

Platted  
 Abstracted  
 On Margin  
 Indexed  
 Compared  
 Entered

STEPHENS, BRAYTON & LOWE, Attorneys and Counselors  
 SALT LAKE CITY, UTAH

Recorded at request of *Brayton, Lowe & Howley*  
 Date *MAR 2 2 1962*  
 By *Emily T. Eldredge*

Fee Paid \$ *8.60*  
 Recorder Davis County  
 Page *501*

EMILY T. ELDRIDGE  
 at 930 A. J. Dep. by Book *238*

NE 1/4 - 36 - 27 - 1E.

234099

Recorded at Request of *Brayton, Lowe & Howley*  
 at *234099* Fee Paid \$ *8.60* NELLIE M. JACK, Recorder Salt Lake County Utah  
 By *Emily T. Eldredge* Dep. Ref. *Misc Index # 4*  
*1001 4 Walker Bank Bldg., Salt Lake*

IN THE DISTRICT COURT OF TOOLE COUNTY, STATE OF UTAH.

MARGUERITE BERTAGNOLE, GERALD  
 BERTAGNOLE, CAROLYN BERTAGNOLE  
 MEYERS, NANCY BERTAGNOLE ECKERT  
 and MARGUERITE BERTAGNOLE,  
 Guardian of WILLIAM BERTAGNOLE  
 and SHIRLEY ANN BERTAGNOLE,  
 Minors,

Plaintiffs,

DEGREE

vs

Civil No. 4515.

LEO M. BERTAGNOLE aka LEE M.  
 BERTAGNOLE,

Defendant.

This cause having come on regularly for hearing in the  
 above entitled Court on the 8th day of February, 1960, before the  
 Honorable Ray Van Cott, Jr., the hearing, by Stipulation of parties,  
 having been held in Salt Lake County, and all parties having adduced  
 evidence and having agreed upon a division, and having agreed that  
 Findings of Fact and Conclusions of Law may be waived; NOW, THEREFORE

it is

ORDERED, ADJUDGED and DECREED:

1. The division of property hereinafter described shall  
 affect the surface rights only. The mineral rights shall remain  
 in common ownership, together with the right of ingress and egress  
 and the right to use such portion of the surface as is necessary  
 for the exploration, development and mining of the same. Any  
 damage done to the surface shall be compensated for to the extent  
 of one-half of said damage.

The division hereinafter made shall include water rights  
 appurtenant to the property, including specifically livestock  
 watering rights.

2. The property of the partnership known as the buck  
 pasture consisting of that portion of Section 36, Township 3 North,  
 Range 3 East, Salt Lake Meridian, lying Northwesterly from an  
 existing road running generally in a southwesterly-northeasterly

502 direction through the ~~land~~ and the ~~land~~ thereof, shall be divided in accordance with a division to be made by Marcellus Palmer, which division shall be made by said Palmer so that there shall be equal feed and equal water to each portion. The Court retains jurisdiction to enter a Decree in accordance with said division, or, if said division is not made within thirty days for a division by the Court of the property. Upon such division the parties shall construct a division fence, the cost of same to be shared equally and if said fence is not constructed before September 1, 1960, then either party may proceed to construct the fence along the division line and the other parties shall pay one-half of the cost thereof. The Court retains jurisdiction to ascertain the cost, if a dispute arises.

3. Grazing Permits on Forest service land are hereby divided as follows:

- (a) To plaintiffs: Smith and Morehouse area.
- (b) To defendants: Millcreek Canyon and Lamb's canyon area.

4. That partnership property located in Emigration Canyon, shall remain in common ownership but the parties shall alternate the use thereof for grazing each year, commencing with plaintiffs' use in 1960.

5. A Decree was entered in the probate of the Estate of A. M. Bertagnole, deceased, under whom plaintiffs claim an interest in property involved herein. This Decree in describing the property described "an undivided one-half interest" in property located in Tooele County but erroneously distributed an entire interest in properties of the partnership located in Morgan, Davis and Salt Lake counties. To the extent that said Decree described an entire interest in the property, the Decree is hereby modified to distribute "an undivided one-half interest" in the property located in Morgan, Davis and Salt Lake Counties.

6. Plaintiffs and defendant have private leases in their own names. These private leases are known as the Hansen and Park City Leases. The parties may retain these leases in their own names and for their own beneficial use.

7. The ranch headquarters in Township 2 North, Range 3

1831175

1896

336

MAR 5 1962

2-

NE 1/4 - 36 - 27 - 1E.

