



When recorded mail to:

Dennis K. Poole
POOLE & ASSOCIATES, L.C.
4543 South 700 East, Suite 200
Salt Lake City, Utah 84107

Undesignated parcel adjacent to
Parcel No. 16-35-427-002-0000

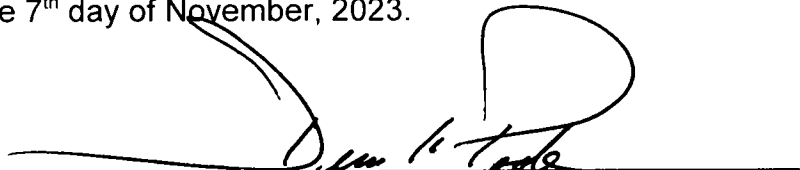
NOTICE OF ENTRY OF:

JUDGMENT QUIETING TITLE
(with legal description)

FINDINGS OF FACT AND CONCLUSIONS OF LAW
(with legal description)

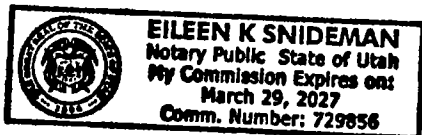
ATTACHED SURVEY


SIGNED AND DATED the 7th day of November, 2023.


DENNIS K. POOLE

STATE OF UTAH)
 :
COUNTY OF SALT LAKE)

On the 7th day of November, 2023, personally appeared before me DENNIS K. POOLE, the signer of the within instrument who duly acknowledged to me that he executed the same.




NOTARY PUBLIC

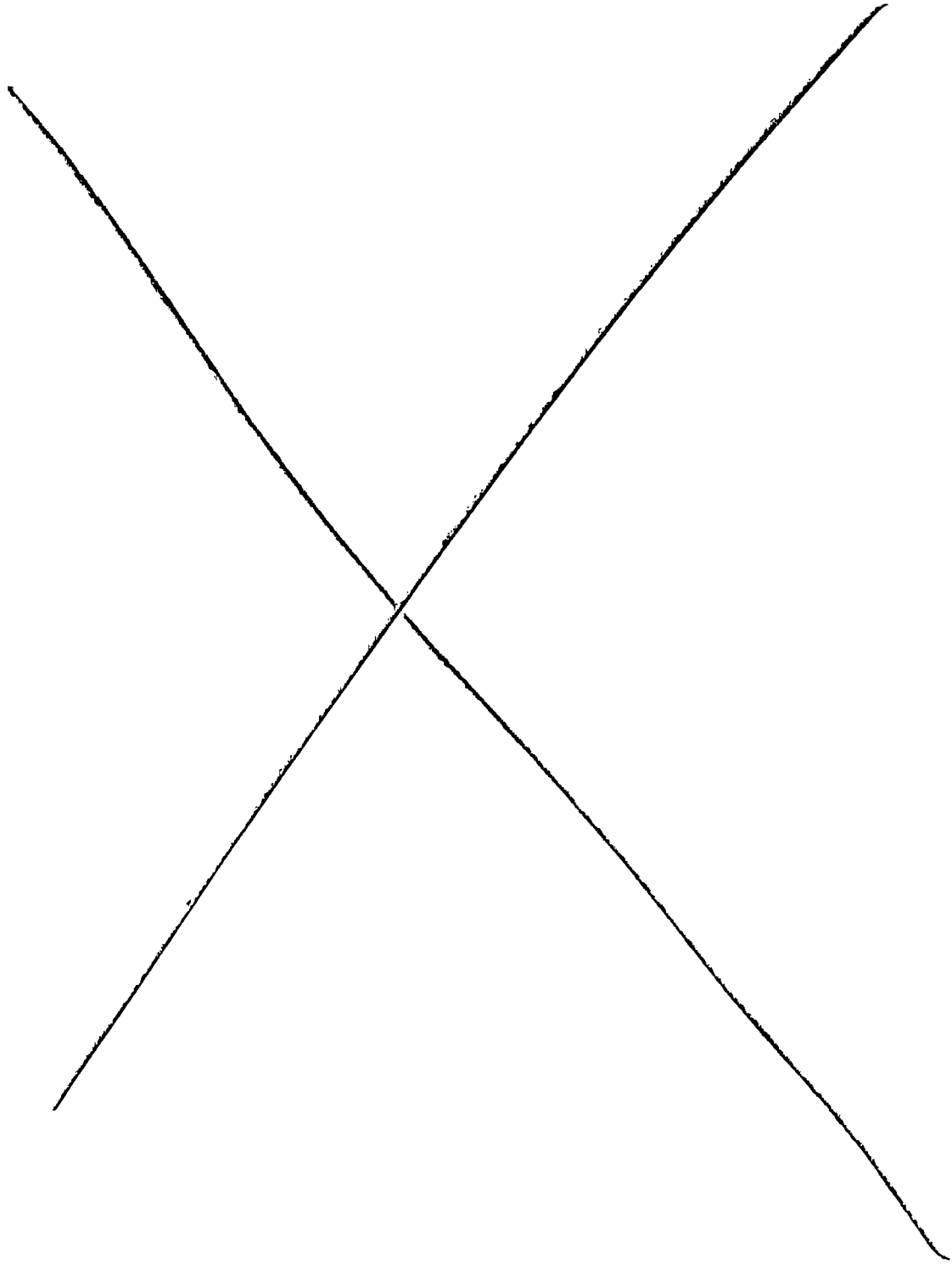


EXHIBIT "A"

The Order of the Court is stated below:

Dated: October 30, 2023
09:10:53 AM

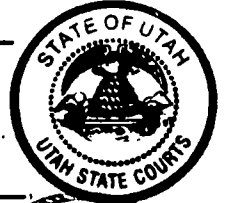
/s/ AMBER M. METTLER
District Court Judge



1DENNIS K. POOLE (2625)
POOLE & ASSOCIATES, L.C.
4543 South 700 East, Suite 200
Salt Lake City, Utah 84107
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Email: dkpoole@dkpoolelaw.com

Attorneys for Plaintiffs

STATE OF UTAH
COUNTY OF Salt Lake
I hereby certify that the document to
which this certificate is attached is a
full, true and correct copy of the
original filed in the Utah State Courts.
WITNESS my hand and seal
this 30th day of October
20 23
DISTRICT/JUVENILE COURT



IN THE THIRD JUDICIAL DISTRICT COURT OF SALT LAKE COUNTY

STATE OF UTAH, SALT LAKE DEPARTMENT

JARED HACKETT and JAYLENE
HACKETT, individuals,

Plaintiffs,

vs.

