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BOOK 2111 PAGE 304

IN THE DISTRICT COURT OF SALT LAKE COUNTY

STATE OF UTAH

VINCENT M. SUMNER and
CLEA N. SUMNER, his wife,

Plaintiffs,

-vs-

JOHN W. ALBRECHT and JANE
DOE ALBRECHT, his wife, and
OLIVE C. SORENSON,

Defendants.)

STIPULATION, MOTION AND
ORDER FOR DISMISSAL.

Civil No. 144629

It is mutually stipulated and agreed between the parties to this
cause, and their attorneys as follows:

1. That Defendants, John W. Albrecht and Clara R. Albrecht, his
wife, and Olive C. Sorensen, will allow removal of an existing gate across the
right of way below described, and will refrain from obstructing said right of
way with any other gate or parked vehicle, or any other foreign object which
may be placed in said right of way. Said Defendants further agree to refrain
from interfering with the use of said right of way by Plaintiffs or their con-
tractors during construction of an 11-unit apartment house for which the right
of way shall be used as vehicular and pedestrian access, and Defendants
further agree to refrain from interfering with the use of said right of way by
tenants who occupy or may occupy Plaintiffs' premises upon completion of the
proposed apartment house, or by any other person who may lawfully use the
right of way for access to said apartment house on Plaintiffs' premises.

2. The right of way above referred to is more particularly describ-
ed as follows:

Commencing at the Northeast corner of Lot 1, Block 88,
Plat "D", Salt Lake City Survey, and running thence
South 12 feet; thence West 6 rods; thence North 12 feet;
thence East 6 rods to the place of beginning.

KIRTON & BETTILYON
ATTORNEYS AT LAW
888 S. THIRD EAST
SALT LAKE CITY, UTAH

3. That the Plaintiffs, Vincent M. Sumner and Clea N. Sumner, his wife, agree to maintain said right of way, except for repairs required by intentional or wilfull damages to the right of way by Defendants. Plaintiffs further waive any right to or claim for damages arising out of Defendants' threatened obstruction, interference or alleged interference with the subject right of way.

Dated this 10th day of October, 1963.

Vincent M. Sumner

Vincent M. Sumner

Clea N. Sumner

Clea N. Sumner

(Plaintiffs)

KIRTON & BETTILYON

W. W. Kirton, Jr.

W. W. Kirton, Jr.
Attorney for Plaintiffs
336 South Third East
Salt Lake City, Utah

John W. Albrecht

John W. Albrecht

Clara R. Albrecht

Clara R. Albrecht

Olive C. Sorenson

Olive C. Sorenson

(Defendants)

THOMAS, ARMSTRONG, RAWLINGS & WEST

David B. West

David B. West
Attorneys for Defendants
Walker Bank Building
Salt Lake City, Utah

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MOTION

COMES NOW, W.W. Kirton, Jr., of the firm of Kirton & Bettilyon, attorneys for the above named Plaintiffs, and David E. West, attorney for the above named Defendants, and move that this cause be dismissed with prejudice, each party to bear its own costs for the reason that the parties hereto have entered into a Stipulation and Agreement resolving the issues of fact and law between the parties.

Dated this 10th day of October, 1963.

KIRTON & BETTILYON

W.W. Kirton, Jr.
W.W. Kirton, Jr.
Attorneys for Plaintiffs
336 South Third East
Salt Lake City, Utah

THOMAS, ARMSTRONG, RAWLINGS & WEST

David E. West
David E. West
Attorney for Defendants
Walker Bank Building
Salt Lake City, Utah

ORDER

The above stipulation and motion, coming on before the undersigned, one of the judges in the above entitled court, and upon good cause shown,

IT IS HEREBY ordered, adjudged and decreed that the above entitled action be and the same hereby is dismissed with prejudice, each party to bear its own costs.

Dated this 11th day of October, 1963.

31 ATTEST ALVIN KEDDINGTON, CLERK
(SEAL) BY Daniel G. Dye, Deputy Clerk
32 FILED Oct. 11, 1963
ENDORSED 144629

/s/ Joseph G. Jensen

JUDGE

KIRTON & BETTILYON
ATTORNEYS AT LAW
336 S. THIRD EAST
SALT LAKE CITY, UTAH

STATE OF UTAH }
COUNTY OF SALT LAKE } ss.

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I, Alvin Keddington, Clerk in and for the County of Salt Lake and Ex-Officio Clerk of the District Court of the Third Judicial District in and for Salt Lake County, State of Utah, do hereby certify that the foregoing is a full, true and correct copy of the original STIPULATION, MOTION AND ORDER FOR DISMISSAL.....

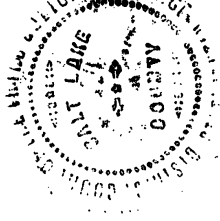
VINCENT M. SUMNER and
CLEA N. SUMNER, his wife,
Plaintiffs

VS

144629

JOHN W. ALBRECHT and JANE
DOE ALBRECHT, his wife, and
OLIVE C. SORENSON,
Defendants

as appears of record in my office.



IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal, this 11th..... day of.....

October....., A.D. 19..63..

ALVIN KEDDINGTON..... Clerk

By *Jacob Wilk* Deputy Clerk