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Entry No.	195155	Book	M230
RECORDED	8:24:22	at	2:15M
REQUEST of	Van Cott, Bagley		
FEE	\$ 15.00	WANDA Y. SPRIGGS, SUMMIT CO. RECORDER	
INDEXED		By	Wanda Y. Spriggs
		ABSTRACT	

IN THE THIRD JUDICIAL DISTRICT COURT FOR SUMMIT COUNTY  
 STATE OF UTAH

UNITED PARK CITY MINES COMPANY,  
 a corporation,

Plaintiff,

vs.

ESTATE OF VERNON H. CLEGG, ZULA  
 C. BRINKERHOFF, BURK O. CLEGG,  
 personally and as personal  
 representative of the Estate  
 of Neil C. Clegg, TIDC, INC.,  
 a corporation, DAWNETTE  
 SCHAEFFER CLEGG, CAROL ANN C.  
 ZOELLNER, VERNA J. ALLGIER,  
 GEORGE V. CLEGG, personally  
 and as personal representative  
 of the Estate of Vernon H.  
 Clegg, VERDON C. BRINKERHOFF,  
 LEON D. BRINKERHOFF, DERMONT A.  
 BRINKERHOFF, LA VERLE C. GILES,  
 SANDRA LONDON, DOROTHY CLEGG,  
 TED CLEGG, and BOYD CLEGG,

Defendants.

JUDGMENT, ORDER AND  
DECREE

Civil No. 5933

On August 3, 1982, trial commenced in the above-captioned case. Plaintiff United Park City Mines Company was represented by Alan L. Sullivan, Esq. and Jeffrey C. Collins, Esq. Defendants Estate of Vernon H. Clegg, Zula C. Brinkerhoff, Dawnette Schaeffer Clegg, Carol Ann C. Zoellner, Verna J. Allgier, George V. Clegg (personally and as personal representative of the Estate of Vernon H. Clegg), Verdon C. Brinkerhoff, Leon D. Brinkerhoff and Dermont A. Brinkerhoff were

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represented by Lowell V. Summerhays, Esq. and John Runyon, Esq. Defendants Estate of Neil C. Clegg, Burk O. Clegg (personally and as personal representative of the Estate of Neil C. Clegg), LaVerle C. Giles, Sandra London, Dorothy Clegg, Ted Clegg and Boyd Clegg were represented by Richard Thornley, Esq. Defendant TIDC, Inc. did not appear at trial. A jury of eight persons was duly empanelled. The parties presented documentary and testimonial evidence and then rested.

At the close of defendants' case in chief, plaintiff moved for summary judgment as to the defendants' claim of adverse possession on the ground that defendants did not present evidence showing a disputed issue of material fact respecting continuous and exclusive occupation of the subject property and continuous payment of taxes for the seven consecutive years preceding the filing of this action. On August 4, 1982, during the course of the trial, the Court granted plaintiff's motion for summary judgment on the adverse possession issue, and the remaining issues in the case were submitted to the jury.

On August 6, 1982, the jury returned the special verdict submitted to it by the Court and answered all questions in favor of plaintiff. More specifically, the jury declined to find that the grantors' signatures on the mining deeds from Charles D. Clegg and Martha A. Clegg to Silver King Extension Mining Company dated April 13, 1929 and July 26, 1929, were forged, and the jury found that the said deeds conveyed to Silver King Extension Mining Company the entire interest owned by Charles D. and Martha A. Clegg in the property that is the subject of this action, rather than the mineral estate only.

Now, therefore, based upon the Court's prior rulings and the special verdict returned by the jury herein on August 6, 1982,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. The property that is the subject of this action is the fee simple estate, including both the surface estate and mineral estate, in and to the following described patented lode mining claims situated in portions of Section 2, Section 3, Section 10, and Section 11, in Township 2 South, Range 4 East, Salt Lake Base and Meridian, Summit County, Utah:

<u>Name of Claim</u>	<u>United States Mineral Survey No.</u>
Woodrow No. 1	M. S. 6792
Woodrow No. 2	M. S. 6792
Woodrow No. 3	M. S. 6792
Woodrow No. 4	M. S. 6792
Woodrow No. 5	M. S. 6792
Woodrow No. 6	M. S. 6792
Clegg No. 1	M. S. 6792
Clegg No. 2	M. S. 6792
Clegg No. 3	M. S. 6792

including all right, title and interest granted to Charles D. Clegg by that certain Patent, dated May 22, 1929, bearing Patent No. 1027696, from the United States to Charles D. Clegg, recorded as Entry No. 43224 at Book F, Mining Deeds, at page 499 of the Records of Summit County, Utah.

The foregoing property will hereinafter be referred to as the "Subject Property."

2. Plaintiff United Park City Mines Company is hereby declared to be the sole and exclusive owner of the Subject Property and of every right, title, interest and estate therein. Each and every right, title, interest and estate in or to the Subject Property asserted by defendants, by any person represented by any defendant, or by any person who claims to have derived in any interest in the Subject Property by, through or under any defendant, is without merit as against plaintiff United Park City Mines Company.

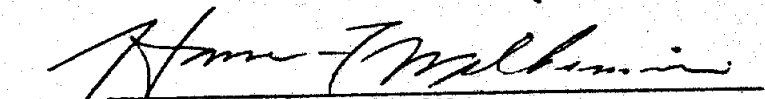
3. Defendants and each of them are hereby permanently enjoined from asserting any interest or claim whatsoever in the Subject Property adverse to the interests and title of plaintiff United Park City Mines Company as declared herein. Defendants and each of them are further permanently enjoined from interfering in any way with plaintiff United Park City Mines Company's right to quiet enjoyment and peaceable possession of the Subject Property.

4. The Court hereby confirms its summary judgment in plaintiff's favor as to defendants' claims of adverse possession of the Subject Property, defendants having failed to present evidence of any genuine issue of disputed material fact and plaintiff being entitled to judgment as a matter of law on the adverse possession issue.

5. Plaintiff is entitled to payment of its costs of Court from defendants.

DATED this 17 day of August, 1982.

BY THE COURT:

  
HOMER F. WILKINSON  
District Judge

County of Summit. )

I, Reed D. Pace, Clerk of the District Court in and for Summit County, State of Utah, do hereby certify that the foregoing is a true and correct copy of the Judgment, Order & Decree in the matter of the entitled #5933 as the same appears of record and upon file in my office.

IN WITNESS WHEREOF I have here unto set my hand affix the seal of said Court this 24th day of August 1982

Reed D. Pace Clerk  
Joyce D. Orsair Deputy Clerk