ALEXANDER BUILDING CORPORATION,
a Utah corporation, MILLCREEK, a Utah
municipal corporation, UTAH
DEPARTMENT OF TRANSPORTATION,
an agency of the state government of
Utah, LIZETTE C. DUTSON, as trustee for
the Lizette C. Dutson Living Trust, dated
August 13, 2003,

Defendants.

JUDGMENT QUIETING TITLE

CASE NO. 220902668

JUDGE AMBER M. METTLER

2 The Court, in this matter having considered the Disclaimers of Interest of Defendants Millcreek City, Salt Lake County, Utah Department of Transportation, and the Hackett - Dutson Stipulation, and the Court having entered its Findings of Fact and

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Conclusions of Law as a result of a hearing held on September 12, 2023, and for good cause appearing, it is hereby ordered and decreed as follows:

1. Plaintiffs have acquired fee simple title in and to the "Deed Gap Parcel" more particularly described as follows:

(Adjacent to Maple Hills Subdivision)

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 42 SAID POINT NORTH 89°57'00" WEST 652.00 FEET ALONG THE MONUMENT LINE AND NORTH 644.42 FEET FROM THE STREET MONUMENT LOCATED AT 3900 SOUTH AND 3500 EAST AND RUNNING THENCE ALONG THE EAST LINE OF SAID LOT 42 THE FOLLOWING THREE (3) COURSES: 1) NORTH 55.58 FEET; 2) WEST 32.20 FEET; 3) NORTH 41.91 FEET TO THE NORTHEAST CORNER OF SAID LOT 42; THENCE SOUTH 86°00'00" EAST 73.88 FEET TO A POINT ON AN EXISTING FENCE; THENCE SOUTH 05°55'40" WEST 94.05 FEET ALONG SAID EXISTING FENCE TO A FENCE POST; THENCE NORTH 87°48'40" WEST 31.81 FEET TO THE POINT OF BEGINNING.

CONTAINS 4,782 SQ. FT. OR 0.110 ACRES, MORE OR LESS

The Deed Gap Parcel is graphically represented on a survey attached hereto as Exhibit "A". Plaintiffs' interest in the Deed Gap Parcel is subject to those who may be able to establish a prescriptive easement.

2. By virtue of the Disclaimers of Interests filed by the Defendants Millcreek and Utah Department of Transportation, and the Hackett-Dutson Stipulation, each of said Defendants has no right, title and/or interest in and to the Deed Gap Parcel.

3. As result of the default of the Defendant Alexander Building Corporation and based upon the Findings of Fact and Conclusions of Law, Alexander Building Corporation has no right, title and/or interest in and to the Deed Gap Parcel.

4. Each of the parties shall bear their own costs and expenses incurred in this action consistent with the terms of the Disclaimers of Interest and Utah Code Annotated §78B-6-1305.

In accordance with the Utah Court's electronic filing system, this Order does not bear the handwritten signature of the Judge, but instead displays the electronic signature of the Judge. It is located on the first page, in the upper right-hand corner.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing FINDINGS OF FACT AND CONCLUSIONS OF LAW in Case No. 220902668 was emailed the ____ day of October, 2023, to the following:

3Trent E. Ferrin
William H. Christensen
UTAH ATTORNEY GENERAL
teferrin@agutah.gov
whchristensen@agutah.gov
Attorneys for UDOT

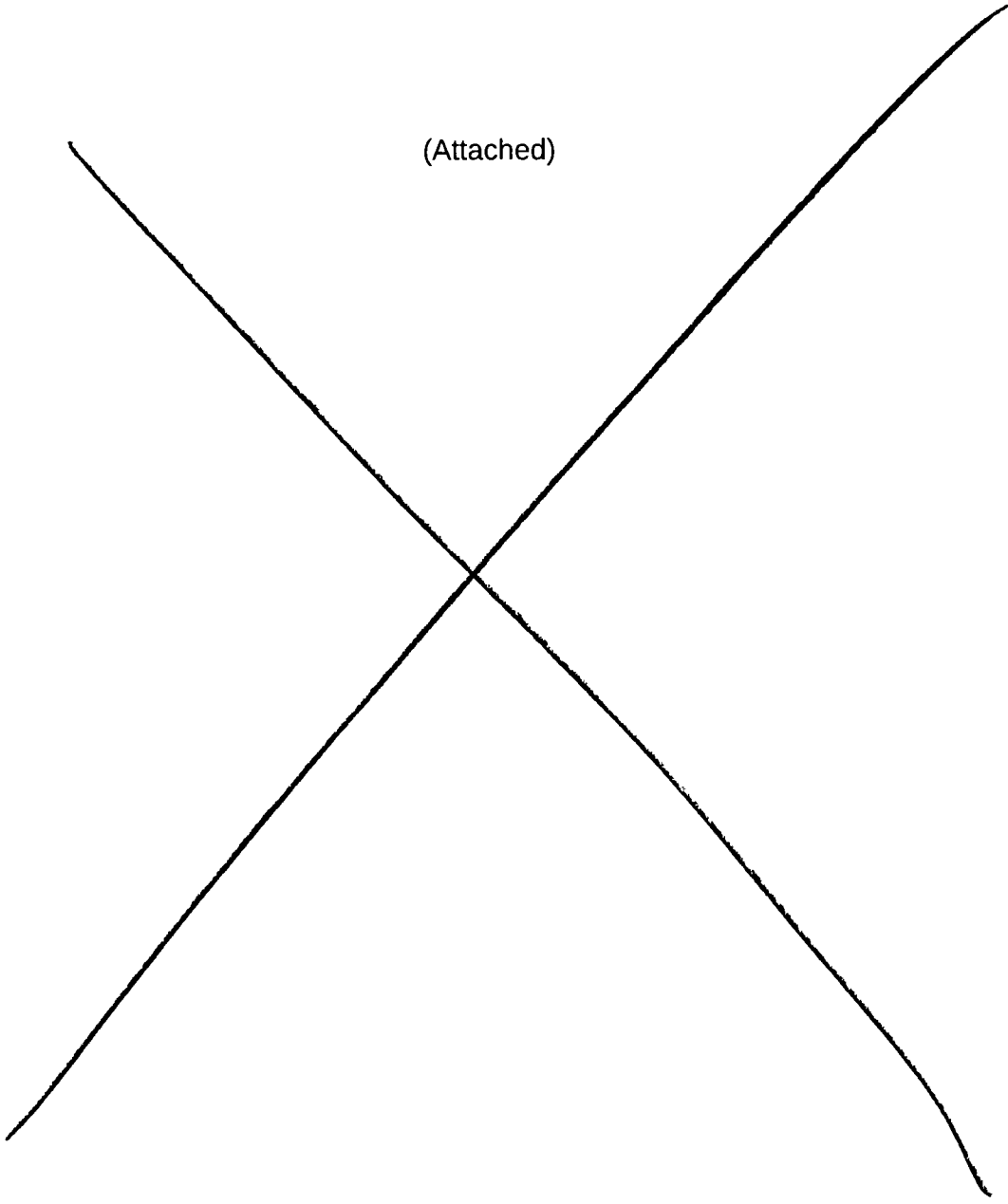
Gregory N. Hoole
HOOLE & KING, LC
gregh@hooleking.com
Attorneys for Millcreek

