

FENCE LINE AGREEMENT

This Fence Line Agreement is made and entered into this 28TH day of JULY 2006, by and between **WILLIAM RUSSELL CUMMINGS and NANCY L. CUMMINGS, husband and wife, as joint tenants with full rights of survivorship and not as tenants in common and M & S Development, LLC, an Idaho Limited Liability Company**

1. **WILLIAM RUSSELL CUMMINGS and NANCY L. CUMMINGS, husband and wife, as joint tenants with full rights of survivorship and not as tenants in common, are the owners, in Fee Simple, of the following described parcel of real property, situated in Wasatch County, State of Utah, hereinafter referred to as the "Cummings" Parcel, and being more particularly described in Quit Claim Deed recorded September 15, 1976 as Entry No. 107902 in Book 107 at page 355, official records of Wasatch County, Utah, as follows:**

SEE ATTACHED EXHIBIT "A"

2. **M & S Development, LLC, an Idaho Limited Liability Company, is the owner, in fee simple, of the following described parcel of real property, situated in Wasatch County, State of Utah, hereinafter referred to as the "M&S" Parcel, and being more particularly described in Special Warranty Deed recorded March 3, 2006 as Entry No. 297682 in Book 833 at page 647, official records of Wasatch County, Utah. as follows:**

SEE ATTACHED EXHIBIT "B"

3. The "M&S" Parcel lies immediately adjacent to the fence of the "Cummings" Parcel.
4. The exact location of the boundary between the "M&S" Parcel and the "Cummings" Parcel is in question. In order to eliminate any confusion and to forever determine the issue of the common boundary line between the "M&S" Parcel and the "Cummings" Parcel, the undersigned parties desire to establish said boundary line. The new fence line boundary line that the undersigned parties agree to is the common boundary line described in the following:

SEE ATTACHED EXHIBIT "C"

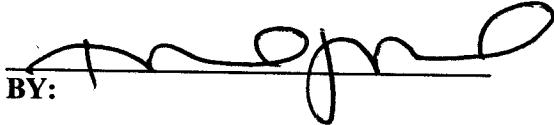
NOW THEREFORE, in consideration of the above premises, and for other good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged, and for the purpose of permanently establishing the common legal and physical boundary line between the parcels described herein, it is hereby agreed as follows:

5. **M & S Development, LLC, an Idaho Limited Liability Company hereby releases, remises, and quit claims to WILLIAM RUSSELL CUMMINGS and NANCY L. CUMMINGS, husband and wife, as joint tenants with full rights of survivorship and not as tenants in common all of its right, title and interest in and to any real property lying immediately to the South of the common fence, and WILLIAM RUSSELL CUMMINGS and NANCY L. CUMMINGS, hereby releases, remises, and quit claim to M & S Development, LLC, an Idaho Limited Liability Company all of its right, title and interest in and to any real property lying immediately to the North of the common fence.**

Ent 306246 Bk 883 Pg 61-67
Date: 18-AUG-2006 8:57AM
Fee: \$47.00 Check Filed By: MWC
ELIZABETH PALMIER, Recorder
WASATCH COUNTY CORPORATION
For: FIRST AMERICAN TITLE HEBER

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement on the date hereinabove first mentioned.

M & S Development, LLC, an Idaho Limited Liability Company

BY: 

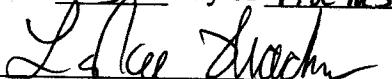
BY:


WILLIAM RUSSELL CUMMINGS

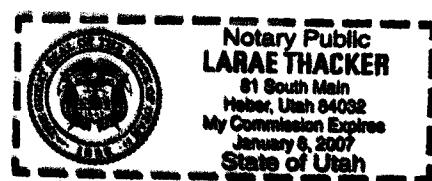

NANCY L. CUMMINGS

STATE OF UTAH)
SS:
COUNTY OF WASATCH)

On this 3 day of August, 2006, personally appeared before me M & S Development, LLC, an Idaho Limited Liability Company, to me known to be the individual, or individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned. Given under my hand and official seal this 3 day of August, 2006

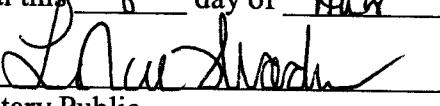


Notary Public
My Commission Expires: _____
Residing at: _____



STATE OF UTAH)
SS:
COUNTY OF WASATCH)

On this 8 day of Aug, 2006, personally appeared before me WILLIAM RUSSELL CUMMINGS and NANCY L. CUMMINGS, to me known to be the individual, or individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned. Given under my hand and official seal this 8 day of Aug, 2006


Notary Public

My Commission Expires: _____
Residing at: _____

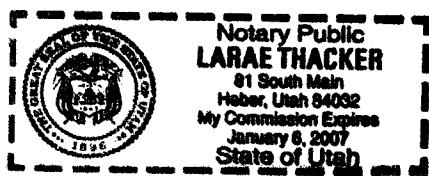


EXHIBIT "A"

BEGINNING at a point 20 chains West of the Northeast Corner of the Southeast Quarter of Section 10, Township 4 South, Range 5 East of the Salt Lake Meridian; and running thence South 160 rods; thence West 31 rods 10 feet; thence North 22 rods; thence West 20 rods; thence South 22 rods; thence West 28 rods $6 \frac{1}{2}$ feet; thence North 180 rods; thence East 80 rods; thence South 20 rods to the place of BEGINNING.

