

RECORD OF SURVEY

FOR
DANNY J. AND JODI R. MORGAN
AND
BRETT R. STEWART

LOCATED IN THE NORTHEAST QUARTER
 OF SECTION 8, TOWNSHIP
 11 SOUTH, RANGE 11 EAST,
 SALT LAKE MERIDIAN.
 -ALSO KNOWN AS-
 ARGYLE CANYON ESTATES
 PLAT "A".

LEGAL DESCRIPTIONS:

Danny J. Morgan and Jodi R. Morgan:

BEGINNING at a point North 89°56'00" West along a quarter section line 1495.4 feet from the East quarter corner of said Section 8, Township 11 South, Range 11 East, Salt Lake Base & Meridian, and running thence Due North 1010.0 feet to the center-line of a creek; thence Southwesterly 480.0 feet, more or less along said center-line of creek; thence Due South 550.0 feet to the quarter section line of said Section 8; thence South 69°50'00" East 445.0 feet along the quarter section line of said Section 8 to the point of BEGINNING. (As recited in the certain Special Warranty Deed recorded on February 8, 1973 in Book A-63, Page 455 of the Duchesne County Recorder's Office.)

Brett R. Stewart:

BEGINNING at a point North 89°56'00" West along a quarter section line 1085.4 feet from the East quarter corner of said Section 8, Township 11 South, Range 11 East, Salt Lake Base & Meridian, and running thence Due North 120.0 feet to the center-line of a creek; thence Southwesterly 430.0 feet, more or less, along said center-line of creek; thence Due South 1010.0 feet to the quarter section line of said Section 8; thence South 89°56'00" East 410.0 feet along the quarter section line of said Section 8 to the point of BEGINNING. (As recited in the certain Special Warranty Deed recorded on January 9, 1972 in Book A-52, Page 465 of the Duchesne County Recorder's Office.)

SURVEYOR'S NARRATIVE:

I was contacted by Danny (Joe) Morgan to perform this survey for the purpose of identifying his East property line. GPS and Total Station equipment were used for this survey. All references to "plat" in this narrative refers to the plat found on file in the Office of the Duchesne County Recorder, identified as "Argyle Canyon Estates, Plat A", recorded on September 12, 1978, in Book A-63, Pages 455 - 466.

I have determined to hold the survey markers found in this area as evidence of an original survey, which I believe predates the issuance of any deed out of the source, or parent tract, as well as the eventual recording of the plat itself. The fact that many legal descriptions to parcels within the platted area recite the exact courses as later shown on the plat, is evidence of an earlier survey, which I believe provided the data for those subsequent documents. It is my opinion that the original intent of the subdivision was to create a typical subdivision, which for various reasons did not occur. Other evidence of original intent is the near universal recognition by most all property owners in the area regarding the markers upon the ground as being the geographic limits of land ownership, even though most of these parcels were sequentially conveyed over time with no reference to the original survey within their descriptions, with the exception of an occasional implied reference by naming the lot number. The doctrine of placing priority on un-called for survey monuments, or survey markers found in place, and undisturbed upon the ground, over other calls such as bearings and distances, especially if it can be shown that they title conveyances, is an age old principle of law established by courts through centuries of past decisions, though not fully embraced by Land Surveyors and Land Title Professionals until recent years.

Because of the noticeable difference between the observed course between corner markers found and the platted course for Joe's East property line, I determined to obtain additional lines or measurements to other 40' lot corners found in the area. The results are as illustrated hereon. All aluminum caps found, being part of the makeup of each corner marker, were stamped showing the correct lot numbers according to the plat. However, the stamped information at the Northeast corner of lot 46 revealed a discrepancy between what was done in the original survey, and what is illustrated on the recorded plat, having the proper lots listed in the South tier but being off one lot number on the North tier. It appears as though the North tier of lots on the North side of Argyle Canyon creek were staked out in a different survey than the South tier, or row of lots. To compute the positions of each intermediate angle point, situated along the remaining lot lines dividing the North and South tier of lots along Argyle Canyon creek, I used data from the plat starting from each lot corner marker found, I computed each traverse course, then adjusted the same by compass rule to close into the next subsequent corner marker found.

