

00191101 000337 000633-00637
WASATCH CO RECORDER-ELIZABETH H PARCELL
1996 DEC 05 16:15 PM FEE \$25.00 BY MR
REQUEST: FIRST AMERICAN TITLE COMPANY

BOUNDARY AGREEMENT

THIS AGREEMENT made and entered into on the 5 day of August, 1996, by and between Daniel C. Ballstaedt and Mary F. Ballstaedt, Frederick T. McCarty and Elizabeth B. McCarty, David J. Ballstaedt and Helen T. Ballstaedt, and Hertha J. Ashby, hereinafter referred to as the Ballstaedts, and Karl Lynn Dodge and Gunda Le Dodge, as Trustees of The Dodge Family Trust dated May 31, 1996, hereinafter referred to as the Trustees.

All property hereinafter affected is located in Wasatch County, State of Utah and affects the Ballstaedts as to any portion of their property lying westerly of the hereinafter referred to fence line and the Trustees as to any portion of their property lying easterly of the hereinafter referred to fence line.

WITNESSETH:

WHEREAS, the Trustees have a deed conveying to them the following described parcel:

BEGINNING at a point which is 33 feet East of the Northwest corner of the Southeast Quarter of Section 35, Township 3 South, Range 4 East, Salt Lake Base and Meridian, and running thence South 1°00'00" East 675.50 feet; thence South 88°10'00" East 135.00 feet; thence South 1°00'00" East 248.50 feet; thence South 88°10'00" East 369.90 feet; thence North 1°00'00" West 937.20 feet; thence West 504.90 feet to the point of beginning.

and

WHEREAS, on or about July 25, 1992, a survey of the property now owned by the Trustees was made by Ryan Engineering Inc., by Kay L. Ryan, a licensed land surveyor, which survey revealed a discrepancy between the physical location of the boundary fence between the properties of the respective parties and the metes and bounds description of the Trustees' parcel; and

WHEREAS, said survey shows the Trustees' easterly metes and bounds description line to be approximately 30.17 feet easterly of the existing fence located between the Ballstaedt and the Trustees' property on the northerly side of the adjoining parcels and approximately 24.69 feet easterly of the existing fence on the southerly (Highway 113) side; and

WHEREAS, the Ballstaedts have deeds dated June 21, 1969 and February 10, 1983 conveying to them the following described parcel:

BEGINNING at a point 518.10 feet East of the Northwest corner of the Southeast Quarter of

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GHJ# 415399 / 1035565

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Section 35, Township 3 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 1° East 708.18 feet; thence South 88°10' East 190.00 feet; thence South 1° East 229.26 feet; thence South 88°10' East 265.98 feet; thence North 937.20 feet; thence West 488.40 feet to the point of beginning.

; and

WHEREAS, it is the desire of the above-named parties to reduce to writing a boundary line agreement in order that the records may show an agreed boundary line.

NOW, THEREFORE, in consideration of the premises and the payment of \$6,250.00 to the Trustees, it is hereby agreed and covenanted, as follows:

1. The fence line described as follows and as shown in the Ryan survey is acknowledged as being a true and accurate boundary between the subject properties, to-wit:

BEGINNING at a point which is 33 feet East and North 89°48'03" East 34.50 feet; and South 89°30'02" East 263.84 feet; and South 89°03'31" East 175.83 feet from the assumed Northwest corner of the Southeast Quarter of Section 35, Township 3 South, Range 4 East, Salt Lake Base and Meridian, and running thence South 01°12'27" East 160.87 feet; thence South 01°28'37" East 160.62 feet; thence South 01°15'59" East 180.98 feet; thence South 01°08'17" East 182.26 feet; thence South 01°57'47" East 195.29 feet. (All per the above referred to Kay L. Ryan Survey).

2. In order to establish of record the above-described fence as the boundary, and in consideration of this agreement, Ballstaedts quit claim to the Trustees any and all right, title and interest they have in and to the property lying westerly of the said fence.

3. To further establish of record the above-described fence as the boundary and in consideration of this agreement, the Trustees convey and quit claim to Ballstaedts any and all right, title and interest they have in and to the property lying easterly of the said fence that is adjacent to the Ballstaedts' property. (This quit claim does not transfer any right, title or interest the Trustees have in and to any property that may be claimed by Thomas Grose or his successors which lies easterly of said fence.)

4. This agreement shall be binding upon the heirs,

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executors, administrators or assigns of the parties hereto.

Daniel C. Ballstaedt by Millet J. Ball 9-13-
Daniel C. Ballstaedt

Mary F. Ballstaedt by Millet J. Ball 9-
Mary F. Ballstaedt

Frederick T. McCarty by Millet J. Ball 9-13-
Frederick T. McCarty

Elizabeth B. McCarty Trustee
ELIZABETH B. McCARTY, Trustee

Elizabeth B. McCarty by Millet J. Ball 9-13-
Elizabeth B. McCarty

David J. Ballstaedt by Millet J. Ball 9-13-
David J. Ballstaedt

Helen T. Ballstaedt by Millet J. Ball 9-13-
Helen T. Ballstaedt

Darlene A. Pickrell

DARLENE A. PICKRELL, personal representative of the estate of Hertha Joan Ballstaedt Ashby

Hertha J. Ashby by Millet J. Ball 4-13-
Hertha J. Ashby

Karl Lynn Dodge
Karl Lynn Dodge, Trustee

Gunda Le Dodge
Gunda Le Dodge, Trustee

CALIFORNIA)
STATE OF ~~UTAH~~)
LOS ANGELES: SS.
COUNTY OF ~~WASATCH~~)

On this _____ day of _____, 1996, personally appeared before me Daniel C. Ballstaedt and Mary F. Ballstaedt, the signers of the foregoing, who duly acknowledged to me that they executed the same.

NOTARY PUBLIC

CALIFORNIA)
STATE OF ~~UTAH~~)
: SS.
COUNTY OF ~~LOS ANGELES~~)

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On this 30th day of OCTOBER, 1996, personally appeared before me Frederick T. McCarty and Elizabeth B. McCarty, Trustee the signers of the foregoing, who duly acknowledged to me that they she

State of Utah)
County of Salt Lake) ss.

On the 2nd day of December, 1996 personally appeared before me NOEL T. BALLSTAEDT, who being by me duly sworn did say that he is the Attorney in Fact of DANIEL C. BALLSTAEDT, MARY F. BALLSTAEDT, DAVID J. BALLSTAEDT and HELEN T. BALLSTAEDT, and that the instrument was signed in behalf of said DANIEL C. BALLSTAEDT, MARY F. BALLSTAEDT, DAVID J. BALLSTAEDT and HELEN T. BALLSTAEDT by authority of a Power of Attorney dated February 12, 1996 and the said NOEL T. BALLSTAEDT acknowledged to me that he as such Attorney in Fact executed the same.

My Commission Expires: 08/06/97

Gayle H. Johnson

NOTARY PUBLIC
Residing in Salt Lake City, Utah