4Daniel C. Dansie
Alyssa K. Nielsen
ddansie@kmclaw.com
anielsen@kmclaw.com
Attorneys for Lizette C. Dutson

/s/ Dennis K. Poole

EXHIBIT "A"
(Deed Gap Parcel)

(Attached)



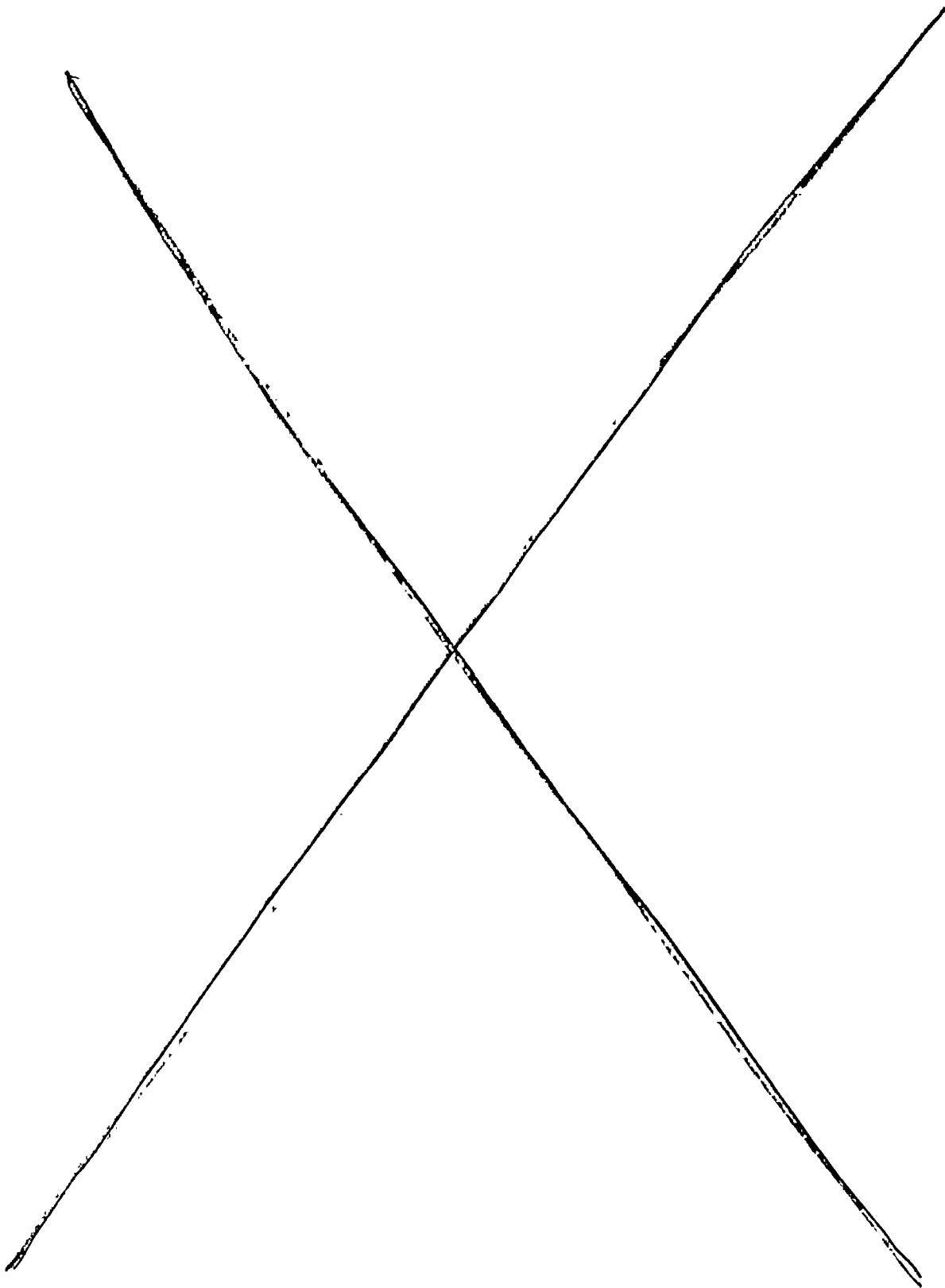


EXHIBIT "B"

The Order of the Court is stated below:

Dated: October 30, 2023
09:10:39 AM

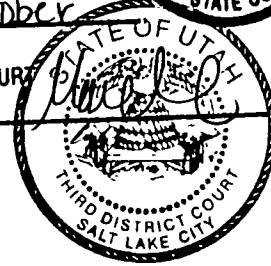
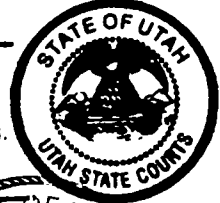
/s/ AMBER M. METTLER
District Court Judge



1DENNIS K. POOLE (2625)
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Email: dkpoole@dkpoolelaw.com

Attorneys for Plaintiffs

STATE OF UTAH Salt Lake
COUNTY OF
I hereby certify that the document to
which this certificate is attached is a
full, true and correct copy of the
original filed in the Utah State Courts.
WITNESS my hand and seal
this 30th day of October
2023
DISTRICT/JUVENILE COURT



