> E 3365360 B 7727 P 2144-2190 RICHARD T. MAUGHAN DAVIS COUNTY, UTAH RECORDER 03/30/2021 03:21 PM FEE \$40.00 Pas: 47 DEP RTT REC'D FOR MATTHEW L ANDERS

RECORDED AT THE REQUEST OF:

Matthew L. Anderson
215 South State Street, Suite 1200
Salt Lake City, UT 84111-2323
RETURNED
MAR 3 0 2021

Tax ID Nos. 07-072-0175 07-072-0031

NOTICE OF CLAIM OF INTEREST

The undersigned, Spencer Packer and Pamela Packer, husband and wife as joint tenants (the "Packers"), do hereby assert and claim an easement interest in and to the following-described property:

A perpetual right of way for general purposes over and through a certain 2 rod lane running West from Davis County Highway No. 1, to and bounding the Dominant Estate on the South, and also the right to convey water to said land for irrigating purposes through and along said lane by ditch or other means.

(the "Easement Property").

This claim of interest is based on the following:

- A. The fact that the Easement Property is appurtenant, attached to, and runs with the land owned by the Packers (Parcel 07-072-0031, the "Dominant Estate");
- B. Utah law provides that access easements that are of a permanent character, observable, and reasonably necessary are appurtenant to the land and need not be contained within the conveying deed to be effective¹;

¹ See e.g., Hampton v. State By & Through Rd. Comm'n, 445 P.2d 708, 710 (Utah 1968) ("[A]II easements of a permanent character, that have been created in favor of the land sold, and which are open and plain to be seen, and are reasonably necessary for its use and convenient enjoyment, unless expressly reserved by the grantors, pass as appurtenances to the land. Therefore, respondents can place no reliance on the fact that an easement appurtenant is not specifically contained within the property's legal description."); see also Dansie v. Hi Country Est Homeowners Ass'n, 92 P.3d 162, 165 (Utah Ct. App.

- C. The Easement Property crosses the adjoining property owned by Summerhill Lane LLC ("Summerhill") (Parcel 07-072-0175, the "Servient Estate");
- D. The Easement Property is historically recorded against the Servient Estate (see e.g., ¶ 13 below) and in favor of the Dominant Estate, (see e.g., ¶ 2 below);
- E. At no time have the Dominant Estate owners terminated, released or relinquished their right to use the Easement Property as "a perpetual right of way for general purposes" that continues to provide the sole means of deeded access to and from the Public Highway; and
- F. Pursuant to the Marketable Title Act, Utah Code Ann. § 57-9.

A more detailed description of the basis for this Notice of Claim of Interest is more fully set forth below.

SUPPORT FOR CLAIM OF INTEREST

- 1. Parent Property. Hyrum Drake acquired three adjoining parcels that, when combined, comprise the "Parent Property."
 - 07-072 0031 pt Parcel 1 was acquired October 11, 1893, by Warranty Deed (Exhibit 1a) recorded the same day as Entry 6329 in the Davis County Recorder's office described as follows:

Commencing at a point 32 rods and 11 1/2 feet South from the northeast corner of the Southwest Quarter of Section thirty-one, Township 3 North, Range 1 East, Salt Lake Meridian, running thence South 5 rods and 13 feet; thence West 39 rods; thence North 5 rods and 13 feet; thence East 39 rods to the place of beginning. Reserving therefrom Highway No. 2, Davis County, as now located across said above described land, containing 23 square rods, more or less.

^{2004) (&}quot;The easement at issue here is an "easement appurtenant [because] there [is] a dominant tenement. The law presumes the easement to be appurtenant and to run with the land.") (quoting Ernst v. Allen, 184 P. 827, 829 (Utah 1919)); Alvey Dev. Corp. v. Mackelprang, 51 P.3d 45, 51 ("[A]n appurtenant easement, such as one for access . . . 'inheres in the [grantee's] land, concerns the premises, and pertains to its enjoyment. It is incapable of existence separate from the particular land to which it is annexed." (quoting Johnson v. Higley, 989 P.2d 61, 67 (Utah Ct. App. 1999)).

b. Parcel 2 was acquired November 23, 1903, by Warranty Deed (Exhibit 1b) recorded the same day as Entry 9935 in Book T at Page 84 in the Davis County Recorder's office described as follows:

Commencing at a point 38 rods 8 feet South from the Northeast corner of the Southwest Quarter of Section 31 in Township 3 North of Range 1 East, Salt Lake Meridian, running thence South 17 rods 14 ¼ feet; thence West 153 rods to East line of the Oregon Short Line Railway and 50 feet distant from the center of the same; thence North along said East line 28 rods 6 feet; thence East 104 rods; thence South 18 rods 3 feet; thence East 16 rods; thence North 5 rods 8 ½ feet; thence East 33 rods to the point of commencement, 20 ¾ acres, more or less. Subject, however, to the rights of way over the above described land as now constructed.

c. Parcel 3 was acquired June 5, 1907, by Warranty Deed (Exhibit 1c) recorded the same day as Entry 13116 in Book V at Page 269 in the Davis County Recorder's office described as follows:

Commencing at a point 2 rods south of the northeast corner of the Southwest Quarter of Section 31, in Township 3 North, Range 1 East, Salt Lake Meridian, running thence West 156 rods to the east line of the O.S.L. Railway Company's right of way, thence South along said east line of right of way 26 rods and 34 of a foot; thence east 104 rods; thence South 21 rods and 8 feet; thence East 16 rods; thence North 10 rods and 14 feet; thence West 3 rods; thence North 5 rods and 13 feet; thence East 39 rods; thence North 30 rods and 11 ½ feet to the point of commencement, containing 27 3/8 acres, more or less.

 Dominant Estate. Hyrum Drake conveyed to Vernel L. Halliday a portion of the Parent Property on November 5, 1908, by Warranty Deed (Exhibit 2) recorded November 14, 1908, as Entry 14494 in Book V at Page 504 in the Davis County Recorder's office described as follows:

> Commencing at a point twenty-four (24) rods 12 ½ feet South and fortyeight (48) rods West from the Northeast corner of the Southwest Quarter of Section 31, Township 3 North, Range 1 East, Salt Lake Meridian, running thence West 29 rods and 14 feet to East line of right of way of the Salt Lake and Ogden Railroad; thence Southeasterly 5 rods and 10 feet, more or less; thence East 28 rods and 14 feet; thence North 5 rods and 10 feet to point of commencement, containing 165 square rods, more or less.

 The Dominant Estate was enlarged by merging an additional parcel conveyed from Hyrum Drake to V.L. Halliday by Warranty Deed (Exhibit 3) dated April 12, 1912, recorded on the same day as Entry 19167 in Book Y at Page 132 of the Davis County Recorder's records described as:

Commencing at a point 24 rods 12 ½ feet South and 37 rods and 2 feet West from the northeast corner of the Southwest Quarter of Section 31, Township 3 North, Range 1 East, Salt Lake Meridian, running thence West 10 rods 10 ½ feet, more or less, to east line of grantee's land; thence South along said east line 5 rods 8 ½ feet; thence East 10 rods 10 ½ feet, more or less, to a point 5 rods 8 ½ feet south of commencement point; thence North 5 rods 8 ½ feet to point of commencement, containing 60 rods of land, more or less. Together with the appurtenances, including 1 share of water in Ricks Creek.

