



TOWN OF JACKSON

TOWN COUNCIL

AGENDA DOCUMENTATION

PREPARATION DATE: JUNE 14, 2018
MEETING DATE: JUNE 18, 2018

SUBMITTING DEPARTMENT: PLANNING
DEPARTMENT DIRECTOR: TYLER SINCLAIR
PRESENTER: TYLERVALENTINE, SENIOR PLANNER

SUBJECT: **ITEM P18-169:** A REQUEST FOR APPROVAL OF A PARTIAL VACATION OF PLAT TO CORRECT AND CLARIFY THE LEGAL DESCRIPTION ON THE PLAT FOR LOT 1, BLOCK 3, ASPEN HILL LOTS ADDITION TO THE TOWN OF JACKSON.

APPLICANT: NEW WEST BUILDING COMPANY – MICHAEL ADAMS

OWNER: PANGA, LLC

STATEMENT/PURPOSE

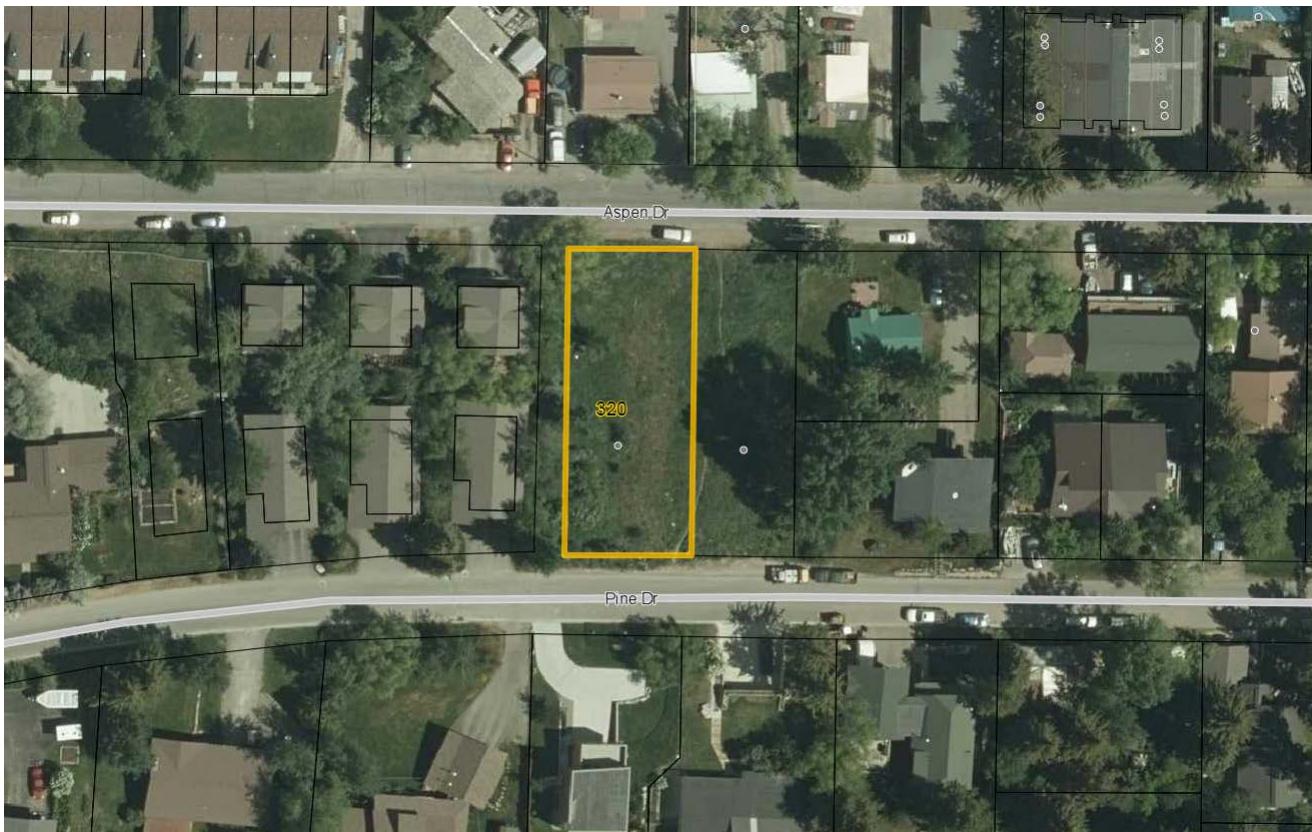
The applicant is requesting a Partial Vacation of Plat, pursuant to LDR Section 8.2.13.C.2., to correct and clarify the legal description on Lot 1, Block 3, Aspen Hill Lots Addition to the Town of Jackson. Specifically the applicant seeks to remedy a land ownership dispute by incorporating a 'Gore' of land into the legal description for the property addressed at 320 Aspen Drive. The 'Gore' of land currently is not included with Lot 1 in both the legal description and the GIS map but after further investigation and legal ruling by the Ninth District Court, the 'Gore' belongs to the owner of 320 Aspen Drive and should have always been part of Lot 1.

