

When Recorded Please Mail To:  
Peak Alpine Ridge Fund, LLC  
86 North University Ave #400  
Provo, Utah 84601

Ent 340684 Bk 974 Pg 2228-2233  
Date: 02-OCT-2008 9:02AM  
Fee: \$20.00 Check Filed By: MG  
ELIZABETH PALMIER, Recorder  
WASATCH COUNTY CORPORATION  
For: PEAK CAPITAL PARTNERS

## **BOUNDARY LINE AGREEMENT**

(Fence Line)

**AGREEMENT**, made and entered into this 21st day of July, 2008, by and between Peak Alpine Ridge Fund, LLC, hereinafter referred to as Party of the First Part; and John w. Lloyd and Joyce J. Lloyd, Trustees for the Lloyd Family Trust, hereinafter referred to as Party of the Second Part, for the purpose of fixing and determining the boundary and division line between adjoining parcels of land owned by said parties, which boundary line is now uncertain because of discrepancies between the established fence line and record title.

**WHEREAS**, Peak Alpine Ridge Fund, LLC, Party of the First Part, is in possession of a parcel of land which has been surveyed by a registered land surveyor and described by said fence line survey as follows, to-wit:

*See Exhibit "A" attached hereto and by this reference made a part hereof.*

**WHEREAS**, the Party of the Second Part, is in possession of certain parcels of land adjoining the contiguous to the parcel above described and lying immediately adjacent to the fence line of the same, and to the South.

**WHEREAS**, the hereinabove described existing fence line separates the parcels of land and constitutes a physical boundary and division line between the same that has long been recognized by the parties hereto and their predecessors in title as the boundary and division line between their said parcels of land.

**THE PARTIES AGREE THAT** the established fence line as the same now exists shall constitute the boundary and division line between the said parcels of land in the possession of the parties hereto. Each of the said parties hereby recognizes and agrees that the other party is the legal

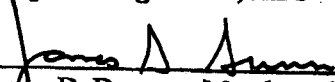
owner up to said fence line of the respective parcel of land in such party's possession, and the parties further agree that these stipulations shall apply to and be binding upon them, their heirs, personal representatives and assigns.


*PURSUANT* to the foregoing stipulations and for value received, the receipt of which is hereby acknowledged Peak Alpine Ridge Fund, LLC, party of the First Part, hereby remise, release and forever quit claim to the aforesaid Parties of the Second Part, as their interests appear herein, any and all right, title, and interest which they may have in and to all lands in the possession of each of said Parties of the Second Part, adjoining and adjacent to said fence line above described; and, for value received, the receipt of which is hereby acknowledged, the said Parties of the Second Part hereby remise, release and forever quit claim to Peak Alpine Ridge Fund, LLC, Party of the First Part, as their interest may appear herein, any and all right, title and interest which said Parties of the Second Part may have in and to all land in the possession of the said Party of the First Part, lying within the boundaries of the aforescribed fence line, being the parcel of land in possession of the said Peak Alpine Ridge Fund, LLC, Party of the First Part, hereinabove described.

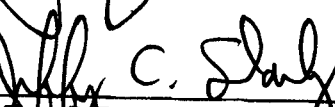
*IN WITNESS WHEREOF*, the Parties have hereunto signed their names to this Agreement the day and year first above written.

**PARTY OF THE FIRST PART:**

Peak Alpine Ridge Fund, LLC

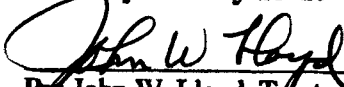
  
By: James D. Dunn, as Member of Peak Capital Partners, LLC as Manager

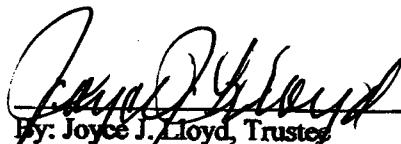
  
By: Jeffrey D. Birmingham, as Member of Peak Capital Partners, LLC as Manager

  
By: Jeffrey C. Danley, as Member of Peak Capital Partners, LLC as Manager

**PARTY OF THE SECOND PART:**

The Lloyd Family Trust

  
By: John W. Lloyd, Trustee

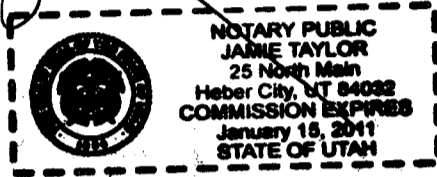
  
By: Joyce J. Lloyd, Trustee

State of Utah )

County of Utah *Wasatch* )

On this *21st* day of November, 2007, personally appeared before me James D. Dunn, Jeffery D. Burningham and Jeffrey C. Danley, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me duly sworn/affirmed, did say that (he/she/they) (is/are) the Members of Peak Capital Partners, LLC as Manager of Peak Alpine Ridge Fund, LLC, a limited liability company, and that said document was signed by (him/her/they) in behalf of said Limited Liability Company by Authority of its Operating Agreement, or (Resolution of its Managers), and said James D. Dunn, Jeffery D. Burningham and Jeffrey C. Danley acknowledged to me that said Limited Liability Company executed the same.

