

WHEN RECORDED, MAIL TO:
Backman-Stewart Title Services, Ltd.
74 East 500 South, Suite 108
Bountiful, Utah 84010

E 1092722 B 1716 P 832
CAROL DEAN PAGE, DAVIS CNTY RECORDER
1994 JAN 26 4:30 PM FEE 15.00 DEP DJM
REC'D FOR BACKMAN-STEWART TITLE SERVICES

AGREEMENT AND AFFIDAVIT

nw 36, 4n-2w
sw 25'

This Agreement is made this 25 day of January, 1994 by Jane L. Stromquist ("Stromquist") in favor of Backman-Stewart Title Services, Ltd. ("Backman").

Recitals

A. On or about November 24, 1993, Wendell H. Wisner and Barbara C. Wisner ("Wisers") offered to purchase the following described property ("Wisers' Property") located in Davis County, State of Utah:

Beginning at a point located South 89 deg. 15'16" East 1332.5620 feet along the North Section line from the Northwest corner of Section 36, Township 4 North, Range 2 West, Salt Lake Base and Meridian; thence along the West line of the East half of the Southwest Quarter of Section 25, North 0 deg. 10'55" East 2147.9430 feet to the Northerly line of the property described in that certain deed recorded January 3, 1977 as Entry No. 451030 in Book 631 at Page 19; thence along said Northerly line South 58 deg. 36'00" East 683.9326 feet to the East line of property described in the aforementioned deed; thence along said East line and along a portion of the East line (said East lines being the West lines of property now owned by Garn and Patricia Evans and Sharon L. Ahlstrom and Floyd D. Ahlstrom as Trustees) described in Warranty Deed recorded July 20, 1990 as Entry No. 897077 in Book 1361 at Page 1100, South 0 deg. 10'55" West 2435.9356 feet; thence North 89 deg. 51'16" West 1768.1941 feet; thence North 0 deg. 14'50" East 567.8449 feet; thence North 89 deg. 51'16" West 50.00 feet; thence North 0 deg. 14'50" East 60.00 feet to point on the North line of Section 36, Township 4 North, Range 2 West, Salt Lake Base and Meridian; thence South 89 deg. 51'16" East 1232.5620 feet to the point of beginning.

Together with a right of way for ingress and egress more particularly described as follows: Beginning at the Northwest corner of Section 36, Township 4 North, Range 2 West, Salt Lake

93002373

PT. 12-117-0001
12-110-0033
12-110-0031

Base and Meridian; and running thence South 89 deg. 51'16" East 100.00 feet along the North line of said Section 36; thence South 0 deg. 14'50" West 60.00 feet; thence North 89 deg. 51'16" West 100.00 feet to the West line of said Section 36; thence North 0 deg. 14'50" East 60.00 feet to the point of beginning. Subject to the terms an of Access Easement to be recorded with the deed from Stromquist to Wisers.

E 1092722 & 1716 P 833

B. Prior to consummating to the purchase, a title search was done on the Wisers' Property and several Oil and Gas Mining Leases were discovered.

C. Stromquist has represented that these Leases are no longer enforceable and has asked Backman and its underwriter to show the Leases on the Wisers title policy but protect Wisers from risk of loss by reason of these Leases.

D. To induce Backman and its underwriter to issue a title policy to Wisers, Stromquist has entered into this Agreement.

NOW THEREFORE, in consideration of the premises, the covenants, representations and promises hereinafter contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Stromquist agrees:

1. I am over the years of 18 and I have personal knowledge of the facts contained in this Agreement.

2. The Leases are no longer enforceable and do not affect the Wisers Property or the property described in the Leases, which property, located in Davis County, Utah, is more particularly described as follows:

Beginning at the Northwest corner of Section 36, Township 4 North, Range 2 West, Salt Lake Base and Meridian; thence East 117 rods; thence South 258 rods; thence North 56 deg. West 26 rods; thence North 74 deg. West 100 rods; thence North 216 rods to beginning.

Beginning at the Southeast corner of the Southwest Quarter of Section 25, Township 4 North, Range 2 West, Salt Lake Base and Meridian; thence North 20.37 chains; thence North 58 deg. 36' West 23.43 chains; thence South 32.58 chains; thence East 20 chains to beginning.

The Leases were recorded on September 10, 1958 as Entry No. 159851 in Book 111 at Page 518 and as Entry No. 159853 in Book 111 at Page 522 of the official records of the Davis County Recorder.

3. I have been acquainted with the property described in paragraph two above and the Wisers Property for 60 years.

4. During my acquaintance with this property, I have never seen any drilling or production of oil, gas, casinghead gas and casinghead gasoline, or the exercise of any other rights under the Leases. Furthermore, I know of no payment to the Lessors of royalties or rents or monies of any other kind under the Leases.

5. I hereby agree to protect and indemnify Wisers and Backman, and its underwriter who issues the policies, from any loss or damage, including attorney's fees and costs, resulting from any adverse attempt to assert rights under the Leases.

E 1092722 B 1716 P 834

6. This Agreement shall be binding upon and inure to the benefit of the parties, their heirs, personal representatives, successors and assigns.

DATED this 25 day of January, 1994.

Jane L. Stromquist
Jane L. Stromquist

STATE OF UTAH)
) ss.
COUNTY OF DAVIS)

25th The foregoing instrument was acknowledged before me on the 25th day of January, 1994 by Jane L. Stromquist.

My Commission Expires:

7-1-97
stromq.agm

Paul Newton
Notary Public

Residing at

Beautiful UT

