

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

OPAL BURTON,

Plaintiff,

-vs-

Civil Action No. C393-11-91

ORIN R. YOUNG, STUART LEE  
YOUNG AND TOMMY JOHN  
YOUNG,

Defendants.

CERTIFIED COPY

ORDER

The captioned matter came on to be considered upon Plaintiff's Motion for Confirming Award, and the Court, upon considering all matters of record finds:

1.

By order of this Court of November 16, 1992, upon joint application of the parties, this matter was referred to arbitration with the Arbitrator's Award to be binding upon the parties upon confirmation by this Court.

2.

On August 12, 1993, the matter came on to be considered by the Arbitrator with the parties presenting testimony, exhibits and argument.

3.

On August 16, 1993, the Arbitrator made an award favorable to Plaintiff, a true and correct copy of which award is attached hereto as Exhibit "A".

4.

The proceedings of the Arbitrator should be confirmed.

5.

Upon inquiry of the Arbitrator, it appears that Defendants waived all objections to the proceedings held on August 12, 1993, which objections had been made in several motions by Defendants; Defendants specifically advising the Arbitrator that they wished to proceed.

This Court should adopt all of the findings of the Arbitrator, confirm the award and issue judgment accordingly.

**WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:**

1. The award of the Arbitrator as set forth on Exhibit "A", attached hereto is confirmed.

2. The East boundary of Plaintiff's real property described as:

Beginning at a point 1,150 feet North of the Section corner to sections 7, 8, 17 and 18, Township 53 North, Range 83 West, Sheridan County, Wyoming, thence East 50 feet, thence North 170 feet, thence West 50 feet, thence South 170 feet to the point of beginning, containing 1/5th acre more or less.

is the line between surveyor monuments marked LS258 as set forth in Exhibit "A".

3. The West boundary of Defendants' real property described as:

The East 225 feet of the West 275 feet on the North 170 feet of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 8, Township 53 North, Range 83 West, 6th Principal Meridian, Sheridan County, State of Wyoming.

is the line between surveyor monuments marked LS258 as set forth in Exhibit "A".

4. The survey represented by the certificate of survey contained in Exhibit "A" shall be disregarded.

5. Defendants shall remove the fence constructed by Defendants or their predecessors along and behind the East side of Plaintiff's mobile home court together with all parts of said fence including rocks or other items placed there by said Defendants within thirty (30) days of this Order.

DONE IN OPEN COURT this 18 day of August, 1993.

ORIGINAL SIGNED BY JOHN C. BRACKLEY

DISTRICT JUDGE

Clerk to mail copies to:

Virgil G. Kinnaird

Orin R. Young, P.O. Box 370, Story, Wyoming 82842

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

Done this 18 day of August, 1993.

By DORIS KO

By [Signature] Deputy

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

OPAL BURTON,

Plaintiff,

-vs-

ORIN R. YOUNG, STUART LEE  
YOUNG AND TOMMY JOHN YOUNG,

Defendants.

CERTIFIED COPY

Civil Action No. C393-11-91



AWARD OF ARBITRATOR

On the 12<sup>th</sup> day of August, 1993, captioned matter came on to be considered in Arbitration pursuant to Referral to Arbitration by the District Court, Fourth Judicial District, Sheridan County, State of Wyoming. Plaintiff appeared in person and represented by counsel, Virgil G. Kinnaird, attorney at law, and Defendants were represented by Orin R. Young, pro se. Upon considering the testimony of all parties, all matters of record, and all exhibits, the Arbitrator finds:

1. Plaintiff is the owner of a parcel of real property in Sheridan County, Wyoming, described as:

Beginning at a point 1,150 feet North of the Section corner to sections 7, 8, 17 and 18, Township 53 North, Range 83 West, Sheridan County, Wyoming, thence East 50 feet, thence North 170 feet, thence West 50 feet, thence South 170 feet to the point of beginning, containing 1/5th acre more or less.

2. Defendants are the owners of real property situate in Sheridan County, Wyoming, described as:

The East 225 feet of the West 275 feet on the North 170 feet of the SW¼ of the SW¼ of Section 8, Township 53 North, Range 83 West, 6th Principal Meridian, Sheridan County, State of Wyoming.