APPLICABLE REGULATIONS

LDR Section 8.2.13.C. Subdivision Plat Amendment

LOCATION

The property is located at 320 Aspen Drive and legally described as Lot 1, Block 3, Aspen Hill Lot Addition to the Town of Jackson. An aerial photo of the parcel and immediate neighborhood is shown below:



BACKGROUND / PROJECT DESCRIPTION

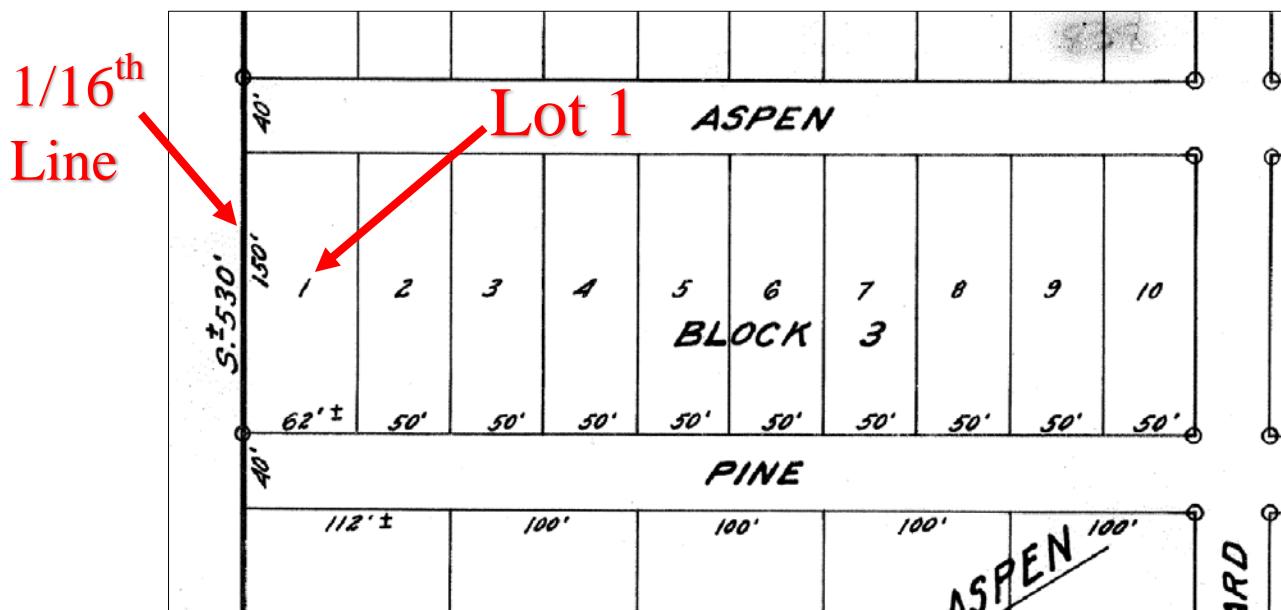
The following terminology is useful for this request:

1. A 'Gore' of land, or a gap, refers to portions of land areas that do not conform to the boundaries found in land surveys based upon imprecise measurements and other ambiguities of metes and bounds.
2. A '1/16 Line' is a boundary line of a particular surveyed piece of land, typically a large area that is later subdivided into smaller lots

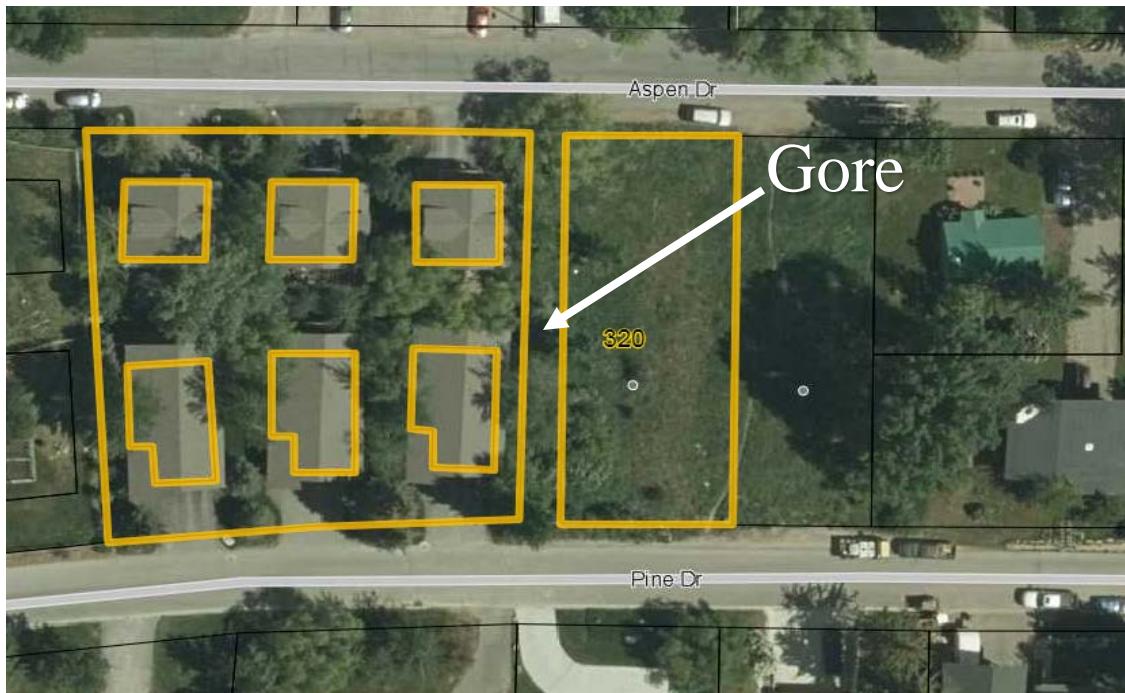
The subject lot is Lot 1 of Block 3 of the Aspen Hill Lots Addition to the Town of Jackson which was subdivided in 1941 (Plat 124 attached). A screenshot of Block 3 is provided below. As shown Lot 1 has dimensions of 150' deep by 62'+/- wide. It is clear that Lot 1 abuts up against the 1/16th line which assumingly is the western boundary for the Aspen Hill Lots subdivision. So in other words the western property line of Lot 1, or the 1/16th line, should abut right up against the subdivision to the west, the Green Mountain Addition to the Town of Jackson. But when one looks at the GIS you notice that a "Gore" of land is wedged between the two subdivisions and doesn't appear to be associated with any particular lot. The 'Gore' is just over 2,000 sf in size. The justification for this irregularity is when Lot 1 was originally surveyed, it was given a width of 62'+/- and the '+/-' typically means that a measurement is off by a margin, in this case it happens to be off by over 12'. Since the legal description and GIS appear to not include this 'Gore' of land with Lot 1, the owner of lot 1 cannot benefit from that additional land from a land development standpoint.

