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ENT 29526:2004 PG 1 of 4
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2004 Mar 16 3:50 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,)	STIPULATION
)	
vs.)	
)	
SCOTT G. SMITH, and ELLEN V. SMITH,)	Civil No. <u>040400817</u>
)	
Defendants.)	Division No. <u>2</u>
)	

For the purpose of resolving their dispute, the Plaintiff and the Defendants herein stipulate and agree as follows:

- The Defendants, SCOTT G. SMITH, and ELLEN V. SMITH, by their signatures hereunder, hereby waive formal service of the Summons and Complaint in the above entitled action, hereby waive any defect in service of the Summons and Complaint in the above entitled matter, hereby make a general appearance in the above entitled matter, and hereby consent to the jurisdiction of the Court over said Defendants, and over the property owned by the Defendants, as described herein.

2. The Defendants, SCOTT G. SMITH, and ELLEN V. SMITH, are the owners of record of a portion of the following described property, (hereinafter referred to as the "Subject Property"), located in Utah County, Utah, and which is more particularly described as follows:

Commencing 2003.10 feet south of center Section 7, Township 6 South, Range 3 East, Salt Lake Meridian; West 1280 feet more or less, South 3 deg. 29' 23" West 304.39 feet more or less; South 82 deg. 22' West 330 feet North 3 deg. 29' 23" East 150 feet; North 81 deg. 27' 23" East 35 feet more or less; North 50 feet; West 15.71 feet; North 145.93 feet; West 250 feet; South 51 deg. 30' East 83.82 feet more or less; South 463.98 feet more or less; North 82 deg. 22' East 105.6 feet; North 148.5 feet; North 82 deg. 22' East 330 feet; South 148.50 feet; North 82 deg. 22' East 297 feet; South 84 deg. 30' East 763.62 feet; East 302.79 feet; North 492 feet more or less to point of beginning;

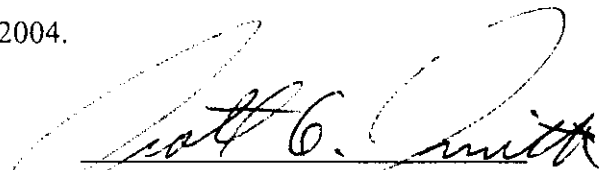
3. That pursuant to Section 3-53 of the Utah County Zoning Ordinance property may not be subdivided without complying with the standards for subdivision and receiving approval from Utah County for the subdivision.
4. That the Subject Property previously was a single parcel of property but has been divided into eight separate parcels without complying with the subdivision requirements.
5. That Defendants, and other owners of the Subject Property, have executed a document entitled "Declaration of Zoning Lot." Said document reunites the Subject Property for zoning purposes. The Plaintiff and the Defendants agree that said document will be recorded with the Utah County Recorder's Office.

6. That Plaintiff and Defendants agree that the recording with the Utah County Recorder's Office of the Declaration of Zoning Lot mentioned above will satisfy the allegations asserted by Utah County in this action.
7. That Plaintiff and Defendants agree that this Stipulation and any related Court Order shall be binding on all parties hereto and shall be recorded with the Office of the Utah County Recorder. Plaintiff and Defendants further agree that any party found to be in breach of this Stipulation, or in contempt, shall pay the Court costs and legal fees incurred by the non-breaching party, related to or arising out of this Stipulation. This Stipulation shall be binding on the heirs, successors and assigns of the parties, and shall constitute covenants which shall run with the land, as described herein.

DATED this 9th day of March, 2004.


DAVID H. SHAWCROFT
Deputy Utah County Attorney

DATED this 4 day of MAR., 2004.



SCOTT G. SMITH, Defendant

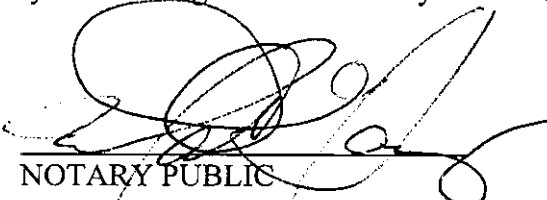

ELLEN V. SMITH, Defendant

ACKNOWLEDGMENT

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

On the 4 day of MARCH, 2004, personally appeared before me SCOTT G. SMITH, and ELLEN V. SMITH, who duly acknowledged to me that they executed the foregoing Stipulation.

 Notary Public
MATTHEW B. HANEY
3191 North Canyon Rd.
Provo, Utah 84604
My Commission Expires
October 8, 2005
State of Utah


NOTARY PUBLIC

L:\DAVID\ZONING\SmithScott\Smith, Scott-Stipulation.wpd

I CERTIFY THAT THIS IS A TRUE COPY OF AN ORIGINAL DOCUMENT ON FILE IN THE FOURTH JUDICIAL DISTRICT COURT, UTAH COUNTY, STATE OF UTAH

DATE: 3/15/04

DEPUTY COURT CLERK

 ORIGINAL FILED IN RED INK
DISTRICT COURT - UTAH