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When recorded, please return to:
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RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
01/13/2015 03:36 PM
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DEP RT REC'D FOR MATTHEW V HESS

08-054-0071

**QUIT-CLAIM DEED
and
AFFIDAVIT OF ADVERSE POSSESSION**

This Quit-Claim Deed and Affidavit of Adverse Possession is made January 3, 2015, by PIONEER LEGACY PROPERTIES II, LC, a Utah limited liability company, and its manager, Howard V. Hess.

RECITALS

- A. Pursuant to that certain Warranty Deed recorded December 27, 2007 as Entry No. 2330263 Book 4437 Pages 599 – 600, Pioneer Legacy Properties II, LC and Suzanne L. Hess were conveyed title to the parcel described on Exhibit “A” hereto (the “**Original Parcel**”).
- B. Suzanne L. Hess subsequently conveyed her entire undivided interest in the Original Parcel to Pioneer Legacy Properties II, LC.
- C. Subsequently, Pioneer Legacy Properties II, LC discovered that a gap exists between the North described boundary line of the Original Parcel and the North fence line of the Original Parcel (the “**Gap**”).
- D. Upon further investigation Pioneer Legacy Properties II, LC discovered that a survey map of the Original Parcel had previously been prepared and filed in the Office of the Davis County Surveyor as map 08-054 #5136 (the “**Filed Survey**”). The Filed Survey was dated May 23, 2007, and was prepared by John W. Francom & Associates for Horton V. Bourne LLC, which was the grantor of the above-described Warranty Deed recorded December 27, 2007 as Entry No. 2330263.
- E. The Filed Survey included a corrected legal description of the Original Parcel, which included within its boundaries the Gap, which description closed to the North fence line of the Original Parcel. The corrected legal description shown on the Filed Survey is described on Exhibit “B” hereto (the “**Surveyed Parcel**”).
- F. From and after December 27, 2007, Pioneer Legacy Properties II, LC has continuously used, occupied and possessed the entirety of the Surveyed Parcel, including the Gap.

NOW THEREFORE, Pioneer Legacy Properties II, LC, a Utah limited liability company, Grantor, hereby quit-claims to Pioneer Legacy Properties II, LC, a Utah limited liability

company, of 947 North Main Street, Farmington, Utah 84025, Grantee, for the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, all of the Surveyed Parcel described in Exhibit "B", subject to and together with easements, restrictions, agreements and rights-of-way of record and use.

The purpose of this deed is to conform the legal description of the Original parcel conveyed at Entry No. 2330263 Book 4437 Pages 599-600 on December 27, 2007, to the surveyed description of the Surveyed Parcel shown in the Filed Survey.

Additionally, Pioneer Legacy Properties II, LC's manager hereby submits of record the Affidavit of Adverse Possession attached hereto as Exhibit "C".

Witness the hand of Grantor January 3, 2015.

PIONEER LEGACY PROPERTIES II, LC
a Utah limited liability company

By: Howard V. Hess
Howard V. Hess
Manager

ACKNOWLEDGMENT

State of Utah)
 : ss.
County of Davis)

The foregoing instrument was acknowledged before me this January 3, 2015, by Howard V. Hess, in his capacity as Manager of Pioneer Legacy Properties II, LC, a Utah limited liability company.



Matthew V. Hess
Notary Public

Exhibit "A"
Legal Description of the Original Parcel

A parcel of real property in Davis County, State of Utah, more particularly described as:

Beginning at a point 0.05 chains South and South 88°30' East 10.32 chains from the Northwest Corner of the Southeast Quarter of Section 13, Township 3 North, Range 1 West, Salt Lake Base and Meridian, and running thence South 1°30' West 2.88 chains; thence South 88°30' East 904.22 feet, more or less, to the Westerly line of the property conveyed by Deed recorded in Book 390 at Page 691 of Deeds; thence South 25°47' East 12.94 feet along said Westerly line; thence North 81°55' East 118.40 feet along the Northerly line of the property so conveyed to the Westerly line of a Highway; thence North 26° West 205.06 feet along the Westerly line of said Highway to a point South 88°30' East of the point of beginning; thence North 88°30' East of the point of beginning; thence North 88°30' West 1162.51 feet, more or less, to the point of beginning.

