

No. 39564

AFFIDAVIT

STATE OF UTAH, )  
                  ) SS.  
COUNTY OF DAVIS, )

HENRY W. STAHLER, being first duly sworn upon his oath, deposes and says: That he is a citizen of the United States, over the age of twenty one years, with post office address and residence at Bountiful, Davis County, Utah: That Mary Ann J. Burton, Mary A. J. Burton, named as grantees, in those certain Townsite Deeds, dated July 6th, 1891, and July 20th, 1894, and recorded in Book "L" of Deeds, page 749 and Book "N" of Deeds, page 445, and Mary Ann Burton, named as grantor, in that certain warranty deed, dated, May 17, 1898, and recorded in Book "N" of Deeds, page 445, all in the office of the County Recorder of Davis County, Utah, are one and the same identical person, although the name appearing differently.

Affiant further says; That William J. Burton, named as grantee, in that certain warranty deed, dated May 17, 1898, and recorded in Book "N" of Deeds, page 445, and William Johnson Burton, named as grantor, in that certain warranty deed, dated February 8th, 1904, and recorded February 17th, 1904, in Book "T" of Deeds, page 109, all in the office of the County Recorder of Davis County, Utah, are one and the same identical person, although the name appearing differently.

AFFIANT further says; That Caleb J. Burton and Caleb Johnson Burton, named as grantees, in those certain warranty deeds, dated May 17, 1898, and February 8th, 1904, and recorded in Book "N" of Deeds, page 445, and Book "T" of Deeds, page 109, and Caleb Johnson Burton, named as grantor, in that certain warranty deed, dated August 6, 1904, and recorded in Book "T" of Deeds, page 167, all in the office of the County Recorder of Davis County, Utah, are one and the same identical person, although differently named therein.

Subscribed and sworn to before me,  
this 8th day of June, 1926.

Henry W. Stahle

My commission expires  
Jan. 22, 1930

David Mabey

seal

Notary Public,

Residing at Bountiful, Utah.

Recorded June 9, 1926 at 9:00 A.M.

Abstracted 185

H/86

Arvid L. Brown County Recorder.

No. 39579

AGREEMENT.

This agreement entered into this 10th day of April, A. D. 1920 between Rufus Adams, party of the first part, and Alfred J. Morgan, party of the second part, WITNESSETH:

WHEREAS, the party of the first part is the owner of forty (40) acres of land about two (2) miles north of Layton, described as follows:

Section 7, Township 4 North, Range 1 West, Salt Lake Meridian, U. S. Survey. and is desirous of having said land drained.

It is understood and agreed that the party of the second part shall lay, establish and maintain, at his own expense, a drain of six (6) inch tile pipe running a distance of about forty rods into the said land of the party of the first part. Such drain shall be laid by the party of the second part in such a way as not to interfere with the farming operations of the party of the first part.

In consideration of the covenants herein to be kept and performed by said second party, it is understood and agreed between the parties that said second party shall

have for his own use and benefit and shall become the perpetual owner of all water flowing from said drain.

It is further understood and agreed that in the event the said drain needs repair at any time, such repairs shall be made at the cost and expense of the party of the second part, and failure on his part after notice to comply with this provision shall terminate this contract and the rights of the parties hereunder.

WITNESS the hands of the parties the day and year first above written.

R. Adams

Party of the First Part.

In the presence of:

A. J. Morgan

Mrs. E. C. King

Party of the Second Part.

Recorded June 16, 1926 at 3:10 P.M.

Abstracted 4/7

Nelda S. Brown County Recorder.

No. 39600

State of Oregon,

County of Baker )<sup>ss</sup>

I, Joseph Barton, being first duly sworn depose and say I am the same and identical Joseph Barton named as one of the Grantees in that certain deed made and executed by Thomas Robbins, Grantor, on the seventh day of November, A. D. 1874 and in favor of Isaac Barton and Joseph Barton, Grantees which said deed was duly recorded on April 1st, 1876, in Book "D" of Deeds on Page 573 thereof, Records of Deeds of Davis County, Utah.

That in the drafting of said deed and as executed by the said Grantor the beginning point of the description of the tract of land aimed and intended by Grantor to be conveyed in said deed to said Grantees was inaccurately and wrongly described wherein it describes the point of beginning or commencement as being "at a point two (2) chains twenty-eight (28) links South from the Northeast corner of the Southeast quarter (SE<sup>1</sup>) of Section three (3) in Township Three (3) North of Range One (1) West of the United States survey, Salt Lake Meridian" Whereas the proper point of commencement was at a point two (2) chains twenty-eight (28) links South from the Northwest corner of the said Southeast quarter (SE<sup>1</sup>) of said Section 3. That said Thomas Robbins never was the owner of the tract of land as described in said deed, but was the owner by virtue of U. S. Patent issued to him covering the tract aimed and intended to be conveyed in said deed.

And I further depose and say the same error appears in that certain deed dated the 12th day of May, A. D. 1883, made and executed by Isaac Barton and Joseph Barton, as Grantors to Peter Barton, the Grantee, which said deed was duly recorded on May 16, A. D. 1883 in Book "G" of Deeds on Page 1118 thereof Records of Deeds in Davis County, Utah, and that the words "commencing at a point 2.28 chains South from the Northeast corner of the Southeast quarter (SE<sup>1</sup>) of Section 3, in Township three (3) North of Range one (1) West, "(being the first two lines of the description of the tract of land aimed to be conveyed by said deed) should read and was intended to read as follows; "commencing at a point 2.28 chains South from the Northwest corner of the Southeast quarter (SE<sup>1</sup>) of Section 3, in Township three (3) North, Range one (1) West;

I further depose and say that before and at the dates and after the dates of