

FILED DISTRICT COURT
Third Judicial District

JUL 15 1997

SALT LAKE COUNTY

By Deputy Clerk

Pat Jones

6698739

07/25/97 2:56 PM ***NO FEE**

NANCY WORKMAN

RECORDER, SALT LAKE COUNTY, UTAH

UTAH ST-DEPT OF TRANSPORTATION

BOX 148440 ATT: J.R. PLUMHOF

SLC, UT 84114-8440

REC BY: R JORDAN

DEPUTY - MP

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Assistant Attorney General
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Attorney General
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IN THE THIRD JUDICIAL DISTRICT COURT IN AND FOR

SALT LAKE COUNTY, STATE OF UTAH

UTAH DEPARTMENT OF
TRANSPORTATION,

Plaintiff,

vs.

IRVINE INVESTMENT COMPANY, L.C.;
and KENNECOTT COPPER CORPORATION
n/k/a KENNECOTT CORPORATION,

Defendants.

ORDER OF IMMEDIATE OCCUPANCY

Civil No. 970902516 CD

Judge Frank G. Noel

Having read the Stipulation entered into among the parties
and the pleadings on file in this cause and good cause appearing
therefore,

IT IS HEREBY ORDERED AND ADJUDGED, that the Plaintiff has
the right of eminent domain and that the purpose for which the

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premises are sought by this action is public in nature and that the property is needed for that use.

IT IS FURTHER ORDERED that the Plaintiff be and is hereby permitted and authorized to occupy the premises belonging to the Defendant above-named subject, to the provisions hereinafter contained. The premises are sought for highway or highway related purposes. All of the property interests or other rights as required by the Plaintiff herein, and the property belonging to the Defendant as affected thereby are 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 possession of said properties of said Defendant after having complied with the conditions contained in this Order, 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.

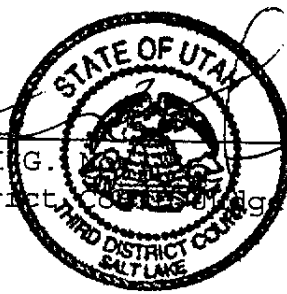
IT IS FURTHER ORDERED that before taking possession of the Defendant's property as herein provided, the Plaintiff shall deposit with the Clerk of the Court the full amount of its approved appraisal for the use and benefit of the Defendant.

IF IS FURTHER ORDERED, that on receipt of said moneys the Clerk of this Court shall remit the same to the Defendant or their counsel.

DATED this 15th day of July, 1997.

BY THE COURT:

FRANK G. [Signature]
District Court Judge



Approved as to Form:

[Signature]
ROBERT S. CAMPBELL, Jr.
Attorney for Defendants

CO*0154*28:A,28B,28:C,28:E,28:2E,28:3E,28:4E,28:5E

CONDEMNATION RESOLUTION
HIGHWAY PROJECT NO. SP-0154(8)0
Bangerter Highway

RESOLVED, by the Utah Department of Transportation, hereinafter referred to as the Department, that it finds and determines and hereby declares that:

The public interest and necessity required the acquisition, construction and completion by the State of Utah acting through the Department, 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 interest 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 as provided by Title 27, Chapter 12, Section 96, Utah Code Annotated 1953 as amended, and has been heretofore designated as a limited-access facility as provided by Title 27, Chapter 12, Section 114, Utah Code Annotated 1953 as amended.

BE IT FURTHER RESOLVED by said Department that the Attorney General of Utah shall be requested, on behalf of said Department:

To acquire, in the name of the Department, 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 Department 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 requested, on behalf of said Department:

To prepare State Warrant in the amount 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 landowners and/or lien holder as described herein;

That a tender to the landowners of a sum equal to 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.