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Exhibit "B"
Legal Description of the Surveyed Parcel

A parcel of real property in Davis County, State of Utah, more particularly described as:

Beginning at a Point Which is South 00°54'00" East 3.30 Feet and South 89°24'00" East 681.12 Feet and South 00°36'00" West 6.04 Feet from the Center of Section 13, Township 3 North, Range 1 West, Salt Lake Base & Meridian (basis of bearing - South 82°13'23" West to Antelope) and Running Thence South 00°36'00" West 180.32 Feet; Thence South 89°24'00" East 327.35 Feet to the Westerly Line of Farmington City; Thence North 26°54'00" West 203.39 Feet Along said Westerly Line; Thence North 89°24'00" West 233.49 Feet to the Point Of Beginning.

and

Beginning at a Point on the Westerly Line of Farmington City, said Point Being South 00°54'00" East 3.30 Feet and South 89°24'00" East 681.12 Feet and South 00°36'00" West 6.04 Feet and South 89°24'00" East 233.49 Feet from the Center of Section 13, Township 3 North, Range 1 West, Salt Lake Base & Meridian (basis of bearing - South 82°13'23" West to Antelope) and Running Thence South 26°54'00" East 203.29 Feet Along Said Westerly Line; Thence South 89°24'00" East 574.95 Feet; Thence South 26°41'00" East 17.13 Feet; Thence North 81°01'00" East 131.15 Feet to the Westerly Line of Main Street (State Highway 106) and a Point on the Arc of a 3404.87 Foot Radius Non-Tangent Curve to the Left; Thence Northwesterly Along Said Westerly Line and Along the Arc of Said Curve 200.20 Feet (Chord Bears North 29°11'53" West 200.17 Feet); Thence North 89°24'00" West 706.51 Feet to the Point of Beginning.

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Exhibit "C"

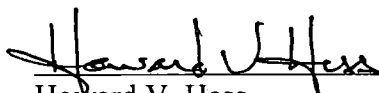
AFFIDAVIT OF ADVERSE POSSESSION

State of Utah)
 : ss.
County of Salt Lake)

I, Howard V. Hess, being the manager and the duly authorized representative of Pioneer Legacy Properties II, LC (hereinafter "**Pioneer**") and having personal knowledge of the facts and matters set forth herein and being first duly sworn, state that:


1. I am an individual, over the age of eighteen (18) years and have personal knowledge of the matters set forth in this affidavit.
2. Pioneer has continuously and adversely occupied, used and possessed the Surveyed Parcel (defined and described in the attached Quit-Claim Deed of even date herewith) since December 27, 2007, to the exclusion of all others.
3. Pioneer's occupancy, use and possession of the Surveyed Parcel has been uninterrupted since December 27, 2007.
4. Pioneer's occupancy, use and possession of the Surveyed Parcel has been exclusive, open, notorious, adverse, and hostile to all others for at least seven (7) years.
5. Pioneer's claim is based on actual, physical, visible possession, use and occupancy, including agricultural cultivation, operation and parking of farm equipment, ingress and egress by persons and vehicles, and storage of goods and equipment in buildings.
6. The North described boundary of the Surveyed Parcel lies on the North boundary of the property that Pioneer has continuously occupied, used and possessed since December 27, 2007.
7. Since December 27, 2007, that North boundary has been continuously improved with a post and wire fence, the location of which has not changed since that date.
8. Since December 27, 2007, Pioneer has continuously occupied, used and possessed the entirety of the Surveyed Parcel up to and including the wire fence lying on the North boundary of the Surveyed Parcel.
9. Pioneer has paid the real property taxes on the Original Parcel (defined and described in the attached Quit-Claim Deed of even date herewith) continuously since December 27, 2007. The Gap (defined and described in the attached Quit-Claim Deed of even date herewith) has "escaped" assessment, meaning the Davis County Assessor cannot determine ownership of the Gap for purposes of assessing property tax, and therefore has not assessed property tax against any person for the Gap in excess of seven (7) consecutive years.

DATED this 3 day of January, 2015.


Howard V. Hess

SUBSCRIBED AND SWORN before me this January 3, 2015, by Howard V. Hess.





Notary Public