

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

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

3
4 RIVERSIDE COUNTRY CLUB, a Utah :
corporation, :
5 Plaintiff, :

FILED

MAR 20 1972

6
7 -VS-

WILLIAM F. HUSH, Clerk

8 PRESTON E. ASHTON, aka P. E. ASHTON, :
and ELEANOR L. ASHTON, husband and :
9 wife; DICK E. BASTIAN and JESSIE BASTIAN, :
husband and wife; FRED W. FERGUSON; ZEDA :
10 J. EMMONS; O. S. CARTER and RUTH CARTER, :
husband and wife; RICHARD E. HOPE and :
11 NORMA C. HOPE, husband and wife; LELAND :
12 C. CARTER and BLANCHE G. CARTER, hus- :
band and wife; ROY M. SUMTER and MILDRED :
13 SUMTER, husband and wife; FIRST DOE; :
14 SECOND DOE; THIRD DOE; and all other per- :
15 sons unknown claiming any right, title, estate, :
16 or interest in, or lien upon the real property :
described in plaintiff's complaint adverse to :
17 plaintiff's ownership, or clouding plaintiff's :
title thereto, :
18 Defendants, :

DECREE

Civil No. 34,450

[Signature] Deputy

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20 This matter came on regularly for trial on the 14th day of March, 1972,
21 before the court sitting without a jury; J. Robert Bullock appeared as counsel
22 for Plaintiff; Carl Nemeika appeared as counsel for defendant, Fred W. Fergu-
23 son, and C. Y. Christensen appeared as counsel for defendants, Preston E.
24 Ashton, Eleanor L. Ashton, Dick E. Bastian and Jessie Bastian; all other de-
25 fendants failed to appear either in person or by counsel. A Stipulation by
26 Preston E. Ashton, Eleanor L. Ashton, Dick E. Bastian, Jessie E. Bastian and
27 the plaintiff having been filed herein, and a Consent to Judgment having been
28 filed by defendant, Zeda J. Emmons, the matter proceeded to trial upon the
29 claims of defendant, Fred W. Ferguson; witnesses being sworn and examined,
30 and documentary evidence having been offered and received, and the court
31 having heard and considered the evidence and arguments of counsel, and now
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1 being fully advised in the premises, and having heretofore made and entered
 2 Findings of Fact and Conclusions of Law,

3 IT IS NOW ORDERED, ADJUDGED and DECREED AS FOLLOWS:

4 1. That plaintiff is the owner of the land hereinafter described in
 5 paragraph numbered 2 hereof, and has the rights-of-way as set forth in the
 6 sub-paragraphs designated as (a) (b) (c) and (d), and its title and rights thereto
 7 are hereby quieted as against all of the defendants herein; that said defendants
 8 and each of them, and all other persons claiming by, through or under them,
 9 are hereby enjoined and restrained from interfering with plaintiff's use thereof,
 10 and are debarred from asserting any claim or right to said land and rights-
 11 of-way adverse to plaintiff's ownership and rights.
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13 2. The land and rights-of-way referred to in this decree are particu-
 14 larly described as follows:
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16 Beginning on the West side of the D&RGW RR right-of-way, which
 17 point is South 1266.54 feet, and West 1194.40 feet from the East
 18 quarter corner to Section 25, Township 6 South, Range 2 East of
 19 the Salt Lake Base and Meridian; thence North 89° 19' West 277.49
 20 feet; thence North 88° 51' West 154.65 feet; thence South 0.65 feet;
 21 thence West 173.73 feet to Provo River; thence North 9° 07' East
 22 283.12 feet; thence North 22° 30' West 285.12 feet; thence North
 23 12° 45' West 247.50 feet; thence North 27° 45' East 138.6 feet;
 24 thence West 179.14 feet; thence North 21° 14' West 514.13 feet;
 25 thence North 53° 53' West 38.67 feet; thence North 84° 55' West
 26 along an old fence which is a border between Riverside Country
 27 Club and Brigham Young University for 343.64 feet; thence North
 28 along a fence line 84° 02' West 63.82 feet; thence North along a
 29 fence line 6° 48' West 272.36 feet; thence North along a fence line
 30 7° 29' West 490.25 feet; thence East along a fence line 115.4
 31 feet; thence North along a fence line 115.0 feet; thence North
 32 along a fence line 3° 38' West 658.71 feet; thence North along
 a fence line 36° 35' West 211.33 feet; thence West along a fence
 line 150.34 feet; thence North along a fence line 5° 27' West
 591.67 feet, which point is South 105.0 feet and West 320.44
 feet from the South quarter corner to Section 24; thence North
 along a fence line 33° 52' West 90.69 feet; thence South along a
 fence line 89° 36' West 212.62 feet; thence North along a fence
 line 2° 16.1' East 217.41 feet; thence North along a fence line 2°
 25' West 358.13 feet; thence North along a fence line 2° 38' East
 745.23 feet, which point is the extreme Northwest corner of the
 club property; thence North along a fence line 87° 36' East 326.9
 feet to the West bank of Provo River; thence South along the West
 bank of Provo River 33° 16' East 488.42 feet; thence South along

