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EB 2624747 PG 1 OF 3
ERNEST D ROWLEY, WEBER COUNTY RECORDER
12-MAR-13 905 AM FEE \$16.00 DEP TDT
REC FOR: CHASE BANK

Affecting Parcel Nos. 14-012-0065 and 12-102-0021

**MEMORANDUM OF SETTLEMENT AGREEMENT
CONCERNING PROPERTY BOUNDARY AND MUTUAL RELEASE**

THIS MEMORANDUM OF SETTLEMENT AGREEMENT CONCERNING PROPERTY BOUNDARY AND MUTUAL RELEASE ("Memorandum") is made pursuant to that certain Settlement Agreement Concerning Property Boundary and Mutual Release with the effective date of February 6, 2013 (the "Agreement"), between Mountain States Management, L.C., a Utah limited liability company ("Mountain States"), and Emogene Berrett dba Pappas Brick and Stone ("Mrs. Berrett").

1. Boundary. For and in consideration of the agreements more particularly set forth in the Agreement, and other good and valuable consideration, the parties have agreed that the boundary between the two parcels described on Exhibit A is as follows:

Beginning at the Southeast Corner of an existing chain link fence, said point bears East, 110.75 feet, more or less to said fence, and South 0.68 feet from the Northwest Corner of Section 30, Township 6 North, Range 1 West, Salt Lake Base and Meridian (Found August 2012). [Basis of Bearings per Property Survey by Clinton G. Hansen and dated May 16, 2011 and filed of record with the Weber County Surveyor on June 27, 2011 as survey no. 004561, which is South 89°07'41" East 2,628.21 feet (per Hansen Survey), between said Northwest Corner of Section 30 and South Quarter Corner of Section 24, as monumented by Weber County Surveyor's brass cap monuments.] And Running thence along said fence for the following two (2) courses: North 07°44'54" East, 87.11 feet; thence North 07°31'12" East, 278.69 feet, more or less to the Northeast corner of said fence, and extending past this point on the same bearing into the center of the Weber River.

2. Governing Law. This Memorandum and the Agreement are governed by the laws of the State of Utah. In the event of any conflict between the terms of this Memorandum and the Agreement, the Agreement shall control.

3. Inquiries. Inquiries may be directed to Mrs. Berrett at the address identified in the records of the Weber County Assessor or to Mountain States by contacting Mountain States at the address identified on the records of the Division of Corporation and Commercial Code for the State of Utah.

Executed as of the date first above written.

MOUNTAIN STATES MANAGEMENT, L.C.,
a Utah limited liability company

By: Dana Baur
Its: Authorized Manager

**EXHIBIT A
PROPERTY LEGAL DESCRIPTIONS**

The following real property located in Weber County, State of Utah:

Parcel 1:

PART OF THE SOUTHWEST QUARTER OF SECTION 19, AND THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN: BASIS OF BEARING IS STATE PLANE GRID, BEARING OF SOUTH 01°28'19" WEST ALONG THE 1983 WEBER COUNTY MONUMENTED WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 30 THE *1960 (1963) WEBER COUNTY SURVEYORS MONUMENTED NORTHWEST CORNER OF SAID SECTION 30 LIES PER WEBER COUNTY SURVEYORS RECORDS SOUTH 22°16'24" WEST 69.05 FEET OF THE 1983 NORTHWEST MONUMENTED CORNER OF SAID SECTION 30. BEGINNING AT A POINT THAT BEARS SOUTH 89°51'14" EAST 394.93 FEET (SOUTH 89°53'15" EAST 395.0 FEET) FROM THE 1983 MONUMENTED LOCATION OF THE NORTHWEST CORNER OF SAID SECTION 30, AND RUNNING THENCE SOUTH 01°03'48" WEST (SOUTH 01°05' WEST) 736.00 FEET, THENCE NORTH 89°16'07" WEST 385.83 FEET, MORE OR LESS, TO THE EAST SIDE OF A COUNTY ROAD, THENCE NORTH 0°58'27" EAST 101.09 FEET, MORE OR LESS, ALONG SAID COUNTY ROAD TO THE SOUTH LINE OF BOOK 1596 PAGE 785 OF THE WEBER COUNTY RECORDS, THENCE SOUTH 89°01'33" (EAST) 80.50 FEET, MORE OR LESS, TO A FENCE, THENCE NORTH 0°51'15" EAST 219.21 FEET ALONG SAID FENCE TO A FENCE CORNER, THENCE NORTH 0°47'55" EAST 258.94 FEET TO THE SOUTH END OF A FENCE, THENCE NORTH 01°38'44" EAST FENCE LINE 92.18 FEET ALONG OLD FENCE LINE, SAID POINT BEARS NORTH 89°51'14" WEST (NORTH 89°53'15" WEST) 305.95 FEET AND SOUTH 01°38'44" WEST 61.81 FEET OF THE POINT OF BEGINNING, THENCE NORTH 88°48'34" WEST 14.73 FEET, MORE OR LESS, TO THE CENTERLINE OF AN EXISTING SLOUGH, THENCE NORTH 07°41'49" EAST ALONG SAID CENTERLINE OF SLOUGH 396.41 FEET, MORE OR LESS, TO THE SOUTH BANK OF RIVER, THENCE FOUR COURSES ALONG SAID RIVER BANK AS FOLLOWS: SOUTH 45°44'26" EAST 154.59 FEET, SOUTH 49°41'27" EAST 65.55 FEET SOUTH 37°20'28" EAST 64.63 FEET AND SOUTH 55°10'10" EAST 24.46 FEET, MORE OR LESS, TO A POINT WHICH BEARS NORTH 89°51'14" WEST 52.09 FEET AND NORTH 01°20'20" EAST OF THE POINT OF BEGINNING, THENCE SOUTH 01°20'20" WEST 116.21 FEET (SOUTH 01°28'19" WEST 140.0 FEET) MORE OR LESS, THENCE SOUTH 89°51'14" EAST 52.09 FEET (SOUTH 89°53'15" EAST 52.0 FEET) TO THE POINT OF BEGINNING. CONTAINS 290,514 SQUARE FEET/6.66 ACRES, MORE OR LESS.

[Parcel No. 14-012-0065] ✓ ~~188~~ /

Parcel 2:

A PART OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY: BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 19, THENCE NORTH 7.5 CHAINS ALONG QUARTER SECTION LINE, THENCE EAST 3.75 CHAINS TO A CERTAIN SLOUGH, THENCE SOUTHWESTERLY ALONG SLOUGH TO SOUTH LINE OF SAID QUARTER SECTION, THENCE WEST TO BEGINNING.

[Parcel No. 12-102-0021] ✓ ~~188~~ /