Ent 941166 8k 1457 Pg 577 Date: 11-Apr-2007 04:45 PM Fee \$111.00 Cache County, UT Nichael Gleed, Rec. - Filed By SP For CHICAGO TITLE INSURANCE COMPANY

After Recording Return to: Dickstein Shapiro LLP 1825 Eye Street, NW Washington, DC 20006 Attn: Michael Kimberling

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> Note to Clerk: This Notice of Foreign Judgment of the U.S. District Court is to be indexed in the Land Records of <u>CACHE</u> County.

NOTICE OF SUPPLEMENTAL FINAL ORDER AND JUDGMENT

(County of \underline{AACHE} , Utah)

THIS NOTICE OF SUPPLEMENTAL FINAL ORDER AND JUDGENT (this "Notice") dated as of _______, 200_, is recorded pursuant to the SUPPLEMENTAL FINAL ORDER AND JUDGMENT (hereinafter referred to as the "Supplemental Order and Judgment") (attached hereto as Exhibit A), entered by the United States District Court for the Southern District of Indiana on ______, 2007, in Civil Action No. 1:03-cv-7010-DFH-TAB, one of the cases comprising the Multi-District Litigation entitled In Re: AT&T Fiber Optic Cable Installation Litigation, IP99-C-9313-H/K, MDL Docket No. 1313. The Order and Judgment permits AT&T or Class Counsel to file the Order and Judgment in the land records of each county in Utah that has property affected by the Order and Judgment. The Order and Judgment requires that the each of the persons or entities listed under the column "Property Owner Name" on Attachment C be indexed as grantors, and that AT&T Corp. and AT&T Communications - East, Inc. (formerly AT&T Communications, Inc.) be indexed as grantees.

Purpose

This Notice, along with the Exhibits attached hereto, as directed by paragraph 4 of the Supplemental Final Order and Judgment, shall be filed/recorded/indexed in the judgment records in each jurisdiction in which the Settlement Corridors are located in order to give constructive and record notice of the existence of the encumbrance on the real estate created by the Final Order and Judgment entered by the United States District Court for the Southern District of Indiana on July 19, 2006. The Supplemental Order and Judgment directs the clerk of the judgment records of each jurisdiction to file/record/index the Supplemental Order and Judgment by the names of each party listed in the column "Property Owner Name" of Attachment C to the Supplemental Order and Judgment.

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Nature of Interest in Real Estate

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Pursuant to paragraph 8 of the Final Order and Judgment, the Court granted $\Lambda T \& T$ sixteen and one half (16 1/2) foot wide permanent easements through the Settlement Corridor defined in the Settlement Agreement. The easements are more particularly described in the Order and Judgment.

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<u>Use</u>

Such easements are for the purpose of maintaining, upgrading and expanding cable, as well as to install new conduits and fiber or replacement technology within the easement and shall permit unrestricted use, licensing and assignment of such facilities which have been or may be constructed, installed, or acquired by AT&T for its primary use, all as more particularly set forth in, and subject to the terms and conditions of, the Final Order and Judgment.

Definitions and Conflicts

The terms and provisions of the Final Order and Judgment and the Supplemental Order and augment are hereby incorporated herein and make a part hereof, and any term or provision not defined herein shall have the meaning set forth in the Final Order and Judgment or the Supplemental Final Order and Judgment. In the event of a conflict between the terms of this Notice and the terms of the Final Order and Judgment or the Supplemental Order and Judgment, the terms of the Final Order and Judgment or the Supplemental Order and Judgment, the terms of the Final Order and Judgment or the Supplemental Order and Judgment shall control.

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF INDIANA INDIANAPOLIS DIVISION

IN RE:

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AT&T FIBER OPTIC CABLE INSTALLATION LITIGATION

Ent 941166 Bk 1457 Pg 579

1:99-cv-9313-DFH-TAB MDL Docket No. 1313

THIS DOCUMENT RELATES TO:

(UTAH - ACTIVE LINE)

1:03-cv-7010-DFH-TAB (Rindlisbacher)

SUPPLEMENTAL FINAL ORDER AND JUDGMENT

On November 2, 2005, counsel for AT&T Corp. and AT&T Communications, Inc. (formerly AT&T Communications – East, Inc.) (collectively AT&T) and Class Counsel executed the Utah "Telecommunication Cable"/Railroad Corridor Class Settlement Agreement, providing AT&T, among other things, an easement running along certain railroad corridors in Utah (the "Settlement Agreement"). On November 4, 2005, the Court entered an Order conditionally approving the Settlement Agreement. On July 19, 2006, this Court executed a Final Order and Judgment in these proceedings approving that settlement (the "Final Order and Judgment"), which was entered on July 19, 2006.

