

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

RECORDED AT THE REQUEST OF:

Matthew L. Anderson
215 South State Street, Suite 1200
Salt Lake City, UT 84111-2323

RETURNED

MAR 30 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]ll 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.”
 - a. 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:

07-072-0031 et

Commencing at a point 32 rods and 11 ½ 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) (“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 ¾ 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.

2. **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 forty-eight (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.

3. 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.*

5. **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.

6. The Easement Property adjoins the south boundary of Dominant Estate and extends eastward to Main Street (the Public Highway).
7. 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.

8. 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.
9. 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:

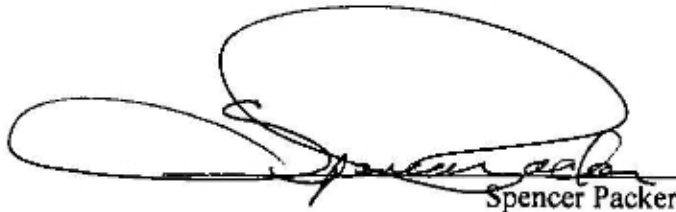
A part of the Southwest Quarter of Section 31, Township 3 North, Range 1 East, Salt Lake Base and Meridian, U.S. Survey: Beginning at a point 519.5 feet South and 122.4 feet West from the Northeast corner of said Southwest Quarter of said Section 31, and running thence South 14°41' East 427 feet along 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.

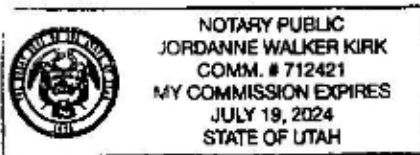
15. The Symphony Development Corp conveyed the Servient Estate (Tax ID No. 07-072-0175) to Summerhill Lane LLC by Warranty Deed (**Exhibit 9**) dated January 21, 2021, and recorded January 22, 2021, as Entry 3339248 in Book 7681 at Pages 363-365.

DATED March 30th, 2021.


Spencer Packer

STATE OF Utah)
COUNTY OF Davis) : ss.

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.

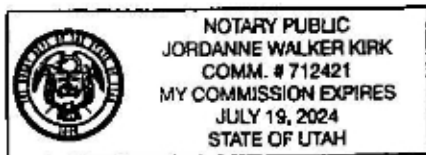



Notary Public


Pamela Packer

STATE OF Utah)
COUNTY OF Davis) : ss.

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.




Notary Public

Parcel Vesting Information**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.)

Parcel Vesting Information

01/01/1981 to Present

Serial Number: 07-072-0031

Mailing Address: 581 WEST VALLEY DR
CENTERVILLE, UT 84014**Tax District**

8

Location

Location: 3 N 1 E 31 SW

Vested OwnersPACKER, SPENCER - JT
PACKER, PAMELA**Vesting Documents**

Entry Number	Recorded Date & Time	KOI	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

Exhibit 1a

129

Conrad Drake and Wife to Eugene Drake

Conrad Drake and Diana C. Drake his wife grantors of Bountiful, Davis Co. W. T. hereby convey and warrant to Eugene Drake grantee of the same place for the sum of one thousand \$1000⁰⁰ Dollars, the following described tract of land in Davis County, Territory of Utah:

Commencing at a point 33 rods and 11 1/2 feet South from the North-east corner of the South-west quarter of Section thirty one Twp. 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 19 feet, thence East 39 rods, to the place of beginning.

Reserving therefrom Highway No. 3, Davis County, as now located across said above described land, containing 23 square rods, more or less.

Witness the hand of said grantors this eleventh day of October A. D. 1892.

Signed in the presence of

J. E. Robinson Conrad Drake
J. W. Robinson Diana C. Drake

Territory of Utah
County of Davis

On this 11th day of October, 1892, personally appeared before me, Eugene Drake and Diana C. Drake his wife, the signers of the above instrument, who duly acknowledged to me that they executed the same.

Jose E. Robinson

Recorder Davis Co. W. T.



Recorded Oct 11-92 at 10. a. m.

