

Affidavit

STATE OF UTAH

County of Morgan

Rerecording to fix an error in the legal description of the land in Entry Number 142899 Book 339 page 135.

Ent 144321 Bk 342 Pg 1055
Date: 22-MAR-2018 2:43:44PM
Fee: \$43.00 Check Filed By: JP
BRIDA TOLSON, Recorder in
MORGAN COUNTY
For: MOUNTAIN VIEW & ESCROW INC

Comes now, Thomäs J. Harding whose address is 1962 North, 2600 East, Layton, Utah 84040 as trustee of the DeWilt Card Harding Family Revocable Trust dated April 23, 1994, being first duly sworn, under oath, and states that the following information is within his personal knowledge and belief:

Tract # 1: In a warranty deed dated June 24, 1943 and recorded on August 18, 1943, Ella Hemming conveyed and warranted to DeWilt C. Harding and Emma M. Harding a tract of land in Morgan County, State of Utah, containing 24.40 acres, including 0.40 acre of creek waste. Description is attached and outlined in the Morgan County Recorders office in Book "0" of Deeds Page 376.


Tract #2: In a warranty deed dated April 23, 1994 and recorded on May 2, 1994, DeWilt C. Harding and Emma M. Harding, conveyed and warranted to DeWilt Card Harding, Emma Mills Harding and Thomas J. Harding, Trustees of the DeWilt Harding Family Revocable Trust, 6 tracts of land or water in Morgan County, State of Utah. Included is Tract #2, the Hemming Farm, containing 24.40 acres more or less, together with an appurtenant right of way containing .35 acres, more or less, which is fully described on Exhibit A hereto attached (property Tax Serial # 04-198 and # 04-199). This is the same property as described in Tract # 1 of this affidavit. 00-0004-1465 00-0004-1473

Tract #3: In conjunction with an offer to buy approximately 7 acres on the west end of the property identified in Tract #1 and Tract #2 described herein, on May 31, 2017, Great Basin Engineering, Inc., completed a survey using the boundary description for the 24.40 acres, Exhibit B hereto attached. The completed boundary description does not include approximately .98 acres on the Northwest corner that borders the South and East 24.40 acres owned by the DeWilt Harding Family Revocable Trust, the East Canyon Creek on the West and P.J Jersey Farms (Tax Serial # 04-191) on the North. A review of the plat map SW 1/4 Section 35 Morgan City T 4 N - R 2 E Salt Lake Base Meridian, does not list an owner to this parcel. 00-0004-1333

Tract # 4: Using the property descriptions of the bordering properties, P.J. Jersey Farms (Tax Serial # 04-191) and DeWilt Harding Family Revocable Trust (Tax Serial # 04-198), Jess Holyoak, Mountain Engineering wrote a description for the .98 acre parcel (Exhibit C attached hereto). 00-0004-1333 00-0004-1465

Tract # 5: The DeWilt and Emma Harding Family has farmed and used a portion of this .98 acre parcel since the purchase in June 1943. The remainder of this parcel is a waste ditch drainage for the Weber Canal Company into the East Canyon Creek and a portion of land on the South side of this drainage ditch which is not presently arable. The use of the property by the Harding Family has been open and obvious to all property owners bordering the .98 acres, including P.J. Jersey Farms. I submit and believe that this parcel should be identified as belonging to the DeWilt Harding Family Revocable Trust with a plan to proceed with a quit claim deed.

Affidavit



Thomas J. Harding


Notary Acknowledgement

On this 21st of March , 2018 before me KERYL T. SQUIRES
notary public name

personally appeared Thomas J. Harding and proved on the basis of satisfactory evidence to be the person whose name is subscribed to t his instrument, and acknowledged he executed the same.

In witness whereof I hereunto set my hand and official seal.





