

P-8



AFFIDAVIT LORIN D. FISCHER

STATE OF UTAH)

:ss

COUNTY OF WASHINGTON)

I, Lorin D. Fischer, upon being duly sworn, hereby depose and state as follows:

1. I was Power Superintendent for the City of Hildale, Utah at all relevant times relating to this affidavit.
2. I have personal knowledge and information relating the creation of Easement No. H-4, attached hereto as "Exhibit 1."
3. On April 26, 1994 the attached easement was granted by the United Effort Plan Trust (UEP) to the City of Hildale, Washington County, Utah.
4. I have searched the relevant records and cannot find where the attached easement was recorded.
5. The original of Exhibit 1 is missing from the files of the City of Hildale and only copies exist.

I wrote the easement and know the attached to be a true, accurate and correct representation of the original. The original does state, along with Exhibit A to Exhibit 1, the legal descriptions of real property pertaining to this easement, as follows:

1. HD - 2 Legal: BEG AT SW COR SW4 SW4 SEC 26 T43S R10W SLM & RN TH E 660 FT TH N 1120 FT TH NW TO NW COR OF SW4 SW4 TH S 1320 FT TO POB. 18 AC.
2. HD - 3 LEGAL: N2 SE4 SE4 SE4 SEC 27 T43S R10W SLM. 120 AC.
3. HD - 4-A LEGAL: SECT L LOT 1 SEC 33 T43S R10W SLM LESS: 2.5 AC SOLD TO JOHN REED LAURITZEN. 34.79 AC.

4. HD - 4-B LEGAL: BEG AT A PT 931.9 FT S & 890 FT W OF 1/4 COR COM TO SECS 33 & 34 T43S R10W SLM & RN TH W 295 FT 3 IN; TH S 300 FT TO ST LN; TH E ALG ST LN 295 FT 3 IN; TH N 300 FT TO POB. 2.5 AC.

5. HD - 5 - LEGAL: BEG 40 RDS W OF SE COR OF LOT 2 SEC 34 T43S R10W SLM TH N 16 RDS TH W 10 RDS TH S 16 RDS TH E 10 RDS TO BEG. 4 AC.

6; HD 6 LEGAL: SE4 NE4 SEC 34 T43S R10W SLM. 40 AC.

7. HD - 8 (FAA) LEGAL: BEG AT N4 COR SEC 34 T43S R10W SLM & RN TH E 2115 FT TH S 1320 FT TH W 2115 FT TH N 1320 FT TO BEG. 64.1 AC

8. HD - 9 (FAA) LEGAL: BEG AT NE COR SEC 34 T43S R10W SLM & RN TH S 1320 FT TH W 525 FT TH N 1320 FT TH E 525 FT TO BEG. 15.9 AC

9. HD - 10 LEGAL: BEG AT SW COR LOT 3 SEC 34 T43S R10W SLM & RN TH E 21.33 RDS TH N 37.44 RDS TH W 21.33 RDS TH S 37.44 RDS TO BEG. 5 AC

10. HD - 12 (FAA) LEGAL: W2 SE4 NW4 SEC 34 T43S R10W SLM. 20 AC

11. HD - 13 LEGAL; BEG AT NW COR LOT 3 SEC 34 T43S R10W SLM & RN TH E 21.33 RDS TH S 37.44 RDS TH W 21.33 RDS TH N 37.44 RDS TO BEG . 5 A

13. HD - 14 LEGAL: E4 OF LOT 2 SEC 34 T43S R10W2 SLM. 9.35 AC

14. HD - 15 (FAA) LEGAL: BEG AT A PT W 20 RDS FM NE COR LOT 3 SEC 34 T43S R10W SLM & RN TH S 43.36 RDS TH W 14.79 RDS TH S 10.84 RDS TH W 17.73 RDS TH N 54.20 RDS TH E 32.52 RDS TO BEG ALSO ALL OF LOT 4. 47.27 AC

