

NARRATIVE:
 Boundary Consultants was retained in 2020 by Alex Hurtado to survey the subject parcels after he became concerned that development activities on the parcel north of his property were encroaching onto his land. Mr. Hurtado stated that the south wall of the former motel had long been treated as the boundary between the properties. Following the motel's demolition and the installation of temporary fencing, he believed construction activities were extending onto his property.

We began the survey in October 2020 and completed our initial field work on October 30, 2020. By that time, the motel had been fully demolished, leaving no physical evidence of the location of its south wall.

During our initial work, we found several No. 5 rebars with caps stamped "LANDMARK," indicating that a survey of the adjoining property had recently been completed or was underway. Mr. Hurtado believed that the rebar and cap located near what he considered his northwest corner were positioned south of their true location. After completing our field work, we analyzed the deeds for the subject parcels and surrounding properties. We found no discrepancies between the deed descriptions and the locations of the rebar and caps found in the field.

Due to workload demands at that time, this survey was unfortunately not completed and fell through the cracks.

Mr. Hurtado contacted us again in February 2026, reporting that a new vinyl fence had been installed, that it was incorrectly placed, and that it encroached even further onto his property. We resumed the survey on February 23, 2026.

This survey was conducted using a Trimble R8S GPS system, with ground distances determined using GEOD Model CONUS 12B at a height of 4266.47 feet, with no calibration. The Basis of Bearing for this survey is Geodetic North as determined by GPS, or North 0°05'58" East, 938.74 feet (measured) between Ogdenville City Well Monument No. 71 at 16th and Washington and Ogdenville City Well Monument No. 73 at 14th and Washington.

On February 23, 2026, we re-established our control and verified its accuracy by re-locating the monumentation shown hereon, finding no discrepancies.

We located the newly installed vinyl fence and found a No. 5 rebar with a cap stamped "REEVE" near the expected location of the northeast corner of Tax Parcel 02-051-0028. We then re-analyzed our field data in conjunction with our prior boundary determination and found that the new vinyl fence not only meanders significantly but also encroaches onto the subject parcels as depicted hereon. Following this discovery, we reviewed additional record documents to determine the cause of the encroachment.

Landmark Surveying filed a Record of Survey on December 1, 2020, as File No. 6696 in the Office of the Weber County Surveyor, information we did not have in 2020. The Landmark survey matches the rebar and caps we found in 2020 (see Sheet 1 of this survey) and accurately retraces the root deeds for the Midtown Village development. Landmark's survey (No. 6696) is the only survey on file associated with the development parcel and includes an "As Surveyed Overall Description."

We then retraced the recorded Midtown Village plats filed in the Office of the Weber County Recorder:
 Midtown Village, Book 94, Page 87, recorded December 15, 2022
 Midtown Village 1st Amendment, Book 99, Page 15, recorded March 17, 2025
 Midtown Village Common Area, Private Road, and Lots 169-170 Amendment, recorded September 12, 2025

The 2022 Midtown Village plat contains a boundary description that does not match the composite "As Surveyed Overall Description" from Record of Survey No. 6696, with no explanation for the discrepancy.

We then abstracted the Midtown deeds to determine the origin of the ambiguous description used in the plat. We found a Warranty Deed from Dynamic Development, LLC to Heritage Land Holdings, LLC dated January 7, 2021, filed as Entry No. 3116507. This deed transfers the six root parcels to Heritage by their record descriptions and does not include a composite description. However a Quit Claim Deed recorded December 1, 2021, as Entry No. 3212064, from Heritage to Heritage, titled "Quit Claim Deed and Agreement for Development of Land", which includes all six root parcel descriptions and contains an Exhibit B titled "Newly Combined Parcel - Midtown Village Overall Legal Description", with no explanation of how this new combined description was derived.

