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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
IN AND FOR THE COUNTY OF BEAVER, STATE OF UTAH

| | | |
|-----------------------------|---|--------------------------|
| In the Matter of the Estate |) | ORDER SETTLING SIXTEENTH |
| |) | ACCOUNT AND REPORT OF |
| of |) | TRUSTEE AND DECREE OF |
| |) | FINAL DISTRIBUTION |
| WALTER W. COOK, a/k/a |) | DISTRIBUTING REMAINING |
| W. W. COOK, |) | ASSETS AND TERMINATING |
| |) | TRUST ESTATE |
| Deceased. |) | Probate No. <u>1168</u> |

TRACY-COLLINS BANK & TRUST COMPANY, Trustee for the trust created under the Last Will and Testament of Walter W. Cook, a/k/a W. W. Cook, deceased, having heretofore rendered and filed herein its Sixteenth and Final Account and Report of Trustee in the administration of the Trust Estate and with said report and account having filed its Petition for settlement thereof and for authorization to distribute the remaining assets and terminate the trust.

And the said account and report coming on regularly the 19th day of December, 1975, for hearing, and the proof having been made to the satisfaction of this Court that the Clerk has given notice in all respects according to law; and no protests or objections having been made or filed, a Certificate of No Contests having been filed; and all and singular the law and the evidence by the Court being understood and fully considered;

And it further appearing that the said account is in all respects true and correct; that the carrying value of the Trust Estate was Forty-nine Thousand Four Hundred Fifteen Dollars and Seventy-five Cents (\$49,415.75) as of September 10, 1975, the last date encompassed in said account, together with such additional

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interest as may have accumulated on the cash held available for distribution:

And it further appearing that Charlene Cook, a widow of said decedent, re-married on February 1, 1960, and that thereupon was entitled to no further disbursements from the portion of the Trust Estate set apart and segregated for her use and benefit, and that the remainder of that portion of the Trust Estate was thereupon consolidated with the remainder of the Trust Estate for the use and benefit of the children of said decedent and the stepdaughter of said decedent, to-wit, Judy Thompson, now known as Judy D. Hardy:

And it appearing that all disbursements for the use and benefit of said children and said stepdaughter are in accordance with the Decree of Final Distribution:

And it further appearing that sub-paragraph 5 of the Decree of Final Distribution relative to the establishing of the Trust Estate and the duties of Tracy-Collins Bank & Trust Company provided in part as follows:

" . . . At such time as the youngest of such children attains the age of twenty-five (25) years, or at such time as the youngest of said children has attained the age of twenty-one (21) years and none of said children are attending a recognized college and attaining satisfactory grades, the said Trustee shall distribute the remaining portion of the Trust Estate to said children, share and share alike. In the event any of my said children are not living at the time of such distribution, the share to which such deceased child would have been entitled, if living, shall be distributed to their children, share and share alike, or the survivors or the survivor, if any there be, otherwise the survivors of my children and Judy Thompson. The said Trustee shall have the right to fix the value of any property of the Trust Estate on any distribution and such value shall be final and binding and conclusive upon the persons interested."

And it appearing that on July 31, 1975, the youngest of the children of Walter W. Cook, a/k/a W. W. Cook, deceased attained the age of twenty-one (21) years of age and that neither he nor any of

the other children who are beneficiaries under the trust are attending a recognized college and attaining satisfactory grades in accordance with the terms of the Last Will and Testament and Decree of Final Distribution and it further appearing that the remaining portion of the Trust Estate should be distributed to the children, share and share alike, all of said children being alive and none being deceased and each of said children being entitled to that portion of the Trust Estate as follows:

| | |
|------------------|------------------------|
| Ethel L. Wheeler | An undivided one-sixth |
| Walter D. Cook | An undivided one-sixth |
| Alice F. Alley | An undivided one-sixth |
| Judy D. Hardy | An undivided one-sixth |
| Linda Fleming | An undivided one-sixth |
| Scott E. Cook | An undivided one-sixth |

