WHEN RECORDED MAIL TO: Cottonwood Title Insurance Agency, Inc. 950 West 800 North Orem, UT 84057

File No.: 158221-MYM

ENT 50858:2023 PG 1 of 6
Andrea Allen
Utah County Recorder
2023 Aug 04 09:54 AM FEE 40.00 BY MG
RECORDED FOR Cottonwood Title Insurance Agency, Inc.
ELECTRONICALLY RECORDED

SUCCESSOR TRUSTEE AFFIDAVIT

The undersigned, Kathleen M. Cardwell and Carl D. Smith II as Successor Trustees, do hereby affirm the following:

- 1. The copy of the trust document provided to Cottonwood Title Insurance Agency, Inc. is a true and correct copy of the trust agreement of the David Evans Smith Living Trust, dated April 13, 2004 as it may have been amended, is in full force and effect, and has not been revoked or terminated.
- We were well and personally acquainted with David E. Smith and Loretta A. Smith, trustees named in that certain Warranty Deed recorded March 31, 2009 as Entry No. 33420:2009 in the records of the Utah County Recorder, State of Utah.
- 3. The David Evans Smith Living Trust, dated April 13, 2004 was erroneously identified as the Dave Evans Smith Living Trust, dated April 13, 2004 in said Warranty Deed and in the Order and Judgment Quieting Title dated September 7, 2021 filed in case number 210400678 in the Fourth Judicial District Court, State of Utah.
- 4. We know of our own knowledge that David E. Smith in said Warranty Deed and David E. Smith mentioned in the attached Certificate of Death was one and the same person.
- 5. We know of our own knowledge that Loretta A. Smith in said Warranty Deed and Loretta Alice Smith mentioned in the attached Certificate of Death was one and the same person.
- 6. Pursuant to the terms of the trust and the successor trustee provisions therein, we have been duly appointed and named as successor trustees of the Trust.
- 7. We have full power to convey title, sell, or enter into any contract pertaining to real property currently held in the Trust. Said Property is located in Utah County, State of Utah, and more particularly described as:

see Exhibit A attached hereto and made a part hereof.

TAX ID NO.: 14-037-0164, 14-037-0165, 14-037-0167, 14-037-0169, 14-037-0170, 14-037-0172 and 14-037-0174 (for reference purposes only)

- 6. The Trust has not been terminated or amended in any way to restrict our ability to convey title to the above-mentioned property.
- 7. We are still the current successor trustees of the Trust, and there are no new successor co-trustees.
- 8. In light of the foregoing facts, the undersigned, in consideration of the issuance by Fidelity National Title Insurance Company of a policy of Title Insurance covering the said Property in the manner described, the undersigned, hereby promises, covenants and agrees to hold harmless, protect and indemnify Cottonwood Title Insurance Agency, Inc. and Fidelity National Title Insurance Company against any liabilities, losses, damages, expenses and charges that may arise as a result of reliance on this Affidavit.

Signed this 31 day of July, 2023

—Signed with Stavvy:

Kathleen M. Smith Cardwell

Kathĭeen Mi. Cardwell, Successor Trustee

—Signed with Stavvy:

Carl David Smith II

Carl D. Smith II, Successor Trustee

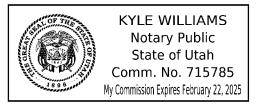
STATE OF UTAH

COUNTY OF UTAH

Subscribed and sworn to before me this _______, by Kathleen M. Cardwell and Carl D. Smith II, Successor Trustees of the David Evans Smith Living Trust, dated April 13, 2004.

