

**PROPERTY SURVEY
FOR
JOHN D. CHASEL
OF THE
ECHO DRIVE IN THEATRE
LOCATED IN THE
SE 1/4 OF SECTION 21
TOWNSHIP 2 SOUTH, RANGE 1 WEST, USM**

LEGAL DESCRIPTION

BEGINNING AT A POINT IN SECTION 21, TOWNSHIP 2 SOUTH, RANGE 1 WEST, UTAH SPECIAL MERIDIAN N 89°46'42" W ALONG THE NORTH LINE OF THE NE 1/4, SE 1/4 OF SAID SECTION 1448.31' AND S 0°00'31" W 898.51'; THENCE S 84°59'03" E 159.17'; THENCE S 71°39'49" E 159.82'; THENCE S 55°49'27" E 195.27'; THENCE S 0°06'00" E 100.00'; THENCE S 0°24'53" W 122.00' TO THE NORTHERN RIGHT OF WAY LINE OF U.S. HIGHWAY 40; THENCE S 60°29'25" W ALONG SAID RIGHT OF WAY LINE 520.53'; THENCE N 17°13'48" W 29.47'; THENCE N 54°42'28" E 23.23'; THENCE N 29°53'05" W 31.67'; THENCE N 13°55'20" W 52.54'; THENCE N 0°00'31" E 532.25' TO THE POINT OF BEGINNING. CONTAINING 5.090 ACRES, MORE OR LESS.

SURVEYOR'S NARRATIVE

I WAS CONTACTED BY WALT BURDETTE TO PERFORM A BOUNDARY SURVEY OF THE ECHO DRIVE IN THEATRE TO DISCLOSE ANY ENCROACHMENTS. IN READING THE CURRENT DEED THE PARCEL HAS 11 SIDES WITH DISTANCES TO THE NEAREST HUNDREDTH OF A FOOT, BEARINGS TO THE NEAREST SECOND, AND ACREAGE TO THE NEAREST THOUSANDTH OF AN ACRE. IN CALCULATING THE BOUNDARY THE DESCRIPTION CLOSED OUT MATHEMATICALLY TO LESS THAN 0.005' OF MISCLOSURE. THIS INDICATED TO ME THAT THE DESCRIPTION WAS LIKELY THE RESULT OF A SURVEY.

THIS PARCEL OF LAND WAS CREATED IN 1976 WHEN LELAND AND LARUE STEVENSON SOLD TO JOHN D. & RENEE S. CHASEL THE THEATER FACILITIES WITH THE LAND THAT IT OCCUPIED IMMEDIATELY AROUND IT (SEE BOOK A-95, PAGE 145). I CONTACTED THE PARTIES OF THAT TRANSACTION AS WELL AS SOME LOCAL SURVEYORS WHO WERE IN PRACTICE AT THAT TIME TO SEE IF THEY HAD ANY KNOWLEDGE OR DEALINGS WITH A SURVEY OF THIS PARCEL. TO THIS END I WAS UNABLE TO VERIFY THE POSSIBILITY OF AN ORIGINAL SURVEY.

IN PERFORMING DEED RESEARCH THE SUBJECT & SURROUNDING PARCELS WERE ALL OF THE METES AND BOUNDS TYPE DESCRIPTIONS, WHICH USUALLY MEANS A SERIES OF SEQUENTIAL CONVEYANCES HAD TAKEN PLACE AND THAT SENIOR AND JUNIOR RIGHTS MAY EXIST. A PARTIAL ABSTRACT OF THE RELEVANT PARCELS REVEALED THAT PARCEL NO. R-739-742 ADJOINING ALONG A PORTION OF THE WEST LINE HAD SENIOR RIGHTS, AND THE PARENT OF OUR SUBJECT PARCEL PURCHASED BY STEVENSONS IN 1955 (SEE BOOK 27, PAGE 580.581) WAS JUNIOR. THE SENIOR PARCEL WAS CREATED IN 1922 WHEN WILLIAM H. & ANNA H. SMART WHO OWNED A MAJORITY OF THE SOUTHEAST QUARTER OF SECTION 21 SOLD THAT FIRST PORTION OUT TO ROOSEVELT STAKE OF THE L.D.S. CHURCH (SEE BOOK 7, PAGE 32).

