

1989

Velma Marchant, Elma Winterton Leora Robinson,
Wanda Penrod, Mon Lichty, Merle Anderson v.
Park City. and The State of Utah : Unknown

Utah Supreme Court

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Supplemental Submission, *Marchant v. Park City*, No. 890139.00 (Utah Supreme Court, 1989).
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UTAH SUPREME COURT

BRIEF

890139

Law Office of
ROBERT FELTON
SUITE 1309
310 SOUTH MAIN STREET
SALT LAKE CITY, UTAH 84101
TELEPHONE (801) 359-9216
TELECOPIER (801) 359-9230

FILED
JAN 25 1990

Clerk, Supreme Court, Utah

January 24, 1990

Geoffrey J. Butler
Clerk
Supreme Court of the State of Utah
332 State Capitol
Salt Lake City, Utah 84114

Re: Marchant v. Park City
Supreme Court # 890139

Dear Mr. Butler:

The above entitled action was argued before the Court on January 8, 1990. In another action decided that same day, the Court rendered a decision which has a significant impact on this action and which I desire to bring to the Court's attention pursuant to provisions that Rule 24(j) the Rules of the Supreme Court.

CITATION OF SUPPLEMENTAL AUTHORITY

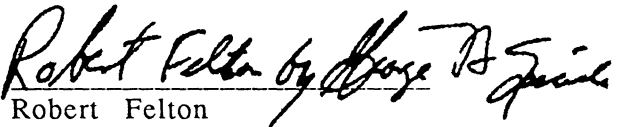
Robert Felton, attorney for the plaintiff's-Appellants, hereby submits that the case of Staker v. Ainsworth, 125 Utah Adv. Rep. 25 (1/8/1990) is both pertinent and despositive of this action.

Plaintiffs originally pled the doctrine of boundary by acquiescence as the basis of insulating their title from attack by the Defendants based on the historical facts that the "yard was always fenced" (T. p 42); there was acquiescence as to the boundary line (T p 45); and that the occupation

commenced in approximately 1910 and continued uninterrupted for a long period of time (T p 40). The plaintiffs were not able to establish "objective uncertainty," as then required by Halladay v. Cluff, 685 P 2d. 500 (Utah, 1984).

Appellants submit to this court that the recent case of Staker v. Ainsworth, supra, constitutes new law which requires reversal of the Appeals Court decision and entry of judgment for Appellants.

Signed this 25 day of January, 1990.

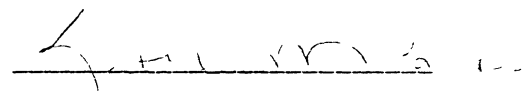

Robert Felton

CERTIFICATE OF MAILING

I do hereby certify that I mailed a true and correct copy of the foregoing "Citation of Supplemental Authority" to the following:

J. Craig Smith
Attorney at Law
60 East South Temple, #1225
Salt Lake City, Utah 84111

Alan Bachman
Assistant Attorney General
State Capitol Building
Salt Lake City, Utah 84111



Remailed this 25 day of January, 1990

