

**IN THE FOURTH JUDICIAL DISTRICT COURT  
WITHIN AND FOR SHERIDAN COUNTY, WYOMING**

) Civil Action No. 2016-158

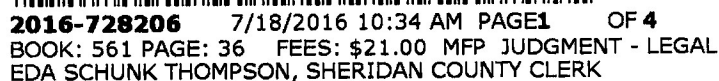
No: \_\_\_\_\_  
Filed in the Office of the Clerk of the  
District Court of Sheridan County, WY

JUL 13 2016

**15/ NICKIE ARNEY** Clerk of Court  
By \_\_\_\_\_ Deputy

**Defendants.**

THIS MATTER having come on to be heard before this Court upon the application of the Plaintiffs BRIAN S. DEAN, Trustee of the DEAN FAMILY TRUST; STORY PROPERTIES, LLC, a Wyoming limited liability company; and NOELLE LEIGH BURLESON, for Default Judgment; and it appearing to this Court that the Plaintiffs filed a *Complaint* on May 23, 2016, said *Complaint* was served by the Sheridan County Sheriff's Department upon Defendants on May 25, 2016. Defendants have failed to appear or otherwise respond to the same, or answer as required by law, and that upon the Application for Default filed by Plaintiffs, the Defendants' default has been entered hereby by the Clerk of this Court; this Court, being fully advised in the premises, finds that Judgment should be entered herein against Defendants **DAVID J. WITHROW** and **MARILYN N. WITHROW** and in favor of Plaintiffs BRIAN S. DEAN, Trustee of the DEAN FAMILY TRUST; STORY PROPERTIES, LLC, a Wyoming limited liability company; and NOELLE LEIGH BURLESON.





The Court hereby finds that:

1. Plaintiffs BRIAN S. DEAN, Trustee of the DEAN FAMILY TRUST; STORY PROPERTIES, LLC, a Wyoming limited liability company; and NOELLE LEIGH BURLESON are the record owners of the following lands in Sheridan County, Wyoming, more particularly described as follows:

A tract of land situated in the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 13, Township 53 North, Range 84 West of the 6<sup>th</sup> P.M., in Sheridan County, Wyoming, described as follows:

Beginning at the Southeast corner of said NW $\frac{1}{4}$ SE $\frac{1}{4}$ ; thence West along the South line of said quarter section a distance of 308.7 feet; thence North 215 feet, more or less, to the center of the Piney and Crews Feeder Canal, which is the boing of beginning;

Thence North 275 feet; thence East 125 feet; thence South 225 feet to the center of said Piney and Crews Creek Feeder Canal; thence along the center of said canal 134 feet, more or less, to the point of beginning.

2. Defendants DAVID J. WITHROW and MARILYN N. WITHROW, husband and wife, as tenants by the entireties, are record owners of the following lands in Sheridan County, Wyoming, more particularly described as follows:

The NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , and the West 300 feet of the East 608.7 feet of the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 13, Township 53 North, Range 84 West of the Sixth Principal Meridian, Sheridan County, Wyoming,

EXCEPT a tract or parcel of land, consisting of 0.24 acres, more or less, lying, being and situate within the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 13, Township 53 North, Range 84 West of the Sixth Principal Meridian, and described as follows, to-wit:

Beginning at a point which is 308.7 feet West of the Southeast corner, and on the South line, of said quarter section, and from said point of beginning, running thence West 75 feet to a point; thence North 60 feet to a point, which is in the center of Piney and Cruse Creek Feeder Canal; thence in a Northeasterly direction, following the center of said Piney and Cruse Creek Feeder Canal, to a point which is due North of the point of beginning; thence South 215 feet to the point of beginning; including the easement to and from said real estate, together with all improvements



situate thereon and all appurtenances thereunto appertaining or belonging.