The previous landowners, the Craigheads, pursued this matter via District Court of the Ninth Judicial District (attached) and the court ruled that the land in question did in fact always belong to the owner and should be part of Lot 1. The owner then filed an Order Quietting Title with the County Clerk but the GIS and legal description have never reflected the ruling or Quiet Title. Now the new owners, Panga LLC, are seeking to resolve the matter once and for all through a partial vacation without replat. The proposed change to the plat would be to correct the northern width of Lot 1 to 76.76' and the southern width of Lot 1 to 78.57'.

Screenshot of Lot 1 of Block 3 Aspen Hill Lots Subdivision:



'Gore' can be seen between the Green Mountain Subdivision (west) and Aspen Hill Lots subdivision (east)



STAFF ANALYSIS

The Aspen Hill Lots is a recorded plat that may be amended through the vacation process as authorized by state statutes. Any vacation or amendment to this recorded plat is also subject to the standards of LDR Section 8.2.13.C. Subdivision Plat Amendment. Since the applicant is requesting a partial vacation of certain plat notes or in this case clarification of the correct widths, the request must meet the following standards:

Section 8.2.13.C.5. Partial Vacation Without Replat. *Vacation of one or more building envelopes, notes, a lot line for the purpose of combining one or more lots, or a private road or utility easement does not require a new plat provided the following additional standards are met:*

- a) *an instrument shall be filed with the County Clerk stating that the proposed partial vacation does not abridge or destroy any rights and privileges of other proprietors in the plat, and it shall include an acknowledgement by all parties affected by the vacation and an acknowledgement by Town Council;*

Complies. The applicant has provided an affidavit to be recorded along with the County Clerk which clarifies the width of Lot 1. In addition, the court ruling and order quieting title have determined that no rights and privileges are destroyed or abridged. Finally, this item will be acknowledged by the Town Council on June 18, 2018.

- b) *if approved, the County Clerk shall make the appropriate annotation on the plat referencing the vacated notations and shall also include on said plat, the volume and page in which the instrument of partial vacation is recorded;*

Complies. The applicant will be required to record all instruments with the County Clerk subsequent to Town Council acknowledgment.

- c) *building envelope vacation does not apply; and*

Complies. Not applicable.

- d) *lot combination is not applicable.*

Complies. Not applicable.

Staff had met with several parties prior to this application to determine the correct course of action to remedy the situation. Town Staff, including Town Attorney, Town Engineer and Planning, met with the County Surveyor, Rich Greenwood (Greenwood Mapping), Matt Kim-Miller from Holland & Hart, New West Building Co. and Wyoming Title and Escrow. It was determined that the course of action required to remedy the situation was a partial vacation without replat. Staff confirms that the Applicant's request for a partial vacation without replat meets the required standards and findings as outlined above. The required instrument for the Partial Vacation of Plat, Boundary Resolution of Lot 1 of Block 3 Aspen Hill Lots Addition to the Town of Jackson is attached.

ATTACHMENTS

Applicant Submittal

Partial Vacation of Plat Affidavit

Plat 124

Quiet Title

FISCAL IMPACT

None identified.

STAFF IMPACT

This request required a typical amount of staff time including meetings to determine the necessary process to

remedy the boundary discrepancy.

LEGAL REVIEW

Complete.

STAFF RECOMMENDATION/ CONDITIONS OF APPROVAL

The Planning Director recommends that Town Council approve the Partial Vacation of Plat for Lot 1 of Block 3 of the Aspen Hill Lots Addition to the Town of Jackson as proposed pending any questions and/or concerns by members of Council.

