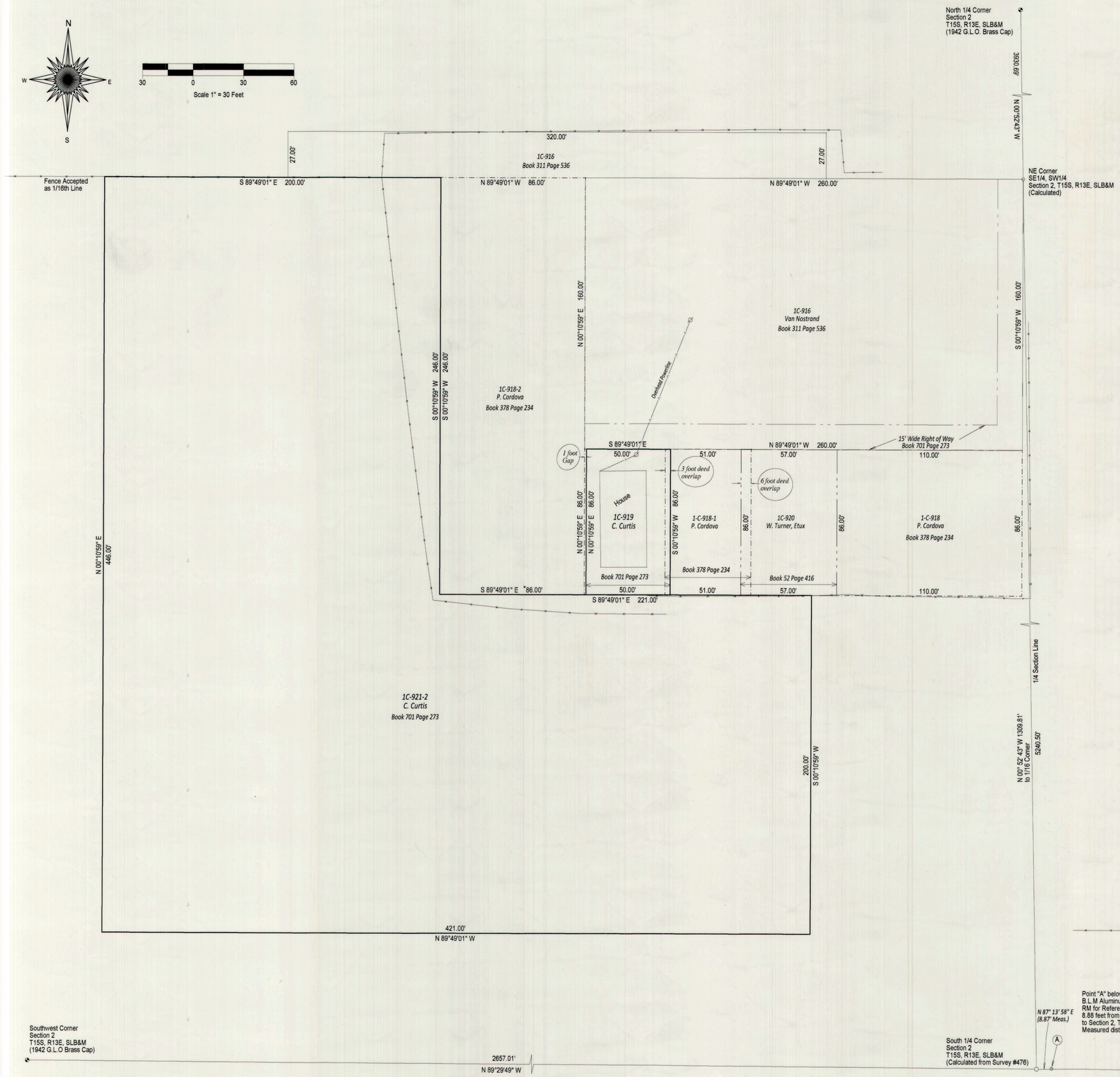
#722

Ent 839101 Bk 900 Pg 395
Date: 02-JAN-2018 12:57:17PM
Fee: $15.00 Check Filed By: CR
CARBON COUNTY RECORDER, Recorder
CARBON COUNTY CORPORATION
For: HIGH MOUNTAIN SURVEYING



Record Descriptions

Book 701 Page 273

Parcel 1:
Beg 246 ft S & 125 Ft W of NE Cor SE4SW4 Sec 2, T15S, R13E, SLB&M; S 200 Ft; W 421 Ft; N 446 Ft; E 200 Ft; S 246 Ft; E 221 Ft to Beg. Also R/W Beg NE Cor SE4SW4 of Sec 2, T15S, R13E; S 160 Ft; W 260 Ft; N 15 Ft; E 245 Ft; N 145 Ft; E 15 Ft to Beg. 3.06 AC