EXCEPTING from said tract of land, the following:

BEGINNING at a point which is 2171.5 feet West of the Southeast corner of said Section 10; and running thence North 165 feet; thence West 247.5 feet; thence South 165 feet; thence East 247.5 feet to the place of BEGINNING.

TAX SERIAL #: OWC-1740

EXHIBIT "B"

Beginning at the Northeast corner of the Southeast quarter of Section 10, Township 4 South, Range 5 East, Salt Lake Meridian, and running thence South 5 chains; thence West 10 chains; thence South 5 chains; thence West 10 chains; thence North 15 chains; thence West 20 chains; thence North 15 chains; thence East 20 chains; thence North 10 chains; thence East 20 chains; thence South 30 chains to beginning.

Less and Excepting from the above described property:

Beginning 1650 feet South of the Northeast corner of Section 10, Township 4 South, Range 5 East, Salt Lake Base and Meridian; thence West 208 feet 8 inches; thence South 208 feet 9 inches; thence East 208 feet 8 inches; thence North 208 feet 9 inches to beginning.

Beginning 660 feet South of the Northeast corner of Section 10, Township 4 South, Range 5 East of the Salt Lake Base and Meridian; thence South 293 feet; thence West 246 feet; thence North 293 feet; thence East 246 feet to the place of beginning.

Commencing at a point which is South 1858.75 feet from the Northeast corner of Section 10, Township 4 South, Range 5 East, Salt Lake Base and Meridian, and running thence South 208.71 feet; thence West 208.71 feet; thence North 208.71 feet; thence East 208.71 feet to the point of beginning.

Commencing South 953.0 feet from the Northeast corner of Section 10, Township 4 South, Range 5 East, Salt Lake Base and Meridian; thence South 233.71; thence South 86°54'22" West 271.02 feet; thence North 1°50'53" West 248.47 feet; thence East 278.64 feet to the point of beginning.

Any portion lying with 3600 East Street.

Also excepting the following:

Beginning at a point which is South 0°07'54" West 1646.66 feet along the section line (State Plane Basis of Bearing) and West 203.64 feet from the Northeast corner of Section 10, Township 4 South, Range 5 East, Salt Lake Meridian (said section corner being located 1.14 feet West and 3.34 feet South of the Wasatch County Surveyor's Brass Cap Reference Corner); thence South 208.75 feet; thence West 77.20 feet; more or less to the East line of Wildmare Farm Subdivision; thence North 191.34 feet; thence North 52°41'37" East 28.73 feet; thence East 54.35 feet to the point of beginning.

Excepting therefrom:

Beginning at a point which is South 0°07'54" West 1855.45 feet along the Section line (State Plane Basis of Bearing) and West 203.20 feet from the Northeast corner of Section 10, Township 4 South, Range 5 East, Salt Lake Meridian (said Section corner being located 1.14 feet West and 3.34 feet South of the Wasatch County Surveyor's Brass Cap Reference Corner); thence South 208.71 feet; thence West 77.16 feet; more or less to the East line of Wild Mare Farms Subdivision, thence North 208.71 feet; thence East 77.16 feet to the point of beginning.

Excepting therefrom:

All of Plat A-1, Wild Mare Farm Subdivision, AKA, all of Lots 1-24, and 37, Wild Mare Farm Subdivision, Plat A-1, according to the official plat thereof, recorded in the Office of the Wasatch County Recorder.

Excepting therefrom:

All of Wild Mare Farm Plat A-2, more particularly described as follows:

Beginning at a point which is North 89°58'38" West 30.00 feet and North 00°07'54" East 831.11 feet and West 1312.60 feet from the calculated East one quarter corner of Section 10, Township 4 South, Range 5 East, Salt Lake Base and Meridian, said calculated corner being located 0.96 feet North and 7.42 feet West from the Wasatch County Surveyor's brass cap; thence West 1018.30 feet; thence North 32.86 feet; thence West 314.06 feet to a fence line; thence North 1°28'01" West 127.93 feet along a fence line; thence North 0°21'20" West 353.40 feet along said fence line to a fence corner; thence South 89°53'22" East 657.12 feet along a fence line to

a fence corner; thence North 89°38'09" East 331.65 feet along a fence line to a fence corner; thence South 89°42'55" East 330.77 feet along a fence line; thence South 295.88 feet; thence East 18.30 feet; thence South 217.50 feet to the point of beginning.

