

**AFFIDAVIT ESTABLISHING SUCCESSOR TRUSTEE**

STATE OF UTAH                    )  
                                      :    SS.  
County of Cache                )

Ent 868402 Bk 1311 Pg 381  
Date 2-Aug-2004 3:52PM Fee \$27.00  
Michael Gleed, Rec. - Filed By SA  
Cache County, UT  
For OLSON & HOGGAN

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

1. He is a resident of North Logan, Cache County, Utah, over the age of twenty-one (21) and is competent by personal knowledge to state and swear to the things hereinafter contained.

2. He is an attorney licensed to practice law in the State of Utah and was the attorney for RUTH G. BANKHEAD during her lifetime.

3. On March 19, 1981 RUTH G. BANKHEAD created the Ruth G. Bankhead Revocable Trust (Trust), and declared herself trustee thereof and designated DAVID G. BANKHEAD and EVELYN B. WRIGHT as her successor trustees of the Trust.

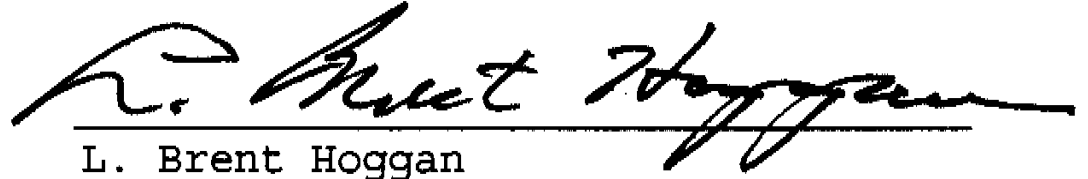
4. Pursuant to the provisions of the Trust RUTH G. BANKHEAD conveyed to herself as trustee the real property in Cache County, Utah described on Exhibit A hereto (the property) by a Warranty Deed dated March 19, 1981 recorded March 20, 1981 in Book 283 at Page 144 as filing no. 441847 in the records of the Cache County, Utah Recorder and the property described as parcels 6 and 8 on Exhibit A hereto by a Quit Claim Deed dated October 12, 1993 in Book 581 at page 115 as Entry No.585728 in the records of the Cache County, Utah Recorder.

5. RUTH G. BANKHEAD died on June 24, 2004. Her death is evidenced by State of Utah - Department of Health Certificate of Death, Local File No.03-202, a certified copy of which is attached to and by reference made a part of this Affidavit. RUTH VIOLA GIFFEN BANKHEAD named in said certificate of death and RUTH G. BANKHEAD named in the Warranty Deed and Quit Claim Deed are one and the same person.

6. DAVID G. BANKHEAD and EVELYN B. WRIGHT have, in writing, accepted the Trusteeship of the Trust. A copy of their Acceptance of Trusteeship is attached to this affidavit and by reference made a part hereof

7. By reason of the death of RUTH G. BANKHEAD, by the terms of the Trust and the Acceptance of Trusteeship executed by DAVID G. BANKHEAD and EVELYN B. WRIGHT, DAVID G. BANKHEAD and EVELYN B. WRIGHT are now the sole trustees of the Trust and the owners of the property described on Exhibit A hereto as trustees of the Trust.

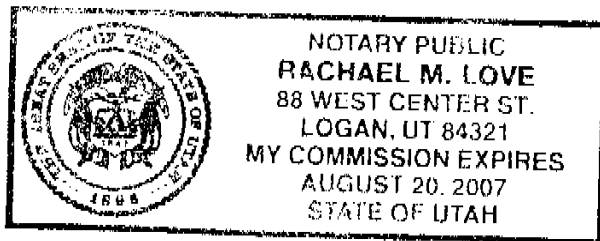
DATED this 2<sup>nd</sup> day of August, 2004.

  
L. Brent Hoggan

STATE OF UTAH                    )  
  : SS.  
County of Cache                )

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On the 2<sup>nd</sup> day of August, 2004, personally appeared before me L. BRENT HOGGAN, the signer of the within instrument, who duly acknowledged to me that he executed the same.