4. The Dominant Estate is currently owned by Spencer Packer and Pamela Packer, husband and wife as joint tenants by Warranty Deed (Exhibit 4) dated February 11, 2015, and recorded February 17, 2015, as Entry 2848773 in Book 6205 at Pages 1084-1086, being described as:

Beginning at a point 408.5 feet South 612.5 feet West of the Northeast Corner of the Southwest Quarter of Section 31, Township 3 North, Range 1 East, Salt Lake Meridian, and running West 671.76 feet, more or less; along a line 408.5 feet South of the North line of said Southwest Quarter to the East lie of the Old Bamberger Railroad right of way, 66.5 feet wide; thence South 12°42' East 94.52 feet, more or less, along said right of way to the North line of a private right of way; thence Easterly along said right of way to a point 91.0 feet due south of the point of beginning; thence North 91.0 feet to the point of beginning.

Easement Property. The 1908 Warranty Deed for the Dominant Estate (Exhibit 2) was conveyed together with an appurtenant easement described as follows:

Together with a perpetual right of way for general purposes over and through a certain 2 rod lane running West from Davis County Highway No. 1, to and bounding said tract of land on the South, and also the right to convey water to said land for irrigating purposes through and along said lane by ditch or other means.

- The Easement Property adjoins the south boundary of Dominant Estate and extends eastward to Main Street (the Public Highway).
- The Easement Property is comprised of a partially paved, partially graveled, and partially unimproved roadway extending west from Main Street (the Public Highway) known as Drake Lane.

- Drake Lane has historically provided access to the Dominant Estate and as many as ten
 other properties adjoining north and south of Drake Lane that would otherwise have been
 landlocked.
- Drake Lane continues to be used by the Dominant Estate as the sole means of deeded
 access to and from the Main Street (the Public Highway) located east of the property and
 to access property within the old Bamberger right of way adjoining west of the Dominant
 Estate.
- 10. The Easement Property description was copied to the successive Dominant Estate conveyances in 1921 as Entry 55140 (Exhibit 2a), 1937 as Entry 65863 (Exhibit 2b), and 1961 as Entry 256235 (Exhibit 2c). The 1961 deed omitted the term "2 rod" from the Easement Property description and inserted the words "as is now appurtenant to said premises" at the end of the description, all other terms being recited verbatim.
- 11. The Dominant Estate conveyance by Warranty Deed (Exhibit 5) from Seymour Rigby and William B. Rigby to Royce P. and Norma Ostergaard dated March 11, 1972 and recorded March 14, 1972, as Entry 362078 in Book 480 at Page 681, omitted the recital for the appurtenant Easement Property description.
- 12. A Quitclaim Deed (Exhibit 6) dated April 28, 2020, was recorded on the same day as Entry 3246453 at Book 7501 at Page 1060-1061, conveying the Dominant Estate (Tax ID No. 07-072-0031) from Helen S. Rigby, wife and heir of William B. Rigby, and Debra Pauline Rigby, Executor of the Estate of Seymour Rigby and Patricia A. Rigby, to Spencer Packer and Pamela Packer, as joint tenants, said Quitclaim Deed includes the Dominant Estate described in Paragraph 4 above, and includes the 1961 Easement Property description referenced in Paragraph 10 above. The 2020 Quitclaim Deed also includes a description of the Easement Property being more fully described as:

Beginning at a point on the North line of a 2 Rod Right of Way known as Drake lane which is given as South 24 Rods and 12 ½ feet and West 77 Rods and 14 feet to the easterly line of the old Bamberger Right of Way and Southeasterly 5 rods and 10 feet along the Easterly line of said Bamberger Right of Way from the Northeast Corner of the Southwest Quarter of Section 31, Township 3 North, Range 1 East, Salt Lake Meridian; and running thence East to the West line of the state Highway formerly known as County Highway 1, thence S 14°20' E 34.06 feet along the Westerly line of said State Highway 1; thence West to the Easterly line of the old Bamberger Right of Way; thence N 12°42' W 33.83 feet along the Easterly line of said Bamberger Right of Way to the Point of Beginning.

13. The Servient Estate. The properties adjoining south of and including Drake Lane were, through an uninterrupted chain of title, acquired by Ernest Devore and Mabel Devore as joint tenants by Special Warranty Deed (Exhibit 7 dated April 10, 1972, and recorded

September 20, 1972, as Entry 370300 in Book 499 at Page 477 in the Davis County Recorder's office, described as follows:

A part of the Southwest Quarter of Section 31, Township 3 North, Range 1 East, Salt Lake Base and Meridian, U.S. Survey: Beginning at a point 519.5 feet South and 122.4 feet West from the Northeast corner of said Southwest Quarter of said Section 31, and running thence South 14°41' East 427 feet along the West line of the State Highway; thence South 89°54' West 783.2 feet; thence North 1°35' East 409.6 feet; thence North 89°52' West 1044.2 feet; thence South 0°30' West 406.1 feet; thence North 89°38' West 418.4 feet more or less to the East line of a frontage road as conveyed by a warranty deed recorded in the office of the County Recorder of Davis County, Utah, in Book 401 of Official Records at page 679; thence North 0°18' East 432 feet, more or less, along said East line; thence South 89°47' East 1642.5 feet; thence North 157 feet; thence East 152.5 feet; thence South 66 feet; thence East 37.3 feet; thence South 111 feet; thence East 296 feet more or less to the point of beginning; subject to private easements and rights-of-way on and over Drake Lane and over a strip of land located immediately West of the course which runs North 111 feet from said Drake lane for the purpose of gaining access to the property located adjacent to or in the vicinity of said land, and subject also to existing pole line easements and to the right-of-way of Bamberger Electric Railroad Company and its successors, and to all other easements of record."

14. The Servient Estate was merged with additional property owned by the Mabel Devore Family Trust and conveyed to Symphony Development Corp. in its current configuration by Warranty Deed (Exhibit 8) dated March 25, 2020, and recorded March 26, 2020 as Entry 3237273 in Book 7478 at Pages 1033-1035, described as follows:

Beginning at a point 519.5 feet South and 122.4 feet West from the Northeast corner of said Southwest Quarter of said Section 31, and running thence South 14°41' East 321.64 feet along the West line of the [State] Highway to the northeast corner of property conveyed in 587-769; thence South 89°05'50" West 747.97 feet; thence North 1°35' East 309.6 feet; thence North 89°52' West 776.58 feet to boundary line agreement 2002-1129; thence along said line North 89°45'05" West 267.62 feet and South 0°29'31" West 406.53 feet; thence North 89°38' West 425.02 feet to East line of a frontage road as conveyed by a 401-679; thence North 0°18' East 432 feet, more or less, along said East line; thence South 89°47' East 1642.5 feet; thence North 157 feet; thence East 152.5 feet; thence South 66 feet; thence East 37.3 feet; thence South 111 feet; thence East 296 feet to point of beginning.

15. The Symphony Development Corp conveyed the Servient Estate (Tax ID No. 07-072-0175) to Summerhill Lane LLC by Warranty Deed (Exhibit 9) dated January 21, 2021, and recorded January 22, 2021, as Entry 3339248 in Book 7681 at Pages 363-365. DATED March 30, 2021. STATE OF Utah COUNTY OF Davis On the 30th day of March, 2021, personally appeared before me Spencer Packer, who being by me duly sworn, says that he executed the above and foregoing instrument and that said instrument was signed by him. Fidamue Walker Kulk Notary Public NOTARY PUBLIC JORDANNE WALKER KIRK COMM. # 712421 COMMISSION EXPIRES JULY 19, 2024 STATE OF UTAH STATE OF Utah COUNTY OF DAV IS On the 30th day of March, 2021, personally appeared before me Pamela Packer, who being by me duly sworn, says that she executed the above and foregoing instrument and that said instrument was signed by her. Jordanu Wallen NOTARY PUBLIC