SUGGESTED MOTION

Pursuant to the standards in Section 8.2.13.C.5. Partial Vacation Without Replat, I move to **approve** the Partial Vacation of Plat, Correcting and Clarifying the width Lot 1 of Block 3 of the Aspen Hill Lots Addition to the Town of Jackson.



new west
building company

265 West Broadway
Jackson, WY 83001
Po Box 13308
Jackson, WY 83002

DATE: May 24, 2018

TO: **Town of Jackson**
150 East Pearl Avenue
Jackson, Wyoming 83001

SUBJECT: **Planning Permit Application – Boundary Adjustment**

ADDRESS: 310 Aspen Drive
Jackson, Wyoming 83001

This form is to clear up the issue with the GORE piece of land and Lot 1, Block 3 of Aspen Hills Lot.

Please find the following items with this submittal:

1. (1) Planning Permit Application – Boundary Adjustment form
2. (1) Application Fee of \$450.00
3. (1) Letter of Authorization
4. (1) 11"x17" Plan Set showing the Existing and Final Site Plan
5. (1) Copy of the Surveyor's Narrative

Should you have any questions, please let me know.

Thank you!

Michael Adams

Project Manager
O: 307-203-2460
C: 714-514-7992
michael@newwestbc.com



PLANNING PERMIT APPLICATION
Planning & Building Department
Planning Division

150 E Pearl Ave. | ph: (307) 733-0440
P.O. Box 1687 | fax: (307) 734-3563
Jackson, WY 83001 | www.townofjackson.com

For Office Use Only

Fees Paid _____

Check # _____

Credit Card _____

Cash _____

Application #s _____

PROJECT.

Name/Description: _____

Physical Address: _____

Lot, Subdivision: _____ PIDN: _____

OWNER.

Name: _____ Phone: _____

Mailing Address: _____ ZIP: _____

E-mail: _____

APPLICANT/AGENT.

Name: _____ Phone: _____

Mailing Address: _____ ZIP: _____

E-mail: _____

DESIGNATED PRIMARY CONTACT.

____ Owner ____ Applicant/Agent

TYPE OF APPLICATION. Please check all that apply; see Fee Schedule for applicable fees.

Use Permit

Basic Use

Conditional Use

Special Use

Relief from the LDRs

Administrative Adjustment

Variance

Beneficial Use Determination

Appeal of an Admin. Decision

Physical Development

Sketch Plan

Development Plan

Development Option/Subdivision

Development Option Plan

Subdivision Plat

Boundary Adjustment (replat)

Boundary Adjustment (no plat)

Interpretations

Formal Interpretation

Zoning Compliance Verification

Amendments to the LDRs

LDR Text Amendment

Zoning Map Amendment

Planned Unit Development

PRE-SUBMITTAL STEPS. Pre-submittal steps, such as a pre-application conference, environmental analysis, or neighborhood meeting, are required before application submittal for some application types. See Section 8.1.5, Summary of Procedures, for requirements applicable to your application package. If a pre-submittal step is required, please provide the information below. If you need assistance locating the project number or other information related to a pre-submittal step, contact the Planning Department. **If this application is amending a previous approval, indicate the original permit number.**

Pre-application Conference #: _____ Environmental Analysis #: _____
Original Permit #: _____ Date of Neighborhood Meeting: _____

SUBMITTAL REQUIREMENTS. Twelve (12) hard copies and one (1) digital copy of the application package (this form, plus all applicable attachments) should be submitted to the Planning Department.. Please ensure all submittal requirements are included. The Planning Department will not hold or process incomplete applications. Partial or incomplete applications will be returned to the applicant.

Have you attached the following?

_____ **Application Fee.** Fees are cumulative. Applications for multiple types of permits, or for multiple permits of the same type, require multiple fees. See the currently adopted Fee Schedule in the Administrative Manual for more information.

_____ **Notarized Letter of Authorization.** A notarized letter of consent from the landowner is required if the applicant is not the owner, or if an agent is applying on behalf of the landowner. If the owner is a partnership or corporation, proof that the owner can sign on behalf of the partnership or corporation is also required. Please see the Letter of Authorization template in the Administrative Manual for a sample.

_____ **Response to Submittal Checklist.** All applications require response to applicable review standards. These standards are outlined on the Submittal Checklists for each application type. If a pre-application conference is held, the Submittal Checklists will be provided at the conference. If no pre-application conference is required, please see the Administrative Manual for the applicable Checklists. The checklist is intended as a reference to assist you in submitting a sufficient application; submitting a copy of the checklist itself is not required.

FORMAT.

The main component of any application is demonstration of compliance with all applicable Land Development Regulations (LDRs) and Resolutions. The submittal checklists are intended to identify applicable LDR standards and to outline the information that must be submitted to sufficiently address compliance with those standards.

For some submittal components, minimum standards and formatting requirements have been established. Those are referenced on the checklists where applicable. For all other submittal components, the applicant may choose to make use of narrative statements, maps, drawings, plans and specifications, tables and/or calculations to best demonstrate compliance with a particular standard.

Note: *Information provided by the applicant or other review agencies during the planning process may identify other requirements that were not evident at the time of application submittal or a Pre-Application Conference, if held. Staff may request additional materials during review as needed to determine compliance with the LDRs.*

Under penalty of perjury, I hereby certify that I have read this application and associated checklists and state that, to the best of my knowledge, all information submitted in this request is true and correct. I agree to comply with all county and state laws relating to the subject matter of this application, and hereby authorize representatives of Teton County to enter upon the above-mentioned property during normal business hours, after making a reasonable effort to contact the owner/applicant prior to entering.

