

2004

Miguel David Gedo and Maria A. Sanchez v. John R. Sudweeks and Deanna Sudweeks : Brief of Appellant

Utah Court of Appeals

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IN THE UTAH COURT OF APPEALS

MIGUEL DAVID GEDO,
MARIA A. SANCHEZ,
Defendant/ Appellant,

V.

JOHN R.SUDWEEKS,
DEANNA SUDWEEKS,
Plaintiff/Appellee.

Case No. 20040767-CA

BRIEF OF APPELLANT

APPEAL FROM FOURTH JUDICIAL COURT, UTAH COUNTY,
STATE OF UTAH, FROM A ORDER AND JUDGMENT OF A QUIET TITLE ACTION.
BEFORE JUDGE JAMES R. TAYLOR AND STEVEN L. HANSEN

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United States Constitution, Article VI, Amendment IV, V, VII, and XIV.
State of Utah Constitution, Article I, Section 7, 10, 11, 14, 24, 26, and 21.
United States Constitution, Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

IN THE UTAH COURT OF APPEALS

MIGUEL DAVID GEDO,
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JOHN R.SUDWEEKS,
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Plaintiff/Appellee.

Case No. 20040767-CA

BRIEF OF APPELLANT

STATEMENT OF JURISDICTION

Jurisdiction of the State of Utah Supreme Court, and, State of Utah Court of Appeals

Under the provisions of Utah Code Annotated 78 - 2 - 2.(3)(j) and 78 - 2a - 3.(j) this court has had jurisdiction conferred upon it by the State of Utah Supreme Court transferring jurisdiction to the State of Utah Court of Appeals to hear Appellants appeal regarding the rulings of judge Taylor and judge Hansen regarding use of , possession of, and title to Appellants parcel of real property located in Pleasant Grove City, Utah County, State of Utah and recorded at Utah County Recorder as parcel number14:044:0059.

STANDARD OF REVIEW

As this court reviews the district court granting judgment to Appellees against Appellants lacking any justiciable issue to place before or confer jurisdiction upon the district court, be it constantly remembered that there are not now and never were any substantial issues to place before the district court. Due to Appellants presumptions of ownership, possession and control of the subject parcel, and tax payments upon the mentioned parcel, it is proper to accept that the provisions for the determination of ownership of real property and Appellees lack of documentation to support

any of Appellees claims against Appellant to be substantially dispositive of any of Appellees claims upon Appellants realty.

ISSUES PRESENTED FOR REVIEW

Are Appellees allegations and claims against Appellant in the trial court factually and legally sufficient to show:

1. Justiciability of the issues between them?
2. Sufficient personal interest on the part of Appellees to confer standing?
3. The existence of a private right of action in favor of Appellees?
4. Sufficient evidence upon which to base any claim upon Appellants realty?
5. That Appellees claim upon Appellants real estate also confers the power to have Appellant summarily incarcerated at the Utah County Jail based upon Appellees unfounded accusation of assault by Appellant against Appellee?
6. That Appellees claim against Appellants summarily renders moot all provisions in Utah Code involving the protection of , possession of private property and of the use of force in protection of that property according to law?
7. That all provisions for the recordation of title to real property, the recordation of Appellants complete and current property tax payments are rendered wholly ineffective against a neighbors verbal claim upon Appellants realty?

1. Whether the trial court erred by allowing Appellee to commence this action alleging 5 (five)

causes of action, to wit:

- (a) Boundary by acquiescence.
- (b) Prescriptive easement.
- (c) Trespass by Miguel David Gedo, James Gedo, and Maria Angelica Sanchez.
- (d) Forcible detainer by Miguel David Gedo, James Gedo, and Maria Angelica Sanchez.
- (e) Injunction;

2. Whether the trial court erred when Appellant challenged the jurisdiction of the court and made

special appearance only to present official muniments of ownership sufficient to raise the issues of:

- (a) Show there were no issues of title, or quiet title or boundary by acquiescence or prescriptive easement or trespass or forcible detainer or any other cause of action within the jurisdiction of the court relating to this case.

- (b) Show that Appellees allegations and claims against Appellant failed to be factually and legally sufficient to show justiciability of the issues between them and the subject parcel to this action.

- (c) Show lack of sufficient personal interest on the part of Appellees to confer standing to prosecute any claim against these Appellants.

- (d) Show the absence of any private right of action in favor of Appellees.

(e) Show a proper basis for Appellees to accuse Appellant for contempt of the court and impose summary incarceration of Appellants due to non- adjudicated claim that Appellants committed crime against Appellees as a contempt of the trial court.

(f) Show that Appellees allegations and claims against Appellant were factually and legally insufficient to show that Appellants had violated mandatory state law governing the protection of, ownership of, use of and possession of private real estate.

3. Whether the trial court erred by failing to properly consider Appellants timely Notice that the principles of laches precludes Appellee from bringing this action due to Appellees unreasonable delay and negligence in pursuing Appellees claim.

4. Whether the trial court erred when it denied Appellants' motion to dismiss and denied Appellants' request for declaratory judgment and summary judgment against Appellee based upon Appellants officially recorded muniments of ownership, and records of tax payments and presumptions of possession and ownership according to Utah Code and based upon Appellants official survey plat map, all of which are redundantly dispositive of Appellees claims against Appellants..

5. Whether the court erred by allowing Appellees attorney to fail to respond to many official documents and issues properly interjected by Appellant into this case and which established justiciable issues and requests for the court to rule upon.

6. Whether the trial court Judge Hansen erred by issuing a preliminary injunction and / or temporary restraining order, when and while the court failed to require Appellee to provide the court with verifiable articulable probable cause in support of Appellees motion for temporary restraining order.

7. Whether the Court erred by committing unlawful actions of issuing an injunction when and while Appellee failed show then and now can not show any proper evidence of ownership.

8. Whether the court erred when it denied Appellants motion for a temporary

restraining order and preliminary injunction against Appellees when and while Appellants had then and have now all of the official muniments of ownership pertaining to the subject parcel.

9. Whether the trial court erred when it allowed Appellees attorney, judge Taylor, and the State of Utah Fourth District Court personnel tampering with State of Utah Rules of Civil Procedure process and the U.S. Postal Service system, all of which resulted in numerous official failures to timely notify Appellant of crucial, indispensable hearings, documents, litigation and other information pertinent to this case, all of which are required by law to be noticed to Appellant affirmatively throughout this action.

10. Whether the trial court erred when on June 19, 2003, Appellee scheduled pretrial conference ex parte for change of judge from Judge Hansen, Division 7 Civil, to Judge Taylor, Division 1 Criminal Felony in violation of Utah Rules of Civil Procedure, Rule 63A Change of judge as a matter of right.

11. Whether the trial court erred by conducting ex parte hearings with Judge Taylor and Appellee, which resulted in (sic) summary deprivation of Appellants civil rights by Appellee and Judge Taylor court.

12. Whether the trial court erred by allowing the complaint to be materially changed by Appellee and the trial court ex parte.

13. Whether the reviewing judge erred by denying Appellants motion for Change of Judge under Utah Rules of Civil Procedure, Rule 63(b).

14. Whether the trial court erred in denying Appellants timely request for Jury Trial.

15. Whether the trial court erred when it allowed the Appellee at trial for this case, to enter into evidence, over appellant's instant, timely and proper objection, an unofficial criminal simulation plat map and which that said objection immediately sent Appellant to jail summarily.

16. Whether the trial Court erred when it allowed presentation by official surveyor John B. Stahl of an unrecorded plat map as evidence of Appellees ownership of the subject parcel, and which said criminal simulation plat map has not to this day been recorded at the Utah County Records office.

17. Whether the trial Court erred by dismissing at the conclusion of trial all of Appellees original claims that were used by Appellee as justification for the issuance under oath, of Temporary Restraining Order and Preliminary Injunction and (sic) quieted Appellants title to the parcel to Appellees.

18. Whether the trial court erred by failing in the final order to direct Appellants to deliver the warranty deed or other documents to Appellee as required by Utah Code, Utah Rules of Civil Procedure, Rule 70, Judgment for specific acts; vesting title, and thereby properly resulting in nullification of all the court judgment and orders in this case.

19. Whether the trial court erred by failing to require Appellees to prepare the final order within the time limits of Utah Rules of Civil Procedure, Rule 58A. (d) Entry, and Rule 5, Service.

20. Whether the trial court erred when months after trial and without proper notice to Appellant, Judge Taylor peremptorily signed and mailed copy of the final order in this case to (sic) Appellants several year old officially superceded address in a blatant attempt to deprive Appellants of their right to appeal, and post judgment remedies.

21. Whether the Court erred when, as shown by Court records, the court (sic) failed to send Appellant copy of the final order in violation of Appellants right to due process, notice and opportunity to defend with post judgment remedies and to legally challenge the trial court final orders in this case.

22. Whether the court erred by denying Appellant the protection of the due process clauses included in all three of the United States of America Constitution, the State of Utah Constitution and the Utah Code Annotated Rules of Civil Procedure and other holdings in the Utah Code, and all of which are specifically constructed to insure, simplify and expedite the resolution of frivolous lawsuits from escalating from one 15 (fifteen) minute pretrial hearing to a case that has lasted 4 (four) years wherein Appellants have been subjected to involuntary servitude of being deprived of officially recorded real property and forced to litigate against professional attorneys without the assistance of counsel to protect and defend their officially owned realty, and continues to this very day.

CONTROLLING STATUTORY PROVISIONS

Utah Code: Annotated: Rules of Civil Procedure: Rules 4,5(d),7(b)(2),10(d),10(f),12 (f),15,15(a),16, 17, 19, 20, 21, 38, 39, 39(1),40,40(b),41, 43, 44, 50, 52, 54, 54(d)(2), 56, 58A. (d), 60, 61, 63, 63A, 63A.(c), 63A(3),63(b)(1)(A),63B, 65A, 64F, 5, 70,70A,74A, Judicial Code: 78-12-2, 78-12-5, 78-12-5.1, 78-12-6., 78-12-7., 78-12-7.1., 78-12-12. 78-12-12.1, Utah Criminal Code: 76-8-414., 76-8-415., 76-8-502., 76-8-503., 76-8-504., 76-8-505., 76-8-506., 76-8-508., 76-6-518., 76-8-306., 76-6-404., 76-6-404.5., 76-6-406., 78 - 2 - 2.(3)(j),78 - 2a - 3.(j), United States Constitution, Article VI, Amendment IV, V, VII, and XIV. State of Utah Constitution, Article I, Section 7, 10, 11, 14, 24, 26, and 21.