The legal descriptions to the subject and adjoining parcels may be grouped into three categories as follows: 1) Aliquot part descriptions, 2) metes and bounds descriptions, 3) combinations of metes and bounds descriptions with lot number included.

1) Lots 26 and 38 situated immediately to the South. Lot 26 was first sold in 1982, and is described as an aliquot part of Section 8, with an "also known as" lot 26 added at the end of the description. Lot 38 is only described by aliquot part and was first sold in 1974, prior to the plat being recorded.

2) Lots 45 - 47 are all described by metes and bounds and were sold out of the source, or parent tract in 1973 prior to the plat being recorded. The courses recited in the legal descriptions for each deed follows exactly the courses given for each of the conveyed lots on the plat, except for the course common to Lot 46. In each case a call is made to go to, and along the center-line of a creek, which is not shown on the plat. Also the course along each North side is abbreviated to read in general terms such as "Southwesterly 460.0 feet", as is recited for Lot 46.

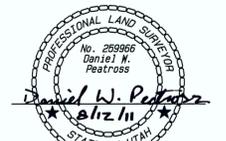
3) Lots 65 - 67 situated to the North of Argyle Canyon Creek, are all described by metes and bounds with the added note "also known as Lot..." in each description. However, the courses recited in these do not correspond by several feet as given on the plat. Also a call to go to, and along the center-line of the creek common to Lots 45 - 47 is again inserted. The chain of title for these Northern lots was not pursued seeing that the common call for the center-line of the creek was all that was needed for verification of a common line for these lots.

Of special note: The name and license number of the surveyor found marked upon the aluminum caps on the property is not the same as that which is found upon the Surveyor's Certificate on the subdivision plat.

All side lines of Lot 46 were marked by nail and lath at approximate 100' intervals. The Basis of Bearings for this survey is located along the East - West quarter section line, that bearing being South 89°56'03" East as shown on the plat of Argyle Canyon Estates, Plat A.