CLERK

IN THE THIRD JUDICIAL DISTRICT COURT OF SALT LAKE COUNTY

STATE OF UTAH, SALT LAKE DEPARTMENT

<p>JARED HACKETT and JAYLENE HACKETT, individuals,</p> <p>Plaintiffs,</p> <p>vs.</p> <p>ALEXANDER BUILDING CORPORATION, a Utah corporation, MILLCREEK, a Utah municipal corporation, UTAH DEPARTMENT OF TRANSPORTATION, an agency of the state government of Utah, LIZETTE C. DUTSON, as trustee for the Lizette C. Dutson Living Trust, dated August 13, 2003,</p> <p>Defendants.</p>	<p>FINDINGS OF FACT AND CONCLUSIONS OF LAW</p> <p>CASE NO. 220902668</p> <p>JUDGE AMBER M. METTLER</p>
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2 The Court having scheduled a webex evidentiary hearing pursuant to Utah Code Ann. §78b-6-1315, on September 12, 2023, with respect to Plaintiffs' action to quiet title in certain real property adjacent to that owned by the Plaintiffs, and the Plaintiffs being represented by their attorney, Dennis K. Poole of Poole & Associates, L.C, the

Defendant Lizette C. Dutson being represented by her attorney, Daniel C. Dansie, the Defendant Millcreek being represented by its attorney, Gregory Hoole, and the Utah Department of Transportation being represented by its attorney, Trent Ferrin. Since the hearing, the Plaintiffs and the Defendant Lizette C. Dutson have filed with the Court a Stipulation wherein Dutson, among other matters, disclaims an interest in the Deed Gap Parcel hereinafter defined. The Court having considered (a) the Disclaimer of the Defendant Millcreek City, (b) the Disclaimer of Salt Lake County, (c) the Disclaimer of the Defendant Utah Department of Transportation, (d) the Declaration of Kade Moncur, the Salt Lake County Engineer, (e) the Hackett-Dutson Stipulation; (f) the default of the Defendant, Alexander Building Corporation, a dissolved corporation, having been entered, and (g) the offer of proof provided by the Plaintiffs, the Court enters the following

FINDINGS OF FACT

1. Plaintiffs Hacketts are the record owner of that certain real property located in Millcreek, Salt Lake County, State of Utah more particularly described as follows:

LOT 42 MAPLE HILLS according to the official plat thereof, filed in Book "N" of Plats at Page 21 of Official Records of the Salt Lake County Recorder

(the "Hackett Property").

2. Plaintiffs acquired the Hackett Property from Ryan W. Hackett and Kristen A. Hackett, of Salt Lake City, Utah, Trustees, or their Successor Trustees, of the Ryan & Kristen Hackett Trust, dated the 1st day of August, 2012, by that certain Warranty Deed

dated November 24, 2014, who acquired the property by that certain Quit Claim Deed recorded December 18, 2012, as document number 11538686 (the "2012 Deed").

3. The Maple Hills Subdivision, is a subdivision located in Millcreek, Salt Lake County, State of Utah, created by that certain subdivision plat dated March 11, 1953, and recorded in the official records of the Salt Lake County Recorder on April 1, 1953, as Entry No. 1324023 (herein the "Maple Hills Subdivision").

4. Defendant Alexander Building Corporation ("ABC") subdivided the Maple Hills Subdivision.

5. The Maple Hills Subdivision is located solely within the West Half of the Northeast 1/4 of the Southeast 1/4 of Section 35, T. 1S, R 1E, SLB&M, according to the legal description contained on the Plat. A copy of the plat is attached hereto as Exhibit "A."

6. Defendant ABC acquired title to all of the West Half of the Northeast 1/4 of the Southeast 1/4 of Section 35, T. 1S, R 1E, SLB&M, pursuant to the certain warranty deed from Rachel and Marvin Jensen, as grantors, dated March 1953, and filed with the Salt Lake County Recorder on March 13, 1953, as Entry No. 1321469, in Book 992, at page 84 (herein the "Jensen Deed"), attached as Exhibit "B."

7. The east boundary of the Hackett Property abuts that certain real property known as the "Deed Gap Parcel" which is more particularly described as follows:

(Adjacent to Maple Hills Subdivision)

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 42 SAID POINT NORTH 89°57'00" WEST 652.00 FEET ALONG THE MONUMENT LINE AND NORTH 644.42 FEET FROM THE STREET MONUMENT LOCATED AT 3900 SOUTH AND 3500 EAST AND RUNNING THENCE ALONG THE EAST LINE OF SAID LOT 42 THE FOLLOWING THREE (3) COURSES: 1) NORTH 55.58 FEET; 2) WEST 32.20 FEET; 3) NORTH 41.91 FEET TO THE NORTHEAST CORNER OF SAID LOT 42; THENCE SOUTH 86°00'00" EAST 73.88 FEET TO A POINT ON AN EXISTING FENCE; THENCE SOUTH 05°55'40" WEST 94.05 FEET ALONG SAID EXISTING FENCE TO A FENCE POST; THENCE NORTH 87°48'40" WEST 31.81 FEET TO THE POINT OF BEGINNING.

CONTAINS 4,782 SQ. FT. OR 0.110 ACRES, MORE OR LESS

The Deed Gap Parcel is graphically represented on a survey attached hereto as Exhibit "C", which includes the legal description of the Deed Gap Parcel.

8. The Deed Gap Parcel is located within the boundaries of the real property described in the Jensen Deed.

9. The Deed Gap Parcel's last record owner was ABC and the Deed Gap Parcel was not included in the Maple Hills Subdivision.

10. The Deed Gap Parcel is located in Millcreek, a municipal corporation and body politic of the State of Utah. Millcreek has disclaimed any interest in the Deed Gap Parcel, including any right-of-way, license or other privilege to use any portion of the Deed Gap Parcel (Docket No. 19).

11. UDOT is an agency of the State of Utah charged with maintaining state highways in the State of Utah including interstate highway 215 ("I-215"), and also known as the Belt Route, a portion of which is located in Millcreek, Salt Lake County, State of Utah.

12. The Deed Gap Parcel is located immediately west of and adjacent to a portion of I-215 at approximately 3785 South. Relying in part upon the Salt Lake County Disclaimer (identified below), UDOT has disclaimed any interest in the Deed Gap Parcel, including any right-of-way, license or other privilege to use any portion of the Deed Gap Parcel (Docket No. 35).

13. Defendant Lizette C. Dutson, is the Trustee for the Lizette C. Dutson Living Trust ("Dutson"), dated August 13, 2003 (the "Dutson Trust").

14. The Dutson Trust is the owner of real property north of the Hackett Property, and claims an interest by adverse possession in real property north of the Deed Gap Parcel.