3. The above-described parcels of real property are contiguous to each other with the East boundary of Plaintiff's property abutting the West boundary of the Defendants' property.

4. Survey monuments in the form of surveyor pins marked with the legend LS258 have been in place marking the East boundary of Plaintiff's property since a time prior to 1978.

5. Neither Defendants nor their predecessors in interest have ever made any objection to the location of Plaintiff's East boundary as per the pins and monuments placed per LS258.

6. Plaintiff operates a mobile home park which is partially located on Plaintiff's real property, above-described, and all of Defendants' witnesses acknowledge the mobile home park to be in its present location since at least 1980.

7. Sometime after Plaintiff purchased the real property, above described, a fence was constructed by Plaintiff's late husband and Defendants' predecessors in interest for and in conjunction with a permissive license to graze sheep on Plaintiff's real property.

8. No incidents of adverse possession occurred upon and concerning Plaintiff's real property until the year 1991 when Defendants or Defendants' predecessors built a fence and tore down certain trees and brush.

9. The location of Plaintiff's East boundary per line created by LS258 will allow Defendants to have a parcel of land that is in fact larger than the Deed description of Defendants real property when measured to known monument to the East.

10. The certificate of survey by Ronald W. Prestfeldt, LS2615, is inconsistent with all other lines of occupancy, fences, monuments and previous surveyors' work in the immediate area and should be disregarded.

11. Defendants should be required to remove the fence that has been constructed along the East side of Plaintiff's mobile home park and should be required to remove boulders and rocks that have been placed along said fence upon Plaintiff's real property within the recent few weeks.

**WHEREFORE, the Arbitrator awards and orders:**

1. The East boundary of Plaintiff's real property, above-described, is located along a line between surveyor monuments marked LS258, as set forth on the attached copy of a certificate of survey by Ronald W. Prestfeldt, LS2615.

2. The certificate of survey and survey conducted by Ronald W. Prestfeldt with the conclusions therein is inconsistent with all work of previous surveyors in the area of the property above-described, is inconsistent with lines of occupancy, monuments, and other evidence of boundaries within the area Easterly and Westerly of the real property of Plaintiff and the survey conducted by said Ronald W. Prestfeldt, LS2615 shall be disregarded.

3. Defendants shall remove the fence constructed by Defendants or their predecessors along and behind the East side of Plaintiff's mobile home court within thirty (30) days of this Order.

4. The fence or fences referred to by Defendants are not enough, standing alone, to establish boundaries due to the permissive use of the real property by predecessors of Defendants.