Chester Ball et al. to Alwood Brown

6330

This Indenture, made the 10th day of December in the year of our Lord one thousand eight hundred and ninety two at Bountiful in the County of Davis Territory of Utah, by and between Chester Ball, Israel Ball, and Willard L. Ball the duly appointed, qualified and acting executor of the Last Will and Testament of Anson Ball deceased, late of Bountiful in the County of Davis Territory aforesaid, the parties of the first part, and Alwood Brown of Bountiful, County and Territory aforesaid, the party of the second part, Witnesseth: That whereas, on the 5th day of December A. D. 1892 the Probate Court within and for the County of Davis Territory of Utah, made an order and decree confirming the sale of certain real and personal property and authorizing and directing the said parties of the first part, to deed and convey certain real estate of the said Anson Ball deceased, situated in said County of Davis, and specified

Exhibit 1b

Deed No. 9923

WARRANTY DEED.

Horace Drake and Diana E. Drake, husband and wife grantor
of Leventonville, County of Davis, State of Utah, hereby CONVEY AND WARRANT to Hyman Drake
grantee of Leventonville of Leventonville of Leventonville
for the sum of Five hundred Twenty DOLLARS
the following described tract of land in Davis County, State of Utah: to wit:-

Commencing at a point 38 rods 5 feet south from the North East corner of the South West 1/4 of section 31 in Twp. 3 North of Range 1 East, Salt Lake Meridian, running thence south 17 rods 14 1/4 feet, thence West 15 3/4 rods to East line of the Oregon Short Line Ry. and 50 feet distant from the center of the same, thence North along said East line 28 rods 6 feet, thence East 10 1/4 rods, thence South 18 rods, 3 1/2 feet, thence East 16 rods, thence North 5 rods 15 feet, thence East 33 rods, to point of commencement, 20 3/4 acres, more or less.

Subject, however, to the rights of way over the above described land as now constructed.

WITNESS, the hand of said grantors this 23rd day of November A. D. 1903
Signed in the presence of
J. F. Worsley } Horace Drake
J. E. Robinson } Diana E. Drake

STATE OF UTAH,
County of Davis, }
On the 23rd day of November A. D. 1903
personally appeared before me, Horace Drake and Diana E. Drake, husband and wife
the signers of the above instrument, who duly acknowledged to me that they executed the same.
My Commission expires Oct. 1, 1904. J. E. Robinson Notary Public.
Recorded at Request of Hyman Drake November 23, 1903, at 2:00 o'clock P. M.
in Book "T" of Warranty Deed Record, page 84, Records of Davis County, Utah. Abstracted a-235
Recording Fee paid \$0.75 Sarah A. Howard, County Recorder Davis County, Utah

Deed No. 9924

WARRANTY DEED.

Joseph E. Flint (widower) grantor
of Kaysville, County of Davis, State of Utah, hereby CONVEYS AND WARRANTS to Elizabeth Beaman Cook
grantee of Lyonsville in the County of Davis, State of Utah,
for the sum of Two thousand one hundred (\$2100.00) DOLLARS,
the following described tract of land in Davis County, State of Utah:

Beginning at a point on the North line of Highway No. 4, Davis County Road Survey, 13.60 chains East and 17 links North from the southwest corner of the Northwest quarter of section 33, in Township 4 North, Range 1 West, Salt Lake Meridian, running thence East along said line of highway, 8.00 chains to its intersection with the West line of Highway No. 6, Davis County Road Survey, thence N. 23° 25' W, on said West line of Highway No. 6, 24.58 chains; thence S. 45° 25' W, 7.65 chains; thence S. 22° 40' E, 18.75 chains to the place of beginning, containing 11.69 acres, and being a portion of Block numbered 4, of John Flint & Son's survey, said survey comprises the said Northwest quarter of section 33.

Together with four shares of the capital stock of the Kayscreek Irrigation Company.

WITNESS, the hand of said grantor this 7th day of April A. D. one thousand nine hundred and three.
Signed in presence of
Thomas H. Phillips } Joseph E. Flint

STATE OF UTAH,
County of Davis, }
On the 7th day of April A. D. one thousand nine hundred and three
personally appeared before me, Joseph E. Flint (widower)
the signer of the above instrument, who duly acknowledged to me that he executed the same.

My Commission expires January 8, 1907. Thomas H. Phillips Notary Public.
Recorded at Request of John H. Cook December 1, 1903, at 11:30 o'clock A. M.