*Jamie Taylor*  
Notary Public

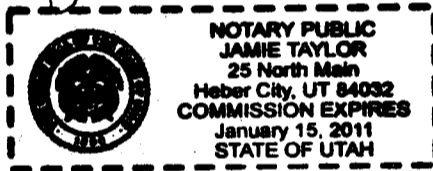


State of Utah )

County of Utah *Wasatch* )

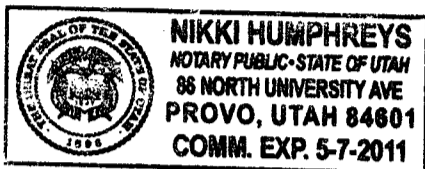
On this *21st* day of November, 2007, personally appeared before me John W. Lloyd and Joyce J. Lloyd, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me duly sworn/affirmed, did say that (he/she/they) (is/are) the Trustee(s) of The Lloyd Family Trust, and that said document was signed by Authority pursuant to the Trust Agreement; that said Trust is in full force and effect; that as Trustee(s), they have full authority to act in behalf of said Trust and acknowledged to me that (he/she/they) executed the same.

*Jamie Taylor*  
Notary Public



State of Utah )  
                                  §  
County of Utah )

On this 22 day of July, 2008, personally appeared before me James D. Dunn, Jeffery D. Burningham and Jeffrey C. Danley, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me duly sworn/affirmed, did say that (he/she/they) (is/are) the Members of Peak Capital Partners, LLC as Manager of Peak Alpine Ridge Fund, LLC, a limited liability company, and that said document was signed by (him/her/they) in behalf of said Limited Liability Company by Authority of its Operating Agreement, or (Resolution of its Managers), and said James D. Dunn, Jeffery D. Burningham and Jeffrey C. Danley acknowledged to me that said Limited Liability Company executed the same.



Nikki Humphreys  
Notary Public

~~State of Utah )  
                                  §  
County of Utah )~~

~~On this 22 day of July, 2008, personally appeared before me John W. Lloyd and Joyce J. Lloyd, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me duly sworn/affirmed, did say that (he/she/they) (is/are) the Trustee(s) of The Lloyd Family Trust, and that said document was signed by Authority pursuant to the Trust Agreement; that said Trust is in full force and effect; that as Trustee(s), they have full authority to act in behalf of said Trust and acknowledged to me that (he/she/they) executed the same.~~

~~Nikki Humphreys  
Notary Public~~

Exhibit A (page 1 of 2)

PETERSON ENGINEERING SURVEYED DESCRIPTION - JOHN W. LLOYD PROPERTY  
(SEE RECORD OF SURVEY FILING NO. 520 - 27 AUGUST, 1996)

PARCEL 1 - AS SURVEYED DESCRIPTION

BEGINNING AT A POINT WHICH IS NORTH 471.357 FEET AND NORTH 25°00'00" EAST 383.059 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 29, TOWNSHIP 3 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN, SAID POINT FUTHER DESCRIBED AS BEING SOUTH 88°54'36" WEST 2650.799 FEET ALONG THE SECTION LINE AND NORTH 471.357 FEET AND NORTH 25°00'00" EAST 383.059 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 29, TOWNSHIP 3 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN, SAID POINT ALSO BEING THE NORTHEAST CORNER OF THE VALLEY HILLS WEST PLAT "G" SUBDIVISION AS RECORDED IN THE OFFICIAL RECORDS AT THE WASATCH COUNTY RECORDERS OFFICE; THENCE NORTH 25°00'00" EAST 1204.151 FEET; THENCE ALONG AN EXISTING OLD FENCE LINE THE FOLLOWING 11 CALLS:

- SOUTH 88°21'03" WEST 1592.56 FEET; THENCE
- SOUTH 00°22'22" WEST 100.647 FEET; THENCE
- SOUTH 87°50'41" WEST 163.541 FEET; THENCE
- SOUTH 00°38'56" EAST 131.998 FEET; THENCE
- NORTH 89°26'11" WEST 163.673 FEET MORE OR LESS TO THE EASTERLY BOUNDARY LINE OF STATE HIGHWAY 40; THENCE
- SOUTH 08°06'00" WEST 117.421 FEET ALONG SAID STATE ROUTE; THENCE
- SOUTH 84°49'56" EAST ALONG THE SOUTHERLY RIGHT OF WAY LINE OF LLOYD LANE 598.618 FEET; THENCE
- SOUTH 09°10'23" WEST 216.164 FEET; THENCE
- SOUTH 85°11'13" EAST 301.659 FEET; THENCE
- SOUTH 29°46'15" EAST 450.900 FEET; THENCE
- SOUTH 42°00'00" WEST 10.838 FEET;

THENCE EAST 346.848 FEET ALONG SAID VALLEY HILLS WEST PLAT "G" TO THE POINT OF BEGINNING. CONTAINS 26.935 ACRES MORE OR LESS.

