

BOUNDARY LINE AGREEMENT

This Boundary Line Agreement is made and entered into this day of DEC 18, 2019
by and between

SAWMILL 4 & 5, LLC, a Utah limited liability company (SAWMILL 4 & 5)

and

GARY W. THURGOOD and EDITH THURGOOD, husband and wife, as joint tenants
(THURGOOD)

RECITALS

1. **SAWMILL 4 & 5** is the owner, in fee simple, of a parcel of real property situated in Heber City, Wasatch County, State of Utah, with serial number OHE-2019-0-008-045, and being more particularly described in the Warranty Deed recorded as Entry 449953 in Wasatch County Records as follows:

Beginning at a point 40 feet West and 330 feet South of the Northeast corner of the Southeast Quarter of Section 8, Township 4 South, Range 5 East, Salt Lake Base and Meridian; and running thence South 390 feet; thence West 1280 feet; thence North 720 feet; thence East 620 feet; thence South 330 feet; thence East 660 feet to the point of beginning.

2. **THURGOOD** is the owner, in fee simple, of a parcel of real property situated in Heber City, Wasatch County, State of Utah, with serial number OHE-2071-0-008-045, and being more particularly described in the Special Warranty Deed recorded as Entry 126363 in Wasatch County Records as follows:

Commencing at a point 24 feet South of the Northeast corner of the Northwest quarter of the Southeast Quarter of Section 8, Township 4 South of Range 5 East of the Salt Lake Base and Meridian, and running thence South 496.0 feet; thence West 648.0 feet, more or less, to the East line of lands now owned by LaMar Jensen; thence North 138.98 feet; thence North 89°41'32" West 111.94 feet; thence North 138.98 feet; thence North 89°54'17" East 759 feet, more or less, to the point of beginning.

3. WHEREAS, on or about October of 2019 a property survey by Kevin M. Balls, a professional land surveyor with Summit Engineering Group, Inc, holding Utah license #11207308, was performed on property now owned by **SAWMILL 4 & 5**, said survey to be filed hereafter in the office of the Wasatch County Surveyor, and
4. WHEREAS, it is advantageous to both of the above-named parties to agree to a common boundary line between their respective properties, in order to adjust written title lines to follow the historic fence line between the two properties, and

5. WHEREAS, it is the desire of the above-named parties to reduce to writing an agreement regarding the true location of the boundary line between the subject properties.

NOW THEREFORE, in consideration of the premises, it is hereby agreed and covenanted as follows:

That the common boundary line between the subject properties is a straight line description of the existing historic fence line as described below in the as-surveyed property description for the **SAWMILL 4 & 5** parcel, which boundary line is accepted as being the true and accurate boundary between the subject properties (see underlined metes and bounds below) to wit:

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN, LOCATED IN THE CITY OF HEBER, WASATCH COUNTY, UTAH. SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT LOCATED SOUTH 00°15'51" EAST 329.93 FEET ALONG THE SECTION LINE AND WEST 41.52 FEET FROM THE WASATCH COUNTY BRASS CAP MONUMENT FOR THE EAST QUARTER CORNER OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE SOUTH 387.49 FEET; THENCE SOUTH 89°51'18" WEST 239.54 FEET ALONG AN EXISTING FENCE LINE; THENCE SOUTH 00°05'21" EAST 200.00 FEET; THENCE SOUTH 89°51'18" WEST 200.03 FEET ALONG AN EXISTING FENCE LINE; THENCE NORTH 00°05'21" WEST 200.00 FEET ALONG AN EXISTING FENCE LINE; THENCE SOUTH 89°52'27" WEST 848.07 FEET ALONG AN EXISTING FENCE LINE TO THE EAST BOUNDARY LINE OF CH47 PROPERTY AS DOCUMENTED IN RECORD OF SURVEY FILE NO. 2657 IN THE WASATCH COUNTY SURVEYOR'S OFFICE; THENCE ALONG SAID SURVEYED BOUNDARY NORTH 00°03'24" WEST 211.81 FEET; THENCE ALONG AN EXISTING FENCE LINE NORTH 00°01'03" EAST 508.18 FEET TO THE SOUTHERN BOUNDARY LINE OF TIOGA FUNDING REAL ESTATE GROUP LLC. AS DOCUMENTED IN RECORD OF SURVEY FILE NO. 2972 IN THE WASATCH COUNTY SURVEYOR'S OFFICE; THENCE ALONG SAID SURVEYED BOUNDARY THE FOLLOWING TWO COURSES: (1) NORTH 89°34'18" EAST 306.38 FEET, (2) SOUTH 89°53'39" EAST 321.33 FEET; THENCE LEAVING SAID SURVEYED BOUNDARY SOUTH 330.00 FEET ALONG AN EXISTING FENCE LINE AND FENCE LINE EXTENDED; THENCE SOUTH 89°53'39" EAST 660.00 FEET TO THE POINT OF BEGINNING.
SURVEYED DESCRIPTION CONTAINING 17.200 ACRES.