Kyle Williams

Notary Public



Notarized remotely via audio/video communication using Stavvy

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EXHIBIT A

PARCEL 1:

Beginning at a point in the center of Grove Creek, said point being East 2405.10 feet from the Northwest Corner of Section 22, Township 5 South, Range 2 East, Salt Lake Base and Meridian, Utah County, Utah and running thence East 234.91 feet; Thence South 2670.96 feet; thence West 556.52 feet to the East line of the Salt Lake Aqueduct property as deeded to The United States of America and described in a Warranty Deed in Book 545, Pages 131-148, Utah County Recorder's office; Thence northwesterly along the Arc of a 250.0 foot radius curve to the left 44.68 feet (chord bears North 35°25'18" West 44.62 feet) along said East line; Thence North 40°32'30" West 876.80 feet along said East line; thence northwesterly along the Arc of a 150.0 foot radius curve to the right 19.24 feet (chord bears North 36°52'04" West 19.23 feet) along said East line; Thence North 33°11'30" West 773.13 feet along said East line to the center of said Grove Creek; Thence North 53°41'31" East 138.89 feet along said creek; thence North 55°42'47" East 159.76 feet along said creek; Thence North 51°31'43" East 199.93 feet along said creek; Thence North 25°31'46" East 71.28 feet along said creek; Thence North 41°09'18" East 87.83 feet along said creek; Thence North 76°22'39" East 73.14 feet along said creek; Thence North 35°33'12" East 82.45 feet along said creek; Thence North 25°21'36" East 94.31 feet along said creek; Thence North 60°26'54" East 56.97 feet along said creek; Thence North 29°01'10" East 77.74 feet along said creek; Thence North 58°35'32" East 57.46 feet along said creek; Thence North 35°31'17" East 70.53 feet along said creek; Thence North 20°19'16" East 67.14 feet along said creek; Thence North 67°21'44" East 78.00 feet along said creek; Thence North 65°59'47" East 194.79 feet along said creek; Thence North 39°33'35" East 149.16 feet along said creek; thence North 45°00' East 155.56 feet along said creek; Thence North 20°33'22" East 137.43 feet along said creek to the point of beginning.

SUBJECT TO AND TOGETHER WITH the effects of that certain Boundary Line Agreement recorded November 7, 2003 as Entry No. 178135:2003 in the office of the Utah County Recorder.

LESS AND EXCEPTING therefrom any portion lying within the bounds of the following described tract of land, as disclosed by that certain Quit Claim Deed recorded March 20, 1964 as Entry No. 4235 in Book 966 at Page 496 in the office of the Utah County Recorder, to-wit:

Commencing at a point 1021.1 feet South and 882.8 feet East of the Northwest corner of Section 22, Township 5 South, Range 2 East, Salt Lake Base and Meridian; thence North 55°55' East 67.3 feet; thence South 68°23' East 220.3 feet; thence South 7°33' East 198.5 feet; thence South 44°50' West 110.9 feet; thence North 33°10' West 380.9 feet to the point of beginning.

ALSO LESS AND EXCEPTING therefrom any portion lying within the bounds of the following described tract of land, as disclosed by that certain Warranty Deed recorded May 17, 2001 as Entry No. 48485:2001 in the office of the Utah County Recorder, to-wit:

Beginning at a point on the northerly section line of Section 22, Township 5 South, Range 2 East, Salt Lake Base and Meridian, basis of bearing for this description is based on the Utah County State Plane bearing of S. 00°10'12" E., between said northwest corner and the W1/4 corner of said Section 22, as shown in that survey by Knox & Associates, Inc., for Cornerstone Group Investments, Inc., dated January 25, 2000; said point being S. 89°52'07" E., 1,020.95 feet along the section line from the northwest corner of said Section 22 and running thence S. 89°52'07" E. 1,623.60 feet, along the section line to the N1/4 corner of said Section 22; thence S. 00°37'07" E., 73.56 feet, along the quarter section line to the center line of Grove Creek; thence along the center line of said Grove Creek the following 29 courses and distances: S. 48°46'00" W., 35.07 feet; S. 65°33'06" W., 206.94 feet; S. 53°27'38" W., 36.88 feet; S. 89°16'39" W., 119.55 feet; S. 56°41'44" W., 51.37 feet; S. 83°00'21" W., 63.17 feet; S. 65°29'15" W., 71.14 feet; S. 39°55'31" W., 144.34 feet; S. 45°50'18" W., 113.10 feet; S. 81°13'21" W., 37.26 feet; S.