JORDANNE WALKER KIRK COMM. # 712421 MY COMMISSION EXPIRES JULY 19, 2024 STATE OF UTAH Date: 3/30/2021

Page 1 of 1

Parcel Vesting Information

3365360 BK 7727 PG 2151

07/12/2010 to Present

Serial Number: 07-072-0175

Mailing Address: 111 SOUTH FRONTAGE RD

CENTERVILLE, UT 84014

Tax District

8

Location

Location: 3 N 1 E 31 SW

Vested Owners

SUMMERHILL LANE LLC

Vesting Documents

| Entry Number | Recorded Date & Time | KOI | - | Party | Execution Date | Fee |
|--------------|-------------------------|---------------|---------|--|-------------------|---------|
| 3339248 | 01/22/2021 08:53 | WARRANTY DEED | Grantee | SUMMERHILL LANE LLC | 01/21/2021 | \$40.00 |
| 3237273 | 03/26/2020 14:32 | WARRANTY DEED | Grantee | SYMPHONY DEVELOPMENT CORP | 03/25/2020 | \$40.00 |
| 1544114 | 09/02/1999 01:19 | WARRANTY DEED | Grantee | MABEL DEVORE FAMILY TRUST 8-31-99 DEVORE, MABLE | 08/31/1999 | \$12.00 |

Legal Description

BEG AT A PT S 519.5 FT & 122.4 FT W FR NE COR SW 1/4 OF SEC 31-T3N-R1E, SLM; TH S 14^41' E 321.64 FT ALG W LINE OF STATE HWY TO NE COR OF PPTY CONV IN 587-769; TH S 89^05'50" W 747.97 FT; TH N 1^35' E 309.6 FT; TH N 89^52' W 776.58 FT TO BNDRY LINE AGMT 2002-1129; TH ALG SD LINE N 89^45'05" W 267.62 FT & S 0^29'31" W 406.53 FT; TH N 89^38' W 425.02 FT TO E LINE OF FRONTAGE RD AS CONV BY 401-679; TH N 0^18' E 432 FT, M/L, ALG SD E LINE; TH S 89^47' E 1642.5 FT; TH S 20.14 FT; TH N 89^13'20" E 192.21 FT; TH S 10.46 FT; TH E 296 FT TO POB. CONT. 9.96 ACRES (NOTE: THIS REMAINING LEGAL WAS WRITTEN IN THE DAVIS COUNTY RECORDER'S OFFICE FOR I.D. PURPOSES. IT DOES NOT REFLECT A SURVEY OF THE PROPERTY.)

Date: 3/30/2021

3365360 BK 7727 PG 2152

Parcel Vesting Information 01/01/1981 to Present

Serial Number: 07-072-0031

Mailing Address: 581 WEST VALLEY DR

CENTERVILLE, UT 84014

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Location

Location: 3 N 1 E 31 SW

Vested Owners

PACKER, SPENCER -- JT PACKER, PAMELA

Vesting Documents

| Entry Number | Recorded Date & Time | коі | | Party | Execution Date | Fee |
|--------------|-------------------------|----------------------|---------|---|-------------------|---------|
| 2848773 | 02/17/2015 15:25 | WARRANTY DEED WITH W | Grantee | PACKER, PAMELA PACKER, SPENCER | 02/11/2015 | \$14.00 |
| 1309260 | 03/11/1997 11:03 | QUIT CLAIM DEED | Grantee | OSTERGAARD FAMILY TRUST OSTERGAARD, NORMA J OSTERGAARD, ROYCE P | 03/10/1997 | \$14.00 |

Legal Description

BEG 408.5 FT S & 612.5 FT W OF THE NE COR OF SW 1/4 SEC 31-T3N-R1E, SLB&M; TH W 671.76 FT, M/L, ALG A LINE 408.5 FT S OF N LINE SD SW 1/4 OF E LINE OF OLD BERR R/W 66.5 FT WIDE; TH S 12^42' E 94.52 FT, M/L, ALG SD R/W TO N LINE OF A PRIVATE R/W; TH E'LY ALG SD R/W TO A PT 91 FT S OF THE POB; TH N 91 FT TO POB. CONT. 1.405 ACRES

Page 1 of 1

Exhibit 1a

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Davis, For On I hereby enemy and warrant to By une I rake granter
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Receiving therefrom Highway Ow 3. Davis Enerty, as now located, and said above described and, intaining 23 equal vods more

or less.

Wither the hand of earl granters this eleventhe day of october a. D. 1890. Signed in the Presuce of

J. E. Robinson | Brace Inale

Territory of atak

Brace Drake and Diana C. Drake his tofe the agrees of the above intrument. who duly acknowledged to me that they recented the same.

Link

6330

Recorder Davis 80. W. J.

Recorded Oct 11= 93 at 10. a. ou.

Chester ball et al to alwood Brown

This Indention, Mase the 10th day of December in the year of me lost me thomson eight humand and owned the at Bountful in the bount, of Davis Territory of Whoth, by and between Chester ball, servel ball, and Willard & ball the duly appointed gracified and acting execution of the Last Will and Testement of Amen ball deceased late of Bountiful in the bounty of Davis Territory afresaid, the farties of the first fart, and Almost Brown of besterville bounty and Territory aforeand the fart, of the second fart Whitestell: That whereas, on the 5th day of December AD 1892 the Brobate Court within and for the bounty of Davis Territory of White made an order and device comproming the sale of certain real and purious furfacty and authorymy and directory the said farties of the first part to deed and convey certain real estate of the said Commball deceased setuated in said bounts of Davis, and sperificily

Exhibit 1b

| WARRANTY DEED. |
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| for the ma of Theire hundred ? |
| the following described tract of land to Davis - County. State of - Utah: to writ: |
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| the South West 14 of Section 31 in The I north of Range I East Salt Lake Merid. |
| the Oregon Most Line By and 50 feet distant from the center of the same, thence |
| North along said East line 28 hods 6 leet, thence East 10 4 rods, thence South |
| 18 rods, 8 feet, thence bast 16 rods, thence Horth 5 rads to let thence East |
| 33 rods, to point of commencement, 20 3/4 acres, more or loss. |
| bublist, however, to the rights of way over the above described land as now |
| WITNESS, the band of said grantors this 23 rd day of Housenber Q. D. 1903 |
| Signed in the presence of |
| 1. J. Worsley Rarace Drake |
| WITNESS, the band_of said grantors this 23 nd day of Monumber a. D. 1903 Signed in this presence of Ranace Drake g. E. Rohistron Diana E. Drake |
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| COUNTY OF Duris . So the 23 rd day of Morenten A D. 1803 |
| personally appeared before no. Historie Drake and Drama En Drake humband of write |
| the signer S. of the above instrument, who doly acknowledged to me that Above executed the name. |
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| The state of the s |
| Recorded at Request of My num Drake Thousanher 23, 1903 at 2:05 o'clock R. M. |
| in Book "T" of Warranty Deed Record, page 84 . Records of Davis County, Utah. Abstracted 0-235 |
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| Recording For paid \$0.75 Sarah a Howard, County Recorder Davie County, With |
| Recording Fee paid \$0.75 Sarah a - Howard, County Recorder Danie County, With |
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| WARRANTY DBBD. Joseph C. Florent (Sordones) of Kargerille bounty of Darie, that of Walk, bereby CONVEYS AND WARRANTS to Chipshath Gramont looks |
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| Recording Fee paid \$0.72 Sarah A-Haward County Recorder Dawne Correctly, Mach. WARRANTY DEED. Joseph G. Thint (widowe) Of Kayleritle, brusty of Paris, State of Walk, bereby CONVEYS AND WARRANTS to Chipalath Charmont looks tor the sum of Ina Thomsand one has beed (\$2100.00) DOLLARS. the following described tract of land in Dawn County, State of Utah: Beginning at a fight on the Roth him of thishway No. 4, Davis County Road Joseph 33, in Joseph and 15 links Meeth from the doublewest countr of the Method of practic of land in of highway, 8.00 chains to its interection with the Next land of Highway, 8.00 chains to its interection with the Next land of Highway, 8.00 chains to its interection with the Next land of Highway, 8.00 chains to its interection with the Next land of Highway, 8.00 chains to its interection with the Next land of Highway, 8.00 chains; themse I 23'25' W, on said Next line of highway, 8.00 chains; themse I 23'25' W, on said Next line of highway, 8.00 chains; themse I 23'25' W, on said Next line of highway, to be 24.58 chains; themse I 45'15' XI J. 55' chains; themse I 23'40' 6.15.75' chains to the flow of highway of the 24.58 chains; there I my 15' XI J. 55' chains; themse I 23'40' 6.15.75' chains to the flow of highway comprises the said Next lines of the declaring of declaring 10'17 anner, and him a formation of declaring 10'17 anner, and him and the declaring 10'17 anner, and him and the declaring 10'17 anner, and him anner to the declaring 10'17 anner, and him anner to the declaring 10' |
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Exhibit 1c