6. In order to further establish the boundary line as described in the surveyed boundary description in paragraph 5 above as the true location of the boundary line between the subject properties, and in consideration of this agreement, **THURGOOD** hereby releases, remises, and quit claims to **SAWMILL 4 & 5** all right, title, and interest in and to the real property lying within the SAWMILL 4 & 5 property boundary as described in paragraph 5 above, and **SAWMILL 4 & 5** hereby releases, remises, and quit claims to **THURGOOD** all right, title, and interest in and to the real property lying immediately and adjacent to the WEST of the common boundary line as described in the boundary description in paragraph 5 above;
7. This Agreement shall be binding upon the heirs, executors, administrators, or assigns of the parties hereto;

8. This Agreement constitutes the entire agreement between the parties, and any prior understanding or representation of any kind preceding the date of this Agreement shall not be binding on any party except to the extent incorporated in this Agreement;
9. Any modification on the Agreement or additional obligation assumed by any party in connection with the Agreement shall be binding only if in writing signed by each party or any authorized representative of each party;
10. In the event any action is filed in relation to this Agreement, the unsuccessful party in the action shall pay to the successful party, in addition to all the sums that any party may be called on to pay, a reasonable sum for the successful party's attorney fees;
11. This Agreement shall be governed by, construed, and enforced in accordance with the laws of the State of Utah;

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement on the date hereinabove first mentioned:

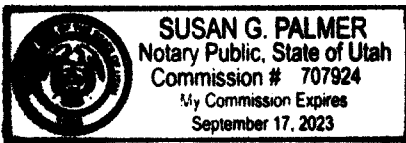
Sawmill 4 & 5, LLC

[Signature]
By: Brad Jensen
It's: Manager

Acknowledgement

State of Utah
County of Utah

This certifies that on this day of December 23, 2019, personally appeared before me the within named Brad Jensen manager of Sawmill 4 & 5, LLC, proved on the basis of satisfactory evidence to be the person whose name is subscribed in this instrument, who acknowledged to me that he or she executed said instrument freely and voluntarily for the purposes and use herein stated.



[Signature]
Notary Public

Gary W. Thurgood

Edith Thurgood

[Signature]

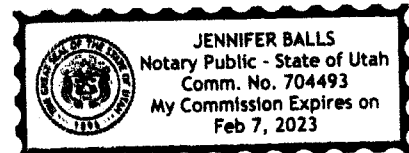
DECEASED
SEE ATTACHED AFFIDAVIT

Acknowledgement

State of Utah
County of Wasatch

This certifies that on this day of DEC. 18 2019, personally appeared before me Gary W. Thurgood and Edith Thurgood, proved on the basis of satisfactory evidence to be the persons whose names are subscribed in this instrument, who acknowledged to me that they each executed said instrument freely and voluntarily for the purposes and use herein stated.

[Signature]
Notary Public



When recorded mail to:
Gary W. Thurgood
3005 West 3600 South
Heber City, Utah. 84032

Affidavit - death of a joint tenant

Gary W. Thurgood, being first sworn upon oath deposes and says that he/she is a citizen of the United States of America and is over the age of 21 years; and knows of his/her own knowledge that **Edith Thurgood** as appears on death certificate attached hereto, is the same person who appears as grantee in that certain **Warranty Deed** dated **May 3, 1982** , recorded **May 5, 1982** , as Entry No. **126353**, Wasatch County Recorder's Office, Wasatch County, Utah.