25°51'33" W., 84.07 feet; S. 42°47'35" W., 55.82 feet; S. 53°49'23" W., 47.93 feet; S. 29°01'10" W., 77.74 feet; S. 60°26'54" W., 56.97 feet; S. 25°21'36" W., 94.31 feet; S. 54°17'54" W., 49.20 feet; S. 11°06'03" W., 31.54 feet; S. 58°09'54" W., 53.39 feet; N. 74°51'08" W., 40.28 feet; S. 56°08'32" W., 37.96 feet; S. 21°06'12" W., 99.02 feet; S. 44°32'14" W., 74.34 feet; S. 73°14'43" W., 31.72 feet; S. 50°00'11" W., 92.17 feet; S. 04°49'18" E., 25.50 feet; S. 47°02'57" W., 66.84 feet; S. 83°49'10" W., 41.24 feet; S. 55°42'47" W., 63.92 feet to the North Utah County Water Conservancy District property as deeded in Book 966, Page 496, Utah County Records; thence along the boundary of said property the following two courses and distances: N. 07°43'12" W., 162.58 feet; N. 68°33'12" W., 185.43 feet; thence 297.44 feet along the arc of a non-tangent 156.00 foot radius curve to the left, bearing to radius point being N. 39°48'34" W. (the chord of which bears N. 04°25'50" W., 254.39 feet), having a central angle of 109°14'32"; thence 69.09 feet along the arc of a 100.00 foot radius reverse curve to the right (the chord of which bears N. 39°15'35" W., 67.72 feet) having a central angle of 39°35'02"; thence N. 19°28'04" W., 29.73 feet; thence 303.41 feet along the arc of a 428.00 foot radius curve to the left (the chord of which bears N. 39°46'36" W., 297.10 feet) having a central angle of 40°37'03"; thence N. 60°05'07" W., 60.44 feet; thence 77.42 feet along the arc of a 100.00 foot radius curve to the right (the chord of which bears N. 37°54'24" W., 75.50 feet), having a central angle of 44°21'27"; thence N. 74°16'20" E., 59.05 feet; thence N. 47°21'27" E., 127.54 feet; thence S. 56°00'08" E., 241.09 feet; thence N. 61°35'08" E., 64.81 feet; thence N. 00°07'53" E., 340.42 feet to the Point of Beginning.

ALSO LESS AND EXCEPTING therefrom any portion found to be lying within the Northeast Quarter of Section 22, Township 5 South, Range 2 East, Salt Lake Base and Meridian.

PARCEL 1A:

A nonexclusive easement and right of way, appurtenant to a portion of Parcel 1 above, for purposes of ingress and egress, as set forth and defined in that certain Corrected Easement Agreement recorded April 7, 2016 as Entry No. 29878:2016 in the office of the Utah County Recorder.