Exhibit 1c

Josephine E. Fisher, his wife grantor.
of Salt Lake City, Salt Lake County, State of Utah, hereby CONVEY AND WARRANT to Josephine E. Fisher grantee
of the sum of Five Hundred & Fifty DOLLARS,
for the sum of Five Hundred & Fifty DOLLARS,
the following described tract of land to-wit: Davis County, State of Utah:

commencing in the center of a certain street known as 1st road, more or less East
and the North East corner of the North West quarter of section Five (5) in Town
which Four (4) North, range Two (2) West, Salt Lake Meridian, U. S. Survey, and
running thence East Forty (40) rods, more or less, to West line of land
now owned by John W. Fisher, thence North along said West line one Hun-
dred Thirty (30) feet to the 132d trench West one Hundred (100) rods
to center of certain Public Highway or street, thence South easterly along
center of said street one Hundred sixty (60) rods, more or less, to place
of commencement, containing Fifty (50) acres of land, more or less.

WITNESS the hand of said grantor this 1st day of June, A.D. 1907

Signed in presence of
M. S. Woolley } Josephine E. Fisher
Josephine E. Fisher

STATE OF UTAH }
COUNTY OF Salt Lake }
On the 1st day of June, A.D. 1907
personally appeared before me Josephine E. Fisher, his wife
the signers of the above instrument, who duly acknowledged to me that they executed the same.
My commission expires June 3, 1911
Recorded at request of D. L. Clark, bankers at 11:30 o'clock A. M.
in Book "V" of Warranty Deed Record, page 267, Records of Davis County, Utah. Abstracted 215-376-222
Recording fee paid \$ 70.00 Ladie Fore County Recorder Davis County, Utah

Entry No. 13116 **WARRANTY DEED.**

Horace Drake (widower) grantor.
of Centerville, Davis County, State of Utah, hereby CONVEY AND WARRANT to
Stephen Drake grantee of the same place aforesaid,
for the sum of Twenty two hundred & fifty DOLLARS,
the following described tract of land in Davis County, State of Utah:

to-wit: 2 1/2 undivided one half (1/2) interest in and to the following described
Tracts of Land, to-wit: Commencing at a point 2 rods south of the North east
corner of 1/4 South west 1/4 of section 31, in Township 3 North of Range 1 East, Salt Lake Meridian,
running thence East 106 rods to the east line of U. S. L. Railway Company's right of way,
thence South along said east line of right of way 2 rods and 7/8 of a foot, thence east 10
rods, thence South 2 rods and 8 feet, thence east 16 rods, thence north 10 rods, west
thence West 2 rods, thence north 5 rods, 13 feet, thence east 37 rods, thence with
30 rods, 11 1/2 feet, to the point of commencement, containing 27 1/2 acres, more or less.
Also commencing at a point 28 rods 4 feet 1/2 inches north of the southeast corner of the
North west 1/4 of section 31 aforesaid, running thence West 115 rods, thence in a southeasterly direction 115 rods,
thence south 2 1/2 feet to point of commencement, containing 7 1/2 rods more or less, together with the
appurtenances unto the said grants to his heirs assigns forever, Subject, however, to the right of way of the Salt
Lake & Ogden Railway, Highway No. 1, Davis County Road survey as now constructed.

WITNESS the hand of said grantor this 5th day of June, A.D. 1907

Signed in presence of
J. E. Robinson } Horace Drake

STATE OF UTAH }
COUNTY OF Davis }
On the 5th day of June, A.D. 1907
personally appeared before me Horace Drake, Widower
the signers of the above instrument, who duly acknowledged to me that he executed the same.
My commission expires October 3, 1911
Recorded at request of Stephen Drake at 1:00 o'clock P. M.
in Book "V" of Warranty Deed Record, page 267, Records of Davis County, Utah. Abstracted 215-376-222
Recording fee paid \$ 70.00 Ladie Fore County Recorder Davis County, Utah

Exhibit 2

Recording fee paid \$ 7.00 Ladie Stora County Recorder Sarwa County, Utah

WARRANTY DEED.

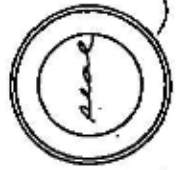
Entry No. 14494 Raymond Drake and Mary Drake, husband and wife, grantors.
County of Davis, State of Utah hereby CONVEY AND WARRANT to
Leah L. Halliday grantee of Salt Lake City, Utah
for the sum of One Hundred and Fifty DOLLARS,
the following described tract of land in State of Utah:

Commencing at a point twenty-four (24) rods, 12 1/2 feet South and forty-eight (48) rods West from the North East corner of the South West 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 & Ogden Railroad, thence South easterly 3 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 160 square rods, more or less. 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.

