

WHEN RECORDED, MAIL TO:
Utah Department of Transportation
Right of Way, Fourth Floor
Box 148420
Salt Lake City, Utah 84114-8420

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RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
10/11/2019 12:31 PM
FEE \$0.00 Pgs: 6
DEPT REC'D FOR UTAH DEPARTMENT O
F TRANSPORTAT

Easement

(TRUSTEE)

Davis County

Tax ID No. 11-117-0094

PIN No. 13821

Project No. S-0089(406)398

Parcel No. 0089:380:E

J. Forest Barker and Inez F. Barker, Trustees or their Successors in Trust under the John Forrest Barker and Inez F. Barker Family Loving Trust, dated July 28, 1993, and any amendments thereto, Grantor, of Fruit Heights, County of Davis, State of Utah, hereby GRANTS AND CONVEYS to the UTAH DEPARTMENT OF TRANSPORTATION, Grantee, at 4501 South 2700 West, Salt Lake City, Utah 84114, for the sum of TEN (\$10.00) Dollars, and other good and valuable considerations, the following described easement in Davis County, State of Utah, to-wit:

Two temporary easements, upon part of an entire tract of property situate in the SW1/4 NW1/4 of Section 36, Township 4 North, Range 1 West, Salt Lake Base and Meridian, for the purpose of constructing cut and/or fill slopes, a driveway reconstruct and appurtenant parts thereof to facilitate the widening of existing US-89, known as Project No. S-0089(406)398. This easement shall commence upon the beginning of actual construction on the property and shall continue only until project construction on the property is complete, or for three (3) years, whichever first occurs. The easement shall be non-exclusive such that the Grantor may use the property at any time in a manner which does not interfere with construction activities. The boundaries of said part of an entire tract are described as follows:

Beginning at the intersection of the extension of a southerly boundary line of said entire tract and the easterly right of way line of Old Mountain Road of said Project, which point is 785.60 feet S.89°39'00"E. along the Quarter Section line and 455.71 feet North from the West Quarter corner of said Section 36; and running thence N.28°30'33"W. 170.18 feet along said easterly right of way line to the existing easterly right of way line of Old Mountain Road; thence N.26°08'44"W. (Record N.26°13'00"W.) 92.81 feet along said

existing easterly right of way line; thence N.61°29'27"E. 10.67 feet to a point 326.79 feet radially distant easterly from the US-89 right of way control line of said Project, opposite Engineers Station 1150+64.39; thence S.28°30'33"E. 30.50 feet; thence S.61°29'27"W. 9.50 feet; thence S.28°30'33"E. 233.16 feet to the southerly boundary line of said entire tract at a point 419.41 feet radially distant easterly from the US-89 right of way control line of said Project, opposite approximate Engineers Station 1148+10.82; thence S.69°58'21"W. 5.06 feet along said southerly boundary line to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

The above described part of an entire tract contains 1,429 square feet in area or 0.033 acre.

Also

Beginning at the intersection of the extension of a northerly boundary line of said entire tract and the easterly right of way line of Old Mountain Road of said Project, which point is 860.34 feet S.89°39'00"E. along the Quarter Section line and 324.67 feet North from the West Quarter corner of said Section 36; and running thence N.69°58'21"E. 14.42 feet along said northerly boundary line to a point 487.47 feet radially distant easterly from the US-89 right of way control line of said Project, opposite approximate Engineers Station 1146+69.26; thence S.07°39'35"E. 20.48 feet to the southerly boundary line of said entire tract at a point 487.71 feet radially distant easterly from the US-89 right of way control line of said Project, opposite approximate Engineers Station 1146+48.07; thence S.69°58'21"W. 4.92 feet along said southerly boundary line to said easterly right of way line at a point of curvature of a non-tangent curve to the right with a radius of 745.50 feet; thence northwesterly along said curve with an arc length of 20.65 feet, chord bears N.34°22'12"W. 20.65 feet to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

The above described part of an entire tract contains 194 square feet in area or 0.004 acre.

The above combined described parts of an entire tract contain 1,623 square feet in area or 0.037 acre.

(Note: Rotate above bearings 00°21'30" clockwise to equal Highway bearings).

