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CALLEEN B PESHELL, Recorder  
Tooele County Corporation  
For: GILLMAN RANCHING LLC

**JAMES R. BLACK & ASSOCIATES**  
JAMES R. BLACK (A0347)  
265 East 100 South, Suite 255  
Salt Lake City, UT 84101

**FILED DISTRICT COURT**  
Third Judicial District

JAN 25 2010

SALT LAKE COUNTY

By \_\_\_\_\_ *[Signature]*  
Deputy Clerk

**BLACKBURN & STOLL, LC**  
CHARLES M. BENNETT (A0283)  
257 East 200 South St., Suite 800  
Salt Lake City, Utah 84111-2142  
Telephone: (801) 521-7900

Attorneys for Siv Gillmor, Charles Gillmor, Jennifer Larsen, and Rebecca Campbell

**IN THE THIRD JUDICIAL DISTRICT COURT OF SALT LAKE COUNTY**

**STATE OF UTAH**

<p><b>IN THE MATTER OF THE ESTATE OF:</b></p> <p><b>EDWARD L. GILLMOR,</b></p> <p><b>Deceased.</b></p>	<p><b>PARTITION DECREE</b></p> <p><b>Case No. 923900120 ES</b></p> <p><b>Judge John Paul Kennedy</b></p>
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The above-entitled matter came on regularly for trial proceedings before the Honorable William H. Bohling and before the Honorable John Paul Kennedy as identified in the Court's docket. During all such proceedings, each party was present or represented by counsel.

The Court having considered all the evidence, arguments, and briefs submitted by the parties in these lengthy proceedings, being fully advised in the premises, hereby makes and enters the following Decree of Partition:

**GENERAL PROVISIONS AND DEFINITIONS**

Except as may be otherwise expressly stated herein, the following general provisions and definitions apply to all specific provisions of this Partition Decree:

**ENTRY NO. 00890964**

01/27/2010 11:42:03 AM B: 2018 P: 1862

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ALAN SPRIGGS, SUMMIT COUNTY RECORDER  
FEE 253.00 BY GILLMOR RANCHING LLC



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**1. Stipulation regarding Partition Lines.**

The parties determined that, in order to avoid future disputes between themselves, they would stipulate as to the partition lines established in this decree and certain other matters. They are filing their Stipulation (the "Partition Stipulation") with this Partition Decree.

**2. Court Approval of Stipulation.**

- a. Partition Lines:** The Court finds that the circumstances of this case make it appropriate for the Court to approve the Partition Stipulation and to incorporate its terms in the Court's Partition Decree. In particular, the Court finds that it should take all reasonable steps to minimize future disputes between the parties, particularly in light of the length, extent, and expense of the current litigation.
- b. Scope of Court's Order.** There are properties subject to this partition decree that will not have a partition line (the line between the Majority Heirs' property and the Minority Heirs' property). The possible relocation of a partition line can only occur in those properties that have a partition line. Some of the Court's awards of property in this Decree award a group of parcels (such as Chalk Creek, White's Basin, Morby Creek, etc.) ("Groupings") that are grouped together for purposes of the Partition Decree. If a party seeks relocation, modification, or reformation of a partition line made as part of a Grouping, the Court orders that the terms of this paragraph 2. shall apply by considering all property that is part of that Grouping. The following properties constitute either a single parcel subject to partition or a single Grouping of parcels subject to partition. They are numbered according to the paragraphs of the Partition Decree that applies to that

property (following “Partition of Real Estate, Water Rights, and Award and Conveyance of Easements” on page 7 of this Decree):

1. Whitehead North	2. Whitehead South	4. Baileys Coans	5. West Grazing Area
6. A.J. Kyser and Salt Pond	7. Section 31	8. West of Sewage Canal	9. Amos
10. Ambassador	11. Emigration Canyon	12. Tooele County No. 1	13. Tooele County No. 2
14. Tooele County No. 3	15. Tooele County No. 4	16. Tooele County No. 5 and Hansons	17. White’s Basin (also identified as 6 East in the 1981 Partition Decree)
18. Buck Pasture	19. Meadow Hayfield Property (in Chalk Creek)	20. Chalk Creek	21. Morby’s Creek
22. Sawmill	23. 7 <sup>th</sup> East Property	24. the “120”	25. Pace Meadow
26. Clark Ranch			

See also ¶13, page 7 below. Paragraph 3 of the partition addresses the division of certain water rights in Salt Lake County. It is therefore not subject to the terms of the parties’ stipulation.

**c. Limitations on Relocation, Modification, or Reformation of Partition Lines.**

Accordingly, the Court orders:

That the partition lines established in this decree shall not hereafter be subject to relocation, reformation, or modification in order to correct a mistake or error in the legal description, **unless** the party seeking relocation, reformation, or modification can establish that the alleged mistake or error caused an error greater than 5%. Thus, if the Majority Heirs seek a relocation, reformation, or modification of a partition line and they are entitled to 80% of the partitioned property, they must establish that the mistake or error caused that they received less than 75% of the partitioned property. Likewise, if the Minority Heirs seek a relocation, reformation, or modification of a partition line and they are entitled to 20% of the partitioned property, they must establish that the mistake or error caused that they received less than 15% of the partitioned property; and

That this paragraph 2 applies regardless of the nature of the claimed mistake or error, including without limitation, an error based upon an incorrect assumption as to the size or acreage of a parcel subject to this partition decree, or an error based upon an incorrect assumption as to the location of fence lines that may form boundary lines with properties owned by third parties.

- d. Relocation, Modification, or Reformation on Other Bases.** The provisions of this Paragraph 2 of the Court's Partition Decree shall not prevent any party from seeking relocation, reformation, or modification of boundary lines on that party's property that do not affect the partition lines. Where an error has been made in the description of the Section number, the Township number or direction, or the Range number or direction, any correction of these errors shall not affect the partition lines as contemplated by this Paragraph 2 of the Court's Partition decree. Such errors may be corrected.
- e. Modification or Reformation by Mutual Consent.** Notwithstanding paragraph 2.c. above, the Court authorizes the parties and their successors in interest to modify or reform any partition line, or any other aspect of the partition, by mutual written consent recorded with the County Recorder's Office for the County where the particular property is located. No party nor any successor in interest shall be under any duty to modify the Partition Decree.
- f. Fence Lines.** Pursuant to the Court's "Order Regarding Partition Fences," dated April 7, 2008, the Court ruled that the fences built on the partition lines would not constitute the legal boundaries of the properties partitioned so that the doctrine of boundary by acquiescence would not apply to the properties upon which partition fences have been or may in the future be built. The parties have stipulated the Court may reverse

this portion of the Court's April 7, 2008 Order. The Court agrees that it should do so. Thus, while the legal descriptions identified in this Partition Decree set the legal boundaries of the partitioned properties, all fences built on partition lines now or in the future shall be subject to the doctrine of boundary by acquiescence.

3. **"Minority Heirs"** mean Edward L. Gillmor, Jr. and Bonnie Billings. Unless otherwise specifically stated in this Decree, all properties and interests awarded to the Minority Heirs pursuant to this Decree are awarded to Edward L. Gillmor, Jr., as to an undivided 50.0% interest, and to Bonnie Billings, as to an undivided 50.0% interest, as tenants in common. The term **Minority Heirs** shall include each of the heirs acting individually or jointly.

4. **"Majority Heirs"** mean Siv Gillmor, Charles F. Gillmor, Jennifer Gillmor, and Rebecca Gillmor. The interests of the Majority Heirs shall be:

- a. Siv Gillmor, as to an undivided 62.5% interest;
- b. Charles F. Gillmor, as to an undivided 12.5% interest;
- c. Jennifer Gillmor as to an undivided 12.5% interest; and
- d. Rebecca Gillmor, as to an undivided 12.5% interest;

with each Majority Heir taking his or her respective share of each parcel as a tenant in common.

The term **Majority Heirs** shall include each of the heirs acting individually or jointly.

5. **"Heir"** means and refers to each of the Minority Heirs and each of the Majority Heirs acting individually or jointly.

6. **Easements Generally.** In addition to easements created and awarded pursuant to this Partition Decree, the Court is conveying certain existing easements to the parties in this Partition Decree. The existing easements conveyed herein were created as part of 1981 Partition Decree.

In addition, except for easements expressly created and awarded herein, the Court is creating no additional easements against any partitioned property.

**7. Water Rights and Water Shares.** Where the Court specifically decrees ownership of water rights or water shares (of any kind or nature), the decree shall control the ownership of those water rights and water shares. Where the Court does not decree ownership of water rights or water shares, those rights, if any, shall run with the partitioned parcel.

**8. Easement for use of the Water Rights and Shares.** Where the Court awards water rights or water shares (of any kind or nature) to the parties, the parties are also awarded the right to use existing ditches, pipeline, flumes, and diversion facilities as reasonably needed and unless otherwise provided herein.

**9. Right Reasonably to Change Delivery of Water.** In all cases involving water rights and water shares (of any kind or nature), the Court grants the owners of the servient parcel for each easement, existing ditch, pipeline, flume, or diversion facility the right to change the location of any such easement, existing ditch, pipeline, flume, or diversion facility on their servient property, so long as the parties benefitting from the former location are not prejudiced in exercising their water rights and water shares awarded in this Decree.

**10. Use of Unfenced Tooele County Properties.** If either the Minority Heirs or Majority Heirs choose to use any of the Tooele County properties for livestock grazing, the party so choosing shall be responsible for the erection of the partition fence on the property to be used prior to its use. The partition fence shall be adequate to restrain the type of livestock that the party intends to graze on that party's Tooele County property.

**11. Antelope Island Road and Duck Club Road Easements.** The Antelope Island Road and Duck Club Road easements have been modified by the Final Order of Condemnation in Case No. 920905155, Third District Court for Salt Lake County, State of Utah. The rights of the parties to the use of these easements shall accord with the terms of easements as set forth in said order.

**12. BLM Permits.** The Court awards the rights under the BLM permits owned by Gillmor Livestock Company or the Estate on the basis of 80% to the Majority Heirs and 20% to the Minority Heirs. The parties shall cooperate in transferring the BLM permits pursuant to this award.

**13. Undivided Interests in Duck Clubs.** The Estate owns a 1/8 undivided interest in the "Ambassador Duck Club," located at 7801 West 3701 North and a 1/6 undivided interest in the "Utah Duck Club." The Court awards 80% of the Estate's undivided interest in each Duck Club to the Majority Heirs, and it awards 20% of the Estate's interest to the Minority Heirs. The Court orders the parties to cooperate in transferring the Estate's interests pursuant to this award.

**14. Successors in Interest.** The rights and benefits of the Court's awards in this Decree as well as the duties imposed pursuant to the Court's awards herein shall be binding upon the parties, their heirs, their assigns, and their successors in interest.

**PARTITION OF REAL ESTATE, WATER RIGHTS, AND AWARD AND  
CONVEYANCE OF EASEMENTS**

The Court partitions the following parcels of real property, together with the associated water rights and water shares and any associated rights of ways and easements, to the Majority Heirs and the Minority Heirs as set forth below. As identified below some of the property is

owned by the Estate of Edward L. Gillmor (the "Estate"), some is owned by Gillmor Livestock Company ("GL"), and some is owned the Gillmor Family Limited Partnership ("LP").

### **Salt Lake County Properties**

#### **1. Whitehead North.**

The Court partitions in kind the Estate's property commonly known as Whitehead North 80% to the Majority Heirs and 20% to the Minority Heirs as follows:

**a. Sources used in Preparing Whitehead North Legal Descriptions.** In preparing the legal descriptions for Whitehead North, the Court relied in part on:

i. That certain Partition Decree entered on February 14, 1981 in Case No. 223998, Third District Court for Salt Lake County, State of Utah, and recorded as Entry No. 3837774 in the Salt Lake County Recorder's Office on August 30, 1983, as amended by Order dated March 8, 1983, and recorded as Entry No. 3837773 in the Salt Lake County Recorder's Office on August 30, 1983 (hereafter described as the "1981 Partition Decree"); and

ii. That certain ALTA/ASCM Land Title Survey of adjoining property prepared by John Jay Bollwinkel, as filed in the office of the Salt Lake County Surveyor, file number S2006-11-0868.

**b. Whitehead North Awarded to Majority Heirs.** The Court awards to the Majority Heirs the following described property located in Section 22, Township 1 North, Range 2 West, Salt Lake Base and Meridian, in Salt Lake County, State of Utah:

Commencing at Salt Lake County brass cap monument marking the West Quarter Corner of said Section 22; thence North 89°53'15" East along the east-west center Section line, a distance of 1323.84 feet, being the Point of Beginning; thence



North 89°53'15" East, a distance of 2648.05 feet along said east-west center Section line; thence South 00°02'54" West, a distance of 527.87 feet; thence South 89°53'11" West, a distance of 2647.89 feet; thence North 00°01'52" East, a distance of 527.92 feet to the Point of Beginning.

Containing 32.090 acres, more or less; part of Parcel No. 07-22-300-003.

**c. Whitehead North Awarded to Minority Heirs.** The Court awards to the Minority Heirs the following described property located in Section 22, Township 1 North, Range 2 West, Salt Lake Base and Meridian, in Salt Lake County:

Commencing at Salt Lake County brass cap monument marking the West Quarter Corner of said Section 22; thence North 89°53'15" East along the east-west center Section line, a distance of 1323.84 feet; thence South 00°01'52" West, a distance of 527.92 feet, being the Point of Beginning; thence North 89°53'11" East, a distance of 2647.89 feet; thence South 00°02'54" West, a distance of 131.98 feet; thence South 89°53'11" West, a distance of 2647.85 feet; thence North 00°01'52" East, a distance of 131.98 feet to the Point of Beginning.

Containing 8.023 acres, more or less; part of Parcel No. 07-22-300-003.

**2. Whitehead South.**

The Court partitions in kind the Estate's property commonly known as Whitehead South 80% to the Majority Heirs and 20% to the Minority Heirs as follows:

**a. Sources used in Preparing Whitehead South Legal Descriptions.** In preparing the legal descriptions for Whitehead South, the Court relied in part on the 1981 Partition Decree.

**b. Whitehead South Awarded to Majority Heirs.** The Court awards to the Majority Heirs the following described property located in the North Half of Section 27, Township 1 North, Range 2 West, Salt Lake Base and Meridian, in Salt Lake County, Utah:

The North 2112.00 feet of the Northwest Quarter and the North 2112 feet of the West Half of the Northeast Quarter of said Section, being 2112.00 feet perpendicularly distant from and parallel with the North Section line of said Section 27.

Containing 192 acres, more or less; part of Parcel No. 07-27-100-001.

**c. Whitehead South Awarded to Minority Heirs.** The Court awards to the Minority Heirs a parcel of property located in the North Half of Section 27, Township 1 North, Range 2 West, Salt Lake Base and Meridian, described as:

The Northwest Quarter and the West Half of the Northeast Quarter of Section 27, Township 1 North, Range 2 West, Salt Lake Base and Meridian,

**Less and excepting** that portion awarded herein to the Majority Heirs, more particularly described as:

The North 2112.00 feet of the Northwest Quarter and the North 2112.00 feet of the West Half of the Northeast Quarter of Section 27, Township 1 North, Range 2 West, Salt Lake Base and Meridian, being 2112.00 feet perpendicularly distant from and parallel with the North Section line of said Section 27.

Containing 48 acres, more or less; part of Parcel No. 07-27-100-001.

**3. Water Rights for Whitehead North and Whitehead South.**

**a. Water Rights Awarded to Majority Heirs.** The Court awards the following water rights (whether owned by the Estate or GL) to the Majority Heirs: Water User Claim Numbers: 59-3551, 59-3543, 59-3542, 59-3548, 59-3549 and 59-3547.

**b. Award re North Point Canal.** The Court awards the 25 shares (whether owned by the Estate or GL) in the North Point Canal by dividing them 80% to the Majority Heirs (20 shares) and 20% to the Minority Heirs (5 shares).

**c. Award of Rights of Way and Easement re Water Rights.** As to the Majority Heirs and the Minority Heirs, the Court grants both the Majority Heirs and the Minority Heirs the right to fill that certain sheep ditch which runs Northwesterly and westerly from a point where it crosses the Goggin Drain to a terminus near the Great Salt Lake, for stock water and to convey

water through the Harrison Duck Club and Northwesterly to the Great Salt Lake for stock water, during the fall, winter and spring seasons. The Court does not intend to impair any rights to use the said sheep ditch that currently exist across property owned by third parties.

d. **Easements to Whitehead North and Whitehead South.** The Court conveys all of the Estate's right, title, and interest in all existing easements over the Gun Club Road to the Majority Heirs and the Minority Heirs.

4. **Baileys – Coans Property.**

The Court partitions in kind the Estate's property commonly known as Bailey – Coans 80% to the Majority Heirs and 20% to the Minority Heirs as follows:

a. **Sources used in Preparing Baileys – Coans Legal Descriptions.** In preparing the legal descriptions for the Baileys – Coans property, the Court relied in part on:

i. The 1981 Partition Decree;

ii. That certain ALTA/ASCM Land Title Survey of adjoining property prepared by Dominion Engineering, as filed in the office of the Salt Lake County Surveyor, file number S2007-05-0455; and

iii. That certain Record of Survey of adjoining property prepared by Dominion Engineering, as filed in the office of the Salt Lake County Surveyor, file number S99-03-0221.

b. **Baileys – Coans Awarded to Majority Heirs.** The Court awards to the Majority Heirs four parcels of property located in Sections 23, 25, and 26, Township 1 North, Range 2 West, Salt Lake Base and Meridian, commonly known as the “Baileys – Coans” property, and more particularly described as:

**Parcel 1:** Beginning at the Southeast Corner of Section 23, Township 1 North, Range 2 West, Salt Lake Base and Meridian, and running thence West 1320 feet along the South line of said Section; thence North 1320 feet; thence South 45°00'00" East 1866.76 more or less to the Point of Beginning.

Containing 20 acres, more or less; Parcel No. 07-23-400-004.

**Parcel 2:** The East Half of the Northeast Quarter of the Northeast Quarter of Section 26, Township 1 North, Range 2 West, Salt Lake Base and Meridian.

