

IRON COUNTY

#118749

IN THE DISTRICT COURT OF BEAVER COUNTY, UTAH.

IN THE MATTER OF THE ESTATE

OF

WALTER W. COOK, also known
as W. W. COOK, DECEASED.

ORDER FOR CONVEYANCE OF

REAL AND PERSONAL PROPERTY.

The petition of Charlene Cook and Howard Cook, as executors of the last will and testament of Walter W. Cook, deceased, and Howard Cook and Jess Cook, individually, having heretofore filed herein their petition praying for an order directing the said executors, Charlene Cook and Howard Cook, to convey to Howard Cook and Jess Cook certain real and personal property hereinafter described, coming on this day regularly for hearing, and it appearing to the satisfaction of the court from the evidence adduced at said hearing that due and legal notice of the hearing has been given to all persons interested in said estate in the manner and form provided by law and the practice of this court; and it further appearing that in his lifetime the said decedent, for a good and valuable consideration, made and entered into an agreement in writing made a part of the records and files of this probate matter, said agreement providing that in the event of the death of said decedent or the said Howard Cook or Jess Cook that certain real and personal property herein described should be sold to the survivors; and it appearing that the said decedent predeceased the said Howard Cook and Jess Cook, and by reason thereof the said Howard Cook and Jess Cook are entitled to and under the terms of the said agreement obligated to purchase the real and personal property herein described for the sum of \$60,000.00, of which \$8,000.00 should be paid on or before the 28th day of September, 1959, and that the balance of \$52,000.00 should be payable in ten years, the first payment of \$5200.00 to be paid within one year from and after the date of the decedent and a like sum annually thereafter, without interest, on deferred payments excepting that delinquencies should bear interest at 5% per annum; and it appearing that Howard Cook and Jess Cook, together with their respective spouses, Rosalie Cook and Helen Cook, have already executed and delivered to the said executors a note for the sum of \$52,000.00, payable as required by said agreement, and have executed and delivered a mortgage secured the payment of the same, which said mortgage conforms to the requirements of said agreement, and it further appearing that the said Howard Cook and Jess Cook are ready, able and willing to pay the sum of \$8,000.00 on or before the 26th day of September, 1959, six months after the death of decedent; and it appearing that the petitioners have in all respects, excepting as to the payment of \$8,000.00, performed all matters and things on their part to be performed and are therefore entitled to conveyances to the said real and personal property upon payment of the sum of \$8,000.00 within the time aforesaid; and the court having considered the evidence and the law, and being fully advised in the premises;

IT IS THEREFORE ORDERED, that the said executors aforesaid be, authorized to execute conveyances to the real and personal property described on exhibit A attached to this order and made a part hereof, upon the payment of \$8,000.00 by Howard Cook and Jess Cook, on or prior to September 28, 1959.

Done in Open Court, this 8th day of July, 1959.

//S// Will L. Hoyt
JUDGE OF THE DISTRICT COURT.

EXHIBIT "A".

All of the right, title and interest and equity of the said decedent in and to the following property in Beaver County, Utah:

Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 4, Township 29 South, Range 11 West, Salt Lake Meridian;

Southeast quarter, and South half of Northeast quarter of Section 26, Township 28 South, Range 11 West, S.L.M. 240 acres;

West half of Northeast quarter, West half of Northwest quarter, and East half of Southwest quarter of Section 35, Township 28 South, Range 11 West, S.L.M. 240 acres. Lots 3 and 4, and the South half of Northwest quarter, and the Southwest quarter of Section 2, Township 29 South, Range 11 West, S.L.M. 327.10 acres.

East half of Southwest quarter, and West half of Southeast quarter of Section 10, Township 29 South, Range 11 West, S.L.M. 160 acres. Northhalf of Northwest quarter, and the Southeast quarter of Section 11, Township 29 South, Range 11 West, S.L.M. 240 acres.

Northeast quarter, East half of Northwest quarter, and East half of Southwest quarter of Section 15, Township 29 South, Range 11 West, S.L.M. 320 acres.

Lots 1, 2 and 3, the East half of Northwest quarter, and Northeast quarter of Southwest quarter of Section 19, Township 29 South, Range 11 West, S.L.M. 239.63 acres. South half of Southwest quarter Section 21, Township 29 South, Range 11 West, S.L.M. 80 acres.

Commencing 36 rods North of E $\frac{1}{2}$ corner of Section 21, Township 29 South, Range 11 West, S.L.M., thence North 44 rods; West 160 rods; South 160 rods; East 50 rods; North 116 rods; East 110 rods to beginning, containing 80.25 acres.