United States Constitution, Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

All other controlling statutory provisions and rules are set forth in the Addenda.

DETERMINATIVE LAW

While many constitutional provisions and statutes have bearing on this case, the most significant are contained in the Utah Code, Judicial Code, 78 - 12 – 1. CHAPTER 12, LIMITATIONS OF ACTIONS, Article 1 Real Property, to wit:

78 - 12 - 5. Seizure or possession within seven years necessary.
78 - 12 - 5.1. Seizure or possession within seven years.
78 - 12 - 6. Actions or defenses founded upon title to real estate.
78 - 12 - 7. Adverse possession -- Possession presumed in owner.
78 - 12 - 7.1 Adverse possession -- Presumption
78 - 12 - 12 Possession must be continuous and taxes paid.
78 - 12 - 12.1 Possession and payment of taxes.

STATEMENT OF THE CASE

This case raises core challenges to those owners of real property according to law within this State of Utah regarding ownership of real property, and use of real property, and any presumptions of law that may be relied upon by those real property owners should they find their ownership challenged by a verbal claim of a party that has no documentation, no title, no survey, no official record of ownership, no record of any claim against a parcel of real estate, no recordation of tax payments, or any evidence to support a mere verbal claim upon their real property, and which claim results in the summary deprivation of such owners' real estate for five years, enforced first by unsubstantiated temporary restraining order which is subsequently converted in preliminary injunction, and then ultimately converted into permanent injunction lacking any show of any threat, attack, deprivation or injury upon any person or their property by the presumed owner, or any other reason to litigate and all used against the presumed owner to unlawfully appropriate his property to a mere verbal claimant neighbor.

Nature of the Case

The Utah Legislature has chosen to enact by statute all the prerequisites to establish ownership of real property according to law, which law is fully described in Utah Code, 78 - 12 - 2 REAL PROPERTY. Miguel David Gedo appeals from the judgment and rulings of the Fourth District Court after being deprived of lawfully purchased, paid for and officially surveyed and recorded at the Utah County Records Office parcel of real property by Judge James R. Taylor.

TRIAL COURT PROCEEDINGS and DISPOSITION and STATEMENT OF RELEVANT FACTS.

On May 10, 2001, Appellees complaint was filed with the Fourth District Court, Provo Department alleging 5 (five) causes of action sworn to by Appellee, charging against Appellants with (please see Index and Clerk Certificate, page 17).

1. Boundary by acquiescence.
2. Prescriptive easement.
3. Trespass by Miguel David Gedo, James Gedo, and Maria Angelica Sanchez.
4. Forcible detainer by Miguel David Gedo, James Gedo, and Maria Angelica Sanchez.
5. Injunction

Between May 10th, 2001 and June 4th, 2001, there is no record of Summons on Return for Miguel David Gedo, James Gedo, or Maria A. Sanchez to establish proper service of complaint on said named Defendants or establishing that Appellee had and used Appellants current address. As far as the recollection of Appellants in this matter, Appellee came over to Appellants at Appellants real property located at 1640 East 200 South, Pleasant Grove and handed Miguel David Gedo a copy of the complaint and advised Miguel David Gedo that Appellee was commencing an action on Appellants parcel. These events transpired while Miguel David Gedo was inspecting his parcel adjacent to Appellees home and were all done unlawfully and in violation of URCP Rule 4 Process, when Appellee commenced this action by service of process by an unqualified individual, to wit: Mr. .John R. Sudweeks, (sic) the Appellee.

On June 4th, 2001, Appellant answered Appellees complaint with special appearance and counter claim requesting the trial court to issue declaratory judgment on Appellants behalf to establish and confirm Appellants ownership of the subject parcel and for the case be immediately set for hearing on the merits, and denying all of Appellees substantial allegations, and by Appellant filing of countersuit against Appellee.

On June 15, 2001, Appellees attorney filed a Notice of Change of Address, (R.O.A. p. 22), which mailing certificate was addressed to 1630 East 200 South, and which address is now and was then nonexistent in the city of Pleasant Grove.

On July 20, 2001, Appellees, filed motion for temporary restraining order. (See clerk index, p. 32), this time Appellees attorney managed to obtain Appellants current address, which somehow deleted Maria Angelica Sanchez, Johnny Ray O'conner and Martha O'conner which were not served and failed to appear for Appellees Motion for Temporary Restraining Order hearing

On July 20, 2001 Appellee filed Temporary Restraining Order and Preliminary Injunction to prohibit Appellant from entering onto Appellants real property parcel located at 1640 East 200 South, Pleasant Grove, State of Utah, Parcel # 14: 044: 0059 of Tax District: (070) Pleasant Grove City, in violation of Utah Code 78-12-7. Adverse possession – Possession presumed in owner.

On August 8th, 2001, Appellants filed Motion for Temporary Restraining Order against Appellees John R. Sudweeks and Deanna Sudweeks (R.O.A. p. 40).

On August 8th, 2001, a hearing was scheduled for temporary restraining order and the restraining order was granted to Appellee over Appellants proper objections and Appellants Motion for Temporary Restraining Order was dismissed without any argument, discussion or presentation of relevant issues to the court.

On August 24th, 2001, Appellants received certificate of service were Appellees served Notice of lis pendens, this is the first time Appellees counsel properly listed all the Defendants with all of their correct addresses.

On September 6th, 2001, Defendant Martha O'conner was the only person properly summoned with proper legal notice of this action. No other summons was returned to the trial court (see

R.O.A. p. 52) as required proof of service of process on all defendants with the trial court and proof of current addresses of all Defendants.

On September 6th, 2001, an order was issued for preliminary injunction against Appellants, lacking full adjudication on the merits, thereby controverting the trial courts own findings of fact, (see R.O.A. p.56, 57).

On September 17th, 2001, Defendant Martha O'conner (sic) tried to answer the complaint in letter form inappropriate for court process and lacking required service upon Appellant and ex parte.

On September 25th, 2001, Appellees counsel filed Motion for Default against Defendants Johnny Ray O'conner and Martha O'conner which were the only Defendants that were properly served with process.

On November 16th, 2001, Appellants filed affidavit for disqualification of judge, which has not been entered in to the Index and Clerks Certificate, but is marked as R.O.A, p.64 and 63.

On November 20, 2001, the court noticed re: Ex Parte Communication.

On December 7th, 2001, the court received returned mail mailed to (see R.O.A. p.70 A and 74A) were the courts returned mail shows 155 South instead of 1550 South and lacking zip code.

On March 1st, 2002, Appellants filed "Request for defense fees, \$10,000.00 (ten thousand dollars), Request to Quash Complaint Orders. (see clerk index, p. 77) and filed "Demand to Quash Complaint, Terminate Injunction, and award litigation fees.(see clerk index, p. 83).

On March 18, 2002, Appellee filed "Motion to Strike Defendants Demand to Quash Complaint, Terminate Injunction, Litigation Fees, and Motion to Strike Defendants Request for Dismissal, Quiet Title and Request for Defense Fees. (see clerk index, p. 86).

On March 20, 2002, the court entered a memorandum decision on motions. (see R.O.A. p.89 – 88)improperly striking Appellants pleadings lacking any argument, then the court mailed the

memorandum decision, according to the certificate of notification, to Appellant at 371 East 155 South, Orem, Utah, zip code 84061, (which was a fictitious address).

On April 24, 2002, an order was issued by the court which stated "The court concludes that Defendants pleadings are illegible, and, as a result, understanding the basis of Defendants argument is virtually impossible. In addition, no mailing certificate has been filed with the Defendants pleadings."

On April 24th, 2002, the trial court signed Appellees ex parte order to strike from the record all of Appellants pleadings,(see R.O.A. p. 98) Appellees attorney then mailed the order to 361 West 800 North, Provo, Utah 84061, which is the proper zip code for the city Peoa, in Summit County, State of Utah but does not exist in Utah county, and which that fact would be well known by the court.

November 22, 2002, Appellees attorney is associated with the Morley firm, which represents Pleasant Grove City, Civil Division, wherein Pleasant Grove City lost a \$2,500,000.00 (two million five hundred thousand dollars) major nuisance case involving this same parcel of property

On June 17, 2003, Appellee filed Certificate of Readiness of Trial, Appellee filing said Certificate when and while Appellee did not file any supporting motions, documentation, replies, or law to confirm that this case was, ever had been or could ever be ready for trial according to U.R.C.P., Rule 16 (a), Pretrial conferences.

On June 19, 2003, the court scheduled a Notice of Pretrial conference (R.O.A. p.105) were the court scheduled a pretrial conference on July 23rd, 2003, at 9:00 a.m., room 203, before judge Steven L. Hansen, the court sent a copy of the Notice of pretrial conference to the same mentioned fictitious address in city of Peoa , Summit County. The notice of pretrial conference was returned mail to the trial court (see R.O.A. p. 115A, 119A, 123A, 127A) Sometime between June 30th, 2003 and July 16th, 2003 there was ex parte Change of Judge by Appellees from Civil Division

judge Hansen to Criminal Division judge Taylor, lacking required Notice upon Appellants and all done against law, ex parte.

On July 16, 2003, Appellee filed motion to amend Complaint, wherein caption of that motion, which motion was not served upon Appellant and constitutes another ex parte communication with the previous judge Hansen, and which motion was not served upon Appellant properly according to URCP, Rule 15(a) Amended and supplemental pleadings.

On July 23, 2003, Appellee and the newly improperly assigned Judge Taylor conducted an ex parte hearing (R.O.A. p.136) which was scheduled against law.

On August 5, 2003, the order to amend the Complaint was filed ex parte (see R.O.A, p.139) and granted by Judge Taylor on August 4th, 2003, but the mailing certificate attached to the order is dated July 25th, 2003,(see R.O.A. p.137) The impossibility of those mentioned acts completed out of sequential order is another instance of mail fraud in this case due to the impossibility of Appellee mailing Appellant copy of the order on July 25, 2003, and this order was not filed with the court until August 5th, 2003.

On August 11th, 2003, the amended complaint states that it contains therein as Exhibits A,B,C, and D, documents which claim to be warranty deeds,(see R.O.A. p. 149) but on close examination, there are actually no warranty deeds attached as exhibits.

Sometime between August 11th, 2003 and September 11th, 2003, Appellants were notified orally by Judge Taylor at court on an unrelated criminal sentencing matter, that there would be an Order to Show Cause hearing on September 11, 2003 for this case.