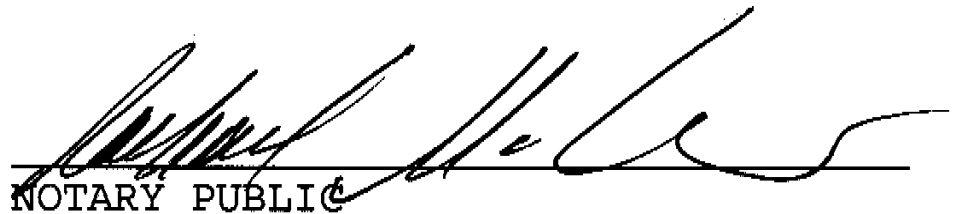
  
NOTARY PUBLIC

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°30' West by record from the East Quarter corner of said Section 10, and running thence South 32°49'42" West 371.86 feet; thence North 82°51'57" West 63.08 feet; thence North 18°33'37" West 347.37 feet; thence South 86°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°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°50' East 5 chains; thence South 3°10' West 10.51 chains; thence North 85°50' West 5 chains; thence North 3°10' East 10.5 chains to beginning, containing 5.25 acres. (10-041-0010)

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Water Rights:

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

# STATE OF UTAH — DEPARTMENT OF HEALTH

## STATE OF UTAH - DEPARTMENT OF HEALTH CERTIFICATE OF DEATH

Access to information on this form is limited under the Vital Statistics Act and Rules.

