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by: Clerk

JAN 26 1993

[Signature] Clerk 3rd Dist. Cou

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After Recording Return To:
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Salt Lake City, Utah 84147
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02 FEBRUARY 93 01:34 PM
KATIE L. DIXON
RECORDER, SALT LAKE COUNTY, UTAH
RICHARDSON PACKARD & LAMBERT
REC BY: REBECCA GRAY , DEPUTY

IN THE THIRD JUDICIAL DISTRICT COURT IN AND FOR
SALT LAKE COUNTY, STATE OF UTAH

HAROLD R. HIGLEY,	:	ORDER REFORMING
	:	GRANT OF EASEMENT
Plaintiff,	:	
	:	
vs.	:	Civil No. 920907084PR
	:	
45th SOUTH ASSOCIATES, Ltd.	:	Judge Anne M. Stirba
a Utah limited partnership,	:	
and Alan B. Ford, Jeril D.	:	
Winget and James M. Vicchrilli:	:	
	:	
Defendants.	:	

The stipulation of the parties having been reviewed by the Court, as well as the pleadings contained in the Court's file; the Court finds that due to mutual mistake, the grant of easement dated May 2, 1988, which was recorded May 5, 1988, as entry no. 4620592, in Book 6026, page 2660, records of the Recorder of Salt Lake County, State of Utah, failed to reflect the intention of the parties thereto to provide access from plaintiff's property to 4500 South Street. So that the grant of easement provides the ingress and egress to the dominant property that it was intended to provide, the legal description of the servient property shall be amended, as set forth below, to include property that is adjacent

EX 6599 PF 0839

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and/or contiguous to the dominant property. The Court also finds that it is proper that the reformed grant of easement shall relate back to and take effect from the date of the original conveyance of the grant of easement. Wherefore, based upon the stipulation of the parties, and for good cause appearing:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the grant of easement, dated May 2, 1988, and recorded May 5, 1988, as entry no. 4620592, in Book 6026, at Page 2660, records of the Recorder of Salt Lake County, State of Utah, be and the same hereby is reformed, and specifically, Exhibit "A" of that certain grant of easement shall read as follows:

EXHIBIT A

Legal Description of 45th South Associates Property
(Parcel A)

Beginning on the south right of way line of 4500 South Street at a point which is North 89 degrees 50'30" east 79.91 feet along the monument line and south 33.0 feet from a Salt Lake County Monument in said 4500 South Street, said monument being north 89 degrees 50'30" east 1521.88 feet from the Salt Lake County Monument in the intersection of 4500 South Street and State Street, (the point of beginning described as being 293.24 feet south, and 202.62 feet west of the center of Section 6, Township 2 South, Range 1 East, Salt Lake Base and Meridian); and running thence north 89 degrees 50'30" east along said south line of 4500 South Street 378.80 feet; thence south 65.00 feet; thence east 88.20 feet to the westerly bank of Big Cottonwood Creek; thence along said westerly bank south 11.76 feet and south 32 degrees 43'00" west 71.07 feet; thence south 17 degrees 32'28" west 65.00 feet; thence 87 degrees 40'00" West 19.84 feet to said westerly bank of Big Cottonwood Creek; thence along said westerly bank south 9 degrees 16'00" east 81.78 feet; thence

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west 84.68 feet; thence south 45 degrees 00'00" west 130.10 feet; thence west 45.00 feet; thence south 42.00 feet; thence west 319.87 feet to the east line of Atwood Avenue; thence along said east line north 4 degrees 27'17" east 30.392 feet to a point on the arc of a 3524.86 foot radius curve, the center of which bears north 85 degrees 32'43" west and northwesterly along said curve to the left through a central angle of 4 degrees 20'25" a distance of 267.02 feet; thence east 126.20 feet; thence north 115.96 feet to the point of beginning.

Together with real property more particularly described as:

Beginning at a point which is south 572.24 feet and east 115.04 feet and south 45 degrees west 130.1 feet from the center of section 6, Township 2 south, range 1 east, Salt Lake Base and Meridian; thence east 19.2 feet; thence south 72.38 feet; thence south 87 degrees 45' west 245.05 feet; thence south 59.9 feet; thence west 146.57 feet; thence easterly along a curve to the right 45.46 feet; thence north 4 degrees 27'17" east 54.71 feet; thence east 319.87 feet; thence north 42 feet; thence east 45 feet to the point of beginning.

Together with real property more particularly described as:

Beginning at a point which is north 89 degrees 50'30" east along monument line 260.577 feet and south 434.499 feet from a Salt Lake County Monument in 4500 South Street said monument being north 89 degrees 50'30" east 1521.879 feet from the Salt Lake County Monument in 4500 South Street and State Street; thence north 30.00 feet; thence East 45.00 feet; thence north 45 degrees 00'00" east 130.104 feet; thence east 42.426 feet; thence south 45 degrees 00'00" west 172.531 feet; thence west 57.426 feet to the point of beginning.

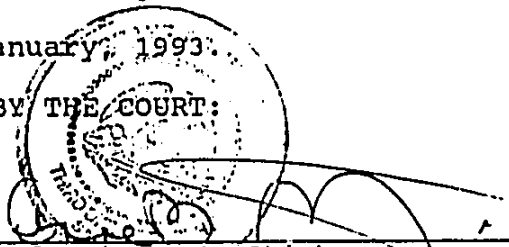
It is the further order of this Court that the grant of easement, as reformed, shall relate back to and take effect from

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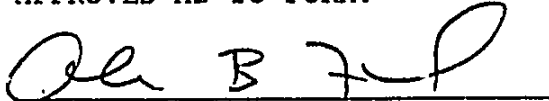
the date of the original conveyance of the grant of easement.

DATED this 26th day of January, 1993.

BY THE COURT:


Judge Anne M. Stirba
District Court Judge

APPROVED AS TO FORM:



Alan B. Ford, Pro Se
Individually and as General Partner of
45th South Associates, Ltd.

I CERTIFY THAT THIS IS A TRUE COPY OF AN
ORIGINAL DOCUMENT ON FILE IN THE THIRD
DISTRICT COURT, SALT LAKE COUNTY, STATE OF
UTAH.

DATE:

Jan 28 1993

DEPUTY COURT CLERK