On September 11, 2003, at Appellees Order to Show Cause hearing resulting Appellant Requested Jury Trial within a few seconds of Court setting Trial date, but Judge held that Jury Trial Request

must be made at least 30 (thirty) days before Trial. Judge Taylor erred by telling Appellant that the trial was scheduled less than 30 days away and it was already too late to request Jury trial.

On September 18th, 2003, Appellant filed Request for change of Judge under rule 63b Utah Rules of Civil Procedure, (see R.O.A. p. 155) which was 5 (five) pages of details explaining extreme prejudice of Judge Taylor conduct in the Order to Show Cause hearing and which included the request for Jury Trial (see R.O.A. p. 153, line 1- 7) which is proof positive that Appellants timely requested jury trial for this case.. Judge Taylor deprived Appellant of State of Utah Constitutionally guaranteed Right to Jury Trial due to said actions of the trial Court. At this hearing, Appellants requested declaratory judgment on Appellants ownership of officially recorded real property, which was also denied.

On September 22, 2003, Appellees attorney filed Motion to Strike Defendants Request for Change of Judge, (see R.O.A. p. 158). Rule 63(b) does not allow for opposing party to object or to motion the court to strike the mentioned request due to this rule.

On September 23, 2003, the trial court Taylor issued an order denying Appellees Motion to Strike Defendants request for change of judge.

On October 3rd, 2003, a ruling was issued (see R.O.A. p. 163) by judge Gary D. Stott in which judge Stott ruled he could not understand Appellants issues regarding the recusation, claimed that Appellant referred to Rule 63A, not Rule 63b and allowed judge Taylor to remain on the case following Appellants proper, timely notice to the court.

On December 15th and 16th, 2003, a trial was held were Judge Taylor again showed bias and prejudice against appellant by incarcerating appellant for unknown to appellant, reasons, all which were Criminal Actions by the State and turned a civil action into criminal Prosecution and

establishes Appellants Right to Appeal all the rulings, orders and judgment that judge Taylor made in this case.

During that mentioned incarceration, Appellant was unable to defend, examine witnesses and Exhibits, and was precluded from presenting his defense by Judge Taylor summarily and for unknown reasons, (sic) holding Appellant Dave Gedo in summary contempt, and arresting him and torturing him in State confinement, when and while judge Taylor forced Appellants brother, James Gedo, who is a disabled vulnerable adult and is not a licensed attorney, to conduct Appellants case defense by himself.

During trial, Judge Taylor interrupted Appellants examination of crucial witnesses by stating "O.K. you've had enough time with this witness, you're through", and stopped Appellants lawful examination of important issues which were necessary to Appellants justiciable presentation of proof to establish ownership, possession, payment for, and evidence of continuous legal foundation of ownership for the past 50 (fifty) years for this parcel of real property. The late Mr. Allen Strasburg, the previous owner of the parcel, testified that he had never allowed Appellant to use or park any vehicles or anything else on the parcel which is the subject matter of this case. The court realized that the late Mr. Strasburg was well advanced in age and should the court delay litigation, that Mr. Strasburg would die or become incompetent to testify, which is precisely what the court planned on, then intentionally destroyed the audio/ video recording of Mr. Strasburgs' testimony all of which was dispositive of all of Appellees unfounded claims relating to the subject parcel. Judge Taylor awarded attorney's fees to Appellee from Appellants as further criminal acts against Appellants James Gedo and David Gedo. The law is quite clear that even the winning party to a quiet title action may not be awarded damages, litigations fees or any monetary award. Appellant challenged the jurisdiction of the Court and made special appearance only to

introduce relevant proof, in the form of official muniments such as Warranty Deed and Official Plat map, and accuse Appellee of introduction of fraudulent allegations into Appellees complaint, ex parte, all of said false allegations were originally sworn to under oath fraudulently by Appellee to obtain temporary restraining order and preliminary injunction to steal from and exclude Appellant from Appellants own real property parcel for 4 (four) years and continues to this present time. On August 3rd, 2004, Order and Judgment was entered by the trial court. Appellants were never served with the final order, in violation of URCP, Rule 7(b)(2). Previously, at the September 11, 2003 Order to Show Cause hearing , Appellees were fully informed of Appellants correct address, which was 768 East 300 North, Provo, Utah 84601, all of which is verified by R.O.A. p.151-212, which verifies that Appellant was receiving mail to that address from the 4th District Court and the State of Utah Court of Appeals and Appellees attorney Brett Anderson. When Appellees attorney erred by filing notice of attorney fees and costs (see R.O.A. p.116) before submitting the final order and which constitutes a violation of the rules by submitting bill of costs before instead of after filing of the final order documents which was improperly filed in violation of URCP Rule 54(d)(2). Appellees attorneys filed the affidavit on July 22, 2004, (see R.O.A.p.216), then filed the final order and judgment on August 3rd, 2004, (see R.O.A. p.226), which was 12 (twelve) days before Appellees attorney filed Order and Judgment dated August 3rd, 2004. In violation of URCP Rule 54(d)(2).

SUMMARY OF ARGUMENT

The circumstances surrounding the case leading to judgment against Appellants were as follows: Appellants purchased 2 (two) parcels of real property on October 12th, 1999, from the owner Allan R. Strasburg, who originally purchased this parcel in 1954. Appellants title company Equity Title, American Fork, Utah then recorded this transaction at Utah County Records office in Provo,

Utah.. Appellants purchased title insurance from United General title insurance company, policy number 099662891, (see addendum #1) which process was completed and United General was compensated, which upon title search, verified Special Exceptions.

ARGUMENT

I. Whether the trial court erred by allowing Appellee to commence this action alleging 5 (five) causes of action, to wit: (1) Boundary by acquiescence. (2) Prescriptive easement. (3) Trespass by Miguel David Gedo, James Gedo, and Maria Angelica Sanchez. (4) Forcible detainer by Miguel David Gedo, James Gedo, and Maria Angelica Sanchez. (5) Injunction; Upon Appellants careful examination of Appellees Complaint, including the 5 (five) claims included therein, Appellant shows and interjects the nugatory issues which Appellees complaint relied upon to confirm Appellants position, to wit:

1. Boundary by acquiescence: Appellant had numerous discussions about the parcel with Appellee due to Appellees intransigence denying the existence of the parcel, Appellant had a certified survey of the parcel (see addendum #2) completed which marked on the ground all of the property corners and set certain the existence of the parcel. Appellants then instructed Appellee to remove all of Appellees personal property off of the parcel and involved Pleasant Grove Police, which police claimed that it was a civil issue and they could not get involved. Appellant consistently denied Appellee claims that the property had “gone up the street somewhere” and never acquiesced to Appellees claims.

2. Prescriptive easement: This is a right to use another’s property which is not inconsistent with the owners rights and which is acquired by a use, open and notorious, adverse and continuous for the statutory period (e.g. twenty years) to a certain extent, it resembles title by adverse possession but differs to the extent that the adverse user acquires only an easement and not title to the realty. Appellee failed to support this cause of action due to lack of notice upon Appellant prior to Appellee commencing action of any bona fide claim. Parole statements of Appellees’ claim are, according to law, insufficient to support any claim upon which relief may be

granted based upon the causes of action noticed by Appellee to the trial court in Appellees complaint.

3. Trespass by Miguel David Gedo, James Gedo and Maria Sanchez.

Appellants are protected by law which upholds their right to protect Appellants property. Law holds that that "trespass" is: "An unlawful interference with ones person, property, or rights. It comprehends any misfeasance, transgression or offenses which damage another's health, reputation, or property." The only trespass committed in this case has been committed by Appellees bringing this action, obtaining an injunction, all showing motive to wrongfully appropriate Appellants property to Appellees because Appellee (sic) wanted the extra driveway to add to his, as declared at trial, (sic) 4 (four) driveways that Appellee already has to Appellees home.(see addendum #3)

II. Whether the trial court erred when Appellant continuously challenged the jurisdiction of the court and made special appearance only to present official muniments of ownership sufficient to confirm appellant ownership of State of Utah Recorder, parcel number 14:044:0059, and raise the issues of :(a) Show there were no issues of title, or quiet title or boundary by acquiescence or prescriptive easement or trespass or forcible detainer or any other cause of action within the jurisdiction of the court. (b) Show that Appellees allegations and claims against Appellant failed to be factually and legally sufficient to show justiciability of the issues between them. (c) Show lack of sufficient personal interest on the part of Appellees to confer standing to prosecute a claim. (d) Show the absence of a private right of action in favor of Appellees. (e) Show a proper basis for Appellees to accuse Appellant for contempt of the court and impose summary incarceration of Appellants due to non- adjudicated claim that Appellants committed crime against Appellees as a contempt of the trial court.(f) Show that Appellees allegations and claims against Appellant were factually and legally insufficient to show that Appellants had violated mandatory state law governing the protection of, ownership of, use of and possession of private real estate?
The court erred by refusing to and failing to recognize Appellants State of Utah, Utah County

Recorder official muniments pertaining to this parcel, all of which provided bona fide proof positive official evidence of Appellants purchase, ownership, tax payments, recording, and maintenance of the real property parcel which is the subject of this litigation. All presumptions of ownership were

established at the inception of this action and all were properly, timely introduced and noticed to the court by Appellants.(see p. 8 – 9 December 15, 2003 trial transcript)

III. Whether the trial court erred by failing to properly consider Appellants timely Notice that the principles of laches precludes Appellee from bringing this action due to Appellees unreasonable delay and negligence in pursuing Appellees claim?

The trial court erred by failing to properly consider Appellants timely Notice that the principles of laches precludes Appellee from bringing this action due to Appellees unreasonable delay and negligence in pursuing Appellees claim, all of which prejudiced Appellant by failing to inform Appellant, when and while the purchase of this parcel was negotiated and paid for and which took several years in which Appellee could have made his claim if he had one, and Appellants timely objection to the courts jurisdiction in this matter, all of these mentioned objections were supported and confirmed by official documents such as Utah County Recorder plat maps, records of tax payments, title, warranty deed, proof of purchase, title insurance, and survey documents and State of Utah Official maps, and copy of a judgment entered against this parcel by Pleasant Grove City Justice Court and officially recorded,(see addendum # 11) all of which provided more than sufficient bona fide proof positive evidence of Appellants ownership and legal presumption of ownership, according to Utah Code 78 – 12 – 7.1 Adverse possession, presumption, which holds that “In every action for the recovery of or possession of real property or to quiet title to or determine the owner thereof the person establishing a legal title to such property shall be presumed to have been possessed thereof within the time required by law.” and this mentioned presumption includes lot # 59 Serial Number # 14:044:0059, which is the subject matter of this action.

