FILED DISTRICT COURT Third in the District

JUN 19 2000

SALI LAKE COUNTY Deputy Clark

> 7678711 07/13/2000 04:26 PM 1 CORDER, SALT LAKE COUNTY, UTAH BY: RDJ, DEPUTY - WI 2 P.

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

GRANT FARRER,

Plaintiff.

ORDER

VS.

400-775-02-21

REYNOLDS BROTHERS, INC., R.M.R., LTD., ROBERT B. REYNOLDS, MICHELLE J. REYNOLDS, and JOHN DOES 1-10,

Defendants.

Civil No. 980903729

JUDGE FRANK G. NOEL

Defendants' Motion for Partial Summary Judgment having come on for hearing before the Honorable Frank G. Noel on Friday, June 2, 2000, and the Plaintiff being represented by his attorney, James A. McIntyre, and the Defendants, Reynolds Brothers, Inc., R.M.R., Ltd., Robert B. Reynolds, and Michelle J. Reynolds, being represented by their attorney, Dennis K. Poole, and the Court having heard the arguments of counsel and having considered the memoranda in support of and in opposition to such Motion for Partial Summary Judgment and having determined that there are no genuine issues of material fact, and for good cause appearing,

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1. Defendant R.M.R., Ltd., as successor by *mesne* conveyances to Contour Plaza, Ltd., currently holds an easement and right-of-way more particularly described as follows:

That certain right-of-way beginning at a point which is North 267.730 feet and East 1944.939 feet from the Southwest Corner of Section 20, Township 2 South, Range 1 East, Salt Lake Base and Meridian; thence North 00°01'40" West 154.746 feet; thence North 84°00'00" East 24.131 feet; thence South 00°01'40" East 145.313 feet; thence South 63°30'57" West 26.807 feet to the point of beginning.

Said easement is appurtenant to that real property described as Parcel A and contained in that certain Special Warranty Deed dated the 22nd day of November, 1995, and recorded December 8, 1995 as Entry No. 6231394 in the Official Records of the Salt Lake County Recorder at Book 7286 beginning at Page 1988, wherein Robert B. Reynolds and Michelle J. Reynolds are designated as Grantors and R.M.R., Ltd. is designated as Grantee.

- 2. Because the Defendant R.M.R., Ltd. has an enforceable easement and right-of-way, the claims of the Plaintiff contained in its Amended Complaint be and the same are hereby dismissed with prejudice.
- 3. The remaining claims of Defendant R.M.R. Ltd. as contained in its Second Claim and Third Claim for Relief are reserved for later determination.

ORDER DATED this ____ day of May, 2000.



