

The Order of the Court is stated below:

Dated: June 27, 2023
07:52:59 PM

/s/ LINDA JONES
District Court Judge



1Ryan B. Braithwaite (8817)
Bradley C. Johnson (17250)
BENNETT TUELLER JOHNSON & DEERE
3165 East Millrock Drive, Suite 500
Salt Lake City, Utah 84121
Telephone: (801) 438-2000
Facsimile: (801) 438-2050
rbraithwaite@btjd.com
bradley.johnson@btjd.com

Attorneys for Plaintiffs

IN THE THIRD JUDICIAL DISTRICT COURT OF SALT LAKE COUNTY

STATE OF UTAH

* * * * *

LAURENCE MEYER, an individual, and
THERESE MEYER, an individual,

Plaintiffs,

vs.

UTAH DEPARTMENT OF
TRANSPORTATION, an agency of the State
of Utah, and DOES 1-100,

Defendants.

**DECLARATORY JUDGMENT AND
ORDER QUIETING TITLE TO REAL
PROPERTY**

[A parcel of land that is an abandoned right of
way situated in the NE 1/4 SW 1/4 of Section 14,
T.2 S, R1E, S.L.B. & M.: Beginning at a point
1072.5 ft. West and 198 ft. South from the
Northeast corner of said NE 1/4 SW 1/4 of Section
14, thence East 78 ft., thence South 20 ft., thence
West 78 ft., thence North 20 ft. to the point of
beginning.]

Parcel 22-14-326-011-0000

Parcel 22-14-326-012-0000

Civil No. 220905661

Judge Linda Jones

* * * * *

This matter came before the Court on Plaintiffs' Motion for Judgment on the Pleadings
(the "Motion"), which was filed on May 25, 2023. The time for briefing expired and no party
filed an opposition or otherwise responded to the Motion.

14122550 B: 11428 P: 4392 Total Pages: 4
06/28/2023 12:21 PM By: mpalmer Fees: \$40.00
Rashelle Hobbs, Recorder, Salt Lake County, Utah
Return To: BENNETT TUELLER JOHNSON AND DEERE
3165 E. MILLROCK DR. SUITE 500 SALT LAKE CITY, UT 84121

The Court, having reviewed the Motion and all supporting evidence, otherwise being fully informed, and for good cause appearing, hereby GRANTS the Motion and enters the following Declaratory Judgment and Order Quieting Title to Real Property:

FINDINGS OF FACT

1. In 1993, Plaintiffs Laurence and Therese Meyer (“Plaintiffs”) purchased two parcels of land from the Utah Department of Transportation (“UDOT”) located in Holladay, Utah: Parcel 22-14-326-011-000 (“Parcel 011”) and Parcel 22-14-326-012-0000 (“Parcel 012”).

2. Parcel 011 and Parcel 012 are separated by a small strip of land, more particularly described as follows (the “Property”):

A parcel of land that is an abandoned Right of Way, situated in the NE 1/4 SW 1/4 of Section 14, T.2 S, R1E, S.L.B. & M.: Beginning at a point 1072.5 ft. West and 198 ft. South from the Northeast corner of said NE 1/4 SW 1/4 of Section 14, thence East 78 ft., thence South 20 ft., thence West 78 ft., thence North 20 ft. to the point of beginning.

3. The Property is unimproved and consists of approximately 1,500 square feet.

4. Prior to 2005, Sheila Wooley a/k/a Sheila W. Faulkner (“Faulkner”) was listed as the owner of the Property on the Salt Lake County plat map that depicted the Property.

5. On or about February 11, 2005, Faulkner conveyed the Property to Plaintiffs by Special Warranty Deed.

6. When Plaintiffs attempted to record the Special Warranty Deed with the Salt Lake County Recorder’s Office (the “Recorder”), the Recorder informed Plaintiffs that the Salt Lake County records show that UDOT was the owner of the Property.

7. To correct the apparent conflicting records, Plaintiffs filed this action to quiet title to the Property by filing a Complaint on September 19, 2022.

8. Plaintiffs filed an Amended Complaint on September 20, 2022.

9. Since Plaintiffs filed the Amended Complaint, each of Holladay City, Salt Lake County, and UDOT have disclaimed any and all interest in and to the Property.
10. There are no records indicating that Holladay City, Salt Lake County, and/or UDOT has ever owned the Property.
11. UDOT asserts that there is no evidence that the Property was ever dedicated to Salt Lake County as a right-of-way.
12. UDOT claims no separate interest in the Property.
13. There are no persons or entities other than Plaintiffs that claim any interest in the Property.
14. The Recorder has since accepted and recorded the Special Warranty Deed as Entry No. 14039803 in Book 11384 at Page 3797.

CONCLUSIONS OF LAW

1. Faulkner lawfully conveyed the Property to Plaintiffs on or about February 11, 2005 by Special Warranty Deed.
2. Pursuant to Utah Code section 78B-6-1301, Plaintiffs are entitled to a declaratory judgment quieting title to the Property and declaring that Plaintiffs, as the Trustees of the Laurence and Therese Meyer Trust, are the sole owners of the Property.
3. UDOT and all others claiming any interest in the Property were properly served with process by publication pursuant to Rule 4 of the Utah Rules of Civil Procedure.
4. The Declaratory Judgment and Order contained herein is conclusive against UDOT and all other unknown persons who were served with process by publication.

DECLARATORY JUDGMENT AND ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Court hereby GRANTS the Motion and Orders as follows:

1. Ownership of the Property is hereby quieted in the name of Plaintiffs as Trustees of the Laurence and Therese Meyer Trust in fee simple title free and clear of any claim of any other person or entity.
2. Plaintiffs as Trustees of the Laurence and Therese Meyer Trust are the sole owners of the Property.
3. The Recorder is directed to record this Declaratory Judgment and Order against the Property to provide notice of Plaintiffs' ownership of the Property.

HEREBY ENTERED BY THE COURT
Effective on the Date When the Court Stamp is
Affixed on the First Page of this Document