

No. 30817

WARRANTY DEED

MARION R. MECHAM and ALICE W. MECHAM, husband and wife, GRANTORS of Milton, County of Morgan, State of Utah, hereby CONVEY and WARRANT to ALICE FAYE MECHAM CUMMINGS, their daughter, grantee, of Morgan, County of Morgan, State of Utah, for the sum of ONE DOLLAR and their love and affection, the following described tract of land in Morgan County, State of Utah:

A part of the Southeast Quarter of the Northwest Quarter of Section 28, Township 4 North, Range 2 East of the Salt Lake Base and Meridian. True Bearing.

Beginning at a point which bears North 2711.7 feet and West 14.2 feet from the South Quarter section corner stone of the said Section 28, and running thence South 53° 00' West 81.0 feet; thence along the foot of a ditch bank North 25° 00' West 164.0 feet; thence North 32° 40' East 109.4 feet to the County road; thence along said road South 22° 00' East 220.0 feet to the point of beginning. Containing 0.37 acre.

Together with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, including all water and water rights used in connection with said land.

WITNESS, the hands of said grantors, this 18th day of February A. D. 1961.

Signed in the presence of

Celeste Durrant
Glen Thurston

Marion O. Mecham
Alice W. Mecham

STATE OF UTAH)
: ss.
COUNTY OF MORGAN)

On the 18th day of February A. D. 1961 personally appeared before me Marion R. Mecham and Alice W. Mecham his wife, the signers of the within instrument, who duly acknowledged to me that they executed the same.

SEAL

My Commission Expires March 12, 1961.

A. C. Welch
Notary Public
Residing at Morgan, Utah

Filed for record and recorded this 20th day of February A. D. 1961 at 2:45 o'clock p.m.

Handwritten signature

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No. 30821

IN THE DISTRICT COURT OF TOOELE COUNTY, STATE OF UTAH

MARGUERITE BERTAGNOLE, GERALD BERTAGNOLE, CAROLYN BERTAGNOLE MEYERS, NANCY BERTAGNOLE ECKERT and MARGUERITE BERTAGNOLE, Guardian of WILLIAM BERTAGNOLE and SHIRLEY ANN BERTAGNOLE, Minors, Plaintiffs, vs LEO M. BERTAGNOLE aka LEE M. BERTAGNOLE, Defendant.

DECREE
Civil No. 4515

This cause having come on regularly for hearing in the above entitled Court on the 8th day of February 1960, before the Honorable Ray Van Cott, Jr., the hearing, by stipulation of parties, having been held in Salt Lake County, and all parties having adduced evidence and having agreed upon a division, and having agreed that Findings of Fact and Conclusions of Law may be waived; NOW THEREFORE it is

ORDERED, ADJUDGED and DECREED:

1. The division of property hereinafter described shall affect the surface rights only. The mineral rights shall remain in common ownership, together with the right of ingress and egress and the right to use such portion of the surface as is necessary for the exploration, development and mining of the same. And

damage done to the surface shall be compensated for to the extent of one-half of said damage.

The Division hereinafter made shall include water rights appurtenant to the property, including specifically livestock watering rights.

2. The property of the partnership known as the buck pasture consisting of that portion of Section 36, Township 3 North, Range 3 East, Salt Lake Meridian, lying Northwesterly from an existing road running generally in a southwesterly-northeasterly direction through the SE 1/4 and the SE 1/4 NE 1/4 thereof, shall be divided in accordance with a division to be made by Marcellus Palmer, which division shall be made by said Palmer so that there shall be equal feed and equal water to each portion. The Court retains jurisdiction to enter a Decree in accordance with said division, or, if said division is not made within thirty days for a division by the Court of the property. Upon such division the parties shall construct a division fence, the cost of same to be shared equally and if said fence is not constructed before September 1, 1960, then either party may proceed to construct the fence along the division line and the other parties shall pay one-half of the cost thereof. The Court retains jurisdiction to ascertain the cost, if a dispute arises.

3. Grazing Permits on Forest service land are hereby divided as follows:

- (a) To plaintiffs: Smith and Morehouse area.
- (b) To defendant: Millcreek Canyon and Lamb's canyon area.

4. That partnership property located in Emigration Canyon, shall remain in common ownership but the parties shall alternate the use thereof for grazing each year, commencing with plaintiffs' use in 1960.

5. A Decree was entered in the probate of the Estate of A. M. Bertagnole, deceased, under whom plaintiffs claim an interest in property involved herein. This Decree in describing the property described "an undivided one-half interest" in property located in Tooele County but erroneously distributed an entire interest in properties of the partnership located in Morgan, Davis and Salt Lake counties. To the extent that said Decree described an entire interest in the property, the Decree is hereby modified to distribute "an undivided one-half interest" in the property located in Morgan, Davis and Salt Lake Counties.