1 the West bank of Provo River $14^{\circ} 20'$ East 456.24 feet; thence
 2 South along the West bank of Provo River $1^{\circ} 53'$ East 277.53 feet;
 3 thence South along the West bank of Provo River $11^{\circ} 43'$ East 171.18
 4 feet to the section line between Section 24 and 25; thence along section
 5 line North $88^{\circ} 04\frac{1}{2}'$ East 65.1 feet; thence South $44^{\circ} 01\frac{1}{2}'$ East 120.54
 6 feet; thence South $49^{\circ} 26'$ East 344.36 feet; thence South $89^{\circ} 17'$ East
 7 115.56 feet; thence South along a fence line $85^{\circ} 46\frac{1}{2}'$ East 215.82 feet;
 8 thence South along a fence line $72^{\circ} 35\frac{1}{2}'$ East 70.98 feet; thence North
 9 along a fence line $1^{\circ} 07'$ West 280.71 feet; thence North along a fence
 10 line $89^{\circ} 14'$ East 426.68 feet, which point is South 143.56 feet and
 11 West 1233.47 feet from the Northeast corner of Section 25, Township
 12 6 South, Range 2 East, SLB&M; thence South along a fence line $0^{\circ} 43'$
 13 East 285.13 feet; thence South along a fence line $89^{\circ} 53\frac{1}{2}'$ East 328.98
 14 feet to the West side of the D&RGW RR right-of-way; thence South 4°
 15 $08'$ West along the Railroad right-of-way 3507.67 feet to the point of
 16 beginning. Excepting therefrom one-half acre known as the Foote pro-
 17 perty described as follows: Beginning at a point which is South 795.31
 18 feet, and West 1193.24 feet from the East quarter corner of Section
 19 25, Township 6 South, Range 2 East, Salt Lake Base and Meridian;
 20 thence South $4^{\circ} 08'$ West 134.95 feet; thence North $88^{\circ} 52'$ West 161.4
 21 feet; thence North $4^{\circ} 08'$ East 134.95 feet; thence South $88^{\circ} 52'$ East
 22 161.4 feet to the point of beginning.

23 Together with rights-of-way as follows:

24 (a) A right-of-way one rod in width with center line as follows:

25 Beginning at a point which is North 1096.92 feet and East 2562.01
 26 feet from the West quarter corner to Section 25, Township 6 South,
 27 Range 2 East, Salt Lake Base and Meridian; thence South $88^{\circ} 21'$
 28 West 668.83 feet; thence South $43^{\circ} 0'$ West 275.0 feet; thence North
 29 $84^{\circ} 07'$ West 313.0 feet, more or less, to the Carterville Road.

30 (b) A right-of-way one rod in width with center line as follows:

31 Beginning at a point which is South 143.77 feet and West 1248.64 feet
 32 from the Northeast corner to Section 25, Township 6 South, Range 2
 33 East, Salt Lake Base and Meridian; thence North $1^{\circ} 11'$ West 83.32
 34 feet; thence on a curve to the right having a radius of 104.05 feet for
 35 a distance of 107.12 feet, and consuming a central angle of $59^{\circ} 0'$;
 36 thence North $57^{\circ} 49'$ East 61.74 feet; thence on a curve to the left
 37 having a radius of 146.08 feet for a distance of 144.83 feet, and con-
 38 suming a central angle of $56^{\circ} 49'$; thence North $1^{\circ} 0'$ East 647.68 feet;
 39 thence on a curve to the right having a radius of 28.23 feet for a dis-
 40 tance of 44.76 feet, and consuming a central angle of $90^{\circ} 52'$; thence
 41 South $89^{\circ} 52'$ East 351.89 feet; thence on a curve to the left having a
 42 radius of 76.88 feet for a distance of 57.19 feet, and consuming a
 43 central angle of $42^{\circ} 38'$; thence North $47^{\circ} 30'$ East 15.0 feet, more
 44 or less to the county road.

45 (c) Beginning at a point which is South 795.31 feet and West 1193.24
 46 feet from the East quarter corner to Section 25, Township 6 South,
 47 Range 2 East, Salt Lake Base and Meridian; thence South $85^{\circ} 52'$ East
 48 33 feet; thence South $4^{\circ} 08'$ West along the West right of way line of
 49 the D&RGW Railroad 973 feet more or less to the North line of pro-
 50 jected 2250 North Street, Provo, Utah; thence West $16\frac{1}{2}'$ feet; thence

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North 4° 08' East to point 16½ feet Westerly of Southeast corner of Jay V. Taylor property; thence West 16½ feet; thence North 4° 08' East to place of beginning.

(d) Beginning at a point on the East bank of the Provo River, said point being South 1266.65 feet and West 1800.00 feet from the East quarter corner of Section 25, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence East 54.0 feet to the Northwest corner of the property being deeded to P. E. Ashton, identified as Parcel "A", and which is also the South line of the property being deeded to the Country Club by Provo City, being the portion of Parcel "C" on the East side of the Provo River; thence South 19° 58' West 194.0 feet, more or less; thence South 5° 51' West 85.0 feet, more or less, to the Southwest corner of Parcel "A"; thence South 87° 40' West 51.85 feet; thence North 5° 51' East 98.77 feet; thence North 19° 58' East 183.37 feet to the point of beginning.

Dated at Provo, Utah, this 7 day of March, 1972.

BY THE COURT:

[Signature]
Judge

Served a copy of the foregoing upon Nemelka & Colessides, Attorneys, Suite 302, 243 East 4th South, Salt Lake City, Utah 84111; R. Earl Dillman, Attorney at Law, 146 East Lagoon, Roosevelt, Utah 84066, and Cullen Y. Christensen, Attorney at Law, 55 East Center Street, Provo, Utah 84601, by regular mail, postage prepaid, on the 7 day of March, 1972.

[Signature]
J. Robert Bullock

STATE OF UTAH)
COUNTY OF UTAH)
I, THE UNDERSIGNED, CLERK OF THE DISTRICT COURT OF UTAH COUNTY, UTAH, DO HEREBY CERTIFY THAT THE ANNEXED AND FOREGOING IS A TRUE AND FULL COPY OF AN ORIGINAL DOCUMENT ON FILE IN MY OFFICE AS SUCH CLERK.
WITNESS MY HAND AND SEAL OF SAID COURT THIS _____ DAY OF _____ 1972.
WILLIAM S. HUISH, CLERK