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| personally appeared before me Lynn Ticher Vorthile & Fisher | his wife |
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| My commission expires 1242 3, 1911 (deal) M. d. W. | Notary Public |
| Recorded at request of a. I. Elask, Cashier. | at M. o'clock a. M. |
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| in Book "V" of Warranty Deed Record, page 2.42., Records of Davis County, Utah. Abstracted & de | |
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Exhibit 2

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Exhibit 2a

No. 55140

WARRANTY DEED.

Vernee L. Halliday, (otherwise known and described as V. L. Halliday), a widower and unmarried, residing in Salt Lake City, Utah, Grantor, hereby CONVEYS AND WARRANTS, unto John W. Walpole and Ernest Walpole, of Centerville, Davis County, Utah, Grantees, for the sum of Four thousand and no/100 (\$4000.00) Dollars, the following described tracts of land in Centerville, Davis County, State of Utah, to-wit:

Commencing 46 rods and 3 feet South from the Northwest corner of the Southeast 2 of Section 31, Township 3 North of Range 1 East, Salt Lake Meridian, thence East 80 rods, thence South 10 rods, thence West 80 rods, thence North 10 rods, to the place of beginning, Area five acres.

I hereby further convey and warrant to said grantees, all my right, title and interest in the springs, as described in Deed to me recorded in Book "T" of Deeds page 556 of the Records of the County Recorder of Davis County, Utah Filing #12794; being the springs of Hyrum Drake and Mary Drake his wife, (source of which is about 2500 feet east of the residence of said Hyrum Drake and wife, and from which they are now using water for culinary purposes,) as follows:

All the flow of water from said springs exceeding five gallons per minute measured at said residence, which grantees hereof can develope and increase the flow thereof, by excavation, draining, proper screens and boxes at the source of said springs. If, however, the grantees shall by said development work increase the flow of water to more than ten gallons per minute the Hyrum Drake and wife are to have one half interest in said increase flow over and above ten gallons per minute.

Said grantees to pay all expenses of said development work, but in the event that breakages occur or repairs are necessary to be made in the future in the pipe line now laid and being used by said Hyrum Drake and wife, the said Hyrum Drake and wife, will pay one half of said expenses from the springs to the settling tank now being used, located about 1000 feet east of said residence.

Said grantees are hereby granted permission to construct a settling tank on the line of said pipe line now laid at any point suitable to their convenience, and the right of way is hereby granted to lay a pipe line from said main line to the land above described.

The above described water right and interest in said springs is subject to a right given to S. F. Worsley, in the use of water from said springs for Culinary and Domestic purposes only for his home situated next south of the above described property.

Said Grantor also hereby CONVEYS AND WARRANTS, unto said grantees, the following described property and tracts of land situated in Centerville, Davis County, Utah, to-wit:

Commencing at a point 42 rods 3 feet South from the Northwest corner of the Southeast 2 of Section 31, in Township 3 North of Range 1 East, Salt Lake Meridian, running thence Bast 80 rods, thence South 4 rods, thence West 80 rods, thence Borth 4 rods, the point of commencement, containing 2 acres,

Together with the appurtenances, unto said grantees and to their heirs and a forever.

Said described tract deeded to V. L. Halliday by deed recorded in the office the County Recorder of Davis County, Utah, in Book "V" of Deeds page 370 Filing No

ALSO the following described tract deeded to V. L. Halliday by deed dated De-31, 1908 recorded in the office of the County Recorder of Davis County, Utah, in Bof Deeds page 425 Filing No. 17846, to-wit:

Commencing at a point 24 rods 12% feet South and 111 rods West from the North corner of the Southwest & of Section 81, in Township 3 North of Range 1 East of Sal Meridian, and running thence West 45 rods, thence South 5 rods 15 feet, thence Eas rods, thence North 5 rods 11% feet to the point of commencement, containing 1-5/8 more or less.

Together with appartenances.

ALSO the following described tract of land deeded to Vernee L. Halliday by D dated November 5th, 1908 recorded in the office of the County recorder of said Day County, Utah in Book "V" of Deeds page 504, to-wit: (Filing Bo. 14494)

Commencing at a point 24 rods 12½ feet South and 48 rods West from the North corner of the Southwest ½ of Section 31, Township 3 North Range 1 East, Salt Lake 3 dian; running thence West 29 rods and 14 feet; to East line of right of way of the Lake and Ogden Railroad; thence Southeasterly 5 rods and 10 feet more or less; the East 28 rods and 14 feet; thence North 5 rods and 10 feet to point of commencement taining 165 square rods more or less together with a perpetual right of way for ge purposes over and through a certain 2 rod lane running West from Davis County High 1, to and bounding said tract of land on the South; and also the right to convey w to said land for irrigating purposes through and along said lane by ditch or other

ALSO the following described tract of land deeded to V. L. Halliday by Deed April 19th, 1909 recorded in the office of the County Recorder of said Davis Count Utah, in Book "X" of Deeds page 11, filing No. 15227, to-wit:

Commencing at a point 42 rods 6-5/4 feet South and 60 rods East from the Nor corner of the Southeast † of Section 51, in Township 5 North of Range 1 East, Salt Meridian, and running thence East 20 rods and 6 feet, thence South 14 rods, thence 57 rods, thence in a northwesterly direction 36 rods, more or less, to the center certain revene, thence in a southwesterly direction along the center of said reven rods, more or less to point of commencement, containing 7 acres, more or less. To with appurtenances.

ALSO the following described tract of land deeded to V. L. Halliday, by deed April 12th, 1918, Recorded in the office of the County Recorder of Davis County, U in Book "Y" of Deeds page 132, filing No. 19167, to-wit:

Commencing at a point 24 rods 12 feet South and 37 rods 2 feet West from th

PG. 280

hereby understood that Hyrum Drake and wife are to have and use the said share of immediately after grantees! own shares in said corporation.

ALSO, the following described land deeded to V. L. Halliday by deed dated: 1909 recorded in the office of the County Recorder of said Davis County, Utah, in "X" of Deeds page 12, filing No. 15228, to-wit:

Commencing 56 rods and 3 feet South from the Northwest corner of the Southe of Section 31, Township 3 North of Range 1 East, Salt Lake Meridian, thence East thence South 4 rods, thence West 80 rods, thence North 4 rods, to place of beginn Area 2 acres.

ALSO the following described right of way deeded to V. L. Halliday by Deed .

July 13th, 1918 recorded in the office of the County Recorder of said Davis Count;
in book "F" of L.L. etc, page 266, filing #27344, to-wit:

A perpetual right of way on and over: Beginning at a point 43 rods South as West from the Northeast corner of the Southwest quarter of Section 31, Township 3 of Range 1 Bast, Salt Lake Meridian, 'thence South 15 feet, thence East 59 rods mo: less thence Worth 15 feet, thence West 59 rods, more or less to County Road, the ; of beginning.

