

1997

# P. Morgan Burkett v. PIVP Hotel Management Corporation : Summary Judgement

Utah Court of Appeals

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Henry Heath; George D. Knapp; Strong and Hanni.

Val R. Antczak; Alexander R. Dahl; Parsons Behle and Latimer; Attorneys for Plaintiff/Appellant.

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FILED DISTRICT COURT  
Third Judicial District

MAR 11 1997

By C. Beveridge  
City Clerk

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IN THE THIRD JUDICIAL DISTRICT COURT OF SALT LAKE COUNTY  
STATE OF UTAH

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R. MORGAN BURKETT, )  
 ) SUMMARY JUDGMENT  
 ) DISMISSING PLAINTIFF'S  
 Plaintiff, ) COMPLAINT AND RELEASING  
 ) LIS PENDENS  
 v. )  
 )  
 PIVP HOTEL MANAGEMENT )  
 CORPORATION, ) Civil No. 960905531CV  
 )  
 Defendant. ) Judge J. Dennis Frederick

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This matter came on regularly for hearing upon defendant's motion to compel arbitration, to dismiss plaintiff's complaint, or in the alternative, to stay proceedings before the Honorable Judge J. Dennis Frederick on the 10th day of February, 1997, with plaintiff represented by counsel of record, Alexander R. Dahl, Esq., of Parsons, Behle & Latimer, and defendant represented by Henry E. Heath and Scott M. Petersen, Esqs., of Strong & Hanni, attorneys at law. The matter having been submitted on the pleadings, together with certain pleadings from an action pending in the Superior Court of the State of California, County of San Luis Obispo, Case No. CV 079005, the court chose to treat this matter as a motion for summary judgment.

The court being fully advised in the premises and having separately entered its findings of fact and conclusions of law, does now hereby

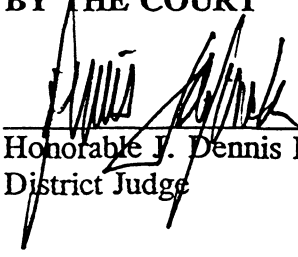
ORDER, ADJUDGE AND DECREE that summary judgment be and the same hereby is granted in favor of defendant, dismissing plaintiff's complaint and further,

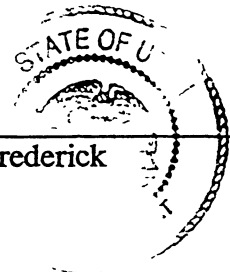
ORDER, that the lis pendens filed on the following described property is, therefore, released:

BEGINNING at a point on the North line of 5300 South Street and the East line of College Drive, said point given as North 489.439 feet and West 1142.840 feet from the South quarter corner of Section 12, Township 2 South, Range 1 West, Salt Lake Base and Meridian; and running thence North 09°44'45" West 19.00 feet; thence Northeasterly 162.34 feet along the arc of a 293.00 foot radius curve to the right (chord bears North 6°07'38" East 160.27 feet); thence Northerly 277.802 feet along the arc of a 337.00 foot radius curve to the left (chord bears North 1°36'56" West 270.003 feet); thence North 88°33'52" East 179.06 feet; thence South 41°00'00" East 63.00 feet; thence South 1°26'08" East 230.00 feet; thence South 82°24'27" West 1.478 feet; thence South 1°23'33" East 134.613 feet to the North line of 5300 South Street; thence South 80°15'15" West 237.611 feet along said North line to the point of BEGINNING.

DATED this 11<sup>th</sup> day of <sup>MO.</sup>~~February~~, 1997.

BY THE COURT

  
Honorable J. Dennis Frederick  
District Judge



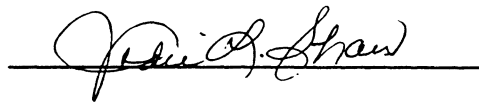
APPROVED AS TO FORM:

\_\_\_\_\_  
Val R. Antczak  
Alexander R. Dahl  
Attorneys for Plaintiff

CERTIFICATE OF HAND-DELIVERY

I hereby certify that a true and correct copy of defendant's Summary Judgment Dismissing Plaintiff's Complaint and Releasing Lis Pendens was hand-delivered this 25 day of February, 1997, to the following:

Val R. Antczak, Esq.  
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