

KATIE L. DIXON
 RECORDER
 SALT LAKE COUNTY,
 UTAH
 MAR 17 9 09 AM '81
 REQ OF _____
 DEP _____
 12TH FLOOR
 310 So. MAIN
 SUITE 24101
 REQ OF VINCENT RAMPTON
 \$ 802
 DEP _____
Scott Duckworth

FILED IN CLERK'S OFFICE
 SALT LAKE COUNTY, UTAH
 MAR 17 8 49 AM '81
 W. J. ... CLERK
 3RD DIST. COURT
 BY *Charles Johnson*
 DEPUTY CLERK

3544263

IN THE THIRD JUDICIAL DISTRICT COURT
 IN AND FOR SALT LAKE COUNTY, STATE OF UTAH

HERMAN JANSSEN, et ux., :
 :
 Plaintiffs, : ORDER
 :
 vs. :
 :
 AMOCO OIL COMPANY, : Civil No. C-79-1952
 :
 Defendants. :

IT APPEARING TO THE COURT and the Court now finds that on the 26TH day of January, 1988, the Plaintiffs, HERMAN JANSSEN, et ux. (hereinafter "JANSSEN"), and the Defendant, AMOCO OIL COMPANY (hereinafter "AMOCO"), entered into a Stipulation involving certain real property and a right-of-way and easement located in Salt Lake County, State of Utah, and more particularly described in the Stipulation of the parties herein; and

IT APPEARING TO THE COURT that it is fully advised as to all singular of the facts and law involved in the premises; and

IT FURTHER APPEARING TO THE COURT that good cause exists for the entering of an Order herein in accordance with the motion of counsel for the Plaintiff and Defendant, and Stipulation For Judgment herein, the Court now finds that:

1. This Court has jurisdiction of the parties hereto and the property hereto, and over the res of the action.
2. That AMOCO is the owner in fee simple together with the right-of-way to and from said parcel as more particularly described in Paragraph 1 of the Stipulation of the

parties herein and is entitled to possession of all of the real property and right-of-way as more particularly described in the Stipulation herein.

3. That JANSSEN is the lawful owner and is entitled to possession of all of the real property subject to the right-of-way and easement in AMOCO located in Salt Lake County, State of Utah, as more particularly described in Paragraph 2 of the parties' Stipulation herein.

4. That JANSSEN, since acquiring the real property subject to the right-of-way described in Paragraph 2 herein, caused to be constructed a frame building fruit stand which dimensions of said structure resting on the subject right-of-way are more particularly described in Paragraph 3 of the parties' Stipulation herein.

5. That JANSSEN, by Complaint, alleges that the right-of-way, described in Paragraph 2 herein, since 1968 has been adversely and hostilely possessed by JANSSEN against the interests of AMOCO and consequently JANSSEN's real property interest is no longer subject to the right-of-way interests of AMOCO, described in Paragraph 1 of the parties' Stipulation herein. JANSSEN seeks to quiet title to said right-of-way. AMOCO denies the allegations of JANSSEN that they adversely possess the right-of-way and further alleges that JANSSEN's interests are subordinate and inferior to AMOCO's interest in the subject right-of-way. AMOCO further alleges that JANSSEN possessed the right-of-way by virtue of a written lease agreement executed between JANSSEN and AMOCO.

6. That AMOCO, by counterclaim, seeks to reform the lease entered into between JANSSEN and AMOCO relating to the right-of-way described in Paragraph 1 of the parties' Stipulation herein. AMOCO further alleges that JANSSEN is guilty of unlawful detainer by placing a portion of a frame

building structure on the right-of-way and seeks damages, ejection of JANSSEN therefrom, and an order quieting title to AMOCO in the right-of-way.

7. That JANSSEN and AMOCO acknowledge that each of them has certain demands and causes of action relating to the right-of-way which are denied and contested thereby placing in issue various material issues of fact and law and that by entering into the Stipulation For Judgment neither party admits the material issues of law and facts as they relate to the respective property interests and claims of the parties herein. Nevertheless, it is the judgment of JANSSEN and AMOCO that it is in their interest to accommodate and settle their respective claims.

8. That in order to compromise and resolve the claims set forth in the Complaint and Answer and Counterclaim herein between JANSSEN and AMOCO, the parties have agreed that there shall be deannexed from the perpetual right-of-way and easement of AMOCO over the fee interest of JANSSEN, described in Paragraphs 1 and 2 of the Stipulation herein, that portion of the frame structure building resting on the subject right-of-way, as more particularly described in Paragraph 3 of the Stipulation herein.