Containing 20 acres, more or less; Parcel No. 07-26-200-001.

**Parcel No. 3:** The East 730.13 feet of Section 26, Township 1 North, Range 2 West, Salt Lake Base and Meridian,

**Less and excepting** that portion of the property more particularly described as:

The South 1284.23 feet of this legal description in Section 26, Township 1 North, Range 2 West, Salt Lake Base and Meridian, and

**Less and excepting** that portion of the property more particularly described as:

The East ½ of the Northeast ¼ of the Northeast ¼ of Section 26, Township 1 North, Range 2 West, Salt Lake Base and Meridian.

Part of Parcel No. 07-25-100-008.

**Parcel No. 4:** The West 2,357.44 feet of Section 25, Township 1 North, Range 2 West, Salt Lake Base and Meridian,

**Less and excepting** that portion of the property more particularly described as:

The South 1284.23 feet of this legal description in Section 25, Township 1 North, Range 2 West, Salt Lake Base and Meridian, and

**Less and excepting** that portion of property awarded to the Minority Heirs, more particularly described as:

Commencing at a Salt Lake County Survey Monument marking the South Quarter corner of Section 25, Township 1 North, Range 2 West, Salt Lake Base and Meridian; thence South 89°58'00" West,

a distance of 282.38 feet along the South line of said Section to the Southeast Corner of Watkins Industrial Park Subdivision, according to the official plat thereof recorded in the office of the Salt Lake County Recorder; thence North 00°00'51" East, a distance of 1284.17 feet along the East line of said subdivision to the Northeast Corner of said subdivision, said point being the Point of Beginning for this description; thence South 89°58'11" West, a distance of 662.35 feet along the North line of said subdivision; thence North 00°00'51" East, a distance of 3,988.93 feet to the North Section line of said Section 25; thence North 89°59'57" East, a distance of 662.35 feet along said North Section line; thence South 00°00'51" West, a distance of 3,988.59 feet to the Point of Beginning.

Containing in total 242.58 acres, more or less; Part of Parcel No. 07-25-100-008.

c. **Bailey – Coans Awarded to Minority Heirs.** The Court awards to the Minority Heirs a parcel of property located in Section 25, Township 1 North, Range 2 West, Salt Lake Base and Meridian, commonly known as the “Baileys – Coans” property, more particularly described as:

Commencing at a Salt Lake County Survey Monument marking the South Quarter Corner of said Section 25, Township 1 North, Range 2 West, Salt Lake Base and Meridian; thence 282.38 feet South 89°58'00" West along the South line of said Section to the Southeast Corner of Watkins Industrial Park Subdivision, according to the official plat thereof recorded in the office of the Salt Lake County Recorder; thence 1284.17 feet North 00°00'51" East along the East line of said subdivision to the Northeast Corner of said subdivision, said point being the POINT OF BEGINNING; thence South 89°58'11" West 662.35 feet along the North line of said subdivision; thence North 00°00'51" East 3,988.93 feet to the North Section line of said Section 25; thence North 89°59'57" East 662.35 feet along said North Section line; thence South 00°00'51" West 3,988.59 feet to the POINT OF BEGINNING .

Containing 60.650 acres, more or less; Part of Parcel No. 07-25-100-008.

d. **Easements.** The Court awards an easement and right of way over portions of Bailey – Coan’s as follows:

i. **Road over Minority Heirs' Property.** The Court grants the Majority Heirs an roadway and stock trail easement over the Bailey – Coan's property awarded to the Minority Heirs as more particularly described in the Court's Order filed on November 12, 2008 in this matter, entitled: "ORDER (New Road and Fence on the Bailey's Property)."

ii. **Reciprocal Stock Trail Easements.** The Court awards the Majority Heirs a stock trail easement over northernmost part of the Minority Heirs' part of the Bailey – Coan's property that lies South of the Goggin Drain. The Court awards the Minority Heirs a stock trail easement over northernmost part of the Majority Heir's part of the Bailey – Coan's property that lies South of the Goggin Drain.

5. **West Grazing Area.**

The Court partitions in kind the Estate's property commonly known as the West Grazing Area 80% to the Majority Heirs and 20% to the Minority Heirs as follows:

a. **Sources used in Preparing the West Grazing Area Legal Descriptions.** In preparing the legal descriptions for so-called West Grazing Area, the Court relied in part on:

i. The 1981 Partition Decree; and

ii. That certain conveyance of adjacent property to The Nadine Gillmor Family Trust, dated October 1, 2005, recorded as Entry number 9747416 on June 8, 2006 in the office of the Salt Lake County Recorder.

b. **West Grazing Awarded to Majority Heirs.** The Court awards the Majority Heirs two parcels of property located in Sections 8 and 9, Township 1 North, Range 2 West, Salt Lake Base and Meridian, more particularly described as:

**Parcel 1:** The Northeast Quarter, the South Half of the Southeast Quarter, and the East 104 acres of the West Half of Section 8, Township 1 North, Range 2 West, Salt Lake Base and Meridian.

**Parcel 2:** The South Quarter of Section 9, Township 1 North, Range 2 West, Salt Lake Base and Meridian,

**Less and excepting** that portion awarded herein to the Minority Heirs, more particularly described as:

Beginning at a point 396.00 feet West along the South Section line from the Southeast Corner of Section 9, Township 1 North, Range 2 West, Salt Lake Base and Meridian, the Point of Beginning for this description; thence West, a distance of 3,247.20 feet along the South Section line of said Section 9; thence North, a distance of 1320 feet more or less along a line parallel with the East line of the Southeast Quarter of the said Section to the North line of the South Quarter of said Section 9; thence East, a distance of 3,247.20 feet more or less along said North line; thence South, a distance of 1320 feet more or less to the POINT OF BEGINNING, and

**Less and excepting** that certain parcel conveyed to The Nadine Gillmor Family Trust, dated October 1, 2005, recorded as Entry number 9747416 on June 8, 2006 in the office of the Salt Lake County Recorder, more particularly described as:

The East 396 feet of Section 9, Township 1 North, Range 2 West, Salt Lake Base and Meridian,

Containing 393.60 acres, more or less; part of Parcel No. 07-08-400-005.

c. **West Grazing Awarded to Minority Heirs.** The Court awards to the Minority Heirs a parcel of property located in Section 9, Township 1 North, Range 2 West, Salt Lake Base and Meridian, more particularly described as:

Beginning at a point 396.00 feet West along the South Section line from the Southeast Corner of Section 9, Township 1 North, Range 2 West, Salt Lake Base and Meridian, the Point of Beginning for this description (said point being the southwest corner of that certain parcel conveyed to The Nadine Gillmor Family Trust, dated October 1, 2005, recorded as Entry number 9747416 on June 8, 2006 in the office of the Salt Lake County Recorder); thence West, a distance of 3,247.20 feet along the South Section line of said Section 9; thence North, a distance of 1320 feet more or less along a line parallel with the East line of the

Southeast Quarter of the said Section to the North line of the South Quarter of said Section 9; thence East, a distance of 3,247.20 feet more or less along said North line; thence South, a distance of 1320 feet more or less to the POINT OF BEGINNING.

Containing 98.40 acres, more or less; Parcel No. 07-09-400-003 and a portion of parcel 07-08-400-005.

**d. Water Rights Awarded to the Majority Heirs.** The Court awards the following water rights to the Majority Heirs: Water User Claim Nos. 59-3476, 59-3477, 59-2716.

**e. Existing Easements.** The Court conveys to the Majority Heirs and the Minority Heirs all of the estate's right, title, and interest in five roadway and stock trail easements more particularly described as:

**Roadway and Stock Trail Easement 1.** Twenty five feet on each side of a center line described as follows: Beginning at a point on an existing road on the East Section line of Section 16, Township 1 North, Range 2 West, Salt Lake Base and Meridian which point is approximately 1650 feet South of the Northwest Corner of said Section 16; thence along said road approximately North 78° West approximately 1200 feet; thence along said road approximately North 66° West approximately 1500 feet to the north-South center line of said Section 16.

**Roadway and Stock Trail Easement 2.** Twenty five feet on each side of a center line described as follows: Beginning at a point on an existing road (the Antelope Island Road) on the East Section line of Section 18, Township 1 North, Range 2 West, Salt Lake Base and Meridian, which point is approximately 400 feet South from the Northeast Corner of said Section 18, thence following an existing road westerly approximately 8300 feet to the shore of the Great Salt Lake.

**Roadway and Stock Trail Easement 3.** Twenty five feet on each side of a center line described as follows: Beginning at a point 25 feet East of the north-South center line of Section 16, Township 1 North, Range 2 West, Salt Lake Base and Meridian, on an existing road which is approximately 800 feet South of the North Section line of said Section 16; thence North approximately 825 feet to a point 25 feet North of the North Section line of said Section 16; thence West parallel to and 25 feet North of said Section line approximately 7945 feet to a point 25 feet West of the East Section line of Section 7, Township 1 North, Range 2 West, Salt Lake Base and Meridian; thence South parallel to and 25 feet West of



the Section line approximately 425 feet to an existing road (the Antelope Island Road).

**Roadway and Stock Trail Easement 4.** Twenty five feet each side of a center line described as follows: Along the center of an existing road beginning at a point on the East West center line of Section 22, Township 1 North, Range 2 West, Salt Lake Base and Meridian, which is approximately 1600 feet West of the East Quarter corner of said Section 22; thence northerly along said existing road approximately 1300 feet; thence following the existing road approximately 3500 feet approximately North 15° East; thence along said existing road approximately 500 feet approximately North 57° East; thence along said existing road approximately 1500 feet approximately North 22° East to the North line of Southwest Quarter of the Northwest Quarter of Section 14, Township 1 North, Range 2 West, Salt Lake Base and Meridian.

**Roadway and Stock Trail Easement 5.** The Antelope Island Road. Beginning at a junction with the road described in "Roadway and Stock Trail Easement 4" above, near the South line of Section 15, Township 1 North, Range 2 West, approximately 1400 feet West of the Southeast Corner of said Section 15; thence approximately North 46° West approximately 3400 feet to the West line of the Northeast Quarter of the Southwest Quarter of said Section 15.

6. **A.J. Kyser and Salt Pond.**

The Court partitions in kind the Estate's property commonly known as A.J. Kyser and Salt Pond 80% to the Majority Heirs and 20% to the Minority Heirs as follows:

a. **Sources Used in Preparing Legal Descriptions for A.J. Kyser and Salt Pond.**

In preparing the legal descriptions for the A.J. Kyser and Salt Pond properties, the Court relied in part on the 1981 Partition Decree.

b. **A.J. Kyser and Salt Pond Properties Awarded to the Majority Heirs.** The Court awards the Majority Heirs two parcels of property located in Section 7, Township 1 North, Range 2 West, and Sections 13, Township 1 North, Range 3 West, Salt Lake Base and Meridian and more particularly described as:

**Parcel 1:** The Southwest Quarter of Section 7, Township 1 North, Range 2 West, Salt Lake Base and Meridian. (Containing 159.25 acres, more or less.)

**Parcel 2:** The North 397.65 feet of the Southeast Quarter and the South 2059.53 feet of the East Half of the Northeast Quarter of Section 13, Township 1 North, Range 3 West, Salt Lake Base and Meridian. (Containing 86.51 acres, more or less.)

Containing in total 245.76 acres, more or less; Parcel No. 07-07-300-001 and a portion of Parcel No. 06-13-200-002.

c. **A.J. Kyser and Salt Pond Properties Awarded to the Minority Heirs.** The Court awards the Minority Heirs two parcels of property located in the Southeast Quarter of Section 12 and in the Northeast Quarter of Section 13, Township 1 North, Range 3 West, Salt Lake Base and Meridian:

**Parcel 1:** The South 814.00 feet of Lot 4 of Section 12, and the South 814.00 feet of the Southeast Quarter of the Southeast Quarter of Section 12, Township 1 North, Range 3 West, Salt Lake Base and Meridian, and

**Parcel 2:** The East Half of the Northeast Quarter of Section 13, Township 1 North, Range 3 West, Salt Lake Base and Meridian,

**Less and excepting** that portion awarded herein to the Majority Heirs, more particularly described as:

The South 2059.53 feet of the East Half of the Northeast Quarter of Section 13, Township 1 North, Range 3 West, Salt Lake Base and Meridian.

Based on County Plat, containing in total 61.44 acres, more or less; Based on metes and bounds, containing in total approximately 70 acres, more or less; Part of Parcel No. 06-13-200-002.

d. **Existing Easements.** The Court conveys to the Majority Heirs and the Minority Heirs all of the estate's right, title, and interest in two roadway and stock trail easements more particularly described as:

**Roadway and Stock Trail Easement 1.** Twenty five feet each side of a center line described as follows: Beginning at a point on the Antelope Island Road 25 feet West of the East Section line of Section 13, Township 1 North, Range 3 West, Salt Lake Base and Meridian, and approximately 300 feet South of the North Section line of said Section 13, thence North parallel to and 25 feet West of the East Section line to a point 814 feet more or less, but reaching a line 814 feet North of and parallel to the South Section line of Section 12, Township 1 North, Range 3 West, Salt Lake Base and Meridian (also described as the "south line of Parcel 3" on page 9 of the 1981 Partition Decree).

**Roadway and Stock Trail Easement 2.** Beginning at a point on the Antelope Island Road 25 feet West of the East Section line of Section 13, Township 1 North, Range 3 West, Salt Lake Base and Meridian and approximately 300 feet South of the North Section line of said Section 13, thence South parallel to and 25 feet West of the East Section line of said Section 13 approximately 2417 feet, more or less but reaching the "north side of parcel 1" as described on page 8 of the 1981 Partition Decree, a point approximately 398 feet South of the east-West center line of said Section 13.

**7. Section 31.**

The Court partitions in kind the Estate's property commonly known as the Section 31 property 80% to the Majority Heirs and 20% to the Minority Heirs as follows:

a. **Sources Used in Preparing Legal Descriptions for Section 31.** In preparing the legal descriptions for the Section 31 property, the Court relied in part on the 1981 Partition Decree.

b. **Section 31 Property awarded to the Majority Heirs.** The Court awards the Majority Heirs a parcel of property located in Section 31, Township 2 North, Range 1 West, Salt Lake Base and Meridian, more particularly described as:

The South Quarter of Section 31, Township 2 North, Range 1 West, Salt Lake Base and Meridian,

**Less and excepting** that portion awarded to the Majority Heirs, more particularly described as:

BEGINNING at the Southeast Corner of Section 31, Township 2 North, Range 1 West, Salt Lake Base and Meridian; thence West, a distance of 1053.00 feet along the South line of the Southeast Quarter of said Section 31; thence North, a distance of 1320 feet more or less along a line parallel with the East line of the Southeast Quarter of said Section to the North line of the South Quarter of said Section 31; thence East, a distance of 1053.00 feet more or less along said North line to the East line of the Southeast Quarter of said Section; thence South, a distance of 1320 feet more or less along said East Section line to the POINT OF BEGINNING.

Containing 127.74 acres, more or less; part of Parcel No. 03-31-300-002.

c. **Section 31 Property awarded to the Minority Heirs.** The Court awards the Minority Heirs a parcel of property located in Section 31, Township 2 North, Range 1 West, Salt Lake Base and Meridian, more particularly described as:

Beginning at the Southeast Corner of Section 31, Township 2 North, Range 1 West, Salt Lake Base and Meridian; thence West, a distance of 1053.00 feet along the South line of the Southeast Quarter of said Section 31; thence North, a distance of 1320 feet more or less along a line parallel with the East line of the Southeast Quarter of said Section to the North line of the South Quarter of said Section 31; thence East, a distance of 1053.00 feet more or less along said North line to the East line of the Southeast Quarter of said Section; thence South, a distance of 1320 feet more or less along said East Section line to the POINT OF BEGINNING.

Containing 31.91 acres, more or less; part of Parcel No. 03-31-300-002.

d. **Additional Rights of Minority Heirs.** Pursuant to the Court's Order filed on August 16, 2007, entitled: "Order on Recommendation of Referee on Grazing Rights to be Awarded to Minority Heirs," the Minority Heirs shall have certain additional, limited rights regarding the Majority Heirs' portion of Section 31 as described in that Order.

e. **Water User Claims.** The Court awards the Majority Heirs the water rights identified as follows: One Quarter of the stock water right represented by Water User Claim

Numbers 59-3430, 59-3374, and 59-3375, together with irrigation water for the benefit of 29.6 acres.

**f. Easements.**

**i. Award to Minority Heirs.** The Court awards the Minority Heirs a roadway and stock trail easement to their portion of Section 31 property via the access road through the Majority Heirs' portion of the West of Sewage Canal property identified herein along that road as it traverses the Majority Heirs' West of Sewage Canal property. *See* description of this easement in the West of Sewage Canal paragraph below. In addition, the Court awards the Minority Heirs a roadway and stock trail easement from the point where an existing road crosses the South Section line of the Section 31 property approximately 1400 feet East of the Southwest Corner of Section 31; running East along the South Section line of Section 31 to the Minority Heirs' portion of the Section 31 property.

**ii. Existing Easement.** The Court conveys to the Majority Heirs and the Minority Heirs all of the estate's right, title, and interest in a roadway and stock trail easement more particularly described as:

Twenty five feet each side of a line described as follows:  
Beginning at a point on an existing road on the South Section line of Section 31, Township 2 North, Range 1 West, Salt Lake Base and Meridian, which point is approximately 1400 feet East of the Southwest Corner of said Section 31, thence following the existing road northerly approximately 1 mile to the North Section line of said Section 31 at a point approximately 1700 feet East of the Northwest Corner of said Section 31.

**8. West of Sewage Canal.**

The Court partitions in kind the Estate's property commonly known as West of Sewage Canal as follows:

**a. Sources Used in Preparing Legal Descriptions for West of Sewage Canal.** In preparing the legal descriptions for the West of Sewage Canal property, the Court relied in part on:

**i.** The 1981 Partition Decree; and

**ii.** That certain Preliminary Plat for Parcel No. 08-05-400-001 located in Sections 4 and 5, Township 1 North, Range 1 West, Salt Lake Base and Meridian, prepared by Wade Wilde of High Mountain Surveying and dated April 1, 2008.

