

2008

Haynes Land and Livestock Company v. Jacob Family Chalk Creek, LLC : Reply Brief of Appellees and Cross Appellants Jacob Family chalk Creek, LLC, Catherine B. Christensen, LLC, and Brian Garff.

Utah Court of Appeals

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IN THE UTAH COURT OF APPEALS

HAYNES LAND & LIVESTOCK
COMPANY, a partnership, and Triple H.
Ranch, LC, a limited liability company

Plaintiff-Appellants,

vs.

JACOB FAMILY CHALK CREEK, LLC, a
limited liability company; et. al.,

Defendants-Appellees

REPLY BRIEF OF APPELLEES AND
CROSS APPELLANTS JACOB
FAMILY CHALK CREEK, LLC,
CATHERINE B. CHRISTENSEN, LLC,
AND BRIAN GARFF

Appeal No. 20080858

[District Court Case No. 980600244]

Appeal from the Third Judicial District Court, Summit County, State of Utah
The Honorable Bruce C. Lubeck, District Court Judge

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LIST OF PARTIES

Parties Asserting the Roads are Private:

Represented before the trial court by Ray G. Martineau, Anthony R. Martineau, and Brett D. Cragun, Law Offices of Ray G. Martineau, and by Leslie W. Slauch of Howard, Lewis & Petersen:

HAYNES' LAND & LIVESTOCK COMPANY, a partnership
TRIPLE H RANCH, LC, a limited liability company
CHALK CREEK-HYSTVILLE WATER USERS CORPORATION, a corporation

Represented before the trial court by Stephen G. Swendimen and Julie I. Valdes, Assistant Attorneys General:

STATE OF UTAH, by and through the DEPARTMENT OF NATURAL RESOURCES,
DIVISION OF FIRE, FORESTRY AND STATE LANDS

Parties Asserting the Roads are Public:

Represented before the trial court by Clark Waddoups, Jonathan O. Hafen and Tobi Potestio of Parr Waddoups Brown Gee & Loveless:

JACOB FAMILY CHALK CREEK, LLC, a limited liability company
CATHERINE B. CHRISTENSEN, LLC, a limited liability company
BRIAN GARFF, an individual

Represented before the trial court by Brent A. Bohman (these parties were originally represented by George S. Young and Michael S. Johnson of Pruitt, Gushee & Bachtell):

FERN J. BOYER
GERALD G. BOYER
GREGORY J. BOYER
J.S. HANSEN
ALFRED C. BLONQUIST

Represented before the trial court by David L. Thomas and Jami R. Brackin:
SUMMIT COUNTY, a political subdivision of the State of Utah

Other Persons Named in the Pleadings But Who Did Not Appear at Trial:

DAVID B. WILLIAMS
KAREL J. SNYDER
J.S. HANSEN
HELEN W. BLONQUIST
BARBARA HALL and KEVIN HALL

TABLE OF CONTENTS

LIST OF PARTIES..... 2

TABLE OF CONTENTS..... 3

ARGUMENT..... 4

 I. THE TRIAL COURT ERRED IN NOT FINDING THAT THE ROAD WAS
 DEDICATED TO THE PUBLIC THROUGH TO ITS LOGICAL
 TERMINUS..... 4

CONCLUSION..... 4

ARGUMENT

I. THE TRIAL COURT ERRED IN NOT FINDING THAT THE ROAD WAS DEDICATED TO THE PUBLIC THROUGH TO ITS LOGICAL TERMINUS

It is the position of Jacob Christensen that the trial court erred in not finding that the Road was dedicated to the public from at least point K on Trial Exhibit 117 up to Boyer Lake and Joyce Lake. As a result of the trial court's failure to find this portion of the Road public, Jacob Christensen is unable to access the Blue Lakes as well as certain portions of its property.

Accordingly, Jacob Christensen hereby joins in the arguments of Boyer supporting such finding of public dedication.

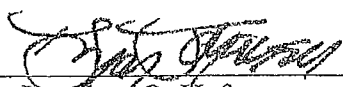
CONCLUSION

Because the trial court erred in not extending the public Road to its logical – as well as legally and factually supported - conclusion the trial court's determination that the public portions of the Road do not extend through the Boyer property should be reversed.

DATED this 10th day of December, 2009.

PARR BROWN GEE & LOVELESS

By: _____


Jonathan O. Hafen

Bryan S. Johansen

Attorneys for Jacob Christensen

CERTIFICATE OF SERVICE

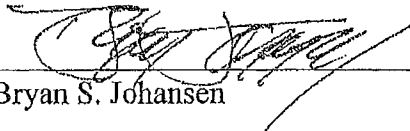
I hereby certify that on the 10th day of December, 2009, a true and correct copy of the foregoing **REPLY BRIEF OF APPELLEES AND CROSS APPELLANTS JACOB FAMILY CHALK CREEK, LLC, CATHERINE B. CHRISTENSEN, LLC, AND BRIAN GARFF** was served via first class U.S. mail, postage prepaid, upon:

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