Recorded at Request of Brayton, Lowe & Herley 501  
at 9:55 AM Fee Paid \$ 2.80 NELLIE M. JACK, Recorder Salt Lake County Utah

234099

By Gen. Hooker Dep. Ref. Misc Index # 4  
1001 1/2 Walker Bank Bldg., Salt Lake

IN THE DISTRICT COURT OF TOOLE COUNTY, STATE OF UTAH.

STEPHENS, BRAYTON & LOWE  
ATTORNEYS AND COUNSELORS  
SALT LAKE CITY, UTAH  
Recorded at request of Brayton, Lowe & Herley  
Date MAR 2 2 1962  
By Emilie T. Eldredge  
of 930 A.S.  
Recorder Davis County  
Page 501  
Fee Paid \$ 8.60  
EMILIE T. ELDRIDGE  
238  
Dep. by Book

MARGUERITE BERTAGNOLE, GERALD  
BERTAGNOLE, CAROLYN BERTAGNOLE  
MEYERS, NANCY BERTAGNOLE ECKERT  
and MARGUERITE BERTAGNOLE,  
Guardian of WILLIAM BERTAGNOLE  
and SHIRLEY ANN BERTAGNOLE,  
Minors,

Plaintiffs,

vs

LEO M. BERTAGNOLE aka LEE M.  
BERTAGNOLE,

Defendant.

DECREE

Civil No. 4515.

This cause having come on regularly for hearing in the above entitled Court on the 6th day of February, 1960, before the Honorable Ray Van Cott, Jr., the hearing, by Stipulation of parties, having been held in Salt Lake County, and all parties having produced evidence and having agreed upon a division, and having agreed that Findings of Fact and Conclusions of Law may be waived; NOW, THEREFORE

it is

ORDERED, ADJUDGED and DECREED:

1. The division of property hereinafter described shall affect the surface rights only. The mineral rights shall remain in common ownership, together with the right of ingress and egress and the right to use such portion of the surface as is necessary for the exploration, development and mining of the same. Any damage done to the surface shall be compensated for to the extent of one-half of said damage.

The division hereinafter made shall include water rights appurtenant to the property, including specifically livestock watering rights.

2. The property of the partnership known as the buck pasture consisting of that portion of Section 36, Township 3 North, Range 3 East, Salt Lake Meridian, lying Northwesterly from an existing road running generally in a southwesterly-northeasterly

Platting  Abstracted   
On Margin  Indexed   
Compared  Entered

502 direction through the ~~SE $\frac{1}{4}$~~  and the ~~SW $\frac{1}{4}$~~  thereof, shall be divided in accordance with a division to be made by Marcellus Palmer, which division shall be made by said Palmer so that there shall be equal feed and equal water to each portion. The Court retains jurisdiction to enter a Decree in accordance with said division, or, if said division is not made within thirty days for a division by the Court of the property. Upon such division the parties shall construct a division fence, the cost of same to be shared equally and if said fence is not constructed before September 1, 1960, then either party may proceed to construct the fence along the division line and the other parties shall pay one-half of the cost thereof. The Court retains jurisdiction to ascertain the cost, if a dispute arises.

3. Grazing Permits on Forest service land are hereby divided as follows:

- (a) To plaintiffs: Smith and Morehouse area.
- (b) To defendant: Millcreek Canyon and Lamb's canyon area.

4. That partnership property located in Emigration Canyon, shall remain in common ownership but the parties shall alternate the use thereof for grazing each year, commencing with plaintiffs' use in 1960.

5. A Decree was entered in the probate of the Estate of A. M. Bertagnole, deceased, under whom plaintiffs claim an interest in property involved herein. This Decree in describing the property described "an undivided one-half interest" in property located in Tooele County but erroneously distributed an entire interest in properties of the partnership located in Morgan, Davis and Salt Lake counties. To the extent that said Decree described an entire interest in the property, the Decree is hereby modified to distribute "an undivided one-half interest" in the property located in Morgan, Davis and Salt Lake Counties.

6. Plaintiffs and defendant have private leases in their own names. These private leases are known as the Hansen and Park City Leases. The parties may retain these leases in their own names and for their own beneficial use.

7. The ranch headquarters in Township 2 North, Range 3

1896 338 503

East, Salt Lake Meridian, Section 22; Lot 1, shall remain undivided.

8. An accounting of money and personal property has been made between the parties and neither owes the other for said items.

