

AFFIDAVIT OF NONVACATION OF PLAT

STATE OF WYOMING)
 : ss.
County of Sheridan)

Timothy S. Tarver, after being duly sworn upon oath, does depose and say:

1. Affiant is an attorney-at-law, duly authorized to practice law in the State of Wyoming.

2. Affiant is familiar with a document entitled Vacation of Plat which was signed by James C. Johnson and Darlene A. Johnson, which was recorded in the office of the Sheridan County Clerk and Recorder on August 27, 1984, in Book 287 of Deeds at page 511, and which involves the following-described lands located in Sheridan County, Wyoming, to-wit:

REPAC Minor Subdivision of the County of Sheridan, State of Wyoming, as recorded in the office of the County Clerk, in and for Sheridan County, Wyoming, on March 22, 1979,

Also, the Re-subdivision of Tract 3 of the REPAC Minor Subdivision, as recorded on July 30, 1979, in Plat Book 1, Page 273 in the office of the County Clerk, in and for Sheridan County, Wyoming.

3. The above-described document purports to vacate the plat of the REPAC Minor Subdivision. However, the attempted vacation was ineffective for two reasons. They are:

a. Wyoming Statutes Section 34-12-106 allows a plat to be vacated by written consent of the owner "at any time time before the sale of any lots therein" without the consent of the County Commissioners. But Wyoming Statutes 18-5-315 provides that the Board of County Commissioners may adopt subdivision regulations which are more restrictive than the state statutes. The Sheridan County Board of County Commissioners enacted subdivision regulations in 1980 which required the approval of the Board of County Commissioners to vacate any plat.

b. Before the document entitled Vacation of Plat was filed on August 27, 1984, James C. Johnson and Darlene A. Johnson had sold Tract No. 1 of the REPAC

Minor Subdivision to Claude L. Ellison and Marlene A. Ellison. The conveyance was by Warranty Deed which was recorded on August 13, 1979, in Book 242 of Deeds at page 178. By virtue of this sale, the plat could not be vacated by the unilateral action of the subdividers.

c. In addition, the Board of County Commissioners of Sheridan County, Wyoming never formally vacated the plat of the REPAC Minor Subdivision, as would have been required by the Sheridan County Subdivision Regulations.

4. Therefore, it appears to the undersigned Affiant, that the REPAC Minor Subdivision is still a valid and existing subdivision in Sheridan County, Wyoming.

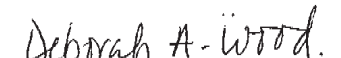
Dated this 19th day of April, 1994.


Timothy S. Tarver

STATE OF WYOMING)
 : ss.
County of Sheridan)

The above and foregoing Affidavit of Nonvacation of Plat was subscribed, sworn to and acknowledged before me this 19th day of April, 1994, by Timothy S. Tarver.

WITNESS my hand and official seal.


Notary Public

My Commission expires: 1-23-96