**b. Basis of Division.** Based on a stipulated Order entered on September 21, 2009 ("Order Re: Stipulation of Parties and Notice of Status Conference to be Held on September 24, 2009"), the Court approved the stipulation of the Majority and Minority Heirs to compute the acreage available for dividing the so-called West of Sewage Canal property as 152.56 acres. The Court further approved the stipulation of the Majority and Minority Heirs that the eastern boundary of the Minority Heirs property for purposes of this division shall be that line that begins 653.75 feet West of the West Quarter Corner of Section 4, Township 1 North, Range 1 West, Salt Lake Base and Meridian, and proceeds South, a distance of 1320 feet more or less to the southern boundary of the estate's property at that location.

**c. West of Sewage Canal Property awarded to the Majority Heirs.** The Court awards the Majority Heirs a parcel of land located in Section 5, Township 1 North, Range 1 West, Salt Lake Base and Meridian, more particularly described as:

The West Half of the Southeast Quarter, and the Northeast Quarter of the Southeast Quarter, and the South 210.54 feet of the Northeast Quarter of Section 5, Township 1 North, Range 1 West, Salt Lake Base and Meridian,

**Less and excepting** that portion of the property awarded to the Minority Heirs, more particularly described as:

Beginning at the East Quarter corner of Section 5, Township 1 North, Range 1 West, Salt Lake Base and Meridian; thence South 1320 feet more or less along the East Section line of said Section 5; thence West, a distance of 304.89 feet along the South boundary line of the Northeast Quarter of the Southeast Quarter of said Section 5; thence North, a distance of 1530.54 feet more or less to the southerly boundary line of the Simmons Media Subdivision, according to the official plat thereof, recorded as Entry No. 9926682 in the office of the Salt Lake County Recorder; thence East, a distance of 304.89 feet along said southerly boundary line to the Southeast Corner of said subdivision; thence South, a distance of 210.54 feet along the East Section line of Section 5 to the Point of Beginning.

Containing 122.05 acres, more or less; part of Parcel No. 08-05-400-001.

**d. West of Sewage Canal Property awarded to the Minority Heirs.** The Court awards the Minority Heirs two parcels of property located in Section 4 and 5, Township 1 North, Range 1 West, Salt Lake Base and Meridian, more particularly described as:

**Parcel 1:** Beginning at the West Quarter Corner of Section 4, Township 1 North, Range 1 West, Salt Lake Base and Meridian; thence East along the South line of Lot 5, of said Section 4, 653.75 feet more or less to the westerly property line of the Salt Lake City drainage canal; thence South 1320 feet more or less to the South line of Lot 10 of Section 4; thence West along said South line of Lot 10, 653.75 feet more or less to the West line of said Section; thence North 1320 feet more or less along said West line of said Section to the Point of Beginning.

**Parcel 2:** Beginning at the East Quarter corner of Section 5, Township 1 North, Range 1 West, Salt Lake Base and Meridian; thence South 1320 feet more or less along the East Section line of said Section 5; thence West, a distance of 304.89 feet along the South line of the Northeast Quarter of the Southeast Quarter of said Section 5; thence North, a distance of 1530.54 feet more or less to the southerly boundary line of the Simmons Media Subdivision, according to the official plat thereof, recorded as Entry No. 9926682

in the office of the Salt Lake County Recorder; thence East, a distance of 304.89 feet along said southerly boundary line to the Southeast Corner of said subdivision; thence South, a distance of 210.54 feet along the East Section line of Section 5 to the Point of Beginning.

Containing 30.51 acres, more or less; Part of Parcel No. 08-05-400-001.

**e. Easements.**

**i. Award to Minority Heirs.** The Court awards the Minority Heirs a roadway and stock trail easement over the existing road that begins at a point that is approximately 900 feet West of Southeast Corner of Section 5, Township 1 North, Range 1 West, Salt Lake Base and Meridian; thence following said road northerly and westerly approximately 900 feet to the East line of the Majority Heirs' West of Sewage Canal Property (constituting the point of beginning for this easement); thence along said road northerly and westerly approximately 2200 feet through the Majority Heirs' West of Sewage Canal property to the West line of the Majority Heirs' West of Sewage Canal Property; thence North along the said West line to the North line of the Majority Heirs' West of Sewage Canal Property; thence East along the said North line to the East line of the Majority Heirs West of Sewage Canal Property.

**ii. Existing Easements.** The Court conveys to the Majority Heirs and the Minority Heirs all of the estate's right, title, and interest in two roadway and stock trail easements more particularly described as:

**Roadway and Stock Trail Easement 1.** Twenty five feet each side of a line described as follows: Beginning at a point on an existing road on the South Section line of Section 5, Township 1 North, Range 1 West, Salt Lake Base and Meridian, which point is approximately 900 feet West of Southeast Corner of said



Section 5; thence following said road northerly and westerly approximately 3100 feet, to a point 25 feet East of the north-South center line and approximately 1500 feet North of the South Section line of said Section 5, thence North parallel to and 25 feet East of the north-South centerline to a point 3900 feet North of the east-West centerline of said Section 5.

**Roadway and Stock Trail Easement 2.** Twenty five feet each side of a line described follows: Beginning at a point on an existing road on the South Section line of Section 5, Township 1 North, Range 1 West, Salt Lake Base and Meridian, which point is approximately 900 feet West of the Southeast Corner of said Section 5, thence following said road northerly and westerly approximately 1500 feet to the point where said existing road enters the property described herein as the West of Sewage Canal.

9. **Amos.**

The Court partitions in kind the Estate's property commonly known as Amos as follows:

a. **Sources Used in Preparing Legal Descriptions for the Amos Property.** In preparing the legal descriptions for the Amos property, the Court relied in part on the 1981 Partition Decree.

b. **Basis of Award.** The property commonly known as "Amos" consists of two parcels that are divided by Interstate Highway I-215. Rather than awarding the property on the basis of a 80/20 division, pursuant to the parties' stipulation, the Court awards the larger parcel to the West of I-215 to the Majority Heirs and the smaller parcel to the East of I-215 to the Minority Heirs.

c. **Amos Property Awarded to the Majority Heirs.** The Court awards the Majority Heirs a parcel of land located in Section 22, Township 1 North, Range 1 West, Salt Lake Base and Meridian, more particularly described as:

Beginning South, a distance of 1184.15 feet, and West, a distance of 809.65 feet from the Northwest Corner of Section 22, Township 1 North, Range 1 West, Salt Lake Base and Meridian, this point constituting the Point of Beginning for this

description; thence East, a distance of 557.88 feet; thence South 0°45'11" East, a distance of 207.31 feet; thence West, a distance of 560.63 feet; thence North, a distance of 207.30 feet to the Point of Beginning.

Containing 2.66 acres, more or less; Parcel No. 0821226018.

**d. Amos Property awarded to the Minority Heirs.**

Commencing South, a distance of 1391.45 feet and East, a distance of 154.50 feet from the Northwest Corner of Section 22, Township 1 North, Range 1 West, Salt Lake Base and Meridian, said point constituting the Point of Beginning for this description; thence North, a distance of 127.91 feet; thence East, a distance of 289.46 feet; thence South, a distance of 127.91 feet; thence West, a distance of 289.48 feet to the Point of Beginning.

Containing 0.85 acre; Parcel No. 0822100017.

**e. Water Rights.** The Court awards the water rights in the Jordan River 80% to the Majority Heirs and 20% to the Minority Heirs. The Court awards the Estate's one Quarter interest in Water User Claim Numbers 59-3340, 59-3338 and 59-3339 as follows: 80% to the Majority Heirs and 20% to the Minority Heirs.

**f. Existing Easement.** The Court conveys to the Majority Heirs and the Minority Heirs all of the estate's right, title, and interest in a roadway and stock trail easement more particularly described as:

Beginning south, a distance of 556.05 feet, and west, a distance of 809.65 feet from the Northwest Corner of Section 22, Township 1 North, Range 1 West, Salt Lake Base and Meridian; thence west, a distance of 74.75 feet; thence South a distance of 760.65 feet; thence west, a distance of 435.60 feet; thence south, a distance of 74.75 feet; thence east, a distance of 510.35 feet; thence north, a distance of 835.40 feet to the point of beginning.

**10. Ambassador.**

The Court partitions in kind the Estate's property commonly known as Ambassador 80% to the Majority Heirs and 20% to the Minority Heirs as follows:

a. **Sources Used in Preparing Legal Descriptions for Ambassador Property.** In preparing the legal descriptions for the Ambassador property, the Court relied in part on the 1981 Partition Decree.

b. **Ambassador Property awarded to the Majority Heirs.** The Court awards the Majority Heirs a parcel of property located in the Section 9, Township 1 North, Range 2 West, Salt Lake Base and Meridian, more particularly described as:

The North 2112.00 feet of the Northeast Quarter of Section 9, Township 1 North, Range 2 West, Salt Lake Base and Meridian, being 2112.00 feet perpendicularly distant from and parallel with the North Section line of said Section 9.

Containing 128 acres, more or less; Part of Parcel No. 07-09-200-001.

c. **Ambassador Property awarded to the Minority Heirs.** The Court awards the Minority Heirs a parcel of property located in the Northeast Quarter of Section 9, Township 1 North, Range 2 West, Salt Lake Base and Meridian, more particularly described as:

The Northeast Quarter of Section 9, Township 1 North, Range 2 West, Salt Lake Base and Meridian,

**Less and excepting** that portion awarded herein to the Majority Heirs, more particularly described as:

The North 2112.00 feet of the Northeast Quarter of Section 9, Township 1 North, Range 2 West, Salt Lake Base and Meridian, being 2112.00 feet perpendicularly distant from and parallel with the North line of the Northeast Quarter of said Section 9.

Containing 32 acres, more or less; Part of Parcel No. 07-09-200-001.

i. **Existing Easements.** The Court conveys to the Majority Heirs and the Minority Heirs all of the estate's right, title, and interest in four roadway and stock trail easements more particularly described as:

**Roadway and Stock Trail Easement 1.** The Antelope Island Road easement, as set forth in the Final Order of Condemnation in Case No. 920905155, Third District Court for Salt Lake County, State of Utah.

**Roadway and Stock Trail Easement 2.** Twenty five feet on each side of a center line described as follows: Beginning at a point 25 feet East of the north-South center line of Section 16, Township 1 North, Range 2 West, Salt Lake Base and Meridian, on an existing road which is approximately 800 feet South of the North Section line of said Section 16; thence North approximately 825 feet to a point 25 feet North of the North Section line of said Section 16 thence West parallel to and 25 feet North of said Section line approximately 7945 feet to a point 25 feet West of the East Section line of Section 7, Township 1 North, Range 2 West, Salt Lake Base and Meridian; thence South parallel to and 25 feet West of the Section line approximately 425 feet to an existing road (the Antelope Island Road).

**Roadway and Stock Trail Easement 3.** (The Duck Club Road) Twenty five feet each side of a center line described as follows: Along the center of an existing road beginning at a point on the east-West center line of Section 22, Township 1 North, Range 2 West, Salt Lake Base and Meridian, which is approximately 1600 feet West of the East Quarter corner of said Section 22; thence northerly along said existing road approximately 1300 feet; thence approximately North 15° East following the existing road approximately 3500 feet; thence approximately North 57° East along said existing road approximately 500 feet; thence approximately North 22° East along said existing road approximately 1500 feet to the North line of Southwest Quarter of the Northwest Quarter of Section 14, Township 1 North, Range 2 West, Salt Lake Base and Meridian.

**Roadway and Stock Trail Easement 4.** (The Antelope Island Road) Beginning at a junction with the road described in "Roadway and Stock Trail Easement 3" above, near the South Section line of Section 15, Township 1 North, Range 2 West, approximately 1400 feet West of the Southeast Corner of said Section 15; thence approximately North 46° West approximately 3400 feet to the West line of the Northeast Quarter of the Southwest Quarter of said Section 15.

11. **Emigration Canyon Properties.** The Court awards the Estate's property located in Emigration Canyon as follows: to Siv Gillmor, a 50% interest as a tenant in common; to each of the decedent's children (Luke, Bonnie, Charles, Jennifer, and Rebecca), a 10% interest as a tenant in common.

**a. Sources Used in Preparing Legal Descriptions for Emigration Canyon**

**Properties.** In preparing the legal descriptions for the Emigration Canyon properties, the Court relied in part on the 1981 Partition Decree.

**b. Two Parcels of Property.** The Estate's Emigration Canyon properties consists of two parcels of property more particularly described as:

**c. Southeastern Little Mountain Property.** The property commonly known as Southeastern Little Mountain Property is located in Section 34, Township 1 North, Range 2 East, Salt Lake Base and Meridian and is more particularly described as:

Beginning South, a distance of 229.40 feet, and East, a distance of 246.00 feet from the Northwest Corner of Section 34, Township 1 North, Range 2 East, Salt Lake Base and Meridian, constituting the Point of Beginning for this description; thence North 47° East, a distance of 168.18 feet; thence South 64°33'36" East, a distance of 2514.85 feet; thence South, a distance of 125.00 feet; thence West, a distance of 561.00 feet; thence South 11°00' West, a distance of 832.00 feet; thence North 41°16'37" West, a distance of 2537.90 feet to the point of beginning.

Containing, less the State road, 32.6 acres, more or less; Parcel No. 1034126005.

**d. Southwestern Lower Property.** The property commonly known as Southwestern Lower Property is located in Section 6, Township 1 North, Range 2 East, Salt Lake Base and Meridian and is more particularly described as:

Beginning South, a distance of 300.00 feet from the Northeast Corner of Section 6, Township 1 South, Range 2 East, Salt Lake Base and Meridian, constituting the Point of Beginning for this description; thence West, a distance of 631.00 feet; thence South, a distance of 611.40 feet; thence West, a distance of 247.32 feet; thence South, a distance of 229.18 feet; thence West, a distance of 127.75 feet; thence North 35°30' West, a distance of 47.70 feet; thence North 16°45' West, a distance of 111.00 feet; thence North 8°30' West, a distance of 85.00 feet; thence West, a distance of 241.68 feet; thence South, a distance of 408.60 feet; thence East, a distance of 255.89 feet; thence South, a distance of 547.47 feet; thence

South 50°48' East, a distance of 1222.35 feet; thence East, a distance of 116.82 feet; thence North, a distance of 2340.00 feet to the Point of Beginning.

Containing 43.54 acres, more or less; Parcel No. 1706232007.

e. **Existing Easements.** The Court conveys to the Majority Heirs and the Minority Heirs all of the estate's right, title, and interest in a roadway easement more particularly described as:

25 feet each side of a centerline described as follows: Beginning 25 feet East of the South Quarter Corner of Section 28, Township 1 North, Range 2 East, Salt Lake Base and Meridian; thence North parallel to and 25 feet East from the North-South Center line of said Section 28, a distance of 2640 feet, more or less to a point 25 feet east of the center of said Section 28; thence North, a distance of 25 feet; thence West, a distance of 2665 feet more or less on a line parallel to and 25 feet North from the North South Center Line of said Section 28 to the West Section line of said Section 28.

### **Tooele County Properties**

#### **12. Tooele No. 1.**

The Court partitions in kind the Estate's property commonly known as Tooele No. 1 80% to the Majority Heirs and 20% to the Minority Heirs as follows:

a. **Sources Used in Preparing Legal Descriptions for Tooele No. 1.** In preparing the legal descriptions for Tooele No. 1, the Court relied in part on the 1981 Partition Decree.

b. **Tooele No. 1 Property awarded to the Majority Heirs.** The Court awards to the Majority Heirs three parcels of property located in Sections 30 and 36, Township 6 South, Range 4 West, Salt Lake Base and Meridian, and in Section 31, Township 6 South, Range 3 West, Township 6 South, Range 4 West, Salt Lake Base and Meridian Salt Lake Base and Meridian more particularly described as:

**Parcel 1:** All of Section 36, Township 6 South, Range 4 West, Salt Lake Base and Meridian;

**Parcel 2:** Lots 1, 2, 3, 4, 5, 6, 9, 10 and 11, and the Southeast Quarter of Section 30, Township 6 South, Range 3 West, Salt Lake Base and Meridian; and

**Parcel 3:** All of Section 31, Township 6 South, Range 3 West, Salt Lake Base and Meridian,

**Less and excepting** that portion awarded herein to the Minority Heirs, more particularly described as:

The East 2585.00 feet of Section 31, Township 6 South, Range 3 West, Salt Lake Base and Meridian, being 2585.00 feet perpendicularly distant from and parallel with the East Section line of said Section 31.

Containing 1,252.837 acres, more or less; Parcel No. 6-83-5; Parcel No. 6-80-4; and Part of Parcel No. 6-80-5.

c. **Tooele No. 1 Property awarded to the Minority Heirs.** The Court awards to the Minority Heirs a parcel of property located in Section 31, Township 6 South, Range 3 West, Salt Lake Base and Meridian and more particularly described as:

The East 2585.00 feet of Section 31, Township 6 South, Range 3 West, Salt Lake Base and Meridian, being 2585.00 feet perpendicularly distant from and parallel with the East Section line of said Section 31.

Containing 313.333 acres, more or less; part of Parcel No.6-80-5.

**13. Tooele No. 2.**

The Court partitions in kind the Estate's property commonly known as Tooele No. 2 80% to the Majority Heirs and 20% to the Minority Heirs as follows:

a. **Sources Used in Preparing Legal Descriptions for Tooele No. 2.** In preparing the legal descriptions for Tooele No. 2, the Court relied in part on the 1981 Partition Decree.

b. **Tooele No. 2 Property awarded to the Majority Heirs.** The Court awards to the Majority Heirs two parcels of property located in Section 27 and Section 26, Township 6 South, Range 4 West, Salt Lake Base and Meridian, and more particularly described as:

✓ **Parcel 1:** The West 32.67 acres of the North 81.67 acres of the West Quarter of Section 26, Township 6 South, Range 4 West, Salt Lake Base and Meridian.