The real property, or interest in real property, which the Department is by this resolution authorized to acquire for said public use, is situate in the County of Salt Lake, State of Utah, Highway Project No. SP-0154(8)0, and is described as follows:

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HIGHWAY PROJECT NO. SP-0154(8)0

RECORDED OWNER: Irvine Investment Company, L.C.
ADDRESS: 4931 Fairview Drive
Salt Lake City, Utah 84117

PARTY IN INTEREST: Kennecott Copper Corporation nka
Kennecott Corporation
ADDRESS: 10 East South Temple
Salt Lake City, Utah 84133

LIEN HOLDER: None of record

APPROVED APPRAISAL: \$117,000.00

Parcel No. 0154:28:A

A parcel of land in fee for the purpose of constructing thereon an expressway known as Project No. 0154, being part of an entire tract of property, situate in the E~~1~~NW~~4~~ of Section 1, T.4S., R.1W., SLB&M. The boundaries of said parcel of land are described as follows:

Beginning in the easterly boundary line of said entire tract at a point 22.860 meters perpendicularly distant northerly from the center line of said project, which point is 28.584 meters N. 89° 58'03" W. (record: S. 89°37'14" W.) along the North Section line and 382.348 meters S. 0°02'16" W. (record: S. 0°21'51" E.) from the North Quarter corner of said Section 1; thence S.0°02'16" W. (record: S. 0°21'51" E.) 46.603 meters to a point 22.860 meters radially distant southerly from said center line, opposite Engineer Station 32+503.644; thence Southwesterly 292.573 meters along the arc of a 677.140-meter radius curve to the left (chord bears S. 66°06'36" W. 290.303 meters) along a line concentric to said center line to a westerly boundary line of said entire tract; thence N. 0°56'22" E. (record: N. 0°32'04" E.) 56.394 meters along said westerly boundary line to a point 22.860 meters radially distant northwesterly from said center line, opposite Engineer Station 32+234.229; thence Easterly 287.545 meters along the arc of a 722.860-meter radius curve to the right (chord bears N. 67°49'55" E. 285.652 meters) along a line concentric to said center line to the point of beginning. The above described parcel of land contains 13257.3 square meters in area.
(Note: To obtain distances in feet, divide above distances by 0.3048. Multiply above area by 10.764 to obtain square feet.)

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HIGHWAY PROJECT NO. SP-0154(8)0

To enable the Utah Department of Transportation to construct and maintain a public highway as an expressway, as contemplated by Title 27, Chapter 12, Section 96, Utah Code Annotated, 1953, as amended, the Owners of said entire tract of property hereby release and relinquish to said Utah Department of Transportation any and all rights or easements appurtenant to the remaining property of said Owners by reason of the location thereof with reference to said highway, including, without limiting the foregoing, all rights of ingress to or egress from said Owner's remaining property contiguous to the lands hereby conveyed to or from said highway.

Parcel No. 0154:28B

A parcel of land in fee for the purpose of constructing thereon a detention pond incident to the construction of an expressway known as Project No. 0154, being part of an entire tract of property, situate in the NE~~1~~4~~th~~ of Section 1, T.4S., R.1W., SLB&M. The boundaries of said parcel of land are described as follows:

Beginning at the intersection of the easterly boundary line of said entire tract and the northerly highway right of way line of 13490 South Street of said project, which point is 28.584 meters N. 89°58'03" W. (record: S. 89°37'14" W.) along the section line and 169.501 meters S. 0°02'16" W. (record: S. 0°21'51" E.) from the North Quarter corner of said Section 1; thence N. 0°02'16" E. (record: N. 0°21'51" W.) 57.230 meters along said easterly boundary line; thence N. 60°18'15" W. 48.888 meters; thence N. 29°04'02" E. 12.981 meters; thence N. 60°55'58" W. 5.000 meters; thence S. 29°04'02" W. 12.926 meters; thence N. 60°18'15" W. 11.772 meters; thence S. 28°41'03" W. 47.754 meters; thence S. 61°18'57" E. 67.175 meters; thence S. 0°02'16" W. 15.556 meters to said northerly highway right of way line; thence S. 89°49'22" E. 21.000 meters along said highway right of way line to the point of beginning. The above described parcel of land contains 3961.6 square meters in area.

(Note: To obtain distances in feet, divide above distances by 0.3048. Multiply above area by 10.764 to obtain square feet.)

