

BOUNDARY LINE AGREEMENT

(Fence Line)

ENT 122068:2004 PG 1 of 3
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2004 Oct 27 4:27 pm FEE 14.00 BY SS
RECORDED FOR SIGNATURE TITLE INSURANCE A
ELECTRONICALLY RECORDED

AGREEMENT, made and entered into this 27th day of October, 2004,

by and between Donna Dean, Trustee of the Donna Dean Trust Agreement u/a/d July 7, 1999, and as amended the 3rd day of November, 2000., hereinafter referred to as Party of the First Part; and Bennie and Carmen E. Martinez, husband and wife, as joint tenants, 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, Donna Dean, Trustee of the Donna Dean Trust Agreement u/a/d July 7, 1999, and as amended the 3rd day of November, 2000., 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,

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 Donna Dean, Trustee of the Donna Dean Trust Agreement u/a/d July 7, 1999, and as amended the 3rd day of November, 2000., 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 Donna Dean, Trustee of the Donna Dean Trust Agreement u/a/d July 7, 1999, and as amended the 3rd day of November, 2000, 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 Donna Dean, Trustee of the Donna Dean Trust Agreement u/a/d July 7, 1999, and as amended the 3rd day of November, 2000, 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:

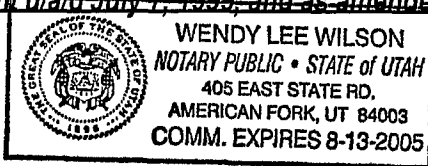
Donna Dean Trustee
Donna Dean, Trustee of the Donna Dean Trust Agreement
u/a/d July 7, 1999, and as amended the 3rd day of Nov, 2000,

PARTY OF THE SECOND PART:

Bennie Martinez
Bennie Martinez
Carmen E. Martinez
Carmen E. Martinez

State of Utah, Utah County;

The foregoing instrument was subscribed, sworn to, and acknowledged before me on this 27th day of October, 2004, by Donna Dean, Trustee of the Donna Dean Trust Agreement u/a/d July 7, 1999, and as amended the 3rd day of November, 2000,



Wendy Lee Wilson
Notary Public

State of Utah, Utah County;

The foregoing instrument was subscribed, sworn to, and acknowledged before me on this 8th day of October, 2004, by Bennie and Carmen E. Martinez, husband and wife, as joint tenants.



Kristy Kelley
Notary Public

Beginning at a point in the South boundary of 500 South Street, said point being located South 00°02'42" East along Section line 1006.06 feet and East 743.33 feet from the West quarter corner of Section 24, Township 5 South, Range 1 East, Salt Lake Base and Meridian; thence North 86°58'53" East along said South boundary 164.84 feet; thence South 00°08'55" East along a fence line 205.76 feet; thence South 00°11'17" West along a fence line 366.47 feet; thence South 00°34'36" East along a fence line 49.88 feet; thence South 00°12'57" West along a fence line and fence line extension 374.87 feet to the North boundary of a 56.00 foot road right of way; thence North 88°26'43" West along said North boundary 163.77 feet; thence North 00°12'11" East along a fence line 177.97 feet; thence North 88°46'00" West along a fence line 230.33 feet to the East boundary of 330 East Street; thence North along said East boundary 223.424 feet; thence South 89°05'00" East 118.53 feet; thence North 00°08'33" West along a fence line 103.89 feet; thence North 89°46'36" West along a fence line 35.05 feet; thence North 00°09'35" West along a fence line 83.02 feet; thence South 89°59'25" East along a fence line 27.70 feet; thence North 00°08'59" East along a fence line 62.33 feet; thence South 89°45'00" East 23.57 feet; thence North 03°12'12" West along a fence line and extension thereof 103.08 feet; thence South 86°18'28" West along a fence line 28.70 feet; thence North along the recorded Comer deed line 78.12 to the Southerly boundary of Applewood Estates Subdivision, Plat "B", as recorded in the office of the Utah County Recorder; thence East along said Subdivision 130.64 feet; thence North 00°07'00" West along said subdivision 150.96 feet to the point of beginning.

Excepting any portion lying within the bounds of 500 South Street.