

9090265

9090265
06/15/2004 11:52 AM 14.00
Book - 9001 Pg - 1835-1836
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
SNOW CHRISTENSEN & MARTINEAU
PO BOX 45000
SLC UT 84145
BY: ZJM, DEPUTY - WI 2 P.

FILED DISTRICT COURT
Third Judicial District

JUN 01 2004

SALT LAKE COUNTY

By _____ Deputy Clerk

SHAWN E. DRANEY (A4026)
SCOTT H. MARTIN (A7750)
SNOW, CHRISTENSEN & MARTINEAU
10 Exchange Place, Eleventh Floor
Post Office Box 45000
Salt Lake City, Utah 84145
Telephone: (801) 521-9000
Telecopy: (801) 363-0400
Attorneys for Plaintiff

IN THE THIRD JUDICIAL DISTRICT COURT

SALT LAKE COUNTY, STATE OF UTAH

METROPOLITAN WATER DISTRICT OF
SALT LAKE & SANDY,

Plaintiff,

vs.

**ORDER OF IMMEDIATE
OCCUPANCY**

ROLA V, Ltd., a Utah Limited Partnership,
ROLA V, LLC, a Utah Limited Liability
Company, ROBERT V. DESPAIN,
COTTONWOOD IMPROVEMENT
DISTRICT, a Utah Improvement District, and
JOHN DOES 1-10,

Case No: 040909496

Judge: Robert K. Hilder

Defendants.

Having reviewed the stipulation of the parties, and good cause appearing,

IT IS HEREBY ORDERED as follows:

1. Plaintiff Metropolitan Water District of Salt Lake & Sandy ("MWDSLS") is hereby granted an Order of Immediate Occupancy. MWDSLS may occupy and use the permanent power and communication easement as described in the Condemnation Complaint.

2. MWDSLS shall pay the sum of Three Thousand Dollars (\$3,000.00) to defendants Rola V, Ltd., Rola V, LLC, and Robert V. Despain (collectively "Despain") for "advance

BK 9001 PG 1835

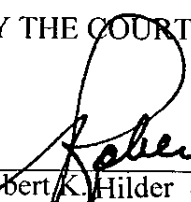
payment" as described in Utah Code Ann. § 78-34-9.

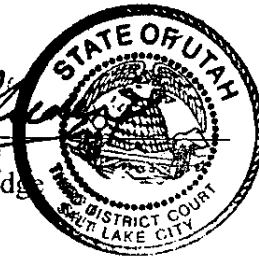
3. Despain shall accept this advance payment, and acceptance of this advance payment by Despain shall be considered an abandonment of all defenses except a claim for greater compensation, as described in Utah Code Ann. § 78-34-9(6)(b). Despain reserves the right to seek additional just compensation.

4. MWDSLS's occupancy and use of the permanent power and communication easement shall not materially adversely impact the sewer easement of the Cottonwood Improvement District, and an appropriate and reasonable clearance will be maintained between the sewer facilities of the Cottonwood Improvement District and the MWDSLS power and communication facilities. No advance payment is due or owing to Cottonwood Improvement District.

DATED this 14th day of June, 2004.

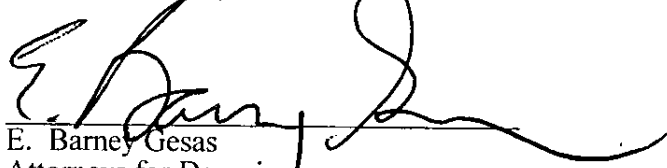
BY THE COURT:


Robert K. Hilder
Third District Court Judge

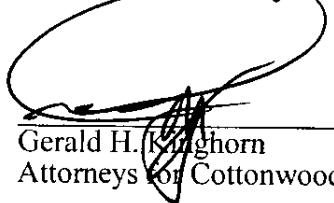


Approved as to Form:

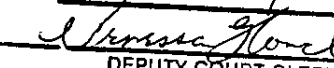
CLYDE, SNOW, SESSIONS & SWENSON


E. Barney Gesas
Attorneys for Despain

PARSONS KINGHORN HARRIS


Gerald H. Kinghorn
Attorneys for Cottonwood Improvement District

I CERTIFY THAT THIS IS A TRUE COPY OF AN ORIGINAL DOCUMENT ON FILE IN THE THIRD DISTRICT COURT, SALT LAKE COUNTY, STATE OF UTAH.

DATE: 6-15-04

DEPUTY COURT CLERK