335780 **CERTIFICATE OF DEATH** 1. DECEDENT'S-NAME (First, Middle, 2. SEX 3. DATE OF DEATH (Mo., Day, Yr.) David F Smith Male July 2, 2009 4. CITY AND STATE OR TERRITORY, OR FOREIGN COUNTRY OF BIRTH 5a. AGE-Last Birthday 5b. UNDER 1 YEAR Se. UNDER 1 DAY 8. DATE OF BIRTH (Mo., Day, Yr.) (Yra.) DAYS HOURS Provo, Utah 82 October 11, 1926 7. SOCIAL SECURITY NUMBER Be. PLACE OF DEATH HOSPITAL: ☐ Inpatient OTHER: ☐ Nursing Home/LTC ☐ Hospice Facility Bb. FACILITY-NAME (If not institution, give street and number) ☐ ER/Outpatient Decedent's Home 2515 S. 152 Circle Li) DOA Other (Specify), Bo. CITY OR TOWN OF DEATH (Include Zip Code) 8d. COUNTY OF DEATH Omaha 68144-Douglas 94. RESIDENCE-STATE 9b. COUNTY 9c. CITY OF YOWN Nebraska Douglas Omaha 9d. STREET AND NUMBER 9s. APT. NO 81. ZIP CODE 9g. INSIDE CITY LIMITS 2515 S. 152 Circle 68144-CX YES D NO 10s. MARITAL STATUS AT TIME OF DEATH Merried Never Married 10b. NAME OF SPOUSE (First, Middle, Last, Suffix) II wife, give maiden name. ☐ Married, but separated ☐ Wildowed ☐ Divorced ☐ Unknown Loretta Alice Juhlin 11. FATHER'S-NAME [First, Middle. 12. MOTHER'S-NAME (First, Łasi. Middle Meiden Surname) Carl David Smith Urilda Evans 13. EVER IN U.S. ARMED FORCES? Give dates of service if yes. | 14s. INFORMANT-NAME 14b. RELATIONSHIP TO DECEDENT (Yes, no. or unk.) Yes Dates Unknown Kathleen Cardwell Daughter 15. METHOD OF DISPOSITION ISC. DATE (Mo., Day, Yr.) 186. LICENSE NO July 10, 2009 t XBurlat D Donation ☐ Cremation ☐ Entombreent RY OR OTHER LOCATION CITY / TOWN STATE ☐ Removal ☐ Other (Specify) Nebraska Forest Lawn Memorial Park Omaha 17s. FUNERAL HOME NAME AND MAILING ADDRESS (Street, City or Town, State) (7b. Zie Code John A. Gentleman Mortuaries, 1010 N. 72 St, Omaha, NE 68114 APPROXIMATE INTERVAL 16. PART I. Enter the chain of grants—diseases, injuries, or complications—that directly caused the death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or ventricular fibrillation without showing the etiology, OO NOT ABBREVIATE. Enter only one cause on a line, Add additional lines if necessary, IMMEDIATE CAUSE onset to death (1) gastic adendercinema
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28a. HAS ORGAN OR TISSUE DONATION BEEN CONSIDERED?

