

17/3

AGREEMENT

Whereas, SPRING POINTE L.L.C. aka SPRING POINTE LIMITED LIABILITY COMPANY, MILTON CHRISTENSEN, Registered Agent, Party of the First Part, is in possession of a certain parcel of land, as identified in a survey, being described in Exhibit "A", conducted by Spring Creek Consultants, located in Sections 30 & 31, Township 7 South, Range 3 East, and Sections 25 & 36, Township 7 South, Range 2 East, Salt Lake Base and Meridian, and

Whereas, CINDY ANN CLEMENTS and DAVID H. CLEMENTS, wife and husband, Parties of the Second Part, own land adjoining thereto and to the South and West sides thereof, also being described in Exhibit "A", and

Whereas the above named parties desire to make an agreement at this time.

Party of the First Part is in need of a boundary line agreement with the Parties of the Second Part, on the basis of the above-named survey.

Parties of the Second Part are willing to execute a boundary line agreement with the Party of the First Part, upon the following conditions:

- Party of the First Part will ensure and provide access to the new proposed road (extension of Spanish Fork Main Street, Utah) adjacent to the Parties of the Second Part property.

- Party of the First Part will claim no property west of the existing ditch running North and South between the parties lands.

- Should the ditch be covered, Party of the First Part agrees to create, at its expense, diversions for the water for the purposes of livestock and irrigation, for the benefit of the Parties of the Second Part.

- Party of the First Part will install a fence along all boundaries between the parties, to keep the cattle in possession of the Parties of the Second Part from crossing into Parties of the First Part property.

Should there are additional conditions, then a separate agreement will follow.

This Agreement shall be legally binding to all the parties named herein.

All parties have read, understand, and accept this agreement in its entirety.

Dated this 14 day of January, 2001. 2002 ^{CAC}_{DC}

SPRING POINTE L.L.C. aka SPRING
POINTE LIMITED LIABILITY COMPANY

ENT 5718:2002 PG 2 of 3

Milton Christensen

by: MILTON CHRISTENSEN

its: Registered Agent

Cindy Ann Clements
CINDY ANN CLEMENTS

David H. Clements
DAVID H. CLEMENTS

STATE OF UTAH)

) ss.

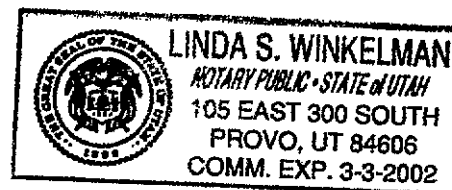
County of UTAH)

On this 15 day of January, A.D. ^{2002 LW}~~2001~~, before me, the undersigned Notary Public, personally appeared **MILTON CHRISTENSEN**, and known to me to be the member or designated agent of **SPRING POINTE L.L.C. aka SPRING POINTE LIMITED LIABILITY COMPANY**, a Utah limited liability company, that executed this Agreement and acknowledged the Agreement to be the free and voluntary act and agreement of the limited liability company, by authority of statute or its Operating Agreement, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute this Agreement and in fact executed the Agreement on behalf of the limited liability company.

Notary Public Linda S. Winkelman

My commission expires 3/3/2002

Residing in Provo, Utah



STATE OF UTAH)

) ss.

County of UTAH)

On the 14 day of January, A.D. ^{2002 HB}~~2001~~, personally appeared before me **CINDY ANN CLEMENTS and DAVID H. CLEMENTS**, wife and husband, the signers of the within instrument, who duly acknowledged to me that they executed the same.

Notary Public Sterling Ted Crandall

My commission expires 11-29-2004

Residing in Mapleton, UT

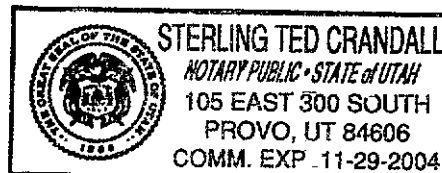


Exhibit "A"