✓ **Parcel 2:** The North 163.33 acres of the East Half of Section 27, Township 6 South, Range 4 East, Salt Lake Base and Meridian.

Containing 196 acres, more or less; Parcel No. 6-83-6; Part of Parcel No. 6-83-2.

c. **Tooele No. 2 Property awarded to the Minority Heirs.** The Court awards to the Minority Heirs a parcel of property located in Section 26, Township 6 South, Range 4 West, Salt Lake Base and Meridian, and more particularly described as:

✓ The North 2695.11 feet of the West Quarter of Section 26, Township 6 South, Range 4 West, Salt Lake Base and Meridian,

**Less and Excepting** a portion of the property awarded herein to the Majority Heirs, more particularly described as:

✓ The West 32.67 acres of the North 81.67 acres of the West Quarter of Section 26, Township 6 South, Range 4 West, Salt Lake Base and Meridian.

Containing 49.00 acres, more or less; Part of Parcel No. 6-83-2.



**14. Tooele No. 3.**

The Court partitions in kind GL's property commonly known as Tooele No. 3 80% to the Majority Heirs and 20% to the Minority Heirs as follows:

**a. Sources Used in Preparing Legal Descriptions for Tooele No. 3.** In preparing the legal descriptions for Tooele No. 3, the Court relied in part on that certain conveyance of property from S. Clair Bankhead and Kenneth G. Hansen to Gillmor Livestock Company dated December 30, 1986, and recorded as Entry No. 5131, in Book 249, beginning at page 147 on December 31, 1986, in the office of the Tooele County Recorder.

**b. Tooele No. 3 Property awarded to the Majority Heirs.** The Court awards to the Majority Heirs a parcel of property located in Section 20, Township 5 South, Range 5 West, Salt Lake Base and Meridian, and more particularly described as:

✓ The Southeast Quarter of Section 20, Township 5 South, Range 5 West, Salt Lake Base and Meridian,

**Less and excepting** a portion of the property awarded herein to the Minority Heirs, more particularly described as:

✓ Beginning at the East Quarter Corner of Section 20, Township 5 South, Range 5 West, Salt Lake Base and Meridian, and running thence South, a distance of 1,180.64 feet along the East Section line of said Section 20; thence West, a distance of 1,180.64 feet along a line parallel with the East-West Center Quarter line of said Section 20; thence North, a distance of 1,180.64 feet along a line parallel with the East Section line of said Section 20; thence East, a distance of 1,180.64 feet along said east-West center Quarter Section line to the Point of Beginning.

Containing 128 acres, more or less. Part of parcel No. 1-284-13.

c. **Tooele No. 3 Property awarded to the Minority Heirs.** The Court awards to the Minority Heirs a parcel of property located in Section 20, Township 5 South, Range 5 West, Salt Lake Base and Meridian, and more particularly described as:

Beginning at the East Quarter Corner of Section 20, Township 5 South, Range 5 West, Salt Lake Base and Meridian, and running thence South, a distance of 1,180.64 feet along the East Section line of said Section 20; thence West, a distance of 1,180.64 feet along a line parallel with the East-West center Quarter line of said Section 20; thence North, a distance of 1,180.64 feet along a line parallel with the East Section line of said Section 20; thence East, a distance of 1,180.64 feet along said east-West center Quarter Section line to the Point of Beginning.

Containing 32 acres, more or less; Part of Parcel No.1-284-13.

d. **Water Rights.** There is a well located on the Minority Heirs portion of Tooele No. 3, which may be represented by Water User Claim No. 15-5737 or 5737. To the extent necessary to convey ownership of the Water Rights incident to the well, the Court partitions all of the water rights incident to the well to the Minority Heirs, including those represented by Water User Claim No. 15-5737 or 5737, if applicable to the well on the Minority Heirs' portion of Tooele No. 3.

**15. Tooele No. 4.**

The Court partitions in kind GL's property commonly known as Tooele No. 4 80% to the Majority Heirs and 20% to the Minority Heirs as follows:

a. **Sources Used in Preparing Legal Descriptions for Tooele No. 4.** In preparing the legal descriptions for Tooele No. 4, the Court relied in part on that certain conveyance of property from S. Clair Bankhead and Kenneth G. Hansen to Gillmor Livestock Company dated

December 30, 1986, and recorded as Entry No. 5131, in Book 249, beginning at page 147 on December 31, 1986, in the office of the Tooele County Recorder.

**b. Tooele No. 4 Property awarded to the Majority Heirs.** The Court awards to the Majority Heirs a parcel of property located in Section 25, Township 5 South, Range 6 West, Salt Lake Base and Meridian, and more particularly described as:

✓ Commencing at the East Quarter Corner of Section 25, Township 5 South, Range 6 West, Salt Lake Base and Meridian; thence West, a distance of 1320 feet along the east-West center Section line to the Southeast Corner of the Chad Hunt Subdivision, according to the official plat thereof recorded as Entry No. 198780, in the office of the Tooele County Recorder, said point being the Point of Beginning for this description; thence North, a distance of 1320 feet along the East line of said subdivision; thence East, a distance of 660 feet; thence South, a distance of 297 feet; thence East, a distance of 357.72 feet; thence South, a distance of 1023 feet; thence West, a distance of 1017.72 feet to the Point of Beginning.

Containing 28.40 acres, more or less; Part of Parcel No. 6-68-2.

**c. Tooele No. 4 Property awarded to the Minority Heirs.** The Court awards to the Minority Heirs a parcel of property located in Section 25, Township 5 South, Range 6 West, Salt Lake Base and Meridian, and more particularly described as:

✓ Beginning at the East Quarter Corner of Section 25, Township 5 South, Range 6 West, Salt Lake Base and Meridian; thence West, a distance of 1320 feet; thence North, a distance of 1320 feet; thence East, a distance of 660 feet; thence South, a distance of 297 feet; thence East, a distance of 660 feet; thence South, a distance of 1023 feet to the Point of Beginning.

**Less and excepting** that portion awarded herein to the Majority Heirs, more particularly described as:

✓ Commencing at the East Quarter Corner of Section 25, Township 5 South, Range 6 West, Salt Lake Base and Meridian; thence West, a distance of 1320 feet along the east-West center Section line to the Southeast Corner of the Chad Hunt Subdivision, according to the official plat thereof recorded as Entry No. 198780, in the office of

the Tooele County Recorder, said point being the Point of Beginning for this description; thence North, a distance of 1320 feet along the East line of said subdivision; thence East, a distance of 660 feet; thence South, a distance of 297 feet; thence East, a distance of 357.72 feet; thence South, a distance of 1023 feet; thence West, a distance of 1017.72 feet to the Point of Beginning.

Containing 7.10 acres, more or less; Part of Parcel No.6-68-2.

**16. Tooele No. 5 and Hansens.**

The Court partitions in kind the Estate's and GL's property commonly known as Tooele No. 5 (GL's) and Hansens (Estate's) (collectively referred to hereafter as "Tooele No. 5") 80% to the Majority Heirs and 20% to the Minority Heirs as follows:

**a. Sources Used in Preparing Legal Descriptions for Tooele No. 5.** In preparing the legal descriptions for Tooele No. 5, the Court relied in part on:

**i.** That certain conveyance of property from Ernest Hyrum Hansen to the Estate of Edward L. Gillmor dated December 23, 1995, and recorded as Entry No. 80448, in Book 441, beginning at page 592 on December 29, 1995, in the office of the Tooele County Recorder; and

**ii.** That certain conveyance of property from S. Clair Bankhead and Kenneth G. Hansen to Gillmor Livestock Company dated December 30, 1986, and recorded as Entry No. 5131, in Book 249, beginning at page 147 on December 31, 1986, in the office of the Tooele County Recorder.

**b. Tooele No. 5 Property awarded to the Majority Heirs.** The Court awards to the Majority Heirs two parcels of property located in Sections 23 and 24, Township 5 South, Range 6 West, Salt Lake Base and Meridian, more particularly described as:

**Parcel No. 1.** The South Half of the Southwest Quarter, and the Southwest  
✓ Quarter of the Southeast Quarter of Section 24, Township 6 South, Range 4 West,  
Salt Lake Base and Meridian.

**Parcel No. 2.** The Southeast Quarter, the North Half of the Southwest Quarter,  
✓ and the South Half of the Northeast Quarter, Township 5 South, Range 6 West,  
Salt Lake Base and Meridian,

**Less and excepting** a portion of the property awarded herein to the Minority Heirs, more particularly described as:

✓ The West 792.00 feet of the South Half of the Northeast Quarter of  
Section 23, Township 5 South, Range 6 West, Salt Lake Base and  
Meridian.

Containing 416 acres, more or less; Parcel No. 6-65-8, Parcel No. 6-65-15, Parcel  
No. 6-65-16, and part of Parcel No. 6-65-9.

**c. Tooele No. 5 awarded to the Minority Heirs.** The Court awards to the  
Minority Heirs a parcel of property located in North Half of Section 23, Township 5 South,  
Range 6 West, Salt Lake Base and Meridian, and more particularly described as:

✓ The South Half of the Northwest Quarter, and the West 792.00 feet  
of the South Half of the Northeast Quarter of Section 23, Township  
5 South, Range 6 West, Salt Lake Base and Meridian.

Containing 104.00 acres, more or less; Part of Parcel No. 6-65-9.

**d. Easements.** The Minority Heirs are awarded a roadway and stock trail easement  
from the Northeast Corner of the Majority Heirs' portion of No. 5 in Section 23, Township 5  
South, Range 6 West, Salt Lake Base and Meridian, to the Minority Heirs' Northeast Corner of  
their portion of No. 5. The easement shall run over the North 30 feet of the Majority Heirs'  
portion of No. 5.

**e. Water Rights.** The Minority Heirs may have the use, from time to time, of water  
flowing from a pipe on or near the north side of their portion of Tooele No. 5 and Hansens. If

any such water is flowing over the Minority Heirs' portion of Tooele No. 5 and Hansens, the Court orders the Minority Heirs not to block the flow of water, if any, through their portion of Tooele No. 5 and Hansens and on to the Majority Heirs' portion of this property.

### **Summit County Properties**

**17. White's Basin (known as Six East in the 1981 Partition Decree).**

The Court partitions in kind the Estate's property commonly known as White's Basin ( or Six East in the 1981 Partition Decree) 80% to the Majority Heirs and 20% to the Minority Heirs as follows:

**a. Sources used in Preparing White's Basin Legal Descriptions.** The Court relied in part on the following sources in preparing the White's Basin legal descriptions:

- i.** The 1981 Partition Decree;
- ii.** The original field notes of the government survey and the original map of Township 1 North, Range 6 East, accepted by the Surveyor Generals Office and dated October 8, 1900;
- iii.** The original map of Township 1 South, Range 6 East, accepted by the Surveyor Generals Office and dated October 8, 1900.
- iv.** That certain Warranty Deed from David K. Richards, Grantor, to Siv Gillmor, Edward L. Gillmor, Jr., and Charles F. Gillmor as Co-Conservators of the Estate of Edward L. Gillmor, a protected person, dated December 28, 1995, and recorded in the Office of the Summit County Recorder as Entry No. 00445454, Book 00935, Pages 00147-00150.

**b. White's Basin Award to Majority Heirs.** The Court awards the Majority Heirs four parcels of property located in Sections 27 and 34 in Township 1 North Range 6 East, Salt Lake Base and Meridian, and in Sections 2 and 3 in Township 1 South, Range 6 East, Salt Lake Base and Meridian, more particularly described as:

**Parcel 1:** The West 515 acres of Section 34, Township 1 North, Range 6 East, Salt Lake Base & Meridian.

**Parcel 2:** All of Section 3 Township 1 South, Range 6 East, Salt Lake Base and Meridian.

**Parcel 3:** All of Section 2, Township 1 South, Range 6 East, Salt Lake Base & Meridian

**Parcel 4:** Beginning at the Southwest Corner of Section 27, Township 1 North, Range 6 East, Salt Lake Base and Meridian; and running thence North 0° 02' West, along the West Section line of Section 27, a distance of 2640 feet to the West Quarter Corner of said Section 27; thence North 0° 02' West, along the West Section line of said Section 27 a distance of 2392.75 feet to the northerly line of the herein described portion; thence easterly parallel to the North Section line of Section 27, a distance of 5276.85 feet, to the East Section line of the said Section 27; thence South 0° 01' East, along the East Section line of said Section 27, a distance of 2392.75 feet to the East Corner of the said Section 27; thence South 0° 01' East, along the East Section line of said Section 27, a distance of 2640 feet to the Southeast Corner of the said Section 27; thence West, along the South Section line of said Section 27, a distance of 5280 feet, more or less, to the point of beginning.

Containing 2331.88 Acres, more or less; Parcel Nos. SS-203-A-1; CD-183-A-1; CD-182; Part of Parcel No. SS-194-A-1.

**c. White's Basin Award to Minority Heirs.** The Court awards the Minority Heirs two parcels of property located in Sections 22 and 27 in Township 1 North Range 6 East, Salt Lake Base & Meridian, more particularly described as:

**Parcel 1:** The South Half of Section 22, Township 1 North, Range 6 East, Salt Lake Base and Meridian; the South Half of the North Half of said Section; the Northeast Quarter of the Northeast Quarter of said Section; and the South 33 Acres of the Northwest Quarter of the Northwest Quarter of said Section.

**Parcel 2:** Beginning at the Northwest Corner of Section 27, Township 1 North, Range 6 East, Salt Lake Base and Meridian, thence South 0°02' East along the West Section line of Section 27, a distance of 247.25 feet to the southerly line of the herein described portion; thence easterly parallel with the North Section line of said Section 27, a distance of 5276.85 feet to the East Section line of said Section 27; thence North 0°01' West along the East Section line of said Section 27, a distance of 247.25 feet to the Northeast Corner of said Section 27; thence West along the North Section line of said Section 27, a distance of 5,276.85 feet, more or less, to the point of beginning.

Containing 582.97 Acres, more or less; Parcel No. SS-188-A-1; Part of Parcel No. SS-194-A-1.

d. **No Award of Easements to either the Majority Heirs or Minority Heirs re White's Basin.** Pursuant to its Order filed on September 21, 2009 ("Order re Stipulation of Parties and Notice of Status Conference to Be Held on September 24, 2009"), the Court approved the stipulation of the Majority Heirs and the Minority Heirs that there be no court award of any easements or other personal use rights over the Majority Heirs' portion of White's Basin in favor of the Minority Heirs' portion of White's Basin and vice versa. As a result, the Court awards no easements or use rights of any kind with regard to the White's Basin property.

e. **Existing Easements.** In the 1981 Partition Decree, the District Court created and awarded six easements regarding the White's Basin property (the 1981 Partition Decree referred to the property being divided as the "Six East Property"). Because of the location of those easements, the Court conveys those easements as set forth below. See 1981 Partition Decree at ¶¶ 14.(a) and (b) on pages 23-25.

i. The Court conveys to the Majority Heirs all of the estate's right, title and interest in the following four existing easements:

**Stock Trail Easement:** By way of White's Basin, and by way of Jack Neill Creek and/or Perdue Creek.



**Vehicle and Foot Travel Easement 1.** For Vehicles and Foot Travel, but not stock trails: Twenty five feet each side of a center line described as follows: Beginning at a point on an existing road on the South Section line of Section 3, Township 1 South, Range 6 East, Salt Lake Base and Meridian, which point is approximately 1500 feet West from the Southeast Corner of said Section 3; thence following said existing road in a northeasterly direction to a point 25 feet West of the East Section line of said Section 3, which point is approximately 1600 feet South from North line of said Section 3.

**Vehicle and Foot Travel Easement 2.** For Vehicles and Foot Travel, but not stock trails: Beginning on an existing road at a point on the East Section line of said Section 3, which point is approximately 700 feet South of the North Section line of said Section 3; thence bearing to the west, South and North along said road for approximately 3500 feet to a point approximately 800 feet East from the Southwest Corner of Section 34, Township 1 North, Range 6 East, Salt Lake Base and Meridian; thence northerly along said road approximately 1 mile through Section 34 to the North Section line of said Section 34 at a point approximately 1600 feet East from the Northwest Corner of said Section 34; thence easterly and northerly along said road through Section 27, Township 1 North, Range 6 East, Salt Lake Base and Meridian, to a point on the East Section line of Section 27, which is approximately 1900 feet North of the Southeast Corner of said Section 27; thence easterly along said road through the South half of Section 26, Township 1 North, Range 6 East, Salt Lake Base & Meridian, approximately 1 mile to a point on the East Section line of said Section 26 that is approximately 1100 feet North of the Southeast Corner of said Section 26.