15. HD - 16 (FAA) LEGAL: W2 W2 NW4 SEC 35 T43S R10W SLM. 4 AC

16. 177 (FAA) LEGAL: BEG 660 FT E OF SW COR OF SW4 SW4 OF SEC 26 T43S R10W SLM & RN TH E 165 FT; TH N 1056 FT; TH NW APPROX. 181 FT TO W LN OF E2 SW4 SW4; TH. S 1120 FT TO POB. 4 AC

17. 178-A-2 (FAA) LEGAL: BEG AT A PT WHICH IS 165 FT W OF 1/4 COR COM TO SECS 23 & 26, T43S R10W SLM & RN TH S 31° W 323 FT; TH S 10° W 362 FT TH S 23° E 460 FT; TH S 7° E 300 FT; TH S 13° W 375 FT; TH S 29° W 680 FT; TH S 35° W 840 FT; TH S 56° W 850 FT; TH S 79° W 590 FT; TH S 495 FT; TH W 230 FT; TH N 1320 FT TO QUARTER COR SEC 26 TH E 1320 FT; TH N 2640 FT; TH E 1155 FT TO BEG. 89.5 AC

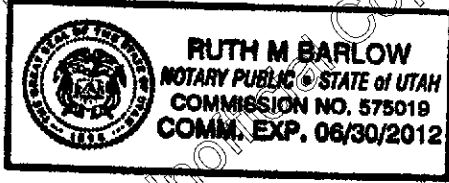
6. The original of Exhibit 1 was notarized by my father, now deceased, as is the signer, Rulon T. Jeffs, and I have had a copy of the Exhibit in my personal possession continuously since it was signed on April 26, 1994.

7. Further this affiant sayeth naught.

DATED this 26th day of June, 2009.

Lorin D Fischer
LORIN D. FISCHER

SUBSCRIBED AND SWORN to before me this 30th day of June, 2009.



Ruth M Barlow
NOTARY PUBLIC

Exhibit 1

EASEMENT NO. B-4

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, THE UNITED EFFORT PLAN, a common law trust, does hereby grant unto the CITY OF HILDALE, Washington County, Utah, and to its successors or assigns, a perpetual easement as hereafter described over, across, under and through the land of the undersigned situated in Washington County, State of Utah, more particularly described as follows:

[Property Description]

ALL PROPERTIES HELD BY THE UNITED EFFORT PLAN, WITHIN THE CITY LIMITS OF HILDALE CITY, WASHINGTON COUNTY, STATE OF UTAH, PER ATTACHED EXHIBIT "A".

SAID easement shall be for all existing power lines situated on said property prior to the 1st day of April, 1994, including all appurtenances thereto, and shall be a minimum of 30 feet in width, 15 feet each side of Pole Centerline, across said property owned by the undersigned within the limits of the CITY OF HILDALE.

SAID easement shall include the right to place, construct, operate, repair, maintain, remove and replace thereon and in or upon all streets, roads or highways on or abutting said lands an electric transmission and/or distribution line or system, whether overhead, on and/or underground, including power poles, power lines, guy-wires, ground anchoring devices, and other associated structures and appurtenances, and to cut and trim trees and shrubbery to the extent necessary to keep them clear of said electric lines or system and to cut down from time to time all dead, weak, leaning or dangerous trees that are tall enough to strike the wires in falling.

IN granting this easement it is understood that the pole, and/or buried electrical cable, structure and appurtenances to be used and the location of the power line or lines will be such as to form such interference as is reasonably the least inconvenient to farm or other operations so long as it does not materially increase the cost of construction.

THE undersigned covenants that the said lands are free and clear of encumbrances and liens of whatsoever character except as follows:

NONE

IT is further understood that, whenever necessary, words used in this instrument in the singular shall be construed to read in the plural and that words used in the masculine gender shall be construed to read in the feminine.

