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CRAIG T. VINCENT, ESQ.
LARRY A. KIRKHAM, ESQ.
BEASLIN, NYGAARD, COKE & VINCENT

H. DIXON DEPUTY CLERK
3rd DISTRICT
BY *Kathy Grotapas*
DEPUTY CLERK

Attorneys for Defendants Arthur Walton, James C. Walton, Sharol D. Walton, Florence A. Walton, Grant W. Maxwell & Florence Maxwell
1100 Boston Building
Salt Lake City, Utah 84111
Telephone No. 328-2506

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

THE CONTINENTAL BANK & TRUST CO.,:	:	
a Utah Banking corporation, as	:	
Trustee under Revocable Trust	:	
Agreement of MARSHALL E.	:	
HUFFAKER, deceased,	:	JUDGMENT AND DECREE
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
COUNTRY CLUB MOBILE ESTATES,	:	
LTD., a Utah limited partner-	:	
ship, et al.,	:	
	:	
Defendants.	:	Civil No. C-79-4276

I

INTRODUCTION

The Motion for Declaratory Judgment filed by defendants, Arthur Walton, James C. Walton, Sharol D. Walton, Florence A. Walton, Grant W. Maxwell, and Florence Maxwell, hereafter referred to as "Movants", having been regularly scheduled, and all parties having been properly notified of said hearing pursuant to the Utah Rules of Civil Procedure, came on for hearing on Wednesday, the 10th day of November, 1982, at the hour of 10 o'clock a.m., before the Honorable Philip R. Fishler.

The Movants were represented by Larry A. Kirkham of the law firm of Beaslin, Nygaard, Coke & Vincent. Plaintiff, The Continentanl Bank & Trust Company, a Utah banking corporation, as Trustee under the Revocable Trust Agreement of Marshall E. Huffaker, deceased, was represented by Daniel W. Anderson of the

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law firm of Fabian & Clendenin. Defendant Country Club Mobile Estates, Ltd., a Utah limited partnership, was represented by Barbara Jane Watkins, of the law firm of Cohne, Rappaport & Segal. No other defendants were present or represented by counsel.

The Movants filed a Motion for Declaratory Judgment and a Memorandum in support of their Motion. No other memoranda, either in support of or in opposition to the Motion, was filed by any other party. Counsel, as set forth above, indicated that in principle a stipulation had been reached among the Movants, Plaintiff, and Defendant Country Club Mobile Estates, regarding the relief sought by the Movants' Motion. Plaintiff and Defendant Country Club indicated they had no opposition to Movants' Motion, or to the relief requested.

II

ORDER, JUDGMENT AND DECREE

Based on the foregoing, and the Court having reviewed the documents on file herein, and upon representations of counsel, it is hereby

ORDERED, ADJUDGED and DECREED:

1. That the Movants, as successors in interest to Frances Matilda Huffaker Walton, are the holders of a right of way first reserved by Frances Matilda Huffaker Walton in a deed from her to Salt Lake City Corporation dated June 30th, 1931 and recorded in the office of the Salt Lake County Recorder in Book 85, at Pages 411 and 412, as Entry No. 678890. The property conveyed and the right of way preserved are more particularly described as follows, to-wit:

Beginning at a point 726 feet North 363 feet West and North 88°18' West 511.5 feet from the Southwest corner of the Southeast Quarter of Section 8, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running thence North 88°16' West 515 feet; North 26°55' East 325 feet; North 67°27' East 292.7 feet; North 56°58' West 129.38 feet; North 20°44' West 109.3 feet; West 13°59' East 202 feet; South 88°15' East 535.5 feet; South 1°45' West 107.25 feet; South 88°15' East 165 feet to the

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center line of the North and South County Road, South along said center line 272.25 feet; North 88°15' West 511.5 feet; South 396.0 feet to the place of beginning. Containing 9.23 acres.

Subject to a right of way over: Beginning at the Southwest corner of the above described property and running thence South 88°15' East 515 feet; North 24° 76 feet; North 88°15' West 501.54 feet; South 28°55' West 27.82 feet to the place of beginning.

Also reserving a right of way over: Beginning at the Northwest corner of the above described property and running thence South 88°15' East 535.5 feet; South 1°45' West 20 feet; North 88°15' West 539.94 feet; North 13°59' East 20.46 feet to place of beginning.

2. That the Movants are owners in fee of various parcels of property located near the property which forms the subject matter of plaintiff's Complaint herein.

3. That Movants entered into an agreement with Defendant Country Club Mobile Estates, Ltd., on June 7th, 1976, a copy of which agreement was recorded on June 10th, 1976 in Book 4288 at Pages 149-152, as Entry No. 2822965, wherein Movants agreed to suspend their use of the right of way heretofore described and reserved in consideration of a grant from Country Club Mobile Estates, Ltd., of a license permitting Movants to use a private street across and consisting of a portion of the subject property being leased by Country Club Mobile Estates, Ltd., from plaintiff, for purposes of ingress to and egress from Movants' property.

4. The said license granted to Movants by Country Club Mobile Estates, Ltd. is valid insofar as defendant Country Club Mobile Estates, Ltd. could give such a license, as lessee of the subject property only, and shall remain in full force and effect pursuant to the terms of the agreement aforementioned, only so long as either the lease under which Country Club Mobile Estates, Ltd. now claims possession of the property which forms the subject matter of Plaintiff's Complaint remains in effect, or, Country Club Mobile Estates, Ltd. becomes the owner in fee of the aforementioned property which forms the subject matter of Plaintiff's Complaint.

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5. In the event the lease mentioned in paragraph 4 above is terminated, either by its own terms or for any other reason, including any default thereunder by defendant Country Club Mobile Estates, Ltd., and Country Club Mobile Estates, Ltd. is not the owner in fee of the aforementioned property, Movants shall be automatically and immediately restored to the original right of way first reserved by Frances Matilda Huffaker Walton as more particularly set forth in the legal description contained in paragraph 1 above.

6. In addition to the foregoing, Movants are hereby dismissed as defendants out of this action, and title to the right of way and the aforementioned license is quieted in them as against all others herein named, subject to the terms and conditions herein.

Dated this 4th day of January, 1983.

BY THE COURT:

Philip R. Fishler
 Philip R. Fishler - Judge

Approved as to form:

Fabian & Clendenin

By *Daniel W. Anderson*
 Daniel W. Anderson
 Attorneys for Plaintiff The Continental Bank & Trust Company, a Utah banking Corporation, as Trustee under the Revocable Trust Agreement of Marshall E. Huffaker, deceased

Approved as to form:

COHNE, RAPPAPORT & SEGAL

By *Barbara Jane Watkins*
 Barbara Jane Watkins
 Attorneys for Defendant Country Club Mobile Estates, Ltd., a Utah Limited Partnership

ATTEST
 H. DIXON HINDLEY
 CLERK

By *Kathy Grotapas*
 Deputy Clerk

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STATE OF UTAH
 COUNTY OF SALT LAKE
 I, THE UNDERSIGNED, CLERK OF THE DISTRICT COURT OF SALT LAKE COUNTY, UTAH, DO HEREBY CERTIFY THAT THE ANNEXED AND FOREGOING IS A TRUE AND FULL COPY OF AN ORIGINAL DOCUMENT ON FILE IN MY OFFICE AS SUCH CLERK. WITNESS MY HAND AND SEAL OF SAID COURT THIS 14th DAY OF January 1983
 H. DIXON HINDLEY, CLERK
 BY *[Signature]* DEPUTY