West half of Section 22, Township 30 South, Range 13 West, S.L.M. 320 acres.

East half of Section 23, Township 30 South, Range 13 West, S.L.M. 320 acres.

West half of Section 23, Township 30 South, Range 13 West, S.L.M. 320 acres.

West half, and Southeast quarter of Section 24, Township 30 South, Range 13 West, S.L.M. 480 acres.

All of Section 25, Township 30 South, Range 13 West, S.L.M. 640 acres.

North half of Section 26, Township 30 South, Range 13 West, S.L.M. 320 acres.

South half of Southwest quarter, East 60 rods of Northeast quarter of Southwest quarter, North half of Southeast quarter, Southeast quarter of Southeast quarter, and the East half of the Southwest quarter of the Southeast quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) all in Section 27, Township 30 South, Range 13 West, S.L.M. 250 acres.

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All of Section 33, Township 30 South, Range 13 West, S.L.M. 640 acres.
West half of Section 34, Township 30 South, Range 13 West, S.L.M. 320 acres.

Together with all of the right, title, interest and equity of the said decedent in and to any and all water rights, appurtenant to the real property herein described, included but not limited to the following described water applications:

Application No. 13368 to appropriate 0.051 c.s.f. of water for stockwatering purposes;
Application No. 22227 to appropriate 2.0 c.s.f. of water for irrigation and stockwatering purposes;
Application No. 22228 to appropriate 2.0 c.s.f. of water for irrigation and stockwatering purposes;
Application No. 22229 to appropriate 2.0 d.s.f. of water for irrigation and stockwatering purposes;
Application No. 22230 to appropriate 2.0 c.s.f. of water for irrigation and stockwatering purposes;
Application No. 22231 to appropriate 2.0 c.s.f. of water for irrigation and stockwatering purposes;
Application No. 22232 to appropriate 2.0 c.s.f. of water for irrigation and stockwatering purposes;
Application No. 23604 to appropriate 0.015 c.s.f. of water for irrigation and stockwatering purposes;
Change Application No. a-2356 to change the place of use of 1.0 c.s.f. of water under Underground Water Claim No. 7643. Together with any and all other water rights of every kind and character, whether herein described or not. Reserving, however, all oil and mineral rights in the said real property.

All of the right, title, interest and equity of the said decedent in and to the following real property in Iron County, Utah:

Lots 5,6,11,12, Section 4; Lots 7,8,9 and 10 Section 5, Township 31 South, Range 13 West, S.L.M.
Lots 3,4,5,6,7,8,9,10,11,12,13,14, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 6, Township 31 South, Range 13 West, S.L.M.
All of Section 7, Township 31 South, Range 13 West, S.L.M. South half of Section 18, South half of Section 19, Township 31 South, Range 13 West, S.L.M.
North half of Section 18, Township 31 South, Range 13 West, S.L.M.
Northeast quarter, East half of Northwest quarter, Lots 1 and 2, Section 19, Township 31 South, Range 13 West, S.L.M.
All of Section 30, Township 31 South, Range 13 West, S.L.M. Lots 1,2,3,6,7,8,9,10,11,14,15,16, Northeast quarter of Southwest quarter and Southeast quarter of Section 1, Township 31 South, Range 14 West, S.L.M.
Lots 4,5,12,13, West half of Southwest quarter, Southeast quarter of Southwest quarter, Section 1, Northeast quarter of Section 11, North half of Northwest quarter, Southwest quarter of Northwest quarter Section 12, Township 31 South, Range 14 West, S.L.M.
South half, Northeast quarter, Southeast quarter of Northwest quarter of Section 12, Township 31 South, Range 14 West, S.L.M. South half of Section 13, Township 31 South, Range 14 West, S.L.M.
North half of Section 13, Township 31 South, Range 14 West, S.L.M.
All of Section 24, West half of Section 25, Township 31 South, Range 14 West, S.L.M.
East half of Section 25, Township 31 South, Range 14 West, S.L.M.
The West half of the Northwest quarter and the Northeast quarter of the Northwest quarter, all in Section 29, Township 31 South, Range 13 West, S.L.M.