**Vehicle and Foot Travel Easement 3.** For Vehicles and Foot Travel, but not stock trails: twenty five feet each side of a center line as follows: Beginning at a point 25 feet West of the East Section line of Section 3, Township 1 South, Range 6 East, Salt Lake Base and Meridian, which point is approximately 1600 feet South from North Section line of said Section 3, thence North parallel to and 25 feet West of the East Section line of said Section 3 approximately 1000 feet to an existing road that is approximately 600 feet South of the North Section line of said Section 3.

ii. The Court conveys to the Minority Heirs all of the estate's right, title and interest in the following two existing easements:

**Stock Trail Easement:** From Hoytsville by way of Spring Canyon and Lodgepole.

**Vehicle and Foot Travel Easement 4.** For Vehicles and Foot Travel, but not stock trails: Beginning at a point on an existing road near the South Quarter corner

of Section 24 Township 1 North, Range 6 East, Salt Lake Base and Meridian; thence along an existing road Northwesterly approximately 5000 feet to a point near an old cabin; thence northeasterly along an existing road approximately 4000 feet to the North line of said Section 24 at a point approximately 800 feet West of the North Quarter corner of said Section 24; thence along said road making a loop to the left (north, thence west, thence south) approximately 2900 feet to another point on same Section line of said Section 24 which point is approximately 900 feet East of the Northwest Corner of said Sec. 24; thence along said road Southwesterly across the Northwest Quarter of the Northwest Quarter of said Section 24 to a point on the West Section line of said Section 24, which point is approximately 700 feet South from the Northwest Corner of said Section 24; thence along said road westerly and northerly approximately 2300 feet to the North Section line of Section 23, Township 1 North, Range 6 East, at a point that is approximately 2300 feet West of the Northeast Corner of said Section 23; thence along said road Northwesterly approximately 4500 feet to the West Section line of Section 14, Township 1 North, Range 6 East, Salt Lake Base and Meridian, which point is approximately 2300 feet South of the Northwest Corner of said Section 14; thence along said road Northwesterly approximately 3500 feet to the North Section line of Section 15, Township 1 North, Range 6 East, Salt Lake Base and Meridian, which point is approximately 1700 feet West of the Northeast Corner of said Section 15; thence along said road northerly approximately 1 mile to the "old oil well road" which point is approximately 1100 feet West and 200 feet South of the Northeast Corner of Section 10, Township 1 North, Range 6 East, Salt Lake Base and Meridian; thence following the center line of "oil well road" which runs northerly approximately 1 mile to a point approximately 100 feet South and 900 feet West of the Northeast Corner of Section 3, Township 1 North, Range 6 East, Salt Lake Base and Meridian; thence along said road around a loop to the right (Southwesterly, Northwesterly and northerly) approximately 2900 feet to the North Section line of said Section 3 at a point which is approximately 2200 feet East of the Northwest Corner of said Section 3.

iii. Consistent with these conveyances (subparagraphs i and ii above), the Court terminates any rights the Minority Heirs and their portion of White's Basin may have in the easements granted in the 1981 Partition Decree regarding the Six East property that the Court has conveyed to the Majority Heirs and any rights the Majority Heirs and their portion of White's Basin may have in the said easements that the Court has conveyed to the Minority Heirs.

**18. Buck Pasture.**

The Court partitions in kind the Estate's property commonly known as the Buck Pasture 80% to the Majority Heirs and 20% to the Minority Heirs as follows:

**a. Sources Used in Preparing Legal Descriptions for Chalk Creek.** In preparing the legal descriptions for the Buck Pasture, the Court relied in part on that certain Special Warranty Deed, from Bow Valley Development Corporation to Edward L. Gillmor dated June 21, 1989 and recorded in the Office of the Summit County Recorder on June 26, 1989 as entry number 309702, Book 525, Pages 700-723 (the "Bow Valley Deed").

**b. Buck Pasture Award to the Majority Heirs.** The Court awards the Majority Heirs a parcel of property located in Section 33, Township 3 North, Range 7 East, Salt Lake Base and Meridian, more particularly described as:

Commencing at the Northwest Corner of Section 33, Township 3 North, Range 7 East, and running thence East, a distance of 1554.305 feet along the North Section line of said Section 33, being the Point of Beginning for this description; thence East along the North Section line of said Section 33, a distance of 1085.81 feet to the North Quarter Corner of said Section 33; thence East along the North Section line, a distance of 2640 feet to the Northeast Corner of said Section 33; thence South along the East Section line of said Section 33, a distance of 5280 feet to the Southeast Corner of said Section 33; thence West along the South Section line, a distance of 2640 feet to the South Quarter Corner of said Section 33; thence West along the South Section line of said Section, a distance of 1085.70 feet; thence North, a distance of 5280 feet, more or less, to the Point of Beginning.

Containing 451.60 acres, more or less; Part of Parcel No. NS-1205.

(Note the Bow Valley Special Warranty Deed identified the calls in this legal description in chains and the Court has converted these calls to feet in preparing this legal description.)

**c. Buck Pasture Award to the Minority Heirs.** The Court awards the Minority Heirs a parcel of property located in Section 33, Township 3 North, Range 7 East, more particularly described as:

All of Section 33, Township 3 North, Range 7 East, Salt Lake Base and Meridian,

**Less and excepting** a portion of the said Section 33, more particularly described as:

Beginning at the Southwest Corner of said Section, and running thence North along the West Section line of said Section 33, a distance of 5280 feet more or less, to the Northwest Corner of said Section 33; thence East along the North Section line, a distance of 622.875 feet; thence South, a distance of 5280 feet, more or less, to the South Section line of said Section 33; thence West 622.875 feet, more or less, to the Point of Beginning (Note the Bow Valley Special Warranty Deed identified the calls in this exception in rods and the Court has converted the calls to feet in preparing this legal description.), and

**Less and excepting** that portion of said Section 33 awarded herein to the Majority Heirs, more particularly described as:

Commencing at the Northwest Corner of Section 33, Township 3 North, Range 7 East, and running thence East, a distance of 1554.305 feet along the North Section line of said Section 33, being the Point of Beginning for this description; thence East along the North Section line of said Section 33, a distance of 1085.81 feet to the North Quarter Corner of said Section 33; thence East along the North Section line, a distance of 2640 feet to the Northeast Corner of said Section 33; thence South along the East Section line of said Section 33, a distance of 5280 feet to the Southeast Corner of said Section 33; thence West along the South Section line, a distance of 2640 feet to the South Quarter Corner of said Section 33; thence West along the South Section line of said Section, a distance of 1085.70 feet; thence North, a distance of 5280 feet, more or less, to the Point of Beginning.

Containing 112.90 acres, more or less; Part of Parcel No. NS-1205.

**d. Easements Awarded to Minority and Majority Heirs.** The Court awards the Minority Heirs a roadway and stock trail easement over the existing gravel roads on the Majority Heirs' Buck Pasture property. The Court awards the Majority Heirs a roadway and stock trail easement over the existing gravel roads on the Minority Heirs' Buck Pasture.

**19. The Meadow Hayfield Property (in Chalk Creek).**

The Court partitions in kind the Estate's property commonly known as the Meadow Hayfield 80% to the Majority Heirs and 20% to the Minority Heirs as follows:

**a. Sources Used in Preparing Legal Descriptions for Meadow Hayfield.** In preparing the legal description for the Meadow Hayfield, the Court relied in part on the Bow Valley Deed.

**b. Meadow Hayfield Award to Majority Heirs.** The Court awards the Majority Heirs a parcel of property located in Section 4, Township 2 North, Range 7 East, Salt Lake Base and Meridian, more particularly described as:

The Southeast Quarter of Section 4, Township 2 North, Range 7 East, Salt Lake Base and Meridian; the South Half of the Northeast Quarter of said Section 4; the Northeast Quarter of the Southwest Quarter of said Section 4; the Southeast Quarter of the Northwest Quarter and Lots 1, 2 and 3 of said Section 4,

**Less and excepting** five exceptions more particularly described as:

**Exception 1.** That portion of the Newton Sheep Company parcel that would otherwise be included in this legal description, comprised approximately of the East 113 feet of the Newton Sheep Company parcel, Parcel No. NS-697; and

**Exception 2.** Two parcels owned by Jean Ann and Lonnie Roy Jacobsen parcels containing 12.18 acres, more or less, and 1.98 acres, more or less, respectively, Parcel Nos. NS-698-A and NS-698-C respectively; and

**Exception 3.** The Union Pacific Resources Company parcel containing 0.246 acres, more or less, Parcel No. NS-695-A; and

**Exception 4.** The Chalk Creek Road as it traverses the Majority Heirs' Meadow property; and

**Exception 5 (the Portion of the Property Awarded to the Minority Heirs).**

Beginning at the Northwest Corner of Lot 3, Section 4, Township 2 North, Range 7 East, Salt Lake Base and Meridian; running thence

South, along the West line of the said Lot 3, a distance of 1308.12 feet to the Southwest Corner of Lot 3; Thence South, along the West line of the Southeast Quarter of the Northwest Quarter of said Section, a distance of 1,320.00 feet to the Southwest Corner of the Southeast Quarter of the Northwest Quarter of said Section; Thence South, along the West line of the Northeast Quarter of the Southwest Quarter, a distance of 1,320.00 feet to the Southwest Corner of the Northeast Quarter of the Southwest Quarter of said Section; Thence East, along the South line of the Northeast Quarter of the Southwest Quarter, a distance of 943.00 feet; Thence North, a distance of 3,935.16 feet to the North Section line of Section 4; Thence West, along the North Section line of Section 4, a distance of 943.00 feet more or less to the Point of Beginning,

Containing 332.408 Acres, more or less; Part of Parcel No. NS-695.

c. **Meadow Hayfield Award to Minority Heirs.** The Court awards the Minority Heirs a parcel of property located in Section 4, Township 2 North, Range 7 East, Salt Lake Base and Meridian, more particularly described as:

Beginning at the Northwest Corner of Lot 3, Section 4, Township 2 North, Range 7 East, Salt Lake Base and Meridian; running thence South, along the West line of the said Lot 3, a distance of 1308.12 feet to the Southwest Corner of Lot 3; Thence South, along the West line of the Southeast Quarter of the Northwest Quarter of said Section, a distance of 1,320.00 feet to the Southwest Corner of the Southeast Quarter of the Northwest Quarter of said Section; Thence South, along the West line of the Northeast Quarter of the Southwest Quarter, a distance of 1,320.00 feet to the Southwest Corner of the Northeast Quarter of the Southwest Quarter of said Section; Thence East, along the South line of the Northeast Quarter of the Southwest Quarter, a distance of 943.00 feet; Thence North, a distance of 3,935.16 feet to the North Section line of Section 4; Thence West, along the North Section line of Section 4, a distance of 943.00 feet more or less to the Point of Beginning,

**Less and excepting** two exceptions more particularly described as:

**Exception 1.** That portion of the Newton Sheep Company parcel that would otherwise be included in this legal description, comprised approximately of the West 250 feet of the Newton Sheep Company parcel, Parcel No. NS-697;

**Exception 2.** The Chalk Creek Road as it traverses the Minority Heirs' Meadow property.

Containing 83.102 Acres, more or less; Part of Parcel No. NS-695.

**d. Award of Water Rights.** The Court awards the Majority Heirs 80% of the water rights in Chalk Creek, including without limitation 80% of the decreed water rights, 80% of the shares of water stock in Pineview Irrigation Company, and 80% of the shares of water stock in Chalk Creek Hoytsville Water Users Corporation. The Court awards the Minority Heirs 20% of the water rights in Chalk Creek, including without limitation 20% of the decreed water rights, 20% of the shares of water stock in Pineview Irrigation Company, and 20% of the shares of water stock in Chalk Creek Hoytsville Water Users Corporation.

**e. Easements Award to Minority and Majority Heirs.** The Court awards the Minority Heirs a roadway and stock trail easement over the existing gravel roads located on the Majority Heirs' Meadow Hayfield property. The Court awards the Majority Heirs a roadway and stock trail easement over the existing gravel roads located on the Minority Heirs' Meadow Hayfield property.

**20. Chalk Creek.**

The Court partitions in kind the Estate's and the LP's property commonly known as Chalk Creek as follows:

**a. Sources Used in Preparing Legal Descriptions for Chalk Creek.** In preparing the legal descriptions for the Chalk Creek properties, the Court relied in part on the Bow Valley Deed. In addition, where the Court relied on additional information regarding a particular parcel, that information is noted with regard to that parcel.

**b. Basis of Division.** As used by the parties, "Chalk Creek" is composed of property owned by the Estate and the LP located in Township 2 North, Range 6 East, Township 2 North, Range 7 East, Township 1 North, Range 6 East, and Township 1 North, Range 7 East, Salt Lake Base and Meridian. However, "Chalk Creek" excludes (i) all estate property located north of the Chalk Creek Highway in Township 3, Range 7 East, Salt Lake Base and Meridian, (ii) the property commonly known as the "Meadow Hayfield" located south of the Chalk Creek Highway in Section 4 Township 2 North, Range 7 East, Salt Lake Base and Meridian, (iii) the property commonly known as "7<sup>th</sup> East" located in Township 1 North, Range 7 East, Salt Lake Base and Meridian, and (iv) the property commonly known as the "120" located in Township 1 North, Range 7 East, Salt Lake Base and Meridian.

In its Order entitled "Order re September 24, 2008 Hearing," entered on January 5, 2009, the Court ordered that the precise percentage for calculating the division of property in Chalk Creek would be 76.4383% for the Majority Heirs and 23.5617% for the Minority Heirs. This percentage for Chalk Creek was calculated using the percentage for the limited partnership property as 60.1912% to the Majority Heirs and 39.8088% to the Minority Heirs, and the percentage for the Estate's property as 80% to the Majority Heirs and 20% to the Minority Heirs. The percentages were then combined based on the number of acres held by the Limited Partnership and the number of acres held by the Estate in the property known as Chalk Creek.

**c. Chalk Creek Award to Majority Heirs.** The Court awards the Majority Heirs 22 parcels of property located in Township 2 North, Range 6 East and in Township 2 North, Range 7 East, Salt Lake Base and Meridian, more particularly described as:



**Parcel 1.** All of Section 1, Township 2 North, Range 6 East, Salt Lake Base and Meridian. Parcel No. NS-643.

**Parcel 2.** All of Section 12, Township 2 North, Range 6 East, Salt Lake Base and Meridian. Parcel No. NS-673-675.

**Parcel 3.** Commencing at a point 821.70 feet South 89°39' East from the Southwest Corner of Section 13, Township 2 North, Range 6 East, Salt Lake Base and Meridian, on the South Section line of said Section 13, being the Point of Beginning for this legal description; and running thence Northwesterly to the West Quarter Corner of said Section 13 (which bearing and distance are approximately North 17°17'20" West, a distance of 2764.92 feet); thence North 2640 feet along the West Section line of said Section 13 to the Northwest Corner of said Section; thence South 89°31' East on the North Section line of said Section 13, a distance of 5247 feet to the Northeast Corner of said Section 13; thence South along the East Section line of to the Southeast Corner of said Section 13, a distance of 5,280 feet; thence North 89°39' West along the South Section line of said Section, a distance of 4405.5 feet, more or less, to the point of beginning. Parcel No. NS-676.

(Note the Bow Valley Deed identified the calls in this legal description in chains and the Court has converted these calls to feet in preparing this legal description.)

**Parcel 4.** The West half of Section 6, Township 2 North, Range 7 East, Salt Lake Base and Meridian; and the Southeast Quarter of said Section 6. Parcel No. NS-701.

**Parcel 5.** All of Section 7, Township 2 North, Range 7 East, Salt Lake Base and Meridian. Parcel No. NS-703.

**Parcel 6.** All of Section 18, Township 2 North, Range 7 East, Salt Lake Base and Meridian. Parcel No. NS-710.

**Parcel 7.** All of Section 8, Township 2 North, Range 7 East, Salt Lake Base and Meridian. Parcel No. NS-704.

**Parcel 8.** All of Section 17, Township 2 North, Range 7 East, Salt Lake Base and Meridian. Parcel No. NS-709.

**Parcel 9.** All of Section 9, Township 2 North, Range 7 East, Salt Lake Base and Meridian. Parcel No. NS-705.

**Parcel 10.** All of Section 16, Township 2 North, Range 7 East, Salt Lake Base and Meridian. Parcel No. NS-706.

**Parcel 11.** All of Section 15, Township 2 North, Range 7 East, Salt Lake Base and Meridian. Parcel NO. SS-262-263.

**Parcel 12.** All of Section 22, Township 2 North, Range 7 East, Salt Lake Base and Meridian. Parcel No. SS-267.

**Parcel 13.** The North half of the Northeast Quarter of Section 24, Township 2 North, Range 6 East, Salt Lake Base and Meridian; the Southeast Quarter of the Northeast Quarter of said Section 24; the East half of the Southeast Quarter of Said Section 24; the Southwest Quarter of the Southeast Quarter of said Section 24; and the Northeast Quarter of the Northwest Quarter of said Section 24. Part of Parcel No. SS-238.

**Parcel 14.** A part of the East half of the Southwest Quarter and a part of the Southeast Quarter of the Northwest Quarter of Section 24, Township 2 North, Range 7 East, Salt Lake Base and Meridian, more particularly described as:

Beginning at the South Quarter Corner of the said Section 24 and running thence North 89°26' West, a distance of 34.32 feet; thence North 18°13' West, a distance of 105.6 feet; thence North 05°56' West, a distance of 792 feet; thence North 02°31' West, a distance of 158.4 feet; thence North 26°27' West, a distance of 310.2 feet; thence North 23°10', a distance of West 198 feet; thence North 22°56' West, a distance of 297 feet; thence North 19°38' West, a distance of 204.6 feet; thence North 30°32' West, a distance of 237.60 feet; thence North 24°23' West, a distance of 745.80 feet; thence North 00°50' West, a distance of 92.40 feet; thence North 43°43' West, a distance of 85.8 feet; thence North 39°42' West, a distance of 66 feet; thence North 34°03 West, a distance of 46.2 feet; thence North 56°20' West 19.8 feet; thence North 32°31' West, a distance of 349.80 feet; thence North 38°02' West, a distance of 125.40 feet; thence North 03°03' West, a distance of 561 feet, more or less, to the Northeast Corner of the Southwest Quarter of the Northwest Quarter of said Section 24; thence East, a distance of 1320 feet; thence South, a distance of 3960 feet, to the Point of Beginning. Part of Parcel No. SS-238.

(Note the Bow Valley Deed identified the calls in this legal description in chains and the Court has converted the calls to feet in preparing this legal description. Note also that Parcels 13 and 14 above are identified in the Bow Valley Deed as a single parcel, Parcel 22, Book 525, Page 707. Finally, the Court notes that there may be an error in this legal description, but it is using the legal description as found in the Bow Valley Deed.)

**Parcel 15.** All of Section 20, Township 2 North, Range 7 East, Salt Lake Base and Meridian. Parcel No. SS-265.

**Parcel 16.** All of Section 21, Township 2 North, Range 7 East, Salt Lake Base and Meridian. Parcel No. SS-266.

**Parcel 17.** All of Section 27, Township 2 North, Range 7 East, Salt Lake Base and Meridian. Parcel No. SS-272.

**Parcel 18.** All of Section 28, Township 2 North, Range 7 East, Salt Lake Base and Meridian. Parcel No. SS-273-A.

**Parcel 19.** All of Section 29, Township 2 North, Range 7 East, Salt Lake Base and Meridian. Parcel No. SS-275.

**Parcel 20.** All of Section 30, Township 2 North, Range 7 East, Salt Lake Base and Meridian. Parcel No. SS-277.

**Parcel 21.** The following two tracts of land situated in the Southeast Quarter and the South Half of the Northeast Quarter of Section 25, Township 2 North, Range 6 East, Salt Lake Base and Meridian.

