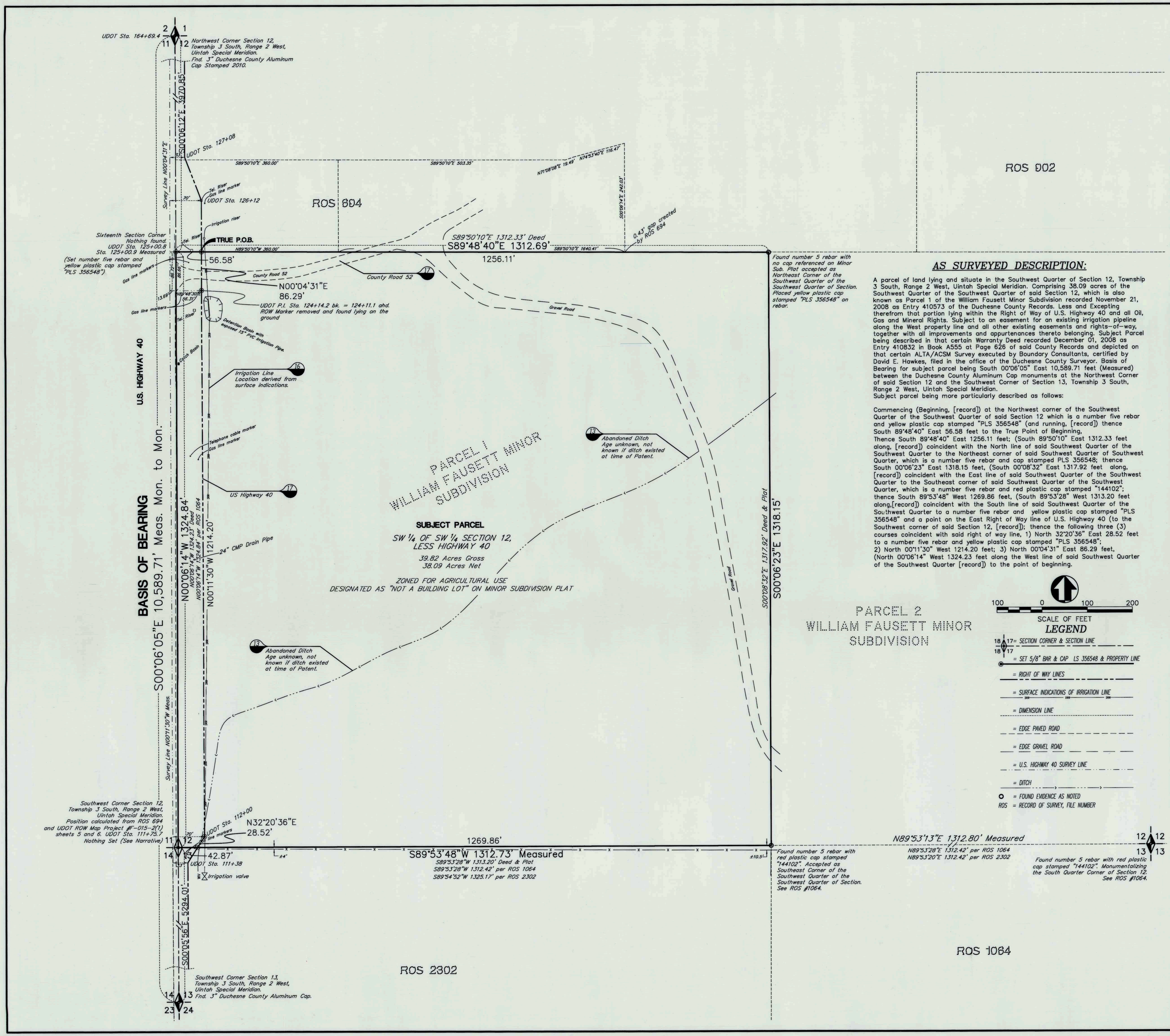

SURVEYORS CERTIFICATE:

TO: Nate Brockbank, his successors and assigns, Farm & Home Title Insurance Agency, their successors and assigns, First American Title Insurance Company, its successors and assigns. This is to certify that this map and the survey on which it is based were made in accordance with the 2011 "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys" jointly established and adopted by ALTA and NSPS, and includes no Items from Table A thereof.
The field work was completed on October 28, 2013.