HIGHWAY PROJECT NO. SP-0154(8)0

Parcel No. 0154:28:C

A parcel of land in fee for the purpose of constructing thereon an access road incident to the construction of an expressway known as Project No. 0154, being part of an entire tract of property, situate in the NE~~1~~4NW~~4~~ of Section 1, T.4S., R.1W., SLB&M. The boundaries of said parcel of land are described as follows:

Beginning at a point in the easterly boundary line of said entire tract, which point is 28.584 meters N. 89°58'03" W. (record: S. 89°37'14" W.) along the North Section line and 169.501 meters S. 0°02'16" W. (record: S. 0°21'51" E.) from the North Quarter corner of said Section 1; thence S. 0°02'16" W. (record: S. 0°21'51" E.) 21.946 meters to a point 10.973 meters perpendicularly distant southerly from the center line of 13490 South Street of said project; thence N. 89°49'22" W. 259.753 meters along a line parallel to said center line to a westerly boundary line of said entire tract at a point opposite Engineer Station 10+146.989; thence N. 0°56'22" E. (record: N. 0°32'04" E.) 21.948 meters along said westerly boundary line to a point 10.973 meters perpendicularly distant northerly from said center line, opposite Engineer Station 10+147.281; thence S. 89°49'22" E. 259.407 meters along a line parallel to said center line to the point of beginning. The above described parcel of land contains 5696.7 square meters in area.

(Note: To obtain distances in feet, divide above distances by 0.3048. Multiply above area by 10.764 to obtain square feet.)

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HIGHWAY PROJECT NO. SP-0154(8)0

Parcel No. 0154:28:E

A temporary easement, upon part of an entire tract of property, in the E~~N~~W~~4~~ of Section 1, T. 4 S., R. 1 W., S.L.B. & M., in Salt Lake County, Utah, for the purpose of removal and/or demolition and removal of buildings and structures, and appurtenant parts thereof, to facilitate the construction of an expressway known as Project No. 0154. The boundaries of said part of an entire tract are described as follows:

Beginning at a point in the northerly highway right of way and no-access line of said project, which point is 91.534 meters N. 89°58'03" W. (record: S. 89°37'14" W.) along the Section line and 397.311 meters S. 0°02'16" W. (record: S. 0°21'51" E.) from the North Quarter corner of said Section 1, at a point 22.860 meters radially distant northerly from the center line of said project, opposite Engineer Station 32+450; thence Westerly 20.653 meters along the arc of a 722.860-meter radius curve to the left (chord bears S. 73°16'43" W. 20.652 meters) along a line concentric with said center line; thence N. 17°32'23" W. 8.000 meters to a point 30.860 meters radially distant northerly from said center line, opposite Engineer Station 32+430; thence Easterly 20.882 meters along the arc of a 730.860-meter radius curve to the right (chord bears N. 73°16'43" E. 20.881 meters) along a line concentric with said center line; thence S. 15°54'10" E. 8.000 meters to the point of beginning. The above described part of an entire tract contains 166.1 square meters in area.

(Note: To obtain distances in feet, divide above distances by 0.3048. Multiply above area by 10.764 to obtain square feet.)

This easement shall expire upon the completion of the construction of said project or 5 years after the date of the execution of the within instrument, whichever first occurs.

After said buildings and structures are removed and/or demolished on the above described part of an entire tract at the expense of the Utah Department of Transportation, said Utah Department of Transportation is thereafter relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said removal and/or demolition and appurtenant parts thereof.

HIGHWAY PROJECT NO. SP-0154(8)0

Parcel No. 0154:28:2E

A perpetual easement, upon part of an entire tract of property, in the NE~~1~~NW~~4~~ of Section 1, T. 4 S., R. 1 W., S.L.B. & M., in Salt Lake County, Utah, for the purpose of constructing thereon cut and/or fill slopes and appurtenant parts thereof, to facilitate the construction of an expressway known as Project No. 0154. The boundaries of said part of an entire tract are described as follows:

