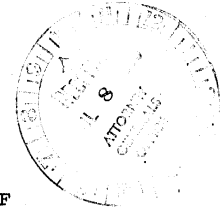


of F.K.G. NOFFE HAZEL TAGGART CHASE, Recorder Salt Lake County, Utah
By *[Signature]* Dep. Date

IN THE THIRD DISTRICT COURT IN AND FOR SALT LAKE COUNTY

STATE OF UTAH



STATE OF UTAH, by and through :
its ROAD COMMISSION, :

Plaintiff, :

-vs-

ORDER OF

IMMEDIATE OCCUPANCY

Civil No. 165463

Project No. I-15-7(3)289
Parcel Nos. 433B:1E and 433B:2E

ESTATE OF ALMAE H. BENNETT, :
a woman, deceased; JAMES H. :
BENNETT, husband of deceased, :
heir, WENDELL B. BENNETT and :
JANE DOE BENNETT, his wife, :
heirs, DONALD W. BENNETT and :
JANE DOE BENNETT, his wife, :
heirs, MARDELLE MAE BROWN, :
heir, BRYANT BENNETT, heir, :
SUSAN BENNETT, heir, :

Defendants, :

The plaintiff's motion for an Order of Immediate Occupancy

having come on regularly for hearing before the above entitled court on the 17th day of July, 1966, at the hour of 10:30 A. M., and it having been shown to the satisfaction of said court that notice of such motion has been given to the defendants above named in the manner prescribed by law; and the court having heard the evidence offered by the plaintiff in support of such motion and having determined that the plaintiff has the right of eminent domain, and that the purpose for which the premises sought by the Complaint herein to be condemned is a public purpose and that the immediate occupancy of said premises is necessary and proper.

NOW, THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED that the plaintiff be, and is hereby permitted and authorized to occupy the premises belonging to the defendants above named, which premises are sought for highway purposes or concerning which premises, easements or other rights for highway purposes are sought, all such property easements or other rights as required by the

plaintiff herein, and the property belonging to the defendants as affected thereby being particularly set out and described in the Complaint on file in this action, and in the condemnation resolution filed in this action, a copy of which is hereto annexed, and the plaintiff is hereby permitted to take immediate possession of said properteis of said defendants as required and as described and as set out in the plaintiff's Complaint and to continue the possession of the same pending further hearing and trial on the issues that may be raised in this action and to do such work thereon as may be required for the purposes for which said premises are sought to be condemned and according to the nature thereof.

IT IS FURTHER ORDERED that during construction of the project and pending the hearing on the issues presented, the plaintiff shall protect any private drains now crossing the proposed highway right of way, and further, that prior to the destruction or removal of any fence on or along the property condemned, the plaintiff shall make adequate provisions for a fence along the highway right of way so as to provide fencing protection to the properties affected hereby at least equal to that now provided for each of such properties.

IT IS FURTHER ORDERED AND ADJUDGED that pending further hearing and trial on the issues that may be presented in this action, and subject to the conditions herein set forth, the defendants and their agents, servants and employees be and they are hereby restrained and enjoined from hindering or interfering with plaintiff or any of the agents, employees or contractors of the plaintiff in the occupation of said premises required by plaintiff, as particularly described and set forth in plaintiff's Complaint, or in the doing of such work thereon as may be required

for the purposes for which it is sought to condemn the said property, as set forth in said Complaint.

This Order shall not be effective until the plaintiff herein has deposited with the clerk of the court, for the use and benefit of the defendant parties in interest herein, a sum equal to 75 per cent of the approved appraisal of the Defendants' property to be acquired in this action.

IT IS FURTHER ORDERED that on receipt of said moneys, the clerk of this court is ordered to remit the same to the appropriate defendants in the percentage and ratio to which they are entitled.

Dated this 7th day of JULY, 1966.

(S R A L)

ATTEST
JACOB WEILER, CLERK
BY BYRON STARK,
DEPUTY CLERK

S/ BRYANT H. CROFT
DISTRICT JUDGE

Assistant Attorney General
Attorney for Plaintiff
236 State Capitol Building
Salt Lake City, Utah 84114

FILED IN CLERK'S OFFICE
SALT LAKE COUNTY, UTAH
JULY 7 1966
JACOB WEILER, CLERK 3rd DISTRICT COURT
BY BYRON STARK, DEPUTY CLERK

Ref. No. 289-608

CONDEMNATION RESOLUTION
HIGHWAY PROJECT NO. 1-15-7(3)289
59th So. to Draper Crossroads

RESOLVED, by the State Road Commission of Utah that it finds and determines and hereby declares that:

The public interest and necessity require the acquisition, construction and completion by the State of Utah acting through the State Road Commission, of a public improvement, namely a State Highway. The public interest and necessity require the acquisition and immediate occupancy, for said public improvement, of the real property, or interests in real property, hereinafter described.

Said proposed state highway is planned and located in a manner which will be most compatible with the greatest public good and the least private injury, and has been heretofore designated as a limited-access facility, as provided by Title 27, Chapter 12, Section 96, Utah Code Annotated 1953 as amended.

