



W2269938

E# 2269938 PG 1 OF 7
ERNEST D ROWLEY, WEBER COUNTY RECORDER
08-JUN-07 4:18 PM FEE \$113.00 DEP VD
REC FOR: BACKMAN NTP
ELECTRONICALLY RECORDED

When recorded return to:

Thomas K. Checketts
Kirton & McConkie
P.O. Box 45120
Salt Lake City, UT 84145-0120

6-019473
(7 pg)
19-014-0019
19-206-0001

Cross reference Entry # 2108292 and Entry # 2245262

This affidavit affects or clarifies the effect of the CC&Rs as they relate, or do NOT relate, as the case may be, to Parcel Nos. 19-204-0001-0048, 19-205-0001-0042, 19-206-0001 and 19-207-0001

**AFFIDAVIT OF SCRIVENOR'S ERROR
REGARDING THAT CERTAIN
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF THE
WESTVIEW SUBDIVISION**

AND

**RECISSION OF THAT CERTAIN
FIRST AMENDED DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS OF THE WESTVIEW SUBDIVISION**

[Affects CPB Property No. 592-2711]

AFFIDAVIT

DON J. JONES ("Jones"), BRADLEY R. BEUS ("Beus"), and PAUL B. HUMPHRIES ("Humphries") being first duly sworn upon oath, depose and state the following:

1. Jones and Beus conveyed approximately 45.380 acres of real property located in the City of Pleasant View, Weber County, Utah (the "Phase 1 Property"), to Red River Properties, Inc., an entity controlled by Humphries. A legal description of the Phase 1 Property is attached hereto as Exhibit 1.

2. There remained certain commercial real property located adjacent to the Phase 1 Property (individually, the "Phase 2 Property" (2.386 acres), and the "Phase 3 Property" (4.254 acres), and collectively, the "Phase 2 and 3 Property"). A legal description of the Phase 2 and 3 Property is attached hereto as Exhibit 2.

3. Red River Properties, Inc. developed a residential subdivision on the Phase 1 Property and Humphries who was then the president of Red River Properties, Inc. recorded those

certain Declaration of Covenants, Conditions and Restrictions of the Westview Subdivision (the "CC&Rs") in the Weber County Recorder's office as Entry No. 2108292 on June 8, 2005.

4. At the time the CC&Rs were recorded, the legal description of Lots 1-88 of the Phase 1 Property was inadvertently left out of Section 3 of the CC&Rs. The CC&Rs were correctly recorded against ~~ef~~ Lots 1-88 of ~~the~~ Phase 1 Property, but incorrectly recorded against the Phase 2 and 3 Property, and Lot 89.

5. **The CC&Rs were never intended to, nor was Red River Properties, Inc. or Humphries ever the owner or authorized to, encumber the Phase 2 and 3 Property with the CC&Rs. It was a scrivener's error to ever encumber the Phase 2 and 3 Property with the CC&Rs.**

6. **It was and is the affiants' intent that the CC&Rs continue to encumber the Phase 1 Property except for Lot 89 in Westview Subdivision Phase 1.**

RECISSION OF AMENDED CC&Rs

7. **Red River Properties, Inc., through its president, Jones, attempted to resolve the issues set forth herein by filing that certain First Amended Declaration of Covenants, Conditions and Restrictions of the Westview Subdivision (the "Amended CC&Rs") on the Phase 1 Property. The Amended CC&Rs were recorded in the real property records of Weber County on February 28, 2007 as Entry # 2245262. Jones hereby rescinds the filing of the Amended CC&Rs and declares them to be of no force or effect.**

Further affiants sayeth not.

This affidavit is effective this ____ day of March, 2007.



[signatures begin on the next page.]

RED RIVER PROPERTIES, INC.

Don M. Jones
DON M. JONES,
President

STATE OF UTAH)
) : ss.
COUNTY OF Salt Lake)

The foregoing instrument was acknowledged this 23rd day of ~~March~~ ^{May}, 2007, by Don M. Jones, the President of Red River Properties, Inc.



Melani Burt
Notary Public

Don M. Jones
DON M. JONES, individually

STATE OF UTAH)
) : ss.
COUNTY OF Salt Lake)

The foregoing instrument was acknowledged this 23rd day of ~~March~~ ^{May}, 2007, by Don M. Jones.



Melani Burt
Notary Public

Bradley R. Beus
BRADLEY R. BEUS

STATE OF UTAH)
) : ss.
COUNTY OF SL)

The foregoing instrument was acknowledged before me this 1 day of June March, 2007, by
Bradley R. Beus.