WITNESS the hands of said grantors this fifth day of November, A. D. 1908.

Signed in the presence of
Wm. A. Streetman, Jr. }
Raymond Drake
Mary Drake

STATE OF UTAH, } ss.
COUNTY OF Davis } On the fifth day of November, A. D. 1908
personally appeared before me Raymond Drake and Mary Drake
the signers of the above instrument, who duly acknowledged to me that they executed the same.



My commission expires April 2nd 1912
Recorded at request of W. L. Halliday, at 11 o'clock P. M.,
Nov. 14-22 1908

*new Warranty Deed in 1st of Davis
Page 248
107th block
Ladies Stora*

Exhibit 2a

No. 55140

WARRANTY DEED.

Vernes 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 $\frac{1}{4}$ 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 2300 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 $\frac{1}{4}$ of Section 31, in Township 3 North of Range 1 East, Salt Lake Meridian, running

thence East 80 rods, thence South 4 rods, thence West 80 rods, thence North 4 rods, the point of commencement, containing 2 acres,

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

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

ALSO the following described tract deeded to V. L. Halliday by deed dated Dec 31, 1908 recorded in the office of the County Recorder of Davis County, Utah, in Book of Deeds page 425 Filing No. 17646, to-wit:

Commencing at a point 24 rods $12\frac{1}{2}$ feet South and 111 rods West from the North corner of the Southwest $\frac{1}{4}$ of Section 31, in Township 3 North of Range 1 East of Salt Lake Meridian, and running thence West 45 rods, thence South 5 rods 15 feet, thence East 5 rods, thence North 5 rods $11\frac{1}{2}$ feet to the point of commencement, containing $1\text{-}\frac{5}{8}$ more or less.

Together with appurtenances.

ALSO the following described tract of land deeded to Vernes L. Halliday by Deed dated November 5th, 1908 recorded in the office of the County recorder of said Davis County, Utah in Book "V" of Deeds page 504, to-wit: (Filing No. 14494)

Commencing at a point 24 rods $12\frac{1}{2}$ feet South and 48 rods West from the North corner of the Southwest $\frac{1}{4}$ 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 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 perpetual right of way for irrigation purposes over and through a certain 2 rod lane running West from Davis County Highway 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

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 County Utah, in Book "X" of Deeds page 11, filing No. 15227, to-wit:

Commencing at a point 42 rods $6\text{-}\frac{3}{4}$ feet South and 60 rods East from the North corner of the Southeast $\frac{1}{4}$ of Section 31, in Township 3 North of Range 1 East, Salt Lake Meridian, and running thence East 20 rods and 6 feet, thence South 14 rods, thence West 37 rods, thence in a northwesterly direction 36 rods, more or less, to the center of a certain revenue, thence in a southwesterly direction along the center of said revenue 37 rods, more or less to point of commencement, containing 7 acres, more or less. To-wit: with appurtenances.

ALSO the following described tract of land deeded to V. L. Halliday, by deed April 18th, 1912, Recorded in the office of the County Recorder of Davis County, Utah in Book "Y" of Deeds page 132, filing No. 19167, to-wit:

Commencing at a point 24 rods $12\frac{1}{2}$ feet South and 37 rods 2 feet West from th

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 286, filing #27344, to-wit:

A perpetual right of way on and over: Beginning at a point 43 rods South and West from the Northeast corner of the Southwest quarter of Section 31, Township 3 of 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 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 Certificate #18 for one share of the Capital stock of the Ricks Creek Irrigation Company appurtenant to all of the land above described herein.

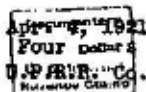
WITNESS the hand of said grantor, this Fourth day of APRIL A. D. 1921.

Signed in the presence of:

V. L. Halliday

Geo. Havercamp

STATE OF UTAH I
 I ss
COUNTY OF SALT LAKE I



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 : My commission expires

Sept. 25, 1923.



R. Murray Stewart

NOTARY PUBLIC.

Salt Lake County, Uts

Recorded August 21st, 1923 at 1:30 P. M.