Based on our work in 2020 and again in 2026, it is evident that Reeve & Associates, Inc. was retained at some point to prepare a plat for Heritage. It also appears that Reeve re-surveyed the root parcels disregarding the work performed by Landmark (Record of Survey No. 6696). From our analysis and field evidence, it appears that Reeve departed from the record boundary lines, measured existing fences, and improperly applied or misapplied the Doctrine of Boundary by Acquiescence in creating the description used in the Midtown plats. While we cannot speak to boundary decisions affecting areas outside our client's title, we can address the encroachment created by the Midtown plat and the placement of the new vinyl fence onto the Hurtado property.

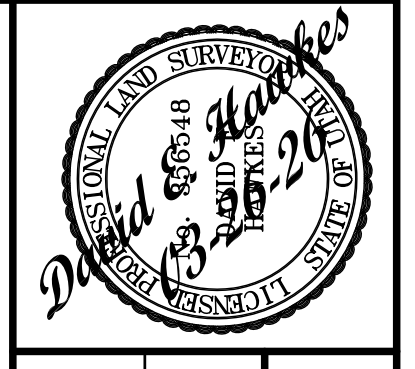
During the motel demolition, temporary fencing of various types was erected to prevent movement between the properties. On the Hurtado-controlled parcels, this consisted of chain-link panels and chain-link attached to "T" posts running inside his property along its north side. In 2020, we located a "T" post approximately three feet inside the Hurtado property near its northeast corner, with temporary fencing attached. It appears that Reeve located this post and fencing and mistakenly treated it as an acquiesced boundary.

For boundary by acquiescence to apply, four elements must be met:
 A visible, physical boundary line
 Mutual use and occupation up to that line
 For a long period of time (20 years in Utah)
 Treated as the boundary by adjoining landowners

The former motel's south wall met all four requirements. Mr. Hurtado's father owned the subject parcels for more than sixty years. During that time, Mr. Hurtado stated that he maintained the property up to the motel's south wall and regularly cleaned trash discarded from motel windows. Trees and remnants of trees along the north line - maintained by the Hurtado family - were located entirely on the Hurtado side of the deeded boundary. To independently verify Mr. Hurtado's statements, Boundary Consultants reviewed Google Maps Street View imagery. Images from 2012 and 2018 show no fence between the subject parcel and the development parcel, and confirm that the motel wall functioned as the boundary - if not by deed, then by acquiescence.

Reeve erred in its boundary determination and created an overlap onto the Hurtado property by misapplying the Doctrine of Boundary by Acquiescence and by accepting a temporary fence, one that clearly did not meet the 20 year requirement, as an acquiesced boundary.

We have monumented the boundary at its record location, consistent with Record of Survey No. 6696. We currently lack concrete evidence of the precise location of the motel's south wall. Should such evidence be discovered and verified, we will amend our survey to depict an acquiesced boundary along the motel's former south wall.