BE IT FURTHER RESOLVED by this Commission that the Attorney General of Utah shall be instructed and requested, on behalf of this Commission:

To acquire, in the name of the State Road Commission of Utah, the said hereinafter described real property, or interests in real property, by condemnation in accordance with the provisions of the Statutes and of the Constitution of Utah relating to eminent domain;

To prepare and prosecute such proceeding or proceedings in the proper court having jurisdiction thereof as are necessary for such acquisition;

To obtain, from said court, an order permitting said Commission to take immediate possession and use of said real property, or interests in real property, for highway purposes, or purposes incidental thereto.

BE IT FURTHER RESOLVED that the State Finance Director shall be instructed and requested, on behalf of this Commission:

To prepare State Warrant in a sum equal to 75% of the approved appraisal of each parcel of real property, or interest in real property set forth and described herein; payee to be the Clerk of the District Court of the County wherein the real property is located, for the use and benefit of the landowner and/or lien holder as described herein;

That a tender to the landowner of a sum equal to at least 75% of the fair market value of the property to be acquired for rights of way herein shall be made prior to issuance of Order of Immediate Occupancy;

That the payment contemplated herein shall be without prejudice to landowner.

The real property, or interests in real property, which the State Road Commission is by this resolution authorized to acquire for said public use, is situate in the County of Weber, State of Utah, Highway Project No. 1-15-7(3)289, and is described as follows:

HIGHWAY PROJECT NO. 1-15-7(3)289
PAGE 2

RECORDED OWNER: The Estate of Almae H. Bennett, a woman, (Deceased)
 HEIR: James H. Bennett, husband of deceased
 ADDRESS: 410 North Main, Midvale, Utah
 HEIRS: Wendell B. Bennett and Jane Doe Bennett, his wife
 ADDRESS: 457 West 5320 South, Murray, Utah
 HEIRS: Donald W. Bennett and Jane Doe Bennett, his wife
 ADDRESS: 357 West 5900 South, Murray, Utah
 HEIR: Mardelle Mae Brown
 ADDRESS: 4522 Ladner Street, Fremont, California
 HEIR: The Estate of Sheldon H. Bennett (Deceased)
 HEIR: Bryant Bennett, son
 ADDRESS: c/o Marian Springer, Mother
 4921 West 4985 South, Kearns, Utah
 HEIR: Susan Bennett, daughter
 ADDRESS: c/o Marian Springer, Mother
 4921 West 4985 South, Kearns, Utah

LIFN HOLDERS: None
 Approved Appraisal \$130.00 (Parcel Nos. 01-7:433B:1E and 433B:2E)
 Amount to be tendered landowner at time
 Order of Immediate Occupancy is granted \$100.00

Parcel No. 01-7:433B:1E

An easement upon part of an entire tract of property in the NE $\frac{1}{4}$ of Section 25, T. 2 S., R. 1 W., S.L.B.&M. in Salt Lake County, Utah, for the purpose of constructing thereon irrigation and storm drain facilities and appurtenant parts thereof incident to the construction of a freeway known as Project No. 01-7. The boundaries of said part of an entire tract are described as follows:

Beginning on the east boundary line of said entire tract at a point 46.5 ft. perpendicularly distant northerly from the center line of the relocation of 7200 South Street in Midvale, which point is 4.10 chains west and approximately 1229 ft. south along the east boundary line of said entire tract from the NE $\frac{1}{4}$ corner of said Section 25; thence N. 87°13'58" W. 114 ft., more or less, along said northerly right of way line to a point opposite 7200 South Street relocation Engineer Station 10+00; thence N. 49°57'30" W. 16.51 ft.; thence S. 87°13'58" E. 127 ft., more or less, to said east boundary line; thence South 10 ft., more or less, along said east boundary line to the point of beginning. The above described parcel of land contains 0.03 acre, more or less.

Parcel No. 01-7:433B:2E

A temporary work easement upon part of an entire tract of property in the NE $\frac{1}{4}$ of Section 25, T. 2 S., R. 1 W., S.L.B.&M. in Salt Lake County, Utah, for the purpose of constructing thereon an irrigation facility and appurtenant parts thereof incident to the construction of a freeway known as Project No. 01-7. The boundaries of said part of an entire tract are described as follows:

Beginning at a point 122.61 ft. perpendicularly distant northerly from the center line of the relocation 7200 South Street at relocation Engineer Station 11+00, which point is approximately 484 ft. west and 1140 ft. south from the NE $\frac{1}{4}$ corner of said Section 25; thence N. 40°02'30" E. 10.0 ft.; thence S. 49°57'30" E. 122.76 ft.; thence N. 87°13'58" W. 16.51 ft.; thence N. 49°57'30" W. 109.77 ft. to the point of beginning. The above described parcel of land contains 0.03 acre, more or less.

STATE OF UTAH
COUNTY OF SALT LAKE

ss.

BOOK 2479 PAGE 492

I, JACOB WEILER 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 ORDER OF IMMEDIATE OCCUPANCY

STATE OF UTAH, by and through
its ROAD COMMISSION,

Plaintiff

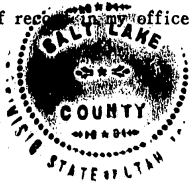
Case No. 165463

VS

ESTATE OF ALMAE H. BENNETT, a
woman, deceased, JAMES H. BENNETT,
husband of deceased, ET AL, ETC.,

Defendants

as appears of record in my office.



IN WITNESS WHEREOF, I have hereunto set my hand
and affixed my official seal, this 7th

day of JULY, A. D. 1966.

Jacob Weiler Clerk

By _____ Deputy Clerk