

### AFFIDAVIT AND NOTICE OF CLAIM

STATE OF UTAH  
COUNTY OF DAVIS

MARK S. THAYNE, being first duly sworn, depose and say, that I am of age and qualified to make this affidavit, that the following facts are true of my own knowledge and not from hearsay, and do now HEREBY SWEAR AND AFFIRM as follows:

I am the owner of that parcel of land described in Exhibit "A". The prevailing grade upon the surface of my property is to the west and south. There is an existing pond located in the southwest corner of my property. This pond has been in existence for over 30 years and was there before I purchased the property. Excess surface and ground water from my property together with the discharge from a subsurface drain pipe of unknown origin accumulate in this pond. The natural drainage out of this pond flows through a channel on the south side of the pond onto the adjacent property to the south. The adjacent property to the south is described in Exhibit "B". The centerline of the existing channel is described in Exhibit "C".

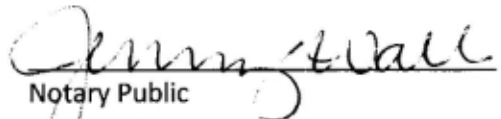
  
Mark S. Thayne

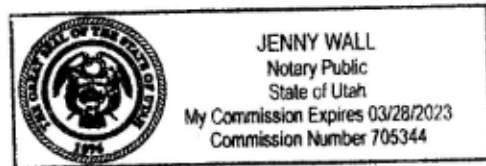
14-116-0005  
14-116-0006  
14-116-0023, 0021  
14-116-0022, 0024

STATE OF UT  
:ss.  
County of Davis

On the 16 day of January, 2020 personally appeared before me

Mark Thayne the signor(s) of the forgoing instrument, who duly acknowledged to me that they, having authority affirm the same.

  
Notary Public  
My commission expires: 3/28/23  
Residing at: Davis County



ACCOMMODATION RECORDING ONLY.  
COTTONWOOD TITLE INSURANCE AGENCY,  
INC. MAKES NO REPRESENTATION AS TO  
CONDITION OF TITLE, NOR DOES IT ASSUME  
ANY RESPONSIBILITY FOR VALIDITY,  
SUFFICIENCY OR EFFECTS OF DOCUMENT.

WHEN RECORDED MAIL TO:  
MARK S. THAYNE  
704 NORTH 3500 WEST  
WEST POINT, UTAH 84015

EXHIBIT "A"

THAT PARCEL OF LAND DESCRIBED IN ENTRY 2106345, BOOK 3872, AT PAGE 1694 RECORDED AT THE DAVIS COUNTY RECORDERS OFFICE SEPTEMBER 16, 2005, IN FAVOR OF MARK S. AND MARYLYNNE THAYNE, DESCRIBED AS FOLLOWS:

THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 36,  
TOWNSHIP 5 NORTH, RANGE 3 WEST, SALT LAKE MERIDIAN,

TOGETHER WITH THE PROPERTY LYING NORTH OF AND CONTIGUOUS TO A FENCE LINE DESCRIBED AS LINE 3 IN THAT CERTAIN BOUNDARY LINE AGREEMENT RECORDED IN BOOK 940, PAGE 312, RECORDS OF DAVIS COUNTY, UTAH

EXCEPTING THEREFROM THAT PROPERTY LYING NORTH OF THE CONTIGUOUS TO A FENCE LINE DESCRIBED AS LINE 2, IN THAT CERTAIN BOUNDARY LINE AGREEMENT RECORDED IN BOOK 940, PAGE 312, RECORDS OF DAVIS COUNTY, UTAH.

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EXHIBIT "B"

THAT PARCEL OF LAND DESCRIBED IN ENTRY 3172957, BOOK 7305, AT PAGES 1314-1315 RECORDED AT THE DAVIS COUNTY RECORDERS OFFICE JULY 16, 2019, IN FAVOR OF SHARON S. RICHEY, DESCRIBED AS FOLLOWS:

THE NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 3 WEST, SALT LAKE MERIDIAN.

~~14-116-0007~~ 14-116-0022, 0023, 0021, 0024  
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EXHIBIT "C"

AN EXISTING OVERFLOW CHANNEL LOCATED IN THE SOUTH BERM OF AN EXISTING POND, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED SOUTH 00°04'17" WEST ALONG QUARTER SECTION LINE 1387.94 FEET AND WEST 1239.07 FEET FROM THE NORTHEAST CORNER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 3 WEST, SALT LAKE BASE & MERIDIAN, AND RUNNING THENCE SOUTH 12°07'28" EAST 27.10 FEET TO AN EXISTING FENCE LINE.

~~14-116-0007~~

14-116-0023, 0021