Notary Public

Exhibit "A"

WHEN RECORDED, MAIL TO:

DeWilt C. Harding
136 North 300 West
Morgan, Utah 84050

00065787 BkM0103 Pg00351-00357

MORGAN COUNTY UTAH 84050
1994 MAY 02 09:30 AM FEE \$33.00 BY BDN
REQUEST: HARDING DEWILT C

WARRANTY DEED
(Special)

DeWILT C. HARDING and EMMA M. HARDING, Grantors, of Morgan, Utah hereby CONVEY AND WARRANT against all claiming by, through or under themselves to DeWILT CARD HARDING, EMMA MILLS HARDING and THOMAS J. HARDING, Trustees of the DeWilt Harding Family Revocable Trust under agreement dated April 23, 1994, Grantees, of 136 North 300 West, Morgan, Utah for the sum of Ten and No/100 Dollars (\$10.00), the following described tracts of land in Morgan County, State of Utah:

E M H.

Tract #1: Sellers' home and lot containing .49 acres more or less at 136 North 300 West, Morgan, which is more fully described on Exhibit A-1 hereto (property Tax Serial #04-158);

Tract #2: The Hemming Farm, containing 24.4 acres more or less, together with an appurtenant right of way containing .35 acres, more or less, which is more fully described on Exhibit A-2 hereto (property Tax Serial #04-198 and #04-199);

Tract #3: The Hemming Farm right of way, containing .10 acres more or less, which is more fully described on Exhibit A-3 hereto (property Tax Serial #04-197);

Tract #4: The Stevens Farm containing 19.25 acres more or less, which is more fully described on Exhibit A-4 hereto (property Tax Serial #04-180-001);

Tract #5: The Grantors' 50% undivided interest in a recreational lot in the vicinity of the Narrows of the Right Hand Fork of Deep Creek, containing 10.5 acres more or less, which is more fully described on Exhibit A-5 hereto (property Tax Serial #01-003-001-18);

Tract #6: 50 acre Feet of Echo Reservolr water.

WITNESS, the hands of said Grantors this 23 day of April, 1994.

DeWilt C. Harding
DeWILT C. HARDING

Emma M. Harding
EMMA M. HARDING

STATE OF UTAH)
COUNTY OF Davis : SS.)

On the 23 day of April, 1994, personally appeared before me DeWILT C. HARDING and EMMA M. HARDING, the signers of the foregoing instrument, who duly acknowledged to me that they executed the same.



Samuel E. Hall
NOTARY PUBLIC

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Exhibit A-1 .

Parcel Serial Number: 04-158
Acreage: .49 00 0004-0699

In the Northeast 1/4 of the Southeast 1/4 of Section 35,
Township 4 North, Range 2 East, Salt Lake Base and Meridian and
in the Morgan City Townsite Entry.

Commencing at the Northwest corner of Lot 2, in Block 38 of
Morgan City Survey; and running thence South 21° East 100 feet;
thence North 66° East 3.25 chains; thence North 21°30' West 100
feet; thence South 66° West 3.25 chains to place of beginning,
containing 49/100 of an acre.

Together with the tenements, hereditaments and appurtenances,
thereunto belonging or in any wise appertaining, including all
water and water rights used in connection with said lands.

(The land above described is the North 1/3 of Lot 3, in Block 38,
of Morgan City Townsite Entry.)

Exhibit A-2

Parcel Serial Number: 04-198
 Acreage: 24.40 00-0004-1465

In the East 1/2 of Section 35, Township 4 North, Range 2 East, Salt Lake Base and Meridian. Beginning at a point 595.0 feet North from the Southwest Corner Stone of the Southeast 1/4 of Section 35 (said 1/4 Section is located 5,325.0 feet South 89°57' West from the Southeast Corner Stone of the Southwest 1/4 of Section 36); and running thence South 35° West 113.0 feet to the center of East Canyon Creek; thence down said Creek North 52° West 235.0 feet; thence North 54° East 263.0 feet; thence North 41° West 278.0 feet; thence North 34°20' East 2,120.0 feet to the center of City Ditch; thence South 86° East 225.0 feet; thence South 41°25' East 293.5 feet; thence South 36° West 2,382.0 feet to the 1/2 Section line, the point of beginning. Containing 24.40 acres, including .40 acre of Creek waste.