And it further appearing that the balance of the property in the hands of the Trustee consists of cash in the approximate amount of Fifty Thousand Nine Hundred Sixteen Dollars and Ninety-nine Cents (\$50,916.99) together with such interest as has accumulated thereon less attorney's fees and costs incident to closing and termination of the Trust Estate and an undivided one-third (1/3) interest in certain oil, gas and mineral rights more particularly hereinafter described:

And it appearing that the fee mentioned in said account and report and in said Petition for said Trustee is fair and reasonable and should be approved, and the fee and costs mentioned therein for its attorneys is reasonable and proper and should be approved and ordered paid;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That the said Sixteenth Account and Report of Trustee be, and the same is hereby settled, approved and allowed;
2. That the acts of said Trustee in the investment of the trust funds be, and the same are, hereby approved and confirmed;
3. That the Trustee's fees in the amount of Six Hundred

Fifty-six Dollars and Ninety-five Cents (\$56.95) shown in said Sixteenth Account and Report be, and the same is hereby approved and allowed and that the fee of Two Hundred Fifty Dollars (\$250.00) and costs of One Dollar (\$1.00) set forth in said accounting for its attorneys be and the same are hereby approved and the Trustee ordered to pay the same:

4. That the cash balance of the Trust Estate consisting of approximately Fifty Thousand Nine Hundred Sixteen Dollars and Ninety nine Cents (\$50,916.99) together with such interest as has accumulated thereon less the attorney's fees and other costs and expenses incident to closing and termination of the trust be divided one-sixth (1/6) to Ethel L. Wheeler, one-sixth (1/6) to Walter D. Cook, one-sixth (1/6) to Alice F. Alley, one-sixth (1/6) to Judy D. Hardy, one-sixth (1/6) to Linda Fleming and one-sixth (1/6) to Scott E. Cook.

5. That there be and there is hereby distributed to Ethel L. Wheeler, Walter D. Cook, Alice F. Alley, Judy D. Hardy, Linda Fleming and Scott E. Cook an undivided one-eighteenth (1/18) interest each, in and to the following described oil, gas and mineral rights:

Beaver County

Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 4, T 29 S, R 11 W, SLM. SE $\frac{1}{4}$ and S $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 26, T 28 S, R 11 W, SLM. 240 acres. W $\frac{1}{2}$ of NE $\frac{1}{4}$ E $\frac{1}{2}$ of NW $\frac{1}{4}$, and E $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 35, T 28 S, R 11 W, SLM. 240 acres

Lots 3 and 4, and the S $\frac{1}{4}$ of NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of Sec. 2, T 29 S, R 11 W, SLM. 327.10 acres.

E $\frac{1}{2}$ of SW $\frac{1}{4}$, and W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 10, T 29 S, R 11 W, SLM. 160 acres.

N $\frac{1}{2}$ of NW $\frac{1}{4}$, and the SE $\frac{1}{4}$ of Sec. 11, T 29 S, R 11 W, SLM. 240 acres.

NE $\frac{1}{4}$, E $\frac{1}{2}$ of NW $\frac{1}{4}$ and E $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 15, T 29 S, R 11 W, SLM. 320 acres.

Lots 1, 2 and 3, the E $\frac{1}{2}$ of NW $\frac{1}{4}$, and NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 19, T 29 S, R 11 W, SLM. 239.63 acres.

S $\frac{1}{2}$ of SW $\frac{1}{4}$ Sec. 21, T 29 S, R 11 W, SLM. 80 acres.

Com. 36 rods N of E $\frac{1}{2}$ cor. of Sec. 21 T 29 S, R 11 W, SLM. th. N $\frac{1}{4}$ rods: W 160 rods: S 160 rods: E 50 rods: N 116 rods: E 110 rods to beg., containing 80.25 acres.

W $\frac{1}{2}$ of Sec. 22, T 30 S, R 13 W, SLM. 320 acres.

E $\frac{1}{2}$ of Sec. 23, T 30 S, R 13 W, SLM. 320 acres.