Abstracted 2/106

Hilda L. Brown County Rec

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 Layton Davis County Utah for the sum of One Dollar

Exhibit 2b

JOHN W. WALPOLE and MARGARET K. WALPOLE, his wife GRANTORS, of CENTERVILLE, Davis County, State of Utah, hereby CONVEY and WARRANT, unto ERNEST WALPOLE, GRANTEE, of CENTERVILLE, Davis County, State of Utah, for the sum of ONE AND 00/100 (\$1.00) 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 SE $\frac{1}{4}$ of Section 31, Township 3 North, 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 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 "T" 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 S. 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 NE $\frac{1}{4}$ 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 North 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 12 $\frac{1}{2}$ feet South and 111 rods West from the Northeast corner of the SW $\frac{1}{4}$ 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 11 $\frac{1}{2}$ 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 No. 17646.

ALSO COMMENCING at a point 24 rods 12 $\frac{1}{2}$ feet South and 48 rods West from the Northeast corner of the SW $\frac{1}{4}$ 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.

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 irrigation purposes through and along said lane by ditch or other means.

Said described tract of land deeded to Vernae 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 SE $\frac{1}{4}$ 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 Vernae 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 1/2 feet South and 37 rods 2 feet West from the Northeast corner of the SW 1/4 of Section 31, Township 3 North, Range 1 East, Salt Lake Meridian, running thence West 10 rods 10 1/2 feet, more or less; thence South 5 rods 8 1/2 feet; thence East 10 rods 10 1/2 feet, more or less, to a point 5 rods 8 1/2 feet South of the point of commencement; thence North 5 rods 8 1/2 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 Northwest corner of the SE 1/4 of Section 31, Township 3 North, Range 1 East, Salt Lake Meridian, thence East 80 rods; thence South 4 rods; thence West 80 rods; thence North 4 rods to the place of beginning. Area 2.00 acres.

Said 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 "X" 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: BEGINNING at a point 42 rods South and 1 rod West from the Northeast corner of the SW 1/4 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 Certificate No. 13 for 4 shares and Certificate No. 18 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
Nephi Palmer

John W Walpole
Margaret K Walpole

STATE OF UTAH I
 SS.
COUNTY OF DAVIS I

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 me that they executed the same.

My Commission Expires:
Aug. 20, 1937



Nephi Palmer
Notary Public.
Residing at Farmington, Utah.
Abstracted 5/16.

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

Ruby Merrill County Recorder.

Exhibit 2c

Recorded at Request of William B. Rybeck AUG 30 1963
at 9:20 AM. Fee Paid \$ 2.00 EMILY T. ELDREDGE, DAVIS COUNTY RECORDER
By Ernest W. Walpole Dep. Book 275 Page 17 Ref: 124-31-37-8
Mail tax notice to _____ Address _____

256235

WARRANTY DEED

ERNEST WALPOLE, a Widower, grantor
of Centerville, County of Davis, State of Utah, hereby
CONVEYS and WARRANTS to

SEYMOUR HIGBY and WILLIAM B. RYBECK

grantees
of Centerville, County of Davis, State of Utah
for the sum of Five Dollars and other valuable considerations--DOLLARS,

the following described tract of land in Davis County,
State of Utah, to-wit:

Commencing at a point 24 rods 11 feet South and
4 rods West from the Northeast Corner of the Southwest
Quarter of Section 31, Township 3 North, Range 1 East,
Salt Lake Meridian, and running thence West 20 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 20 rods and 14 feet;
thence North 5 rods and 10 feet to the point of commencement,
containing 165 square rods, more or less.

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 appur-
tenant to said premises.

WITNESS the hand of said grantor, this 25th day of October A. D. 1961.

Signed in the presence of Ernest W. Walpole
Keith L. Stahle

STATE OF UTAH,
County of Davis.

ss.
On the 25th day of October A. D. 1961, personally
appeared before me ERNEST WALPOLE, a Widower,

the signer of the within instrument who duly acknowledged
to me that he executed the same.

Keith L. Stahle
Notary Public.
My Commission expires May 15, 1963 My residence is _____

Plat-1
Abstracted
Indexed
On Margin
Compared
Entered



Exhibit 3

WARRANTY DEED.

