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THIRD JUDICIAL DISTRICT

JUN 07 1990

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21 JUNE 90 12:20 PM
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IN THE THIRD JUDICIAL DISTRICT COURT OF SALT LAKE COUNTY

STATE OF UTAH

VALLEY BANK AND TRUST CO.,
Trustee of the M. Eldon and
Gladys M. Barnes Revocable
Trust, FLORAL DESIGN
WHOLESALE, INC., and
TAM MAYNARD,

Plaintiffs,

vs.

REED A. BOWTHORPE,
and MABEL BOWTHORPE, husband
and wife, THE HEIRS OF
LOUISE H. CHARTER,
and all other persons
unknown, claiming any right,
title, estate, lien, or
interest in the real

ORDER AND DECREE

BK6230PG1581

property described in the
Complaint adverse to
plaintiffs' ownership, or
any cloud upon plaintiffs'
title thereto,

Defendants.

Civil No. 900900089

Homer F. Wilkinson

* * * * *

In this matter, on December __, 1989, plaintiffs Valley Bank and Trust Company ("Valley Bank"), Tam Maynard ("Maynard"), and Floral Design Wholesale, Inc. ("Floral Design") filed a Complaint against Reed A. Bowthorpe, Mabel Bowthorpe (collectively the "Bowthorpes"), Louise H. Charter and her heirs, and all others claiming an interest in real property located at approximately 9330 South State Street, City of Sandy, County of Salt Lake, State of Utah, more particularly described as:

Beginning at an existing rebar located in the sidewalk, said point represents the Southeast Corner of the Bowthorpe Property and is located North 410.389 feet and South 89°15'11" East 41.601 feet from the Southwest Corner of Lot 7, Section 6, Township 3 South, Range 1 East, Salt Lake Base and Meridian and running; thence South 10.607 feet; thence West 353.907 feet; thence North 3°52'00" East 15.242 feet; thence South 89°15'11" East 352.910 feet to the point of beginning.

(Hereinafter the "Deed Gap Property"). Plaintiffs sought to quiet title to the Deed Gap Property based on a claim of adverse possession.

Service was made personally on the Bowthorpes, who have entered an appearance, and by publication to Louise H. Charter and all other persons claiming an interest in the Deed Gap Property. The period to answer the Complaint has passed and no one further has entered an appearance to claim an interest in the Deed Gap Property. The default of Louise H. Charter and all others claiming an interest in the Deed Gap Property has been duly entered.

The Bowthorpes have entered into a Stipulation with the plaintiffs agreeing to a boundary line between the parties' properties, which boundary line is the south property line of the Bowthorpes' property and the north property line of the plaintiffs' properties. The Bowthorpes have disclaimed any interest in the plaintiffs' property south of the boundary line and the plaintiffs have disclaimed any interest in the Bowthorpes' property located north of the boundary line.

Based on the Stipulation and the motion of the parties, and good cause appearing therefore,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the boundary line describing the north boundary of plaintiffs' properties and the south boundary of the Bowthorpes property is established as follows:

Beginning at an existing rebar located in the sidewalk, said point represents the Southeast Corner of the Bowthorpe Property

and is located NORTH 410.389 feet and S 89°15'11" E 41.601 feet from the Southwest Corner of Lot 7, Section 6, Township 3 South, Range 1 East, Salt Lake Base and Meridian and running; thence N 89°15'11" W 368.731 feet to the center line of the Draper-Jordan Canal.

(Hereinafter the "Boundary Line.")

The disclaimer of the Bowthorpes is hereby entered, disclaiming any right, title, or interest of the Bowthorpes in that portion of the Deed Gap Property located north of the property owned by Valley Bank and south of the Boundary Line, and title is hereby quieted in Valley Bank to said property, described more particularly as:

Beginning at a point NORTH 410.389 feet and N 89°15'11" W 91.008 feet from the Southwest Corner of Lot 7, Section 6, Township 3 South, Range 1 East, Salt Lake Base and Meridian and running; thence South 12.335 feet; thence West 67.000 feet; thence North 13.209 feet; thence S 89°15'11" E 67.006 feet to the point of beginning.

* The disclaimer of the Bowthorpes is hereby entered, disclaiming any right, title, or interest of the Bowthorpes in that portion of the Deed Gap Property located north of the property owned by Floral Design, south of the Boundary Line, and title is hereby quieted in Floral Design to said property, described more particularly as:

Beginning at an existing rebar located in the sidewalk, said point represents the Southeast Corner of the Bowthorpe Property and is located North 410.389 feet and S 89°15'11" E 41.601 feet from the Southwest

Corner of Lot 7, Section 6, Township 3 South, Range 1 East, Salt Lake Base and Meridian and running; thence South 10.607 feet; thence West 132.597 feet; thence North 12.335 feet; thence S 89°15'11" E 132.609 feet to the point of beginning.

The disclaimer of the Bowthorpes is hereby entered, disclaiming any right, title, or interest of the Bowthorpes in that portion of the Deed Gap Property located north of the property owned by Maynard, or his assignee, and south of the Boundary Line, and title is hereby quieted in Maynard, or his assignee, to said property, described more particularly as:

Beginning at a point North 410.389 feet and N 89°15'11" W 158.014 feet from the Southwest Corner of Lot 7, Section 6, Township 3 South, Range 1 East, Salt Lake Base and Meridian and running; thence South 13.209 feet; thence West 154.310 feet; thence N 3°52'00" E 15.242 feet; thence S 89°15'11" E 153.295 feet to the point of beginning.

The disclaimer of Valley Bank, Floral Design, and Maynard, or his assignee, is hereby entered, disclaiming any right, title, or interest of the plaintiffs in the property of the Bowthorpes located north of the Boundary Line, described more particularly as:


Beginning at an existing rebar located in the sidewalk, said point represents the Southeast Corner of the Bowthorpe Property and is located NORTH 410.389 feet and S 89°15'11" E 41.601 feet from the Southwest Corner of Lot 7, Section 6, Township 3 South, Range 1 East, Salt Lake Base and Meridian and running; thence N 89°15'11" W 368.731 feet to the center line of the Draper-Jordan Canal;

thence N 6°00'00" E 95.718 feet along said center line; thence EAST 358.694 feet; thence SOUTH 100.000 feet to the point of beginning.

Any party may cause this Order to be recorded with the Salt Lake County Recorder's Office.

ENTERED this 7 day of June, 1990.

BY THE COURT:


DISTRICT COURT JUDGE

391:032790B