TOGETHER WITH THE FOLLOWING DESCRIBED water right: As represented by Certi: #13 for 4 shares of the Capital Stock of the Ricks Creek Irrigation Company and Capital for one share of the Capital stock of the Ricks Creek Irrigation Company appurtenant to all of the land above described herein.

WITHESS the hand of said grantor, this Fourth day of APRIL A. D. 1921.

Signed in the presence of:

V. L. Halliday

Geo. Havercamp

STATE OF UTAH

COUNTY OF SALT LAKE |

Four points

On the Fourth day of APRIL, A. D. 1921, personally appeared before me Vernet Halliday (otherwise known and described as V. L. Halliday), a widower and unmarried signer of the above instrument, who duly acknowledged to me that he executed the :

By commission expires

R. Murray Stewart

Sept. 25, 1923.

NOTARY PUBLIC.

Recorded August 21st, 1933 at 1:30 P. M.

Salt Lake County, Uts

Abstracted 2/

Queda L. Grawn. County Reco

No. 55145

WARRANTY DEED.

William I. Layton, and Rose R. Layton, his wife, grantors, of Layton, County
Davis, State of Utah, hereby CONVEY AND WARRANT to Elizabeth Sarah Layton, grantee

Exhibit 2b

BK 7727 PG 2166 WARRANTY DEED

JOHN W. MALPOLE and MARGARET E. WALPOLE, his wife CRAFTORS, of CENTERVILLE, Davis County, State of Utah, hereby CONVEY and WARRANT, unto SENEST WALPOLE, GRAFTER, of CENTERVILLE, Davis County, State of Utah, for the sum of ONE AND 00/100 (\$1.90) DOLLARS, All of our right, title and interest in and to the following described property and premises situated in CENTERVILLE, Davis County, State of Utah, to-wit:

COMMENCING 46 rods and 3 feet South from the Northwest corner of the SE2 of Section 31, Township 3 North, Range 1 East, Selt Lake Meridian, thence East 80 rods; thence South 10 rods; thence West 80 rods; thence North 10 rods to the place of beginning, Area 5.00 acres.

We hereby further Convey and Warrant to said grantee, all our right, title and interest in the SPRINGS, as described in Deed recorded in Book are of Deeds, page 556 of the records of the County Recorder of Davis County, Utah, Filing #12794 being the springs formerly owned by Hyrum Drake and Mary Drake his wife, (source of which is about 2300 feet East of residence formerly owned by said Hyrum Drake and Mary Drake, his wife)

The above described water right and interest in said springs is subject to a right given to S. F. Worsley, in the use of water from said springs for Culinary and Domestic purposes only, for the home formerly owned by the said B. F. Worsley, situated next South of the above described property.

ALSO COMMENCING at a point 42 rods 3 feet South from the Northwest corner of the SEP of Section 31, Township 3 North, Range 1 East, Salt Lake Meridian, running thence East 80 rods; thence South 4 rods; thence West 80 rods; thence Worth 4 rods to the point of commencement, containing 2 acres.

Said described tract deeded to V. L. Halliday by deed recorded in the office of the County Recorder of Davis County, Utah, in Book "V" of Deeds, page 370, Filing No. 13731

ALSO COMMENCING at a point 24 rods 12½ feet South and 111 rods West from the Northeast corner of the SW2 of Section 31, Township 3 North, Range 1 East, Salt Lake Meridian, and running thence West 45 rods; thence South 5 rods 15 feet; thence East 45 rods; thence North 5 rods 11½ feet to the point of commencement, containing 1-5/8 acres, more or less.

Said described tract deeded to V. L. Halliday by deed dated Dec. 31, 1909 and recorded in the office of the County Recorder of Davis County, Utah, in Book "X" of Deeds page 425. Filing Eo. 17646.

ALSO COMMENCING at a point 24 rods 121 feet South and 45 rods West from the Bortheast corner of the 5W2 of Section 31, Township 3 North, Range 1 East, Salt Lake Meridian,
running thence West 29 rods and 14 feet to Bast line of right of way of the Salt Lake and
Ogden Railroad; thence Southeasterly 5 rods and 10 feet, more or less; thence East 28 rods and
14 feet; thence North 5 rods and 10 feet to point of commencement, containing 165 square rods,
more or less.

Together with a perpetaul right of way for general purposes over and through a certain 2 rod lane running West from Davis County Highway No. 1, to and bounding said tract of land on the Bouth, and also the right to convey water to said land for irrigation purposes through and along said lane by ditch or other means.

Baid described tract of land deeded to Vernee L. Halliday by deed dated Nov. 5, 1908, recorded in the office of the County Recorder of Davis County, Utah, in Book *V* of Deeds, page 504. Filing No. 14494.

ALSO COMMENCING at a point 42 rods 6-3/4 feet South and 60 rods East from the Northwest corner of the SEt of Section 31, Township 3 North, Range 1 East, Salt Lake Meridian, and running thence East 20 rods and 6 feet; thence South 14 rods; thence East 37 rods; thence in a Northwesterly direction 36 rods, more or less, to the center of a certain ravine; thence in a

Southwesterly direction along the center of said ravine 46 rods, more or less, to point of commencement, containing 7 acres, more or less.

Said described tract of land deeded to Vernee L. Halliday by deed dated Apr. 19. 1909, recorded in the office of the County Recorder of Davis County, Utah, in Book *X* of Deeds, page 11. Filing No. 15227.

ALSO COMMENCING at a point 24 rods 12 feet South and 37 rods 2 feet West from the Northeast corner of the SW of Section 31, Township 3 North, Range 1 East, Salt Lake Meridian, running thence West 10 rods 10 feet, more or less; thence South 5 rods 8 feet; thence East 10 rods 10 feet, more or less, to a point 5 rods 8 feet South of the point of commencement; thence North 5 rods 8 feet to the point of commencement containing 60 square rods of land, more or less.

Said described tract of land was deeded to V. L. Halliday by deed dated Apr. 12, 1912, recorded in the office of the County Recorder of Davis County, Utah, in Book *Y* of Deeds, page 132 filing No. 19167.

ALSO COMMENCING 56 rods 3 feet South from the Morthwest corner of the SE2 of Section 31, Township 3 North, Range 1 Bast, Selt Lake Meridian, thence East 80 rods; thence South 4 rods; thence West 80 rods; thence Borth 4 rods to the place of beginning. Area 2.00 nores.

Baid described tract of land deeded to V. L. Halliday by deed dated May 15, 1909, recorded in the office of the County Recorder of said Davis County, Utah, in Book "I" of Deeds, page 12. Filing No. 15228.

ALSO the following described right of way deeded to V. L. Halliday by deed dated Jul. 13, 1918, recorded in the office of the County Recorder of Davis County, Utah, in Book "F" of "L.L.ETC", page 266, filing No. 27344.

A Perpetual right of way over: REGINNING at a point 42 rods South and 1 rod West from the Mortheast corner of the SW of Section 31, Township 3 North, Range 1 East, Salt Lake Meridian, thence South 15 feet; thence East 59 rods, more or less; thence North 15 feet; thence West 59 rods, more or less, to County Road, the point of beginning.

TOGETHER with the appurtenances, including the following described water right: As represented by Certificare So. 13 for 4 shares and Certificate So. 13 for 1 share of the Capital Stock of the Ricks Creek Irrigation Company.

WITNESS the hands of said Grantors this 4th day of May A. D. 1937.
Signed in the presence of John W Walpole

Nephi Palmer

Hargaret K Walpole

STATE OF UTAH | SS.