15. Dutson, as Trustee of the Dutson Trust, disclaims any interest in the Hackett Property and the Deed Gap Property. See ¶5 of the Hackett-Dutson Stipulation (Docket No. ____).

16. Based upon a search of the Salt Lake County Recorder's Records, no portion of the Deed Gap Parcel is located within any parcel assessed or taxed by Salt Lake County. Based upon the Salt Lake County Disclaimer of Interest (Docket No. 28) and the Declaration of Kade Moncur, the Salt Lake County Engineer (Docket No. 51), it is believed that the Deed Gap Parcel may have been part of a County road that was abandoned. Any interest in the road would have transferred to Millcreek City upon Millcreek's incorporation on or about December 28, 2016.

17. Based upon the Salt Lake County Disclaimer, the Millcreek Disclaimer, the Declaration of Kade Moncur, and a search of the Salt Lake County Recorder's Records,

no portion of the Deed Gap Parcel is located within a public street, lane, avenue, alley, park, square or other publicly owned and used parcel.

18. Based upon a search of the Salt Lake County Recorder's Records and the Salt Lake County Disclaimer, the Deed Gap Parcel is not designated as a separate parcel of real property upon the records of Salt Lake County, State of Utah, and, therefore, it has not been assessed for real property tax purposes.

19. Based upon the Declaration of Dennis K. Poole dated May 13, 2022 (Docket No. 4), ABC is no longer an existing entity, with no entity or personage other than Plaintiffs claim against it regarding ownership of the Deed Gap Parcel.

20. For more than 7 years, and beginning not later than receipt of the 2012 Deed in December 2012 and continuing thereafter, the Plaintiffs and their predecessors have been in exclusive and continuous possession of the Deed Gap Parcel (subject to prescriptive easements, if any are claimed by utility companies) which is fenced in together with the Hackett Property.

21. Plaintiffs' and their predecessors' use and possession of the Deed Gap Parcel has been continuous, adverse, and hostile to the title, if any, of all other parties including but not limited to the Defendants.

22. For more than 7 years, the Plaintiffs and their predecessors have restricted access to the Deed Gap Parcel, and have otherwise used such property exclusively and continuously for their own purposes to the exclusion of all others with the exception of those claiming prescriptive easements, if any.

23. During the Plaintiffs' and their predecessors' use of the Deed Gap Parcel, the boundary of Plaintiffs' use has been well-established by the fencing of the Hackett Property and the Deed Gap Parcel, which was intended to establish the boundaries of the Hackett Property and the Plaintiffs' claims to the Deed Gap Parcel.

Based upon the foregoing Findings of Fact, the Court enters the following

CONCLUSIONS OF LAW

1. Plaintiffs have been in actual possession of the Deed Gap Parcel, which is defined by fencing and Plaintiffs' use of the Deed Gap Parcel.

2. The use of the Deed Gap Parcel has been open and notorious, as evidenced by the use and fencing of the area for a substantial period of time, to the exclusion of others.

3. During the periods set forth above, and by the mutual acquiescence of the remaining Defendants evidenced by the Hackett-Dutson Stipulation and by their respective Disclaimers of Interest, relying in part upon the Salt Lake County Disclaimer and the Kade Moncur Declaration, the Deed Gap Parcel has become the sole and separate property of the Plaintiffs to the exclusion of all others, specifically Alexander Building Corporation, with the exception of those claiming prescriptive easements.

4. Plaintiffs' use has been adverse and hostile as Plaintiffs have excluded use of the Deed Gap Parcel by others who might claim ownership, excepting only those that Plaintiffs have allowed to use the same.

5. Plaintiffs and their immediate predecessors have been in continuous use of the Deed Gap Parcel since at least 2012, which is approximately thirteen (13) years, more than the seven (7) year period required by Utah Code Annotated, §78B-2-214.

6. Plaintiffs have demonstrated that because of the likely prior use of the Deed Gap Parcel as part of a Salt Lake County Road which was abandoned, there would be no real property tax assessment of the area covered by the Deed Gap Parcel and no obligation to pay a real property tax with respect to the same.

7. Plaintiffs are entitled to a Judgment and Order Quieting Title in their name to the exclusion of any claims of the Defendants, specifically including Alexander Building Corporation, Millcreek, Utah Department of Transportation, and Dutson, and their respective successors and assigns.

8. Plaintiffs are entitled to Default Judgment against Alexander Building Corporation.

9. Plaintiffs seek no costs or attorney fees against any of the Defendants pursuant to the terms of their respective Disclaimers of Interest and Utah Code Annotated §78B-6-1305 and the Judgment and Order should reflect the same.

In accordance with the Utah Court's electronic filing system, this Order does not bear the handwritten signature of the Judge, but instead displays the electronic signature of the Judge. It is located on the first page, in the upper right-hand corner.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing FINDINGS OF FACT AND CONCLUSIONS OF LAW in Case No. 220902668 was emailed the ____ day of October, 2023, to the following:

3Trent E. Ferrin
William H. Christensen
UTAH ATTORNEY GENERAL
teferrin@agutah.gov
whchristensen@agutah.gov
Attorneys for UDOT

Gregory N. Hoole
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gregh@hooleking.com
Attorneys for Millcreek

4Daniel C. Dansie
Alyssa K. Nielsen
ddansie@kmclaw.com
anielsen@kmclaw.com
Attorneys for Lizette C. Dutson

/s/ Dennis K. Poole

EXHIBIT "A"

(Maple Hills Subdivision Plat)