Entry No. 19167
J. Lynn Drake and Mary Drake, husband and wife, grantor &
of Centerville, County of Davis, State of Utah, hereby CONVEY AND WARRANT to J. L. Spalding
grantee of Salt Lake City, Utah

for the sum of Fifty \$4
DOLLARS,
the following described tract of land in Davis County, State of Utah: to-wit:

Commencing at a point 24 rods 12 1/2 feet South and 27 rods and 2 feet west from the northwest corner of the Southwest 1/4 of Section 31 in Township 3 North of Range 1 East, Salt Lake Meridian, running thence west 10 rods 10 1/2 feet, more or less to east line of grantee's land, thence South along said east line 5 rods 8 1/2 feet, thence east 10 rods 10 1/2 feet more or less to a point 5 rods 8 1/2 feet South of commencement point thence north 5 rods 8 1/2 feet to point of commencement, containing 60 rods of land, more or less together with its appurtenances, including 1 share of water in Ricks Creek. It is hereby understood that the party of the first part is to have and use the said share of water immediately after his own share in said Corporation.

WITNESS the hand of said grantor & this 12th day of April, A.D. 1912.

Signed in the presence of
J. E. Robinson
J. Lynn Drake
Mary Drake

STATE OF UTAH, }
COUNTY OF Davis, } ss. On the 12th day of April A. D. 1912,
personally appeared before me, J. Lynn Drake and Mary Drake, husband and wife,
the signer & of the above instrument, who duly acknowledged to me that they executed the same.



My Commission expires October 5, 1912.
Recorded at Request of J. L. Spalding
in Book "Y" of Warranty-Deed Record, page 132, Records of Davis County, Utah, abstracted
Recording Fee paid \$.70.
J. E. Robinson
Notary Public
May 16 25 1912, at 9:05 o'clock A. M.
E/111

J. L. Spalding
County Recorder, Davis County, Utah

See Warranty Deed in Book 17 of Books,
Book 102
See Warranty Deed in Book 17 of Books,
Book 102

Exhibit 4

WHEN RECORDED, MAIL TO:
Spencer Packer and Pamela Packer
581 Valley Drive
Centerville, UT 84014

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 11 day of February, 2015.

The Ostergaard Family Trust

BY: Royce P. Ostergaard, Trustee

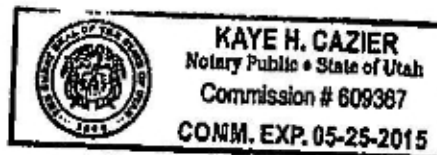
BY: Norma J. Ostergaard, Trustee

STATE of Utah

COUNTY OF Davis

On the 11 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.

Kaye H. Cazier
Notary Public
My Commission Expires: 5-25-15



~~2848779~~
~~BK 6285 PG 1085~~

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 $12^{\circ}42'$ 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

WHEN RECORDED, MAIL TO:

820131-27-110 681

3365360 BK 7727 PG 2176

Recorded at office of SECURITY TITLE COMPANY Order No. 53302 Fee Paid 2.40
Date MAR 14 1972 9:20 AM MAGUIRE'S COURSE Recorder Davis County
By *[Signature]* Deputy Book 480 Page 681

Space Above for Recorder's Use

362078

WARRANTY DEED

William B. Rigby and Helen S. Rigby, his wife;
Seymour Rigby and Patricia A. Rigby, his wife grantors
of Centerville, County of Davis, State of Utah, hereby
CONVEY and WARRANT to

Royce P. Ostergaard and Norma Ostergaard, husband and wife, as
joint tenants grantees
of Centerville, County of Davis, State of Utah
for the sum of one hundred and no/100 DOLLARS,
and other good and valuable consideration
the following described tract of land in Davis County,
State of Utah,

Beginning at a point 408.5 feet South and 512.5 feet West of the
Northwest corner of the Southwest Quarter of Section 31, Township
3 North, Range 4 East, Salt Lake Meridian, and running thence
West 571.70 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 Panhandle Railroad Right of Way, 56.5 feet wide; thence South
1254.2 feet East 94.57 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.

WITNESS the hand of said grantors this 11 day of March A. D. 19 72

Signed in the presence of
[Signature]
[Signature]
[Signature]
[Signature]

STATE OF UTAH,
COUNTY OF Davis } st.

On the 11th day of March, A.D. 19 72
personally appeared before me Seymour Rigby and Patricia A. Rigby, his wife
William B. Rigby and Helen S. Rigby, his wife
the signers of the within instrument, who duly acknowledged to me that he executed the
same.