Keith W. Meade
Notary Public



RED RIVER PROPERTIES, INC.

Paul B. Humphries
PAUL B. HUMPHRIES,
Former President

STATE OF UTAH)
 : ss.
COUNTY OF Salt Lake)

The foregoing instrument was acknowledged this 10th day of April March, 2007, by Paul B. Humphries, the Former President of Red River Properties, Inc.



Melani Burt
Notary Public

Paul B. Humphries
PAUL B. HUMPHRIES, individually

STATE OF UTAH)
 : ss.
COUNTY OF Salt Lake)

The foregoing instrument was acknowledged before me this 10th day of April March, 2007, by Paul B. Humphries.



Melani Burt
Notary Public

EXHIBIT 1PHASE 1

A PART OF THE SOUTH HALF OF SECTION 24 AND THE NORTH HALF OF SECTION 25, TOWNSHIP 7 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN. BEGINNING AT A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF PLEASANT VIEW DRIVE, SAID POINT BEING LOCATED NORTH 00°48'35" EAST 488.07 FEET ALONG THE EAST LINE OF SAID SECTION AND NORTH 52°13'25" WEST 1008.82 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 24; RUNNING THENCE NORTH 52°13'25" WEST 143.35 FEET TO THE NORTHEASTERLY PROPERTY CORNER OF THE MARK SCHNEIDER PROPERTY; THENCE ALONG SAID PROPERTY THE FOLLOWING THREE (3) COURSES: (1) SOUTH 56°59'31" WEST 345.78 FEET; (2) NORTH 32°45'24" WEST 136.92 FEET; (3) NORTH 56°59'31" EAST 297.45 FEET TO SAID WESTERLY RIGHT-OF-WAY LINE OF PLEASANT VIEW DRIVE; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES: (1) NORTH 52°13'25" WEST 251.61 FEET; (2) TO THE LEFT ALONG THE ARC OF A 5689.58 FOOT RADIUS CURVE A DISTANCE OF 259.11 FEET; CHORD BEARS NORTH 53°31'42" WEST 259.09 FEET TO GRANTORS NORTHERLY PROPERTY LINE; THENCE SOUTH 56°59'31" WEST 1839.92 FEET (SOUTH 56°32' WEST 1849.98 FEET RECORD) TO A POINT DESCRIBED OF RECORD AS BEING LOCATED 3 CHAINS NORTH AND 7.36 CHAINS WEST FROM THE SOUTH QUARTER CORNER OF SAID SECTION 24; THENCE SOUTH 44°35'13" EAST (SOUTH 42°35' EAST RECORD) 234.96 FEET TO A POINT DESCRIBED OF RECORD AS BEING LOCATED NORTH 670.7 FEET AND SOUTH 47°52'00" WEST 310.6 FEET AND SOUTH 42°35'00" EAST 102.96 FEET FROM SAID SOUTH QUARTER CORNER; THENCE SOUTH 36°42'26" EAST 280.40 FEET; THENCE SOUTH 56°59'31" WEST 95.91 FEET; THENCE SOUTH 60°48'22" WEST 45.10 FEET; THENCE SOUTH 56°59'31" WEST 50.00 FEET; THENCE TO THE RIGHT ALONG THE ARC OF A 967.00 FOOT RADIUS CURVE A DISTANCE OF 64.57 FEET, CHORD BEARS SOUTH 58°54'17" WEST 64.55 FEET; THENCE SOUTH 60°49'04" WEST 140.35 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF HIGHWAY 89; THENCE SOUTH 29°10'56" EAST 66.00 FEET ALONG SAID EASTERLY RIGHT-OF-WAY LINE; THENCE NORTH 60°49'04" EAST 140.35 FEET; THENCE TO THE LEFT ALONG THE ARC OF A 1033.00 FOOT RADIUS CURVE A DISTANCE OF 68.97 FEET, CHORD BEARS NORTH 58°54'18" EAST 68.96 FEET; THENCE NORTH 56°59'31" EAST 50.00 FEET; THENCE NORTH 53°10'41" EAST 45.10 FEET; THENCE NORTH 56°59'31" EAST 94.79 FEET; THENCE SOUTH 29°11'02" EAST 467.52 FEET TO GRANTORS SOUTHERLY PROPERTY LINE; THENCE NORTH 57°49'17" EAST (NORTH 57°28' EAST RECORD) 1766.47 FEET TO A POINT DESCRIBED OF RECORD AS BEING LOCATED 557.5 FEET NORTH AND 611.29 FEET NORTH 52°58'00" WEST AND SOUTH 57°28'00" WEST 464.8 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 24; THENCE NORTH 52°36'43" WEST (NORTH 52°58' WEST RECORD) 200.00 FEET; THENCE NORTH 57°49'17" EAST 300.45 FEET; THENCE NORTH 36°55'43" WEST 127.30 FEET; THENCE NORTH 58°01'31" EAST 84.62 FEET TO THE POINT OF BEGINNING. CONTAINING 45.380 ACRES AND 89 LOTS.