**Tract 1.** Beginning at the Southeast Corner of Section 25; thence West on the South Section line, a distance of 1671.78 feet along the South Section of said Section 25; thence North 01°03' West, a distance of 1709.4 feet; thence North 46°11' West, a distance of 570.24 feet; thence South 71°36' West, a distance of 239.58 feet; thence North 15°59' West, a distance of 615.78 feet; thence North 71°33' East, a distance of 1498.2 feet; thence North 64°54' East, a distance of 279.84 feet to the East Section line of said Section 25; thence South on the said Section line, a distance of 3391.74 feet to the Point of Beginning.

(The Court notes that there may be an error in this legal description, but it is using the legal description as found in the Bow Valley Deed.)

**Tract 2.** Commencing at the Southeast Corner of Section 25, Township 2 North, Range 6 East, Salt Lake Base and Meridian and running thence North, a distance of 3391.74 feet along the East Section line of said Section 25, the Point of Beginning for this description; thence South 64°54' West, a distance of 279.94 feet; thence South 73°42' West, a distance of 502.92 feet; thence South 77°41' West, a distance of 85.14 feet; thence North 75°29' West, a distance of 367.62 feet; thence South 71°33' West, a distance of 1498.2 feet; thence North 18°49' West, a distance of 455.4 feet; thence North 13°30' West, a distance of 528 feet; thence North 2°56' West, a distance of 165 feet; thence North 00°35' East, a distance of 323.4 feet; thence North 15°25' East, a distance of 267.3 feet; thence North 02°25' East, a distance of 158.4 feet; thence North 04°08' West, a distance of 567.6 feet; thence North 08°13' West, a distance of 151.8 feet to the North Section line of said

Section 25; thence East, a distance of 2649.24 feet along said North Section line to the Northeast Corner of Section 25; thence South along the East Section line of said Section 25, a distance of 1887.60 feet to the Point of Beginning.

Parcel No. SS-239-240.

(Note the Bow Valley Deed identified the calls in Tract 1 and Tract 2 in chains and the Court has converted these calls to feet in preparing this legal description.)

**Parcel 22.** The following described portion of Section 36, Township 2 North Range 6 East, and Section 31, Township 2 North, Range 7 East, Salt Lake Base and Meridian, more particularly described in subparagraph ii. below:

**i. Sources used in Preparing Parcel 22 Legal Description.** In addition to the Bow Valley Deed, the Court relied in part on the following sources in preparing the legal description for Parcel 23:

- (1) The original field notes of the government survey and the original map of Township 2 North, Range 7 East, accepted by the Surveyor General's Office and dated February 28, 1894; and
- (2) The original map of Township 2 North, Range 6 East, accepted by the Surveyor General's Office and dated January 9, 1875.

**ii. Legal Description for Section 22.** Beginning at the Northeast Corner of Section 31, Township 2 North, Range 7 East, Salt Lake Base and Meridian; thence South  $0^{\circ} 04'$  East, along the East Section line of said Section 31, a distance of 1,030.89 feet; thence North  $89^{\circ} 43'$  West, parallel with a line drawn from the Northeast Corner of Section 31 to the Northwest Corner of Section 31, a distance of 6929.75 feet, more or less, to the West boundary of the estate's property in Section 36, Township 2 North, Range 6 East; thence North  $1^{\circ} 18'$  West, a distance of 1034.67 feet more or less to the North Section line of Section 36, Township 2 North, Range 6 East, Salt Lake Base and Meridian; thence South  $89^{\circ} 36'$  East, a distance of 1,671.78 feet to the Northeast Corner of said Section 36; thence South  $89^{\circ} 43'$  East, on the North Section line of the said Section 31, a distance of 2,640.00 feet to the North Quarter Corner of Section 31; thence South  $89^{\circ} 43'$  East, on the said North Section line a distance of 2,640.00 feet, more or less, to the Point of Beginning. Part of Parcel No. SS-279-A; Part of Parcel No. SS-254.

(Note the Bow Valley Deed identified the calls in its legal description of Section 36 in chains and the Court has converted these calls to feet in preparing this legal description.)

**d. Chalk Creek Award to Minority Heirs.** The Court awards the Minority Heirs 8 parcels of property located in Township 2 North, Range 6 East, in Township 1 North, Range 6 East, in Township 2 North, Range 7 East, and in Township 1 North, Range 7 East, Salt Lake Base and Meridian. The property awarded to the Minority Heirs is more particularly described as:

**Parcel 1.** The North half of Section 32, Township 2 North, Range 7 East, Salt Lake Base and Meridian. Parcel No. SS-280-A.

**Parcel 2.** All of Section 33, Township 2 North, Range 7 East, Salt Lake Base and Meridian. Parcel No. SS-281.

**Parcel 3.** All of Section 34, Township 2 North, Range 7 East, Salt Lake Base and Meridian. Parcel No. SS-282.

**Parcel 4.** The North half of the North half of Section 6, Township 1 North, Range 7 East, Salt Lake Base and Meridian. Parcel No. SSF-214.

**Parcel 5.** All of Section 1, Township 1 North, Range 6 East, Salt Lake Base and Meridian. Parcel Nos. SS-157, SS-157-A, and SS-157-B.

**Parcel 6.** All of Section 2, Township 1 North, Range 6 East, Salt Lake Base and Meridian. Parcel No. SS-159.

**Parcel 7.** All of Section 31, Township 2 North, Range 7 East, Salt Lake Base and Meridian,

**Less and excepting** the "Parcel 7 and Parcel 8 Exception" described below.

Parcel Nos. SS-279; SS-279-A.

**Parcel 8.** Beginning at the Northeast Corner of Section 36, Township 2 North, Range 6 East, Salt Lake Base and Meridian and running thence South along the Section line, a distance of 5,280.00 feet to the Southeast Corner of the said Section; Thence West along the South Section line, a distance of 5,280.00 feet to the Southwest Corner of said Section; Thence North 00°26'30" East along the Section line, a distance of 1,320.00 feet; Thence North 77° 33' East, a distance of 3,524.40 feet; Thence North 28° 52' East, a distance of 660.00 feet; Thence North 1° 03' West, a distance of 2640.00 feet to the North Section line; Thence East along the North Section line, a distance of 1,671.78 feet to the Point of Beginning,

**Less and excepting** the “Parcel 7 and Parcel 8 Exception” described below.

**The “Parcel 7 and Parcel 8 Exception.”**

i. Sources used in Preparing the Legal Description for the “Parcel 7 and Parcel 8 Exception.” The Court relied in part on the following sources in preparing the legal description for the “Parcel 7 and Parcel 8 Exception:”

- (1) The original field notes of the government survey and the original map of Township 2 North, Range 7 East, accepted by the Surveyor General’s Office and dated February 28, 1894; and
- (2) The original map of Township 2 North, Range 6 East, accepted by the Surveyor General’s Office and dated January 9, 1875.

ii. **Legal Description of the “Parcel 7 and Parcel 8 Exception”**

The “Parcel 7 and Parcel 8 Exception” is more particularly described as:

Beginning at the Northeast Corner of Section 31, Township 2 North, Range 7 East, Salt Lake Base and Meridian; thence South 0° 04’ East, along the East Section line of said Section 31, a distance of 1,030.89 feet; thence North 89° 43’ West, parallel with a line drawn from the Northeast Corner of Section 31 to the Northwest Corner of Section 31, a distance of 6929.75 feet, more or less, to the West boundary of the estate’s property in Section 36, Township 2 North, Range 6 East; thence North 1° 18’ West, a distance of 1,034.67 feet more or less to the North Section line of Section 36, Township 2 North, Range 6 East, Salt Lake Base and Meridian; thence South 89° 36’ East, a distance of 1,671.78 feet to the Northeast Corner of said Section 36; to the Northwest Corner of Section 31, Township 2 North, Range 7 East, Salt Lake Base and Meridian; thence South 89° 43’ East, on the North Section line of the said Section 31, a distance of 2,640.00 feet to the North Quarter Corner of Section 31; thence South 89° 43’ East, on the said North Section line a distance of 2,640.00 feet, more or less, to the Point of Beginning.

Part of Parcel No. SS-254.

e. **Easements Awarded to Minority Heirs.** The Court awards the Minority Heirs a roadway and stock trail easement over the South Fork Road as it traverses the southeastern portion of the Majority Heirs' Chalk Creek property.

**21. Morby's Creek.**

The Court partitions in kind the Estate's property commonly known as Morby's Creek 80% to the Majority Heirs and 20% to the Minority Heirs as follows:

a. **Source of Morby Creek Legal Description.** In preparing the legal descriptions for Parcel 1 in Morby's Creek, the Court relied in part on:

- i. The Bow Valley Deed; and
- ii. The original field notes of the government survey and the original map of Township 3 North, Range 7 East, accepted by the Surveyor General's Office and dated December 10, 1875.

b. **Morby's Creek Award to Majority Heirs.** The Court awards the Majority Heirs three parcels of property located in Sections 19, 29, 30, 31, and 32, Township 3 North, Range 6 East, Salt Lake Base and Meridian, more particularly described as:

**Parcel 1:** Beginning at the West Quarter Corner of Section 29, Township 3 North, Range 7 East, Salt Lake Base & Meridian; thence South  $89^{\circ}42'30''$  East, along the East-West Center Quarter line of said Section 29, a distance of 657.92 feet to the East line of the West half of the West half of the Southwest Quarter of said Section 29; thence South  $0^{\circ}02'41''$  East, along the said East line a distance of 2644.12 feet to the South Section line of the said Section 29; thence South, along the East line of the West half of the West half of the Northwest Quarter of Section 32, Township 3 North, Range 7 East, Salt Lake Base and Meridian, a distance of 2,565.65 feet; thence South  $45^{\circ}00'$  West, a distance of 1033.38 feet to the South line of the Northeast Quarter of the Northeast Quarter of the Southeast Quarter of Section 31, Township 3 North, Range 7 East, Salt Lake Base and Meridian; thence West 589.29 feet to the Northwest Corner of the Southeast Quarter of the Northeast Quarter of the Southeast Quarter of said Section 31; thence South  $45^{\circ}00'$

West, a distance of 466.69 feet to the center point of the Southwest Quarter of the Northeast Quarter of the Southeast Quarter of said Section 31 (said point bearing North 65° West a distance of 167 feet, more or less, from a natural spring); thence South 1198.78 feet, more or less until the line reaches the boundary of the second exception described in that Special Warranty Deed recorded on June 26, 1989, as Entry No. 309702, Book 525, beginning at page 700, said second exception appearing on Page 703 under the legal description for Parcel 7, and more particularly described as:

A tract beginning at a point which is 417.78 feet West of the Southeast Corner of said Section 31 and running thence West 1407.78 feet; thence North 33°35' East 576.84 feet; thence North 37°15' East 284.46 feet; thence South 57°00' East 694.98 feet; thence South 45°00' East 467.28 feet to the point of beginning;

thence North 57° West, a distance of 454.68 feet; thence North 62° West, a distance of 303.60 feet; thence North 40°31' West, a distance of 396 feet; thence North 38°15' West, a distance of 396 feet; thence North 20°30' West, a distance of 491.8 feet; thence North 60°15' West, a distance of 148.50 feet; thence North 39°31' West, a distance of 214.5 feet to the North South center line for said Section 31, thence North along the said North South center line, a distance of approximately 528 feet, to the center point of the said Section 31; thence North, a distance of 2640 feet, to the North Quarter Corner of said Section 31; thence East, a distance of 2,636.70 to the Northeast Corner of said Section 31, thence North along the West Section line of Section 29, Township 3 North, Range 7 East, Salt Lake Base and Meridian, a distance of 2,640 feet, more or less, to the West Quarter Corner of the said Section and the Point of Beginning.

(Note the Bow Valley Deed identified the calls in Section 31 in this legal description in chains and the calls in Section 32 in rods, and the Court has converted these calls to feet in preparing this legal description.)

**Parcel 2:** Beginning at the Southwest Corner of Section 19, Township 3 North, Range 7 East, Salt Lake Base and Meridian; thence North along the West Section line, a distance of 2640 feet to the West Quarter Corner of said Section; Thence East along the East-West Center Quarter line of the said Section a distance of 2640 feet to the center point of the said Section; thence East along the East-West Center Quarter line a distance of 1999.97 feet; Thence South 12°35' West, a distance of 300 feet; Thence South 40°53' West, a distance of 393.76 feet; Thence South 49°28' West, a distance of 333.73 feet; Thence South 37°50' West, a distance of 288 feet; Thence South 3°48' East, a distance of 154.4 feet; Thence South 13°25' West, a distance of 317 feet; thence South 41°33' West, a distance of 316 feet; Thence South 57°39' West, a distance of 196.6 feet; Thence South 25°59' West, a



distance of 265.3 feet; Thence South 24°59' West, a distance of 192.2 feet; Thence South 26°04' West, a distance of 261.7 feet; thence South 0°06' East, a distance of 153.28 feet to the South Section line of the said Section 19; Thence West a distance of 3114.46 feet, more or less, to the point of beginning.

**Parcel 3:** The West Half, and the West Half of the East half, and the East half of the Southeast Quarter of Section 30, Township 3 North, Range 7 East, Salt Lake Base and Meridian.

Containing 1106.84 acres, more or less; Parcel Nos. NS-1181-A; and NS-1197; Part of Parcel Nos. NS-1201; NS-1195; and NS-1204.

c. **Morby's Creek Award to the Minority Heirs.** The Court awards the Minority Heirs a parcel of property located in Sections 29, 31, and 32, Township 3 North, Range 7 East, Salt Lake Base and Meridian, more particularly described as:

Commencing at the West Quarter Corner of Section 29, Township 3 North, Range 7 East, Salt Lake Base & Meridian; thence South 89°42'30" East, along the East-West Center Quarter line of said Section 29, a distance of 657.92 feet to the East line of the West half of the West half of the Southwest Quarter of said Section 29 and the point of beginning for this legal description; thence South 0°02'41" East, along the said East line a distance of 2644.12 feet to the South Section line of the said Section 29; thence South, along the East line of the West half of the West half of the Northwest Quarter of Section 32, Township 3 North, Range 7 East, Salt Lake Base and Meridian, Salt Lake Base and Meridian, a distance of 2,565.65 feet; thence South 45°00' West, a distance of 1033.38 feet to the South line of the Northeast Quarter of the Northeast Quarter of the Southeast Quarter of Section 31, Township 3 North, Range 7 East, Salt Lake Base and Meridian; thence West 589.29 feet to the Northwest Corner of the Southeast Quarter of the Northeast Quarter of the Southeast Quarter of said Section 31; thence South 45°00' West, a distance of 466.69 feet to the center point of the Southwest Quarter of the Northeast Quarter of the Southeast Quarter of said Section 31 (said point bearing North 65° West a distance of 167 feet, more or less, from a natural spring); thence South 1198.78 feet, more or less until the line reaches the boundary of the second exception described in that Special Warranty Deed recorded on June 26, 1989, as Entry No. 309702, Book 525, beginning at page 700, said second exception appearing on Page 703 under the legal description for Parcel 7, and more particularly described as:

A tract beginning at a point which is 417.78 feet West of the Southeast Corner of said Section 31 and running thence West

1407.78 feet; thence North 33°35' East 576.84 feet; thence North 37°15' East 284.46 feet; thence South 57°00' East 694.98 feet; thence South 45°00' East 467.28 feet to the point of beginning;

Thence South 57° East, a distance of 240.30 feet; Thence South 45° East to the South Section line for the said Section 31; thence East 417.78 feet to the Southeast Corner of the said Section 31; thence North 1320 feet to the West Quarter Corner of the Southwest Quarter of Section 32, Township 3 North, Range 7 East, Salt Lake Base and Meridian; thence North 45° East a distance of 3729 feet to the Southeast Corner of the Northeast Quarter of the Northwest Quarter of said Section 32; thence North 3960 feet to the center point of Section 29, Township 3 North, Range 7 East, Salt Lake Base and Meridian; thence North 89°42'30" West along the East West Quarter Center line of said Section 29, a distance of 1982.08 feet, more or less, to the Point of Beginning.

Containing 278.88 acres, more or less; Part of Parcel Nos. NS-1201; NS-1195; and NS-1204.

(Note the Bow Valley Deed identified the calls in Section 31 in this legal description in chains and the calls in Section 32 in rods, and the Court has converted these calls to feet in preparing this legal description.)

**d. Easement Award to Minority Heirs.** The Court awards the Minority Heirs a roadway and stock trail easement over the Majority Heirs' portion of Morby's Creek from the improved Chalk Creek Highway in the Southeast Quarter of the Southeast Quarter of Section 31, Township 3 North, Range 7 East, Salt Lake Base and Meridian, over the unimproved road located in the said Southeast Quarter of the Southeast Quarter, to the Minority Heirs' Morby's Creek property in the said Southeast Quarter of the Southeast Quarter.

