

**FILED DISTRICT COURT**  
Third Judicial District

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MAY 27 1998  
SALT LAKE COUNTY  
By \_\_\_\_\_ Deputy Clerk

IN THE THIRD DISTRICT COURT OF SALT LAKE COUNTY  
STATE OF UTAH

7367544

BEVERLY JBAILAT,  
Plaintiff,

vs.

HEIRS OF DONA McMILLAN,  
Defendants.

o ORDER DETERMINING HEIRS AND ORDER  
o ORDER ESTABLISHING EASEMENT FOR INGRESS  
o AND EGRESS

o Civil No. 980911159  
o Judge Stephen L. Henroid

That the Heirs of Dona McMillan have been served by publication pursuant to order of the court. That no heirs have filed any answer or other responsive pleading in the time allowed and the default of the heirs of Dona McMillan has been entered. That plaintiff attempted to personally serve a Robert M. Green the informant on the death certificate dated November 6, 1991 for Dona McMillan. Robert M. Green identified himself as the son of Dona McMillan and listed his address in Tacoma, Washington. That the return of service stated that Mr. Green had not resided at the listed address for at least five years and he could not be located for personal service. Therefore, it appears that Robert M. Green is the only identified heir of Dona McMillan and he could not be personally served. That based on attempted personal service and service by publication it is determined that Robert M. Green is the heir of Dona McMillan and his default has been duly entered. That all other persons who claim to be the heir of Dona McMillan are forever barred as the heirs have been determined.

BK8281PG0723

That Beverly M. Jbailat, her heirs, assignees, grantees, invitees, licensees and lessees and owners of the dominant tenement located in Salt Lake County, State of Utah and more particularly described as Commencing 738 feet east and 75.42 rods north from the south 1/4 corner of section 11, township 1 south, range 1 west, Salt Lake Meridian and running thence north 73.425 feet, west 100 feet, south 73.425 feet, east 100 feet, south 73.425 feet, east 100 feet to the beginning, or any part thereof are awarded a prescriptive easement for ingress and egress that shall run with the land forever. That plaintiff and her predecessors in interest have used the land of the servient tenement, hereinafter described, for ingress and egress to the land described as the dominant tenement notoriously, openly and adversely for more than twenty years.

That the use of the servient tenement as an easement for ingress and egress for the benefit of the dominant tenement was reasonably necessary and was intended as a roadway when Dona McMillan divided her land into separate parcels, one of which was ultimately owned by plaintiff. The use of the servient tenement as a roadway has been continuous and its use as a roadway was apparent, obvious and visible at the time of the severances and was used as such by plaintiff and her predecessors. As Dona McMillan intended to create an easement for ingress and egress; plaintiff is awarded an easement by implication, which easement shall run with the land forever to benefit the dominant tenement and the heirs, assignees, grantees, invitees, licensees, lessees and subsequent owners of the dominant tenement presently owned by Beverly M. Jbailat.

That at one time the dominant tenement and the servient tenement were one parcel. That the only access to the dominant tenement owed by plaintiff is across the servient tenement. That at one time the dominant tenement could be accessed to Fremont Street,

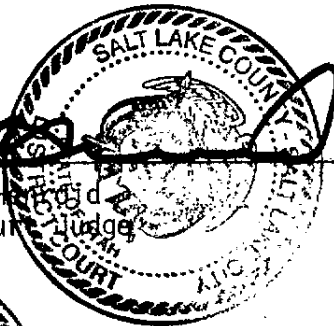
this access has been blocked for many years prior to the time that plaintiff acquired ownership of the dominant tenement. Therefore, an easement by necessity is awarded for ingress and egress for the benefit of the dominant tenement and across the servient tenement. This easement shall run with the land forever for the benefit of Beverly M. Jbailat, her heirs, assigns, grantess, invitees, licensees, lessees and subsequent owners of the dominant tenement.

That all of the land described in Exhibit A as the servient tenement is a roadway and an easement for ingress and egress to and from the dominant tenement and for the benefit of the dominant tenement, which servient tenement is located in Salt Lake County, State of Utah and more particularly described in Exhibit A, which is attached hereto and made a part of this order.

Ordered this 27 day of May, 1999.

*Signature*

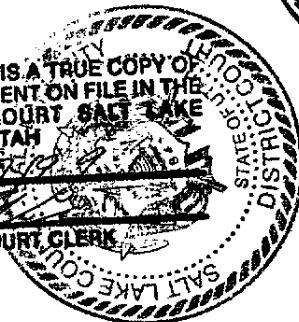
Stephen L. H...  
District Court Judge



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

*Signature*  
DEPUTY COURT CLERK



MTC File No. 62685-AB  
LEGAL DESCRIPTION

Exhibit "A"

Beginning at a point 79.87 rods North and 50 rods East of the Southwest corner of the Southeast quarter of Section 11, Township 1 South, Range 1 West, Salt Lake Meridian; and running thence North 1 rod; thence West 130 feet; thence North 1 rod; thence West 183.5 feet; thence South 2 rods; thence East 19 rods to the place of beginning.

Also: Commencing 81.87 rods North and 695 feet East from the Southwest corner of the Southeast quarter of Section 11; and running thence North 105.93 feet; thence West 183.5 feet; thence South 105.93 feet; thence East 12 feet; thence North 93.93 feet; thence East 159.50 feet; thence South 93.93 feet; thence East 12 feet, to the place of beginning.

Less and Excepting:

A Parcel of land in fee, being part of an entire tract of property, in the Southwest Quarter Southeast Quarter and the Northwest Quarter Southeast Quarter of Section 11, Township 1 South, Range 1 West, Salt Lake Base and Meridian. The boundaries of said parcel of land are described as follows:

Beginning on the west boundary line of said entire tract at a point 1322.2 feet North and 463.07 feet East from the southwest corner of the Southeast Quarter of said Section 11; thence North 70.06 feet along said west boundary line; thence South 47 degrees 20' 14" East 119.42 feet to the south boundary line; of said entire tract; thence West 72.41 feet along said boundary line; thence South 44 degrees 00' West 24 feet to the northeasterly bank of the Jordan River; thence Northwesterly 15 feet along said Northeasterly bank to a point 25 feet South 34 degrees 00 West from the point of beginning; thence North 34 degrees 00' East 25 feet to the point of beginning.

7367544  
05/27/99 2:15 PM 19-00  
NANCY WORKMAN  
RECORDER, SALT LAKE COUNTY, UTAH  
ROGER TSCHANZ  
2400 W 7800 S STE 209A  
WEST JORDAN, UT 84084  
REC BY: R JORDAN , DEPUTY - WI

FILED AS RECEIVED  
CO. RECORDER

-POOR COPY-  
CO. RECORDER

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