IV. Whether The trial court erred when it denied Appellants’ special appearance timely motion to dismiss and denied Appellants’ request for declaratory judgment and summary judgment against Appellee based upon Appellants State of Utah officially recorded muniments of ownership, and records of tax payments and presumptions of possession and ownership according to Utah Code and based upon State of Utah, Utah County

Recorder official plat map and Appellants recent survey officially completed by professional surveyors D. H. Jensen and Associates, Inc., Lehi, Utah.

Previous to trial Appellant noticed several requests by notifying the court and Appellees of several dispositive issues, all of which were timely and properly served upon the trial court regarding factual and legal issues that would properly summarily terminate the case in Appellants favor before trial. Those matters were sufficient to show there were no issues of title, or quiet title or boundary by acquiescence or prescriptive easement or trespass or forcible detainer or any other reason for Appellees complaint or request for temporary restraining order or preliminary injunction. Further, Appellants properly questioned and / or demurred to all of Appellees allegations and claims against Appellant, all of which failed to be factually and legally sufficient to establish any claim against this parcel.(See letter given to Appellants by Mr. John R. Sudweeks from the lawfirm of Blackburn and Stone, LC Attorneys at Law. See addendum #18). Further, are Appellees allegations and claims against Appellant factually and legally sufficient to show that Appellants violated state law and committed contempt of the 4th District court injunction by properly invoking personal protection of, ownership of, use and possession of private real estate law issues according to provisions in the Utah Code, including making timely property tax payments to the State of Utah on this parcel? On June 4th , 2001, Appellant answered Appellees complaint with special appearance and counter claim requesting a declaratory judgment, and for the case be immediately set for hearing on the merits, and denying all of Appellees substantial allegations, and by Appellant filing of countersuit against Appellee. On September 11, 2003, at Appellees Order to Show Cause hearing resulting that Appellant Requested Jury Trial within a few seconds of Court setting Trial date, but Judge held that Jury Trial Request must be made at least 30 (thirty) days before Trial,(see R.O.A. p. 153, line 1- 7). Judge Taylor erred by telling Appellant that the trial was scheduled less than 30 days away and it was already too late to request Jury, being that the

transcript of this hearing was requested but subsequently destroyed, Appellants verify this request by referring to Appellants 'Request for Change of Judge, URCP, 63 (b) which was filed on September 18th, 2003 ,(see R.O.A. p. 153, line 1- 7) and the trial court ruled it was already too late to Request Jury Trial, thereby depriving Appellant of State of Utah Constitutionally guaranteed Right to Jury Trial due to those previously mentioned actions of the trial Court on this issue. At this hearing, Appellants requested declaratory judgment on Appellants ownership of officially recorded real property, which was also denied by the trial court. (see Court of Appeals ruling reserving this issue for appeal, see addendum #4)

V. Whether the court erred by failing to require Appellees attorney to respond to many official documents and issues promptly noticed and interjected appropriately into this case by Appellants and which established justiciable dispositive issues and requests for the court to summarily rule upon and issue either dismissal with prejudice or quash Appellees complaint for failure to state a claim upon which relief could be granted upon?

On December 7th, 2001, the court received returned mail mailed to Appellants (see R.O.A. p.70 A and 74A) were the courts returned mail address shows 155 South instead of 1550 South and (sic) lacking zip code.(see addendum #6) On March 1st, 2002, Appellants filed "Request for defense fees, \$10,000.00 (ten thousand dollars), Request to Quash Complaint Orders. (see clerk index, p. 77) and filed "Demand to Quash Complaint, Terminate Injunction, and award litigation fees.(see clerk index, p. 83). On March 18, 2002, Appellee filed "Motion to Strike Defendants Demand to Quash Complaint, Terminate Injunction, Litigation Fees, and Motion to Strike Defendants Request for Dismissal, Quiet Title and Request for Defense Fees. (see R.O.A. p.77 – 83) and clerk index. The judge Taylor court taking the parcel and giving it to Appellee without making Appellee pay for the property, all of which is patently unconstitutional involuntary servitude upon Appellants in this State of Utah, and constitutes crime by Appellee in collusion with 4th District Court Judge Taylor placing Appellants into involuntary servitude resulting from Appellants paying for real property, properly recording and officially establishing Appellants ownership, then having that parcel taken

from Appellant by the court and given to Appellees without Appellee paying for the parcel or officially transferring that parcel from Appellant to Appellee.(see addendum #5)

VI. Whether the Court erred by issuing a temporary restraining order and preliminary injunction against Appellants when and while Appellee failed show any or sufficient proper State of Utah official documents or evidence of ownership of this parcel to lawfully claim and properly confer jurisdiction upon the trial court?

The trial Court erred by committing unlawful actions of issuing an injunction when and while

Appellee failed show any or proper evidence of ownership in violation of Utah Code on presumptions of ownership and issued a preliminary injunction and temporary restraining order without proper evidence and proof of cause, and proof of ownership by Appellee and all of which applied invasive, unnecessary and criminal restraints on Appellants civil rights in a civil action that was not, but now is, time sensitive, due to Appellees possession of Appellants real estate for more than 4 (four) years pending summary judgment as judge Taylor was obligated by law to confirm instantly at the inception of this case based upon Appellants official State of Utah, Utah County Recorder muniments which were provided to Appellee and the judge Taylor court (sic) years before trial. Appellees, on July 20, 2001, filed motion for temporary restraining order. (see clerk index, p. 32), this time Appellees attorney managed to obtain Appellants current address , which somehow deleted Maria Angelica Sanchez, Johnny Ray O'conner and Martha O'conner which were not served and failed to appear for Appellees Motion for Temporary Restraining Order hearing. Appellees mailing certificate for that foregoing hearing mentions that Maria Sanchez was not served and failed to appear at hearing for temporary restraining order and the minute entry of the restraining order hearing (R.O.A. p.42) fails to indicate that the Defendants Maria A. Sanchez and Johnny Ray O'conner and Martha O'conner failed to appear at temporary restraining order hearing, due to Appellees intentional failure to notify those Defendants and which deprived those

Defendants of their opportunity to defend against the temporary restraining order and the effects of that order.

VII. Whether the court erred when it denied Appellants motion for a temporary restraining order and preliminary injunction against Appellees when and while Appellants had then and have now sufficient official documentation of ownership of the subject parcel to conclusively establish Appellants ownership of the subject parcel and thereby summarily preclude any claim against the subject parcel by Appellees?

Appellees counsel has committed mail fraud repeatedly by intentionally mailing sworn certified correspondence to fictitious, outdated, and wrong addresses which lacked (sic) U.S. Postal Service Zip Codes, when and while Appellee managed to mail correspondence relating only to Order to Show Cause hearings of August 8th, 2001 and September 11, 2003, to (sic) Appellants proper address, primarily to unlawfully deprive Appellant of real property by using a temporary restraining order to preclude Appellants from entering Appellants own real property during the 4 (four) years this pending case has and may eventually, permanently exclude Appellants from Appellants own real estate with preliminary injunction. Appellants note to this Court of Appeals that the only two (2) documents that Appellant ever received from Appellee through the U.S. Mail were Order to Show Cause and Order for Preliminary Injunction. All the other correspondence listed in the Index of the Record on Appeal was fraudulently and intentionally mailed by Appellees counsel or the trial court to Appellants wrong, outdated and / or fraudulent addresses and all lacking U.S. Postal Service Zip Codes, thereby causing any mail correspondence to be effectually delayed or not delivered to Appellant or returned to sender, as the mailing record for this case confirms. Appellant notes for the record Appellees inconsistencies, discrepancies, contradictions and nonsensical renditions describing Appellants mentioned motion as follows, to wit:

1.Appellee claims Appellant failed to follow URCP 10 (d) concerning paper quality, size, style and printing. "All pleadings and other papers filed with the court, except printed documents or other exhibits, shall be type written, except that Rule 10 (d) provides an exception for printed documents

that states “except printed documents or other exhibits.” Appellant notes for the record that Appellants documents which Appellee claimed “Plaintiffs’ counsel finds it difficult, if not impossible, to read and understand Defendants pleadings as they are virtually all illegible.” Appellant refers this court to Rule 10 (f) which holds “The clerk or the court may waive the requirements of this rule for parties appearing pro se.” (hint - Appellants are now, were then, and remain pro se)

2.Appellee states (see R.O.A. p.85, paragraph 4) that “Plaintiffs attorney understands that the Defendants are pro se litigants and are not well versed in the law.” , but fails to state Rule 10 (f) which reads “Waiver for pro se parties.” Apparently, Appellees attorney fails to understand not only Appellants documents, but also the Utah Code, Rules of Civil Procedure.

3. Appellee quotes (R.O.A. p. 85, paragraph 5) U.R.C.P. 12 (f) allows for the Court to strike any pleading which is “redundant, immaterial, impertinent, or scandalous.” On the next paragraph (6) Appellees attorney states that Appellees pleadings are completely illegible, confusing, and virtually impossible to understand. Due to this contradiction in Appellees argument, (sic) how can Appellees attorney conclude that Appellants pleadings are redundant, immaterial and impertinent or scandalous if Appellants pleadings are illegible, confusing, and virtually impossible to understand? Additionally, at another time, Appellees attorney could understand the former pleadings, but when Appellant filed a pleading that could result in the case being summarily dismissed, at that point Appellee could not understand Appellants issues, when Appellee could not legally gainsay or contradict the issues presented to the court by Appellant, and also knew that if Appellee answered Appellants issues, Appellee would certainly lose the case due to the dispositive issues that render Appellees claim, complaint,, and accusations insufficient to requisition the jural review of Appellees basis to complain against Appellants in these moot and / or imaginary issues. On March 20, 2002, the court entered a memorandum decision on motions, (see R.O.A. p.89 – 88)improperly striking