David E. Hawkes PLS #356548 DATE

This ALTA/ACSM Land Title Survey was prepared using that certain Commitment For Title Insurance issued by Farm & Home Title Insurance Agency, Commitment Number 10202, with an effective date of October 09, 2013 at 8:00 a.m.

DESCRIPTION:

SUBJECT PARCEL ENTRY #410832:

Section 12, Township 3 South, Range 2 West, Uintah Special Base and Meridian: Beginning (at) the Northwest corner of the Southwest Quarter of the Southwest Quarter of said Section 12 and running thence South 89°50'10" East 1312.33 feet along the North line of said Southwest Quarter of the Southwest Quarter to the Northeast corner of said Southwest Quarter of Southwest Quarter; thence South 00°08'32" East 1317.92 feet along the East line of said Southwest Quarter of the Southwest Quarter to the Southeast corner of said Southwest Quarter of the Southwest Quarter; thence South 89°53'28" West 1313.20 feet along the South line of said Southwest Quarter of the Southwest Quarter to the Southwest corner of said Section 12; thence North 00°06'14" West 1324.23 feet along the West line of said Southwest Quarter of the Southwest Quarter to the point of beginning.
Less the area in the US HWY 40 right-of-way.
SUBJECT to an easement for an existing irrigation pipeline along the West property line.
TOGETHER with all improvements and appurtenances thereto belonging.
SUBJECT to all existing easements and rights-of-way.
EXCEPTING therefrom all oil, gas, and mineral rights.

AS SURVEYED DESCRIPTION:

A parcel of land lying and situate in the Southwest Quarter of Section 12, Township 3 South, Range 2 West, Uintah Special Meridian. Comprising 38.09 acres of the Southwest Quarter of the Southwest Quarter of said Section 12, which is also known as Parcel 1 of the William Fausett Minor Subdivision recorded November 21, 2008 as Entry 410573 of the Duchesne County Records. Less and Excepting therefrom that portion lying within the Right of Way of U.S. Highway 40 and all Oil, Gas and Mineral Rights. Subject to an easement for an existing irrigation pipeline along the West property line and all other existing easements and rights-of-way, together with all improvements and appurtenances thereto belonging. Subject Parcel being described in that certain Warranty Deed recorded December 01, 2008 as Entry 410832 in Book A555 at Page 626 of said County Records and depicted on that certain ALTA/ACSM Survey executed by Boundary Consultants, certified by David E. Hawkes, filed in the office of the Duchesne County Surveyor. Basis of Bearing for subject parcel being South 00°06'05" East 10,589.71 feet (Measured) between the Duchesne County Aluminum Cap monuments at the Northwest Corner of said Section 12 and the Southwest Corner of Section 13, Township 3 South, Range 2 West, Uintah Special Meridian.
Subject parcel being more particularly described as follows:

Commencing (Beginning, [record]) at the Northwest corner of the Southwest Quarter of the Southwest Quarter of said Section 12 which is a number five rebar and yellow plastic cap stamped "PLS 356548" (and running, [record]) thence South 89°48'40" East 56.58 feet to the True Point of Beginning,
Thence South 89°48'40" East 1256.11 feet; (South 89°50'10" East 1312.33 feet along, [record]) coincident with the North line of said Southwest Quarter of the Southwest Quarter to the Northeast corner of said Southwest Quarter of Southwest Quarter, which is a number five rebar and cap stamped PLS 356548; thence South 00°06'23" East 1318.15 feet, (South 00°08'32" East 1317.92 feet along, [record]) coincident with the East line of said Southwest Quarter of the Southwest Quarter to the Southeast corner of said Southwest Quarter of the Southwest Quarter, which is a number five rebar and red plastic cap stamped "144102"; thence South 89°53'48" West 1269.86 feet, (South 89°53'28" West 1313.20 feet along,[record]) coincident with the South line of said Southwest Quarter of the Southwest Quarter to a number five rebar and yellow plastic cap stamped "PLS 356548" and a point on the East Right of Way line of U.S. Highway 40 (to the Southwest corner of said Section 12, [record]); thence the following three (3) courses coincident with said right of way line, 1) North 32°20'36" East 28.52 feet to a number five rebar and yellow plastic cap stamped "PLS 356548";
2) North 00°11'30" West 1214.20 feet; 3) North 00°04'31" East 86.29 feet, (North 00°06'14" West 1324.23 feet along the West line of said Southwest Quarter of the Southwest Quarter [record]) to the point of beginning.

