

Line 17  
Peoa, Utah  
94661

A F F I D A V I T

STATE OF UTAH )  
                  : ss.  
COUNTY OF SUMMIT )

Entry No.	143695	Book	M107
RECORDED	112.78	at	3:34 M
REQUEST of	Blair Maxwell		
FEE	\$ 5.50	WANDA Y. SPRIGGS, SUMMIT CO. RECORDER	
INDEXED		By Wanda Y. Spriggs	
		ABSTRACT	

Blair Maxwell of Peoa, Utah, being first duly sworn on oath deposes and says:

1. That he is the owner of five hundred twenty (520) acres located in Section 22, Township 1 South, Range 5 East, Salt Lake Meridian, in Summit County, Utah.

2. That the affiant acquired his interest in the above named Section 22 from his father, William Maxwell.

3. That the affiant's father, William Maxwell, acquired the above described property by homesteading said property, and then acquiring a patent to said property from the United States.

4. That the said William Maxwell acquired the patent to said land from the United States of America on July 16, 1931, said patent being recorded on October 9, 1941, in Book R, Page 439 of the records of the Summit County Recorder's Office.

5. That the said William Maxwell, in order to homestead the lands in said Section 22, had to make a road approximately 800 feet in length extending through the southeast quarter of Section 16, Township 1 South, Range 5 East, Salt Lake Meridian, to connect with his lands lying in the northwest quarter of the northwest quarter of said Section 22.

6. That the said William Maxwell used said road extending through the southeast quarter of said Section 16 from the time he commenced homesteading said Section 22 up until the time of William Maxwell's death in 1971. That in addition to his use of said road through the southeast quarter of said Section 16, the said William Maxwell had leased his property in said Section 22 for grazing during the summer and early fall months of the years, and William Maxwell's lessees also used the road for ingress and egress to get to the property in said Section 22.

7. That the affiant for approximately the last 30 years has used the road several times each year during that period for ingress and egress to

BOOK #107 PAGE 658

the affiant's land in said Section 22.

8. That the use of said roadway by the said William Maxwell, the lessees of William Maxwell, and the affiant through said Section 16 has been open, notorious, and adverse to the rights of the owner of the southeast quarter of said Section 16.

9. That the former owner of the southeast quarter of said Section 16, Tracy Wright, prior to his death, acknowledged to the affiant that the affiant had a prescriptive easement over the southeast quarter of said Section 16 for ingress and egress to the affiant's lands in said Section 22.

10. That the use of said roadway in the southeast quarter of said Section 16 by the said William Maxwell and the affiant has been at various times throughout the years. The affiant and his father have used various types of vehicles to gain access to their property in said Section 22.

11. That the said William Maxwell, at various times from the time he homesteaded the property up until his death, maintained the roadway in a condition that would permit the passage of vehicular and animal traffic on said right of way through the southeast quarter of said Section 16.

DATED this 12th day of January, 1978.

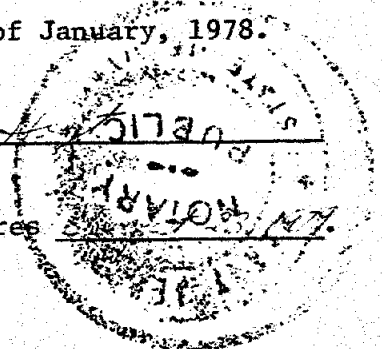
Blair Maxwell  
BLAIR MAXWELL

Subscribed and sworn to before me this 12th day of January, 1978.

Mary Jane H. [Signature]  
Notary Public

Residing at Kamas, Utah

My commission expires



BOOK 107 PAGE 659