Together with all of the right, title, interest and equity of the said decedent in and to any and all water rights appurtenant to the real property herein described, included but not limited to the following described water applications:

Application No. 20406 to appropriate 0.022 c.s.f. of water for stockwatering purposes;
Application No. 24637 to appropriate 5.0 c.s.f. of water for irrigation and stockwatering purposes;
Application No. 24638 to appropriate 5.0 c.s.f. of water for irrigation and stockwatering purposes;
Application No. 24639 to appropriate 5.0 c.s.f. of water for irrigation and stockwatering purposes;
Application No. 24640 to appropriate 5.0 c.s.f. of water for irrigation and stockwatering purposes;
Application No. 24641 to appropriate 5.0 c.s.f. of water for irrigation and stockwatering purposes;
Application No. 24642 to appropriate 5.0 c.s.f. of water for irrigation and stockwatering purposes;
Application No. 24650 to appropriate 5.0 c.s.f. of water for irrigation and stockwatering purposes;
Application No. 24651 to appropriate 5.0 c.s.f. of water for irrigation and stockwatering purposes;
Application No. 24652 to appropriate 5.0 c.s.f. of water for irrigation and stockwatering purposes;

Together with any and all other water rights of every kind and character, whether herein described or not. Reserving, however, all oil and mineral rights in the said real property.

Also, all of the right, title, interest and equity of the said decedent in and to Taylor Grazing Permits as follows:

Permit for 677 head of cattle in Milford Unit,
Allotment 23, and 0 head of cattle in Bold Springs Allotment, both of said permits on record in the office of the Bureau of Land Management at Fillmore, Utah.

Together with any and all other Taylor Grazing rights of every kind and nature, whether herein described or not.

Also, water certificate No. 2816, Underground Water Application No. 14943.

Also, Underground Water Claim No. 14008 for 1.337 c.f.s.

IRON COUNTY

Public Land Lease No. 11335, Application No. 13581, between the State Land Board of the State of Utah as Lessor and Walter W. Cook as lessee described all of Section 36, Township 29 South of Range 10 West and Section 2, Township 39 South, Range 12 West, Salt Lake Meridian, and which lease is dated July 31, 1951.

Public Land Lease No. 12219, Application No. 14486, between the State Land Board of the State of Utah as lessor and Walter W. Cook as Lessee and describing all of Section 32, Township 30 South, Range 13 West, and Section 36, Township 31 South, Range 13 West, Salt Lake Meridian, and which lease is dated July 16, 1953.

Public Land Lease No. 11808, Application No. 14066, between the State Land Board of the State of Utah as Lessor and Walter W. Cook as lessee, describing the Southeast quarter, Southeast quarter of the Northeast quarter, and Lot No. 1 in Section 3; North Half of the Northeast quarter of Section 10, Township 29 South, Range 11 West, and all of Section 2, Township 31 South, Range 14 West, S.L.M. and which lease is dated August 1, 1952.

Also a certain lease from W.S Norris as lessor covering Sections 3 and 4, Township 30 South, Range 12 West, Salt Lake Meridian.

All of the right, title, interest and equity of the said decedent in and to the following personal property:

1 - Allis Chalmer Tractor	1948
1 - Farmall	1940
1 - D4 Caterpillar	1950
1/2 interest in Cultivator	1951
1 - Farm Wagon - very old	
1 - Bale Loader	1959
1 - Cattle Sprayer	1955
1 - Post Hole Digger	1950
1 - Offset Disk	1948
1 - Studebaker Pickup V8, Motor No. 328333	1959
1 - Studebaker Chasis and Cab, Motor No. 3R7696, Serial No. R 17002014	1949
1 - GMC Stake Truck, Motor No. A248185517, Serial No. 35424P29344	1955

Together with any and all other farming and ranching equipment machinery and tools of every kind and nature owned by said decedent, together with any and all cattle brands owned by the said decedent or in which decedent hand an undivided interest.

Also Cattle Brands ↙ left hip ↘ Right hip and

R  L R  L

CERTIFICATE

STATE OF UTAH

ss.

County of Beaver

I, C. VICTOR SMITH, the duly elected, qualified and acting Clerk of the County and State above written, and Ex-Officio Clerk of the District Court of the Fifth Judicial District of Utah, in and for Beaver County, do hereby certify that the instrument attached hereto is a full, true and correct copy of ORDER FOR CONVEYANCE OF REAL AND PERSONAL PROPERTY--In the Matter of the Estate of WALTER W. COOK, also known as W. W. COOK, Deceased

In the Fifth Judicial District Court of Beaver County, State of Utah.

That the original entry is now on file in my office, and may be found in PROBATE CASE #1168 of the said Fifth Judicial District.

IN WITNESS WHEREOF, I have hereunto set my hand and the Seal of the District Court of the Fifth Judicial District, in and for Beaver County, this 23rd day of July, A.D., 1959

(SEAL)

C. Victor Smith
Clerk of the District Court

By _____, Deputy Clerk

Filed for record August 24, 1959 at 2:00 p.m. at the request of Cline Wilson & Cline.


County Recorder