6. Plaintiffs and defendant have private leases in their own names. These private leases are known as the Hansen and Park City leases. The parties may retain these leases in their own names and for their own beneficial use.

7. The ranch headquarters in Township 2 North, Range 3 East, Salt Lake Meridian, Section 22: Lot 1, shall remain undivided.

8. An accounting of money and personal property has been made between the parties and neither owes the other for said items.

9. The Agreement of the parties dividing the Taylor Grazing rights equally, is hereby confirmed.

10. The division hereby made is without warranty of title. However, as to the South Mountain Area, being that land located in Township 4 South, Range 5 West, Salt Lake Meridian, there is an uncompleted exchange of lands with the United States whereby the partnership is to acquire part of the South Mountain land. The Court retains jurisdiction of the entire ease to change the division of all lands, whether in the South Mountain Area or otherwise, in the event the exchange is not consummated.

11. The lands described in the attached Exhibits "A" and "B", situated in Morgan, Davis, Salt Lake and Tooele Counties, are hereby divided as set forth in said Exhibits.

Dated this 1 day of AUGUST, 1960.

BY THE COURT:

(s) RAY VAN COTT JR.
DISTRICT JUDGE

CERTIFYING COPY

STATE OF UTAH)
) : ss.
 COUNTY OF TOOELE) I, J. Rex Kirk, Sr., County Clerk and Ex-Officio Clerk of the District Court of the Third Judicial District of the State of Utah, in and for the County of Tooele, A Court of record, do hereby certify that the foregoing copy of DECREE has been by me ? the original thereof, now of record in my office and that the same is at all true and correct.

said original as the same appears of record in my office and in my custody.

IN WITNESS WHEREOF, I have hereunto set my hand and
Official seal this 21 day of Feb. A. D. 1961

File No. 4515 J. REX KIRK, SR.
Clerk

COURT SEAL AFFIXED

By Claurence Johnson
Deputy Clerk

Original Filed Aug. 2, 1960.

EXHIBIT "A"

DIVISION OF PROPERTIES.

Surface Rights Only,
To Plaintiffs, in the following proportions:

- Marguerite Bertagnole, 1/3 rd.
- Gerald Bertagnole, 2/15ths
- Carolyn Bertagnole Meyers, 2/15ths
- Nancy Bertagnole Eckert, 2/15ths
- Marguerite Bertagnole, Guardian of
William Bertagnole, a minor, 2/15ths
- Marguerite Bertagnole, Guardian of
Shirley Ann Bertagnole, a minor, 2/15ths.

Township 2 North, Range 2 East, Salt Lake Meridian.

- Section 22: All
- Section 28: All
- Section 34: N $\frac{1}{2}$

Township 2 North, Range 3 East, Salt Lake Meridian.

- Section 1: All of said section lying East of Dixie Creek.
- Section 2: That portion of E $\frac{1}{2}$ SE $\frac{1}{4}$ lying East of Dixie Creek.
- Section 11: All of said section lying East of East Canyon Reservoir and of Dixie Creek.
- Section 12: E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$
- Section 13: All
- Section 14: NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$, that portion of SE $\frac{1}{4}$ SW $\frac{1}{4}$ lying East of East Canyon Reservoir
- Section 18: N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$
- Section 20: N $\frac{1}{2}$ N $\frac{1}{2}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$
- Section 21: All
- Section 24: N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$
- Section 28: NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$
- Section 29: All
- Section 32: E $\frac{1}{2}$

Township 3 North, Range 3 East, Salt Lake Meridian.

- Section 36: All that portion of SE $\frac{1}{4}$ and of SE $\frac{1}{4}$ NE $\frac{1}{4}$ lying East of present road running in Southwesterly-Northeasterly direction.

Township 4 South, Range 5 West, Salt Lake Meridian.

- Section 9: NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Lots 1, 2, 3.
- Section 10: All
- Section 16: S $\frac{1}{2}$

Also that portion of the following described tracts lying Northerly from a dividing line particularly described as follows:

Beginning at the highest ridge line on the West Boundary line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17 and running in a southeasterly direction along said ridge line to a peak approximately in the center of NE $\frac{1}{4}$ Section 21 which peak is shown on a map prepared by U. S. Department of Interior Geological Survey, covering Stockton, Utah, as being 6543 feet high and running thence North 62 deg. 30' East 8976 feet, more or less, to a point on the East boundary of the W $\frac{1}{2}$ W $\frac{1}{2}$ Section 14 which final point is approximately on the East-West quarter section line.

- Section 14: W $\frac{1}{2}$ W $\frac{1}{2}$
- Section 15: All of said portion
- Section 17: SE $\frac{1}{4}$
- Section 20: NE $\frac{1}{4}$ NE $\frac{1}{4}$
- Section 21: N $\frac{1}{2}$
- Section 22: N $\frac{1}{2}$ NW $\frac{1}{4}$

Township 3 North, Range 11 West, Salt Lake Meridian.