[Signature]
Notary Public.

My commission expires March 2, 1975 Residing in Centerville, Utah

Exhibit 6

WHEN RECORDED MAIL TO:
Spencer Packer
581 Valley Drive
Centerville Utah
84014

E 3246453 B 7501 P 1060-1061
RICHARD T. NAUGHAN
DAVIS COUNTY, UTAH RECORDER
04/28/2020 11:09 AM
FEE \$40.00 Page 2
DEF RT REC'D FOR SPENCER PACKER

RETURNED

APR 28 2020

09-072-0031

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.

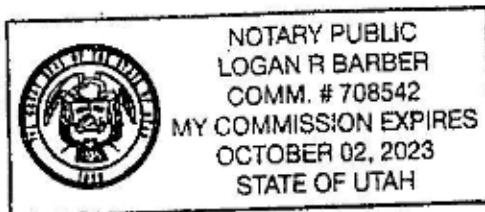
Helen S. Rigby
Helen S. Rigby

Debra Pauline Rigby
Debra Pauline Rigby

STATE of Utah
COUNTY of Davis

On the 28 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.

Logan R Barber
Notary Public
My Commission Expires : Oct 02 2023



**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 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.

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

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 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 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

Recorded at request of Mabel DeVore Fee Paid \$ 3.20
Date SEP 20 1972 at 10¹⁵ A.M. MARGUERITE S. GOURNE Recorder Davis County
BY To Bill Manning Deputy Book 499 Page 477

370300

SPECIAL WARRANTY DEED SW 31-37-1 E

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 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; 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

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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

HUGH S. CANNON, Grantor

STATE OF WASHINGTON)
 : SS
COUNTY OF KING)

On this 10th day of April, 1972, personally appeared before me HUGH S. CANNON, the signer of the foregoing instrument, who duly acknowledged to me that he executed the same.

My Commission Expires:

5-25-72

R. Thatcher

NOTARY PUBLIC
Residing at Kathu, Washington



Exhibit 8

D25776

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

WARRANTY DEED

DEAN A. DEVORE, JACK DEVORE, W. STEVE MEYER Successor Trustees of the MABEL
DEVORE FAMILY TRUST dated AUGUST 31, 1988 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

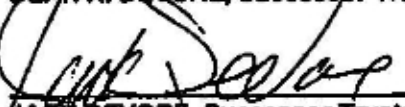
PER THE PROVISIONS OF THE TRUST THOSE BEING PAGE 18 PARAGRAPH D AND
SCHEDULE T APPOINT DEAN A. DEVORE, JACK DEVORE, W. STEVE MEYER
SUCCESSOR TRUSTEE UPON THE DEATH OF MABEL MATHILDA DEVORE AS SHOWN IN
THE DEATH CERTIFICATE NO. 2019008137 FILED IN THE STATE OF UTAH

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

MABEL DEVORE FAMILY TRUST AUGUST 31,
1988



DEAN A. DEVORE, Successor Trustee



JACK DEVORE, Successor Trustee



W. STEVE MEYER, Successor Trustee

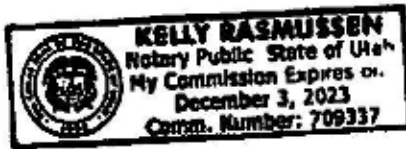
~~3237273~~
~~BK 7476 PG 1034~~

STATE OF UTAH)
) :SB
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



~~2237273~~
~~BK 1478-EG-1145~~

ORDER NUMBER: D25776

EXHIBIT "A"

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 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 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.

OLD PARCEL TO BE SOLD CUTLER

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 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 192.08 FEET TO THE POINT OF BEGINNING.

Exhibit 9

3365360
BK 7727 PG 2188

~~3339248~~
~~BK 7681 PG 363~~

E 3339248 B 7681 P 363-365
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
1/22/2021 8:53:00 AM
FEE \$40.00 Pgs: 3
DEP eCASH REQ'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 21 day of January, 2021.

Symphony Development Ccrp


Robert Miller, President

40902-21-14048

STATE OF UTAH

COUNTY OF DAVIS

On the 21 day of January, 2021, personally appeared before me Robert Miller, who being by me duly sworn 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

Kaye H. Cazier


Notary Public


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 corner 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 corner 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.