



**Exhibit A**

**00574715**

B: 1139 P: 65 Fee \$0.00 Page 2 of 9  
Patsy Cutler, Iron County Recorder  
06/30/2008 10:17:16 AM By GOVERNOR/STATE OF UTAH



**AFFIDAVIT OF LYNN FIACK**  
**SUMMIT MOUNTAIN ROAD**  
**IRON COUNTY, UTAH**  
**ROAD NUMBER 29**

State of Utah                    )  
  : ss.  
County of Iron                 )

LYNN FIACK, being first duly sworn, deposes and states as follows:

1. I am an adult competent to testify about the matters set forth below based upon my personal knowledge. I currently reside in Iron County, Utah. I have lived in Iron County since 1942. I was an employee of the Iron County Road Department from 1963 to 1987 and served as the Road Foreman from 1974 to 1987. I participated in the maintenance of the above referenced road during that time.
2. I have traveled and am familiar with a road in Iron County known as Summit Mountain Road. I am also familiar with the land the road traverses. When I first used and observed the road in the early 1950s, it followed the same route as in 2004 when I last observed it. Attached is a Iron County map showing Summit Mountain Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map.
3. I am informed that the County also identifies this road according to the road number listed above.
4. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1950s and continuing through 1976 to 2004. Throughout this time period I have observed travel on the road by means of pickup trucks, road maintenance vehicles and trucks. Throughout this time period, the road has been used daily, weather permitting.

**00574715**

B: 1139 P: 66 Fee \$0.00  
Patsy Cutler, Iron County Recorder Page 3 of 9  
06/30/2008 10:17:16 AM By GOVERNOR/STATE OF UTAH



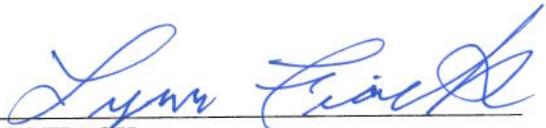
5. Throughout the time period from the early 1950s to 2004, I have used the road myself for hunting, road maintenance and travel in and through the area.

6. Throughout the time period described in the previous paragraph, I have observed vehicles from the general public using the road at various times for livestock operations, recreation, and traveling in and through the area.

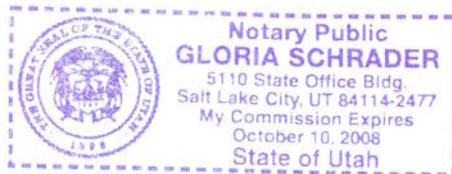
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

8. Prior to 1976, I performed and observed maintenance and construction activities on the road.

DATED this 21 day of December, 2006.

  
LYNN FIACK

SUBSCRIBED AND SWORN to before me this 21<sup>st</sup> day of December, 2006.



  
NOTARY PUBLIC

**00574715**

B: 1139 P: 67 Fee \$0.00 Page 4 of 9  
Patsy Cutler, Iron County Recorder  
06/30/2008 10:17:16 AM By GOVERNOR/STATE OF UTAH





**AFFIDAVIT OF NEIL JAMIESON FORSYTH**

**SUMMIT MOUNTAIN ROAD**

**IRON COUNTY, UTAH**

**ROAD NUMBER 29**

State of Utah                    )  
  : ss.  
County of Iron                    )

NEIL JAMIESON FORSYTH, being first duly sworn, deposes and states as follows:

1. I am an adult competent to testify about the matters set forth below based upon my personal knowledge. I currently reside in Iron County, Utah. I have lived in Iron County since 1954. I am an employee of the Iron County Road Department and have been since August of 1974. I have been the Road Foreman since July of 1987. I have participated in the maintenance of the above referenced road throughout the time period of my employment.

2. I have traveled and am familiar with a road in Iron County known as Summit Mountain Road. I am also familiar with the land the road traverses. When I first used and observed the road in the early 1970s, it followed the same route as in 2006 when I last observed it. Attached is a Iron County map showing Summit Mountain Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map.

3. I am informed that the County also identifies this road according to the road number listed above.

4. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1970s and continuing through 1976 to the present. Throughout this time period I have observed travel on the road by means of pickup trucks and road maintenance vehicles. Throughout this time period, the road has been used weekly, weather permitting.

**00574715**

B: 1139 P: 69 Fee \$0.00  
Patsy Cutler, Iron County Recorder Page 6 of 9  
06/30/2008 10:17:16 AM By GOVERNOR/STATE OF UTAH



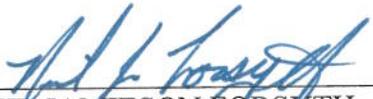
5. Throughout the time period from the early 1970s to the present, I have used the road myself for hunting and road maintenance.

6. Throughout the time period described in the previous paragraph, I have observed other vehicles from the general public using the road at various times for the uses described in the previous paragraph, plus livestock operations, wood gathering, recreation, government access and traveling in and through the area.

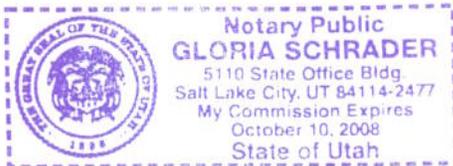
7. It is also the reputation in the community that this road has been open o the public for all to use, to come and go as they pleased, since at least as early as the 1950s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

8. Prior to 1976, I observed maintenance and construction activities on the road.

DATED this 20<sup>th</sup> day of December, 2006.

  
NEIL JAMIESON FORSYTH

SUBSCRIBED AND SWORN to before me this 20<sup>th</sup> day of December, 2006.



  
NOTARY PUBLIC

**00574715**

B: 1139 P: 70 Fee \$0.00  
Patsy Cutler, Iron County Recorder Page 7 of 9  
06/30/2008 10:17:16 AM By GOVERNOR/STATE OF UTAH





## Exhibit B

### Beginning & Ending Points and Township, Range, and Section References For:

**Popular Name: SUMMIT MOUNTAIN ROAD**

**County: Iron**

**County Road Number: 29**

**State Geographic Information Database (SGID) Road Identification Number: RD110029.**

**Total Road Length: 14.48 miles more or less.**

**Beginning at a point** on the road centerline located at 37 degrees 41 minutes 41.79 seconds North Latitude and -112 degrees 52 minutes 42.93 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,241,550.3 feet and Y = 10,219,852.9 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 37 degrees 48 minutes 16.18 seconds North Latitude and -112 degrees 55 minutes 18.61 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,229,646.0 feet and Y = 10,259,926.9 feet based on the US Survey Foot conversion.

This road may traverse:

Township 34 South Range 9 West, Section(s) 31, Salt Lake Base & Meridian  
Township 35 South Range 10 West, Section(s) 12,13,24,25,36, Salt Lake Base & Meridian  
Township 35 South Range 9 West, Section(s) 6,7, Salt Lake Base & Meridian  
Township 36 South Range 10 West, Section(s) 1,12, Salt Lake Base & Meridian  
Township 36 South Range 9 West, Section(s) 4,7,8,9, Salt Lake Base & Meridian

**00574715**

B: 1139 P: 72 Fee \$0.00 Page 9 of 9  
Patsy Cutler, Iron County Recorder  
06/30/2008 10:17:16 AM By GOVERNOR/STATE OF UTAH