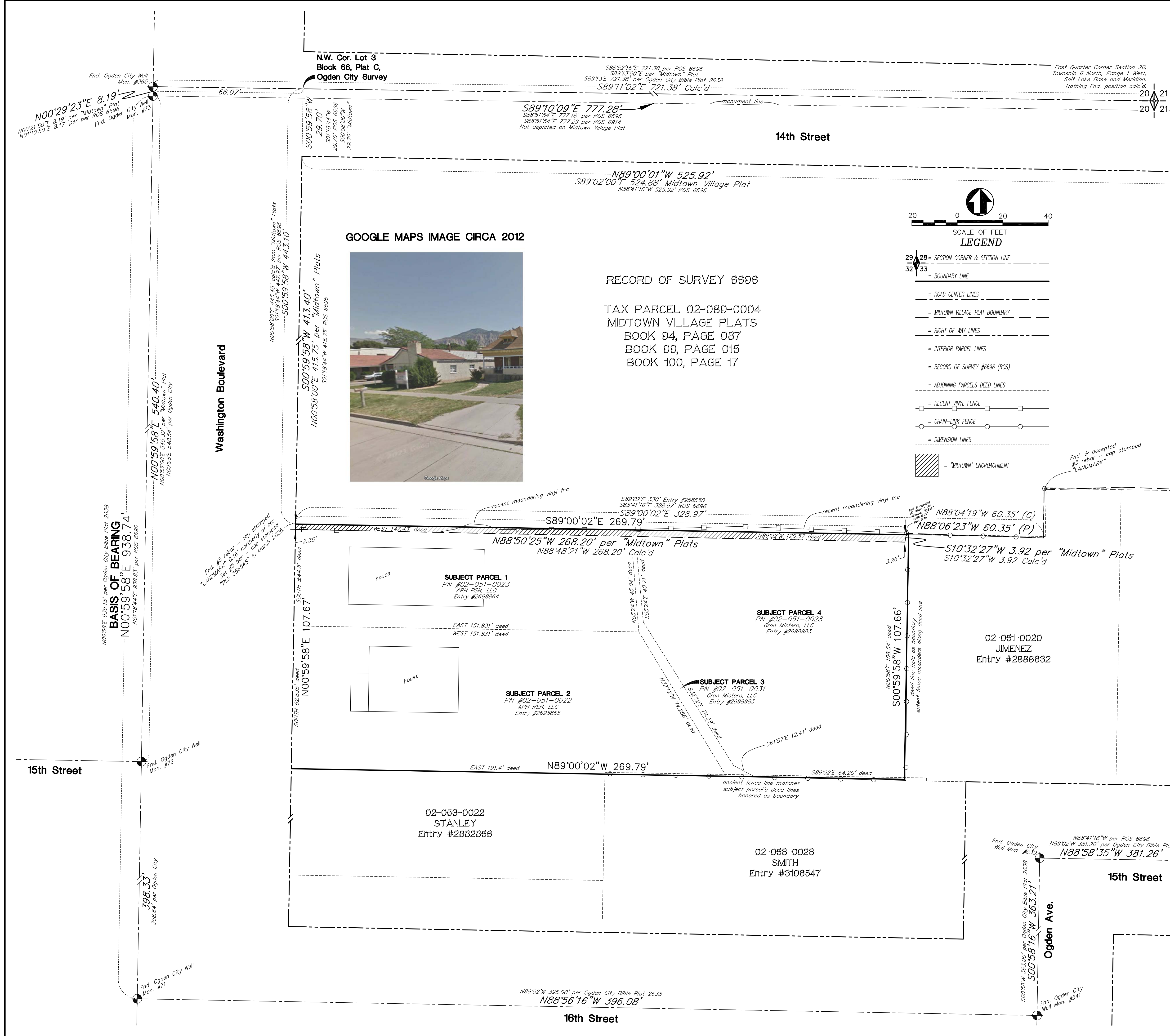
DATE: 03-06-26
 SCALE: 1"=40'
 PROJECT NUMBER: 2021002

RECORD OF SURVEY OF WEBER COUNTY
 TAX PARCELS 02-051-0022, -0023, -0028, -0033
 APH RSH, LLC - GRAN MISTERIO, LLC
 LYING AND SITUATE IN THE SOUTHEAST QUARTER OF SECTION 20,
 TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN

Boundary Consultants
 Professional Land Surveyors
 5554 West 2425 North, Hooper, Utah
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DESIGNED: DEH
 DRAFTED: DEH
 CHECKED: DEH
 SHEET: 1
 OF: 2

RECEIVED
 MAR 10 2026
 FILE # 8300



RECORD SUBJECT PARCELS DESCRIPTIONS:

PARCEL 1, WARRANTY DEED ENTRY #2698864:
 Part of Lot 3, Block 66, Plat "C" of Ogden City Survey; Beginning at a point 443.1 feet SOUTH of the Northwest Corner of said Lot and running thence SOUTH along west line of Lot 44.8 feet; more or less, to a point 7.3929 chains SOUTH of the Northwest Corner of said lot; thence EAST 151.831 feet; thence North 05°24' West 45.04 feet to a point east of beginning, thence WEST 147.43 feet to a point of beginning.
 ALSO a right of way over the following described property; Beginning at a point 7.3929 chains SOUTH of the Northwest Corner of Lot 3 aforesaid, thence South 8 feet; thence EAST 158 feet, more or less, to east property line; thence North 32°12' West along said line to a point EAST of beginning; thence WEST 151.831 feet to beginning.

