

539241

THIS AGREEMENT made this Second day of June, A. D. 1919 by and between Bertha Matilda Schwab, first party, and Franz Otto Drechsel and Adolph H. Knorr, second parties, all of Salt Lake City, Salt Lake County, State of Utah.

WITNESSETH:

Whereas, first party is the owner of the following:- Beginning at center of Section Three (3), Township 1 South, Range 1 West, Salt Lake Meridian, and running thence West 80 rods, thence North 10 rods, thence East 85 rods, thence South 10 rods, thence West 5 rods, to the point of beginning;

And Whereas, the second parties hold a contract to purchase from Mary O. Adams, the following:- The North half of Northwest quarter of Southwest quarter of said Section 3, and the second parties desire to acquire from the first party a right of way for a water ditch over the property of the first party as the same is now located thereon.

THEREFORE, first party, in consideration of the sum of \$75.00 to her in hand paid by the second parties, the receipt whereof is hereby acknowledged, does hereby grant unto the second parties, upon the conditions herein-after recited, a right of way for a water ditch as the same now exists upon the land of first party and described as follows, to-wit: Beginning at a point where the Brighton Irrigation Canal intersects the South line of the property of the first party above described, which point is about 400 feet East from the Southwest corner of the said property of first party and about 3 feet North from said last named point, and running thence West along or near to the South line of said property about 400 feet to the Easterly line of the railroad company's right of way, thence Southwesterly along said right of way until same leaves property of first party.

This conveyance is made on condition that the second parties shall not go upon the land of the first party which lies North of said ditch, but shall always keep to the South of said ditch for the purpose of maintaining the said ditch when necessary; and,

That the right herein granted shall be used with that part of the land being purchased by the second parties which lies Southeasterly from the railroad right of way which now exists upon the property of the second parties, and with no other land; and,

In case the second parties should forfeit all right, title and interest in and to the land now being purchased by them, and should not acquire the legal title thereto, then this grant shall become null and void and of no effect; but if second parties acquire such legal title then this grant shall be perpetual.

IN WITNESS WHEREOF, the said parties hereto have hereunto set their hands this the day and year first above written.

Mrs Bertha M Schwab
Franz Otto Drechsel
Adolf H Knorr.

State of Utah,)
County of Salt Lake,)SS.

On this 2nd day of June, A. D. 1919, personally appeared before me Bertha Matilda Schwab, Franz Otto Drechsel and Adolph H. Knorr, the signers of the above instrument, who duly acknowledged to me that they executed the same.

My Commission Expires
Oct. 16, 1922.

J. W. Ensign,
Notary Public
Salt Lake County, Utah.

J W Ensign
Notary Public.

Recorded at request of C. A. Lambourne, Jr. July 16, 1925, at 9:55 A. M. in 3-W of L. & L. Pg. 265.
(Signed) Lillian Cutler, Recorder, Salt Lake County, Utah, by R. G. Collett, Deputy. D-23-4-2 & 3. B10-3-2a

539261

STATE OF UTAH)
County of Salt Lake)SS.

A F F I D A V I T

ALMA MALMSTROM, being first duly sworn, deposes and says: That he is a brother of Niels Jacob Malmstrom, (also known as N. J. Malmstrom), who died in Salt Lake County, Utah in the year 1916. That said party is the same person whose name appears as Jacob Malmstrom in the Decree of Distribution dated May 4, 1889, recorded April 25, 1892 in Book "O", page 279 of the records of the County Recorder of Salt Lake County, which said order of distribution was signed by John A. Marshall, Judge. Also the same person who appears as Jacob Malmstrom in that certain Quit Claim Deed dated May 10, 1892 and recorded May 31, 1892 in Book "4-E", page 74 of the records of the County Recorder of Salt Lake County. And also the same person who appears as Jacob Malmstrom in that certain Quit Claim Deed dated November 29, 1892, and recorded December 7, 1892 in Book "4-D", page 589 Records of the County Recorder of Salt Lake County. And also the same person who appears as Niel J. Malmstrom, Grantee, in that certain Quit Claim Deed from Peter Malmstrom and wife, dated December 9, 1892 and recorded November 21, 1893 in Book "4-M", page 105 of the records of the County Recorder of Salt Lake County.

That affiant was well acquainted with the said Niels Jacob Malmstrom, (also known as N. J. Malmstrom), during his lifetime, and is familiar with the transactions hereinbefore set forth.

Alma Malstrom

Subscribed and sworn to before me this 14th day of July, 1925.

Leon L. Olson,
Notary Public
Salt Lake County, Utah.
Commission Expires
4/12/26

Leon L. Olson
Notary Public.
Midvale, Utah.

Recorded at request of H. L. Mulliner, July 16, 1925, at 12:31 P. M. in 3-W of L. & L. Pg. 265.
(Signed) Lillian Cutler, Recorder, Salt Lake County, Utah, by R. G. Collett, Deputy. D-14-181-29. D-14-162-45.

539262

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT, IN AND FOR THE COUNTY OF SALT LAKE, STATE OF UTAH.

In the Matter of the Estates of :
Niels Jacob Malmstrom, (also known : ORDER CONFIRMING SALE OF REAL
as N. J. Malmstrom), and of Ellen B. : ESTATE.
Malmstrom, his wife, deceased. :

The petition of Leon E. Malmstrom, as administrator of the said estates, having been heretofore filed herein showing the report and account of the sale of the real estate hereinafter described, and it appearing and the petitioner having proved to the satisfaction of the court that his return of sale of real estate under the Order of Sale heretofore made, was duly filed in the office of the Clerk of this Court, and a day duly fixed by the Court for the hearing of said petition, and due notice of the hearing thereon having been given for the time and in the manner as required by law, and the court having examined the return and heard

See Bk "P" of Vol Pg 277

M.H.
700