Beginning at the intersection of the northerly highway right of way and no-access line of said project and the easterly boundary line of said entire tract, which point is 28.584 meters N. 89°58'03" W. (record: S. 89°37'14" W.) along the Section line and 382.348 meters S. 0°02'16" W. (record: S. 0°21'51" E.) from the North Quarter corner of said Section 1; thence Westerly 64.727 meters along the arc of a 722.860-meter radius curve to the left (chord bears S. 76°39'45" W. 64.706 meters) along said highway right of way and no-access line; thence N. 15°54'10" W. 3.000 meters to a point 25.860 meters radially distant northerly from the center line of said project, opposite Engineer Station 32+450; thence Easterly 65.569 meters along the arc of a 725.860-meter radius curve to the right (chord bears N. 76°41'06" E. 65.546 meters) along a line concentric with said center line; thence S. 0°02'16" W. (record: S. 0°21'51" E.) 3.054 meters to the point of beginning. The above described part of an entire tract contains 195.4 square meters in area.

(Note: To obtain distances in feet, divide above distances by 0.3048. Multiply above area by 10.764 to obtain square feet.)

The Owners, by consent of the Utah Department of Transportation, shall have the right to lessen but not increase the vertical distance or grade of said slope.

After said cut and/or fill slopes and appurtenant parts thereof are constructed on the above described part of an entire tract at the expense of the Utah Department of Transportation, said Utah Department of Transportation is thereafter relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said cut and/or fill slopes and appurtenant parts thereof.

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HIGHWAY PROJECT NO. SP-0154(8)0

Parcel No. 0154:28:3E

A perpetual easement, upon part of an entire tract of property, in the SE~~1~~⁴ of Section 1, T. 4 S., R. 1 W., S.L.B. & M., in Salt Lake County, Utah, for the purpose of constructing thereon cut and/or fill slopes and appurtenant parts thereof, to facilitate the construction of an expressway known as Project No. 0154. The boundaries of said part of an entire tract are described as follows:

Beginning at the intersection of the southerly highway right of way and no-access line of said project and the easterly boundary line of said entire tract, which point is 28.584 meters N. 89°58'03" W. (record: S. 89°37'14" W.) and 428.952 meters S. 0°02'16" W. (record: S. 0°21'51" E.) from the North Quarter corner of said Section 1; thence S. 0°02'16" W. (record: S. 0°21'51" E.) 8.167 meters to a point 30.860 meters radially distant southerly from the center line of said project, opposite Engineer Station 32+501.934; thence Westerly 40.085 meters along the arc of a 669.140-meter radius curve to the left (chord bears S. 76°37'55" W. 40.079 meters) along a line concentric with said center line; thence N. 15°05'04" W. 8.000 meters to said highway right of way and no-access line; thence Easterly 42.219 meters along the arc of a 677.140-meter radius curve to the right (chord bears N. 76°42'07" E. 42.212 meters) along said highway right of way and no-access line to the point of beginning. The above described part of an entire tract contains 329.2 square meters in area.

(Note: To obtain distances in feet, divide above distances by 0.3048. Multiply above area by 10.764 to obtain square feet.)

The Owners, by consent of the Utah Department of Transportation, shall have the right to lessen but not increase the vertical distance or grade of said slope.

After said cut and/or fill slopes and appurtenant parts thereof are constructed on the above described part of an entire tract at the expense of the Utah Department of Transportation, said Utah Department of Transportation is thereafter relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said cut and/or fill slopes and appurtenant parts thereof.

BK7718PG1510

HIGHWAY PROJECT NO. SP-0154(8)0

Parcel No. 0154:28:4E

A perpetual easement, upon part of an entire tract of property, in the NE~~1~~NW~~4~~ of Section 1, T. 4 S., R. 1 W., S.L.B. & M., in Salt Lake County, Utah, for the purpose of constructing and maintaining thereon a storm drainage pipeline and appurtenant parts thereof, to facilitate the construction of an expressway known as Project No. 0154. The boundaries of said part of an entire tract are described as follows:

Beginning at the intersection of the southerly highway right of way line of 13490 South Street of said project and the easterly boundary line of said entire tract, which point is 28.584 meters N. 89°37'14" W. (record: S. 89°37'14" W.) along the section line and 191.447 meters S. 0°02'16" W. (record: S. 0°21'51" W. from the North Quarter corner of said Section 1; thence S. 0°02'16" W. (record: S. 0°21'51" E.) 187.889 meters along said easterly boundary line; thence Westerly 17.346 meters along the arc of a 725.860-meter radius curve to the left (chord bears S. 78°35'18" W. 17.345 meters); thence N. 0°02'16" E. 191.332 meters to said southerly highway right of way line; thence S. 89°49'22" E. 17.000 meters along said highway right of way line to the point of beginning. The above described part of an entire tract contains 3222.8 square meters in area.

