

IN THE DISTRICT COURT OF SALT LAKE COUNTY
STATE OF UTAH

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J. W. EDGAR, a/k/a Jim
Edgar and EVELYN EDGAR,
his wife,

Plaintiffs,

-vs-

COMBINED PRODUCTION
ASSOCIATES, LTD., a Utah
Corporation and A. B. THOMAS,
Defendants.

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

Civil No. 146067

THIS MATTER having come on for hearing at pretrial on the 19th day of March, 1964; Verden E. Bettilyon appearing as counsel for the Plaintiffs and H. G. Metos appearing as counsel for Defendant, Combined Productions Associates, Ltd., a Utah Corporation, and A. B. Thomas, and A. B. Thomas also appearing, and the Court having examined the proofs offered by the respective parties, and the representations of respective counsel and having been fully advised in the premises, and having previously entered its pretrial order, the following Findings of Fact and Conclusions of Law constituting the decision of the Court in said action are hereby made:

FINDINGS OF FACT

1. That on the 9th day of December, 1962, Defendant, Combined Productions Associates, Ltd. agreed to pay Plaintiffs the sum of \$9,000.00 on June 15, 1963 if Plaintiffs would sign a certain agreement entitled "Amendment to Mining Leases"; that Plaintiffs executed the said agreement on December 9, 1962; that as a memorandum of said agreement, the said Corporation executed an agreement attached to Plaintiffs' Complaint as Exhibit "A".

2. That Defendant, A. B. Thomas, did not sign any written document or memorandum, agreeing to be bound by the said agreement or to guarantee the

obligation of Defendant, Combined Production Associates, Ltd.

3. That the said obligation of \$9,000.00 has not been paid.

From the foregoing Findings of Fact, the Court makes and enters the following

CONCLUSIONS OF LAW

1. That Plaintiffs are entitled to a judgment against Defendant, Combined Production Associates, Ltd., a Utah Corporation, for the sum of \$9,000.00, together with interest thereon at the rate of 6% per annum from December 9, 1962, amounting to \$709.50, for a total judgment of \$9,709.50, together with Plaintiffs' costs incurred, in the amount of \$29.20.

2. That Defendant A. B. Thomas is entitled to judgment no cause of action and for costs expended.

Dated this 3rd day of April, 1964.

BY THE COURT:

[Handwritten signature]
JUDGE

FILED IN CLERK'S OFFICE APRIL 3, 1964
CIVIL NO. 146067

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Entered July 15 1965
Register of Action No 242 Page No. 163
By JACOB WEILSON, Clerk
Chas. R. Fulton Deputy

RECEIVED
CLERK OF DISTRICT COURT
SALT LAKE COUNTY, UTAH
Chas. R. Fulton
Deputy

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

J. W. EDGAR, a/k/a)	
Jim Edgar and)	
EVELYN EDGAR, his wife,)	AMENDED
)	
Plaintiffs,)	JUDGMENT AND DECREE
)	
-vs-)	Civil No. 146067
)	
COMBINED PRODUCTION)	
ASSOCIATES, LTD., a Utah)	
corporation, and A. B. THOMAS,)	
)	
Defendants.)	

This matter came on regularly before the Honorable A. H. Ellett, one of the judges of the above entitled court, on the 2nd day of July, 1965, Verden E. Bettilyon appearing as counsel for the plaintiffs and H. G. Metos appearing as counsel for Combined Production Associates, Defendant. And it appearing to the court that on April 29, 1965, the Supreme Court of Utah, on appeal from judgment heretofore entered by this court, affirmed said judgment and remanded the same with instructions to amend the judgment to require plaintiffs to deliver a deed to defendant of the mining claims, if defendant, Combined Production Associates, Ltd., within a reasonable time to be set by the trial court, pays into court to the account of the plaintiff \$9,000.00 with interest at 6% from June 15, 1963; and this court having considered the facts and the decisions of said court finds that three months is a reasonable time for the defendant to pay into court to the account of the plaintiffs the sum of \$9,000.00, together with interest from the date aforesaid. From the Findings aforesaid,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1 That judgment be and is hereby awarded in favor of the
2 plaintiffs, J. W. Edgar, a/k/a Jim Edgar, and Evelyn Edgar, his wife,
3 and against the defendant, Combined Production Associates Ltd., a Utah
4 corporation, for the sum of \$9,000.00 and for plaintiffs costs and expenses,
5 taxed in the sum of \$29.20, being a total judgment in the amount of
6 \$9,029.20, together with interest at the rate of 6% per annum from June
7 15, 1963, and until paid. In the event the defendant shall pay said judg-
8 ment on or before ~~September 30~~ ^{October 1}, 1965, it shall be entitled to a delivery
9 of a deed from the plaintiffs of the mining claims described as follows:

A 25% undivided interest in the following
unpatented mining claims located in
Section 4, Township 35 North, Range 50
East, Eureka County, Nevada, to-wit:
Blue Star, Blue Star No. 1 and Blue Star No. 2.

2. Execution of this judgment is stayed until October 1, 1965,
for the purpose of giving the defendant time to pay into court this
judgment and the interest accruing thereon.

DONE IN OPEN COURT, this 15th day of July, 1965.

ATTEST
JACOB WEILER
Clerk

Chas. R. Foster
Deputy Clerk

A. F. Elliott
JUDGE

Mailed a copy of the foregoing Amended Judgment and Decree to
H. G. Metps, Attorney for Defendant, Combined Production Associates
, addressed to his office, in the Boston Building, Salt Lake City, Utah,
postage prepaid, on this 8th day of July, 1965.

Vigonia B. Dolphing

FILED IN CLERK'S OFFICE JULY 15, 1965
CIVIL NO. 146067

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

J. W. EDGAR, a/k/a Jim
Edgar and EVELYN EDGAR,
his wife,

Plaintiffs,

vs.

COMBINED PRODUCTION
ASSOCIATES, LTD., a Utah
Corporation, and A. B. THOMAS,

Defendants.

Amended
PETITION AND ORDER FOR

RETURN OF DEED

Civil No. 146067

COMES NOW, Plaintiffs, J. W. Edgar, a/k/a Jim Edgar and Evelyn
Edgar, his wife, having previously filed a deed with the Clerk of the above en-
titled Court, in accordance with the Order of the Supreme Court of the State of
Utah and the Defendant, Combined Production Associates, Ltd., having failed
to pay the Judgment within 30 days after the filing of the said deed.

NOW, THEREFORE, the Plaintiffs do hereby request that the above en-
titled Court enter an Order returning the deed to the said Plaintiffs.

DATED this 21st day of February, 1966.

KIRTON & BETTILYON

Verden E. Bettilyon
Verden E. Bettilyon
Attorney for Plaintiffs

ORDER

Upon reading the foregoing Petition and it appearing that the Plaintiffs
have filed a deed with the above entitled Court, in accordance with the previous

Order of the Supreme Court of the State of Utah and it further appearing that the Defendant, Combined Production Associates, Ltd., has failed to pay the Judgment previously entered by the above entitled Court within 30 days after the filing of the said deed;

IT IS HEREBY ORDERED that the Clerk of the above entitled Court deliver to Plaintiffs, Edgar, that certain deed, executed by J. W. Edgar, a/k/a Jim Edgar and Evelyn Edgar, his wife, as Grantors, and Combined Production Associates, Ltd., a Utah Corporation, as Grantee, covering an undivided 25% interest in and to certain unpatented mining claims located in Section 4, Township 35 North, Range 50 East, Eureka County Nevada, to-wit: Blue Star, Blue Star No. 1 and Blue Star No. 2.

DATED this 17th day of March, 1966.