PARCEL 2, WARRANTY DEED ENTRY #2698865:
 Part of Lot 3, Block 66, Plat "C" of Ogden City Survey; Beginning 7.3929 chains SOUTH of the Northwest corner of said Lot 3, and running thence SOUTH 62.835 feet to a point 4.70 chains NORTH of the Southwest corner of said lot; thence EAST 191.4 feet; thence North 32°12' West 74.256 feet; to a point EAST pf beginning, thence WEST 151.831 feet to place of beginning.

PARCEL 3 AND 4, WARRANTY DEED ENTRY #2698983:
 A part of Lot 3, Block 66, Plat "C" of Ogden City Survey; Beginning at a point on the extended north line of 15th Street in Ogden City, North 00°58' East 33 feet and North 89°02' West 60.09 feet from the Ogden City Survey Monument at the intersection of the center lines of 15th Street and Ogden Avenue, and running thence North 00°58' East 108.54 feet; thence North 89°02' West 120.57 feet; thence North 05°24' East 40.71 feet; thence South 32°12' East 74.58 feet; thence South 61°57' East 12.41 feet; thence North 89°02' West to a point 191.4 feet EAST of the east line of Washington Blvd., thence North 32°12' West 74.256 feet; thence North 05°24' West 45.04 feet to a point North 89°02' West from beginning; thence South 89°02' East to the place of beginning.

ALSO the following, but without warranty of title: Beginning at the Northwest Corner of the parcel above described and running thence South 05°24' East 40.71 feet; thence South 32°12' East 74.58 feet; thence South 61°57' East 12.41 feet; thence North 89°02' West to a point 191.4 feet EAST of the east line of Washington Blvd., thence North 32°12' West 74.256 feet; thence North 05°24' West 45.04 feet to a point North 89°02' West from beginning; thence South 89°02' East to the place of beginning.

COMPOSITE PERIMETER DESCRIPTION:

"As Surveyed" Perimeter Description:
 A parcel of land lying and situate in the Southeast Quarter of Section 20, Township 6 North, Range 1 West, Salt Lake Base and Meridian, being a part of Lot 3, Block 66, Plat "C" of the Ogden City Survey; Comprising Weber County Tax Parcels 02-051-0022, -0023, -0028, and -0033, described in the following three warranty deeds recorded in the Weber County Recorder's Office; 1) Entry #2698864, 2) Entry #2698865, and 3) Entry #2698983. Basis of Bearing for this composite description being North 00°59'58" East 938.74 feet, measured between the Ogden City well monuments marking the intersections of 16th Street and 14th Streets with Washington Boulevard. Subject Parcel's perimeter being more particularly described as follow:

Commencing at Ogden City well monument #71, marking the intersection of Washington Blvd. and 16th Street, thence North 00°59'58" East 938.74 feet to Ogden City well monument #73, marking the intersection of Washington Blvd. and 14th Street; thence North 00°29'23" East 8.19 feet to Ogden City well monument #365 referencing the East Quarter Corner of said Section 20; thence South 89°11'02" East 66.07 feet to the Northwest Corner of said Lot 3, Block 66; thence South 00°59'58" West 443.10 feet coincident with the east right of way of Washington Boulevard to a number five (#5) rebar and cap stamped "PLS 356548" and the True Point of Beginning;
 Thence South 89°00'02" East 269.76 feet to a number five (#5) rebar and cap stamped "PLS 356548"; thence South 00°59'58" West 107.66 feet along a fence line (not coincident with the fence) to a number five (#5) rebar and cap stamped "PLS 356548"; thence North 89°00'02" West 120.57 feet to a number five (#5) rebar and cap stamped "PLS 356548"; thence North 00°59'58" East 107.67 feet coincident with the east right of way of Washington Boulevard to the point of beginning.