3. Plaintiffs' parcel is surrounded by lands owned by the Defendants.
4. Access to Plaintiffs' parcel requires that Plaintiffs cross Defendants' lands.
5. On March 26, 1953, Earle and Edith Haywood conveyed the 0.71 acre parcel to Kenneth and Elsie Peck. The Warranty Deed was recorded on March 27, 1953, in Book 92 of Deeds, Page 100, and provides the following regarding access to Plaintiffs' parcel:

There is included with this conveyance the right of ingress and egress over all roads leading to and from said premises.

IT IS NOW THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that:

1. The March 26, 1953, conveyance from Earle and Edith Haywood to Kenneth and Elsie Peck placed of record March 27, 1953, in Book 92 of Deeds, Page 100, included an express easement for ingress and egress for the benefit of the following lands:

A tract of land situated in the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 13, Township 53 North, Range 84 West of the 6<sup>th</sup> P.M., in Sheridan County, Wyoming, described as follows:

Beginning at the Southeast corner of said NW $\frac{1}{4}$ SE $\frac{1}{4}$ ; thence West along the South line of said quarter section a distance of 308.7 feet; thence North 215 feet, more or less, to the center of the Piney and Crews Feeder Canal, which is the boing of beginning;

Thence North 275 feet; thence East 125 feet; thence South 225 feet to the center of said Piney and Crews Creek Feeder Canal; thence along the center of said canal 134 feet, more or less, to the point of beginning.

Together with all associated rights.

2. The express easement granted in March 26, 1953, constitutes a permanent, appurtenant easement with the dominant estate being:



A tract of land situated in the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 13, Township 53 North, Range 84 West of the 6<sup>th</sup> P.M., in Sheridan County, Wyoming, described as follows:

Beginning at the Southeast corner of said NW $\frac{1}{4}$ SE $\frac{1}{4}$ ; thence West along the South line of said quarter section a distance of 308.7 feet; thence North 215 feet, more or less, to the center of the Piney and Crews Feeder Canal, which is the boing of beginning;

Thence North 275 feet; thence East 125 feet; thence South 225 feet to the center of said Piney and Crews Creek Feeder Canal; thence along the center of said canal 134 feet, more or less, to the point of beginning;

and the servient estate being:

The NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , and the West 300 feet of the East 608.7 feet of the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 13, Township 53 North, Range 84 West of the Sixth Principal Meridian, Sheridan County, Wyoming,

EXCEPT a tract or parcel of land, consisting of 0.24 acres, more or less, lying, being and situate within the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 13, Township 53 North, Range 84 West of the Sixth Principal Meridian, and described as follows, to-wit:

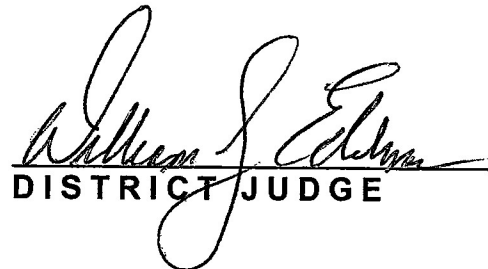
Beginning at a point which is 308.7 feet West of the Southeast corner, and on the South line, of said quarter section, and from said point of beginning, running thence West 75 feet to a point; thence North 60 feet to a point, which is in the center of Piney and Cruse Creek Feeder Canal; thence in a Northeasterly direction, following the center of said Piney and Cruse Creek Feeder Canal, to a point which is due North of the point of beginning; thence South 215 feet to the point of beginning; including the easement to and from said real estate, together with all improvements situate thereon and all appurtenances thereunto appertaining or belonging.

SO ORDERED this 12 day of July, 2016.

**NO. 2016-728206 JUDGMENT - LEGAL**

EDA SCHUNK THOMPSON, SHERIDAN COUNTY CLERK  
KIRVEN & KIRVEN PO BOX 640  
BUFFALO WY 82834

EIO

  
DISTRICT JUDGE

cc: Benjamin S. Kirven  
David and Marilyn Withrow

Certificate of Clerk of the District Court. The above is a true and correct copy of the original instrument which is on file or of record in this court.

Done this 12 day of July, 2016  
..... Clerk  
By ..... Deputy

Declaratory Judgment  
Civil Action No. 2016-158  
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