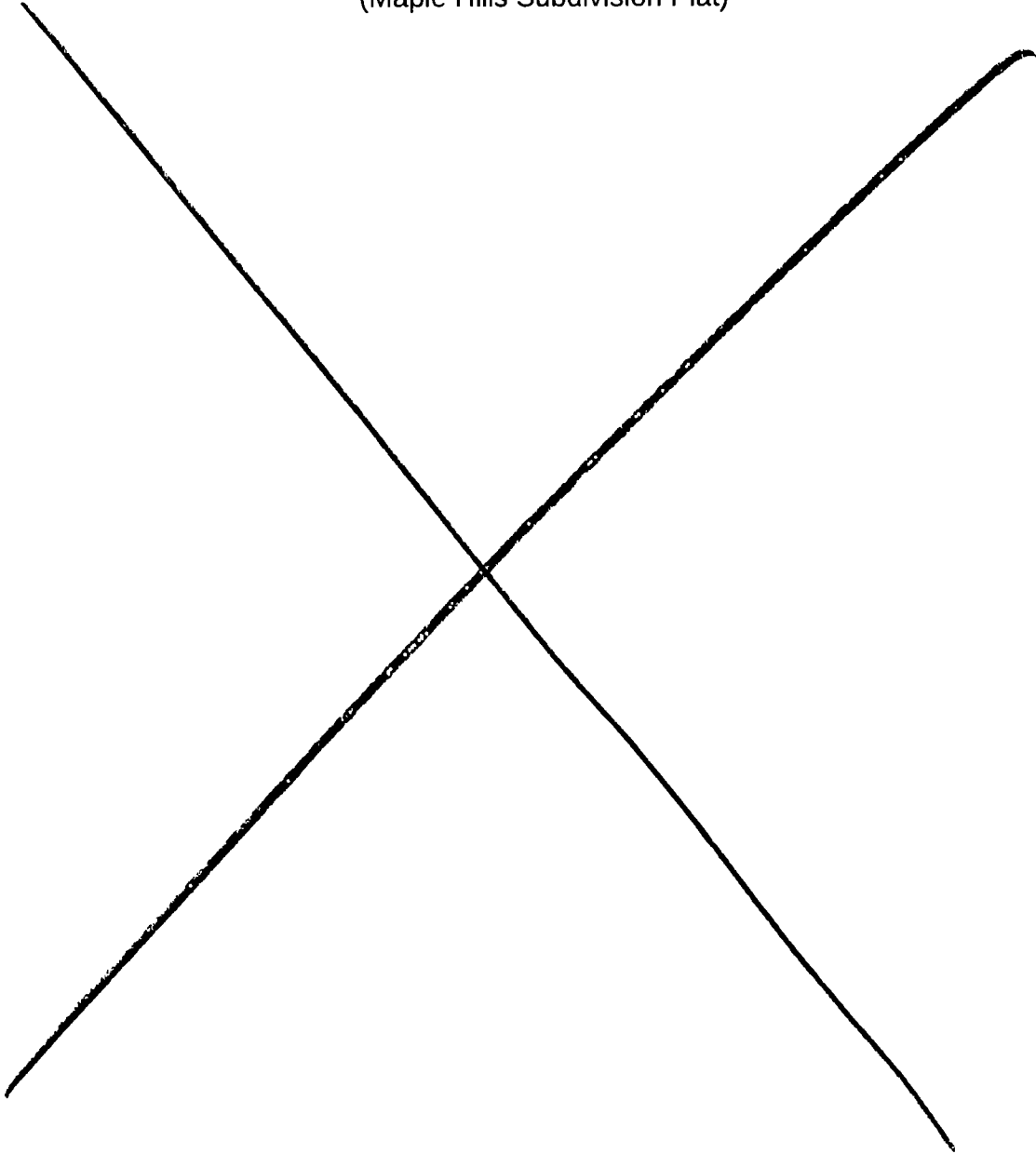


EXHIBIT "B"

(Jensen Deed)