**22. The Sawmill Property.**

The Court partitions in kind the Estate's property commonly known as the Sawmill property 80% to the Majority Heirs and 20% to the Minority Heirs as follows:

**a. Source of Sawmill Legal Description.** In preparing the Sawmill legal descriptions, the Court relied in part on:

- i. The 1981 Partition Decree; and
  - ii. The original field notes of the government survey and the original map of Township 4 North, Range 5 East, accepted by the Surveyor General's Office and dated October 8, 1900.
- b. **Sawmill Award to the Majority Heirs.** The Court awards the Majority Heirs a parcel of property located in Sections 26, 27, 28, 33, 34, and 35, Township 4 North, Range 5 East, more particularly described as:

Commencing at the Southeast Corner of Section 26, Township 4 North, Range 5 East, Salt Lake Base and Meridian and running thence North, along the East Section line of said Section 26, a distance of 2640 feet, to the East Quarter corner of said Section 26; thence North, along the East Section line of said Section 26, a distance of 29.21 feet; thence West, a distance of 3021.02 feet to the Point of Beginning for this description; thence West, a distance of 2258.98 feet to the West Section line of Section 26, said point bears North 0° 01' West, a distance of 29.21 feet from the West Quarter Corner of said Section 26; thence West, a distance of 5280 feet to the West Section line of Section 27, Township 4 North, Range 5 East, Salt Lake Base and Meridian, said point bears North 0° 02' West, a distance of 29.21 feet from the West Quarter corner of said Section 27; thence West, a distance of 5280 feet to the West Section line of Section 28, Township 4 North, Range 5 East, Salt Lake Base and Meridian; thence South 0° 02' East, along the West Section line of said Section 28, a distance of 29.21 feet to the West Quarter Corner of said Section 28; thence South 0° 02' East, along the West Section line of said Section 28, a distance of 2640 feet to the Southeast Corner of said Section 28; thence East, along the South Section line of said Section 28, a distance of 2640 feet to the South Quarter Corner of said Section 28; thence South 0° 02' East, along the North-South center Quarter line of Section 33, Township 4 North, Range 5 East, Salt Lake Base and Meridian, a distance of 1039.50 feet; thence East, a distance of 2640 feet to the East Section line of said Section 33; thence North 0° 02' West, along the said East Section line, a distance of 4.04 feet; thence East, a distance of 5280 feet to the East Section line of Section 34, Township 4 North, Range 5 East, Salt Lake Base and Meridian; thence East, a distance of 2258.98 feet; thence North, a distance of 1035.46 feet to the North Section line of Section 35, Township 4 North, Range 5 East, Salt Lake Base and Meridian; thence North, a distance of 2669.21 feet to the Point of Beginning.

Containing 1027.71 acres, more or less; Part of Parcel Nos. NS-1275-A-1; NS-1276-A-1; NS-1277-A-1; NS-1285-A-1; NS-1286-A-1; and NS-1287-A-1.

**c. Sawmill Award to the Minority Heirs.** The Court awards the Minority Heirs a parcel of property located in Sections 26 and 35, Township 4 North, Range 5 East, Salt Lake Base and Meridian, more particularly described as:

Beginning at the Southeast corner of Section 26, Township 4 North, Range 5 East, Salt Lake Base and Meridian and running thence North, along the East Section line of the said Section 26, a distance of 2640 feet, to the East Quarter Corner of Section 26; thence North, along the East Section line of the said Section 26, a distance of 29.21 feet; thence West, a distance of 3021.02 feet; thence South, a distance of 2669.21 feet to the South Section line of the said Section 26; thence South, a distance of 1035.46 feet; thence East, a distance of 3021.02 feet to the East Section line of Section 35. Township 4 North, Range 5 East, Salt Lake Base and Meridian; thence North, along the East Section Line of the said Section 35, a distance of 1035.46 feet, to the Point of Beginning.

Containing 256.93 Acres, more or less; Part of Parcel Nos. NS-1275-A-1; and NS-1287-A-1.

**d. Easements Award to Minority Heirs.** The Court awards the Minority Heirs two roadway and stock trail easements as follows:

**i. Easement 1.** The Court awards the Minority Heirs an easement over the Sawmill Canyon Road as it crosses the Majority Heirs portion of the Sawmill property in both directions, where the Sawmill Canyon Road enters the South boundary of the Majority Heirs' Sawmill property until it exits the North boundary of the said property.

**ii. Easement 2.** The Court also awards the Minority Heirs a roadway and stock trail easement over the East part of the Majority Heirs' Sawmill property beginning where the 4-wheel drive ridge line road crosses the North boundary line of the Majority

Heirs' Sawmill property and proceeding southeasterly across the Majority Heirs' Sawmill property until it reaches the Minority Heirs' Sawmill property.

e. **Existing Easement.** The Court conveys to the Majority Heirs and the Minority Heirs all of the estate's right, title, and interest in a roadway and stock trail easement over the Sawmill Canyon Road. In the 1981 Partition Decree, this easement was described as:

Twenty five feet on each side of a center line described as follows: Beginning at a point on an existing road on the South Section line of Section 33, Township 4 North, Range 5 East, Salt Lake Base and Meridian, which point is approximately 450 feet West of the Southeast Corner of said Section 33; thence northerly along the existing road approximately 1 mile to the North Section line of said Section 33; thence northerly along an existing trail near the creek bottom approximately 3500 feet to a junction of the canyon; thence northeasterly following an existing trail in the drainage of the right fork of Sawmill Canyon approximately 3500 feet to a point 1000 feet North of the South Section line of Section 21, Township 4 North, Range 5 East, Salt Lake Base and Meridian.

The easement described above only reaches an area known as the "Forks," on the Sawmill Canyon Road. In 1986, a lawsuit was brought in which Stephen Gillmor (and/or Shirley Gillmor as Stephen's personal representative) and Edward L. (Bud) Gillmor and Charles F. (Frank) Gillmor argued over the length and extent of this easement. See Third District Court for Summit County, Case No. 9067. Stephen and/or Shirley Gillmor as personal representative of Stephen's estate argued that pursuant to the legal description in the 1981 Partition Decree (described above), Bud and Frank did not have an easement to access the eastern portions of their Sawmill properties over Stephen's property past the Forks. Bud and Frank argued that each had such an easement and that the legal description was incorrect due to a mistake of fact regarding access to their properties. The trial court denied all relief to Bud and Frank.

On appeal to the Utah Supreme Court, it reversed. *Gillmor v. Wright*, 850 P.2d 431 (Utah 1993). The Supreme Court found that a mistake of fact regarding access had occurred when the legal description of this easement was drafted and that Bud and Frank each owned an easement over Stephen's property over the Sawmill Canyon Road, past the Forks, to access the eastern portion of their properties. The case was remanded to the trial court for the entry of an order correcting the legal description. *Id.* at 438. The legal description has not yet been corrected to reflect Bud and Frank's easement past the Forks to each of their properties. However, all of the parties to that action, as well as their successors in interest, have complied with the Supreme Court's decision and permitted the use of this easement based on its correct location and usage. Accordingly, the Court rules that its conveyance of this easement transfers all rights, title, and interest to this easement as granted, as modified by the Supreme Court's decision, and as subsequently used thereafter.

**23. 7<sup>th</sup> East Property.**

The Court partitions in kind the Estate's property commonly known as 7<sup>th</sup> East 80% to the Majority Heirs and 20% to the Minority Heirs as follows:

**a. Source of 7<sup>th</sup> East Legal Description.** In preparing the 7<sup>th</sup> East legal descriptions, the Court relied in part on:

- i.** The Bow Valley Deed; and
- ii.** The original field notes of the government survey and the original map of Township 1 North, Range 7 East, accepted by the Surveyor Generals Office and dated February 28, 1894.

**b. 7<sup>th</sup> East Award to the Majority Heirs.** The Court awards the Majority Heirs a parcel of property located in Section 3, Township 1 North, Range 7 East, Salt Lake Base and Meridian, more particularly described as:

Commencing at the Southeast Corner of Section 3, Township 1 North, Range 7 East, Salt Lake Base and Meridian and running thence West, along the South Section line of said Section 3, a distance of 1056.00 feet, to the Point of Beginning for this description; thence North 0°02' West, a distance of 2805.00 feet; thence West, a distance of 4224.00 feet, to the West Section line of said Section 3; thence South 0°02' East, along the said West Section line, a distance of 165.00 feet to the West Quarter corner of Section 3; thence South 0°02' East, along the said West Section line, a distance of 2640 feet, to the Southwest Corner of the said Section 3; thence East, along the South Section of Section 3, a distance of 4224.00 feet, to the Point of Beginning.

Containing 271.89 Acres, more or less; Part of Parcel No. SSF-209-A-1.

**c. 7<sup>th</sup> East Award to the Minority Heirs.** The Court awards the Minority Heirs a parcel of property located in Section 3, Township 1 North, Range 7 East, Salt Lake Base and Meridian, more particularly described as:

Beginning at the Southeast Corner of Section 3, Township 1 North, Range 7 East, Salt Lake Base and Meridian and running thence North 0°02' West, along the East Section line of said Section, a distance of 2640 feet, to the East Quarter corner of Section 3; thence North 0°02' West, along the East Section line of Section 3, a distance of 165.00 feet; thence West, a distance of 1056.00 feet; thence South 0°02' East, a distance of 2805.00 feet to the South Section line of said Section; thence East, along the South Section line, a distance of 1056.00 feet, to the Point of Beginning.

Containing 68.00 Acres, more or less; Part of Parcel No. SSF-209-A-1.

**d. Existing Easement.** The Court conveys to the Majority Heirs and the Minority Heirs all of the estate's right, title, and interest in two roadway and stock trail easements more particularly described as:

**Roadway and Stock Trail Easement 1.** Twenty five feet each side of a center line described as follows: Commencing at a point on a Jeep Trail on the West line of the Northeast Quarter of the Northeast Quarter of Section 4, Township 1 North, Range 7 East, Salt Lake Base and Meridian, which point is approximately 600 feet South of the Northwest Corner of the Northeast Quarter of the Northeast Quarter of said Section 4; thence following the trail southeasterly approximately 800 feet to a point 25 feet North of the South line of Northeast Quarter of the Northeast Quarter of said Section Sec. 4; thence East parallel to and 25 feet North of the said South line approximately 300 feet to a Jeep trail, which point is approximately 600 feet West of the Southeast Corner of the Northeast Quarter of the Northeast Quarter of said Section 4; thence following said Jeep trail on a curve to the right approximately 1100 feet to a point on the East Section line of said Section 4, which point is approximately 600 feet South of the Northeast Corner of said Section 4; thence following said trail easterly approximately 3400 feet to its junction with another Jeep trail; thence southeasterly along said Jeep trail approximately 2500 feet to a point that is approximately 1000 feet West and 1700 feet South of the Northeast Corner of Section 3, Township 1 North, Range 7 East, Salt Lake Base and Meridian.

**Roadway and Stock Trail Easement 2.** Commencing at a point on the end of a Jeep trail which point is approximately 1000 feet West and 1700 feet South of the Northeast Corner of Section 3, Township 1 North, Range 7 East, Salt Lake Base and Meridian; thence Southwesterly adjusting alignment to keep to a less than 9% grade and staying within the bounds of the property awarded to Edward L. Gillmor, Charles F. Gillmor, and Florence Gillmor on page 22 of the 1981 Partition Decree in Township 1 North, Range 7 East, and Township 2 North, Range 7 East, Salt Lake Base and Meridian, through all parcels to a point on the north-South centerline of Section 6, Township 1 North, Range 7 East, Salt Lake Base and Meridian.

**24. The "120."**

The Court partitions in kind the Estate's property commonly known as the "120" 80% to the Majority Heirs and 20% to the Minority Heirs as follows:

**a. Source of "120" Legal Description.** In preparing the legal descriptions for the "120", the Court relied in part on:

**i. The 1981 Partition Decree; and**



ii. The original field notes of the government survey and the original map of Township 1 North, Range 7 East, accepted by the Surveyor Generals Office and dated February 28, 1894.

b. **“120” Award to the Majority Heirs.** The Court awards the Majority Heirs a parcel of property located in Section 4, Township 1 North, Range 7 East, Salt Lake Base and Meridian, more particularly described as:

Beginning at the West Quarter Corner of Section 4, Township 1 North, Range 7 East, Salt Lake Base and Meridian and running thence North 00°06' West, along the West Section line of said Section 4, a distance of 1320 feet, to the Northwest Corner of the Southwest Quarter of the Northwest Quarter of said Section 4; thence South 89°52' East, along the South line of lots 4, 3, and 2 of Section 4, a distance of 3167.26 feet; thence South 00°03' East, a distance of 1320 feet, to the East–West Center Quarter line of Section 4; thence North 89°52' West along the East– West Center Quarter line of Section 4, a distance of 3166.52 feet, to the Point of Beginning.

Containing 96 Acres, more or less; Part of Parcel No. SSF-210.

c. **“120” Award to the Minority Heirs.** The Court awards the Minority Heirs a parcel of property located in Section 4, Township 1 North, Range 7 East, Salt Lake Base and Meridian, more particularly described as:

Commencing at the West Quarter Corner of Section 4, Township 1 North, Range 7 East, Salt Lake Base and Meridian, and running thence South 89°52' East, along the East – West center Quarter line of Section 4, a distance of 3166.52 feet, being the Point of Beginning for this description; thence North 00°03' West, a distance of 1320 feet, to the South line of lot 2 of Section 4; thence South 89°52' East, along the South line of lot 2 of Section 4, a distance of 792.00 feet, to the Northeast Corner of Southwest Quarter of the Northeast Quarter of Section 4; thence South 00°03' East, a distance of 1320 feet, to the Southeast Corner of the Southwest Quarter of the Northeast Quarter of Section 4; thence North 89°52' West, along the East – West center Quarter line of Section 4, a distance of 792.00 feet, to the Point of Beginning.

Containing 24.00 Acres, more or less; Part of Parcel No. SSF-210.

**25. Easements re 7<sup>th</sup> East and "120" Properties.** The Court awards the Majority Heirs a roadway and stock trail easement over the roadway commonly referred to as the South Fork Road where that road crosses the North boundary of the Minority Heirs' Chalk Creek Property in Section 36, Township 2 North, Range 6 East, Salt Lake Base and Meridian, and traverses the Minority Heirs property in a southerly and easterly direction until it exits the Minority Heirs' property on the East Section line of Section 1, Township 1 North, Range 6 East, Salt Lake Base and Meridian.

The Court awards the Majority Heirs a roadway easement, as has been used historically, to their portion of the 7<sup>th</sup> East and "120" properties over the East Cabin Road through the Minority Heirs' property located in Section 34, Township 2 North, Range 7 East, Salt Lake Base and Meridian. The approximate location of the center line for the East Cabin Road as it traverses the Minority Heirs property in said Section 34 is more particularly described as:

Beginning at a point on an existing jeep trail on the North Section line of Section 34, Township 2 North, Range 7 East, Salt Lake Base and Meridian, which point is approximately 1,800 feet West from the Northeast Corner of said Section 34; thence southerly following said existing jeep trail approximately 2,800 feet; thence South approximately 45° West 3000 feet, to its junction with another jeep trail; thence South approximately 70° degrees East along said jeep trail approximately 1000 feet to a point on the South Section line of Section 34, which point is approximately 2300 feet East of the Southwest Corner of the said Section 34.

The Majority Heirs shall have no other rights on the Minority Heir's property in Section 34, including without limitation any hunting rights.

The Majority Heirs and Minority Heirs are each awarded a roadway and stock trail easement for access to the 7<sup>th</sup> East and "120" Properties over the continuation of the South Fork Road as it passes through the others' 7<sup>th</sup> East and "120" Properties.

**26. Pace Meadow.**

The Court partitions in kind the Estate's property commonly known as the Pace Meadow 80% to the Majority Heirs and 20% to the Minority Heirs as follows:

**a. Source of the Pace Meadow Legal Description.** In preparing the legal descriptions for "Pace Meadow," the Court relied in part on the following sources at the office of the Summit County Recorder's Office:

- i. The 1981 Partition Decree;
- ii. That certain Warranty Deed recorded in Book U of Warranty Deeds at Page 299;
- iii. That certain Quit Claim Deed recorded in Book I of Quit Claim Deeds at Page 114;
- iv. That certain Conservator's Deed recorded in Book 675 at Page 488;
- v. That certain Conservator's Deed recorded in Book 675 at Page 482;
- vi. That certain Quit Claim Deed recorded in Book 527 of Quit Claim Deeds at Page 47;
- vii. The original field notes of the government survey and the original map of Township 1 South, Range 4 East, accepted by the Surveyor General's Office and dated December 15, 1869;
- viii. That certain ALTA Survey prepared by the Jack Johnson Company, Project Number 453.019-01, filed in the Office of the Recorder, County of Summit, State of Utah, File Number S-3682,

- ix. The UDOT Silver Creek Junction to Park City Junction Right of Way Plans, Project Number F-019 (30), Dated June 21, 1990;
  - x. That certain Quit Claim Deed recorded in Book 527 of Quit Claim Deeds at Page 47;
  - xi. That certain Warranty Deed recorded in Book U of Warranty Deeds at Page 299;
  - xii. That certain Quit Claim Deed recorded in Book I of Quit Claim Deeds at Page 114;
  - xiii. That certain Conservator's Deed recorded in Book 675 at Page 488; and
  - xiv. That certain Conservator's Deed recorded in Book 675 at Page 482.
- b. **Pace Meadow Award to the Majority Heirs.** The Court awards the Majority Heirs a parcel of property located in Section 26, Township 1 South, Range 4 East, Salt Lake Base and Meridian, more particularly described as:

Commencing at the Southwest Corner of Section 26, Township 1 South, Range 4 East, Salt Lake Base and Meridian as shown on that certain ALTA Survey prepared by the Jack Johnson Company, Project Number 453.019-01, filed in the Office of the Recorder, County of Summit, State of Utah, File Number S-3682, and running thence North 00°02'36" West, along the West Section line of said Section 26, a distance of 941.33 feet, constituting the Point of Beginning for this description; thence North 00°02'36" West, along the West Section Line of Section 26, a distance of 1348.82 feet, to a point that bears South 00°02'36" East, a distance of 370.59 feet from the West Quarter Corner of Section 26; thence North 89°40'42" East, parallel with the East-West Center Quarter Line of Section 26, a distance of 1315.24 feet, to a point on West line of the Northeast Quarter of the Southwest Quarter of said Section 26; thence North 00°03'46" West, along said West line, a distance of 238.92 feet; thence North 89°40'42" East, along a line parallel to the East - West Center Quarter Line of Section 26, a distance of 1315.16 feet, to a point on the North - South Center Quarter Line of Section 26; thence North

00°04'55" West, along said North – South Center Quarter Line of Section 26, a distance of 131.67 feet, to the Center point of Section 26; thence North 89°40'42" East, along the East – West Center Quarter Line, a distance of 1316.04, to the Northeast Corner of the Northwest Quarter of the Southeast Quarter of Section 26; thence South 00°06'02" East, along the East line of the Northwest Quarter of the Southeast Quarter of Section 26, a distance of 1330.53 feet, to the Northwest Corner of the Southeast Quarter of the Southeast Quarter of Section 26; thence South 89°40'33" West, along the South line for the Northwest Quarter of the Southeast Quarter of said Section 26, a distance of 1316.47 feet, to the Northwest Corner of the Southwest Quarter of the Southeast Quarter of Section 26; thence South 89°41'00" West, along the South line of the Northeast Quarter of the Southwest Quarter of Section 26, a distance of 515.21 feet; thence South 00°04'55" East, parallel with the North – South Center Quarter Line of Section 26, a distance of 1330.55 feet to the South Section line for Section 26; thence South 89°41'17" West, along the said South Section line, a distance of 1621.28 feet, to a point on the East line of the Frontage Road Right of Way of U.S. Highway 40; thence North 30°02'01" West, along said East line, a distance of 139.48 feet; thence North 88°26'23" West, along said East line, a distance of 97.66 feet; thence North 21°00'09" West, along said East line, a distance of 663.29 feet; thence along a non-tangent curve to the left, the center of which bears South 65°20'49" West, having a radius of 23,188.312 feet, through a central angle of 00°32'02", a distance of 216.12 feet to the Point of Beginning,

**Less and excepting:**

A strip of land as referenced in that certain Quit Claim Deed recorded in Book 527 of Quit Claim Deeds at Page 47, in the Office of the Recorder, County of Summit, State of Utah.