Party of the First Part

Peak Alpine Ridge Fund, LLC  
Parcel # 155361

Party of the Second Part

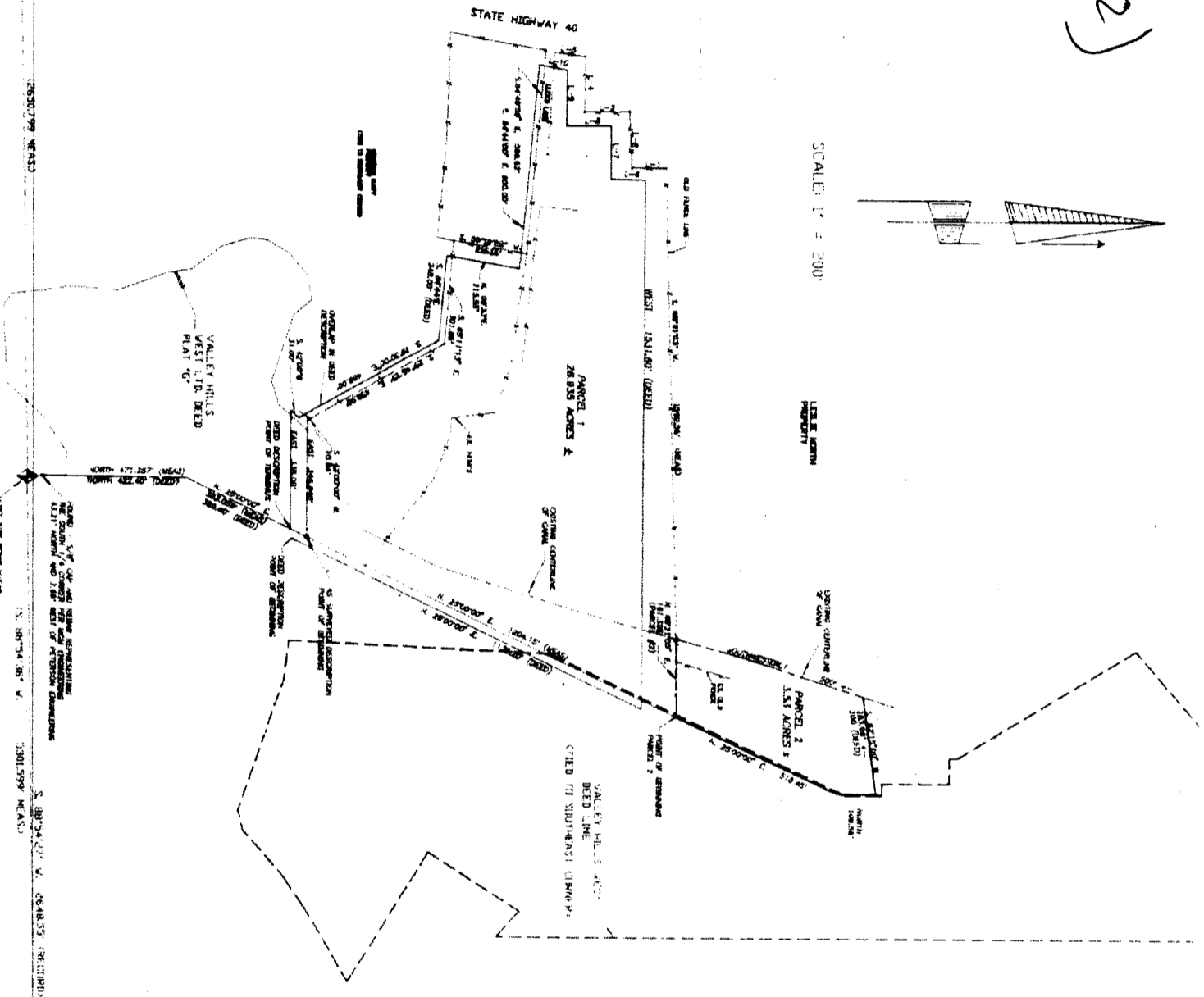
Lloyd TR  
Parcel # 79157

Exhibit A (page 2 of 2)

LINE	BEARING	DISTANCE	AREA
1	N 89° 24' 57" W	76.41855'	10.0000
2	S 89° 24' 57" E	76.41855'	10.0000
3	S 89° 24' 57" E	76.41855'	10.0000
4	N 89° 24' 57" W	76.41855'	10.0000
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94	N 89° 24' 57" W	76.41855'	10.0000
95	S 89° 24' 57" E	76.41855'	10.0000
96	N 89° 24' 57" W	76.41855'	10.0000
97	S 89° 24' 57" E	76.41855'	10.0000
98	N 89° 24' 57" W	76.41855'	10.0000
99	S 89° 24' 57" E	76.41855'	10.0000
100	N 89° 24' 57" W	76.41855'	10.0000



SCALE: 1" = 200'



STATE OF MICHIGAN  
 DEPARTMENT OF LAND AND NATURAL RESOURCES  
 DIVISION OF LAND AND WATER MANAGEMENT  
 221 WEST WASHINGTON AVENUE  
 LANSING, MICHIGAN 48224

DWG. 025-03-10-1-05.26  
 AUG. 27 1916  
 PETERSON ENGINEERING  
 LANSING, MICHIGAN