

AFFIDAVIT ESTABLISHING SUCCESSOR TRUSTEE

STATE OF UTAH)
 : SS.
County of Cache)

Ent **812232** Bk **1191** Pg **946**
Date 30-Jan-2003 4:01PM Fee \$27.00
Michael Gleed, Rec. - Filed By DP
Cache County, UT
For OLSON & HOGGAN

L. BRENT HOGGAN, being first duly sworn on oath deposes and says:

1. That he is a resident of North Logan, Cache County, Utah, over the age of twenty-one (21), in an attorney authorized to practice law in the State of Utah and is competent by personal knowledge to state and swear to the things hereinafter contained.

2. That he is the attorney for Vernon D. Bankhead (Vernon) and the draftsman of the instrument titled Declaration of Trust dated March 19, 1981 by which Vernon created the Vernon D. Bankhead Revocable Trust (Trust).

3. By the terms of the Trust, as amended, Vernon designated himself as Trustee thereof while living and competent and upon his death or incompetency designated David G. Bankhead and Evelyn B. Wright as successor trustees.

4. The Trust provides that the incompetency, if any, of Vernon, will be established by a written statement signed by an unrelated physician filed with his successor trustee.

5. Vernon has become incompetent due to physical and mental infirmities. On December 23, 2002, Douglas R. Hyldahl, M.D., a physician unrelated to Vernon, executed a written statement that Vernon is not capable of managing his own business affairs due to his physical and mental condition. A copy of Dr. Hyldahl's statement is attached to this Affidavit and by this reference made a part hereof.

6. David G. Bankhead and Evelyn B. Wright have signed an "Acceptance of Trusteeship" in writing by which they agree to act as Trustees of the Trust. A copy of said Acceptance of Trusteeship is attached hereto and by reference made a part hereof.

7. By reason of the incompetency of Vernon and the Acceptance of David G. Bankhead and Evelyn B. Wright, the said David G. Bankhead and Evelyn B. Wright are now the duly appointment, qualified and acting Trustees of the Trust with all powers of the trustee provided in the Trust.

8. The real property subject of the Trust is situated in Cache County, Utah and legally described on Exhibit "A" attached hereto and by reference made a part hereof.

9. Title to the interest of Vernon as Trustee of the Trust in the above-described real property and any and all other property subject of the Trust and constituting a part of the trust estate is now vested in David G. Bankhead and Evelyn B. Wright, as Trustees of the Vernon D. Bankhead Revocable Trust dated March 19, 1981.

DATED this 30 day of January, 2003.

L. Brent Hoggan
L. Brent Hoggan

STATE OF UTAH)
 : ss.
County of Cache)

On the 30 day of January, personally appeared before me L. BRENT HOGGAN, the signer of the within instrument, who duly acknowledged to me that he executed the same.

Nancy B. Hanks
NOTARY PUBLIC

LBH/estate
bankhead.vernon aff est str lbh
N-423



NANCY B. HANKS
NOTARY PUBLIC • STATE OF UTAH
88 WEST CENTER
LOGAN, UTAH 84321
COMM. EXP. 10-26-2003

I am the medical doctor for VERNON D. BANKHEAD and I am familiar with his physical and mental condition. In my medical my opinion, he is not capable or managing his own business affairs due to his physical and mental infirmities.

DATED this 23 day of December, 2002.



Douglas R. Hyldahl, M.D.

LBH/estate
bankhead.vernon - hyldahl stmt
N-423

ACCEPTANCE OF TRUSTEESHIP

KNOW ALL MEN BY THESE PRESENTS:

That we, DAVID G. BANKHEAD and EVELYN B. WRIGHT, hereby accept the Trusteeship of the Vernon D. Bankhead Revocable Trust dated March 19, 1981, as amended, and hereby agree to act as Trustees of said Trust on all the terms, provisions and conditions specified in said Trust.

WITNESS our hands this 29 day of January, 2003.


David G. Bankhead

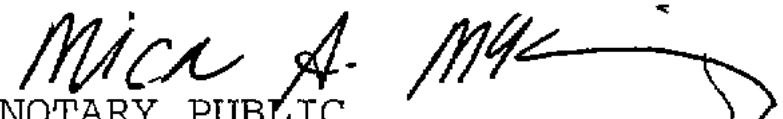

Evelyn B. Wright

STATE OF UTAH)
 : SS.
County of Cache)

On the 29 day of January, 2003, personally appeared before me DAVID G. BANKHEAD, one (1) of the signers of the within instrument, who duly acknowledged to me that he executed the same.



NOTARY PUBLIC
MICA A. MCKINNEY
88 WEST CENTER
LOGAN, UT 84323-0525
MY COMMISSION EXPIRES
NOVEMBER 20, 2006
STATE OF UTAH


NOTARY PUBLIC

Ent 812232 Bk 1191 Pg 949

STATE OF UTAH)
 : SS.
County of Emery)

On the 15th day of January, 2003, personally appeared before me EVELYN B. WRIGHT, one (1) of the signers of the within instrument, who duly acknowledged to me that she executed the same.


