

No. 282764

ORDERED AT THE REQUEST OF  
TOOELE TITLE COMPANY  
DATE FILED 1967 TIME 1:28 PM  
BOOK 77 OF RECORD PAGE 240-242  
S. L. Johnson, Clerk

IN THE DISTRICT COURT, PROBATE DIVISION,  
IN AND FOR TOOELE COUNTY, STATE OF UTAH.

IN THE MATTER OF THE ESTATE  
OF  
HARVEY ENGLAND, DECEASED

) ORDER CONFIRMING SALE and CON-  
) FIRMING AND APPROVING FIRST AND  
) FINAL ACCOUNT, and ORDER and  
) DECREE OF DISTRIBUTION.

No. 1320

The petition of Mildred G. England, also known as Mildred G. Coon, having come on regularly, for hearing before the above entitled court, the Honorable Clarence E. Baker presiding, on the 9th day of February, 1954, said petition praying for confirmation of sale and for approval of first and final account and for a decree of distribution of the estate herein, and

It appearing from said verified petition and from the files herein that Harvey England died intestate in Tooele County, Utah, on November 2, 1951, leaving surviving him his spouse, Mildred G. England and a daughter Carol England, and

It appearing that Mildred G. England was duly appointed and qualified as administratrix herein pursuant to the order of this court, dated September 8, 1952, and that she has duly filed an inventory of the estate of the deceased herein and said inventory and appraisal is in due form and according to law, and

It further appearing that notice to creditors has been duly published, pursuant to law, in The Transcript-Bulletin, a newspaper of general circulation in Tooele County, State of Utah, and that proof of publication of such notice to creditors has been filed and that this court has made and entered its order showing that due and legal notice to creditors has been given and

It further appearing that all of the taxes of the estate have been paid and that all expenses of the last illness and expenses of the burial of the deceased have been paid and that all inheritance taxes due from this estate as appears on the return filed on behalf of the said tax commission, and the same were assessed February 1, 1954, and

It appearing that it was necessary for the petitioner to

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sell 18 head of cattle and calves in said estate for the sum of \$2,083.00 and that such sale was for the benefit of the estate and that the petitioner executed a release of contract with Howard Whitehouse of Tooele, Utah, and that said mutual release was for the best interests of the estate and petitioner having filed her first and final account in due form and according to law, and said account being supported by vouchers, and

It appearing that the sum of \$420.00 has been expended for attorney fees and said amount appearing to be reasonable and proper for the payment of the attorney's fees for services herein, and

It appearing that petitioner is entitled to the sum of \$280.00 for administratrix' fee pursuant to the provisions of Section 75-11-28, Utah Code Annotated, 1953, but that there is no cash available for distribution after the payment of all costs and fees herein, and

It appearing that all of the actions of the administratrix herein are according to law, and

It appearing that due and legal notice has been given of the filing of the petition herein,

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED as follows:

1. That the sale by the administratrix herein of 18 head of cattle and calves for the sum of \$2,083.00 be and the same is hereby confirmed and approved, and the execution of a mutual release of contract, which release was made and entered into on the \_\_\_\_ day of September, 1952, by and between the administratrix herein as first party and Howard Whitehouse of Tooele, Utah, as second party, be and the same is hereby confirmed and approved.

2. That the First and Final Account of the Petitioner herein is in due form and is supported with vouchers as required by law, and that the same in all respects is hereby confirmed and approved.

3. That it is ORDERED, ADJUDGED AND DECREED that the heirs at law of the deceased, Harvey England, are Mildred G. England, also known as Mildred G. Coon, his surviving spouse, and Carol England, his surviving daughter, and that said heirs are

entitled to receive as their respective shares of the estate of the deceased herein one-half each. That the known estate of the deceased consists of the following property:

Real Property

Beginning at a point which is 20 chains East and 22.47 chains South from the Northwest corner of Block four, in Plat "B" of the Tooele City Survey, and running thence East seventy-five feet; thence North one hundred fifty feet; thence West seventy-five feet; thence South one hundred fifty feet to the place of beginning, containing one-fourth acre of land, more or less, in Tooele County, Utah.

A contract to purchase the following described tract of land located in Tooele County, State of Utah, to wit:

Commencing 20 chains East of the Northwest corner of Block 4, Plat "B", Tooele City Survey, East 30 rods; South 22.47 chains; West 420 feet; North 150 feet; West 75 feet; North 1333.02 feet to beginning, containing 16.61 acres. Also 32 shares of water of Settlement Canyon Irrigation.

Personal Property

1937 Ford Truck, Motor No. 3369112  
1 - Farmall Tractor  
Miscellaneous farm equipment, consisting of plow, harrow, etc.

and that said property and all other property of the deceased known or unknown be and the same is hereby distributed to Mildred G. England, otherwise known as Mildred G. Coon, one-half, and to Carol England one-half.

4. That the administratrix herein, Mildred G. England, and her surety be and they are hereby discharged.

Dated this 11<sup>th</sup> day of February, 1954.

*Samuel E. Foster*

District Judge

M. KAY, BUPTON, McMILLAN AND RICHARDS  
Attorneys and Counselors at Law  
Newhouse Building  
Salt Lake City, Utah

CERTIFYING COPY  
STATE OF UTAH  
County of Tooele  
I, J. Rex Kirk, Sr., County Clerk of the District Court of the Third Judicial District of the State of Utah, do hereby certify that the foregoing is a true and correct copy of the original as the same appears on the records of said court. Witness my hand and the seal of said court this 11th day of February, 1954.  
J. REX KIRK, SR.  
Clerk  
File No. 1710  
By *[Signature]*  
Deputy Clerk

*Samuel E. Foster*  
*District Judge*