W. K. Kellie
JUDGE

ATTEST
JACOB WEILER
CLERK

Byron Stark
Clerk

FILED IN CLERK'S OFFICE MARCH 17, 1966
CIVIL NO. 146067

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I, Jacob Weiler, Clerk in and for the County of Salt Lake and Ex-Officio Clerk of the District Court of the Third Judicial District in and for Salt Lake County, State of Utah, do hereby certify that the foregoing is a full, true and correct copy of the original FINDINGS OF FACT AND CONCLUSIONS OF LAW, AMENDED JUDGMENT AND DECREE, AND AMENDED PETITION AND ORDER FOR RETURN OF BEEH

J. W. EDGAR, a/k/a Jim Edgar and EVELYN EDGAR,
his wife,

Plaintiffs

vs

COMBINED PRODUCTION ASSOCIATES, LTD., a Utah
Corporation and A. B. THOMAS

Defendants

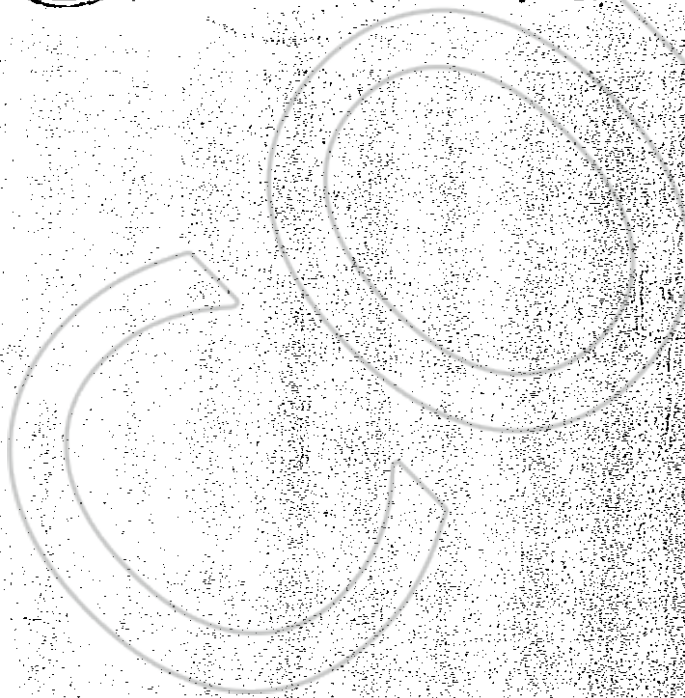
as appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand
and affixed my official seal, this 30th

day of MARCH A. D. 19 66

Jacob Weiler Clerk

By _____ Deputy Clerk



UNITED STATES OF AMERICA
IN THE
District Court of The Third Judicial District
IN AND FOR
SALT LAKE COUNTY, STATE OF UTAH

I, A. H. ELLETT, Presiding Judge of the District Court of the Third Judicial District, in and for the County of Salt Lake, State of Utah, do hereby certify that said Court is a Court of Record, having a Clerk and a seal; that Jacob Weiler ~~Admin. Hearing Clerk~~ who signed the attestation, is the duly elected and qualified County Clerk of the County of Salt Lake, State of Utah, and was at the time of signing said attestation Ex-Officio Clerk of the said District Court; that said signature is his genuine handwriting; and that all his official acts as such Clerk are entitled to full faith and credit. And I further certify that said attestation is in due form of law.

Witness my hand this 30th day of MARCH A. D. 19 66



A. H. Ellett
Judge of said District Court

STATE OF UTAH
COUNTY OF SALT LAKE } ss.

Jacob Weiler
I, ~~Admin. Hearing Clerk~~ County Clerk and Ex-Officio Clerk of said District Court of the County of Salt Lake, State of Utah, do hereby certify that the Honorable A. H. ELLETT whose name is subscribed to the preceding certificate, is one of the Judges of said Court, duly commissioned and qualified, and that the signature of said Judge to said certificate is genuine.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court, this 30th day of MARCH, A. D. 19 66

Jacob Weiler
County Clerk and Ex-Officio Clerk
of the said District Court

FILE NO. 42199

Filed for record at the request of J. W. Edgar
July 6, 1966, at 25 minutes past 9 A. M. Recorded in
Book 11 of Official Records, pages 116-123, Records of EUREKA
COUNTY, NEVADA.
Fee: \$ 6.15



Willis A. DeLoach Recorder.