LOCAL FILE NUMBER 03-202

STATE FILE NUMBER

1. NAME OF DECEDENT FIRST MIDDLE LAST <b>Ruth Viola Giffen BANKHEAD</b>		2. SEX <b>Female</b>	3a. DATE OF DEATH (Mo., Day, Yr.) <b>June 24, 2004</b>	3b. TIME OF DEATH (24 hr. clock) <b>1107</b>	
4. DATE OF BIRTH (Mo., Day, Yr.) <b>November 17, 1920</b>		5. AGE - Last Birthday <b>83</b>	6. BIRTHPLACE (City & State or Foreign Country) <b>Sugar Creek, MO</b>		
7. SOCIAL SECURITY NUMBER <b>500-03-1839A</b>					
8a. PLACE OF DEATH (check only one) <input type="checkbox"/> 1. Inpatient <input type="checkbox"/> 2. ER/Outpatient <input type="checkbox"/> 3. POA <input type="checkbox"/> 4. Other (specify)		8b. NAME OF HOSPITAL, NURSING HOME OR OTHER FACILITY (if outside a facility, give street address of location) <b>191 West 900 South</b>			
8c. CITY, TOWN, OR LOCATION OF DEATH <b>Wellsville</b>		8d. COUNTY OF DEATH <b>Cache</b>		9. SURVIVING SPOUSE (if wife, give maiden name) <b>-----</b>	
10. WAS DECEDENT EVER IN THE U.S. ARMED FORCES? <input type="checkbox"/> 1. Yes <input checked="" type="checkbox"/> 2. No		11. MARITAL STATUS <input type="checkbox"/> 1. Never Married <input checked="" type="checkbox"/> 2. Married <input type="checkbox"/> 3. Widowed <input type="checkbox"/> 4. Divorced		12. DECEDENT'S USUAL OCCUPATION (Give kind of work done during most of working life. Do NOT enter retired) <b>Teacher-Aide</b>	
13a. RESIDENCE - STREET AND NUMBER <b>830 South Center Street</b>		13b. CITY, TOWN OR COMMUNITY <b>Wellsville</b>	13c. COUNTY <b>Cache</b>	13d. STATE <b>Utah</b>	
13e. INSIDE CITY LIMITS? <input checked="" type="checkbox"/> 1. Yes <input type="checkbox"/> 2. No		13f. ZIP CODE <b>84339</b>		14. WAS DECEDENT OF HISPANIC ORIGIN? (if yes, specify) <input type="checkbox"/> 1. Mexican <input type="checkbox"/> 2. Cuban <input type="checkbox"/> 3. Puerto Rican <input type="checkbox"/> 4. Other (Specify)	
15. RACE - Black, White, Am. Indian (tribe may be entered), Japanese, etc. (Specify) <b>White</b>		16. EDUCATION (specify only highest grade completed). Elementary or Secondary (0-12) College (13-16 or 17+) <b>12</b>			
17. FATHER'S NAME (First, Middle, Last) <b>Evert Harry Giffen</b>		18. MAIDEN NAME OF MOTHER (First, Middle, Last) <b>Pearly Evelyn Hodges</b>			
19. NAME, RELATIONSHIP AND MAILING ADDRESS OF INFORMANT <b>David Bankhead, Son 191 West 900 South, Wellsville, Utah 84339</b>					
20. METHOD OF DISPOSITION <input type="checkbox"/> 1. Entombment <input type="checkbox"/> 2. Donation <input type="checkbox"/> 3. Other <input checked="" type="checkbox"/> 4. Burial <input type="checkbox"/> 5. Cremation <input type="checkbox"/> 6. Removal		21a. DATE OF DISPOSITION <b>June 29, 2004</b>	21b. PLACE OF DISPOSITION (name of cemetery, crematory, or other place) <b>Wellsville Cemetery</b>	21c. LOCATION - City or Town, State <b>Wellsville, Utah</b>	
22. SIGNATURE OF FUNERAL SERVICE LICENSEE <b>J. Jeffery Allen</b>		23. LICENSEE NUMBER <b>104763</b>	24. FUNERAL HOME (Name and address) <b>Allen-Hall Mortuary 34 East Center Street Logan, Utah 84321</b>		
25. DATE DECEASED WAS LAST ATTENDED BY CERTIFYING PHYSICIAN <b>June 10, 2004</b>		26. If not certified by medical examiner, was death reported to M.E.? <input type="checkbox"/> 1. Yes <input checked="" type="checkbox"/> 2. No If yes, enter the date and hour reported. M.E. CASE NO. _____ HR. _____ MO. _____ DAY _____ YEAR _____			
27a. CERTIFIER <input checked="" type="checkbox"/> 1. CERTIFYING PHYSICIAN: To the best of my knowledge, death occurred at the time, date, and place, and due to the cause(s) and manner as stated. <input type="checkbox"/> 2. MEDICAL EXAMINER/LAW ENFORCEMENT OFFICIAL: On the basis of examination and/or investigation, in my opinion, death occurred at the time, date, place and due to the cause(s) and manner as stated.					
27b. SIGNATURE AND TITLE OF CERTIFIER <b>T. Scott Cunningham</b>		27c. LICENSE NUMBER <b>94-274605-1204</b>	27d. DATE SIGNED (Month, Day, Year) <b>06/25/04</b>		
28. NAME AND ADDRESS OF PERSON WHO CERTIFIED THE CAUSE OF DEATH (Item 31) (Type/Print) <b>T. Scott Cunningham, M.D. 1300 North 500 East #320, Logan, Utah 84341</b>					
29. REGISTRAR'S SIGNATURE <b>[Signature]</b>		30a. DATE REGISTRAR NOTIFIED OF DEATH (Mo., Day, Yr.) <b>June 30, 2004</b>	30b. DATE FILED (Mo., Day, Yr.) <b>July 1, 2004</b>		
31. PART I. ENTER THE DISEASES, INJURIES, OR COMPLICATIONS THAT CAUSED THE DEATH. DO NOT ENTER THE MODE OF DYING, SUCH AS CARDIAC OR RESPIRATORY ARREST, SHOCK, OR HEART FAILURE. LIST ONLY ONE CAUSE ON EACH LINE. <b>Colon Cancer</b> IMMEDIATE CAUSE (Final disease or condition resulting in death) DUE TO (OR AS A CONSEQUENCE OF): Sequentially list conditions, if any, leading to immediate cause. Enter UNDERLYING CAUSE (disease or injury that initiated events resulting in death) LAST DUE TO (OR AS A CONSEQUENCE OF): DUE TO (OR AS A CONSEQUENCE OF):					
PART II. Other Significant Conditions contributing to death but not resulting in the underlying cause given in Part I.		32. IN YOUR OPINION, TOBACCO USE BY THE DECEDENT: <input type="checkbox"/> 1. Probably contributed to the cause of death. <input checked="" type="checkbox"/> 5. NON USER <input type="checkbox"/> 2. Was the underlying cause of death. <input type="checkbox"/> 6. UNKNOWN IF USER <input type="checkbox"/> 3. Did not contribute to the cause of death. <input type="checkbox"/> 4. Is unknown in relation to the cause of death.		33a. WAS AN AUTOPSY PERFORMED? <input type="checkbox"/> 1. Yes <input checked="" type="checkbox"/> 2. No	33b. WERE AUTOPSY FINDINGS AVAILABLE PRIOR TO COMPLETION OF CAUSE OF DEATH? <input type="checkbox"/> 1. Yes <input type="checkbox"/> 2. No
34. MANNER OF DEATH <input checked="" type="checkbox"/> 1. Natural <input type="checkbox"/> 2. Accident <input type="checkbox"/> 3. Suicide <input type="checkbox"/> 4. Homicide <input type="checkbox"/> 5. Undetermined if injured Purposely or Accidently <input type="checkbox"/> 6. Pending Investigation		35a. DATE OF INJURY (Mo., Day, Yr.)	35b. TIME OF INJURY (24 Hour Clock)	35c. INJURY AT WORK? <input type="checkbox"/> 1. Yes <input type="checkbox"/> 2. No	
35d. LOCATION (Street or rural route number, city or town, county and state.)		35e. PLACE OF INJURY - At home, farm, street, factory, office, building, etc. (specify)			
35f. If motor vehicle accident specify if decedent was driver, passenger or pedestrian.					
35g. DESCRIBE HOW INJURY OCCURRED (enter sequence of events which resulted in injury, NATURE OF INJURY should be entered in item 31)					