ACCORDINGLY, IT IS ORDERED, ADJUDGED AND DECREED that AMOCO is hereby declared and adjudged to be the true and lawful owner of the right-of-way and easement, herein-after described with particularity, over the fee simple interest of JANSSEN and that AMOCO's title thereto is adjudged to be quieted against all claims, demands or pretensions of JANSSEN and all persons claiming the same or any part thereof, through JANSSEN or under them. The subject right-of-way and easement that title is hereby quieted in favor of AMOCO, is described as follows:

COMMENCING at a point on the center line of 900 East Street North 0°19' East, 162.0 feet from a County Monument at the intersection of the center lines of 6600 South and 900 East Street, said Monument being North 131.569 feet and East 1179.75 feet and South 84°28'25" East, 531.52 feet from the West 1/4 corner of Section 20, Township 2 South, Range 1 East, Salt Lake Base and Meridian; running thence West 183.0 feet; thence North 30.0 feet; thence East 76.5 feet; thence South 11.0 feet; thence East 10.4 feet; thence North 4.0 feet; thence East 37.5 feet; thence North 7.0 feet; thence East 58.77 feet to the center line of 900 East Street; thence South 0°19' West 30.0 feet to the point of beginning.

Contains 5115± square feet.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that AMOCO, its successors and assigns, shall have full right of access, ingress to and egress from, and use of the perpetual right-of-way and easement described herein for all types of motor vehicular purposes to be used incident to the property which AMOCO owns immediately to the south of the right-of-way, and which is more particularly described in Paragraph 1 of the Stipulation herein. Said perpetual right-of-way and easement is appurtenant to the real property interest which AMOCO owns and is described herein and is not to be considered a profit, personal property or license.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the perpetual right-of-way and easement described herein shall be kept open at all times for ingress to and egress from said right-of-way and easement and may be utilized only by the real property interest of JANSSEN described in Paragraph 2 of the Stipulation herein, and only to such extent that it does not impair or interfere in any way with said perpetual right-of-way and easement of AMOCO.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the covenants, conditions and restrictions contained in this Order shall run with the land and right-of-way and

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easement described more particularly herein and shall be binding upon JANSSEN, their heirs, successors and assigns, and shall continue in force so long as AMOCO, its successors and assigns require the right-of-way and easement in accordance with the highest and best use of the property described in Paragraph 1 of the Stipulation herein.

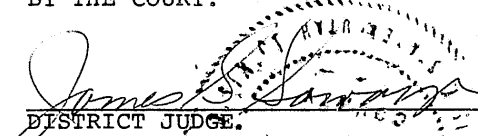
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that AMOCO, at its own expense, shall pave the subject right-of-way and easement area with bituminous asphalt material and will maintain the paving area in a reasonable condition incident to the highest and best use of the property described in Paragraph 1 of the Stipulation herein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Plaintiffs' Complaint and the Defendant's Answer and Counterclaim are hereby dismissed with prejudice.


IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a copy of this Order shall be forthwith filed with the County Recorder of Salt Lake County, State of Utah, and that upon so doing, the perpetual right-of-way and easement in the property and lands described herein shall vest in AMOCO.


DATED this 17th day of March, 1981.

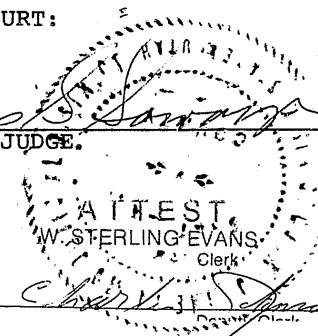
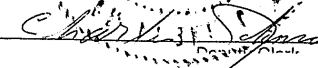
BY THE COURT:

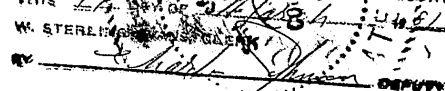

DISTRICT JUDGE.

APPROVED AS TO FORM:


ROBERT S. CAMPBELL, JR.
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Salt Lake City, Utah 84101
Attorneys for Defendant
Amoco Oil Company


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Attorneys for Plaintiff
Herman Janssen


ATTEST
W. STERLING EVANS
Clerk
By 

STATE OF UTAH
COUNTY OF SALT LAKE DISTRICT
I, THE UNDERSIGNED, CLERK OF THE DISTRICT COURT OF SALT LAKE COUNTY, UTAH, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF AN ORIGINAL DOCUMENT FILED IN MY OFFICE AS SUCH CLERK.
WITNESSES MY HAND AND SEAL OF SAID COURT
THIS 17 DAY OF MARCH 1981
W. STERLING EVANS

CLERK

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