

Hoopes

STATE OF WYOMING)
)SS.
COUNTY OF SHERIDAN)

IN THE DISTRICT COURT
FOURTH JUDICIAL DISTRICT

Wayne C. Bocek,

Plaintiff,

v.

Robert F. Bragg,

Defendant.

No. _____
Filed in the Office of the Clerk of the
District Court of Sheridan County, WY

JUL 14 2004

DORIS KOBOLD Clerk of Court
By Sue Dixon Deputy

Civil Action No. C03-8-313

Order Granting Plaintiff Summary Judgment

The Plaintiff's motion for partial summary judgment came on hearing before this Court on June 16, 2004, with Kendal R. Hoopes appearing on behalf of the Plaintiff and Hardy H. Tate appearing on behalf of the Defendant. Upon hearing the respective arguments of counsel and upon its review of the record the Court finds:

1. That there is no genuine issue as to any material fact and that Plaintiff is entitled to summary judgment as a matter of law with respect to Claim One -- Quiet Title of the Complaint (seeking an order quieting title to the lands at issue) and Claim Three -- Injunction of the Complaint (seeking an injunction prohibiting the Defendant from crossing or otherwise interfering with the lands at issue);

2. That the *Stipulation and Settlement Agreement*, filed in Civil Action No. C01-3-86 on October 1, 2002, and the *Release and Waiver of Claims*, dated August 5, 2002, are clear and unambiguous and that by said documents, the Defendant, Robert F. Bragg, released and waived any claim of interest or ownership of any kind he may have had in the lands at issue.

3. That Plaintiff is entitled to a judgment quieting title to the lands at issue and an injunction permanently enjoining and restraining Defendant from entering upon, crossing, or otherwise interfering in any way with the Plaintiff's use and occupation of the lands at issue.

Wherefore, it is hereby ordered, adjudged and decreed by the Court that:

1. The Plaintiff's motion for partial summary judgment is granted with respect to Claim One -- Quiet Title of the Complaint and Claim Three -- Injunction of the Complaint.

2. The Plaintiff, Wayne C. Bocek, is and was at the time of the filing of this action the sole and absolute owner in fee simple and in possession of and entitled to the sole and exclusive possession of the following described real property situate in the County of Sheridan, State of Wyoming:

Lots 6, 7 and 8, Block 60, Downer's Addition to the City of Sheridan,
Sheridan County, Wyoming

3. The Defendant, Robert F. Bragg, has no right, title, interest, claim or estate whatsoever in or to the above-described real property or in any part thereof and that Defendant is hereby restrained and enjoined from asserting any right, title, interest, claim or estate in the above-described real property or any part thereof, and that title in fee simple, absolute, to the above-described property is hereby quieted in the Plaintiff, Wayne C. Bocek;

4. The Defendant, Robert F. Bragg, be and hereby is permanently enjoined and restrained from entering upon, crossing, or otherwise interfering in any way with the Plaintiff's use and occupation of the above-described property.

DATED this 14 day of July, 2004.

By the Court:

ORIGINAL SIGNED BY JOHN C. BRACKLEY
District Judge

Approved as to Form:

Kendal R. Hoopes
Kendal R. Hoopes of Yankee & Toner, LLP
Attorneys for Plaintiff

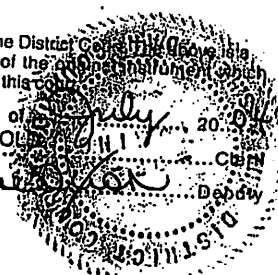
Hardy H. Tate
Hardy H. Tate
Attorney for Defendant

Certificate of Clerk of the District Court of the State of Wyoming that the foregoing is a true and correct copy of the original instrument which is on file or of record in this court.

Done this 14 day of July, 2004

DORIS KOBOLTSKY, Clerk

By [Signature] Deputy



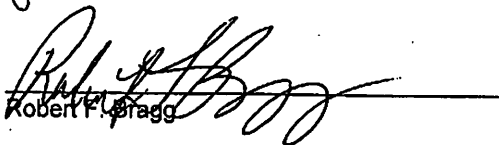
RELEASE AND WAIVER OF CLAIMS

For and in consideration of the mutual promises and agreements entered into to resolve the dispute regarding property ownership asserted in Civil Action No. C01-3-86 in the District Court of the Fourth Judicial District within and for the County of Sheridan, Robert F. Bragg does hereby release and waive any claim of interest or ownership of any kind which he may assert as to Wayne Bocek's title to the property described as follows:

Lots 6, 7, 8 of Block 60 of the Downer Addition, County of Sheridan, State of Wyoming.

Robert F. Bragg declares and represents that in making this Release and Waiver of Claims it is understood that it is a full and final release and that no further claim of any kind or nature whatever may be brought by or on behalf of him against the said Wayne Bocek and that this Release and Waiver shall be binding upon himself and his successors in interest.

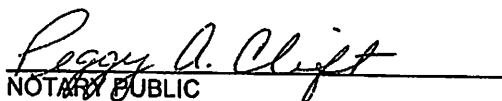
DATED this 5th day of August, 2002.


Robert F. Bragg

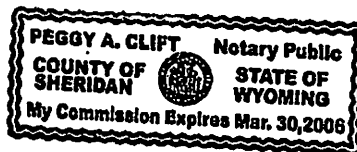
STATE OF WYOMING)
) ss.
COUNTY OF SHERIDAN)

The foregoing instrument was acknowledged before me this 5th day of August, 2002, by Robert F. Bragg.

WITNESS my hand and official seal.


NOTARY PUBLIC

My Commission Expires: 03/30/2006



WARRANTY DEED

DONALD C. TOWNSEND, a married man dealing in his sole and separate property, GRANTOR, of Sheridan County, State of Wyoming, for and in consideration of Ten (\$10.00) and more Dollars, in hand paid, receipt whereof is hereby acknowledged, does hereby CONVEY and WARRANT to the GRANTEE, WAYNE CLEMONS BOCEK, a single person, whose address is 2049 Berry Avenue, Sheridan, WY 82801, the following described real estate, situate in Sheridan County and State of Wyoming, hereby releasing and waiving all rights under and by virtue of the homestead exemption laws of the State, to-wit:

Lots 6, 7 and 8, Block 60, Downer's Addition to the City of Sheridan, Sheridan County, Wyoming.

Together with all improvements situate thereon and all appurtenances thereunto appertaining or belonging.

Subject to all exceptions, reservations, rights-of-way, easements, covenants, restrictions, and rights of record and subject to any state of facts which would be disclosed by an accurate survey or physical inspection of the premises and subject to building and zoning regulations and city, state and county subdivision laws.

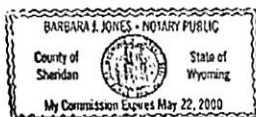
WITNESS my hand this 22nd day of April, 1999.


Donald C. Townsend

STATE OF WYOMING)
) ss
COUNTY OF SHERIDAN)

The foregoing instrument was acknowledged before me by Donald C. Townsend, this 22nd day of April, 1999.

Witness my hand and official seal.



My Commission Expires May 22, 2000


Notary Public