5. Each of the parties should bear their own costs in this matter.

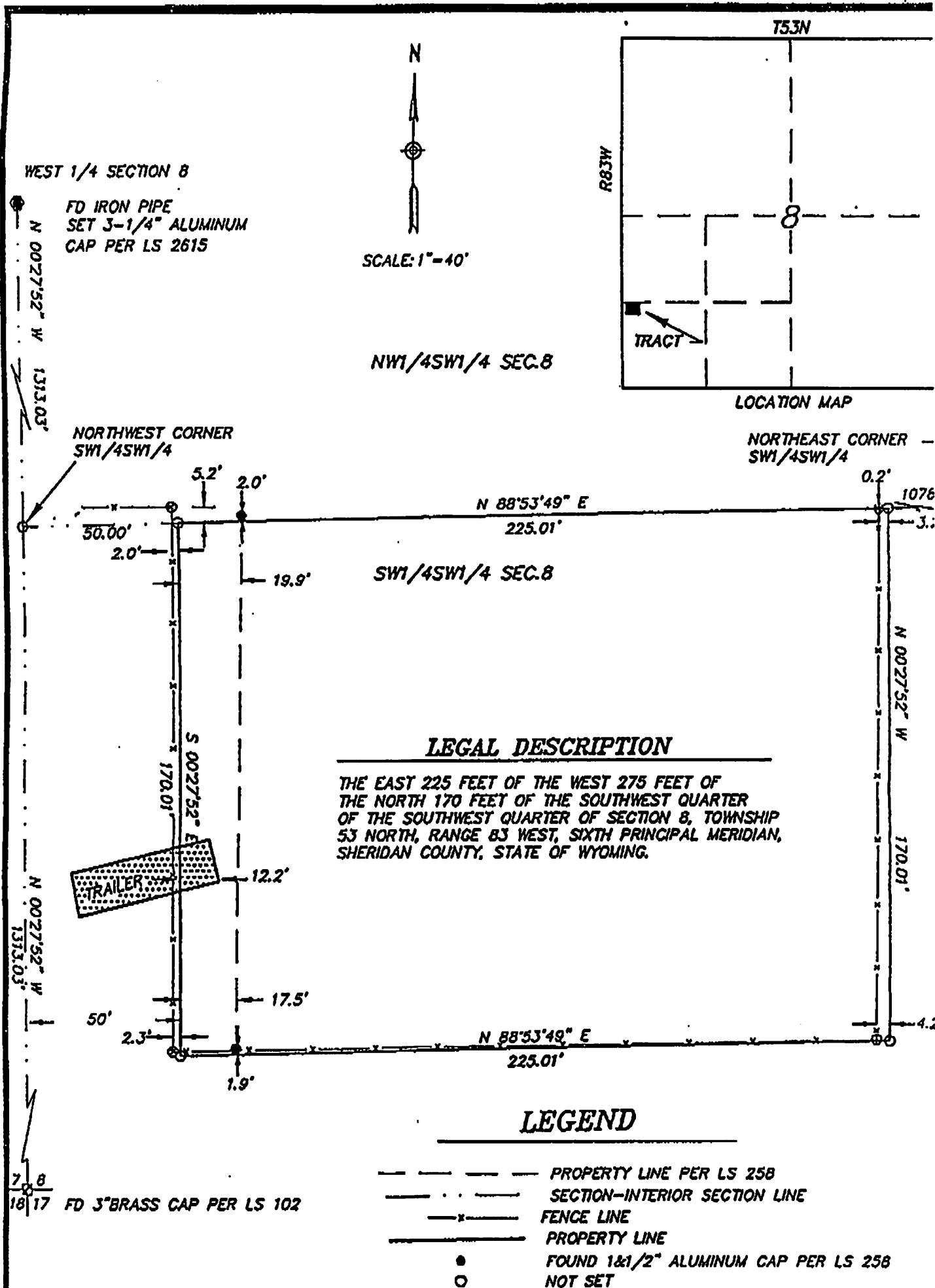
DATED this 16<sup>th</sup> day of August, 1993.

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

Dated this 17<sup>th</sup> day of August, 1993.  
 By [Signature] Clerk  
 By [Signature] Deputy

[Signature]  
 J. John Sampson, County Court Judge  
 Acting in Arbitration

# EXHIBIT

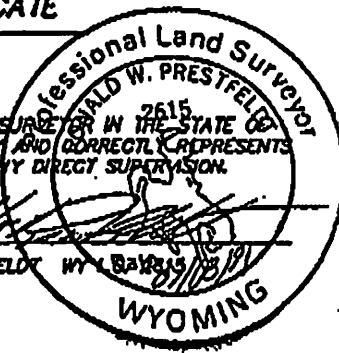


## SURVEYOR'S CERTIFICATE

STATE OF WYOMING  
 COUNTY OF SHERIDAN

I, RONALD W. PRESTFELDT A DULY REGISTERED LAND SURVEYOR IN THE STATE OF WYOMING, DO HEREBY CERTIFY THAT THIS PLAT TRULY AND CORRECTLY REPRESENTS THE RESULTS OF A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION.

RONALD W. PRESTFELDT



## CERTIFICATE OF SURVEY

CLIENT: FRANK MOORE  
 LOCATION: SW1/4SW1/4 SECTION 8  
 T53N, R83W

PREPARED BY: PRESTFELDT SURVEYING  
 P.O. BOX 3082  
 SHERIDAN, WY  
 307-672-7415  
 JN: 91065  
 JUNE 1991

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