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BEAN & MICKEN  
Joseph M. Bean (5445)  
Attorney for Petitioner  
471 West Heritage Park Blvd  
Layton, UT 84041  
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RECEIVED  
Suits #122 2012  
By \_\_\_\_\_

FILED  
JUN 26 2012  
SECOND DISTRICT COURT

Mail to  
to  
Eugenia Olivas  
P234w. 2700s.  
Syracuse, 84075

\*02/27/2013

Angeline H. Howard  
1019 Westside Dr.  
Layton 84041

IN THE SECOND JUDICIAL DISTRICT COURT

DAVIS COUNTY, STATE OF UTAH

E 2722878 B 5715 P 380-387  
RICHARD T. MAUGHAN  
DAVIS COUNTY, UTAH RECORDER  
02/27/2013 11:26 AM  
FEE \$30.00 Pgs: 8  
DEP RT REC'D FOR EUGENIA OLIVAS

RETURNED  
FEB 27 2013

EUGENIA OLIVAS,  
  
Plaintiff,

vs.

MICHAEL H. KOLENDRIANOS,  
PATRICIA CHILD and ANGELINE H.  
HOWARD,  
  
Defendants.

: ORDER ON MOTION FOR  
: PHYSICAL PARTITION OF  
: PROPERTY

:  
: Civil No. 0507 00328

:  
: Judge John R. Morris

This matter came on for trial on 15 December 2011, at the Justice Complex, 800 West State Street, Farmington, Utah, before the Honorable John R. Morris. Plaintiff, Eugenia "Jeannie" Olivas, was present and represented by her attorney of record, Joseph M. Bean. Defendant Angeline Howard was present and represented by her attorney of record, Craig Taylor. Defendants Michael Kolendrianos and Patricia Child were present and represented by their attorney of record, David Shaffer. The parties, reached a stipulation on the record settling the case.

NOW THEREFORE, the court enters an order of physical partition as follows:

JUL 11 2012

1. The property that is the subject of this lawsuit is located in west Layton, just off of Gentile Street, with Tax ID # 12-110-0170 and legal description as follows:

A part of the Northeast  $\frac{1}{4}$  of Section 25, Township 4 North, Range 2 West, Salt Lake Meridian; Beginning at a point which is South  $0^{\circ} 10' 55''$  E 373.64 feet along the  $\frac{1}{4}$  section line for the North  $\frac{1}{4}$  corner of said Section 25 & running thence South  $89^{\circ} 50' 58''$  East 255.75 feet; thence South  $0^{\circ} 10' 55''$  West 2266.33 feet to the  $\frac{1}{4}$  section line; thence North  $89^{\circ} 49' 50''$  West 255.75 feet to the  $\frac{1}{4}$  section line; thence North  $0^{\circ} 10' 55''$  East 2266.24 feet along the  $\frac{1}{4}$  section line to the point of beginning. Approximately 13.306 acres.

(Hereinafter "subject property").

2. The subject property has its origins in the estate of Thelma Kolendrianos ("Thelma"), deceased.

3. After the death of Thelma, plaintiff, Eugenia Olivas ("Olivas"), and the defendants, her three siblings, Michael Kolendrianos ("Kolendrianos"), Angeline Howard ("Howard") and Patty Child ("Child") became the undisputed heirs of Thelma's estate and the owners as tenants in common of the subject property.

4. On or about 28 June 2005, Olivas filed a Complaint for Partition or Sale of Real Property in the above-entitled matter (Case No. 0507 00328 - Second Judicial District Court, Davis County, State of Utah) wherein she requested two alternative remedies: (1) Partition of the real property; and, (2) Sale of the real property.

5. On or about 8 March 2007, Olivas filed a Motion for Sale or Auction of Partition Property.

6. After extended procedural issues were resolved and mediation completed by the parties, the matter was set for trial on 15 December 2011.

7. At trial, the parties entered into a stipulation on the record as follows:

- a. The subject property shall be physically partitioned.
- b. A survey of the subject property was performed by Pinnacle Engineering and Land Surveying, Inc., and the property was partitioned into four lots of approximately equal area and size.
- c. The lots each have approximately equal market value at this time.
- d. Michael Kolendrianos and Patricia Child shall be awarded parcels A and B as set forth in the survey attached hereto as Exhibit #1 and made a part of this order, which parcels shall be combined into one parcel and held as equal tenants in common.
- e. Kolendrianos and Child shall be responsible to provide the Davis County Recorder's Office with a deed and legal description of the combined parcel.
- f. Eugenia Olivas shall be awarded parcel C as set forth in the survey attached hereto as Exhibit #1.
- g. Angeline Howard shall be awarded parcel D as set forth in the survey attached hereto as Exhibit #1.
- h. Each party shall be responsible for any rollback taxes or other tax consequences associated with their parcel.

8. Each party shall pay his or her own costs and attorney's fees.

DATED this 25<sup>th</sup> day of June, 2012.

STATE OF UTAH }  
COUNTY OF DAVIS } ss.

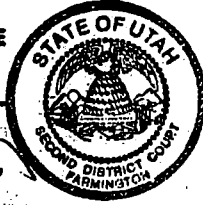
I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE ORIGINAL ON FILE IN MY OFFICE.

DATED THIS 10 DAY OF July 2012

ALYSON E. BROWN  
CLERK OF THE COURT

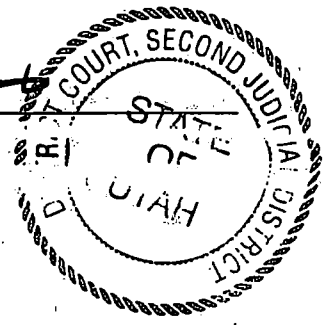
BY [Signature] DEPUTY

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[Signature]

JOHN R. MORRIS  
District Court Judge



Approved as to Form:

\_\_\_\_\_  
DAVID J. SHAFFER  
Attorney for Michael Kolendrianos and  
Patricia Child

Date: \_\_\_\_\_

\_\_\_\_\_  
ADAM WHITE  
Attorney for Angeline Howard

Date: \_\_\_\_\_

NOTICE

TO THE DEFENDANTS: MICHAEL H. KOLENDRIANOS, PATRICIA CHILD and ANGELINE H. HOWARD

You will please take notice that the undersigned, Attorney for plaintiff shall submit the above and foregoing Order on Motion for Physical Partition of Property to the Judge of the above-entitled Court for the judge's signature, upon the expiration of five (5) days (Rule 7 URCP) from the date this Notice is mailed to you, and after allowing three (3) days for mailing (Rule 6(e) URCP). Objections to the proposed order *shall be filed within five days after service*, pursuant to Rule 7(f) and (g) of the Utah Rules of Civil Procedure in the District Courts of the State of Utah.

Kindly govern yourself accordingly.

DATED this 24<sup>th</sup> day of May, 2012.

BEAN & MICKEN

  
\_\_\_\_\_  
JOSEPH M. BEAN  
Attorney for Plaintiff

CERTIFICATE OF DELIVERY

I hereby certify that on this 24<sup>th</sup> day of May, 2012, I delivered a true and correct copy of the foregoing Order on Motion for Physical Partition of Property to the following, via:

Mail (Postage Pre-Paid)

Fax

Hand Delivery

E-mail

David J. Shaffer  
Attorney at Law  
Key Bank Building  
562 South Main  
Bountiful, UT 84010

Craig L. Taylor  
Adam White  
Attorney at Law  
472 North Main Street  
Kaysville, UT 84037

cc: Client

Brandi Tucker

# Exhibit #1

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