USE PERMANENT BLACK INK

This is to certify that this is a true copy of the certificate on file in this office. This certified copy is issued under authority of section 26-2-22 of the Utah Code Annotated, 1953 As Amended.

Date Issued: **JUL 01 2004**

County **BEAR RIVER HEALTH DEPT**

Registrar

**Barry E Nangle**

Barry E. Nangle

DIRECTOR OF VITAL RECORDS

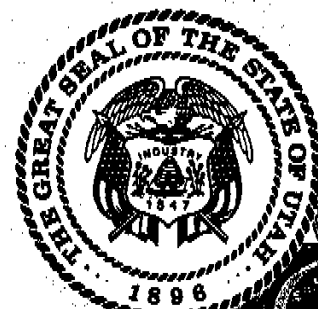
By **Nancy Feltis**

SDH-BVRS 96 (9/96)

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WARNING: IT IS ILLEGAL TO DUPLICATE THIS COPY FOR OFFICIAL PURPOSES. ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATION.



ACCEPTANCE OF TRUSTEESHIP

KNOW ALL MEN BY THESE PRESENTS:

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

WITNESS our hands this 31<sup>st</sup> day of July, 2004.

  
DAVID G. BANKHEAD

  
EVELYN B. WRIGHT

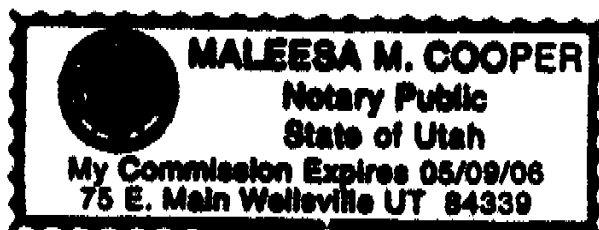
STATE OF UTAH )

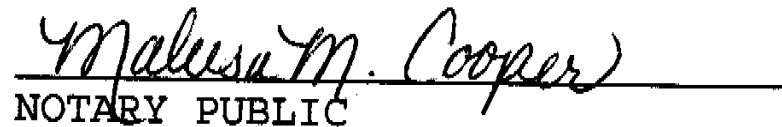
: SS.

County of Cache )

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On the 31<sup>st</sup> day of July, 2004, personally appeared before me DAVID G. BANKHEAD and EVELYN B. WRIGHT, the signers of the within instrument, who duly acknowledged to me that they executed the same.



  
NOTARY PUBLIC