9. The Agreement of the parties dividing the Taylor Grazing Rights equally, is hereby confirmed.

10. The division hereby made is without warranty of title. However, as to the South Mountain Area, being that land located in Township 4 South, Range 5 West, Salt Lake Meridian, there is an uncompleted exchange of lands with the United States whereby the partnership is to acquire part of the South Mountain land. The Court retains jurisdiction of the entire case to change the division of all lands, whether in the South Mountain Area or otherwise, in the event the exchange is not consummated.

11. The lands described in the attached Exhibits "A" and "B", situated in Morgan, Davis, Salt Lake and Tooele Counties, are hereby divided as set forth in said Exhibits.

Dated this 1 day of August, 1960.

BY THE COURT:

Ray Van Cott, Jr.
MISTAKE JUDGE

STEPHENS, BRAYTON & LOWE
ATTORNEYS AND COUNSELORS
SALT LAKE CITY, UTAH

CERTIFYING COPY
STATE OF UTAH
County of Tooele
I, J. Rex Kirk, Sr., County Clerk and Ex-Officio Clerk of the District Court of the Third Judicial District of the State of Utah, in and for the County of Tooele, a Court of record, do hereby certify that the foregoing copy of
Deane
has been by me compared with the original thereof now of record in my office and that the same is a true and correct transcript therefrom and of the whole of said original as the same appears of record in my office and in my custody.
IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 21 day of Feb.
A.D. 1961
J. REX KIRK, SR.
Clerk
By: Lorraine Johnson
Deputy Clerk
17, 1960
File No. 4575
Original Filed Aug. 2 1960

EXHIBIT "A"

504

DIVISION OF PROPERTIES.

Surface Rights Only,  
To plaintiffs, in the following proportions:

- Marguerite Bertagnole, 1/3rd
- Gerald Bertagnole, 2/15ths
- Carolyn Bertagnole Meyers, 2/15ths
- Nancy Bertagnole Eckert, 2/15ths
- Marguerite Bertagnole, Guardian of  
William Bertagnole, a minor, 2/15ths
- Marguerite Bertagnole, Guardian of  
Shirley Ann Bertagnole, a minor, 2/15ths.

Township 2 North, Range 2 East, Salt Lake Meridian.

- Section 22: All
- Section 28: All
- Section 34: N $\frac{1}{2}$

Township 2 North, Range 3 East, Salt Lake Meridian.

- Section 1: All of said section lying East of Dixie Creek.
- Section 2: That portion of E $\frac{1}{2}$ SE $\frac{1}{4}$  lying East of Dixie Creek.
- Section 11: All of said section lying East of East Canyon Reservoir and of Dixie Creek.
- Section 12: E $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$
- Section 13: All
- Section 14: NE $\frac{1}{2}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ , that portion of SE $\frac{1}{2}$ SW $\frac{1}{4}$  lying East of East Canyon Reservoir
- Section 18: N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{2}$ NW $\frac{1}{4}$ , NW $\frac{1}{2}$ SW $\frac{1}{4}$
- Section 20: N $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ , NW $\frac{1}{2}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$
- Section 21: All
- Section 24: N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{4}$ , SW $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{2}$ SE $\frac{1}{4}$
- Section 28: NW $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{2}$ SE $\frac{1}{4}$
- Section 29: All
- Section 32: E $\frac{1}{2}$

Township 3 North, Range 3 East, Salt Lake Meridian.

- Section 36: All that portion of SE $\frac{1}{4}$  and of SE $\frac{1}{2}$ NE $\frac{1}{4}$  lying East of present road running in Southwesterly-Northeasterly direction.

Township 4 South, Range 5 West, Salt Lake Meridian.

- Section 9: NE $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , Lots 1, 2, 3
- Section 10: All
- Section 16: S $\frac{1}{2}$

Also that portion of the following described tracts lying Northerly from a dividing line particularly described as follows:

beginning at the highest ridge line on the West boundary of the SW $\frac{1}{2}$ SE $\frac{1}{4}$  Section 17 and running in a Southeasterly direction along said ridge line to a peak approximately in the center of NE $\frac{1}{4}$  Section 21 which peak is shown on a map prepared by U.S. Department of Interior Geological Survey, covering Stockton, Utah, as being 6543 feet high and running thence North 62 deg. 30' East 8976 feet, more or less, to a point on the East boundary of the W $\frac{1}{2}$ W $\frac{1}{2}$  Section 14 which final point is approximately on the East-West quarter section line.

STEPHENS, BRAYTON & LOWE  
ATTORNEYS AND COUNSELORS  
SALT LAKE CITY, UTAH

1896 340

505

Section 14:  $W\frac{1}{2}W\frac{1}{2}$   
 Section 15: All of said portion  
 Section 17:  $SE\frac{1}{4}$   
 Section 20:  $NE\frac{1}{4}NE\frac{1}{4}$   
 Section 21:  $N\frac{1}{2}$   
 Section 22:  $N\frac{1}{2}NW\frac{1}{4}$

Township 5 North, Range 11 West, Salt Lake Meridian.

