirmed) upon oath did say that he is the general partner of the above-named partnership and that the foregoing instrument was executed pursuant to the partnership agreement with consent of non executing partners as may be required by law, and JOSEPH F. HILL, AS GENERAL PARTNER, acknowledged to me that such person(s) executed the same as the act of said partnership.

*[Signature]*  
\_\_\_\_\_  
Notary Public

 NOTARY PUBLIC  
**LYNDA ROSE**  
167 East 6100 South  
Murray, Utah 84107  
Commission Expires  
August 19, 2002  
STATE OF UTAH

THE RFH FAMILY ENTERPRISES, LLC, A UTAH  
LIMITED LIABILITY COMPANY.

Richard F. Hill  
RICHARD F. HILL, MANAGER

Richard F. Hill  
RICHARD F. HILL, AS TRUSTEE OF THE  
JERRY A. HILL 1998 CHARITABLE REMAINDER  
UNITRUST U/A/D OCTOBER 2, 1998

Richard F. Hill  
RICHARD F. HILL, AS TRUSTEE OF THE  
TRACY A. HILL 1998 CHARITABLE REMAINDER  
UNITRUST U/A/D OCTOBER 2, 1998

Richard F. Hill  
RICHARD F. HILL, AS TRUSTEE OF THE  
JENNIFER H. WHITTAKER 1998 CHARITABLE  
REMAINDER UNITRUST U/A/D OCTOBER 2, 1998

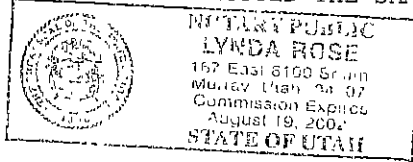
Richard F. Hill  
RICHARD F. HILL, AS TRUSTEE OF THE  
JEFFREY A. HILL 1998 CHARITABLE REMAINDER  
UNITRUST U/A/D OCTOBER 2, 1998

STATE OF UTAH)

E 1563360 B 2591 P 786

COUNTY OF SALT LAKE)

ON THE 3RD DAY OF DECEMBER, 1999, PERSONALLY APPEARED BEFORE ME, RICHARD F. HILL, WHO BEING BY ME DULY SWORN DID SAY, THAT HE IS THE MANAGER OF THE RFH FAMILY ENTERPRISES, LLC, A UTAH LIMITED LIABILITY COMPANY AND THAT THE WITHIN AND FOREGOING INSTRUMENT WAS SIGNED ON BEHALF OF SAID LIMITED LIABILITY BY AUTHORITY OF ITS OPERATING AGREEMENT, AND ACKNOWLEDGED TO ME THAT SAID LIMITED LIABILITY COMPANY EXECUTED THE SAME.

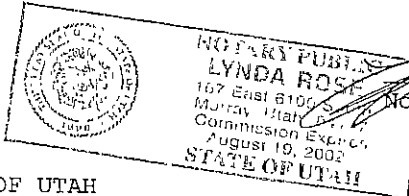


*[Signature]*  
\_\_\_\_\_  
NOTARY PUBLIC

STATE OF UTAH

COUNTY OF SALT LAKE

On the THIRD day of DECEMBER, 1999, personally appeared before me RICHARD F. HILL, who duly acknowledged to me that HE IS the Trustee of the JERRY A. HILL 1998 CHARITABLE REMAINDER UNITRUST U/A/D DATED OCTOBER 2, 1998, and said RICHARD F. HILL executed the within and foregoing document on behalf of said Trust.

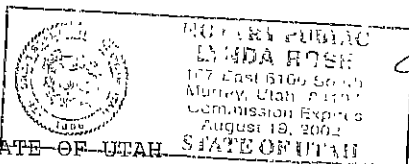


*[Signature]*  
\_\_\_\_\_  
Notary Public

STATE OF UTAH

COUNTY OF SALT LAKE

On the THIRD day of DECEMBER, 1999, personally appeared before me RICHARD F. HILL, who duly acknowledged to me that HE IS the Trustee of the TRACY A. HILL 1998 CHARITABLE REMAINDER UNITRUST U/A/D OCTOBER 2, 1998 and said RICHARD F. HILL executed the within and foregoing document on behalf of said Trust.

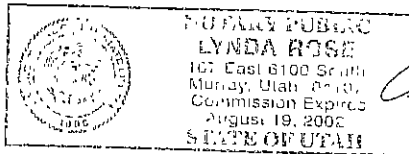


*[Signature]*  
\_\_\_\_\_  
Notary Public

STATE OF UTAH

COUNTY OF SALT LAKE

On the THIRD day of DECEMBER, 1999, personally appeared before me RICHARD F. HILL, who duly acknowledged to me that HE IS the Trustee of the JENNIFER H. WHITTAKER 1998 CHARITABLE REMAINDER UNITRUST U/A/D DATED OCTOBER 2, 1998, and said RICHARD F. HILL executed the within and foregoing document on behalf of said Trust.

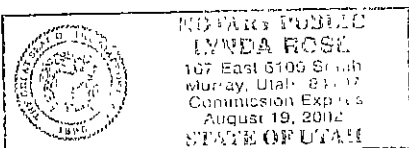


*[Signature]*  
\_\_\_\_\_  
Notary Public

STATE OF UTAH

COUNTY OF SALT LAKE

On the THIRD day of DECEMBER, 1999, personally appeared before me RICHARD F. HILL, who duly acknowledged to me that HE IS the Trustee of the JEFFREY A. HILL 1998 CHARITABLE REMAINDER UNITRUST U/A/D/ OCTOBER 2, 1998, and said RICHARD F. HILL executed the within and foregoing document on behalf of said Trust.



*[Signature]*  
\_\_\_\_\_  
Notary Public