Signature of Owner or Authorized Applicant/Agent

Date

Name Printed

Title

LETTER OF AUTHORIZATION

Panga LLC, "Owner" whose address is: **PO Box 1905**
Jackson, WY 83001

(NAME OF ALL INDIVIDUALS OR ENTITY OWNING THE PROPERTY)

, as the owner of property
more specifically legally described as: 310 Aspen Drive, Jackson, WY 83001

(If too lengthy, attach description)

HEREBY AUTHORIZES New West Building Company (Michael Adams) as agent to represent and act for Owner in making application for and receiving and accepting on Owners behalf, any permits or other action by the Town of Jackson, or the Town of Jackson Planning, Building, Engineering and/or Environmental Health Departments relating to the modification, development, planning or replatting, improvement, use or occupancy of land in the Town of Jackson. Owner agrees that Owner is or shall be deemed conclusively to be fully aware of and to have authorized and/or made any and all representations or promises contained in said application or any Owner information in support thereof, and shall be deemed to be aware of and to have authorized any subsequent revisions, corrections or modifications to such materials. Owner acknowledges and agrees that Owner shall be bound and shall abide by the written terms or conditions of issuance of any such named representative, whether actually delivered to Owner or not. Owner agrees that no modification, development, platting or replatting, improvement, occupancy or use of any structure or land involved in the application shall take place until approved by the appropriate official of the Town of Jackson, in accordance with applicable codes and regulations. Owner agrees to pay any fines and be liable for any other penalties arising out of the failure to comply with the terms of any permit or arising out of any violation of the applicable laws, codes or regulations applicable to the action sought to be permitted by the application authorized herein.

Under penalty of perjury, the undersigned swears that the foregoing is true and, if signing on behalf of a corporation, partnership, limited liability company or other entity, the undersigned swears that this authorization is given with the appropriate approval of such entity, if required.

OWNER:

(SIGNATURE) (SIGNATURE OF CO-OWNER)

Title: Officer PANGA LLC.

(if signed by officer, partner or member of corporation, L.L.C (secretary or corporate owner) partnership or other non-individual Owner)

STATE OF Wyoming
COUNTY OF Teton

)
)SS.
)

The foregoing instrument was acknowledged before me by John Starnes this 29 day of February

December, 2007
WITNESS my hand and official seal.

WITNESS my hand and official seal

(Notary Public)

My commission expires:

(Seal)





y2consultants.com
307 733 2999

CONSULTANTS

ENGINEERING, SURVEYING & PLANNING
LANDSCAPE ARCHITECTURE, GIS
NATURAL RESOURCE SERVICES

May 4, 2018

Tyler Valentine
PO Box 1687 / 150 East Pearl Avenue
Jackson, WY 83001
tvalentine@jacksonwy.gov
(307) 733-0440

RE: 320 Aspen Drive Surveyor's Narrative

Dear Tyler,

The Following is a bulleted explanation of the boundary resolution of Lot 1, Block 3, Aspen Hill Subdivision:

- I, Mark Fellermann, am a Professional Land Surveyor with Wyoming registration number 16012
- I have reviewed the Aspen Hill Lots Subdivision Plat recorded in 1938 in the Office of the Clerk of Teton County, Wyoming as Plat No. 124
- The west line of Lot 1, Block 3 is shown on said plat to be the east 1/16 line of Section 33, T. 41 N., R. 116 W., 6th Principle Meridian
- The ± distances shown on said plat indicate that said east 1/16 line was not established at the time the Aspen Hill Subdivision Plat was surveyed
- Subsequent surveys have established the 1/16 line
- The correct dimension of the north line of said Lot 1 is 76.76 feet
- The correct dimension of the south line of said Lot 1 is 78.57 feet
- The acreage of said Lot 1 is 0.27 acres
- My assertion of the dimensions of said lot are further supported by the judgement of Tim C. Day in the Order Quietting Title as recorded as Document No. 0936955 in the Teton County Clerk's Office

Please let me know if you have any questions or require further information.

Sincerely,

Mark Fellermann, PLS
Survey Department Manager
mark@y2consultants.com

**PARTIAL VACATION OF PLAT
BOUNDARY RESOLUTION OF LOT 1, BLOCK 3, ASPEN HILL SUBDIVISION**

WHEREAS, the Town of Jackson Council at a regular public meeting on June 5, 2018 considered a request by PANGA LLC, to amend and clarify certain notes on Plat No. 124, recorded in the Office of the Teton County Clerk in 1938; and

WHEREAS, having determined that the proposed partial vacation does not abridge or destroy any rights and privileges of other proprietors in said plat; and

WHEREAS, the partial vacation without replat was acknowledged by all affected parties and approved by the Town Council

WHEREAS, Mark Fellermann, a Professional Land Surveyor with Wyoming registration number 16012, surveyed the subject property and prepared a map showing said resolution to be recorded in the Teton County Clerk's Office.