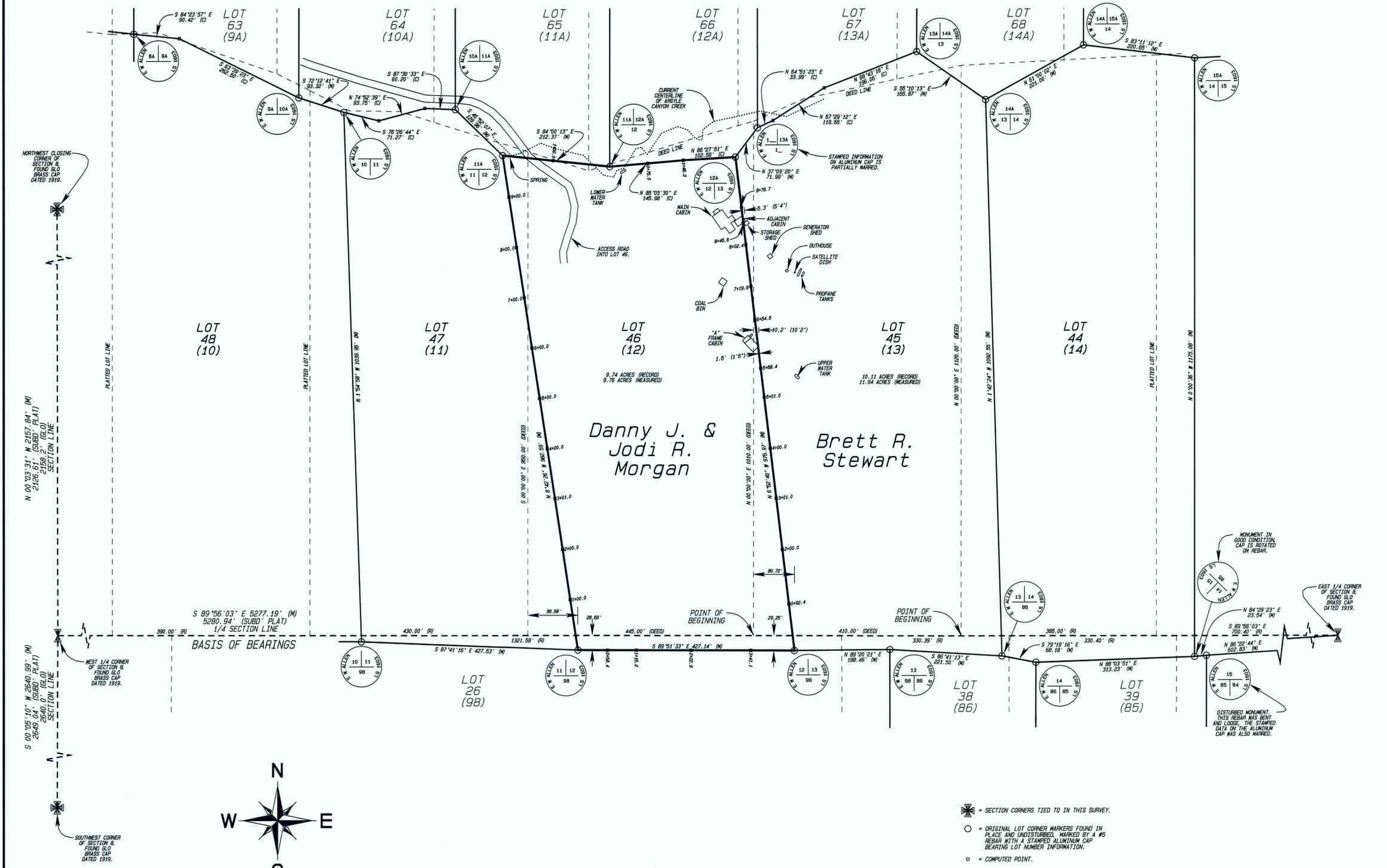
SURVEYOR'S CERTIFICATE:

I, Daniel W. Peatross, do hereby certify that I am a Professional Land Surveyor, and that I hold certificate No. 269866, as prescribed by the laws of the State of Utah, and further certify that I have made a survey of the tract of land as shown on this plat, and that the same is correct and true to the best of my knowledge and belief.


 Daniel W. Peatross
 No. 269866
 State of Utah

Duchesne County Surveyors File # 2449

REGISTERED SURVEYORS CORP.		
61 EAST 300 NORTH, P. O. BOX 564, DUCESNE, UTAH 84021 (435) 738-2718		
DATE RESEARCHED: JULY 28, 2009	RESEARCHED BY: D. PEATROSS	PROJECT No.: 09030
DATE SURVEYED: JULY 29 - AUGUST 12, 2009	SURVEYED BY: D. PEATROSS	SHEET: 1 OF 1
DATE DRAFTED: AUGUST 14 - SEPTEMBER 21, 2009	DRAFTED BY: D. PEATROSS	DATE PLOTTED: AUGUST 12, 2011



Danny J. &
Jodi R.
Morgan

Brett R.
Stewart

- ⊗ = SECTION CORNERS TIED TO IN THIS SURVEY.
- = ORIGINAL LOT CORNER MARKERS FOUND IN PLACE AND UNDISTURBED, MARKED BY A #5 REBAR WITH A STAMPED ALUMINUM CAP BEARING LOT NUMBER INFORMATION.
- = COMPUTED POINT.
- = SET NAIL AND LATH ALONG LOT LINE.

 = EXHIBIT OF ORIGINAL LOT CORNER MARKERS FOUND.

DEMONSTRATED PRECISION: AT LEAST 1" IN 2200', OR 1:2200
 IN AREA OF LOTS SURVEYED.

DEMONSTRATED POSITIONAL ACCURACY: AT LEAST 0.21', OR 2 1/2"
 IN AREA OF LOTS SURVEYED.