On this 4th day of May A. D. 1937, personally appeared before me JOHN WALPOLE and MARGARET K. WALPOLE, his wife, the signers of the above instrument, who duly acknowledged to see that they executed the same.

My Commission Expires:

Aug. 20, 1937

(SZAL)

Notary Public.

Residing at Farmington, Utah.

Abstracted 4/104.

Recorded May 13th 1937, at 10:05 A. M.

Ruby Mund County Recorder.

Exhibit 2c

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| <i> </i> | STATE OF UTAH, County of Davis. | S9. | | | | |
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Exhibit 3

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Exhibit 4

2848773 BK 8205 PG 1084

WHEN RECORDED, MAIL TO: Spencer Packer and Pamela Packer 561 Valley Drive Centerville, UT 84014 E 2848773 B 6206 P 1084-1086
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAN RECORDER
2/17/2015/3:25:00 PM
FEE \$14.00 Pgs. 3
DEP &CASH REC'D FOR NORTH AMERICAN TIT

WARRANTY DEED

Royce P. Ostergaard and Norma J. Ostergaard, Trustees or Successor Trustees of The Ostergaard Family Trust,

grantor,

hereby CONVEY and WARRANT to

Spencer Packer and Pamela Packer, husband and wife as joint tenants, grantee for the sum of TEN AND NO/100----DOLLARS, and other good and valuable considerations the following described tract of land in Davis County, State of Utah, to-wit:

See Attached Exhibit "A"

Tax ID No.: 07-072-0031

Subject to current general taxes, easements, restrictions, rights of way and reservations appearing of record.

WITNESS the hand of said grantor, this ___//_ day of February, 2015.

The Ostergaard Family Trust

Revce'P. Osterbeard, Trustee

Nerma J Ostergaard, Trustee

STATE of Utah

COUNTY OF Davis

On the _____day of February, 2015, personally appeared before me Royce P. Ostergaard and Norman J. Ostergaard, Trustees of The Ostergaard Family Trust, the signers of the above instrument, who duly acknowledged to me that they executed the same.

Notary Public

My Commission Expires:

5-25-15

KAYE H. CAZIER
Notary Public • State of Utah
Commission # 609367
COMM. EXP. 05-25-2015

2848779-BK-6285-PQ-1089->

Exhibit "A" (Legal Description)

Beginning at a point 408.5 feet South 612.5 feet West of the Northeast Corner of the Southwest Quarter of Section 31, Township 3 North, Range 1 East, Salt Lake Meridian, and running West 671.76 feet, more or less; along a line 408.5 feet South of the North line of said Southwest Quarter to the East line of the Old Bamberger Railroad right of way, 66.5 feet wide; thence South 12°42' East 94.52 feet, more or less, along said right of way to the North line of a private right of way; thence easterly along said right of way to a point 91.0 feet due South of the point of beginning; thence North 91.0 feet to the point of beginning.

The following is shown for information purposes only: 07-072-0031

Exhibit 5

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| | ville | | 7 7 7 | Davis | . State of | Utah, heréby |
| CONVEY and WAR | RANT to | | | | | |
| R j | oyce F. Oster oint tenants | gaard and No | orma Oster | gaard, hus | band and | wife, as grantee |
| of Center (Cente | rville) | , County | | Davis | | State of Utah |
| for the sum of | one hund; and other g | red and no/1 rood and value | nable cons | ideration | | DOLLARS. |
| the following descri | bed tract of las | nd in | | Davis | | County, |
| State of Utab. | | | | | | |

Beginning at a point 408.5 feet Bouth and 512.5 feet West of the Northeast corner of the Southwest Quarter of Section 31. Township 3 North, Range 1 East, Salt Like Meridian, and running thence that 571.76 feet, more or less, along a line 409.5 feet South of the Booth line of said Southwest Quarter to the East line of the mid Parkerger Raliroad Right of Way, 56.5 feet wide: thence South 12543 East Sw.52 feet, more or less, along said right of way to the Marth line of a private right of way; thence Easterly along said right of way to a point 91.0 feet due South of the point of beginning; thence North 51.0 feet to the point of Dayloning.

| WITNESS the hand sof said gra | ator 4 this | 11 day of | March | A. D. 19, 74 |
|--------------------------------------|-------------|-------------------------------|-----------------------------|----------------|
| Signed in the presence of | | Segni Signi William | uikefi en 65 BHG | Ligging . |
| STATE OF UTAH. | St. | Heden IV | Rifty 7 | |
| County of Davis | | | | |
| On the 12th | day of | March | | , A.D. 19 72 |
| personally/appeared before me | Seymour Ri | gby and Patric Rigby and H | cia A. Rigo clea S. Rigo | his wife |
| the signer self the within instance. | rument, who | duly acknowledge | Dro me shot (Assa) | Notary Public. |
| Me completion expires 25 | ech 2, 1976 | Residing in . | Kaveril | |

Exhibit 6

WHEN RECORDED MAIL TO:

Spencer Packer 581 Valley Drive

Centerville Utah

84014

RETURNED

APR 28 2020

E 3246453 B 7501 P 1060-1001 RICHARD T. MAUGHAN DAVIS COULTY, UTAH RECORDER 04/28/2020 11:09 AN FEE 240:00 Best 2

07-072-0031

QUIT CLAIM DEED

HELEN S. RIGBY wife and heir of WILLIAM B. RIGBY deceased, and DEBRA PAULINE RIGBY Executor of the Estate of SEYMOUR RIGBY and PATRICIA A. RIGBY husband and wife deceased, grantor,

hereby CONVEY to

SPENCER PACKER and PAMELA PACKER husband and wife as joint tenants, grantee for the sum of TEN AND NO/100---Dollars, and other good and valuable considerations the following described tract of land in Davis County, State of Utah, to-wit:

See Attached Exhibit "A"

WITNESS the hand of said grantors, this 28 day of April, 2020.

Helen S. Rigby

Debra Pauline Rigby

STATE of Utah COUNTY of Davis

On the 26 day of April, 2020, personally appeared before me Helen S. Rigby wife and heir of William B. Rigby and Debra Pauline Rigby Executor of the Estate of Seymour Rigby and Patricia A. Rigby, signers of the above instrument, who duly acknowledged to me they executed the same.

Notary Public

My Commission Expires: 01+02 2023

NOTARY PUBLIC LOGAN R BARBER COMM. # 708542 AY COMMISSION EXPIRES OCTOBER 02, 2023 STATE OF UTAH

Exhibit A (Legal Description)

Beginning at a point 408.5 feet South 612.5 feet West of the Northeast Corner of the Southwest Quarter of Section 31, Township 3 North, Range 1 East, Salt lake Meridian, and running thence West 671.76 feet, more or less; along a line 408.5 feet South of the North line of said Southwest Quarter to the East line of the Old Bamberger Railroad Right of Way 66.5 feet wide; thence South 12º 42' East 94.52 feet, more or less, along said right of way to the North line of a private right of way; thence Easterly along said right of way to a point 91.0 feet due South of the point of beginning; thence North 91.0 feet to the point of beginning.

Together with a perpetual right of way for general purposes over and through a certain lane running West from Davis County Highway No. 1, to and bounding said tract of land on the South, and also such right to convey water to said land for irrigation purposes through and along said lane by ditch or other means as is now appurtenant to said premises.

Said Right of way conveyed to Rigby's by deed E#256235 & E#280163.

Right of way more fully described as:

Right of way

2 . . .