(Note: To obtain distances in feet, divide above distances by 0.3048. Multiply above area by 10.764 to obtain square feet.)

Parcel No. 0154:28:5E

Two temporary easements, upon parts of an entire tract of property, in the NE~~1~~NW~~4~~ of Section 1, T. 4 S., R. 1 W., S.L.B. & M., in Salt Lake County, Utah, for the purpose of constructing a storm drainage pipeline, and appurtenant parts thereof, to facilitate the construction of an expressway known as Project No. 0154. The boundaries of said part of an entire tract are described as follows:

Beginning at a point in the northerly highway right of way line of 13490 South Street of said project, which point is 28.584 meters N. 89°58'03" W. (record: S. 89°37'14" W.) along the section line and 169.501 meters S. 0°02'16" W. (record: 0°21'51" E.) and 21.000 meters N. 89°49'22" W. from the North Quarter corner of said Section 1, at a point opposite Engineer Station 10+385.688; thence N. 0°02'16" E. 15.556 meters; thence N. 61°18'57" W. 10.255 meters; thence S. 0°02'16" W. 20.451 meters to said northerly highway right of way line; thence S. 89°49'22" E. 9.000 meters along said highway right of way line to the point of beginning. The above described part of an entire tract contains 162.0 square meters in area.

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HIGHWAY PROJECT NO. SP-0154(8)0

Also: Beginning at a point in the southerly highway right of way line of 13490 South Street of said project, which point is 28.584 meters N. $89^{\circ}58'03''$ W. (record: S. $89^{\circ}37'14''$ W.) along the section line and 191.447 meters S. $0^{\circ}02'16''$ W. (record: S. $0^{\circ}21'51''$ E.) and 17.000 meters N. $89^{\circ}49'22''$ W. from the North Quarter corner of said Section 1, at a point opposite Engineer Station 10+389.741; thence S. $0^{\circ}02'16''$ W. 191.332 meters; thence Westerly 13.324 meters along the arc of a 725.860-meter radius curve to the left (chord bears S. $77^{\circ}22'40''$ W. 13.324 meters); thence N. $0^{\circ}02'16''$ E. 194.284 meters to said southerly highway right of way line; thence S. $89^{\circ}49'22''$ E. 13.000 meters along said highway right of way line to the point of beginning. The above described part of an entire tract contains 2506.2 square meters in area.

The combined area of the above described temporary easements is 2668.2 square meters in area.

(Note: To obtain distances in feet, divide above distances by 0.3048. Multiply above area by 10.764 to obtain square feet.)

The above easements shall expire upon the completion of the construction of said project or 5 years after the date of the execution of the within instrument, whichever first occurs.

After said storm drain and appurtenant parts thereof are constructed on the above described parts of an entire tract at the expense of the Utah Department of Transportation, said Utah Department of Transportation is thereafter relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said storm drain and appurtenant parts thereof.

Prepared by TLB February 28, 1997

BK7718PG1512

SYMBOLS USED ON RIGHT-OF-WAY MAPS

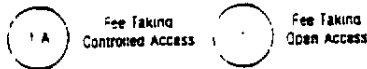
In controlled access projects, the full designation parcel number consists of three parts, separated by colons, shown in the summary in the following manner:

| Project No | Colon | Parcel No | Colon | Type |
|------------|-------|-----------|-------|------|
| 101-5 | : | | : | |

In open access highways, all type of conveyance designations will be used, EXCEPT the controlled access designation. A in this case, the full designating number consists of two parts, separated by a colon, shown in the following way in the summary:

| Project No | Colon | Parcel No |
|------------|-------|-----------|
| 101-5 | : | |

The balloon designation on the maps will consist of the parcel number and type of parcel number only depending on whether the project has controlled access or not.



