

2318382

Recorded JAN 23 1970 at 1:42 p.
 Request of STATE ROAD COMMISSION
 Fee Paid HAZEL TAGGART CHASE
 Recorder, Salt Lake County, Utah
 NOEE By [Signature] Deputy Salt Lake County Utah
 Ref. _____

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Q. 10. 1457

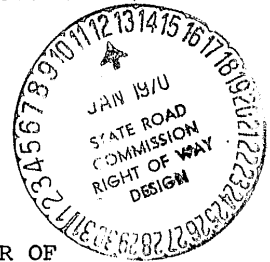
DON R. STRONG
 Assistant Attorney General
 236 State Capitol
 Salt Lake City, Utah 84114
 Telephone: 328-5261

JAN 6 1970

W. Sterling Evans, Clerk 3rd Dist. Court
 By /s/ Jay Holt
 Deputy Clerk

IN THE THIRD DISTRICT COURT IN AND FOR SALT LAKE COUNTY

STATE OF UTAH



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

Plaintiff, :

ORDER OF

-v-

IMMEDIATE OCCUPANCY

JESS A. WISSLER and ALICE L. :
 WISSLER, his wife; ZIONS :
 SAVINGS & LOAN; LOCKHART :
 COMPANY; and WESTERN STATES :
 TITLE & INSURANCE COMPANY, :

Civil No. 190904

Project No. SU-0132(3)
 Parcel No. 15:A

Defendants. :

The plaintiff's motion for an order of immediate occupancy having come on regularly for hearing before the above entitled court on the 6th day of January, 1970, ~~1969~~, at the hour of 10:00 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 have determined that the plaintiff has the rights 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 hereby annexed, and the plaintiff is hereby permitted to take immediate possession of said properties 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 percent 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 ration to which entitled.

Dated this 6th day of January, 1970 ~~1969~~.

ATTEST

W. STERLING EVANS
CLERK

BY /s/ Jay Holt
Deputy Clerk

/s/ Gordon R. Hall

DISTRICT JUDGE

(Seal)

STATE OF UTAH
COUNTY OF SALT LAKE } SS

I, THE UNDERSIGNED, CLERK OF THE DISTRICT COURT OF SALT LAKE 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 7th DAY OF January, 1970

W. STERLING EVANS, CLERK
BY W. Lee DEPUTY

CO*0132*15:A

HIGHWAY PROJECT NO. SU-0132(3)
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RECORDED OWNERS: Jess A. Wissler & Alice L. Wissler, his wife
ADDRESS: 770 West 5300 South, Murray, Utah
LIEN HOLDER: Zions Savings & Loan
ADDRESS: 125 South Main, Salt Lake City, Utah
LIEN HOLDER: Lockhart Company
ADDRESS: 359 South Main Street, Salt Lake City, Utah
PARTY IN INTEREST: Western States Title & Insurance Co.
ADDRESS: 243 East 4th South, Salt Lake City, Utah
Approved Appraisal: \$1,100.00
Amount to be tendered landowner at time
Order of Immediate Occupancy is granted: \$825.00
Parcel No. 0132:15:A

A parcel of land in fee for an expressway known as Project No. 0132, being part of an entire tract of property, in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11, T. 2 S., R. 1 W., S.L.B.&M. The boundaries of said parcel of land are described as follows:

Beginning on the southeasterly boundary fence line of said entire tract at a point 100.0 ft. radially distant northerly from the center line of said project at Engineer Station 82+19.0, which point is 723.9 ft. west along section line and 110.0 ft. north from the SE. corner of said Section 11; thence Westerly 349.5 ft. along the arc of a 2764.8-foot radius curve to the right to the intersection with the southerly boundary fence line of said entire tract (Note: Tangent to said curve at its point of beginning bears S. 79°27'00" W.); thence S. 81°00' E. 175.5 ft. along said south boundary fence line to an angle in the fence; thence N. 67°00' E. 187.3 ft. along said southeasterly boundary fence line to the point of beginning. The above described parcel of land contains 0.168 acre, more or less.

Together with any and all rights or easements appurtenant to the remaining portion of said entire tract of property by reason of the location thereof with reference to said expressway, including without limiting the foregoing, all rights of ingress to or egress from said remaining portion contiguous to the lands hereby conveyed, to or from said expressway.