



The Order of the Court is stated below:

Dated: November 09, 2017
11:59:46 AM

/s/ LYNN W. DAVIS
District Court Judge



ROBERT D. WEST (#4769)
J. BRIAN JONES (#11816)
GARY D. MILLWARD (#12170)
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ENT 117553:2017 PG 1 of 2
JEFFERY SMITH
UTAH COUNTY RECORDER
2017 Nov 29 10:17 am FEE 0.00 BY DA
RECORDED FOR PROVO CITY CORPORATION

**IN THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR UTAH COUNTY, STATE OF UTAH**

PROVO CITY CORPORATION,

Petitioner,

vs.

KRS RENTAL PROPERTIES, LC,

Respondent.

ORDER

Case No. 160400146

Judge Lynn W. Davis

The Court, having considered the arguments of the parties as submitted in Petitioner Provo City's Motion for Summary Judgment (the "Motion") and Respondent KRS Rental Properties, LC, Response, and for good cause appearing, the Court now makes the following:

Findings of Fact:

Petitioner Provo City has satisfied the requirements for a boundary line by acquiescence claim. In its response to the Motion, Respondent KRS Rental Properties, LC has disclaimed in favor of Provo City all right, title, and interest, if any, in the real property identified as follows:

BEGINNING AT A POINT LOCATED N89°01'20"E ALONG THE SECTION LINE 593.48 FEET AND SOUTH 2488.65 FEET FROM THE NORTH QUARTER CORNER OF SECTION 12, TOWNSHIP 7 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; THENCE S89°32'33"E 8.95 FEET TO AN EXISTING CHAIN LINK FENCE; THENCE ALONG SAID FENCE THE FOLLOWING (2) COARSSES; THENCE S89°32'33"E 60.60 FEET; THENCE S89°33'15"E 52.55 FEET; THENCE

S89°33'15"E 12.28 FEET TO AN EXISTING CORRUGATED METAL FENCE; THENCE ALONG SAID FENCE S01°01'10"W 67.81 FEET TO AN EXISTING CHAIN LINK FENCE; THENCE ALONG SAID FENCE THE FOLLOWING (2) COARSES; THENCE N89°57'57"W 63.61 FEET; THENCE N88°53'10"W 61.73 FEET; THENCE N88°53'10"W 9.02 FEET; THENCE N01°00'00"E 67.46 FEET TO THE POINT OF BEGINNING.

AREA: 9129.61 SQ. FT. OR 0.21 ACRES

(The "Property"), up to the existing fence line as marking the southern boundary of Respondent KRS Rental Properties, LC's property of record.

Conclusions of Law:

Under the principles set forth in *Anderson v. Fautin*, 2016 UT 22, ¶ 31, 379 P.3d 1186, all right, title, and interest in the Property should be quieted in Petitioner Provo City against Respondent KRS Rental Properties, LC.

Order

Based on the foregoing, all right, title, and interest in the Property is quieted in Petitioner Provo City against Respondent KRS Rental Properties, LC. The parties' respective claims, defenses, and counterclaims are dismissed to the extent inconsistent herewith, with each party to bear their own attorneys' fees and costs. This order constitutes the final adjudication of this matter, and no further order is anticipated.

Approved as to form:

KIRTON McCONKIE

By: /s/Gregory S. Moesinger (signed with permission)
Gregory S. Moesinger
Counsel for Respondent KRS Rental Properties, LC

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