NOW, THEREFORE, BE IT ACKNOWLEDGED that the Town of Jackson Council hereby requests the Teton County Clerk to make the appropriate annotations on Plat No. 124 referencing these partially vacated notes, corrections and clarifications as outlined below (1-6); and that the County Clerk also make reference on said plat to the volume and page in which this required instrument of partial vacation without replat is recorded:

1. The west line of Lot 1, Block 3 is shown on said plat to be the east 1/16 line of Section 33, T. 41 N., R. 116 W., 6th Principle Meridian
2. The \pm distances shown on said plat indicate that said east 1/16 line was not established at the time the Aspen Hill Subdivision Plat was surveyed
3. Subsequent surveys have established the 1/16 line
4. The correct dimension of the north line of said Lot 1 is 76.76 feet
5. The correct dimension of the south line of said Lot 1 is 78.57 feet
6. The acreage of said Lot 1 is 0.27 acres
7. This boundary resolution is further supported by the judgement of Tim C. Day in the Order Quieting Title as recorded as Document No. 0936955 in the Teton County Clerk's Office.

FURTHER, all of the above is in accordance with the Town of Jackson Land Development Regulations, **Section 8.2.13 Amendments of Permits or Approvals**, paragraph **C.5 Subdivision Plat Amendment/Partial Vacation Without Replat**, and it is expressly permitted by said regulations.

OWNER ACKNOWLEDGEMENT:

Noa Staryk, Partner
PANGA, LLC

STATE OF WYOMING)
)
) ss.
COUNTY OF TETON)

Peta Roubin, Partner
PANGA, LLC

The foregoing instrument was acknowledged before me by _____
on this _____ day of _____, 2018.

Notary Public

My commission expires

Witness my hand and official seal.

TOWN ACKNOWLEDGEMENT:

Pete Muldoon, Mayor
Town of Jackson

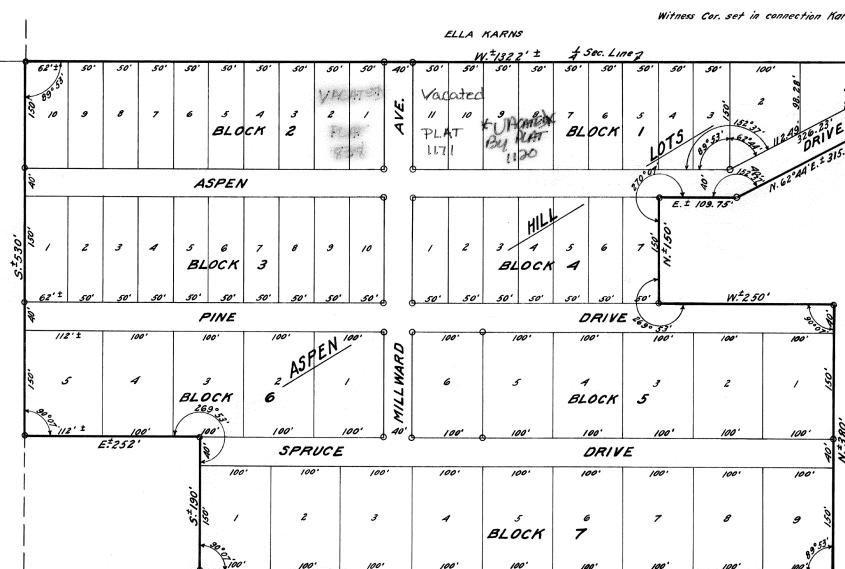
STATE OF WYOMING)
)
) ss.
COUNTY OF TETON)

The foregoing instrument was acknowledged before me by Pete Muldoon, as
Mayor of the Town Council on this _____ day of _____, 2018.
Witness my hand and official seal.

Notary Public

My commission expires

FILED MAY 13th, 1938. PLAT #124



NE $\frac{1}{4}$ SE $\frac{1}{4}$

SEC. 33 - T. 41 N. - R. 116 W.
(6TH P.M.)

GROVER C. BASSETT

16 sec. Line 2

1/16 Sec. Line 2

TETON NATIONAL FOREST

State of Wyoming No. 15796
County of Teton *SS.*
Filed for record in my office this 13th...
day of May A.D. 1938 at 1:10 o'clock
P.M., and recorded as Plat No. 12A...
S. H. Kline
E. N. Mead
County Clerk & Ex-Officio Register of Deeds
Feb. 25, 22 By *Joseph Kline*
Paid *Joseph Amerson Deputy (seal)*

— Extension of Cache Ave.
— 33' roadway owned by Town of Jackson
— Being opened under co-op. agreement by Town of Jackson & Teton County
Cor. Point of Beginning - This Survey

DEDICATION

STATE OF WYOMING }
County of Teton } SS.