Appellants pleadings lacking any argument, then the court mailed that memorandum decision, according to the certificate of notification, to Appellant at 371 East 155 South, Orem, Utah, zip code 84061, (which was a fictitious address and a fictitious zip code) then the record shows that on 3/28/02 return mail Maria Angelica Sanchez (see R.O.A. 95 A) on which the return envelope to the court is addressed to 361 West 800 North, Provo, Utah, zip code 84601 which is a different address than the mailing certificate attached to the returned mail, which for that document is 371 East 155 South, Orem Utah (see R.O.A. p.93) and Appellant notes for the record of these proceedings, that Appellee failed to send Appellant Miguel David Gedo a copy of the memorandum decision and in support thereof, to wit: 1. On April 24, 2002, an order was issued by the court which stated "The court concludes that Defendants pleadings are illegible, and, as a result, understanding the basis of Defendants argument is virtually impossible. In addition, no mailing certificate has been filed with the Defendants pleadings. The court summarily struck from the record all of Appellants pleadings (demands), stating (sic) that "Appellants shall submit only properly prepared pleadings"(R.O.A. 097). That mentioned order was not mailed to Appellant, and Appellant had no way to know that the court was striking ALL of Appellants motions, when and while the judge Hansen court failed to consider or mention the courts own failures to properly write Appellants correct address, that is, by leaving numbers out of the address, failing to write the proper zip code and /or failing to write any zip code and failing to recognize that the address written on the mailing certificate of the court does not agree with the address written on the returned mail to the court, and for failing to send Appellant Miguel David Gedo a copy of the memorandum decision, failed to set hearing for oral arguments before ruling to strike Appellants demands and further, was fully informed that Appellants did not have the money to hire professional counsel. Those mentioned statements by Judge Hansen were all in violation of the United States Supreme

Court ruling holding that "Constitutional provisions for the security of person and property should be liberally construed. It is the duty of the courts to be watchful of constitutional rights against any stealthy encroachments thereon"...Boyd v. U.S., 116 U.S. 635. Had the trial court followed that foregoing admonition from the United States Supreme court, the court would have properly effected and protected Appellants civil rights, instead of relying on pretended claims of inability to understand Appellants documents to summarily deny Appellants properly noticed and claimed civil rights for protection of private property enumerated in State of Utah Constitution, the United States Constitution, and the Utah Code. On April 24th, 2002, the trial court signed Appellees ex parte order to strike from the record all of Appellants pleadings,(see R.O.A. p. 98) Appellees attorney then mailed the order to 361 West 800 North, Provo, Utah 84061, which is the proper zip code for the city Peoa, in Summit County, State of Utah and said address has nothing to do with this case, and was the wrong zip code for Appellants address, the proper zip code for Appellants address was 84601 and has been for the 40 (forty) years that Appellant has lived in this area and which 84061 zip code used is nonexistent in this Utah county, and of which Appellees counsel would be fully informed, leaving only intentional, malicious mail fraud to explain this mentioned intentionally used wrong zip code to effect denial to Appellant of timely, proper and requisite Notice of Appellees motion to strike all of Appellants pro se litigation documents, with the trial court fully aware and involved with all of Appellants documents which were properly filed by Appellant in this case, and the trial court being fully informed that Appellants were not being informed of court decisions, Appellees objections, or the court and Appellees ex parte communications.

Whether the court erred by allowing Appellees attorney to fail to respond to many official documents interjected by Appellant into this case which established justiciable issues and requests, all of which are guaranteed to Appellant by the due process clauses included in all three

of the United States of America Constitution, the State of Utah Constitution and the Utah Code Annotated Rules of Civil Procedure and other holdings in the Utah Code, and all of which are specifically constructed to insure, simplify and expedite proof of ownership and to preclude the resolution of frivolous lawsuits such as this from escalating into (sic) theft and summary imposition of involuntary servitude upon Appellant by judge Taylor during the immediate past four (4) years in which the court ordered, fraudulently imposed and maliciously enforced deprivation of Appellants civil rights to officially recorded real property and by Appellee being in collusion with Appellees attorney, judge Taylor, and the State of Utah Fourth District Court personnel tampering with State of Utah Rules of Civil Procedure process and the U.S. Postal Service system, all of which resulted in numerous official failures to timely notify Appellant of crucial, indispensable hearings, documents, litigation and other information pertinent to this case, all of which are required by law to be noticed to Appellant affirmatively throughout this action and to fully preserve the integrity, although it be at this time apparently non-existent, of the State of Utah judiciary at the 4th District Court. (see addendum #6)

VIII. Whether the trial court Judge Hansen erred by issuing a preliminary injunction and / or temporary restraining order, when and while the trial court failed to require Appellee to provide the trial court with verifiable articulable probable cause in support of Appellees motion for temporary restraining order and when the trial court stated sua sponte that it was unlikely that the Plaintiffs (Appellees) could prevail in the action?

The judge Hansen court failed to protect the owners of record presumptions of law relating to real property, (sic) just listened to Appellees' perjured testimony and hyperbole about some ideation Plaintiff had feeling threatened because Appellants were in their yard working with tools, which was enough, according to judge Hansen, to issue a temporary restraining order and enforce said order lacking any credible indication of any threatening actions by Appellants upon Appellee and the resulting summary exclusion from and deprivation of use and enjoyment of Appellants own realty property before and after the kangaroo court "trial" held in this matter, which was mere formality,

lacking Appellants timely demanded jury trial in this matter and resulted that judge Taylor did anything he wanted to Appellants, with many of the court actions being criminal deprivations of Appellants civil rights in this case and resulted in the court and plaintiff stealing Appellants real estate parcel according to "law" which Appellees unlawfully perverted, the court unlawfully supported and all of which were contempt of the State of Utah judicial and executive powers unlawfully and criminally by and in collusion between Appellee and judge Taylor court. On July 20, 2001 Appellee filed Temporary Restraining Order and Preliminary Injunction to prohibit Appellant from entering onto Appellants real property parcel located at 1640 East 200 South, Pleasant Grove, State of Utah, Parcel # 14: 044: 0059 of Tax District: (070) Pleasant Grove City, in violation of Utah Code 78-12-7, "In every action for the recovery of real property, or the possession thereof, the person establishing a legal title to the property shall be presumed to have been possessed thereof within the time required by law." Appellant provided and established the official State of Utah, Utah County Recorder muniments, (see addendum #15) including the Utah County Recorder official copy of the warranty deed, (see addendum #14) and an official copy of the Utah County Recorder plat map (see addendum #13), title insurance, (see addendum #1) and a recorded survey. (see addendum #2) which confirmed Appellants ownership presumption under Utah Code 78-12-5, wherein it is held that "No action for the recovery of real property shall be maintained unless the plaintiff was seized or possessed of such property within seven years from the commencement of such action", which action was filed April 27, 2001. Appellant had on that day owned the parcel for about two years. Appellee claimed possession since year 1971 in year 1999 and not ever before, then sued David Gedo the current owner, but the former owner, Allan Strasburg, was the owner during the time of Appellees supposed claim and since year 1954. All preceding indicia quashes the trial court jurisdiction due to requirement of notice of claim and of

seizure and continuous possession for 7 (seven) years before commencing an action, and also requires Appellees proof of payment of all taxes levied against the parcel, and written notice and recordation of any such claim to establish proof positive that any claim upon this parcel existed and accrued before Miguel David Gedo purchased the parcel and lacking those prerequisites is therefore not justiciable by any jurisdiction the State of Utah Forth District Court, Felony Division Judge Taylor may apply except to dismiss the action with prejudice due to the fact that Appellees prima facia case is fatally flawed due to all pending claims upon the subject parcel were extinguished upon transfer of ownership, and that Appellee failed to promptly notify Appellant of any claim, thereby voluntarily acquiescing to the sale of the parcel by the previous owner and purchase of that parcel by Appellant and Appellee voluntarily being bound by the judicial principles of laches due to Appellee failing to make any claim and timely notify all interested parties and resulting that Appellee voluntarily relinquished any prior claim Appellee may have possessed in this parcel. Appellees filed complaint on April 27, 2001 which alleged 5 (five) causes of action, all of which were baseless, not established in law, made with malicious intent to defraud the Appellant, mislead the court and obtain possession of the parcel during litigation which Appellee intended to be unlawfully protracted for at least 3 (three) years and thereby extending the time Appellees would be in possession of the parcel pending litigation, during which time Appellees (sic) stole, enjoyed, modified, possessed, and failed to pay any property taxes upon Appellants parcel since year 1954. Appellees were then and are presently lacking any muniments to establish ownership, but criminally convinced the judge Taylor court to place Appellant into unlawful involuntary servitude which resulted from Appellant paying for the parcel. The court erred when it denied Appellants motion for a temporary restraining order and an injunction to preclude Appellee from encroaching upon Appellants real estate supported by prima facia evidence of ownership in the

form of official State of Utah Recorder Plat maps, tax records, and warranty deed. On August 8th, 2001, Appellants filed Motion for Temporary Restraining Order against Appellees John R. Sudweeks and Deanna Sudweeks (R.O.A. p. 40). On August 8th, 2001, a hearing was scheduled for temporary restraining order and the restraining order was granted to Appellee over Appellants proper objections and Appellants Motion for Temporary Restraining Order was dismissed without any argument, discussion or presentation of relevant issues to the court. Also on this date an exhibit list used at the temporary restraining order hearing (R.O.A. p.44) the court granted Appellees Temporary Restraining Order based upon Appellees (sic) photographs as evidence of Appellees ownership of the parcel and the court (sic) refused to enter into evidence Appellants official warranty deed, Utah County Recorder Plat Map, Tax Records and recent official survey of the parcel. At this hearing, Appellant presented 3 (three) witnesses which testified about Appellants ownership of the parcel and Appellee John Sudweeks testified on his own behalf. The court then improperly granted Appellees temporary restraining order and improperly disregarded all of Appellants witnesses' testimony, and the official warranty deed, the official plat map, all proving, affirming and confirming Appellants ownership of the parcel.

IX. Whether the trial court erred when it allowed Appellees attorney, judge Taylor, and the State of Utah Fourth District Court personnel tampering with State of Utah Rules of Civil Procedure process and the U.S. Postal Service system, all of which resulted in numerous official failures to timely notify Appellant of crucial, indispensable hearings, documents, litigation and other information pertinent to this case, all of which are required by law to be noticed to Appellant timely and affirmatively throughout this action with proof of service of all such documents upon Appellants, and the facts that Appellees intentionally failed to properly notify Appellants as required by law?

