

ATTACHMENT 5

**NOTICE OF EASEMENT**

TO WHOM IT MAY CONCERN: Please take notice that Heber Light and Power whose business address is 31 South 100 West, Heber City, UT 84032, claims an easement by prescription for its overhead power line and its associated facilities located in the County of Wasatch, State of Utah, more particularly described as follows:

**A right of way along the following described line:**

Beginning on the south boundary line of the Grantor's land that lies 1320 feet South, more or less along the section line and 1133 feet East more or less, from the NW corner of Section 3, T. 4 S., R.4 E., S.L.M., thence Easterly 203 feet more or less to the east boundary line of said land, and being in the NW 1/4 of said Section 3, said easement to be further described by the As-built construction of the existing power line on the Grantor's land.

See attached Affidavit Exhibit "A".

DATED this 4<sup>th</sup> day of April 2005

Heber Light and Power

By [Signature]  
Craig Broussard (General Manager)

STATE OF Utah  
COUNTY OF Wasatch : SS

On the 26<sup>th</sup> day of April, 2005, personally appeared before me Craig Broussard, the signer of the foregoing and within instrument, who duly acknowledged to me that he/she executed the same.

My Commission Expires 7/26/08

[Signature]  
NOTARY PUBLIC

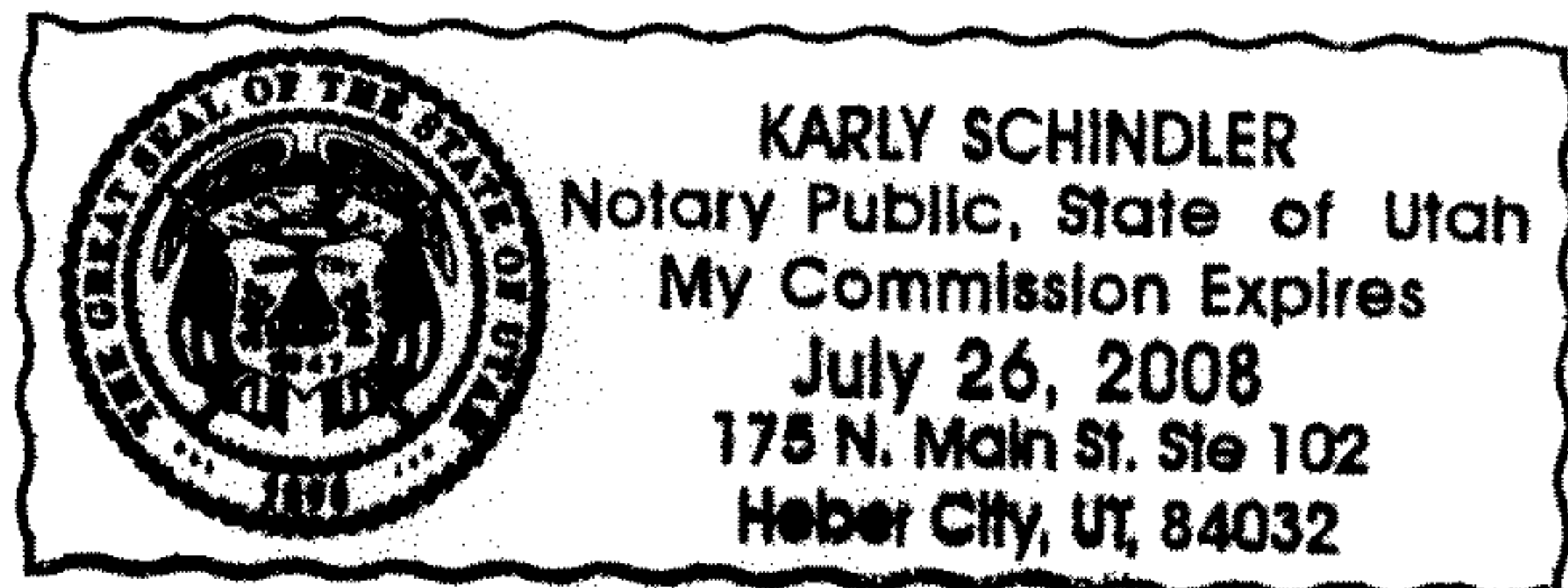


Exhibit "A"

AFFIDAVIT

STATE OF Utah )
COUNTY OF Wasatch ) :ss.

I, Troy Klungervik, being first duly sworn upon oath, deposes and states as follows:

- 1. That my name is Troy Klungervik.
2. That I am over the age of twenty-one years, a citizen of the United States of America, and a resident of Wasatch County.
3. That I was employed by Heber Light & Power as a Lineman and have been involved with Heber Light & Power for 24 years.
4. That I am familiar with Heber Power & Light's Power Line know as NORTH 46 KV LINE described in the foregoing Notice of Easement, which is located in Wasatch County & Heber City.
5. That I have personally inspected said facilities and have verified through Company records that said facilities have been existing in their present location, unchanged, for over 20 years.
6. That to my knowledge and to the best of my personal belief and knowledge, the subject facilities have remained in their present location, undisturbed, open and notorious, for longer than 20 years.