W $\frac{1}{2}$ of Sec. 23, T 30 S, R 13 W, SLM. 320 acres.

W $\frac{1}{2}$, and SE $\frac{1}{4}$ of Sec. 24, T 30 S, R 13 W, SLM. 480 acres.

All of Sec. 25, T 30 S, R 13 W, SLM. 640 acres.

N $\frac{1}{2}$ of Sec. 26, T 30 S, R 13 W, SLM. 320 acres.

S $\frac{1}{2}$ of SW $\frac{1}{4}$, E 60 rods of NE $\frac{1}{4}$ of SW $\frac{1}{4}$ N $\frac{1}{2}$ of SE $\frac{1}{4}$, SE $\frac{1}{4}$ of SE $\frac{1}{4}$, and the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ (E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) all in Sec. 27, T 30 S, R 13 W, SLM. 250 acres.

All of Sec. 33, T 30 S, R 13 W, SLM. 640 acres.

W $\frac{1}{2}$ of Sec. 34, T 30 S, R 13 W, SLM. 320 acres.

Iron County

4-325

Lots 5, 6, 11, 12, Sec. 4. Lots 7, 8, 9 and 10 Sec. 5, T 31 S, R 13 W, SLM.

Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ of Sec. 6, T 31 S, R 13 W, SLM.

6-325

All of Sec. 7, T 31 S, R 13 W, SLM.

S $\frac{1}{2}$ of Sec. 18, S $\frac{1}{2}$ of Sec. 19, T 31 S, R 13 W, SLM.

N $\frac{1}{2}$ of Sec. 18, T 31 S, R 13 W, SLM.

NE $\frac{1}{4}$, E $\frac{1}{2}$ of NW $\frac{1}{4}$, Lots 1 and 2, Sec. 19, T 31 S, R 13 W, SLM.

All of Sec. 30, T 31 S, R 13 W, SLM.

1-334

Lots 1, 2, 3, 6, 7, 8, 9, 10, 11, 14, 15, 16, NE $\frac{1}{4}$ of SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of Sec. 1 T 31 S, R 14 W, SLM.

Lots 4, 5, 12, 13, W $\frac{1}{2}$ of SW $\frac{1}{4}$, SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 1, NE $\frac{1}{4}$ of Sec. 11, N $\frac{1}{2}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 12, T 31 S, R 14 W, SLM.

S $\frac{1}{2}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 12, T 31 S, R 14 W, SLM.

S $\frac{1}{2}$ of Sec. 13, T 31 S, R 14 W, SLM.

N $\frac{1}{2}$ of Sec. 13, T 31 S, R 14 W, SLM.

All of Sec. 24, W $\frac{1}{2}$ of Sec. 25, T 31 S, R 14 W, SLM.

SE of Sec. 29, T 31 S, R 14 W, SEM.

The NE of the NW¹, and the NE¹ of the NW¹, all in Sec. 29, T 31 S, R 13 W, SEM.

That upon vouchers and receipts being filed showing distribution of the remaining assets, the trust shall be terminated and the Trustee discharged and exonerated from any liability by reason of its future acts.

DATED this 30th day of January, 1976.

[Handwritten Signature]
MARIA BURNS,
District Court Judge

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Attorneys at Law

MILFORD, UTAH BATES CEDAR CITY, UTAH 84720

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Recorded at
Request of Bruce L. Mayer
On Feb 10 1976 SA M. Fee 22.80 No. 214 Page 725-730
By Jean T. [Signature] County Clerk
Told Subd Abstr Prod

THE FOREGOING INSTRUMENT IS A TRUE AND CORRECT COPY OF THE ORIGINAL ONE FOR AND ON RECORD IN THIS OFFICE.

ATTEST: M.R. DITSON, COUNTY CLERK and
CLERK of the DISTRICT COURT in and
for the County of Garfield State of Utah.

by Nicholas R. [Signature]
Dated this 9th day of February, A.D. 1976



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