Containing 162.662 acres, more or less; Part of Parcel No. SS-56-A-1.

c. **Pace Meadow Award to the Minority Heirs.** The Court awards the Minority Heirs a parcel of property located in Section 26, Township 1 South, Range 4 East, Salt Lake Base and Meridian, more particularly described as:

Commencing at the Southeast Corner of Section 26, Township 1 South, Range 4 East, Salt Lake Base and Meridian as shown on that certain ALTA Survey prepared by the Jack Johnson Company, Project Number 453.019-01, filed in the Office of the Recorder, County of Summit, State of Utah, File Number S-3682, and running thence North 00°02'36" West, along the West Section line of Section 26, a distance of 2290.16 feet, to a point that bears South 00°02'36" East, a distance of

370.59 feet from the West Quarter Corner of Section 26; thence North 89°40'42" East, parallel with the East – West Center Quarter Line of Section 26, a distance of 1315.24 feet, to a point on West line of the Northeast Quarter of the Southwest Quarter of said Section 26; thence North 00°03'46" West, along said West line, a distance of 238.92 feet, the Point of Beginning for this description; thence North 00°03'46" West, along said West line, a distance of 131.67, to the Southwest Corner of the Southeast Quarter of the Northwest Quarter of Section 26; thence North 00°00'36" East, along the West line of the Southeast Quarter of the Northwest Quarter of Section 26, a distance of 1331.12 feet, to the Northwest Corner of the Southeast Quarter of the Northwest Quarter of Section 26; Thence North 89°33'51" East, along the North line of the Southeast Quarter of the Northwest Quarter of Section 26, a distance of 1312.99 feet, to the Northeast Corner of the Southeast Quarter of the Northwest Quarter of Section 26; thence South 00°04'55" East, along the North–South Center Quarter Line of Section 26, a distance of 1333.73 feet, to the Center point of Section 26; thence South 00°04'55" East, along said North–South Center Quarter Line of Section 26, a distance of 131.67 feet; thence South 89°40'42" West, parallel with the East–West Center Quarter Line of Section 26, a distance of 1315.16 feet to the Point of Beginning,

**Less and excepting:**

A strip of land as referenced in that certain Quit Claim Deed recorded in Book 527 of Quit Claim Deeds at Page 47, in the Office of the Recorder, County of Summit, State of Utah.

Containing 40.665 acres, more or less; Part of Parcel No. SS-56-A-1.

d. **Water Rights.** The Court awards the Majority Heirs 80% of the water rights to the Pace Meadow property as they currently exist, including without limitation the shares of water stock owned by the estate in Silver Creek Irrigation Company. The Court awards the Minority Heirs 20% of the water rights to the Pace Meadow property as they currently exist, including without limitation the shares of water stock owned by the estate in Silver Creek Irrigation Company.

e. **Easements Awarded to Majority and Minority Heirs.** The Court awards the Minority Heirs a roadway and stock trail easement over the Majority Heirs' Pace Meadow

property from the South over the existing road. The Court awards the Majority Heirs a roadway and stock trail easement over the Minority Heirs' Pace Meadow property from the North over the existing road.

**f. Existing Easement.** The Court conveys to the Majority Heirs and the Minority Heirs all of the estate's right, title, and interest in two roadway and stock trail easements more particularly described as:

Twenty five feet on each side of a center line described as follows: Beginning on an existing road at a point on the East-West center line of Section 35, Township 1 South, Range 4 East, Salt Lake Base and Meridian, which point is approximately 1300 feet West from the East Quarter corner of said Section 35; thence northerly along said existing road approximately 2700 feet to the North Section line of said Section 35, which point is approximately 600 feet East from the North Quarter corner of said Section 35; thence northerly along said road approximately 1 mile to the North line of Section 26, Township 1 South, Range 4 East, Salt Lake Base and Meridian, which point is approximately 500 feet West of the North Quarter corner of the said Section 26; thence northerly along said road approximately ½ mile to the East-West center line of Section 23, Township 1 South, Range 4 East, Salt Lake Base and Meridian, which point is approximately 400 feet West from the center point of Section 23.

**27. Clark Ranch.**

The Court partitions in kind the Estate's property commonly known as Clark Ranch as follows:

**a. Source of the Clark Ranch Legal Description.** In preparing the legal descriptions for "Pace Meadow," the Court relied in part on:

- i.** The 1981 Partition Decree;
- ii.** The original map of Township 2 North, Range 4 East, accepted by the Surveyor General's Office and dated December 15, 1869;

iii. That certain Record of Survey prepared by Dominion Engineering Associates, L.C., dated August 31, 2007 and recorded in the Office of the Summit County Recorder on September 5, 2007, as File No. S0006538, book 0002, page 00368;

iv. That certain Survey prepared by Goff Enterprises dated September 14, 1988 and recorded in the Office of Summit County Recorder on October 12, 1988 as File No. S-164;

v. Plat "A" Gardner Addition to East Park Subdivision, recorded on April 16, 1974 in the Office of the Summit County Recorder, Entry No. 122989;

vi. Gardner Addition to East Park "A," recorded on April 10, 1974 in the Office of the Summit County Recorder, Entry No. 101631;

vii. Amended Gardner Addition to East Park "A," recorded on April 15, 1975 in the Office of the Summit County Recorder, in Book 98 at Pages 535 through 542;

viii. That certain deed of property in Section 12 to Farroukh and Ann Sadr, grantees, recorded in the Office of the Summit County Recorder in Book 545 at Page 669;

ix. That certain deed of property in Section 12 to the Utah Open Lands Conservation Association, grantee, recorded in the Office of the Summit County Recorder, in Book 1577 at Page 791;

b. **Basis of Award.** Based on a stipulated Order entered on September 21, 2009 ("Order Re: Stipulation of Parties and Notice of Status Conference to be Held on September 24,



2009"), the Court approved the stipulation of the Majority and Minority Heirs to set the acreage to be awarded the Minority Heirs at 44 acres and to award all other portions of Clark Ranch to the Majority Heirs.

**c. Clark Ranch Award to the Majority Heirs.** The Court awards the Majority Heirs a parcel of property located in Sections 11 and 12, Township 2 South, Range 4 East, Salt Lake Base and Meridian, more particularly described as:

The east 220.00 feet of the Southeast Quarter and the east 220.00 feet of the Southeast Quarter of the Northeast Quarter of Section 11, together with the East half of the Northwest Quarter, the Southwest Quarter of the Northwest Quarter and the West half of the Southwest Quarter of Section 12, Township 2 South, Range 4 East, Salt Lake Base and Meridian,

**Less and excepting** a portion more particularly described as:

Commencing at the West Quarter corner of Section 12, Township 2 South, Range 4 East, and running thence North 1°36' West, a distance of 1329.75 feet, constituting the point of beginning for this description; thence South 89°23'28" East, a distance of 567.77 feet; thence South, a distance of 2335 feet; Thence West, a distance of 857.65 feet; thence North 3°29'6" East, a distance of 1021 feet; thence North 1°36' West, a distance of 1322.25 feet; thence East, a distance of 264.77 feet to the point of beginning.

Containing the total acreage held by the estate less the 44.0 acres, more or less, of the exception; Part of Parcel No. PP-27-A-1; Part of Parcel No. PP-26-A-1.

**d. Clark Ranch Award to the Minority Heirs.** The Court awards the Minority Heirs a parcel of property located in Sections 11 and 12, Township 2 South, Range 4 East, Salt Lake Base and Meridian, more particularly described as:

Commencing at the West Quarter corner of Section 12, Township 2 South, Range 4 East, and running thence North 1°36' West, a distance of 1329.75 feet, constituting the point of beginning for this description; thence South 89°23'28" East, a distance of 567.77 feet; thence South, a distance of 2335 feet; Thence West, a distance of 857.65 feet; thence North 3°29'6" East, a distance of 1021 feet; thence

North 1°36' West, a distance of 1322.25 feet; thence East, a distance of 264.77 feet to the point of beginning.

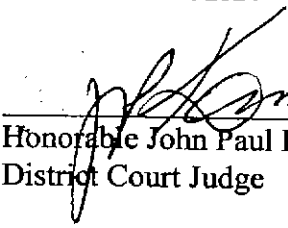
Containing 44.0 acres, more or less; Part of Parcel No. PP-27-A-1; Part of Parcel No. PP-26-A-1.

e. **Easement Awarded to Majority Heirs.** The Court awards the Majority Heirs a roadway and stock trail easement over the Minority Heirs' Clark Ranch Property on the unimproved road, which enters the Minority Heirs' portion of Clark Ranch from the North line of the Minority Heirs' Clark Ranch property and traverses the Minority Heirs' property in a southeasterly direction

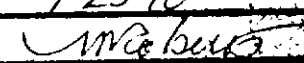
f. **Existing Easement.** The Court conveys to the Majority Heirs and the Minority Heirs all of the estate's right, title, and interest in a roadway and stock trail easement more particularly described as:

Twenty five feet each side of a centerline described as follows:  
Beginning at a point 25 feet South of the Northwest Corner of the Southwest Quarter of the Southeast Quarter of Section 2, Township 2 South, Range 5 East, Salt Lake Base & Meridian; thence East approximately 3/4 of a mile to a point 25 feet West of the East Section line of said Section 2, thence South approximately 1/2 mile (more or less, but reaching Section 11, Township 2 South, Range 5 East, Salt Lake Base & Meridian) to the Southeast Corner of the Southeast Quarter of the Northeast Quarter of said Section 11.

MADE and entered THIS 25 day of, Jan ~~2009~~ 2010  
BY THE COURT:


  
Honorable John Paul Kennedy  
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: 1-25-10  
  
DEPUTY COURT CLERK

**APPROVED AS TO FORM:**

**CLAIRE GILLMOR**

  
\_\_\_\_\_  
Attorney for the Minority Heirs

**BLACKBURN & STOLL, LC**

  
\_\_\_\_\_  
Charles M. Bennett  
Attorneys for the Majority Heirs

**FILED DISTRICT COURT**  
Third Judicial District

JAN 25 2010

SALT LAKE COUNTY

By \_\_\_\_\_  
Deputy Clerk

**SBLACKBURN & STOLL, LC**  
CHARLES M. BENNETT (A0283)  
257 East 200 South St., Suite 800  
Salt Lake City, Utah 84111-2142  
Telephone: (801) 521-7900

Attorneys for Siv, Charles, Jennifer, and Rebecca Gillmor

**IN THE THIRD JUDICIAL DISTRICT COURT OF SALT LAKE COUNTY**

**STATE OF UTAH**

<p><b>IN THE MATTER OF THE ESTATE OF: EDWARD L. GILLMOR,  Deceased.</b></p>	<p><b>MAJORITY HEIRS' AND MINORITY HEIRS' STIPULATION RE PARTITION LINES</b></p> <p>Case No. 923900120 ES</p> <p><b>Judge John Paul Kennedy</b></p>
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The Majority Heirs, acting through their counsel of record, and the Minority Heirs, acting through their counsel of record, stipulate as follows:

- 1. Partition Lines:** The parties have determined that, in order to avoid future disputes between themselves, they should enter into this stipulation as to the partition boundary lines ("partition lines") that will be established in the Court's Partition Decree that will be entered in this matter.
- 2. Scope of Stipulation.** There are properties subject to the Court's partition decree that will not have a partition line (the line between the Majority Heir's property and the Minority Heir's property). The possible relocation of a partition line can only occur in those properties that have a partition line. Some of the Court's awards of property in its Partition Decree will award a group of parcels (such as Chalk Creek, White's Basin, Morby Creek, etc.) ("Groupings") that are grouped together for purposes of the Partition Decree. If a party seeks relocation,

modification, or reformation of a partition line made as part of a Grouping, the parties stipulate that terms of this stipulation shall be applied by considering all property that is part of that Grouping. The following properties constitute either a single parcel subject to partition or a single Grouping of parcels subject to partition. They are numbered according to the paragraphs of the Partition Decree that apply to the properties (following "Partition of Real Estate, Water Rights, and Award and Conveyance of Easements" on page 7 of the Partition Decree):

1. Whitehead North	2. Whitehead South	4. Baileys Coans	5. West Grazing Area
6. A.J. Kyser and Salt Pond	7. Section 31	8. West of Sewage Canal	9. Amos
10. Ambassador	11. Emigration Canyon	12. Tooele County No. 1	13. Tooele County No. 2
14. Tooele County No. 3	15. Tooele County No. 4	16. Tooele County No. 5 and Hansons	17. White's Basin (also identified as 6 East in the 1981 Partition Decree)
18. Buck Pasture	19. Meadow Hayfield Property (in Chalk Creek)	20. Chalk Creek	21. Morby's Creek
22. Sawmill	23. 7 <sup>th</sup> East Property	24. the "120"	25. Pace Meadow
26. Clark Ranch			

See also ¶13, page 7 below. Paragraph 3 of the Partition Decree addresses the division of certain water rights in Salt Lake County. It is therefore not subject to the terms of the parties' stipulation.

**3. Limitations on Relocation, Modification, or Reformation of Partition Lines.**

After:

- i. Having had the opportunity to consult with all experts they deem advisable;

- ii. Having had an explanation of the risks and benefits of having partition lines established that may or may not award the proper acreage to the Minority Heirs and the Majority Heirs;
- iii. Having had an explanation of possible reasons for reformation or modification of the legal descriptions contained in this partition decree in the future to conform to the general intent of the parties to award a set percentage of property for the Minority Heirs *vis a vis* the Majority Heirs;
- iv. Having determined that the certainty of establishing partition lines that will not be subject to modification or reformation in the future outweighs the potential benefits of allowing a party or its successor to bring a reformation action in the future in order to correct a mistake or error, or a perceived mistake or error, in the partition lines decreed herein;

The parties agree that the partition lines that are identified in the Court's Partition Decree shall not hereafter be subject to relocation, reformation, or modification in order to correct a mistake or error in the legal description, **unless** the party seeking relocation, reformation, or modification can establish that the alleged mistake or error caused an error greater than 5%. Thus, if the Majority Heirs seek a relocation, reformation, or modification of a partition line and they are entitled to 80% of the partitioned property, they must establish that the mistake or error caused that they received less than 75% of the partitioned property. Likewise, if the Minority Heirs seek a relocation, reformation, or modification of a partition line and they are entitled to 20% of the partitioned property, they must establish that the mistake or error caused that they received less than 15% of the partitioned property.

The parties further agree that this Stipulation applies regardless of the nature of the claimed mistake or error, including without limitation, an error based upon an incorrect assumption as to the size or acreage of a parcel subject to this partition decree, or an error based

upon an incorrect assumption as to the location of fence lines that may form boundary lines with properties owned by third parties.

**4. Relocation, Modification, or Reformation on Other Bases.** The provisions of this Stipulation shall not prevent any party from seeking relocation, reformation, or modification of boundary lines on that party's property that do not affect the partition lines. Where an error has been made in the description of the Section number, the Township number or direction, or the Range number or direction, the parties stipulate that a modification to correct those errors will not affect the partition lines as contemplated in this stipulation and may be made.

**5. Modification or Reformation by Mutual Consent.** Notwithstanding paragraph 3. above, the parties agree that the Court should authorize the parties and their successors in interest to modify or reform any partition line, or any other aspect of the partition, by mutual written consent recorded with the County Recorder's Office for the County where the particular property is located. No party nor any successor in interest shall be under any duty to modify the Partition Decree.

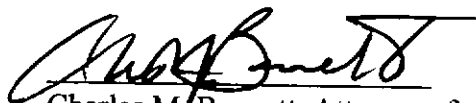
**6. Fence Lines.** Pursuant to the Court's "Order Regarding Partition Fences," dated April 7, 2008, the Court ruled that the fences built on the partition lines would not constitute the legal boundaries of the properties partitioned so that the doctrine of boundary by acquiescence would not apply to the properties upon which partition fences have been or may in the future be built. The parties have stipulated that the Court may reverse this portion of the Court's April 7, 2008 Order. Thus, while the legal descriptions identified in this Partition Decree set the legal boundaries of the partitioned properties, all fences built on partition lines now or in the future shall be subject to the doctrine of boundary by acquiescence.

**3. Effective Date.**

The parties agree this Stipulation shall be effective on the date the Court enters its Partition Decree in this matter.

Dated this 22 day of January, 2010.

**BLACKBURN & STOLL, LC**



Charles M. Bennett, Attorneys for Siv Gillmor, Charles Gillmor, Jennifer Gillmor Larsen, and Rebecca Gillmor Campbell

**CLAIRE GILLMOR**



Attorneys for Edward L. (Luke) and Bonnie Gillmor Billings