Also less and excepting the following:

All of Wild Mare Farms, Plat B, according to the Official Plat thereof, recorded in the Office of the County Recorder of Wasatch County, State of Utah.

Less and excepting the following described property:

Beginning at a point which lies North 00°07'54" East 316.24 along the Section line and North 89°52'06" West 30.00 feet from the East Quarter corner of Section 10, Township 4 South, Range 5 East, Salt Lake Base and Meridian; thence South 00°01'29" East 640.15 feet; thence West 630.00 feet; thence South 334.93 feet; thence South 89°29'49" West 669.51 feet; thence North 00°35'02" West 1001.54 feet; thence East 289.69 feet; thence South 20.53 feet; thence East 1019.72 feet to the point of beginning.

The following is shown for informational purposes only: Part of Tax Serial No. OWC-1736.

Also less and excepting the following legal description:

BEGINNING AT THE WASATCH COUNTY SURVEY MONUMENT FOR THE EAST ONE-QUARTER CORNER OF SECTION 10, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN (FROM SAID EAST ONE-QUARTER CORNER THE WASATCH COUNTY SURVEY MONUMENT FOR THE SOUTHEAST CORNER OF SAID SECTION 10 BEARS SOUTH 00°00'10" WEST 2662.89 FEET); AND RUNNING THENCE SOUTH 00°00'10" WEST 322.13 FEET ALONG THE SECTION LINE; THENCE WEST 661.21 FEET; THENCE SOUTH 337.87 FEET; THENCE WEST 658.78 FEET; THENCE NORTH 997.80 FEET; THENCE EAST 259.44 FEET TO THE WESTERLY BOUNDARY OF WILD MARE SUBDIVISION, PLAT B; THENCE SOUTH 01°12'55" WEST 9.72 FEET ALONG SAID SUBDIVISION BOUNDARY; THENCE SOUTH 88°47'05" EAST 484.46 FEET ALONG SAID SUBDIVISION BOUNDARY; THENCE SOUTH 89°26'45" EAST 60.00 FEET ALONG SAID SUBDIVISION BOUNDARY; THENCE EAST 516.41 FEET ALONG SAID SUBDIVISION BOUNDARY AND BOUNDARY EXTENDED TO THE SECTION LINE; THENCE SOUTH 00°00'03" EAST 317.22 FEET ALONG THE SECTION LINE TO THE POINT OF BEGINNING.

EXHIBIT "C"

BEGINNING NORTH 337.80 FEET AND WEST 1060.56 FEET FROM THE WASATCH COUNTY SURVEY MONUMENT FOR THE EAST ONE-QUARTER CORNER OF SECTION 10, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN (FROM SAID EAST ONE-QUARTER CORNER THE WASATCH COUNTY SURVEY MONUMENT FOR THE SOUTHEAST CORNER OF SAID SECTION 10 BEARS SOUTH 00°00'10" WEST 2662.89 FEET);

AND RUNNING THENCE WEST 284.47 FEET AND SOUTH 00°20'34" EAST 8.84 FEET ALONG THE PERIMETER BOUNDARY OF THE EDEN VALLEY SUBDIVISION, ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, WASATCH COUNTY, UTAH;

THENCE ALONG AN ANCIENT FENCE LINE THE FOLLOWING FOUR (4) COURSES: THENCE NORTH 89°49'35" WEST 308.36 FEET; THENCE SOUTH 89°49'15" WEST 265.31 FEET; THENCE SOUTH 88°39'37" WEST 76.58 FEET; THENCE SOUTH 89°45'18" WEST 671.44 FEET;

THENCE NORTH 01°28'01" WEST 540.71 FEET ALONG THE EASTERLY BOUNDARY OF THE SUMMERS AND PARKER SUBDIVISIONS, ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, WASATCH COUNTY, UTAH;

THENCE ALONG THE PERIMETER BOUNDARIES OF THE WILD MARE FARMS SUBDIVISIONS, PLATS A-2, A-1, AND B, ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, WASATCH COUNTY, UTAH, THE FOLLOWING SEVEN (7) COURSES: EAST 314.06 FEET; THENCE SOUTH 32.86 FEET; THENCE EAST 1,250.00 FEET; THENCE SOUTH 284.87 FEET; THENCE SOUTH 88°47'05" EAST 75.29 FEET TO THE BEGINNING OF A NON TANGENT CURVE TO THE LEFT AND CONCAVE SOUTHEASTERLY WITH A RADIUS OF 15.00 FEET AND FROM WHICH A RADIAL LINE BEARS SOUTH 01°12'55" WEST; THENCE SOUTHWESTERLY 23.56 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" (CHORD BEARS SOUTH 46°12'55" WEST 21.21 FEET); THENCE SOUTH 01°12'55" WEST 193.18 FEET TO THE POINT OF BEGINNING.