Including all water and water rights, ditch and ditch rights used in connection with the above-described tract of land.

Also:

Parcel Serial Number: 04-199
 Acreage: .35 00-0004-1473

In the Northeast 1/4 of Section 35, Township 4 North, Range 2 East, Salt Lake Base and Meridian. Beginning at a point 66.0 feet South 65°47' West and 401.5 feet North 21°10' West from the Southwest corner of City Block 43 of Morgan City Survey, and running thence South 16°40' West 65.0 feet; thence South 70° West 143.0 feet; thence South 37°30' West 30.0 feet; thence North 71° West 169.6 feet; thence South 85°40' West 41.8 feet; thence North 31°20' East 23.0 feet; thence South 86° East 222.0 feet; thence North 55° East 163.0 feet to Field Street; thence along street South 21°10' East 16.5 feet to the point of beginning. Containing .35 acre.

Conveyed subject to existing rights. The Morgan City Ditch runs through the length of the parcel. Rights-of-way for travel have been allowed along the south side of the above-described area to farms below. Grantees herein agree to build a fence dividing right-of-way from Grantor's property, and to keep same maintained and in good repair.

Exhibit A-3

Parcel Serial Number: 04-197
Acreage: .10 00-0004 1457

In the Northeast 1/4 of Section 35, Township 4 North, Range 2 East, Salt Lake Base and Meridian. Beginning at a point 579.0 feet West and 265.0 feet North from the Southwest corner of City Lot 2, Block 43 (the Southwest corner of said Block 43); and running thence South 85°40' West 125.2 feet parallel with and 1 rod South of Morgan City Ditch; thence continuing near said Ditch North 86° West 225.0 feet to a point in the center of said Ditch; thence North 55° West 10.0 feet; thence North 29°20' East 75.0 feet along the easterly side of a 1 rod Field Road; thence South 8°30' West 68.0 feet to City Ditch bank; thence along said ditch bank South 86° East 106.0 feet; thence North 85°40' East 238.0 feet also along bank; thence South 31°20' West 23.0 feet across ditch to point of beginning. Containing .10 acre.

Conveyed subject to existing rights. Morgan City Ditch runs through the length of it. A right-of-way for travel along the south side of the City Ditch has been allowed for the farms below.

00065787 2000102 Pg00355

Exhibit A-4

Parcel Serial Number: 04-180-001
 Acreage: 19.25 00-0004-1036

In Section 35, Township 4 North, Range 2 East, Salt Lake Base and Meridian. A tract of land beginning at a point on the westerly side of Field Street which is 1,916 feet South and 1,157 feet West from the Northeast Corner Stone of said Section 35; and from said point of beginning running thence 3 courses along the side of the roadway 1 rod wide as follows: South 54°25' West 252 feet; thence South 40°16' West 246 feet; thence South 29°20' West 318 feet into City Ditch; thence down said ditch 10 courses as follows: North 88° West 100 feet; thence South 81° West 132 feet; thence North 5° East 148.5 feet; thence North 55°30' West 92.3 feet; thence South 66° West 241.5 feet; thence South 73° West 132 feet; thence South 82° West 198 feet; thence North 86° West 264 feet; thence South 81° West 330 feet; thence North 32° West 107.5 feet; thence leaving ditch North 27°35' East 1,145 feet; thence South 43°30' East 291 feet; thence South 66°24' East 526 feet; thence South 12°55' East 520 feet; thence South 18°45' East 140 feet; thence South 88° East 106 feet; thence North 29°20' East 298 feet; thence North 40°16' East 250 feet; thence North 54°25' East 256 feet to Field Street; thence along said Street South 21° East 16.8 feet to the point of beginning. Containing 20.35 acres, more or less.

Also, the improvements thereon and 18 shares of the capital stock of the South Morgan Ditch Company, a corporation.

