

FILED IN  
4th DISTRICT COURT  
STATE OF UTAH  
UTAH COUNTY

AUG 25 11 45 AM '00

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ENT. 70501:2000 PG 1 of 6  
RANDALL A. COVINGTON  
UTAH COUNTY RECORDER  
2000 Sep 07 12:00 pm FEE 0.00 BY SS  
RECORDED FOR UTAH COUNTY ATTORNEY

IN THE FOURTH JUDICIAL DISTRICT COURT OF UTAH COUNTY  
STATE OF UTAH

UTAH COUNTY,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	<b>PERMANENT INJUNCTION</b>
	:	<b>AND ORDER</b>
	:	
DON E. HENRICHSEN, JOHN L.	:	
HENRICHSEN, KIM HENRICHSEN, ELDON	:	
R. HENRICHSEN, Trustee of the Eldon R.	:	
Henrichsen Family Inter Vivos Revocable	:	
Trust, Dated 4-30-79, JOYCE H.	:	
HENRICHSEN, Trustee of the Eldon R.	:	Civil No. 980403654
Henrichsen Family Inter Vivos Revocable	:	
Trust, Dated 4-30-79, and PHYLLIS	:	Judge Ray M. Harding, Jr.
HOLLANDER,	:	
	:	Division No. 9
Defendants.	:	

Based upon the Stipulation and consent of the Parties to the entry by the Court of a Permanent Injunction and an Order:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Defendants Don E. Henrichsen, John L. Henrichsen, Kim Henrichsen, Eldon R. Henrichsen, Joyce H. Henrichsen, and Phyllis Hollander, and their officers, agents, servants, employees, lessees, attorneys, and all persons

in active concert or participation with them are hereby permanently enjoined and restrained from the following with regard to the Gravel Pit Property, as described herein:

1. From performing any grading, mining, or excavation on the Gravel Pit Property. From using the Gravel Pit Property as a gravel or sand pit, including any grading or mining of gravel or sand, or any earth products, from or on the Gravel Pit Property, and any action related to the operation of the gravel pit located on the Gravel Pit Property.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that the Defendants Don E. Henrichsen, John L. Henrichsen, Kim Henrichsen, Eldon R. Henrichsen, Joyce H. Henrichsen, and Phyllis Hollander, are hereby ordered to obtain a permit from Utah County and to rehabilitate the Gravel Pit Property in a manner which complies with all requirements of the Utah County Code and Utah County Zoning Ordinance, including, by example only and not by limitation, reconstruction of all pit walls, top soil replacement, reseeding, etc., which rehabilitation shall be completed on or before July 30, 2001.

THE SUBJECT PROPERTY is located in Utah County, State of Utah, consisting of the following tax parcel serial numbers, which parcels of real property are included, in whole or in part, in the legal descriptions attached hereto as **Exhibit "A"** and incorporated herein by this reference, to wit:


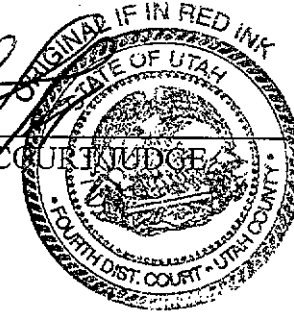
27:036:0001	389.72 acres	27:036:0005	9.51 acres
27:036:0006	9.75 acres	27:036:0007	85.00 acres (UP& L)
27:036:0009	40.00 acres	27:036:0010	20.00 acres
27:037:0003	80.00 acres	27:037:0004	29.21 acres
27:037:0021	69.65 acres (UP& L)	27:057:0004	

The above described parcels of real property, and the parcels of real property as described in Exhibit "A," are collectively referred to herein as the "Gravel Pit Property."

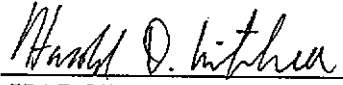
THIS PERMANENT INJUNCTION shall remain in effect until further modified by the Court. The Court shall retain jurisdiction in this matter to address any need to enforce this Order or to modify the Permanent Injunction, in accordance with the terms of the Stipulation.

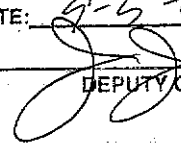

DATED this 25<sup>th</sup> day of August, 2000, at the hour of 10:40 a.m/p.m.