The undersigned further covenants and acknowledges that the CITY OF HILDALE, successor in interest to Garkane Power Association, now holds an easement by prescription for any and all electric transmission and/or distribution line and system, whether overhead, on and/or underground, which has heretofore been placed, constructed, operated, repaired, maintained and replaced on said lands.

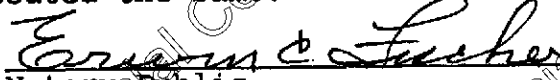
IN WITNESS THEREOF, the undersigned has set his hand and seal this
26th day of APRIL


RULON T. JEFFS, President
Board of Trustees
UNITED EFFORT PLAN

ACKNOWLEDGEMENT

STATE OF UTAH)
: ss.
COUNTY OF SALT LAKE)

On the 26th day of APRIL personally appeared before me
RULON T. JEFFS, the signer of the foregoing RIGHT OF WAY GRANT, who
duly acknowledged to me that he executed the same.


Notary Public

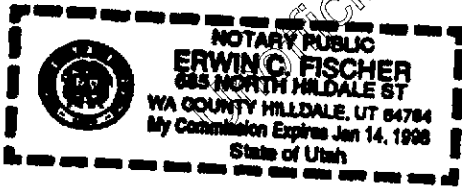
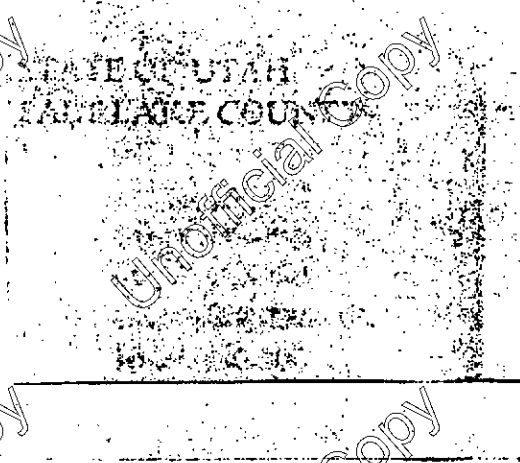


Exhibit "A"

SCHEDULE OF PROPERTIES HELD BY THE UNITED EFFORT PLAN
FEBRUARY 1, 1994



WASHINGTON COUNTY

This is a list of land parcel numbers taken from the tax bills of land situated in Washington County, State of Utah, for the year of 1993, which are held by the United Effort Plan Trust:

1. HD - 2 Legal: BEG AT SW COR SW4 SW4 SEC 26 T43S R10W SLM & RN TH E 660 FT TH N 1120 FT TH NW TO NW COR OF SW4 SW4 TH S 1320 FT TO POB. 18 AC.
2. HD - 3 LEGAL: N2 SE4 SE4 SEC 27 T43S R10W SLM. 120 AC.
3. HD - 4-A LEGAL: SECT L LOT 1 SEC 33 T43S R10W SLM LESS: 2.5 AC SOLD TO JOHN REED LAURITZEN. 34.79 AC.
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5. HD - 5 LEGAL: BEG 40 RDS W OF SE COR OF LOT 2 SEC 34 T43S R10W SLM TH N 16 RDS TH W 10 RDS TH S 16 RDS TH E 10 RDS TO BEG. 1 AC.
6. HD - 6 LEGAL: SE4 NE4 SEC 34 T43S R10W SLM. 40 AC.

7. HD - 8 (FAA) LEGAL: BEG AT NW COR SEC 34 T43S R10W SLM & RN TH E 2115 FT TH S 1320 FT TH W 2115 FT TH N 1320 FT TO BEG. 64.1 AC
8. HD - 9 (FAA) LEGAL: BEG AT NE COR SEC 34 T43S R10W SLM & RN TH S 1320 FT TH W 525 FT TH N 1320 FT TH E 525 FT TO BEG. 15.9 AC
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