DATED this 13TH day of APRIL 2005.

Troy Klungervik (signature)

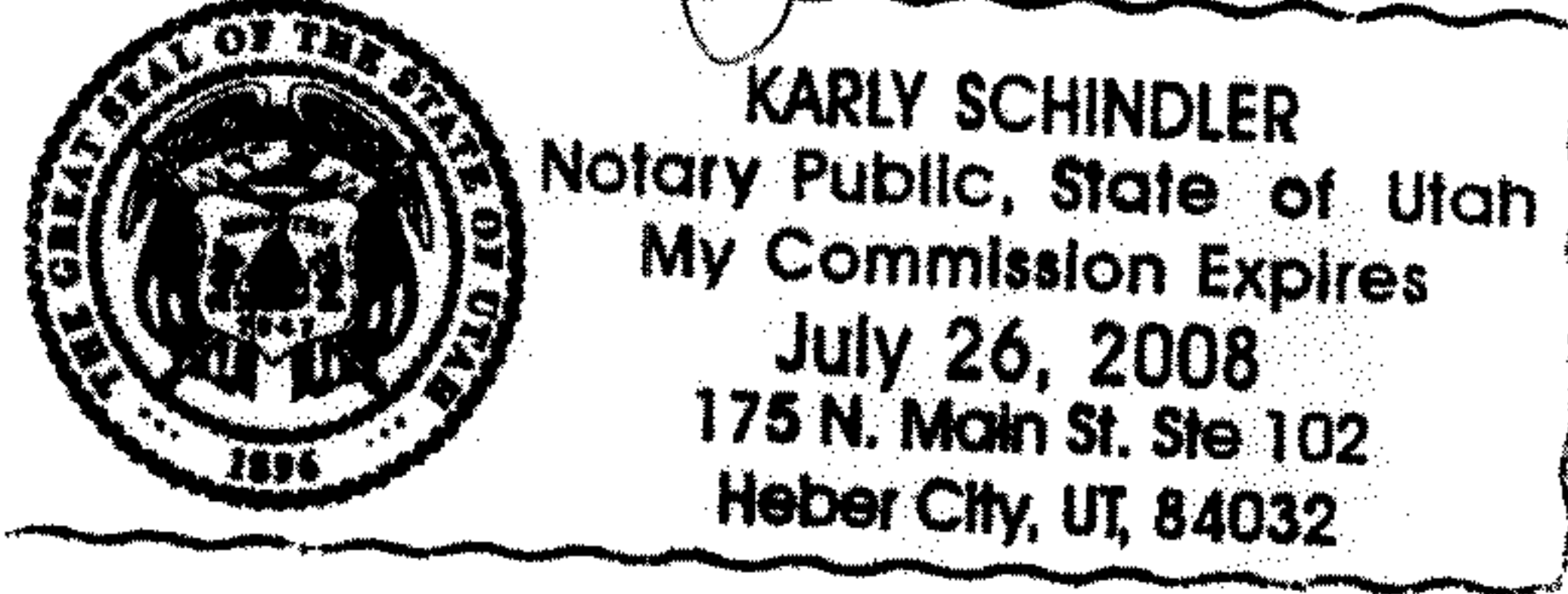
Subscribed and sworn to before me this 21st day of April, 2005.

My Commission Expires:

7/26/08
KARLY SCHINDLER (signature)
NOTARY PUBLIC

Residing at:

175 N. Main #102, Heber UT 84032



**NOTICE OF EASEMENT**

Ln. 286208 Bk 771 Pg 469-470  
Date: 26-JUL-2005 9:21AM  
Fee: \$12.00 Check Filed By: MWC  
ELIZABETH PALMIER, Recorder  
WASATCH COUNTY CORPORATION  
For: DUNBECK & GORDON PC

TO WHOM IT MAY CONCERN: Please take notice that Heber Light and Power whose business address is 31 South 100 West, Heber City, UT 84032, claims an easement by prescription for its overhead power line and its associated facilities located in the County of Wasatch, State of Utah, more particularly described as follows:

**A right of way along the following described line:**

Beginning on the North boundary line of the Grantor's land that lies 27 feet West more or less of the Northeast corner of the Southeast 1/4 of the Southeast 1/4 of Section 3, T.4 S., R.4 E., S.L.M., thence South 100 feet more or less to the South boundary line of said land, and being in the SE 1/4 of said Section 3, said easement to be further described by the As-built construction of the existing power line on the Grantor's land.

See attached Affidavit Exhibit "A".