The court erred by allowing several and numerous criminal acts committed by Appellees counsel and the 4th District Court clerk, to conspire in a scheme of failure to notify Appellant of crucial hearings wherein the court and Appellees counsel held about (sic) 30 (thirty) ex parte communications intentionally and criminally, which ultimately deprived Appellant of timely notice

and opportunity to object, file an interlocutory appeal, or invoke procedural remedies necessary to protect Appellants property in this case. The court erred by failing to inquire at the ex parte hearing to amend the complaint (p. 3 of the July 23, 2003 trial transcript) about all if the return mail to the court and Appellees attorney, but allowed Appellees fraudulent use of the United States Postal Service by Appellee purporting to mail Appellant litigation documents, when and while Appellee mailed required notifications to fraudulent addresses, (see addendum #6) all purposefully to result in summary deprivation Appellant of lawfully owned, paid for, and officially recorded real property, all of which should be presumed criminal acts against this Appellant by judge Taylor court and Appellee, and which may be misprision of felony by the trial court failing to order prosecution by the County attorney for mentioned unlawful appropriation of Appellants real estate. On June 15, 2001, Appellees attorney filed a Notice of Change of Address, (R.O.A. p. 22), which mailing certificate was addressed to 1630 East 200 South, and which address is nonexistent in the city of Pleasant Grove. Appellants property address is 1640 East 200 South, Pleasant Grove and which is now and was then a vacant lot which has no mail box were mail may be received. Further, Appellees mailing certificate for that mentioned change of address fails to include Defendants Johnny Ray O'conner and Martha O'conner, and which is further incontrovertible evidence of Appellees mail fraud rife in this action and supports Appellants factual claim that Appellant never received about 80% (eighty percent) of the indispensable litigation documents that were the basis of all of Appellees litigation in this action without properly informing Appellant of time sensitive issues that were arising as a result of this action. On June 18, 2001, Appellees answered Appellants counter claim. (see clerk index, p. 26) which was filed June 4, 2001, and which was answered June 18, 2001, and which answer was untimely answered by exceeding the Utah Rules of Civil Procedure, Rule 6, and which answer was mailed to the same fictitious address of 1630

East 200 South Pleasant Grove, by Appellees attorneys willfully mailing their response to a fictitious address which once again intentionally deprived Appellant of objecting to Appellees attorney improper, specious, irrelevant, off point, scandalous and impertinent response to Appellants counterclaim.

X. Whether the trial court erred when on June 19, 2003, Appellee scheduled pretrial conference ex parte for change of judge from Judge Hansen, Division 7 Civil, to Judge Taylor, Division 1 Criminal Felony in violation of Utah Rules of Civil Procedure, Rule 63A Change of judge as a matter of right?

The trial court erred when on June 19, 2003, Appellee scheduled pretrial conference ex parte for change of judge from Judge Hansen, Division 7 Civil, to Judge Taylor, Division 1 Criminal Felony in violation of Utah Rules of Civil Procedure, Rule 63A Change of judge as a matter of right “all parties joined in the action may, by unanimous agreement and without cause, change the judge assigned”. Appellee intentionally failed to timely provide Appellant with notice of Appellees motion for change of judge and had an ex parte hearing on the issue, changed the judge without ever notifying Appellant, and without presenting justiciable issues to support any change of judge to the district court. Sometime between June 30th, 2003 and July 16th, 2003 there was ex parte Change of Judge by Appellees from Civil Division judge Hansen to Criminal Division judge Taylor, lacking required Notice upon Appellants and all done ex parte and lacking Notice to Appellants of this change of judge, all in violation URCP Rule 63(A): Change of Judge as a matter of right: ...all parties joined in the action may, by unanimous agreement and without cause, change the judge assigned to the action by filing a notice of change of judge. And additionally violated Rule 63(d): None disclosure to court. No party shall communicate to the court, or cause another to communicate to the court, the fact of any parties seeking consent to a notice or change. This violation of Rule 63(d) Nondisclosure was violated by Appellees and court record and proven by the fact that after the pretrial conference was scheduled by the court on June 19, 2003, then on

June 30th, 2003, when Appellees filed Motion for Order to Show Cause, and failed to put the name of judge Hansen on the caption of their pleading, is prima facia evidence that the Appellees counsel (sic) had informed the court to change the judge, and which that said disclosure was criminal. The reason that Appellees unlawfully obtained change of judge ex parte was the statement of the original judge Hansen stated on the Order and Preliminary Injunction (see R.O.A. p. 56, paragraph 4) "Although the court, with the limited information before it, is unable, at this point, to find there is a substantial likelihood that the Plaintiffs will prevail on the merits of the underlying claim, the case does present serious issues on the merits which should be the subject of further litigation." Appellees, according to the record, wanted no further litigation and in order to effect that preclusion of consequent further litigation, moved ex parte to change of the judge assigned to this case from judge Hansen civil division to judge Taylor of the felony criminal division, and in which judge Taylor had incarcerated Appellant for thirty (30) days on sentence for first offense Class C misdemeanor criminal mischief where the "trial" was held in absentia of Appellant due to unlawful actions of the State of Utah extraditing Appellant from the country of Mexico, and which said extradition action was ultimately lost by the State of Utah.

XI. Whether the trial court erred by allowing the complaint to be materially changed by Appellee and the trial court ex parte and lacking notice to Appellants?

The trial court erred by allowing the complaint to be materially changed by Appellee and the trial court ex parte and (sic) lacking prerequisite particular cause, and (sic) lacking leave of the court to make changes to the complaint and (sic) lacking timely and proper Notice to Appellant of the material changes Appellee made to the complaint until the day of trial which was unlawful surprise.

XII. Whether the trial court erred by conducting ex parte hearings with Judge Taylor and Appellee, which resulted in (sic) summary deprivation of Appellants civil rights by Appellee and Judge Taylor court amending the complaint ex parte, then intentionally failing to inform Appellant of the amendments to the complaint?

On July 16, 2003, Appellee filed motion to amend Complaint, wherein caption of that motion, which motion was not served upon Appellant and constitutes another ex parte communication with the original judge Hansen, and which motion was not served upon Appellant properly according to URCP, Rule 15(a) "A party may amend his pleadings.... before a responsive pleading is served.... and the action has not been placed upon the trial calendar, but was motioned to be placed upon the trial calendar prior to the amendment (see Certificate of Readiness of Trial 61703 R.O.A. p.101) and he may also amend it at any time after it is served (the complaint was never served upon Appellant and there is no Return of Summons in the record) otherwise a party may amend his pleading only by leave of the court, (there is no record that the court granted leave to Appellee to amend the complaint) or by written consent of the adverse party(from which there is no consent).. The court at all times had sufficient notice by Returned Documents (see R.O.A. pp. 70A, 74A, 92A,95A, 115A, 119A, 123A, 127A) that the court should have, but willfully failed to stop Appellee from making further ex parte communications with the court, but instead, the court arranged wholly ex parte communications between Appellee and the court from May 10th 2001 until September 11, 2003 and thereby allowing, assenting to and assisting Appellee to commit improper and unlawful ex parte communications with the court. Further, if the court and Appellee would have had a 1 (one) minute discussion relating to the numerous Returned Documents the court had received and would have had the Clerk of the 4th District court verify on the courts computer Appellants current address, Appellees would have noticed that the court was writing 371 East 155 South wrongfully (intentionally) and instead of writing 371 East 1550 South as was listed on the court database, and purposefully left the zip code off the address or wrongfully used the zip code for the city of Peoa in Summit County, were the zip code is 84061 as contained on the documents which were improperly addressed (see addendum #6) and intentionally sent to effect

fraud into this case by failing to properly send and thereby denying Appellant proper lawful notice of all the rulings, decisions, responses, motions and orders of the court involving any and all of Appellees litigation issues. On July 23, 2003, Appellee and the newly illegally assigned Judge Taylor conducted an ex parte hearing (R.O.A. p.136) which was scheduled against law, court rules and procedure by (sic) judge Hansen to grant Appellees Motion to Amend the complaint with Appellant absent. On August 5, 2003, the order to amend the Complaint was filed (see R.O.A, p.139) and granted by Judge Taylor on August 4th, 2003, but the mailing certificate attached to the order is dated July 25th, 2003,(see R.O.A. p.137) all of which is another instance of mail fraud due to the impossibility of Appellee mailing Appellant copy of the order on July 25, 2003, and this order was not filed with the court until August 5th, 2003, and judge Taylor did not sign said order until August 4th, 2003, all of the foregoing was impossibly done out of sequence and out of calendar order, which filing requires 1st. the filing of the document, and 2nd. notice to Appellant, and 3rd after allowing a certain amount of days, the clerk gives the document to the judge, and 4th the judge reviews and ascertains the correctness of the document and its applicability to the case, then the judge rules on the proposed motion or signs the order, which is then mailed to moving counsel and then moving counsel mails copy of ruling to all interested parties. This debacle with the clerk of the court in concert with Appellees counsel fraudulently using United States Postal Service to deprive Appellant of requisite notice and opportunity to defend and all of which violates the Utah Rules of Civil Procedure is proof positive furtherance of Appellees scheme to steal Appellants property valued in tens of thousands of dollars and all of which should not have been tolerated by a supposedly professional judge being derelict after being duty bound to uphold the law according to this judge oath of office..

On August 11th, 2003, the amended complaint states that it contains therein as Exhibits A,B,C, and D, documents which claim to be warranty deeds prerequisite to a quiet title action,(see R.O.A. p. 149) but upon close examination, (see addendum # 7) there are actually no warranty deeds attached as exhibits and there are no documents in support of Appellees amended complaint, all of which should have been stricken from the record, according to URCP, Rule 12 (f), for the amended complaint being redundant, or immaterial, or impertinent, or scandalous and for the complaint failing to be supported by proper foundation for the introduction of documentary evidence and the resulting machinations, all of which were outside the scope, irrelevant and clearly contemptuous of lawful proceedings before the trial courts judicial process and authority. The Court granting motion to amend the Complaint, ex parte, unlawfully allowed Appellee to add a quiet title action to the complaint and the court ultimately declared moot or dismissed all of the other 5 (five) Causes of Action which were used to originally obtain possession of the parcel through a Temporary Restraining Order and Preliminary Injunction, then Appellee added to all the original causes of action and changed the Complaint by adding quiet title action without notice to Appellant, all in violation of Law which prohibits Ex Parte communications, (p. 3 of the July 23, 2003 trial transcript) perjury and fraud, all of which were committed by Appellee failing to establish sworn to causes of action and exacerbated by the judge Taylor court allowing the specious and unsupported allegations lacking any explanation, lacking any particular reason, and lacking any rebuttal by Appellant and lacking any lawful or legal reason to conduct an ex parte hearing, when and while both Appellee and judge Taylor were fully informed that Appellant had not been notified of the hearing or notified of the changes in Appellees complaint that were allowed by the judge Taylor court assisting Appellee to commit felony tampering with material evidence.. When Appellant appeared for trial and entered official objection to court jurisdiction based upon the original

complaint, Judge Taylor failed to inform Appellant that the complaint had been amended with quiet title, but lacking any title attached thereto. All of which Appellant was uninformed of and were unlawful surprise without notice to Appellant, and which caused Appellant to argue based upon the original causes of action, and causing Appellant arguments to be irrelevant due to Appellant being intentionally uninformed by judge Taylor and Appellee of the amended complaint, and which caused all of Appellants litigation and oral argument to be off point, irrelevant and without merit, all of which was base, criminal, and intentional withholding of indispensable information to Appellants which had no way to know the complaint had been totally changed ex parte in a criminal action of which the court and Appellee intentionally conspired to, were fully aware of well before the time that the case went to trial, and that Appellant had no way to know the causes of action in the complaint had been retracted and that different causes of action were claimed by Appellee and that an ex parte hearing was held and that the complaint had been contemptuously and fraudulently changed without notice to Appellant. The trial court erred by conducting ex parte hearings with Judge Taylor and Appellee, which resulted in (sic) summary deprivation of Appellants civil rights by Appellee and Judge Taylor court, all of which Appellant is presently justified in accusing Appellee and judge Taylor of criminal actions against Appellant in this civil case.