Beginning at a point on the North line of a 2 Rod Right of Way known as Drake lane which is given as South 24 Rods and 12 ½ feet and West 77 Rods and 14 feet to the easterly line of the old Bamberger Right of Way and Southeasterly 5 rods and 10 feet along the Easterly line of Said Bamberger Right of Way from the Northeast Corner of the Southwest quarter of section 31, Township 3 North, Range 1 East, Salt Lake Meridian; and Running thence East to the West line of the state Highway formerly known as County Highway Number 1, Thence 5 14 ° 20' E 34.06 feet along the Westerly line of said state Highway 1, Thence West to the Easterly line of the old Bamberger Railroad Right of Way, Thence N12 degrees 42' W 33.83 feet along the Easterly line of said Bamberger Right of Way to the Point of Beginning.

Exhibit 7

Coto SEP 20 1972 - 10 " AM MARCHETTE S. COURTE Remoder Davis County

To Bull Managing Deputy Brok 499 Page 477

370300

SPECIAL WARRANTY DEED 54/ 3

HUGH S. CANNON, an unmarried man, GRANTOR, of Mountlake Terrace, Washington, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, does hereby GRANT, BARGAIN, SELL, CONVEY and CONFIRM unto ERNEST DEVORE and MABEL DEVORE, his wife, GRANTEES, of Centerville, Davis County, Utah, as joint tenants with full rights of survivorship, and not as tenants in common, the following described real property situate in Davis County, State of Utah, to-wit:

A part of the Southwest Quarter of Section 31, Township 3 North, Range 1 East, Salt Lake Base and Meridian, U. S. Survey: Beginning at a point 519.5 feet South and 122.4 feet West from the Northeast corner of said Southwest Quarter of said Section 31, and running thence South 14041 East 427 feet along the West line of the State Highway; thence South 89 54' West 783.2 feet; thence North 1 35' East 409.6 feet; thence North 89 52' West 1044.2 feet; thence South 0°30' West 406.1 feet; thence North 89 38' West 418.4 feet more or less to the East line of a frontage road as conveyed by a warranty deed recorded in the office of the County Recorder of Davis County, Utah, in Book 401 of Official Records at page 679; thence North 0 18' East 432 feet, more or less, along said East line; thence South 89047' East 1642.5 feet; thence North 157 feet; thence East 152.5 feet; thence South 66 feet; thence East 37.3 feet; thence South 111 feet; thence East 296 feet more or less to the point of beginning; subject to private easements and rights-of-way on and over Drake Lane and over a strip of land located immediately West of the course which runs North 111 feet from said Drake Lane for the purpose of gaining access to the property located adjacent to or in the vicinity of said land, and subject also to existing pole line easements and to the right-of-way of Bamberger Electric Railroad Company, and its successors, and to all other easements of record; and together with all water rights appurtenant to said property or used in connection therewith, and all of the Grantor's right, title, claim and interest in and to that certain underground water claim filed in the office of the Utah State Engineer under file No. 14374, and all of the right, title and interest of the seller in and to the water piped from a spring located in

Pletted | Abstracted | On Margin | Indexed | Compered | Entered | Compered |

478

the Northeast Quarter of Section 31, as described in that certain warranty deed by Hyrum Drake and wife to Ellen C. S. Cannon, recorded in Book 1G of Deeds at page 407 in the office of the County Recorder of Davis County, Utah, and together with any and all other appurtenances to said real property.

And the said Grantor, his heirs, executors and administrators, the said premises against the said Grantor and his heirs and against all and every person or persons whomsoever lawfully claiming or to claim the same by, through or under the said Grantor; shall and will warrant; and by these presents forever defend.

DATED this 10Th day of April, 1972.

HUGH'S. CANNON, Grantor

STATE OF WASHINGTON)

COUNTY OF KING

SS

My Commission Expires:

NOTARY PUBLIC

Residing at

Washington

USLICA

Exhibit 8

3237273 BK 1478-PG-1003

D25776

AFTER RECORDING RETURN
AND MAIL TAX NOTICES TO:
SYMPHONY DEVELOPMENT CORP AND/OR ASSIGNS
111 S. Frontage Rd.
Centerville, UT 84014

E 3237273 B 7478 P 1633-1038
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
3/26/2020 Z:32:00 PM
FEE \$40.00 Pgs: 3
DEP eCASH REC'D FOR ASPEN TITLE INSURANCE

WARRANTY DEED

DEAN A. DEVORE, JACK DEVORE, W. STEVE MEYER Successor Trustees of the MABEL DEVORE FAMILY TRUST dated AUGUST 31, 1999 Grantor.

of Centerville, County of Davis, State of UT hereby CONVEY and WARRANTY to

SYMPHONY DEVELOPMENT CORP., a Utah Corporation

Grantee.

of Centerville, County of Davis, State of UT,

for the sum of TEN DOLLARS AND NO/100 and other good and valuable consideration, the following tract of land in the County of DAVIS, State of UT, to-wit

See Attached Exhibit "A"

07-072-0175

PER THE PROVISIONS OF THE TRUST THOSE BEING PAGE 18 PARAGRAPH D AND SCHEDULE T APPOINT DEAN A. DEVORE, JACK DEVORE, W. STEVE MEYER SUCCESSOR TRUSTEE UPON THE DEATH OF MABEL MATHILDA DEVORE AS SHOWN IN THE DEATH CERTIFICATE NO. 2019008137 FILED IN THE STATE OF UTAH

WITNESS the hand of seld grantor, this 25 day of March, 2020

MABEL DEVORE FAMILY TRUST AUGUST 31,

1999

DEAN A. DEVORE, Successor Trustee

JACK DEVORE, Successor Trustee

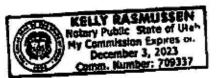
W. STEVE MEYER, Successor Trustee

3Z37273 BK 7478 PG 1034

STATE OF UTAH) :sa COUNTY OF DAVIS)

On the 25 day of March, 2020, personally appeared before me DEAN A. DEVORE, JACK DEVORE, W. STEVE MEYER Successor Trustee of the MABEL DEVORE FAMILY TRUST dated AUGUST 31, 1999, the signer(s) of the within instrument, who duly acknowledged to me that they executed the same.

Notary Public



3237273 BK 1478-EG 3035

ORDER NUMBER: D25776

EXHIBIT "A"

BEGINNING AT A POINT SOUTH \$19.5 FEET AND 122.4 FEET WEST FROM NORTHEAST CORNER SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 3 NORTH, RANGE I BAST; SALT LAKE MERIDIAN; THENCE SOUTH 14°41' EAST 321.64 FEET ALONG WEST LANE OF STREET HIGHWAY TO NORTHEAST CORNER OF PROPERTY CONVEYED IN 587-769; THENCE SOUTH 89°05'50' WEST 747.97 FEET; THENCE NORTH 1°35' EAST 309.6 FEET; THENCE NORTH 89°52' WEST 776.58 FEET TO BOUNDARY LINE AGREEMENT 2002-1129, THENCE ALONG SAID LINE NORTH 89°45'05" WEST 267.62 FEET AND SOUTH 0°29'31" WEST 406.53 FEET; THENCE NORTH 89°38" WEST 425.02 FEET TO EAST LINE OF A FRONTAGE ROAD AS CONVEYED BY 401-679; THENCE NORTH 0°18' EAST 432 FEET, MORE OR LESS, ALONG SAID EAST LINE; THENCE SOUTH 89°47' EAST 1642.5 FEET; THENCE NORTH 157 FEET, THENCE EAST 152.5 FEET, THENCE SOUTH 66 FEET, THENCE EAST 37.3 FEET; THENCE SOUTH 111 FEET; THENCE EAST 296 FEET TO POINT OF BEGINNING.