Note: The above descriptions follow the location of the East line of Mountain Road and the existing fence lines referenced as bounding calls in the vesting documents for this parcel of land. Boundary lines have been extended westerly to meet the existing easterly right of way line of Mountain Road.

WITNESS, the hand of said Grantor, this 25th day of Sept., A.D. 20 19.

Signed in the presence of:

Wendy Hansen

STATE OF Utah)
) ss.

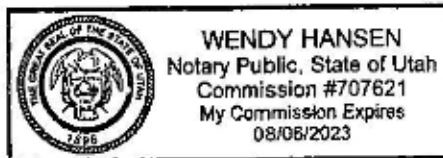
J. Forest Barker
J. Forest Barker, Trustee

COUNTY OF Davis)

Inez F. Barker
Inez F. Barker, Trustee

On the date first above written personally appeared before me, J. Forest Barker and Inez F. Barker, Trustees or their Successors in Trust under the John Forrest Barker and Inez F. Barker Family Loving Trust, dated July 28, 1993, and any amendments thereto, who, being by me duly sworn, acknowledged to me that they signed the within and foregoing instrument in accordance with the authority as Trustees given under the instrument creating said Trust, and that as Trustees they executed the same.

Wendy Hansen
Notary Public





Brent M. Burningham #7156
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Attorney for Petitioner, Inez Barker

IN THE SECOND JUDICIAL DISTRICT IN AND
FOR DAVIS COUNTY, STATE OF UTAH

IN THE MATTER OF

THE BARKER FAMILY TRUST
AGREEMENT

ORDER GRANTING VERIFIED
PETITION TO MODIFY TRUST

Probate No. 193700213

Judge David J. Williams

The matter of the Verified Petition to Modify Trust Agreement having come on regularly for hearing on the 21st day of August, 2019, and the Court having reviewed the petition and the other submissions in the file, and being fully advised in the matter, the Court now makes the following

FINDINGS AND CONCLUSIONS

- a. Petitioner, Inez Barker, is the surviving trustor of The John Forest Barker and Inez F. Barker Loving Trust, dated July 28, 1993 (the "Trust Agreement"), John Forest Barker having died on November 21, 2018.

- b. This court, pursuant to Utah Code Ann. Sections 75-1-301 (1992), 75-1-302 (1975) and 75-7-201 (2003), has jurisdiction of the subject matter relating to the Trust Agreement.
- c. Venue is proper in this court under Utah Code Ann. Section 75-7-205 (2004) because the trust's principal place of administration is in Davis County, and the trustee, and petitioner herein, resides in Davis County.
- d. The trust operates for the benefit of the trustors and the trustors' children.
- e. An amended and restated Trust Agreement was prepared for joint execution by John Forest Barker and Inez F. Barker, prior to John's death, but was unsigned prior to John Forest Barker's death, leaving the original trust agreement irrevocable.
- f. On April 29, 2019, the Trust Agreement was formally amended and restated again (the "Restated Trust") by Inez Barker as the surviving trustor, and the present Petition filed under Utah Code Ann., Section 75-7-411(1).
- g. The proposed change in the Restated Trust is consistent with the trustors' purpose for the trust.
- h. The Restated Trust provides for the Petitioner as beneficiary and for the contingent beneficiaries.
- i. That the amendment and restatement of the trust does not constitute a

material change in the trust.

- j. Each of the beneficiary and contingent beneficiaries have consented to the amendment as indicated by the Consent to Amendment and Restatement of Barker Family Trust (the "Consent Documents") on file with the Court.
- k. That all parties, beneficiaries, and contingent beneficiaries were represented by counsel or, being advised of the right to employ counsel, elected not to do so.
- l. Notice of hearing has been given to all interested individuals.

WHEREFORE, the Court Orders as follows:

- a. That the amendment and restatement of The John Forest Barker and Inez F. Barker Loving Trust, dated July 28, 1993, as amended into the Amended and Restated Barker Family Trust, dated April 29, 2019, is hereby ratified.
- b. That the trustee is authorized to pay the legal costs of this action, and related legal expenses to Inez' counsel, and other parties are to pay their own legal fees and costs, if any.

**** THIS ORDER IS SIGNED AND ENTERED
AS INDICATED AT THE TOP OF PAGE ONE****