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SPRING POINTE SURVEY

Beginning at a point which is South 324.26 feet and West 165.27 feet from the Southwest Corner of Section 30, Township 7 South, Range 3 East, Salt Lake Base and Meridian; thence North 00 Deg. 17' 46" East 1464.48 feet; thence North 89 Deg. 29' 33" East 666.10 feet; thence North 89 Deg. 43' 56" East 394.37 feet; thence North 00 Deg. 29' 42" West 57.69 feet; thence South 88 Deg. 29' 40" West 382.67 feet; thence North 20 Deg. 55' 28" East 610.97 feet; thence South 89 Deg. 37' 33" East 561.02 feet; thence due North 171.95 feet; thence South 88 Deg. 36' 53" East 517.86 feet; thence North 00 Deg. 15' 40" East 20.38 feet; thence South 89 Deg. 36' 26" East 446.65 feet; thence South 00 Deg. 23' 33" West 28.10 feet; thence North 88 Deg. 37' 00" West 228.62 feet; thence South 00 Deg. 15' 41" West 200.02 feet; thence South 88 Deg. 37' 00" East 227.95 feet; thence South 00 Deg. 20' 36" West 370.68 feet; thence South 89 Deg. 46' 11" West 60.06 feet; thence South 00 Deg. 22' 07" West 24.00 feet; thence North 89 Deg. 46' 11" East 60.06 feet; thence South 00 Deg. 22' 35" West 1285.10 feet; thence North 89 Deg. 16' 00" West 59.89 feet; thence South 00 Deg. 22' 07" West 14.12 feet; thence North 89 Deg. 14' 40" West 283.99 feet; thence North 89 Deg. 12' 48" West 546.39 feet; thence North 89 Deg. 16' 58" West 224.83 feet; thence North 89 Deg. 27' 31" West 223.27 feet; thence South 00 Deg. 38' 03" West 346.85 feet; thence South 89 Deg. 22' 26" West 1073.90 feet to the point of beginning.

Basis of bearing: Utah State Plane Coordinate System, Utah Central Zone.

CLEMENTS PARCELS

Property Serial Number: 21:096:0010 333 Tax District #: 120
Locator / Alpha Serial: HH / H-599 Acres: 0.34
Owner Name: CLEMENTS, CINDY A & DAVID H JT
Taxing Description: (Not For Legal Documents) Page: 1

COM 2.25 CHS W OF NE COR SEC 36, T7S, R2E, SLM: W 46.35 FT; S 10'13"E ALONG FENC
E 326.69 FT; N 89 18'48"E 45.38 FT; N 326.15 FT TO BEG. AREA .34 OF AN ACRE.

Property Serial Number: 21:096:0013 233 Tax District #: 130
Locator / Alpha Serial: / Acres: 10.07
Owner Name: CLEMENTS, CINDY A & DAVID H JT
MICHAELA 20001113 CODED
Taxing Description: (Not For Legal Documents) Page: 1

COM N 2648.81 FT & W 1325.45 FT FR E 1/4 COR. SEC. 36 T7S R2E SLB&M.; N 89 DEG 1
6'38"E 1114.76 FT; S 0 DEG 10'13"E 326.29 FT; N 89 DEG 18'48"E 21 FT; S 0 DEG 10
'13"E 66.3 FT; S 89 DEG 16'36"W 1133.25 FT; N 0 DEG 32'13"W 392.6 FT TO BEG. ARE
A 10.068 AC.

Property Serial Number: 21:096:0018 Tax District #: 130
Locator / Alpha Serial: / Acres: 2.91
Owner Name: CLEMENTS, CINDY A & DAVID H JT
DAVEL 20010822 CODED
Taxing Description: (Not For Legal Documents) Page: 1

COM N 1659.57 FT FR E 1/4 COR. SEC. 36, T7S, R2E, SLB&M.; N 89 DEG 36'12"W 187.7
7 FT; N 0 DEG 10'13"W 674.84 FT; N 89 DEG 22'26"E 186.77 FT; S 0 DEG 20'46"E 678
.18 FT TO BEG. AREA 2.908 AC.

Property Serial Number: 23:028:0044 Tax District #: 130
Locator / Alpha Serial: / Acres: 2.12
Owner Name: CLEMENTS, CINDY A & DAVID H JT
DAVEL 20010924 CODED
Taxing Description: (Not For Legal Documents) Page: 1

COM N 1659.57 FT & E 136.07 FT FR W 1/4 COR. SEC. 31, T7S, R3E, SLB&M.; N 89 DEG
36'12"W 136.07 FT; N 677.27 FT; N 89 DEG 22'26"E 136.07 FT; S 0 DEG 10'9"E 679.
71 FT TO BEG. AREA 2.119 AC.