Contains ±29,047 sq. ft. or 0.67 acres

COMPOSITE DESCRIPTIONS "MIDTOWN":

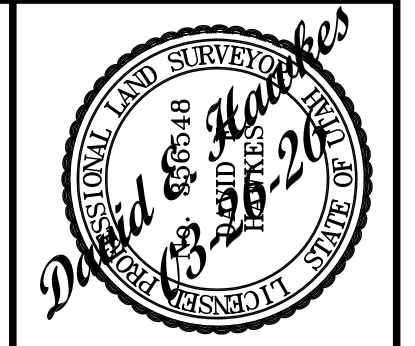
"As Surveyed" Overall Description ROS #6696:
 A part of Lot 3, Block 66, Plat C, Ogden City Survey, Weber County, Utah; Beginning at a point 29.70 feet South 01°18'44" West from the Northwest Corner of said Lot 3; and running thence South 01°18'44" West 413.27 feet; thence South 88°41'16" East 329.90 feet to a point which is North 88°41'16" West 348.20 feet and North 01°18'44" East 105.54 feet from the intersection of the north line of 15th Street and the west line of Adams Avenue; thence North 01°18'44" East 21.46 feet; Thence South 88°41'16" East 198.22 feet to a point 150 feet perpendicularly distant from the west line of Adams Avenue; thence North 01°19'12" East parallel to Adams Avenue 166.90 feet; thence North 88°41'16" West 2.25 feet; thence North 01°19'12" East parallel to Adams Avenue 224.91 feet to the south right of way line of 14th Street; thence North 88°41'16" West 525.92 feet to the point of beginning.

Contains ±213,507 sq. ft. or 4.90 acres

Boundary Description from Midtown Village Plats:

Part of Lot 3, Block 66, Plat C, Ogden City Survey, described as follows:
 Beginning at a point on the southerly right of way line of 14th Street, said point being South 00°58'00" West 29.70 feet from the Northeast Corner of Lot 3, Block 66, Plat "C" and said point also being South 00°58'00" West 21.30 feet and South 89°02'00" East 66.00 feet from a found Ogden City centerline monument in the intersection of 14th Street and Washington Boulevard (said monument being North 00°58'00" East 540.39 feet from a found Ogden City centerline monument in the intersection of 15th Street and Washington Boulevard); thence South 89°02'00" East 524.88 feet along the southerly right of way line of 14th Street; thence South 00°40'31" West 128.98 feet; thence South 01°45'58" West 109.89 feet; thence South 00°32'45" East 59.94 feet; thence South 01°02'47" West 93.16 feet; thence North 89°24'41" West 80.89 feet; thence North 87°51'09" West 81.41 feet; thence South 87°57'46" West 34.19 feet; thence South 00°31'31" West 21.17 feet; thence North 88°06'23" West 60.35 feet; thence South 10°32'27" West 3.92 feet; thence North 88°50'25" West 268.20 feet to the easterly right of way line of Boulevard; thence North 00°58'00" East 415.75 feet along said easterly right of way to the point of beginning.

Contains ±213,507 sq. ft. or 4.90 acres



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RECORD OF SURVEY OF WEBER COUNTY
TAX PARCELS 02-051-0022, -0023, -0028, -0033
APH RSH, LLC - GRAN MISTERIO, LLC
LYING AND SITUATE IN THE SOUTHEAST QUARTER OF SECTION 20,
TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN

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DESIGNED	DEH
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CHECKED	DEH
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OF	2

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