XIII. Whether the reviewing judge erred by denying Appellants motion for Change of Judge under Utah Rules of Civil Procedure, Rule 63(b)?

The reviewing judge erred by denying Appellants motion for Change of Judge under Utah Rules of Civil Procedure, Rule 63(b), and held that Appellant had invoked Rule 63A (see R.O.A. p. 163) and thereby negated Appellants timely invoking of Rule 63(b), all of which unlawfully denied Appellants right to a fair and impartial judge for disposition of this alleged controversy. On September 18, 2003, Appellant filed Request for change of Judge under rule 63b Utah Rules of Civil Procedure, (see R.O.A. p. 155) which was 5 (five) pages of details explaining and describing

extreme prejudice of judge Taylor.. Said Request was given to Judge Stott for determination of sufficiency. On September 22, 2003, Appellees attorney filed Motion to Strike Defendants Request for Change of Judge, (see R.O.A. p. 158). Rule 63(b) does not allow for opposing party to object or to motion the court to strike the mentioned request due to this rule, as held in Rule 63(b)(1)(A), which holds, in pertinent part "stating facts sufficient to show bias, prejudice or conflict of interest." All of which would benefit Appellees should the disqualification be defeated by Appellees interjection of objection, which is precisely what this mentioned rule is designed to eliminate opposing counsel interference of Appellants request for fair and unbiased judge. On September 23, 2003, the trial court Taylor issued an order denying Appellees Motion to Strike Defendants request for change of judge. Even though the motion to strike was not supported by certificate of service, nevertheless, Appellees counsel answered within 4 (four) days due to the established fact that Appellants hand delivered all correspondence to Attorney Brett Anderson personally throughout this case. On October 3rd, 2003, a ruling was issued (see R.O.A. p. 163) by judge Gary D. Stott in which judge Stott ruled he could not understand Appellants issues regarding the recusation, stated that Appellant referred to Rule 63A, not Rule 63b as Appellant invoked, gave reasons for summary dismissal based on contents of Rule 63A, and allowed Judge to remain on the case after Judge Taylor (sic) allowed Appellee to amend the complaint ex parte, conducted an ex parte hearing to amend complaint, failed to require Appellee to notify Appellant of material changes to the complaint, refused to examine bona fide official documents of Appellants realty, denied Appellants trial by Jury, showed extreme prejudice against Appellant by incarcerating Appellant 30 (thirty) days on conviction in absentia on First offense criminal mischief which never established any victim of Appellants "crime", conducted a Rule 63b recusation of Judge Eyre, stating he could not find any reason to recuse Judge Eyre, subsequently Judge Burningham dismissed the case based on an

outright violation of Double Jeopardy after Appellant had served the entire incarceration sentence. Further Judge Taylor has recently ordered all clerks of the 4th District Court, Provo Department, (sic) not to allow appellant to file any litigation documents or receive any Court forms without Judge Taylor express prior approval, all of which are plain error by the court and are clear violations of the Constitution of the United States, and Constitution of State of Utah, and are clearly treason, sedition and criminal actions by sworn public servants of this United States of America(n) Citizens and which establish judge Taylors' extreme prejudice against Appellant. Judge Taylor denied Appellees motion to strike Appellants request for change of judge (as if he would throw Appellant a bone), when and while judge Taylor knew that his crony judge Stott (which has also been permanently recused from any or all of Appellants cases) would not sustain Appellants proper recusation of judge Taylor from this case, and subsequently, judge Stott failed to find any reason to recuse judge Taylor in 5 (five) pages of detailed reasons for recusation of judge Taylor noticed to judge Stott by Appellants. Judge Taylor was the presiding judge at that time. Pursuant to URCP 63A.(c) "If the presiding judge is also the assigned judge, the clerk shall promptly send notice to the Chief Justice..." Judge Stott was not the Chief Justice, any review by judge Stott was improper and violated URCP 63A(3).(see addendum # 8)

XIV. Whether the trial court erred in denying Appellants timely request for Jury Trial?

At the September 11, 2003 Order to Show Cause hearing, the trial court (this trial court record was destroyed by the trial court and the trial court has yet to answer to Appellants request to issue bill of particulars (see addendum # 16) on this destruction of the record to establish that Appellants case was the only record destroyed on this day and the cause of the destruction of that record) set the case for bench trial in violation of Rule 39(1) "The parties or their attorneys of record, by written stipulation filed with the court or by an oral stipulation made in open court and entered in the

record, consent to trial by the court sitting without a jury..." Appellants requested jury trial and never stipulated to the court sitting without a jury. The record has been destroyed and the only other evidence that establishes Appellants invoking request for jury trial is Appellants Request for Change of Judge filed September 11, 2003 (see R.O.A. p. 153, top of page) which verifies that Appellants requested jury trial. The court erred in denying Appellants timely request for Jury Trial, which was made within seconds of court setting trial date, but was summarily denied, due to court rule that jury trial must be requested at least 30 (thirty) days before trial, and since it was now only 27 (twenty-seven) days before trial, the court would not honor Appellants timely request for Constitutionally guaranteed jury trial in this case. The R.O.A. contains no written stipulation or any oral stipulation that Appellants consented to the court trial without jury. (see addendum # 5)

XV. Whether the trial court erred when it allowed the Appellee to enter into evidence, over appellants instant, timely and proper objection and which said objection resulted in Appellant being held in contempt, removed from the trial and committed to jail summarily due to Appellants proper objection to Appellees introduction of an unofficial criminal simulation plat map, when and while Appellant moved to enter State of Utah official plat map, which was improperly refused by the court?

The trial court erred when it allowed the Appellee to enter into evidence, over appellants instant, timely and proper objection, an unofficial plat map (see addendum #9) which simulated an official plat map (see addendum #10, recent survey of this parcel performed by totally disinterested surveyor, EXCEL ENGINEERING, INC DATED June 21, 2005) but had changed the dimensions of 6 (six) adjacent lots to conform to the illogical dimensions that failed to make sense and conform to the actual dimensions of all the parcels as they now exist, and failed to conform to the actual State of Utah, Utah County Recorder plat map, and which said actions constitute entering into evidence intentional criminal simulation by Appellee and further, this plat map was not provided to Appellant until the day of trial which was unlawful surprise to Appellant during trial and all of which was assented to criminally by judge Taylor during the trial phase of this case on December 15th

and 16th. 2003. During trial, Judge Taylor again showed bias and prejudice against appellant by incarcerating appellant (see p. 12 – 15, December 15, 2005 trial transcript) for reasons which were then and are now unknown to appellant, all which were Criminal Actions by the State and turned a civil action into criminal Prosecution and establishes Appellants Right to Appeal. During that mentioned incarceration, Appellant was unable to defend or examine witnesses and Exhibits, and was precluded from presenting his defense by Judge Taylor summarily, for unknown reasons, (sic) holding Appellant Dave Gedo in summary contempt, and arresting him and torturing him in State confinement, when and while judge Taylor forced Appellants brother, James Gedo, who is a disabled vulnerable adult and is not an attorney, to conduct Appellants case defense by himself. Defendants Maria Sanchez, James Gedo, Jon O'conner, and Martha O'conner had then and have now no interest in Appellants real property, which is solely in Appellants ownership. Appellee has not, to this present time, presented any reason, justification or cause to include mentioned individuals as defendants in this case. During trial, Judge Taylor abruptly interrupted Appellants examination of crucial witnesses by stating "O.K. you've had enough time with this witness, you're through", (p. 16, p. 18, p. 19, of the December 15, 2003 trial transcript and p. 23 of the December 16, 2003 trail transcript) and stopped Appellants lawful examination of critical issues which were necessary to present Appellants presentation of proof to establish ownership, possession, payment for, and evidence of continuous legal foundation of ownership for the past 50 (fifty) years for this parcel of real property. Mr. Allen Strasburg, the previous owner of the parcel, testified that he had never allowed Appellant to use or park any vehicles or anything else on parcel which is the subject matter of this controversy, and which said testimony precluded any claims that Appellee pretended as evidence of use or ownership for period of time required to establish any claim upon this parcel of Appellants realty. Judge Taylor, at the close of trial failed to order Appellant to convey

the parcel or deliver deeds or vest title upon Appellee or utilized any other documents or performed any other specific acts, all in violation of URCP, Rule 70, then attempted to(sic) quiet the only title in existence to the parcel and which names Dave Gedo as owner without any explanation as to the manner of proof, what documents were relied upon, or gave any explanation as to how Appellee paid for the parcel, or how much money Appellee paid for the parcel, or on what basis the claim was founded upon, or how the deed was transferred to Appellee, and failed to examine tax payment records which name Appellant as owner and taxpayer, and then and there informed Appellant that the court (sic) transferred Appellants bona fide parcel of real property to Appellee, and failed to mention Appellants paid for and confirmed proof of ownership, but just (sic) gave Appellee Appellants property valued at \$100,000.00 (one hundred thousand dollars) to Appellee (sic) lacking valuable consideration, all done improperly and lacking the prerequisite bona fide documents to properly and officially transfer ownership of the parcel from Appellant, the presumed owner, to Appellee based upon Appellees unfounded, unprovable, illegal, and criminal "claim". Judge Taylor awarded attorneys fees to Appellee from Appellants as further criminal acts against Appellants James Gedo and David Gedo. The law is quite clear that even the winning party to a quiet title action may not be awarded damages, litigations fees or any monetary award, all of which makes the trial court award of attorneys fees in the amount of \$14,182.70 moot and which fails to consider the money paid by Appellant for the parcel and all taxes levied against it by the State of Utah. The court entered judgment against James Gedo and David Gedo only, and did not name Maria Sanchez, John O'conner and Martha O'conner, which were also Defendants in this case, to pay any fees or cost, and is another indication of extreme prejudice, bias, and malice against Appellants by judge Taylor, all of which called for judge Taylors recusation, sua sponte, according to the Rules of Professionalism . Appellants requested recusation of judge Taylor timely, which was