265. WAS CONSENT GRANTED?

25. DID TOBACCO USE CONTRIBUTE TO THE DEATH?

STATE OF NEBRASKA - DEPARTMENT OF HEALTH AND HUMAN SERVICES FINANCE AND SUPPORT

| Sa. AGE-Last Birthday Ogden, Utah Sa. AGE-Last Birthday (Yrs.) 77 Sb. UNDER 1 YEAR Sc. UNDER 1 DAY MOS. DAYS HOURS MINS. November 29, 1936 COLAL SECURITY NUMBER Ba. PLACE OF DEATH HOSPITAL: Inpatient OTHER: Nursing Home/LTC Hospice Facility FACILITY-NAME (if not institution, give street and number) Edgewood Vista CITY OR TOWN OF DEATH (include Zip Code) Omaha RESIDENCE-STATE Nebraska STREET AND NUMBER 14921 Cedar Circle Married, but separated Mindowed Divorced Unknown Married, but separated Mindowed Divorced Unknown ENT 5 0 858: 2 0 2 3 PC FATHER'S-NAME (First, Middle, Last, Suffix) 12. MOTHER'S-NAME (First, Middle, Maiden Surre, Howard Juhlin EVER IN U.S. ARRED FORCES? Give dates of service if yes. 144. INFORMANT-NAME Kathleen Cardwell 145. INFORMANT-NAME Kathleen Cardwell 145. UNDER 1 PAY Sc. UNDER 1 DAY 6. DATE OF BIRTH (Mo., Day, Yr.) 6. DATE OF BIRTH | | EATH (Mo., Day, Yr.) | 4 11 3 1 1 1 1 | male | 2. SEX Fe | Suffix) | _ | ı, Sm | La | _{dle.} Alice | Mid | i (First, etta | edent's-nam Lo |
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| PART II. OTHER SIGNIFICANT CONDITIONS-Conditions contributing to the death but not resulting in the underlying cause given in PART I. 19. WAS MEDICAL EXAMINER OR CORONER CONTACTED? 19. WAS MEDICAL EXAMINER OR CORONER CONTACTED. 19. WAS MEDICAL EXAMINER OR CORONER CORONER CONTACTED. 19. WAS MEDICAL EXAMINER OR CORONER COR | | et to death | l one | | | | | | | ONSEQUENCE OF | O A SA RO OT | ury that DUE | (disease or in |
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| Not pregnant within past year Pregnant at time of death Not pregnant, but pregnant within 42 days of death Not pregnant, but pregnant within 42 days of death Not pregnant, but pregnant within 42 days to 1 year before death Unknown if pregnant within the past year a. DATE OF INJURY (Mo., Day, Yr.) 22b. TIME OF INJURY TM 22c. PLACE OF INJURYAt home, farm, street, factory, office building, construction site, etc. (Specify) d. INJURY AT WORK? 22e. DESCRIBE HOW INJURY OCCURRED 21d. WERE AUTOPSY FINDINGS AVAILABLE COMPLETE CAUSE OF DEATH? COMPLETE CAUSE OF DEATH? TM 22c. PLACE OF INJURYAt home, farm, street, factory, office building, construction site, etc. (Specify) 22d. DESCRIBE HOW INJURY OCCURRED | | DRONER CONTACTED? | ORC | | n in PART-I. | cause give | ne underlying | at not resulting in | o the death b | ditions contributing t | NDITIONS-Cor | SIGNIFICANT CO | RT II. OTHER |
| Pregnant at time of death Not pregnant, but pregnant within 42 days of death Not pregnant, but pregnant within 42 days of death Not pregnant, but pregnant 43 days to 1 year before death Unknown if pregnant within the past year a. DATE OF INJURY (Mo., Day, Yr.) 22b. TIME OF INJURY m 22c. PLACE OF INJURY-At home, farm, street, factory, office building, construction site, etc. (Specity) d. INJURY AT WORK? 22e. DESCRIBE HOW INJURY OCCURRED 21d. WERE AUTOPSY FINDINGS AVAILABLE COMPLETE CAUSE OF DEATH? CO | | PSY PERFORMED? | WAS AN AUTO | JURY 21c.1 | | | | | | | | - · | |
| Not pregnant, but pregnant 42 days of death Not pregnant, but pregnant 43 days to 1 year before death Not pregnant, but pregnant 43 days to 1 year before death Unknown if pregnant within the past year DATE OF INJURY (Mo., Day, Yr.) 22b, TIME OF INJURY 22c, PLACE OF INJURYAt home, farm, street, factory, office building, construction site, etc. (Specify) DATE OF INJURY AT WORK? 22e, DESCRIBE HOW INJURY OCCURRED DATE OF INJURY AT WORK? 22e, DESCRIBE HOW INJURY OCCURRED 22e, | | ™ NO | ☐ YES | | | - | | | iin pasi year | | | | |