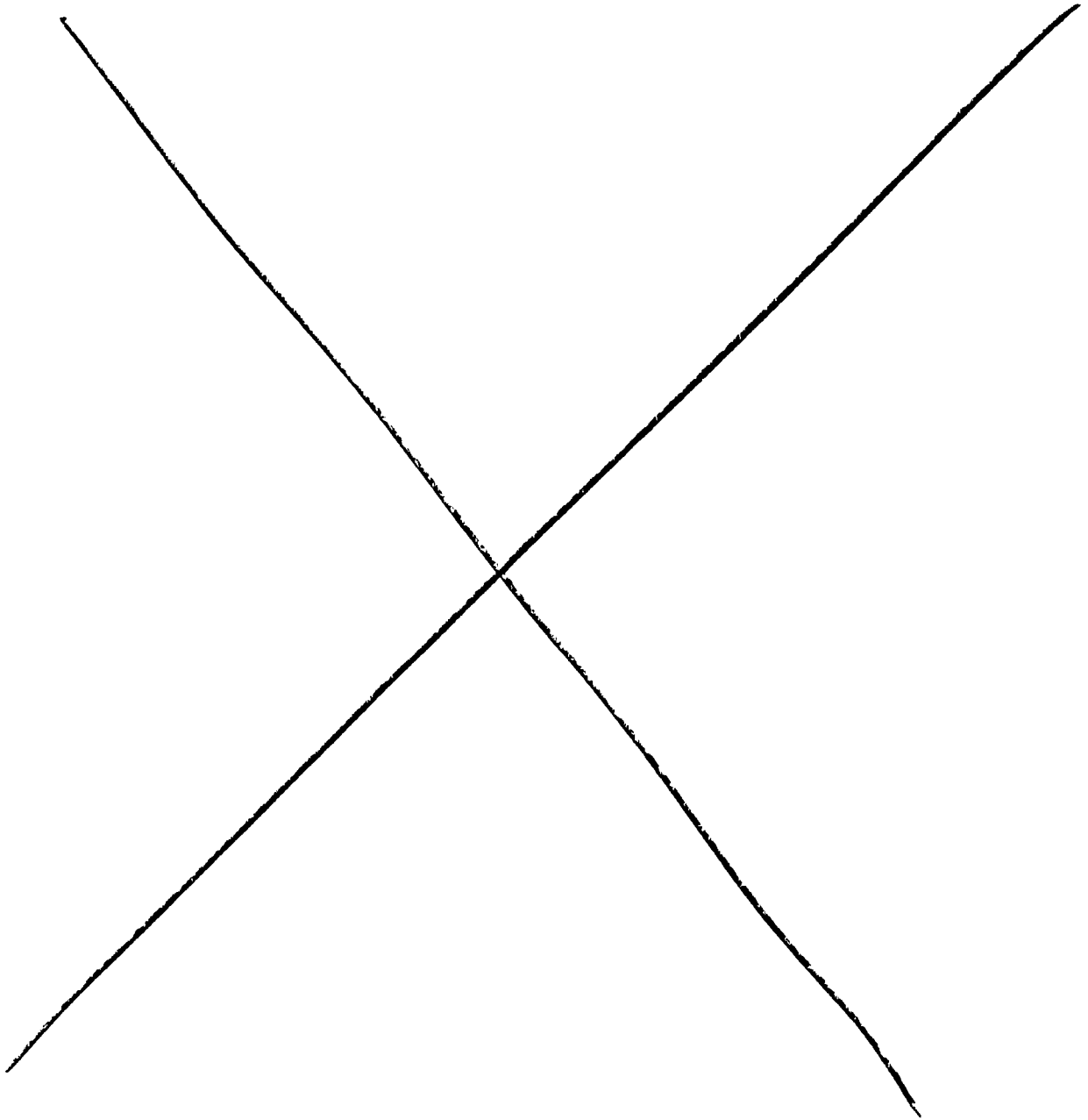
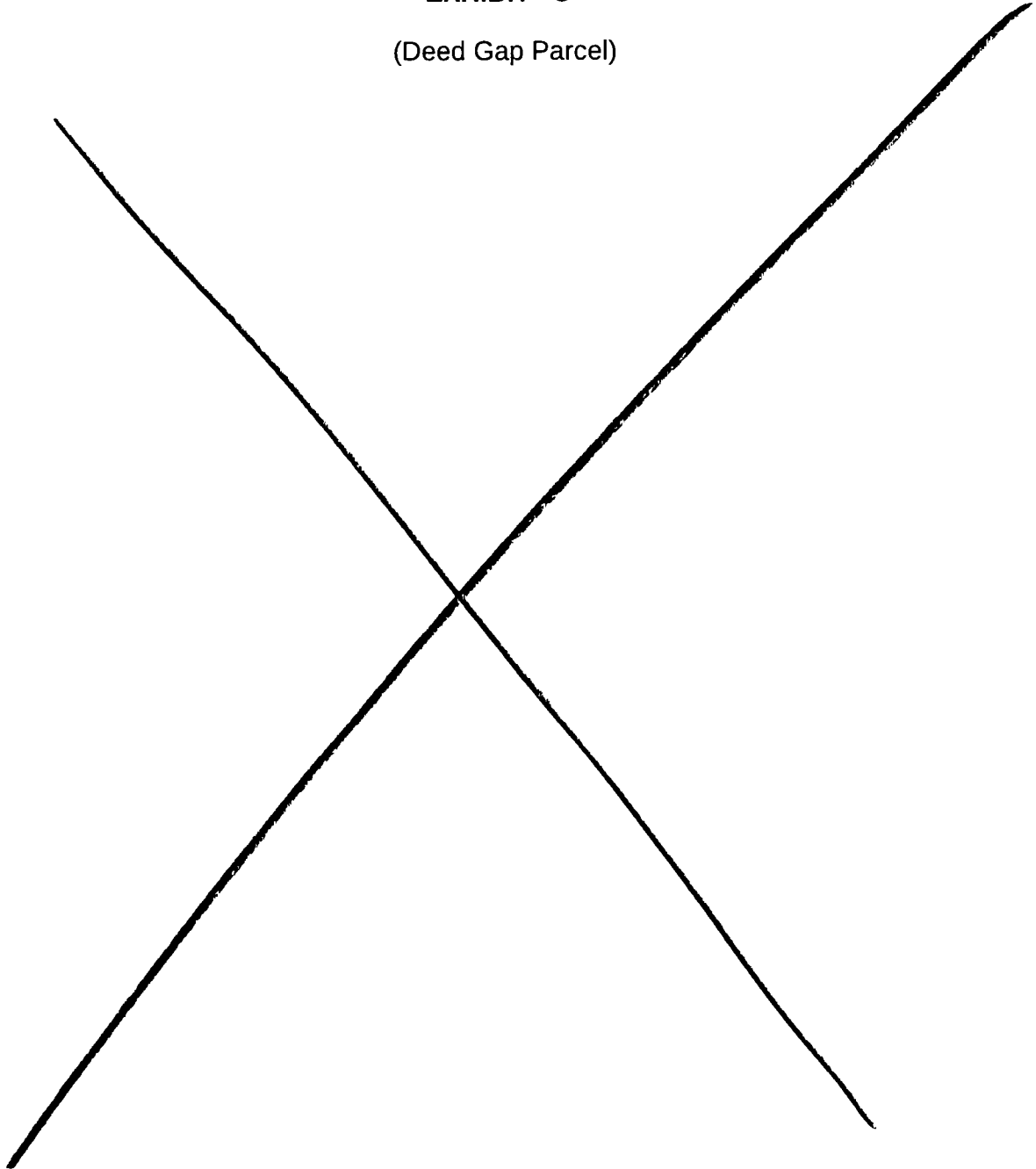


EXHIBIT "C"
(Deed Gap Parcel)