- Section 36: N $\frac{1}{2}$

Township 6 South, Range 5 West, Salt Lake Meridian.

- Section 35: N $\frac{1}{2}$

Township 8 South, Range 6 West, Salt Lake Meridian.

Section 9: $W\frac{1}{2}E\frac{1}{2}$
 Section 12: $W\frac{1}{2}W\frac{1}{2}$
 Section 15: $W\frac{1}{2}W\frac{1}{2}$
 Section 21: $W\frac{1}{2}SW\frac{1}{2}NW\frac{1}{2}$

It is expressly agreed that no rights of way have been reserved by the defendant Leo M. Bertagnole across any of the above described lands.

EXHIBIT "B"DIVISION OF PROPERTIES.

Surface Rights only.

To defendant, the following:

Township 2 North, Range 1 East, Salt Lake Meridian.

Section 36: $NE\frac{1}{2}$

Township 2 North, Range 2 East, Salt Lake Meridian.

Section 8: Lots 3, 4, 5, 6, 11, 12, 13, 14
 Section 20: Lots, 2, 4, 5, 6, 8, 10, 12, 13, 14
 Section 25: All
 Section 30: All
 Section 36: All

Township 2 North, Range 3 East, Salt Lake Meridian.

Section 10: $NE\frac{1}{2}SW\frac{1}{2}$, $S\frac{1}{2}SW\frac{1}{2}$, $W\frac{1}{2}SE\frac{1}{2}$
 Section 15: $W\frac{1}{2}NE\frac{1}{2}$, Lots 1, 2, 3, 4, 6, 7, 8, 9, 10, 11.
 Section 18: $NE\frac{1}{2}NE\frac{1}{2}$, $N\frac{1}{2}SE\frac{1}{2}$, $SE\frac{1}{2}SE\frac{1}{2}$
 Section 22: $S\frac{1}{2}SW\frac{1}{2}$, $SE\frac{1}{2}$, lot 2, 8, $N\frac{1}{2}$ lots 6, lot 7 less that portion belonging to Fred Bertagnole.
 Section 25: All
 Section 26: $SE\frac{1}{2}$
 Section 27: All
 Section 30: All
 Section 32: $W\frac{1}{2}$

Township 2 North, Range 4 East, Salt Lake Meridian.

Section 30: All

Township 4 South, Range 5 West, Salt Lake Meridian.

Section 23: $N\frac{1}{2}NW\frac{1}{2}$, $NW\frac{1}{2}NE\frac{1}{2}$
 Section 27: $NW\frac{1}{2}$, $NW\frac{1}{2}NE\frac{1}{2}$, Lots 2, 3
 Section 28: $N\frac{1}{2}$
 Section 29: $N\frac{1}{2}NE\frac{1}{2}$, $SE\frac{1}{2}NE\frac{1}{2}$

Also that portion of the following described tracts lying Southerly from a dividing line particularly described as follows:

Beginning at the highest ridge line on the West boundary of the $SW\frac{1}{2}SE\frac{1}{2}$, Section 17, and running in a southeasterly direction along said ridge line to a peak approximately in the center of $NE\frac{1}{2}$ Section 21, which peak is shown on a map prepared by U. S. Department of Interior Geological Survey, covering Stockton, Utah, as being 6543 feet high and running thence North 62 deg. 30' East 8976 feet, more or less, to a point on the East boundary of the $W\frac{1}{2}W\frac{1}{2}$, Section 14, which final point is approximately on the East-West quarter section line.

Section 14: $W\frac{1}{2}W\frac{1}{2}$
 Section 15: $S\frac{1}{2}$
 Section 17: $SE\frac{1}{2}$
 Section 20: $E\frac{1}{2}$
 Section 21: All of said portion
 Section 22: All of said portion

Township 3 North, Range 11 West, Salt Lake Meridian.

Section 36: $S\frac{1}{2}$

Township 6 South, Range 5 West, Salt Lake Meridian.

Section 35: $S\frac{1}{2}$

Township 8 South, Range 6 West, Salt Lake Meridian.

Section 9: $E\frac{1}{2}E\frac{1}{2}$
 Section 12: $E\frac{1}{2}W\frac{1}{2}$
 Section 15: $E\frac{1}{2}W\frac{1}{2}$
 Section 21: $E\frac{1}{2}SW\frac{1}{2}NW\frac{1}{2}$

It is expressly agreed that no rights of way have been reserved by the plaintiffs across any of the above described lands.

Filed for record and recorded this 24th day of February A. D. 1961 at 9 :15 o'clock a.m. at the request of Brayton, Lowe & Hurley, Attorneys.