

**BOUNDARY FENCE LINE AGREEMENT**

WHEREAS, **ELSIE S. THOMAS, TRUSTEE OF THE ELSIE S. THOMAS TRUST** DATED THE 14TH DAY OF JANUARY, 1994, owns certain real estate in Utah County, Utah, and

WHEREAS, **ROBERT J. BANKS, ACTING AS POWER OF ATTORNEY FOR REED J. BANKS AND DEE M. BANKS** own land adjacent thereto and to the WEST.

WHEREAS, the boundary line between said parcels of land has been uncertain because of discrepancies between the established division fence line as surveyed and the record title. Said fence line separating the two parcels constitutes a physical boundary and division line between the same that has long been recognized by the parties hereto and their predecessors in title and interest, as the boundary and division line between the respective parcels of land.

WHEREAS, the parties hereto are desirous to fix a common boundary line between them and have agreed upon such boundary line established on the ground, and

WHEREAS, the parcel possessed by **THOMAS** has been surveyed and described in a certified survey by **BARRY L. PRETTYMAN**, Utah License No. 166406, and described as follows, to wit:

Beginning at a point which lies South 0°26'55" East 62.26 feet along the Section Line and West 2.36 feet from the Northeast Corner of Section 2, Township 8 South, Range 2 East, Salt Lake Base and Meridian; and running thence South 89°45'28" West 659.61 feet along an existing fence on the South side of 4000 South Street; thence South 0°21'54" East 1273.01 feet along an existing fence; thence North 89°58'09" East 658.57 feet along an existing fence; thence North 0°19'03" West 1275.44 feet along an existing fence on the West side of 800 West Street to the point of beginning.

THE PARTIES AGREE that the established fence lines as the same now exists in the parcel above described shall constitute the boundary and division line between the parcels of land in the possession of the parties hereto, and 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 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 acknowledged, ROBERT J. BANKS, ACTING AS POWER OF ATTORNEY FOR REED J. BANKS AND DEE M. BANKS hereby remise, release and forever QUIT CLAIM to ELSIE S. THOMAS, TRUSTEE OF THE ELSIE S. THOMAS TRUST DATED THE 14TH DAY OF JANUARY, 1994, any and all right, title and interest which they may have in and to all land in the possession of THOMAS, as above described; and for value received, the receipt of which is acknowledged ELSIE S. THOMAS, TRUSTEE OF THE ELSIE S. THOMAS TRUST DATED THE 14TH DAY OF JANUARY, 1994, hereby remises, releases and forever QUIT CLAIMS to ROBERT J. BANKS, ACTING AS POWER OF ATTORNEY FOR REED J. BANKS AND DEE M. BANKS as their interests appear herein, any and all right, title and interest which they may have in and to all land lying to the WEST of the parcel above described.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement this 26 day of Sept 2005, 20  .

Elsie S. Thomas  
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ELSIE S. THOMAS (TRUSTEE)

Trustee [Signature]  
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STATE OF UTAH X  
COUNTY OF UTAH X

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On the 26<sup>th</sup> day of September, 2005, personally appeared before me a Notary Public in and for the State of Utah, ELSIE S. THOMAS, TRUSTEE OF THE ELSIE S. THOMAS TRUST DATED THE 14TH DAY OF JANUARY, 1994, the signer of the foregoing instrument, who duly acknowledged to me that they executed the same.

Residing in Mona, UT  
My Commission expires 6/20/2008

Michael S. Smith  
\_\_\_\_\_  
Notary Public

(SEAL)



ROBERT J. BANKS (POWER OF ATTORNEY)

Robert J. Banks  
\_\_\_\_\_  
STATE OF UTAH X  
COUNTY OF UTAH X

On the 26 day of September, 2005, personally appeared before me a Notary Public in and for the State of Utah ROBERT J. BANKS, ACTING AS POWER OF ATTORNEY FOR REED J. BANKS AND DEE M. BANKS the signer of the above instrument, who duly acknowledged to me that he executed the same.

Residing in Mona, UT  
My Commission expires 6/20/2008

Michael S. Smith  
\_\_\_\_\_  
Notary Public

(SEAL)