THE CALLS IN THE SENIOR PARCEL EACH HAVE CARDINAL DIRECTIONS. I DETERMINED THAT THE MOST CORRECT APPLICATION OF THE CALLS WAS TO HOLD THE DISTANCES AND RUN THE LINES PARALLEL TO THE QUARTER SECTION LINES ADJACENT TO THE POINT OF BEGINNING WHICH IS ALSO THE CENTER OF SECTION QUARTER CORNER. THIS IN EFFECT WOULD CREATE A PARALLELOGRAM.

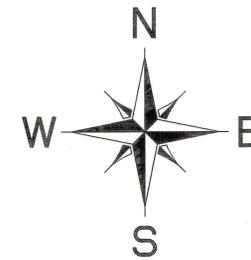
IN PERFORMING THE FIELD SURVEY I RECOVERED MATERIAL OF WHAT I PRESUMED TO BE EVIDENCE OF AN ORIGINAL SURVEY. I FOUND 5/8" REBAR WITH OLD BLUE RIBBON ON THEM HIDDEN IN THE GRASS ON THE NORTH, EAST, AND SOUTH SIDES OF THE PROPERTY. I ALSO FOUND THESE POINTS ON THE WEST SIDE BUT COVERED BY 1/2 TO 1 1/2 FEET OF FILL MATERIAL.

THOUGH I WAS UNSUCCESSFUL IN RECOVERING A COPY OF AN ORIGINAL SURVEY MAP OR NOTES, AND THE DEEDS DO NOT CALL FOR ANY MONUMENTS OR SURVEYS EXCEPT FOR THE RIGHT-OF-WAY LINE OF HIGHWAY 40, AS WELL AS THE U.S. RECTANGULAR SYSTEM SECTION NETWORK, I ACCEPTED THE OLD REBAR WHICH HAD BEEN FOUND AS CONCLUSIVE EVIDENCE OF THE ORIGINAL BOUNDARY LINE. THE GENERAL RULE FOR THE ADMISSIBILITY OF MONUMENTS IS FOR THEM TO EITHER BE CALLED FOR IN THE CONVEYANCE DOCUMENT, OR TO BE REQUIRED BY LAW FOR THE CREATION OF A BOUNDARY LINE. THE LATER REQUIREMENT IS APPLIED IN THIS CASE. THE CREATION OF A NEW PARCEL FALLS WITHIN THE DEFINITION OF THE WORD "SUBDIVISION" (SEE BLACKS LAW DICTIONARY "SUBDIVISION"). THE FIRST SUBDIVISION ACT IN UTAH APPEARED ON THE BOOKS IN THE EARLY 1950S. THE ACT REQUIRES THAT WHEN ONE SUBDIVIDES LAND THAT MARKS BE PLACED UPON THE GROUND AND A MAP BE PREPARED. THIS RULE COUPLED WITH THE LAND SURVEYORS LICENSING ACT (ALSO IN PLACE SINCE THE 1950S) PROVIDES THAT WHEN PROPERTY CORNERS ARE SET A LICENSED SURVEYOR PERFORMS THE WORK AND PREPARES THE MAP.