LESS AND EXCEPTING:

PARCEL 1

A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 3 NORTH, RANGE I EAST, SALT LAKE BASE AND MERIDIAN, DAVIS COUNTY, UTAH MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF THAT CERTAIN PROPERTY DESCRIBED IN ENTRY 1347577, BOOK 2176, IN PAGES 916 AND 917, SAID POINT ALSO BEING THE NORTHWEST CORNER OF THAT CERTAIN PROPERTY AS DESCRIBED IN ENTRY NO. 1528608, BOOK 2525, PAGE 724, AS ROTATE TO AND PARALLEL WITH THE EAST/WEST QUARTER SECTION LINE BEARING SOUTH 89°13'20" EAST (BASIS OF BEARING) BETWEEN FOUND DAVIS COUNTY MONUMENTS AT THE CENTER QUARTER AND WEST QUARTER CORNERS OF SAID SECTION 31, SAID POINT ALSO BEING SOUTH 1°04'10" EAST 408.50 FEET AND SOUTH 89°13'20" WEST 408.38 FEET FROM SAID DAVIS COUNTY MONUMENT AT THE CENTER OF SAID SECTION 31; THENCE SOUTH 0°46'40" EAST (DEED-SOUTH) 91.04 FEET ALONG THE WEST LINE OF PROPERTY DESCRIBED IN SAID ENTRY NO. 1528608, BOOK 2525, PAGE 724; THENCE SOUTH 89°13'20" WEST 192.08 FEET; THENCE NORTH 91.05 FEET; THENCE SOUTH 89°13'20" WEST 3.13 FEET; THENCE ALONG THE SOUTHERLY BOUNDARY LINE AS DESCRIBED IN SAID ENTRY 1347577, BOOK 2176, IN PAGES 916 AND 917, THE FOLLOWING FOUR COURSES, NORTH 66.00 FEET, NORTH 89°13'20" EAST 156.8 FEET, SOUTH 66.00 FEET AND NORTH 89°13'20" EAST 156.8 FEET,

PARCEL 2

BEGINNING AT THE SOUTHEAST CORNER OF THAT PARCEL CONVEYED AS ENTRY #2321400, SAID POINT BEING SOUTH 9°46′45° EAST 373.91 FEET FROM THE CENTERVILLE MONUMENT SHOWN IN FRONT OF LOT 401, CUTLER SUBDIVISION, PHASE 4, SAID POINT ALSO BEING SOUTH 89°13′20° WEST 21.25 FEET AND SOUTH 0°46′40° EAST 91.40 FEET FROM THE SOUTHEAST CORNER OF SAID LOT 401, CUTLER SUBDIVISION, PHASE 4, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 3 NORTH, RANGE I EAST, SALT LAKE BASE AND MERIDIAN, DAVIS COUNTY, UTAH AND RUNNING THENCE SOUTH 0°46′40° EAST 9.50 FEET; THENCE SOUTH 89°13′20° WEST 192.21 FEET; THENCE NORTH 0°00′00° EAST 9.50 FEET TO THE SOUTH LINE OF THE BEFORE MENTIONED PARCEL; THENCE NORTH 89°13′20° EAST 192.08 FEET TO THE POINT OF BEGINNING.

K Charles

Exhibit 9

> -3339248 -8K-7681 PG 383

E 3339248 B 7681 P 363-365
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH BECORDER
1/22/2021 8:53:00 AM
FEE \$40:00 Pgs: 3
DEP eCASH REC/D FOR NORTH AMERICAN TI

WHEN RECORDED, MAIL TO: Summerhill Lane LLC 111 South Frontage Road Centerville, UT 84014

WARRANTY DEED (Corporation Form)

Symphony Development Corp, a Utah Corporation,

grantor

, hereby conveys and warrants to

Summerhill Lane LLC,

grantee,

of Centerville, County of Davis, State of Utah, for the sum of TEN AND NO/100 DOLLARS, and other good and valuable considerations the following described tract of land in Davis County, State of Utah:

LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A" AND MADE A PART HEREOF

Tax ID No.: 07-072-0175

Subject to current general taxes, easements, restrictions, rights of way and reservations appearing of record.

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the grantor at a lawful meeting duly held and attended by a quorum.

In witness whereof, the grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this _____ day of January, 2021.

Symphony Development Corp.

Robert Miller, President

40902-21-14048

3339248 BK 7681 PG 364

STATE OF UTAH

COUNTY OF DAVIS

On the 21 day of January, 2021, personally appeared before me Robert Miller, who being by me duly swom did say that he is the President of Symphony Development Corp. and that the foregoing instrument was signed on behalf of said corporation by authority of a resolution of its Board of Directors, and said Robert Miller acknowledged to me that said corporation executed the same.

My Commission Expires:

5-25-23

Notary Public

KAYE H. CAZIER NOTARY PUBLIC & STATE OF UTAH COMMISSION NO. 708383 COMM. EXP. 05-25-2023 3339248 BK 7681 PG 365

EXHIBIT A

(07-072-0175)

Beginning at a point South 519.5 feet and 122.4 feet west from Northeast corner Southwest 1/4 of Section 31, Township 3 North, Range 1 East; Salt Lake Meridian; thence South 14*41' East 321.64 feet along West line of State Highway to Northeast corner of property conveyed in 587-769; thence South 89°05'50" West 747.97 feet; thence North 1*35' East 309.6 feet; thence North 89°52' West 776.58 feet to Boundary Line Agreement 2002-1129, thence along said line North 89*45'05" West 267.62 feet and South 0*29'31" West 406.53 feet; thence North 89*38" West 425.02 feet to East line of a Frontage Road as conveyed by 401-679; thence North 0*18' East 432 feet, more or less, along said East line; thence South 89*47' East 1642.5 feet; thence North 157 feet, thence East 152.5 feet, thence South 66 feet, thence East 37.3 feet; thence South 111 feet; thence East 296 feet to the point of beginning.

LESS AND EXCEPTING:

A Parcel of land in the Southwest quarter of Section 31, Township 3 North, Range 1 East, Salt Lake Base and Meridian, Davis County, Utah more particularly described as follows:

Beginning at a point on the South line of that certain property described in Entry 1347577 Book 2176, in Pages 916 and 917, said point also being the Northwest corner of that certain property as described in Entry No. 1528608, Book 2525, Page 724, as rotate to and parallel with the East/West quarter Section line bearing South 89°13'20" East (basis of bearing) between found Davis County Monuments at the center quarter and West quarter corners of said Section 31, said point also being South 1°04'10" East 408.50 feet and South 89°13'20" West 408.38 feet from said Davis County Monument at the center of said Section 31; thence South 0°46'40" East (Deed=South) 91.04 feet along the West line of property described in said Entry No. 1528608, Book 2525, Page 724; thence South 89°13'20" West 192.08 feet; thence North 91.05 feet; thence South 89°13'20" West 3.13 feet; thence along the Southerly Boundary Line as described in said Entry 1347577, Book 2176, in Pages 916 and 917, the following four courses, North 66.00 feet, North 89°13'20" East 156.8 feet, South 66.00 feet and North 89°13'20" East 37.18 feet to the point of beginning.

also less and excepting:

Beginning at the Southeast comer of that Parcel conveyed as Entry No. 2321400, said point being South 9"46'45" East 373.91 feet from the Centerville Monument shown in front of Lot 401, Cutler Subdivision, Phase 4, said point also being South 89"13'20" West 21.25 feet and South 0"46'40" East 91.40 feet from the Southeast comer of said Lot 401, Cutler Subdivision, Phase 4, located in the Southwest quarter of Section 31, Township 3 North, Range 1 East, Salt Lake Base and Meridian, Davis County, Utah and running thence South 0"46'40" East 9.50 feet; thence South 89"13'20" West 192.21 feet; thence North 0"00"00" East 9.50 feet to the South line of the before mentioned Parcel; thence North 89"13'20" East 37.18 feet to the point of beginning.

Together with and Less and Excepting all portions conveyed in Boundary Agreement, Recorded May 17, 1996 as Entry No. 1249526 in Book 2002 at Page 1129.