DATED this 15<sup>th</sup> day of June 2005

Heber Light and Power

By [Signature]  
Craig Broussard (General Manager)

STATE OF Utah  
COUNTY OF Wasatch : Ss

On the 14<sup>th</sup> day of July, 2005, personally appeared before me Craig Broussard, the signer of the foregoing and within instrument, who duly acknowledged to me that he/she executed the same.

My Commission Expires 7/26/08

[Signature]  
NOTARY PUBLIC

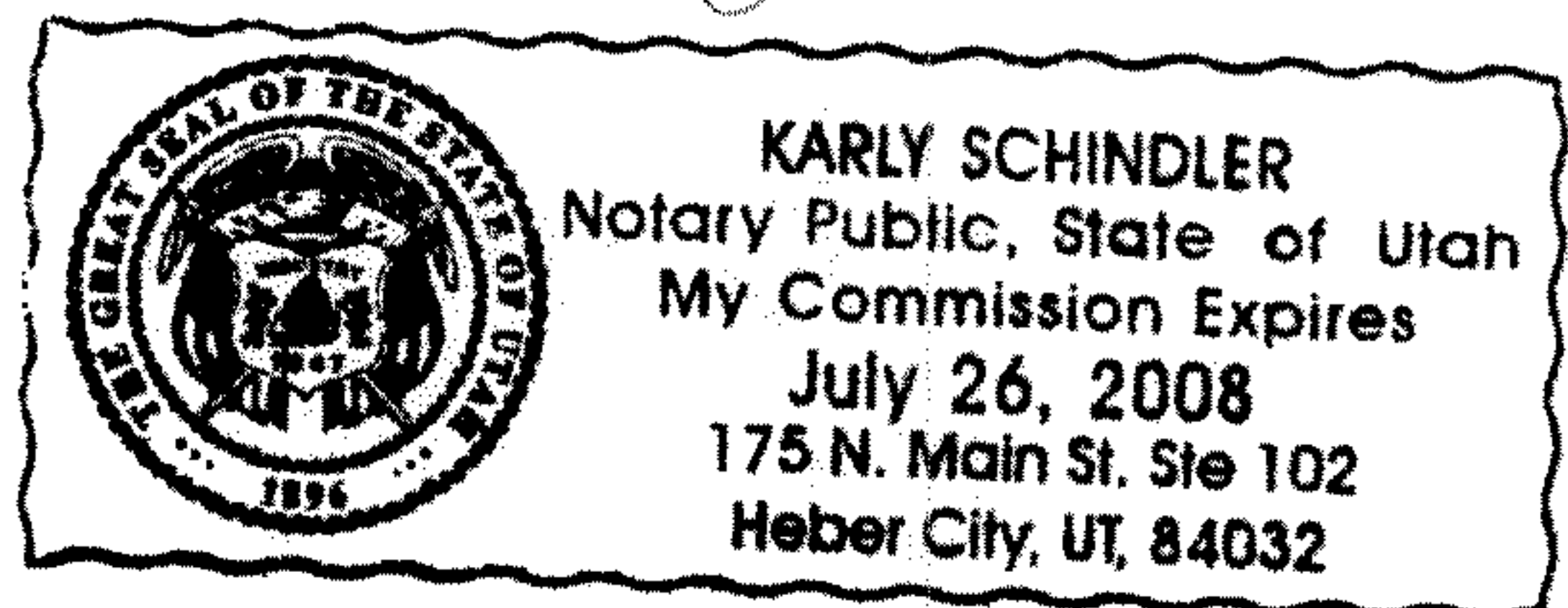


Exhibit "A"

AFFIDAVIT

STATE OF Utah )
COUNTY OF Wasatch ) :SS.

I, Troy Klungervik, being first duly sworn upon oath, deposes and states as follows:

- 1. That my name is Troy Klungervik.
2. That I am over the age of twenty-one years, a citizen of the United States of America, and a resident of Wasatch County.
3. That I was employed by Heber Light & Power as a Lineman and have been involved with Heber Light & Power for 24 years.
4. That I am familiar with Heber Power & Light's Power Line know as CL401/MW 104 CHARLESTON LINE described in the foregoing Notice of Easement, which is located in Wasatch County & Heber City.
5. That I have personally inspected said facilities and have verified through Company records that said facilities have been existing in their present location, unchanged, for over 20 years.
6. That to my knowledge and to the best of my personal belief and knowledge, the subject facilities have remained in their present location, undisturbed, open and notorious, for longer than 20 years.

DATED this 14th day of July 2005.

Troy Klungervik (signature)

Subscribed and sworn to before me this 14th day of July, 2005.

My Commission Expires: 7/26/08

NOTARY PUBLIC Karly Schindler (signature)

Residing at:

175 N. Main #102, Heber, UT 84032