The Roadway 1 rod wide from Field Street to the City Ditch herein described is subject to rights-of-way in common with R.H. Rich, James R. Rich, Albert P. Rich and Thomas C. Harding.

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Exhibit A-5

Parcel Serial Number: 01-003-001-18
Acreage: 10.50 00-0000-3002

Part South 1/2 of Section 1, Township 3 North, Range 1 East, Salt Lake Base and Meridian. U.S. Survey beginning at point which is South 2°13'22" East 5,240.42 feet along East line of Section 1; thence South 88°58'28" West 3,226.74 feet along South line of Section 1; thence North 1,039.09 feet; East 300.00 feet and North 314.71 feet from Northeast corner of said Section 1; thence North 1,155.46 feet to center of existing road; thence 3 courses along center of road; thence South 30°01'58" East 28.18 feet; thence North 67°37'10" East 176.34 feet; and thence South 57°45'50" East 263.45 feet; thence South 1,057.69 feet West 400.0 feet to the point of beginning. Subject to right-of-way. Containing 10.5 acres.

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73542.01/neh

Exhibit "C"

BOUNDARY DESCRIPTION

A TRACT OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 4 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, MORGAN CITY, MORGAN COUNTY, UTAH, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 35 AS MONUMENTED;
THENCE NORTH 00°00'00" EAST 801.70 FEET;
THENCE NORTH 90°00'00" WEST 37.22 FEET TO THE CENTERLINE OF THE OLD CHANNEL OF EAST CANYON CREEK, THE TRUE POINT OF BEGINNING;

THENCE SOUTH 54°00'00" WEST 274.52 FEET ALONG SAID CENTERLINE OF OLD CHANNEL TO THE CENTERLINE OF THE PRESENT DAY CHANNEL OF EAST CANYON CREEK AS ESTABLISHED AND SHOWN ON THE OFFICIAL PLAT OF AMENDED SURREY LANE ESTATES P.R.U.D.;

THENCE NORTH 61°09'35" WEST 58.66 FEET ALONG SAID CENTERLINE;
THENCE SOUTH 89°26'35" WEST 63.31 FEET ALONG SAID CENTERLINE;
THENCE NORTH 00°00'00" EAST 100.78 FEET ALONG THE OLD CHANNEL OF EAST CANYON CREEK;
THENCE NORTH 60°00'00" EAST 117.50 FEET ALONG SAID OLD CHANNEL;
THENCE NORTH 81°00'00" EAST 189.57 FEET ALONG SAID OLD CHANNEL;
THENCE SOUTH 40°43'20" EAST 73.24 FEET ALONG SAID OLD CHANNEL TO THE POINT OF BEGINNING;

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 0.98 ACRES MORE OR LESS.

THE BASIS OF BEARING IS THE CENTERLINE OF YOUNG STREET CALLED: SOUTH 66°40'00" WEST, AS MONUMENTED.

PJ. JERSEY FARMS
A UTAH PARTNERSHIP

SCALE 1"=50'

(S00°00'00"W)
W 00°00'00" E
100.78'
(119.39)

(S60°00'00"W)
N 60°00'00" E 117.50'
(117.50')

(S81°00'00"W)
N 81°00'00" E
(190.70')
189.57'

(198.00')
198.00'

271.24'

N 40°43'20" W

N 40°43'20" W

S 40°43'20" E
73.24'

N 90°00'00" W
37.22'

N 00°00'00" E
801.70'

POB

42,510 sq.ft. 0.98 acres

EAST
CANYON

CREEK

N 54°00'00" E
S 54°00'00" W

260.99'
274.52'

DEWILT HARDING REVOCABLE TRUST

FD BRASS CAP MONUMENT
SOUTH QUARTER CORNER
SECTION 35, T4N, R2E

AMENDED SURREY LANE ESTATES PRUD.

S 89°26'35" W
63.31'

N 61°09'35" W
58.66'

N 47°35'28" W

233.72'