The subdivision, as shown herein, of a tract of land bounded as follows: beginning at the $\frac{1}{4}$ cor. common to Secs. 33 & 34, T. 41 N., R. 116 W. (6th P.M.), thence westerly along the $\frac{1}{4}$ sec. line for approx. 1322 ft. to the E. 1/2 sec. line through Sec. 33, thence southerly along the said $\frac{1}{4}$ sec. line for 330 ft., thence easterly and parallel to the aforesaid $\frac{1}{4}$ sec. line for 252 ft., thence southerly and parallel to the aforesaid $\frac{1}{4}$ sec. line for 190 ft., thence easterly and parallel to the aforesaid $\frac{1}{4}$ sec. line for 300 ft., thence northerly and parallel to the aforesaid $\frac{1}{4}$ sec. line for 380 ft., thence westerly and parallel to the aforesaid $\frac{1}{4}$ sec. line for 250 ft., thence northerly and parallel to the aforesaid $\frac{1}{4}$ sec. line for 150 ft., thence easterly and parallel to the aforesaid $\frac{1}{4}$ sec. line for 109.75 ft., thence approx. N. 62° 44' E. (turning an interior angle of 152° 37' for 316.36 ft., thence southerly and parallel to the aforesaid $\frac{1}{4}$ sec. line for 30 ft., thence E. 1/2 sec. line for 34 ft., thence easterly and parallel to the aforesaid $\frac{1}{4}$ sec. line for 100 ft., thence northerly along the sec. line between Secs. 33 & 34 for 100 ft., more or less, to the place of beginning, containing 17.29 acres, more or less, lying wholly within the NE $\frac{1}{4}$ SEC. Sec. 33, T. 41 N., R. 116 W. (6th P.M.), as appears on this plat, is with the free consent, and in accordance with the desires of the undersigned owners and proprietors, and the streets or roadways, as herein shown, are hereby dedicated to public use in fee simple.

Grover C Bassett
Grover C. Bassett

Mabel Bassett
Mabel Bassett

STATE OF WYOMING }
County of Teton } SS.

On this 1st day of May, 1898, before me personally appeared Grover C. Bassett and Mabel Bassett, his wife, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their own free act and deed, including the release and waiver of the right of homestead, the said wife having been by me fully apprised of her right and of the effect of signing and acknowledging the said instrument.

Given under my hand and notarial seal, this 18th day of May A.D. 1938
My commission expires on the 18th January 1941

My commission expires on the
8th day of Oct. A.D. 1941.

Long Island -
Notary Public

PLAT
OF
ASPEN HILL LOTS
TETON COUNTY - WYOMING

SCALE - 1 IN. = 100 FT.

Drawn by John C. Simpson - Civil Eng.
Jackson, Wyo. 3-16-38 Wyo. Reg. 207

**IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT
IN AND FOR THE COUNTY OF TETON, STATE OF WYOMING**

DEREK JOHNSON CRAIGHEAD, in his capacity)
as Trustee of the Derek Johnson Craighead)
Revocable Trust Dated May 3, 2005, and any)
Amendments Thereto,)
Plaintiff,)
vs.) Civil Action No. 17549
GROVER C. BASSETT AND MABEL BASSETT,)
husband and wife, and their heirs, devisees,)
legatees, personal representatives, executors,)
administrators, successors and assigns, and all)
UNKNOWN PERSONS WHO CLAIM)
ANY INTEREST IN THE SUBJECT MATTER)
OF THIS ACTION)
Defendants.)

GRANTOR: DAY, TIMOTHY C DISTRICT COURT JUDGE
GRANTEE: CRAIGHEAD, DEREK JOHNSON TRUSTEE
Doc 0936955 Filed At 15:30 ON 10/09/17
Sherry L. Daigle Teton County Clerk fees: 24.00
By Mary D Antrobus Deputy

TETON COUNTY, WYOMING

OCT 10 2017

FILED
TETON COUNTY, WYOMING

ORDER QUIETING TITLE

THIS MATTER having come before the Court upon the Complaint in Action to Quiet Title filed herein on August 4, 2017 by Derek Johnson Craighead in his capacity as the trustee of the Derek Johnson Craighead Revocable Trusts dated May 3, 2005 (hereinafter referred to as "Plaintiff" or "Trust") and service having been made by publication pursuant to Rule 4(i) of the Wyoming Rules of Civil Procedure and proof thereof having been filed herein, and there having been no answer or other responsive pleading filed herein and the time allowed by law for answering having expired; and the Court having considered the matter and being fully advised in the premises, finds as follows:

1. This case arises under Wyoming Statute §1-32-201.

The State of Wyoming

County of Teton

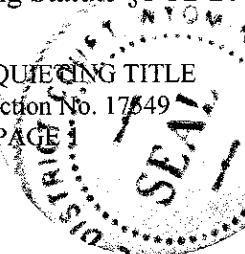
ORDER QUIETING TITLE

Civil Action No. 17549

PAGE 1

I, Clerk of the Ninth Judicial District Court within and for said County and in the State aforesaid. Do hereby Certify the foregoing to be a Full, True and Complete Copy.

Signed



2. Venue for this judicial proceeding involving the recovery of real property, or an estate or interest therein, is proper in the Ninth Judicial District in and for Teton County, State of Wyoming, pursuant to WYO. STAT. § 1-5-101 for the reason that the property that is the subject of this action is situate in Teton County, Wyoming.

3. The whereabouts of Defendants are unknown, and upon information and belief, Defendants likely died many years ago.

4. The gap real property that is subject of this quiet title action was described on Exhibit B to the Complaint filed herein (hereinafter referred to as the “Subject Property”).