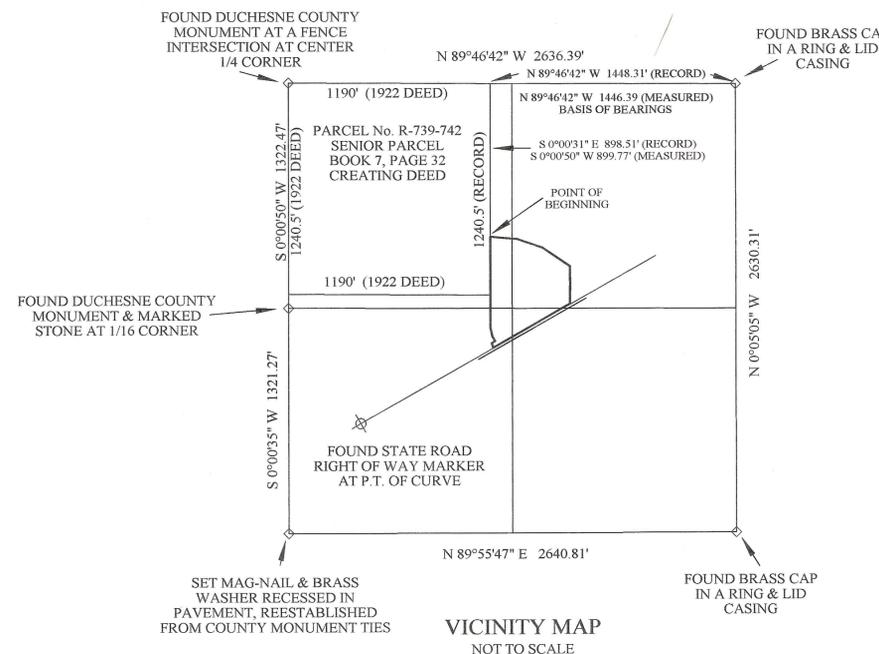
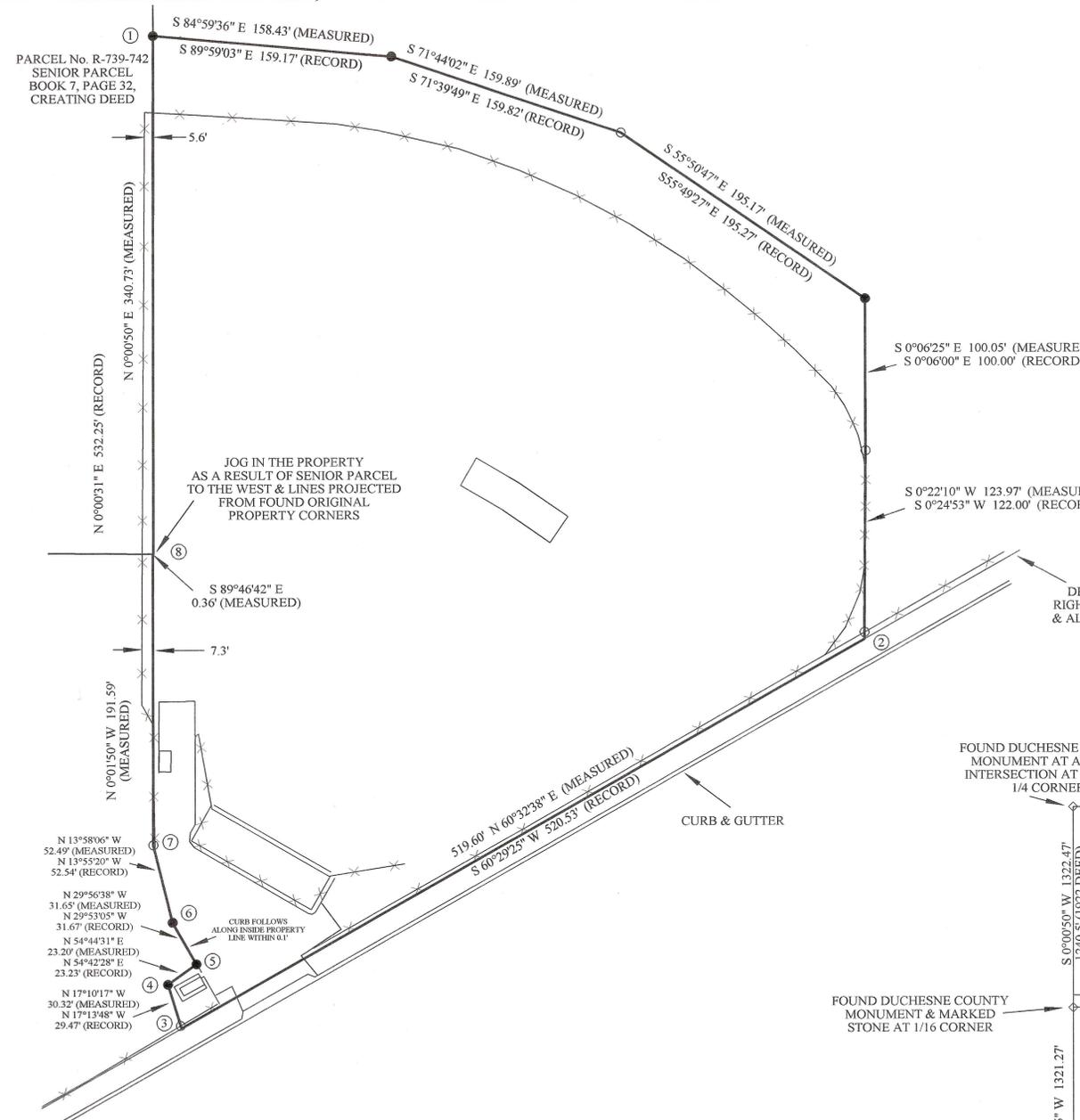
IT IS PRESUMED THAT WHEN A BOUNDARY LINE IS CREATED THAT IT IS DONE IN COMPLIANCE WITH THE LAW AND THAT THE LAND OWNERS INSPECT THE PROPERTY TO BE CONVEYED AND THE MARKED BOUNDARIES THEREOF ACCEPTED. THEREFORE WHEN A SURVEY MARK IS FOUND OUT IN THE FIELD I AS A SURVEYOR MUST FIRST PRESUME THAT IT IS CORRECT, AND THAT IF I WISH TO REJECT ITS AUTHENTICITY, THE BURDEN OF PROOF IS PLACED UPON ME TO FIND THE PREPONDERANCE OF THE EVIDENCE TO DO SO. THIS APPLICATION OF THE ACCEPTANCE OF MONUMENTS MUST OFTEN BE RESORTED TO IN OUR STATE, ESPECIALLY SINCE VERY LITTLE BOUNDARY LOCATION EVIDENCE HAS BEEN PERPETUATED IN OUR PUBLIC RECORDS.