NOTARY PUBLIC

LBH/estate
bankhead.vernon acc tr
N-423



CAROL D. COX
NOTARY PUBLIC - STATE OF UTAH
180 WEST 200 NORTH
ORANGEVILLE, UT 84537
COMM. EXP 11-7-2005

EXHIBIT "A"

An undivided one-half (1/2) interest in and to the following described real property in Cache County, Utah:

Parcel 1:

Beginning at a point 14.65 chains North of a point 19.47 chains East of the Southwest corner of the Northwest Quarter of Section 11, Township 10 North, Range 1 West of the Salt Lake Meridian, and running thence South 85°50' East 220 feet; thence North 3°10' East 10.50 chains; thence North 85°50' West 220 feet; thence South 3°10' West 10.50 chains to beginning, containing 3.50 acres more or less. (10-041-0021)

Parcel 2:

Lots 1, 2, 7 and 8 and fractional Lots 9 and 10, Block 37, Plat "B" of Wellsville City Survey. ALSO, beginning 334.5 feet South of the Northwest corner of said Block 37, and running thence East 20 rods; thence South 150.5 feet; thence West 20 rods; thence North 150.5 feet to beginning, and situate in the Northeast Quarter of Section 10, Township 10 North, Range 1 West of the Salt Lake Meridian, containing approximately 6.44 acres. (10-038-0043)

Parcel 3:

All of Lot 6, Block 37, Plat "B" of Wellsville City Survey. ALSO, beginning at the Northwest corner of Lot 5, and running thence South 98 feet; thence East 213 feet; thence North 94 feet; thence West 213 feet to beginning, and situate in the Northeast Quarter of Section 10, Township 10 North, Range 1 West of the Salt Lake Meridian. (10-038-0046)

Parcel 4:

Lots 4 and 5, Block 35, Plat "B" of Wellsville City Survey. LESS: Beginning at the Northwest corner of Lot 5, and running thence East 150 feet; thence South 150 feet; thence West 150 feet; thence North 150 feet to beginning. Net 1.98 acres more or less. (10-038-0037).

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Parcel 5:

Beginning at the Northeast corner of the Southwest Quarter of Section 10, Township 10 North, Range 1 West of the Salt Lake Meridian, and running thence West 15 rods; thence Southerly along county road 80 rods; thence East 16 rods; thence North 80 rods to beginning, containing 7.75 acres, less 0.28 acres to U.S., net 7.47 acres. ALSO, beginning at a point on the Quarter Section line 23 rods 13 feet South of the Northeast corner of the Southeast Quarter of the Southwest Quarter of said Section 10, and running thence North 23 rods 13 feet; thence West 14 rods; thence Southeasterly along the county road 27 rods 10 feet to beginning, containing 1.05 acres, less 0.10 acres to S.C. Water Association, net 0.95 acres. Containing a total of 8.42 acres. (10-039-0004)

Parcel 6:

Beginning at the Northwest corner of the Southeast Quarter of Section 10, Township 10 North, Range 1 West of the Salt Lake Meridian, and running thence East 130 rods; thence South 80 rods; thence West 130 rods; thence North 80 rods to beginning, containing 65 acres, LESS right-of-way for USA Canal and to State Road, net 54.51 acres, LESS parcel to Utah Power & Light 0014 0.546 acre, net 53.96 acres, LESS additional lands to UDOT containing 2.91 acres, LESS parcel 10-040-0017 described as follows: Beginning 22.88 feet West of a point by record 212 feet West and 952.69 feet South $32^{\circ}30'$ West by record from the East Quarter corner of said Section 10, and running thence South $32^{\circ}49'42''$ West 371.86 feet; thence North $82^{\circ}51'57''$ West 63.08 feet; thence North $18^{\circ}33'37''$ West 347.37 feet; thence South $86^{\circ}48'10''$ East 377.56 feet to beginning, containing 1.63 acres. Also, beginning 2168 feet North and 30 rods West of the Southeast corner of said Section, and running thence North 260 feet to center line of canal; thence Northeasterly along canal to the West line of highway; thence Southwesterly along highway to beginning, containing 0.48 acres. Containing 50.50 acres more or less. (10-040-0001)

Parcel 7:

Lots 1, 3, 6, 7, 8, and Fractional Lot 9, Block 35, Plat "B" Wellsville City Survey. LESS: Beginning at the Northeast corner of Lot 6, said Block; thence South 200 feet; thence West 100 feet; thence North 200 feet; thence East 100 feet to beginning. LESS: Beginning at the Southeast corner of Block 35; thence North 200 feet; thence West 330 feet; thence South 200 feet; thence East 330 feet to beginning. Net 5.26 acres more or less. (10-038-0036)

Parcel 8:

Beginning 3.14 chains South $85^{\circ}50'$ East of a point 4.16 chains South of the Northeast corner of the West Half of the Northwest Quarter of Section 11, Township 10 North, Range 1 West of the Salt Lake Meridian, and running thence South $85^{\circ}50'$ East 5 chains; thence South $3^{\circ}10'$ West 10.51 chains; thence North $85^{\circ}50'$ West 5 chains; thence North $3^{\circ}10'$ East 10.5 chains to beginning, containing 5.25 acres. (10-041-0010)

Water Rights:

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170 acre-feet in the Wellsville Mendon Water District.
8.25 shares of water in the Wellsville Irrigation Company.