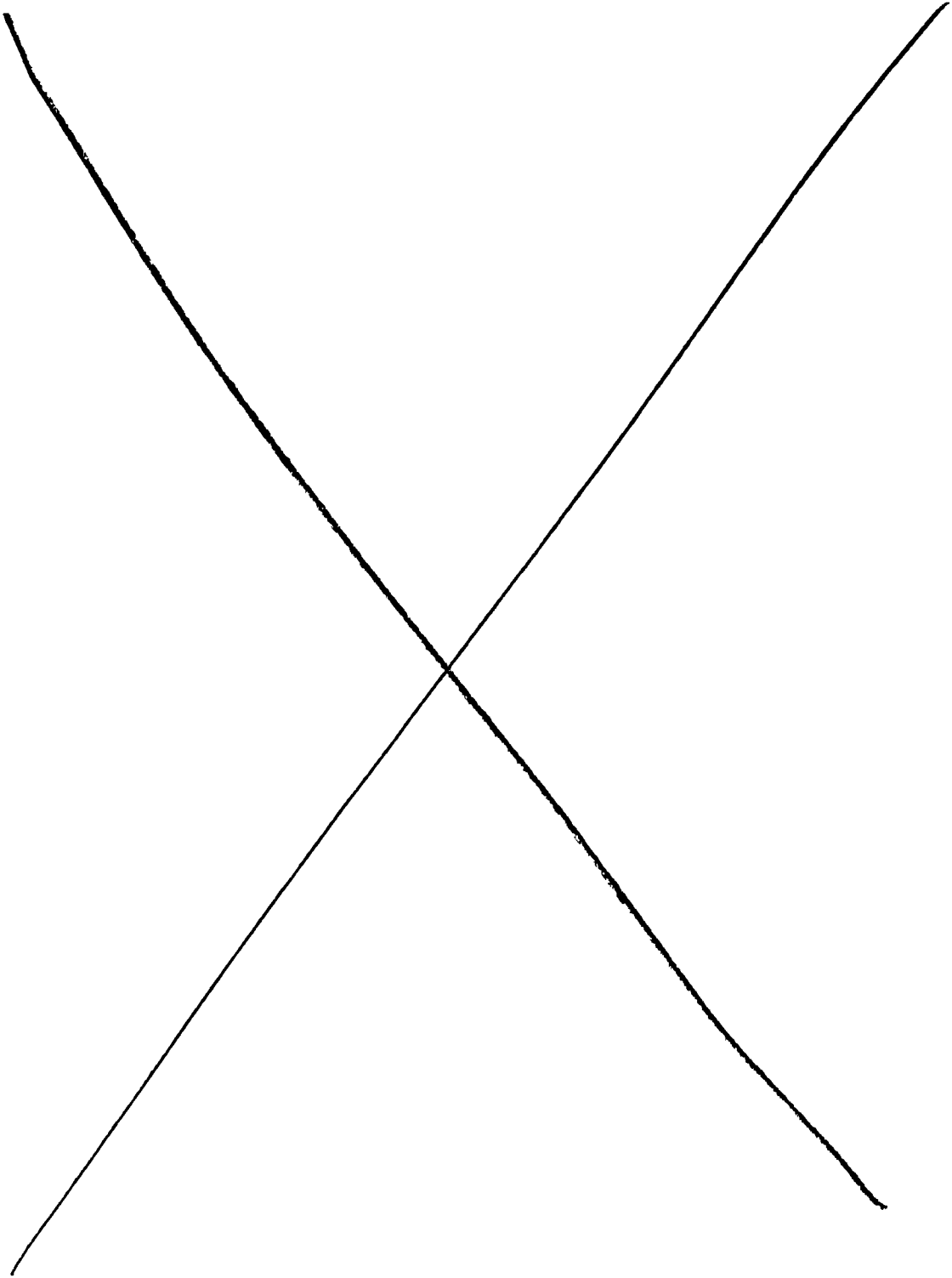
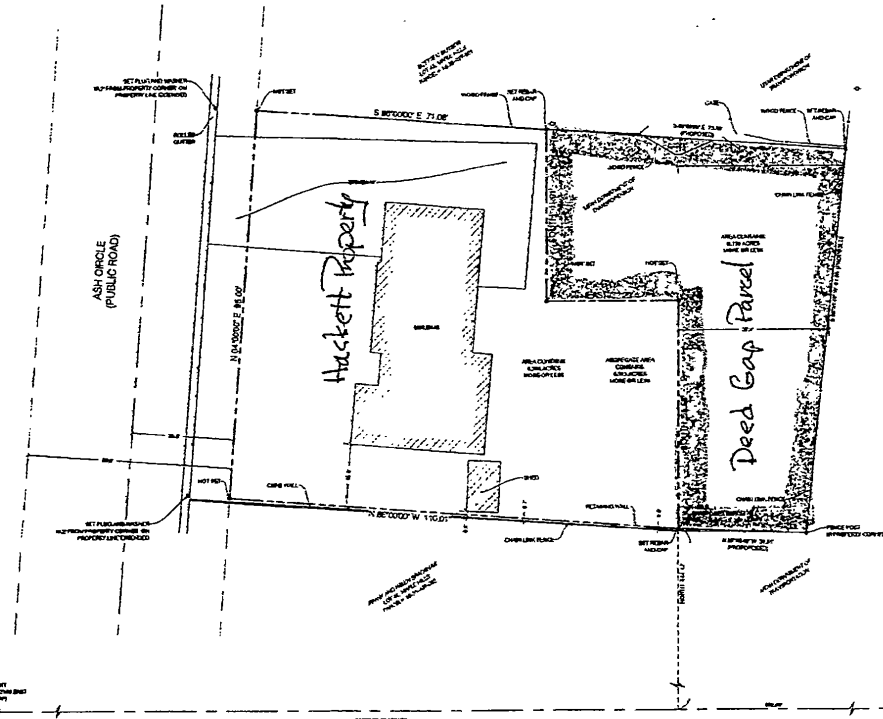
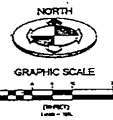


EXHIBIT "C"

BOUNDARY SURVEY

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 35,
TOWNSHIP 1 SOUTH, RANGE 1 EAST,
SALT LAKE BASE AND MERIDIAN
SALT LAKE COUNTY, UTAH



<p>SURVEYOR'S CERTIFICATE:</p> <p>I, JARED HACKETT, SALT LAKE CITY, UTAH, LAND SURVEYOR, CERTIFICATE NO. 2111354, A PROFESSIONAL LAND SURVEYOR AS REGISTERED WITH THE STATE OF UTAH, HAVE PERSONALLY AND INDIVIDUALLY CONDUCTED THE SURVEY AND HAVE BEEN FULLY ADVISED AS TO THE CONTENTS OF THIS RECORD AND THE NATURE AND EXTENT OF THE INTERESTS INVOLVED THEREIN. I HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.</p>	
<p>RECORD DESCRIPTION:</p> <p>THIS IS A SURVEY PLAT ACCORDING TO THE OFFICIAL PLAT SYSTEM, PROVIDED BY THE OFFICE OF THE COUNTY RECORDER, COUNTY OF SALT LAKE, STATE OF UTAH.</p>	
<p>PROPOSED DESCRIPTION:</p> <p>THIS IS A SURVEY PLAT ACCORDING TO THE OFFICIAL PLAT SYSTEM, PROVIDED BY THE OFFICE OF THE COUNTY RECORDER, COUNTY OF SALT LAKE, STATE OF UTAH.</p>	
<p>NARRATIVE OF BOUNDARY:</p> <p>THE BOUNDARY BETWEEN THE SURVEYED PLAT HEREIN AND ADJACENT PLATS IS SHOWN HEREON TO BE THE BOUNDARY BETWEEN THE SURVEYED PLAT HEREIN AND ADJACENT PLATS AS SHOWN HEREON. THE SURVEYED PLAT HEREIN IS SHOWN HEREON TO BE THE BOUNDARY BETWEEN THE SURVEYED PLAT HEREIN AND ADJACENT PLATS AS SHOWN HEREON.</p>	
<p>LEGEND AND ABBREVIATIONS:</p> <ul style="list-style-type: none"> BOUNDARY LINE PROPOSED BOUNDARY LINE EASEMENT LINE UTILITY LINE FENCE LINE WELL 	
<p>PROPERTY OWNER: JARED HACKETT 3786 ASH CIRCLE MILLCREEK CITY, UTAH</p>	
<p>SURVEYOR: JARED HACKETT 3786 ASH CIRCLE MILLCREEK CITY, UTAH</p>	