NARRATIVE:

Boundary Consultants were retained by Nate Brockbank to perform an ALTA/ACSM Survey of the subject parcel.
The Basis of Bearing for this survey is Geodetic North as determined by GPS, the same as has been defined in the other surveys referenced hereon.
This survey was executed using a Trimble 5800 GPS System and was completed on the ground on October 28, 2013.
The subject parcel is Parcel 1 of the William Fausett Minor Subdivision Recorded November 21, 2008 as Entry 410573 of the Duchesne County Records. In our research we found that the plat of the aforestated subdivision has been lost by the County Recorders Office and in checking with the County Surveyor we found that a Record of Survey of the Plat was not filed by C. Denile McKenna the Land Surveyor who created the plat. We contacted Mr. McKenna and he provided an electronic version of the plat which we have relied upon in the execution of this survey. We are also filing an unsigned copy of that plat with the Duchesne County Surveyor so that a public record of the plat exists.
The location of the Southwest Corner of Section 12 is not physically monumented with certainty, and its location is ambiguous using filed surveys in Sections 11, 12, 13 & 14. We have held the location established from a Record of Survey performed by Jerry Allred, the County Surveyor, executed in 1998 and filed as Survey Number 694 in the office of said County Surveyor. We consulted with Mr. Allred as to the location of the Southwest Corner and he advised us to use a Record of Survey executed by him in August of 2010 filed as Survey Number 2302, in so doing we discovered a blunder on that survey. The blunder exists in the bearing and distance used from the Northeast Corner of the Northwest Quarter of the Northwest Quarter of Section 13, which is the common Quarter Section Line to the subject parcel. Using the bearing and distance shown on the record of survey it places the section corner on the survey line of Highway 40 and not at the location of the section corner delineated on the UDOT Right of Way Maps or the aforestated Record of Survey 694.
Our decision to set the location of the Southwest Corner of Section 12 where we have is based upon the following premises;
1. The congruity in the location of the Section Corner using Records of Survey 694, 902 and the UDOT Right of Way Map for Project #F-015-2(1) Sheets 5 and 6.
2. The fact that Records of Survey 1064, 2302 and the Minor Subdivision Plat all reference the location as being congruous.
3. The location of an ancient number five rebar with no cap that has been disturbed but which if straightened would very nearly approximate the location being held hereon.
4. There has been no evident detrimental reliance upon the location of the Section Corner in any of the adjacent four section quadrants.
Because of the scale of this drawing we are not able to graphically show the relationship between some found evidence around the location of Southwest Corner of Section 12 so they are being described hereafter:
A. A number four rebar and cap stamped "Peatross" lies NORTH 2.76 feet and WEST 0.64 feet of our calculated position.
B. An ancient number five rebar which has been disturbed and is lying at an angle to the north and east of it's base. The location of the rebar shot at the contact point with the ground is NORTH 0.46 feet and EAST 0.55 feet of our calculated position.
The center line of Duchesne County Road 52 has not been discovered in the course of this survey. No right of way fences exist along its course through the subject parcel. We were not able to obtain a width or location from Duchesne County, as such the roadway may exist by prescription and be defined as "that portion which has been abandoned to the public use". It is our recommendation that an attorney be consulted as to the definition of that right of way.