Parcel 2:
Beg 160 Ft S & 209 Ft W of NE Cor of SE4SW4, Sec 2, T15S, R13E, SLB&M; S 86 Ft; W 50 Ft; N 86 Ft; E 50 Ft to Beg. 0.10 AC

Narrative

1. Brad DeHaan of Lundberg and Associates in Salt Lake City requested a survey of Parcels 1C-919 and 1C-921-2, situated in the SE1/4 of the SW1/4 of Section 2, Township 15 South, Range 13 East, Salt Lake Base and Meridian.

2. The Basis of Bearing used for this survey is the Utah Central, State Plane Coordinate System, (NAD 83). This orientation required all record bearings to be rotated 00°10'59".

3. The primary purpose for the survey was to validate potential overlaps claims made in a Title Report of the property. In reviewing the title report, legal documents provided and performing the field survey the following was determined by the surveyor:
No Overlap was found regarding Parcel 1C-921-2.
Parcel 1C-919 does overlap with the Parcel to the East (1C-918-1) by 3.0 feet as shown. The Title report suggested that there may be another overlap with the Parcel to the West (Parcel 1C-918-2). The 2nd potential overlap appears to be the result of a typo, or patent ambiguity in the description found in the Quit Claim deed in Book 378, Page 234. This legal description in the 2nd to last course calls for "E 96 FT" or East 96 feet. Based on the construction of the legal description, holding fast to this course would cause the deed to misclose, in analyzing the entire legal description, including the resulting acres represented, the intent on the 2nd to last call appears to have been East 86 feet. This 10 foot change would allow the legal description to close and then would actually result in a 1 foot gap with Parcel 1C-919.

4. In performing this survey, adjacent properties and deeds were considered to help determine the cause of the overlaps. The legal description for Parcel 1C-918-1, found in book 378, page 234 overlaps with both adjacent parcels to the East and West. For this purpose, a complete investigation of the chain of title resulting in this legal description would be recommended to determine if any errors were introduced and perpetuated in the chain. Also, as little evidence of occupation exists in the area to be evaluated or considered as evidence of ownership or acquiescence, the deeds have primarily been relied upon without much additional interpretation.

5. As Parcels 1C-920, 1C-918-1 and 1C-919 as described in the record seem to represent more land than what actually exists on the ground, and that little evidence of occupation is available for consideration, a complete search of the chain of title for each of the adjacent parcels would be recommended to determine Junior and Senior Rights associated with the conveyances in the chain of title. The documents provided by the client to the surveyor reflected current record title and were not sufficient to determine Junior Senior Rights or whether and error had been perpetuated in any of the chains which may be the cause of the resulting overlaps.

6. Without knowledge of the those items mentioned above in items #4 and #5, it would be recommended that either new deeds be exchanged to a common boundary line or that a boundary line agreement be made.

7. Survey #476 performed by John Slaugh of Timberline Engineering and Land Surveying was used to determine the position of the South 1/4 Corner. The NE Corner of the SE1/4, SW1/4 of Section 2, T15S, R13E, SLB&M was determined by intersecting the North-South 1/4 Section Line with a line projecting an old existing fence, accepted as the 1/16 line and labeled on this map.

Surveyor Certificate

I Paul Ferry, a Licenced Professional Land Surveyor as prescribed by the Laws of the State of Utah and holding License No. 368358, do hereby certify that I have made a survey, or a field survey was made under my direction of the described property by and that the plat hereon is a true and correct representation of said survey.

PROFESSIONAL LAND SURVEYOR
PAUL C. FERRY
No. 368358
LICENSED
STATE OF UTAH
12-10-17

HIGH MOUNTAIN
SURVEYING, LLC
P.O. Box 445
1325 South Hoytsville Road
Coalville, Utah 84017
(435) 336-4210

SHEET 1 OF 1

COMMENTS:

SURVEYED BY: PCF
DRAWN BY: PCF
PCS FILE: East Carbon UPS 2010.PCS
PROJECT NO:
DATE: ~~March 10, 2016~~ 12-10-17

RECORD OF SURVEY

Prepared For: Lundberg and Associates, Brad DeHaan
Curtis Property, Parcels 1C-919 and 1C-921-2
being part of the SE1/4, SW1/4, Section 2, T15S, R13E, SLB&M
East Carbon, Carbon County, Utah