

Return recorded deed:

J. Gregory Hardman
Snow Jensen & Reece, P.C.
912 West 1600 South, Suite B-200
St. George, UT 84770

Tax I.D. No. H-3421, H-3399-B, H-3399-C & H-3399-NP

SECOND SCRIVENER'S AFFIDAVIT

State of Utah)

ss.

County of Washington)

COME NOW, **Jerald M. Spilsbury**, UPON FIRST BEING DULY SWORN, UPON THEIR OATH DEPOSE AND SAY:

1. I am a resident of Washington County, State of Utah, over the age of twenty-one years and in all respects competent to testify to the matter contained herein.
2. I am one of the managers of Toquerville Enterprises, LLC and in that capacity, I am duly authorized to execute this affidavit on behalf of said company.
3. I am familiar with and executed in my capacity as manager on behalf of Toquerville Enterprises, LLC, the grantor therein, that certain instrument recorded in the Office of the Washington County Recorder, State of Utah, affecting certain property situated in the City of Hurricane, State of Utah, to wit:

Quit-Claim Deed for Easement executed by Toquerville Enterprises, LLC a Nevada limited liability company, and recorded **June 18, 2014**, as **Doc No. 20140018322**.

4. The text following the legal description for the servient property described in Exhibit A, attached to the Quit-Claim Deed for Easement, contained a scrivener's error in the following underlined text:

"Said easement is to run as an appurtenance to the following described property and shall automatically terminate if access, public or private, is provided to the following described property (the 'Spilsbury Property')."

5. Therefore, The text following the legal description for the servient property described in Exhibit A should have read:

“Said easement is to run as an appurtenance to the following described property (the ‘Spilsbury Property’).”

- 6. Grantor and grantee never intended for the subject easement to automatically terminate if another access, public or private, was provided to the Spilsbury Property. This limiting text in Exhibit A was inadvertently included by the grantee or its representatives when preparing the Quit-Claim Deed for Easement for grantor’s execution from using another instrument as a form that had such text.
- 7. Further affiants sayeth not.

FOQUERVILLE ENTERPRISES, LLC, a Nevada limited liability company


 Jerald M. Spilsbury, Manager

STATE OF UTAH

County of Washington

On the 8 day of ~~September~~ ^{October} 2019, personally appeared before me Jerald M. Spilsbury, a signer of the within instrument, who duly acknowledged before me that he executed the same.


 Notary Public

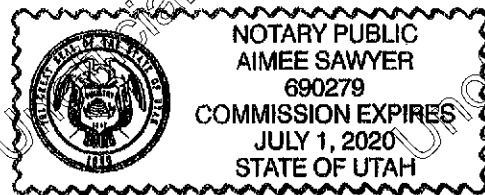


Exhibit "A"

A Right-of-way Easement for ingress, egress, public utilities and rights incidental thereto (the "Easement"), over, under, across, above, beneath and through the following described parcel.

Beginning at a point on the South Right Of Way Line of Sand Hollow Road, said point being South 00° 09' 46" East 1424.98 feet along the Section Line and North 90° 00' 00" West 383.92 feet from the Northwest Corner of Section 29, Township 42 South, Range 13 West, Salt Lake Base and Meridian and running the following courses: thence S 29° 51' 41" E 22.54 feet; thence S 08° 41' 24" E 22.86 feet; thence S 13° 43' 22" W 24.55 feet; thence S 19° 17' 44" W 67.22 feet; thence S 17° 31' 02" W 75.18 feet; thence S 21° 29' 40" W 14.80 feet; thence S 28° 32' 37" W 16.28 feet; thence S 34° 28' 00" W 16.96 feet; thence S 41° 51' 52" W 88.33 feet; thence S 24° 22' 22" W 33.97 feet; thence S 10° 51' 03" W 22.94 feet; thence S 01° 02' 45" E 23.02 feet; thence S 06° 07' 42" E 547.82 feet; thence S 00° 29' 12" W 217.56 feet; thence S 11° 00' 17" E 56.19 feet; thence S 76° 41' 51" E 54.92 feet; thence S 89° 57' 28" E 3174.47 feet; thence N 77° 01' 21" E 53.14 feet; thence N 27° 06' 11" E 52.74 feet; thence N 06° 18' 18" W 197.12 feet; thence N 03° 18' 33" E 178.05 feet; thence N 00° 45' 21" W 128.36 feet; thence N 08° 04' 12" W 69.76 feet; thence N 00° 22' 03" E 104.69 feet; thence N 03° 28' 39" W 128.90 feet; thence N 03° 18' 21" E 67.07 feet; thence N 11° 41' 46" E 66.61 feet; Thence N 17° 40' 33" E 94.41 feet; thence N 27° 49' 46" E 116.99 feet; thence N 30° 19' 20" E 147.54 feet; thence N 41° 13' 49" E 53.28 feet; thence N 68° 03' 10" E 56.32 feet; thence S 80° 18' 50" E 54.12 feet; thence S 74° 27' 20" E 24.55 feet; thence N 88° 34' 01" E 20.54 feet; thence N 49° 55' 16" E 27.17 feet; thence N 00° 00' 00" E 10.00 feet more or less to a point on the south property line of The Spilsbury Cattle Company 1, LLC Parcel.

Said easement is to run as an appurtenance to the following described property (the 'Spilsbury Property').

The Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 29, Township 42 South, Range 13 West, Salt Lake Base and Meridian.

Upon the development of grantors remaining property adjacent to the Easement, the Easement may be relocated by grantor, so long as the Spilsbury Property has access of equal or greater width.