SCHEDULE B-SECTION 2:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. **NON-SURVEY MATTER.**
2. Any facts, rights, interest or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof. **NONE NOTED IN THE COURSE OF THIS SURVEY.**
3. Easements, claims of easements or encumbrances which are not shown by the public records. **NONE NOTED IN THE COURSE OF THIS SURVEY.**
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments and any other facts which a correct survey which disclosed, and which are not shown by public records. **AS NOTED HEREON.**
5. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water. **NON-SURVEY MATTER.**
6. All rights, title or interest in minerals of any kind, oil, gas, coal or other hydrocarbons and the consequences of the right to mine or remove such substances including, but not limited to express or implied easements and rights to enter upon and use the surface of the land for exploration, drilling or extraction related purposes. **NON-SURVEY MATTER.**
7. Any lien, or right to a lien, for services, labor or, material heretofore or hereafter furnished, imposed by law and not shown by the public records. **NON-SURVEY MATTER.**
8. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this commitment. **NON-SURVEY MATTER.**
9. Taxes for the year 2013 now a lien not yet due. (Taxes for the year 2012 have been paid in the amount of $330.37.) Parcel No: 00-0007-4629 / Serial No: 2726 **NON-SURVEY MATTER.**
10. This property is within the boundaries of Duchesne County and the Central Utah Water Conservancy District and the Duchesne County Water Conservancy District and Johnson Water County District and is subject to all charges and assessments levied thereby. (Levied with general property taxes.) **NON-SURVEY MATTER.**
11. All rights, title or interest in minerals of any kind, oil, gas, coal or other hydrocarbons and the consequences of the right to mine or remove such substances including, but not limited to express or implied easements and rights to enter upon and use the surface of the land for exploration, drilling or extraction related purposes. (This commitment/policy does not purport to disclose documents of record pertaining to the above referenced rights.) **NON-SURVEY MATTER.**
12. Claims, rights, title or interest to water or water rights whether or not shown by the Public Records. **NON-SURVEY MATTER.**
13. Rights-of-way and easements for ditches and canals reserved by the United States of America, as recited in that certain Patent No. 550, dated March 7, 1914, recorded April 9, 1915, in Patent Book 1, page 457, records of Duchesne County, Utah. **AS NOTED HEREON.**
14. Transfer/Conveyance of Easement to use Irrigation System in favor of Moon Lake Water Users, dated December 2, 1985, as Entry No. 250595, in Book A-137, pages 639-640, records of Duchesne County, Utah. **NON SURVEY MATTER.**
15. Subject to that certain Surface Use Access Agreement between the Ute Indian Tribe and Duchesne County, for the purpose of using and maintaining existing roads, dated September 1, 2001, and recorded August 15, 2001, as Entry No. 350559, in Book A-361, pages 157-180, records of Duchesne County, Utah. **NO AFFECT ON SUBJECT PARCEL AS SUBJECT PARCEL IS NOT INDIAN TRUST LANDS.**
16. Subject to a right-of-way for an existing irrigation pipeline along the West property line; to a County Road running along the Northwest corner of property; to U.S. Highway 40 running along the West property line; and to this property not being a proposed building lot, as shown on the Plat, recorded November 21, 2008, as Entry No. 410573, in Book A- 555, page 121, records of Duchesne County, Utah. **AS NOTED HEREON.**
17. Subject to all existing easements and rights-of-way. **AS NOTED HEREON.**

LICENSED PROFESSIONAL LAND SURVEYOR
DAVID E. HAWKES
STATE OF UTAH

DATE: 10-30-13
PLOT DATE:
SCALE 1"=100'
PROJECT NUMBER 1305010

ALTA/ACSM SURVEY OF TAX PARCEL 7-4629

PARCEL 1, WILLIAM FAUSETT MINOR SUBDIVISION

LYING AND SITUATE IN THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 2 WEST, UINTAH SPECIAL MERIDIAN, DUCHESNE COUNTY, UTAH

Boundary Consultants
Professional Land Surveyors
1295 North 1700 West, Farr West, Utah
801-792-1569 801-690-7158 FAX

DESIGNED DEH
DRAWN DEH
CHECKED DEH

SHEET 1 OF 1

COUNTY SURVEYORS FILE # 2905