5. Derek Johnson Craighead and Sophie Craighead acquired real property adjacent to and upon information and belief, encompassing the Subject Property, by and through a Warranty Deed from Margaret Smith Craighead dated January 17, 1997 and recorded on February 12, 1997 in Book 331, Page 245 of the real estate records of the office of the Teton County Clerk.

6. The Plaintiff acquired the real property adjacent to and upon information and belief, encompassing the Subject Property, by and through a Warranty Deed from Derek Johnson Craighead and Sophie Craighead dated July 27, 2010 and recorded on February 4, 2011 in Book 776, Page 21-22 of the real estate records of the office of the Teton County Clerk.

7. At the time the Subject Property was supposedly transferred to the Plaintiff, and at all times since Plaintiff has owned the property, he understood the boundary of the Subject Property to be that outlined in yellow on the map attached as Exhibit C to the Complaint filed herein.

8. A recent title report by Wyoming Title & Escrow in Jackson, Wyoming indicates that Defendants, rather than Plaintiff, own a gap portion of what Plaintiff has always believed to

be his property. That gap portion owned by Defendants is highlighted in pink as illustrated on Exhibit D attached to the Complaint filed herein, and is the gap real property that Plaintiff seeks to quiet in his title.

9. Defendants were originally the owner of the Subject Property. Upon information and belief, the Defendants intended that the Subject Property be conveyed as a part of Plaintiff's tract – there is no use of the gap Subject Property apart from the adjacent property owned by Plaintiff.

10. Plaintiff is in actual possession of the Subject Property, and has been in possession of the Subject Property since January 17, 1997 by actual, open, notorious, exclusive and continuous possession, adverse to Defendants and to all other persons.

11. Plaintiff's possession has been hostile and under a claim of right evidenced by his long period of exclusive use and control over the property and payment of property taxes.

12. Plaintiff has at all times treated the Subject Property as his own.

13. Plaintiff has an interest in the Subject Property adverse to Defendants for which a quiet title action is the only remedy.

NOW, THEREFORE, it is hereby ORDERED, ADJUDGED and DECREED as follows:

Plaintiff Derek Johnson Craighead, in his capacity as Trustee of the Derek Johnson Craighead Revocable Trust Dated May 3, 2005, and any Amendments Thereto, at the time of commencement of this proceeding, were, and is now, the owner with right of possession of the Subject Property, a legal description of which is contained in Exhibit B to the Complaint; and

ORDER QUIETING TITLE
Civil Action No. 17549
PAGE 3

Title in and to the Subject Property be and the same hereby is quieted in Derek Johnson Craighead, in his capacity as Trustee of the Derek Johnson Craighead Revocable Trust Dated May 3, 2005, and any Amendments Thereto, and that each of the Defendants have no right, title or interest in or to the property or any part thereof, and that the Defendants are forever enjoined from asserting any claim, right, title or interest in or to the Subject Property or any part thereof.

ORDER QUIETING TITLE
Civil Action No. 17549
PAGE 4

The legal description of what is being quieted in Plaintiff is as follows:

EXHIBIT B
To
Complaint in Action to Quiet Title

That part of the W1/2 NE1/4 SE1/4, Section 33, T41N, R116W, 6th P.M., Teton County, Wyoming being more particularly described as follows:

COMMENCING at the SE1/16 Corner Section 33, monumented with an iron pipe with an iron cap inscribed "Phillip G Morton Jackson Wyoming T41N R116W S33 SE 1/16 SS 1961"; THENCE N 01°27'10" E, 905.37 feet along a Sixteenth line of said Section 33 to the SE corner of the Green Mountain Addition Plat No. 1069 recorded in the Office of the Clerk of Teton County, Wyoming, AND the true POINT OF BEGINNING; THENCE continuing along the Sixteenth line and the easterly boundary of the Green Mountain Addition Plat No. 1069, N 01°27'10" E, 149.84 feet to the NE corner of the Green Mountain Addition Plat No. 1069; THENCE departing said Sixteenth line and the easterly boundary of the Green Mountain Addition Plat No. 1069, S 89°05'38" E, 13.21 feet to the NW corner of Lot 1, Block 3, Aspen Hill Lots Plat No. 124 recorded in said Office; THENCE along the westerly line of Lot 1, Block 3, Aspen Hill Lots Plat No. 124, S 00°18'02" W, 149.85 feet to the SW corner of Lot 1, Block 3, Aspen Hill Lots Plat No. 124; THENCE departing said westerly line of Lot 1, Block 3, Aspen Hill Lots Plat No. 124, N 89°03'29" W, 16.22 feet to the SE corner of the Green Mountain Addition Plat No. 1069 and the POINT OF BEGINNING.

Basis of Bearing = N 01°27'10" E along the Sixteenth line between the SE 1/16 Corner Section 33, monumented with an iron pipe with an iron cap inscribed "Phillip G Morton Jackson Wyoming T41N R116W S33 SE 1/16 SS 1961" and the NE corner of the Green Mountain Addition Plat No. 1069 recorded in said Office.

DATED this 8th day of Oct . 2017.

BY THE COURT,

TIMOTHY C. DAY
DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing was served by mail/fax upon the following persons at their last known address this 9 day of Oct 2017.

C Reimer/E Hart

ORDER QUIETING TITLE

Civil Action No. 17549

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By W.L. Hanson Jr.