THE BASIS OF BEARINGS FOR THIS SURVEY IS PLACED ALONG THE NORTH CENTER QUARTER SECTION LINE AS INDICATED IN THE SUBJECT PARCELS CREATING DEED, THE BEARING BEING N 89°46'42" W.

THERE ARE NO PHYSICAL ENCROACHMENTS GREATER THAN 1/2 ft. ON OR OFF THE PROPERTY EXCEPT AS NOTED ON THE WEST SIDE OF PROPERTY.



SCALE: 1" = 50'

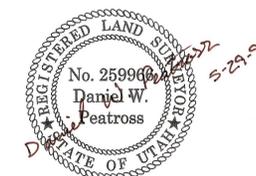


NOTES:

- FOUND ORIGINAL 5/8" REBAR IN GOOD CONDITION
- FOUND ORIGINAL 5/8" REBAR OR SPINDLE BENT OR COVERED WITH MATERIAL, SET NEW 5/8" REBAR WITH ALUMINUM CAP TO PERPETUATE EVIDENCE OF ORIGINAL BOUNDARY LOCATION.
- ◇ SECTION CORNERS FOUND
- ⊕ HIGHWAY RIGHT OF WAY MARKERS FOUND
- ① FOUND SPINDLE, SET REBAR & ALUMINUM CAP AT INTERSECTION OF SENIOR PARCEL TO THE WEST AND NORTH OF PROPERTY LINE FROM THE EAST (0.05' SOUTH & 0.63' EAST FO SPINDLE)
- ② FOUND 5/8" REBAR IN THE RIGHT OF WAY FENCE 4.51' NORTH OF RIGHT OF WAY LINE INTERSECTION.
- ③ FOUND 5/8" REBAR IN RIGHT OF WAY FENCE N 17°10'17" W 1.98' FROM RIGHT OF WAY LINE INTERSECTION.
- ④ FOUND 5/8" REBAR WITH PLASTIC CAP STAMPED: RLS 148951 1.42' NORTH & 1.91' WEST OF FOUND 5/8" REBAR 1-1/2' DOWN UNDER FILL MATERIAL.
- ⑤ FOUND 5/8" REBAR WITH PLASTIC CAP 1.40' NORTH & 1.96' WEST OF FOUND SPINDLE 1' DOWN UNDER FILL MATERIAL.
- ⑥ FOUND 5/8" REBAR WITH PLASTIC CAP 1.43' NORTH & 1.93' WEST OF PROPERTY CORNER.
- ⑦ FOUND 5/8" REBAR WITH PLASTIC CAP 1.59' NORTH & 1.82' WEST OF FOUND 5/8" REBAR
- ⑧ FOUND 5/8" REBAR WITH PLASTIC CAP 0.48' NORTH & 2.04' WEST OF THE SOUTHEAST CORNER OF PARCEL No. R-739-742

SURVEYOR'S CERTIFICATE

I, DANIEL W. PEATROSS, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 259966, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED ABOVE AND THAT THE SAME IS CORRECT AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.



REGISTERED SURVEYORS CORPORATION

DANIEL W. PEATROSS R.L.S.

P.O. BOX 564 - DUCHESNE UTAH, 84021 (435) 738 - 2718

JOB #	SURVEYED BY:	DATE SURVEYED:	
99011	D.W.P., D.F.	5-26-99	
SHEET:	DRAFTED BY:	DATE DRAFTED:	
3 OF 3	Bruce Peatross	5-29-99	