The legal description appearing on said Deeds covers the following described real property:

Commencing at a point 24 feet South of the Northeast corner of the Northwest quarter of the Southeast Quarter of Section 8, Township 4 South of Range 5 East of the Salt Lake Base and Meridian, and running thence South 496.0 feet; thence West 648.0 feet, more or less, to the East line of lands now owned by LaMar Jensen; thence North 138.98 feet; thence North 89°41'32" West 111.94 feet; thence North 138.98 feet; thence North 89°54'17" East 759 feet, more or less, to the point of beginning.

Serial No. OHE-2071-0-008-045

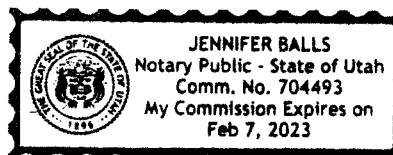
Dated this 18th day, DECEMBER, 2019.

Gary W. Thurgood
Gary W. Thurgood

State of Utah)
County of WASATCH)§

On this 18 day, DECEMBER, 2019, personally appeared before me Gary W. Thurgood, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to on this instrument, and who duly acknowledged to me that executed the same.

Jennifer Balls
Notary Public



STATE OF UTAH
CERTIFICATION OF VITAL RECORD

Ent 482691 Bk 1306 Pg 1552

Ent 467293 Bk 1262 Pg 0901

CERTIFICATE OF DEATH

State File Number: 2009015450

Edith Lillian Thurgood

DECEDENT INFORMATION

Date of Death:	March 8, 2009 (Found)	Time of Death:	07:45 (Found)
City of Death:	Heber City	County of Death:	Wasatch
Age:	71	Date of Birth:	May 20, 1937
Place of Birth:	Murray, Utah	Sex:	Female
Armed Services:	No	Marital Status:	Married
Spouse's Name:	Gary Weldon Thurgood	Usual Occupation:	Homemaker
Industry/Business:	Own home	Education:	High School or GED
Residence:	Heber City, Utah	Father's Name:	Melvin H. Wilkinson
Mother's Name:	Ruth Lillian Shura	Facility Type:	Home
Facility or Address:	3005 West 3600 South		

INFORMANT INFORMATION

Name:	Gary Weldon Thurgood	Relationship:	Husband
Mailing Address:	3005 West 3600 South, Heber City, Utah 84032		

DISPOSITION INFORMATION

Method of Disposition:	Cremation
Place of Disposition:	Independent Professional Services, Taylorsville, Utah
Date of Disposition:	March 10, 2009

FUNERAL HOME INFORMATION

Funeral Home:	Digin Hoopes Funeral Home
Address:	288 North Main Street, Heber City, Utah 84032
Funeral Director:	Gene W Hoopes

MEDICAL CERTIFICATION

Certifying Physician:	Todd C. Grey MD, Office of the Medical Examiner, 48 N. Mario Capocchi Dr., Salt Lake City, Utah 84113
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CAUSE OF DEATH

Combined effects of coronary artery disease, obesity & drug toxicity.
Due to (or as a consequence of): Alprazolam, Promethazine & Preoxyphene
Tobacco Use: Non-user
Medical Examiner Contacted: Yes Autopsy Performed: Yes Autopsy Available: Yes Manner of Death: Not Determined

INJURY INFORMATION

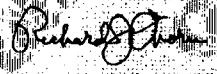
Date of Injury:	Unknown	Time of Injury:	Unknown
Injury at Work:	No	Place of Injury:	Residence
Location of Injury:	3005 West 3600 South, Heber, Utah		
How Injury Occurred:	Died as consequence of natural disease and prescription drug ingestion		
Motor Vehicle Accident:	No		

Date Registered: March 9, 2009

Date Issued: August 19, 2019

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Richard J. Oborn, MPA
State Registrar
Rev. 1/16



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UTAH DEPARTMENT OF HEALTH
Office of Vital Records & Statistics
Salt Lake City, Utah