Parcels on all projects will begin with number 1 and increase numerically to end of project. When additional parcels, easements, etc. are needed, they will be given parcel numbers corresponding with the numbers in that area of the map; but a letter symbol will be added to the parcel number indicating an additional taking. (EXAMPLE: Parcel 22:A, additional takings in the area could be numbered 22B:A, 22D:A, etc.)

The letters A, C, E, I, L, M, O, Q, R, S, T, and X will not be used as an integral part of the parcel number, but will be used singly or in combination, preceded by a colon, to designate the TYPE OF CONVEYANCE.

Type of Conveyance

- A to indicate controlled access, used on map and deed. Open access highways do not use a A designation.
- C to indicate City or County as Grantee, used on map and deed.
- E to indicate an easement, used on map and deed.
- I and O are not used to avoid confusion with numerals 1 and 0.
- L to indicate Lien (i.e., release of mortgage, sales contract, lease, etc.), used on DEED only, does not appear on map.
- M pertaining to materials (i.e., borrow, gravel, etc.), used on map and deed.
- R indicates Right-of-Way Deed (a perpetual easement), used on map and deed.
- S indicates a severed tract outside of Right-of-Way that is not a total taking, used on map and deed.
- T indicates the acquiring of all property (total tract) in a legal description and/or on the tax rolls, used on map and deed.
- ST indicates the severed portion of a total tract outside of the R/W, used on map and deed.
- X indicates Agreements (i.e., Railroads, County, City, Canal or Water Works, etc.), used on map and agreement.
- ASQ indicates a Quit Claim from the Transportation Commission for a severed tract, but the State retains access control, used on map and deed.
- AX indicates the State acquires access control on parcels covered by the agreement, used on map and agreement.
- SO indicates a Quit Claim from the Transportation Commission for a severed tract, used on map and deed.
- TQ indicates a Quit Claim from the Transportation Commission for a total tract, used on map and deed.
- Blank indicates no conveyance access on PARCEL, used on controlled and open access projects. Used on map and deed.
- 1A, 1A2, 1A3, etc., designates additional tracts with the same parcel number, used on map and deed.
- A1, A2, A3, etc., designates interested parties in the same parcel, used on DEED only, does not appear on map.

Definitions

| | |
|----------|---|
| N/A | indicates a No-Access Line |
| L/A | indicates a Limited-Access Line |
| R/W | indicates a Right-of-Way Line |
| R R, R/W | indicates a Railroad Right-of-Way Line |
| C/L or C | indicates a Center Line of Road or Traffic Lane |
| P/L or P | indicates a Property Line |
| HWY | indicates Highway |

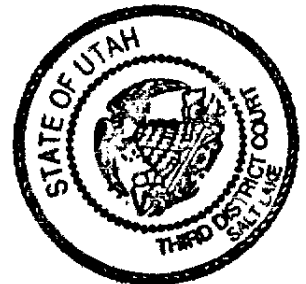
Line Symbols

| | |
|--|--|
| | Parcel Line |
| | Line symbol indicates only Access Control, type of control will be indicated by L/A, N/A or Existing L/A, Existing N/A; also, indicates CLOSED STREET. |
| | L/A, N/A or Existing L/A, Existing N/A as parcel lines; also, CLOSED STREET. |
| | R/W or Existing R/W Line. |
| | R/W or Existing R/W Line as a parcel line. |
| | R R, R/W Line |
| | R R, R/W Line as a parcel line. |
| | Property or Lot Line. |
| | Property or Lot Line as a parcel line. |
| | Property Fence. |
| | Property Fence as a parcel line |
| | 40 ACRE LINE |
| | 1/4 SECTION LINE |
| | SECTION or BLOCK LINE |
| | RANGE or TOWNSHIP LINE |
| | ACCESS OPENING in Limited-Access Line. |

-245

-250

CENTER LINE



I CERTIFY THAT THIS IS A TRUE COPY OF AN ORIGINAL DOCUMENT ON FILE IN THE THIRD DISTRICT COURT, SALT LAKE COUNTY, STATE OF UTAH.

DATE:

July 12, 1997

DEPUTY COURT CLERK