Section 26:  $N\frac{1}{2}$

Township 6 South, Range 5 West, Salt Lake Meridian.

Section 35:  $N\frac{1}{2}$

Township 8 South, Range 6 West, Salt Lake Meridian.

Section 9:  $W\frac{1}{2}E\frac{1}{4}$   
 Section 12:  $W\frac{1}{2}W\frac{1}{4}$   
 Section 15:  $W\frac{1}{2}W\frac{1}{4}$   
 Section 21:  $W\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$

It is expressly agreed that no rights of way have been reserved by the defendant Leo M. Bertagnole across any of the above described lands.

STEPHENS, BRAYTON & LOWE  
 ATTORNEYS AND COUNSELORS  
 SALT LAKE CITY, UTAH

**EXHIBIT "B"**

**506**

**DIVISION OF PROPERTIES.**

Surface Rights Only,

To defendant, the following:

Township 2 North, Range 1 East, Salt Lake Meridian.

Section 36: NE $\frac{1}{4}$

Township 2 North, Range 2 East, Salt Lake Meridian.

Section 8: Lots 3, 4, 5, 6, 11, 12, 13, 14  
Section 20: Lots 2, 4, 5, 6, 8, 10, 12, 13, 14  
Section 25: All  
Section 30: All  
Section 36: All

Township 2 North, Range 3 East, Salt Lake Meridian.

Section 10: NE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$   
Section 15: W $\frac{1}{2}$ NE $\frac{1}{4}$ , Lots 1, 2, 3, 4, 6, 7, 8, 9, 10, 11  
Section 18: NE $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$   
Section 22: S $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ , Lots 2, 8, N $\frac{1}{2}$ Lot 6, Lot 7  
less that portion belonging to  
Fred Bertagnole.  
Section 25: All  
Section 26: SE $\frac{1}{4}$   
Section 27: All  
Section 30: All  
Section 32: W $\frac{1}{2}$

Township 2 North, Range 4 East, Salt Lake Meridian.

Section 30: All

Township 4 South, Range 5 West, Salt Lake Meridian.

Section 23: N $\frac{1}{2}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$   
Section 27: NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Lots 2, 3  
Section 28: N $\frac{1}{2}$   
Section 29: N $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$

Also that portion of the following described tracts lying southerly from a dividing line particularly described as follows:

Beginning at the highest ridge line on the West boundary of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 17, and running in a southeasterly direction along said ridge line to a peak approximately in the center of NE $\frac{1}{4}$  Section 21, which peak is shown on a map prepared by U. S. Department of Interior Geological Survey, covering Stockton, Utah, as being 6543 feet high and running thence North 62 deg. 30' East 8976 feet, more or less, to a point on the East boundary of the W $\frac{1}{2}$ W $\frac{1}{2}$ , Section 14, which final point is approximately on the East-West quarter section line.

Section 14: W $\frac{1}{2}$ W $\frac{1}{2}$   
Section 15: S $\frac{1}{2}$   
Section 17: SE $\frac{1}{4}$   
Section 20: E $\frac{1}{2}$   
Section 21: All of said portion  
Section 22: All of said portion

Township 2 North, Range 11 West, Salt Lake Meridian.

Section 36: S $\frac{1}{2}$

STEPHENS, BRAYTON & LOWE  
ATTORNEYS AND COUNSELORS  
SALT LAKE CITY, UTAH



1896 342

Township 6 South, Range 5 West, Salt Lake Meridian. 507

Section 35: S $\frac{1}{2}$

Township 8 South, Range 6 West, Salt Lake Meridian.

Section 9: E $\frac{1}{2}$ E $\frac{1}{2}$

Section 12: E $\frac{1}{2}$ W $\frac{1}{2}$

Section 15: E $\frac{1}{2}$ W $\frac{1}{2}$

Section 21: E $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$

It is expressly agreed that no rights of way have been reserved by the plaintiffs across any of the above described lands.

STEPHENS, BRAYTON & LOWE  
ATTORNEYS AND COUNSELORS  
SALT LAKE CITY, UTAH

261120

Brayton, Lowe & Hurley  
April 10-1962 9:40 A.M.  
31 of Record page 4 of 25-30  
Rose P. Hinson  
Tooele County Recorder

1001-4 Walker Bank  
S.L.C. 11-70