Tax Parcel Nos. 19-205-0001 to 0042 and 19-204-0001 to 0048.

EXHIBIT 2PHASE 2:

A PART OF THE SOUTH HALF OF SECTION 24 AND THE NORTH HALF OF SECTION 25, TOWNSHIP 7 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN. BEGINNING AT A POINT ON THE WESTERLY LINE OF LOT 69, WESTVIEW SUBDIVISION PHASE 1, SAID POINT BEING LOCATED NORTH 00°33'37" EAST 384.94 FEET ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 24 AND NORTH 90°00'00" WEST 158.77 FEET FROM THE SOUTH QUARTER CORNER OF SAID SECTION 24; RUNNING THENCE ALONG THE BOUNDARY OF SAID WESTVIEW SUBDIVISION PHASE 1 THE FOLLOWING (6) COURSES: (1) SOUTH 36°42'26" EAST 280.40 FEET; (2) SOUTH 56°59'31" WEST 95.91 FEET; (3) SOUTH 60°48'22" WEST 45.10 FEET (4) SOUTH 56°59'31" WEST 50.00 FEET; (5) TO THE RIGHT ALONG THE ARC OF A 967.00 FOOT RADIUS CURVE A DISTANCE OF 64.57 FEET, CHORD BEARS SOUTH 58°54'17" WEST 64.55 FEET; (6) SOUTH 60°49'04" WEST 140.35 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF HIGHWAY 89; THENCE NORTH 29°10'56" WEST 265.89 FEET ALONG SAID EASTERLY RIGHT-OF-WAY LINE; THENCE NORTH 56°59'31" EAST 359.63 FEET TO THE POINT OF BEGINNING. CONTAINING 2.386 ACRES AND 1 LOT, WHICH LOT IS NOW KNOWN AS LOT 90, WESTVIEW SUBDIVISION PHASE 2, PLEASANT VIEW CITY, WEBER COUNTY, UTAH, ACCORDING TO THE OFFICIAL PLAT THEREOF.

Tax Parcel No. 19-206-0001. ✓

PHASE 3:

A PART OF THE SOUTH HALF OF SECTION 24 AND THE NORTH HALF OF SECTION 25, TOWNSHIP 7 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN. BEGINNING AT THE SOUTHERLY CORNER OF LOT 20, WESTVIEW SUBDIVISION PHASE 1, SAID POINT BEING LOCATED SOUTH 89°13'00" EAST 272.34 FEET ALONG THE SOUTH LINE OF SAID SECTION 24 AND SOUTH 0°00'00" EAST 295.25 FEET FROM THE SOUTH QUARTER CORNER OF SAID SECTION 24; RUNNING THENCE SOUTH 57°49'17" WEST 399.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF HIGHWAY 89; THENCE NORTH 29°10'56" WEST 470.42 FEET ALONG SAID EASTERLY RIGHT-OF-WAY LINE TO THE SOUTHERLY BOUNDARY OF WESTVIEW SUBDIVISION PHASE 1; THENCE ALONG SAID BOUNDARY THE FOLLOWING (6) COURSES: (1) NORTH 60°49'04" EAST 140.35 FEET (2) TO THE LEFT ALONG THE ARC OF A 1033.00 FOOT RADIUS CURVE A DISTANCE OF 68.97 FEET, CHORD BEARS NORTH 58°54'18" EAST 68.96 FEET; (3) NORTH 56°59'31" EAST 50.00 FEET; (4) NORTH 53°10'41" EAST 45.10 FEET (5) NORTH 56°59'31" EAST 94.79 FEET; (6) SOUTH 29°11'02" EAST 467.52 FEET TO THE POINT OF BEGINNING. CONTAINING 4.254 ACRES AND 1 LOT, WHICH LOT IS NOW KNOWN AS LOT 91, WESTVIEW SUBDIVISION PHASE 3, PLEASANT VIEW CITY, WEBER COUNTY, UTAH, ACCORDING TO THE OFFICIAL PLAT THEREOF.

Tax Parcel No. 19-207-0001. ✓

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952704.02