In paragraph 8 of the Final Order and Judgment, the Court granted AT&T a sixteen and one half (16 1/2) foot wide easement, consistent with Paragraph VI.A.1 of the Settlement Agreement, for telecommunications purposes through the Settlement Corridor (as defined in the Settlement Agreement) vis-à-vis all Current Landowners (as defined in the Settlement Agreement) and their respective successors in interest. Under Paragraph VI.A.1 of the Settlement Agreement, this permanent telecommunications easement gives AT&T the right to operate, maintain, upgrade and expand its existing cable, as well as to install new conduits and fiber or replacement technology within the easement and shall permit unrestricted use, licensing and assignment of such facilities, which have been or may be constructed, installed, or acquired by AT&T for its primary use.

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Paragraph 13 of the Final Order and Judgment provides that AT&T or Class Counsel may, at their respective options and cost, file/record/index the Final Order and Judgment or a notice thereof, in the name of each Class Member who owns any property affected by the easement in the judgment or land records of the jurisdiction in which the real estate is located.

Paragraph 13 of the Final Order and Judgment also provided that this Court retains jurisdiction to enter supplemental orders and judgments to effectuate the recordation of AT&T's property rights.

This Supplemental Final Order and Judgment specifically identifies the owners of property affected by the easement described in Paragraph 8 of the Final Order and Judgment and describes the affected property to effectuate the recordation of AT&T's property rights.

Accordingly, in order to effectuate the recordation of AT&T's property rights, it is hereby ORDERED AND ADJUDGED as follows:

The maps included at Attachment A illustrate, by county in Utah, the portions of railroad corridors and adjoining property affected by the easement provided in Paragraph 8 of the Final Order and Judgment. Attachment A is broken down by Utah county into a number of sub-parts labeled A1, A2, A3, etc. If AT&T chooses to file/record/index this Supplemental Final Order and Judgment in the land records of a particular county pursuant to Paragraph 13 of the Final Order and Judgment, it is permitted to attach to this Supplemental Final Order and Judgment only the sub-part of Attachment A that corresponds to that county.

Attachment B is a series of descriptions, by county in Utah, that describe the portions of railroad corridors and adjoining property affected by the easement provided in Paragraph 8 of the Final Order and Judgment. Attachment B is broken down for each Utah county into a number of sub-parts labeled B1, B2, B3, etc. If AT&T chooses to file/record/index this Supplemental Final Order and Judgment in the land records of a particular county pursuant to Paragraph 13 of the Final Order and Judgment, it is permitted to attach to this Supplemental Final Order and Judgment, it is permitted to attach to this Supplemental Final Order and Judgment of Attachment B that corresponds to that county.

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Attachment C consists of two spreadsheets that lists all owners of property from whom an easement was obtained and describes the parcels of property subject to the easement provided in Paragraph 8 of the Final Order and Judgment. One of the spreadsheets lists the parcels within each county by the names of the landowners, and the other spreadsheet lists the parcels within each county in order as they appear along the Settlement Corridor. Each spreadsheet in Attachment C is broken down by Utah county into a number of sub-parts labeled C1, C2, C3, etc. If AT&T chooses to file/record/index this Supplemental Final Order and Judgment in the land records of a particular county pursuant to Paragraph 13 of the Final Order and Judgment, it is permitted to attach to this Supplemental Final Order and Judgment of Attachment C that corresponds to that county.

If AT&T chooses to file/record/index this Supplemental Final Order and Judgment in the land records of a particular county, the recorder's offices of such jurisdictions are directed to file/record/index this Order against each settlement class member's name or against such settlement class member's interest in the real estate (the names and other necessary information of such settlement class members within each applicable jurisdiction are included at Attachment C to this Supplemental Final Order and Judgment in order to allow the recorder's office to

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file/record/index this Supplemental Final Order and Judgment against each settlement class

member), so as to give constructive and record notice to all subsequent parties acquiring an

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interest in the real estate of the existence of the easements.

SO ORDERED this <u>7th</u> day of _____ February _____, 2007.

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Judge, David F. Hamilton United States District Court Southern District of Indiana Indianapolis Division

Distribution:

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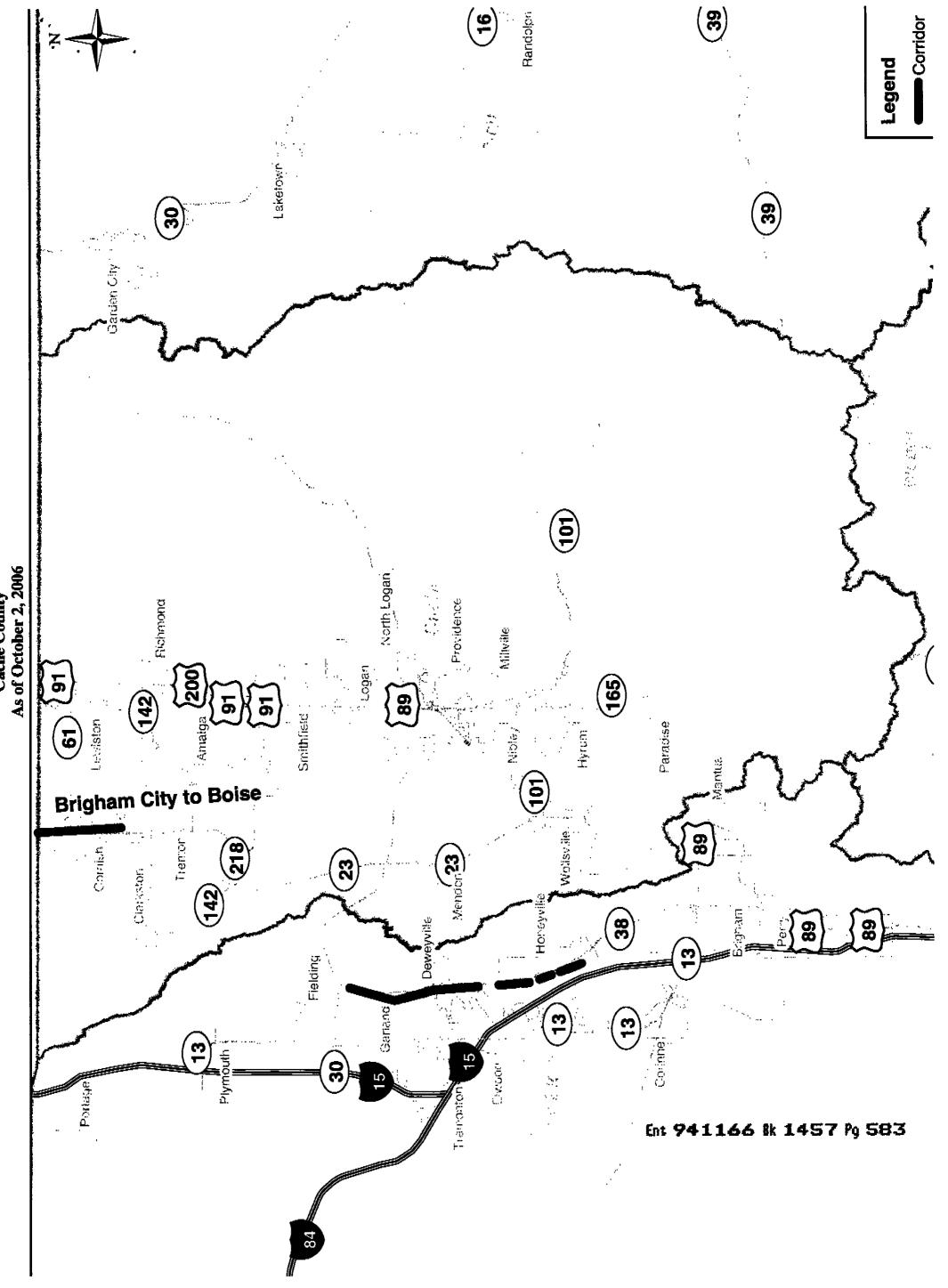
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UNITED STATES DISTRICT COURT outhers District of Indiana WOODEN & MCLAUGHLIN, LLP I, the undersays and fiverk of the Court, do hereby carting that this is a true, correct and full copy wwooden@woodmaclaw.com this is a true, correct and full copy Under and of the original anglemental dinal Under and Judgment on fill in the contrady. 313-DEH-TAB 1.94.01.9 Cause"No. Dated Highingsy igh 2087 Laure A. Brigger Klark Deputy Clerk 1 Manindes Jour (44 + 81 passes (test) (athibits)



Cache County As of October 2, 2006

Utah - Cache County Descriptions of Settlement Corridor Beginning and Ending Points As of October 2, 2006

Boise to Brigham City

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Beginning Point – 150 ft. east of the intersection of Highway 23 and the Utah/Idaho state line in the City of Cornish, Cache County, Utah.

The corridor travels south through the following sections:

TWN15N-RNG1W-SEC34 TWN14N-RNG1W-SEC3 TWN14N-RNG1W-SEC10 TWN14N-RNG1W-SEC15 TWN14N-RNG1W-SEC22

Ending Point -1,400 ft east of the intersection of 11400 and Highway 23 in the City of Trenton, Cache County, Utah.

Note: Segments of this corridor are excluded due to Federal Land Grants.

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Filed: 02/07/2007 Case: 1-03-cv-07010-DFH-TAB Doc #: 33.8 RINDLISBACHER v. AT&T CORP Jack Rindlisbacher, et al. v. AT&T Corp. et al. - Under of Judgment Order of Judgment Cache County As of October 2, 2006

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Filed: 02/07/2007 Case: 1-03-cv-07010-DFH-TAB Doc #: 33.11 RINDLISBACHER v. AT&T CORP Jack Rindlindecker, et al. v. AT&T Corp., et al. - Unah Order of Judgment Cache County As of October 2, 2006

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