BY THE COURT:

  
DISTRICT COURT JUDGE  


APPROVED AS TO FORM:

By:   
HAROLD D. MITCHELL  
Attorney for Defendants

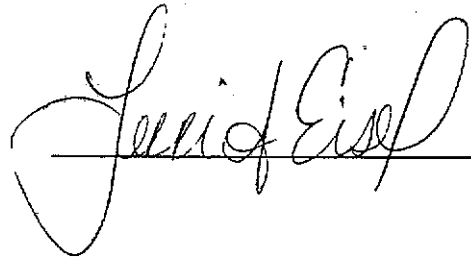
I CERTIFY THAT THIS IS A TRUE COPY OF AN ORIGINAL DOCUMENT FILED IN THE FOURTH JUDICIAL DISTRICT COURT, COUNTY, STATE OF UTAH.  
DATE: 8-5-00  
  
DEPUTY CLERK  


**CERTIFICATE OF MAILING**

I hereby certify that I mailed a true and correct copy of this *PERMANENT INJUNCTION AND ORDER*, postage prepaid, to the following name(s) at the address(es) set forth below, on this 28<sup>th</sup> day of August, 2000.

Harold D. Mitchell  
911 South 1100 East  
Springville, UT 84663

L\DAVID\ZONING\Henrichsen\HenriPerInj



A handwritten signature in cursive script, appearing to read "Jenni E. Eiel", is written over a horizontal line.

## EXHIBIT "A"

ENT ~~28295~~ 4243-4-2

Parcel #1: Commencing 1346.00 feet, more or less, North along the Section line from the Southeast corner of Section 27, Township 8 South, Range 3 East, Salt Lake Base and Meridian; thence West 20 chains; thence North 964 feet; thence East 20 chains, more or less; thence South 964 feet, more or less, to the point of beginning.

Parcel #2: The Northeast quarter; the North half of the Southeast quarter; the Southwest quarter of the Southeast quarter; the Southeast quarter of the Northwest quarter; the North half of the Northeast quarter of the Northwest quarter of Section 26, Township 8 South, Range 3 East, Salt Lake Base and Meridian.

Also: Commencing East 2367.40 feet from the West quarter corner of said Section; thence East 273 feet; thence South 2640 feet; thence West 685 feet; thence North  $08^{\circ} 30'$  East 2672 feet to the point of beginning.

Also: Commencing East 1622.60 feet and South 359.40 feet from the West quarter corner of said Section; thence South  $21^{\circ} 09'$  East 605.70 feet; thence South  $08^{\circ} 44'$  West 1727 feet; thence West 250 feet; thence North 2272 feet; thence East 294 feet to the point of beginning.

Parcel #3: The North half of the Northwest quarter of the Northwest quarter of Section 26, Township 8 South, Range 2 East, Salt Lake Base and Meridian.

Parcel #4: Commencing 1 rod North of the Southwest corner of the Northwest quarter of the Northwest quarter of Section 26, Township 8 South, Range 3 East, Salt Lake Base and Meridian; thence North 39 rods; thence East 40 rods; thence South 39 rods; thence West 40 rods to the point of beginning.

Parcel #5: Commencing 1 rod North and 40 rods East of the Southwest corner of the Northwest quarter of the Northwest quarter of Section 26, Township 8 South, Range 3 East, Salt Lake Base and Meridian; thence North 39 rods; thence East 40 rods; thence South 39 rods; thence West 40 rods to the point of beginning.

Parcel #6: The Southwest quarter of the Northwest quarter of Section 26, Township 8 South, Range 3 East, Salt Lake Base and Meridian.

Parcel #7: The Northwest quarter of the Northeast quarter of Section 35, Township 8 South, Range 3 East, Salt Lake Base and Meridian.

Also: Commencing at the Northwest corner of the Northeast quarter of the Northwest quarter of said Section; thence East 250 feet; thence South  $08^{\circ} 30'$  West 1000 feet; thence South  $27^{\circ} 37'$  West 257.9 feet; thence North 1130.8 feet to the point of beginning.

~~ENT 28295 # 4243 # 287~~

Also: Commencing at the Northeast corner of the Northeast quarter of the Northwest quarter of said Section; thence West 665 feet; thence South 08° 30' West 1023 feet; thence South 17° 28' West 326.2 feet; thence East 931.1 feet; thence North 1320 feet to the point of beginning.

par 5

Parcel #8: The South-half of the Northeast quarter of Section 27, Township 8 South, Range 3 East, Salt Lake Base and Meridian.

Reserving a right of way for a road from canal bridge to the Southwest corner of the East half of the Northeast quarter of the Northeast quarter of Section 27, Township 8 South, Range 3 East, Salt Lake Base and Meridian, as presently exists.