| Unknown if pregnant within the past year a. DATE OF INJURY (Mo., Day, Yr.) 22b. TIME OF INJURY m 22c. PLACE OF INJURYAt home, farm, street, factory, office building, construction site, etc. (Specity) d. INJURY AT WORK? 22e. DESCRIBE HOW INJURY OCCURRED 21. LOCATION OF INJURY - STREET & NUMBER, APT. NO. CITY/TOWN STATE ZIP CODE | E TO | | (Specify) | | | lned 0 | | | in 42 days of death | | | l pregnant, bu | |
| M. INJURY AT WORK? 226. DESCRIBE HOW INJURY OCCURRED C] YES [] NO P! LOCATION OF INJURY - STREET & NUMBER, APT. NO. CITY/TOWN STATE ZIP CODE | | <u> </u> | | | | ne - | | | l'a | | * # 1 | | |
| C] YES [] NO H. LOCATION OF INJURY - STREET & NUMBER, APT. NO. CITY/TOWN STATE ZIP CODE | | ily) | n site, etc. (Spe | , construction | office building, | il, factory, i | ne, farm, stree | OF INJURY-ALT | 22c. PLACE | | 22b. T | г (мо., Day, Yr.) | ALE OF INJUI |
| PLOCATION OF INJURY - STREET & NUMBER, APT. NO. CITY/TOWN STATE ZIP CODE | | 1 | | | | : | | | D | INJURY OCCURRE | ESCRIBE HOV | | |
| | | ŽID ČODE | | OTITE | | | | | CITYER | PT NO | L NI MBED A | | |
| 23a. DATE OF DEATH (Mo;; Day, Yr.) 23b. DATE SIGNED (Mo., Day, Yr.) 23c. Time OF DEATH 24c. PRONOUNCED DEAD (Mo., Day, Yr.) 24d. Time PRONOUNCED DEAD 24d. Time PRONOUNCED DEAD 24d. On the basis of examination and/or investigation, in my opinion death occurred at the time, date and place and due to the cause(e) stated. (Signature and Title) 35c. DATE SIGNED (Mo., Day, Yr.) 24d. Time PRONOUNCED DEAD 4d. On the basis of examination and/or investigation, in my opinion death occurred at the time, date and place and due to the cause(e) stated. (Signature and Title) 36c. DATE SIGNED (Mo., Day, Yr.) 24d. DATE SIGNED (Mo., Day | | ZIP CODE | • | STATE | | | | *14 | ul WIO | | | | |
| 23b. DATE SIGNED (Mo., Day, Yr.) 23c. TIME OF DEATH 24c. PRONOUNCED DEAD (Mo., Day, Yr.) 24d. TIME PRONOUNCED DEAD 24c. PRONOUNCED DEAD (Mo., Day, Yr.) 24d. TIME PRONOUNCED DEAD 4c. PRONOUNCED DEAD (Mo., Day, Yr.) 24d. TIME PRONOUNCED DEAD 24c. PRONOUNCED DEAD (Mo., Day, Yr.) 24d. TIME PRONOUNCED DEAD (Mo., Day, Yr.) 24d. | m | | 24b. TIME OF | .) | (Mo., Day, Yr. | E SIGNED | 24a. DAT | CIAN | | 2014 | ay, Yr.) | F DEATH (Mo: C | 23a. DATE |
| 23d. To the best of my knowledge, death occurred at the time, date and place and due to the cause(s) stated. (Signature and Title) \(\Pi\) M. D. 24e. On the basis of examination and/or investigation, in my opinion death occurred at the time, date and place and due to the cause(s) stated. (Signature and Title) \(\Pi\) | m | | 24d TIME PRO | , Day, Yr.) | DEAD (Mo., | NOUNCE | 24c. PRC | E phieted | ATH 05 | 23c TIME OF DE | | | 3 1 2 37 25 11 |
| | | pinion death occurred at | sligation, in my c cause(s) stated | and/or invest d due to the c | examination and place and | he basis o time, date | O 24e. On the | To be con | | re and Title) 🔻 | itated. (Signal | to the cause(s) | |
| DID TOBACCO USE CONTRIBUTE TO THE DEATH? 289. HAS ORGAN OR TISSUE DONATION BEEN CONSIDERED? 269. WAS CONSENT GRANTED? | - | | | | ERED? | N CONSID | | N OR TISSUE I | | 7 | 144 | 1 1 1/1 | |
| | NO | | 1 1 | 7 | | 0 | nda - | | | | CERTIFIER (Ty | DADDRESS OF | ME, TITLE A |
| WELLARDO CRUZ, MD 8901 West Podge Road, Omaka, NE 68114 BB. HEGISTRAY: SIGNATURE 28b. DATE FILED BY REGISTRAR (Mo., Day, Yr.) | | | | | 7,00 | KA | uge | WEST I | 1001 | nv 8 | - - | | |
| nct 1 5 2014 |] | 14 | 1 5 20 | n rt | - 1 | | | | مست | | - 4 | 05 | |