initially ignored by the court, then later insider ruled upon by crony judge Stott, after timely demand and notice was provided by Appellants. All of Appellants request and motions were filed well before trial in this case, and Appellants requested timely answers to relevant and dispositive issues which would have summarily dismissed this action before trial, but Appellee failed to answer and the Court refused to compel. The court claimed that Appellants documents were "illegible" and struck all of them ex parte and never noticed to Appellants that the court had struck Appellants documents.. At the same time, Defendant Martha O'conner submitted a one page letter disclaimer stating she was not involved with this action, and which said letter was hand written in cursive (see R.O.A. p. 58) and lacked certificate of service. Rule 5 (d) provides that papers filed with the court "shall be accompanied with a certificate of service" showing the date the manner of service completed by the person effecting the service." This improper answer was nevertheless received by the court and was fully read and comprehended by the court, but that same judge Hansen ruled that "Rule 10 (d) of the Utah Rule of Civil Procedure provides that all pleadings shall be typewritten or printed and "all typing or printing shall be clearly legible." Rule 10(f) provides that parties may be required to substitute properly prepared pleadings for nonconforming pleadings." (see R.O.A. p. 88,89) Appellants were never served with that memorandum decision from judge Hansen and were thereby denied the opportunity to refile the stricken documents, and further, were never informed that their documents had been stricken by the court, as shown by the fictitious address on the mailing certificate of the court (see R.O.A. p. 87), and further, Appellant Miguel David Gedo, which is the only actual interested party in these proceedings, was not mailed a copy of that mentioned memorandum (see R.O.A. p. 92A, 95A) evidenced by the lack of return mail to the court for Appellant Miguel David Gedo for that memorandum decision. If that memorandum decision would have been mailed to Appellant, the return envelope would be in the court file, but it was not.

The court mailing certificate states it was mailed to 371 East 155 South, Orem, Utah, and lacking zip code. That address should have been 371 East 1550 South, Orem, Utah 84058. There was no return mail from that mentioned fictitious address of the mailing certificate, which positively establishes that the clerk of the court did not mail that crucial memorandum decision and also that either the clerk was not informing the court of returned mail to Appellants or the court was ignoring that Appellants were not receiving court mail.

The Appellees and the court ignored these motions, which is plain error for the trial court. The trial court erred when it basically ignored pro se motions (Did this Court also erred by denying Appellants Motion to Waiver Requirements of U.R.C.P. Rule 10(f) see addendum #17) that Defendants timely filed in this case. This issue was preserved for appeal by Appellants timely filing and Appellees and/or the trial court failing to respond. The Rules of Civil Procedure require response within 10 days to those motions and in fact denied the motions without full review, or response, which manifested failure to deny is admission. The case was delayed for 3(three) years without dismissal and with (sic)summary preliminary injunction effectively depriving Appellant of real estate valued at \$100,000.00 (one hundred thousand dollars) without the benefit of a jury trial and said preliminary injunction was unlawfully extended by a factor of approximately 1000 (one thousand) days beyond the provisions of Utah Code Annotated for the duration of any temporary restraining order or preliminary injunction and without any action on the case after the court had (sic) summarily deprived Appellant of a parcel of real property worth tens of thousands of dollars, when and while the court had full knowledge that Appellant did not have the money to hire a competent real estate attorney to effectively protect Appellants interests from Appellees specious litigation, lacking evidence and in conspiracy with the judge Taylor court. Appellants parcel, which is the only driveway into Appellants rear lot and is situated in front of Appellants ½ acre rear lot and

which depriving Appellant of this parcel effectively and actually land locks Appellants rear lot, and which is prima facie unlawful to land lock any parcel of real property in this State of Utah .either by Appellee or by the Court. The judge Taylor court refused to require Appellees to show documents of ownership, title, survey, or recordation, all of which would have established facts that negated the court jurisdiction and prove that Appellant officially owns the parcel. Further, the history of tax payments by Appellant and the former owner, Allan Strasburg, are conclusive evidence of Appellants ownership of the subject parcel.

XVI. Whether the Court erred when it allowed presentation by official surveyor John B. Stahl of an unrecorded and unrecordable plat map as (sic) evidence of Appellees claim upon Appellants realty parcel?

The Court erred when it allowed presentation at trial by official surveyor John B. Stahl of an unrecorded plat map theoretically proposing to “fix” all “discrepancies”, and, which incorporated Appellants driveway into Appellees lot, landlocked Appellants lot #14:044:0058, gave Appellee Appellants driveway and added 0.10 acres to Appellees lot without formally, rationally and logically explaining how Appellees lot became larger than its official description lacking any purchase of additional land by Appellee and lacking any official recordation of any additional acreage to Appellees lot. Appellant hired surveyors to officially survey the parcel at Appellants expense of \$800.00 (eight hundred dollars) which was completed in the year 2001, as it is currently recorded at Utah County Recorder, which denotes Appellant as the current owner since the year 1999. Appellees also had survey by another surveyor, John B. Stahl #7600, which had modifications which changed the property descriptions of 6 (six) Parcels located contiguous with or near, but there have been no complaints filed in the past by any of the six (6) property owners which complain of any problem with boundary lines discrepancies, that mentioned survey by John B. Stahl has yet to be recorded officially at the Utah County Recorder Office, and until and unless that survey is presented by Appellee to the Utah County Records Office, filed and accepted , the

judge Taylor court and Appellees counsel have criminally introduced that criminal simulation officially, which establishes the criminal acts of the judge Taylor court, establishes the rife perjury bought, paid for, and conspired by Appellees and all of Appellees hired professional witnesses perjured testimony and further reduces that fictitious survey to a worthless criminal enterprise racketeering scam assented to by the once again criminal official acts of judge Taylor and which will lead to impeachment of the judge Taylor court, disbarment of Appellees counsel, revocation of John B. Stahls surveyors license, and removal of Utah County Recorder by judicial proceedings for criminal conspiracy and failure to properly record that nonsensical fictitious plat map produced by Appellees surveyor Jon B Stahl and failure to properly testify as to the worthiness of official documents which are now and have always been on file at the county Records office, all of which continue to establish, prove, and affirm Appellants ownership of subject parcel and for which .

judge Taylor, Mr. John Sudweeks, Mrs. John Sudweeks and all other involved individuals will be subjected to Citizens arrest by Appellant, due to judge Taylor criminally allowing to be entered as evidence into this case (over Appellants timely, spot on , and relevant proper objection to)

Appellees criminal simulation plat map produced by surveyor Jon Stahl who was hired by Appellee to produce a criminal simulation plat map, and surveyor Jon Stahl did produce and present that falsified document to the judge Taylor court.

Appellant challenged the jurisdiction of the Court and made special appearance only to introduce relevant proof, in the form of official muniments such as Warranty Deed and Official Plat map, and accuse Appellee of introduction of fraudulent allegations into Appellees complaint, which allegations were later removed by the amended complaint, ex parte, all of said false allegations were originally sworn to under oath fraudulently by Appellee to obtain temporary restraining order

and preliminary injunction to steal from and exclude Appellant from his own real property parcel for 4 (four) years and continues to this present time.

XVII. Whether the trial Court erred by dismissing at the conclusion of trial all of Appellees original claims that were used by Appellee as justification for the issuance under oath, of Temporary Restraining Order lacking any repercussion(s) on Appellee?

The trial Court erred by dismissing all of Appellees original claims that were used by Appellee as justification for the issuance under oath, of Temporary Restraining Order which was never officially dismissed but ultimately converted into permanent injunction but was never reserved to Appellant for trial by jury, as held in Utah Rules Of Civil Procedure, Rule 65A, and must be calendared within 10 (ten) days for oral argument but remained in effect for over 25 (twenty five) days, in violation of Utah Rules of Civil Procedure, Rule 65A.

XVIII. Whether the trial court erred by failing in the courts final order to direct Appellants to surrender the warranty deed or title or other documents to Appellee as required by Utah Code, Utah Rules of Civil Procedure, Rule 70, Judgment for specific acts; vesting title, and thereby properly resulting in nullification of all the court judgment and order in this case?

The court failed in the courts final order to direct Appellants to deliver the warranty deed, title or other documents to Appellee as required by Utah Code, Utah Rules of Civil Procedure, Rule 70, Judgment for specific acts; vesting title, and thereby resulting in nullifying all the court judgment and order in this case.

XIX. Whether the trial court erred by failing to require Appellees to prepare the final order within the time limits of Utah Rules of Civil Procedure 58A.(d) and Rule 5?

On August 3rd, 2004, Order and Judgment was entered by the trial court. Appellants were never served with the final order, in violation of URCP, Rule 7(b)(2), in pertinent part, "Except as otherwise specifically provided by these rules, any order made without notice to the adverse party may be vacated or modified without notice by the judge who made it, or may be vacated or modified on notice. Appellees had, as of September 11, 2003 at Order to Show Cause hearing were fully informed of Appellants correct address, which was 768 East 300 North, Provo, Utah

84601, all of which is verified by R.O.A. p.151-212, which verifies that Appellant was receiving mail to that address from the 4th District Court and the State of Utah Court of Appeals and Appellees attorney Brett Anderson. When Brett Anderson filed notice of attorney fees and costs (see R.O.A. p.116) which was improperly filed in violation of URCP Rule 54(d)(2) "The party who claims his costs must within 5 days after the entry of judgment served upon the adverse party against whom the costs are claimed, a copy of a memorandum of the items of his costs and necessary disbursements in the action, and file with the court a memorandum thereof duly verified stating that to affiants knowledge the items are correct..." Appellees attorneys filed the affidavit on July 22, 2004, (see R.O.A.p.216), then filed the final order and judgment on August 3rd, 2004, (see R.O.A. p.226), which was 12 (twelve) days before Appellees attorney filed Order and Judgment dated August 3rd, 2004., instead of 5 days after and, in violation of URCP Rule 54(d)(2). Appellants being forced to pay Appellees attorney fees is also ludicrous in this case by violating Appellants right to freedom from involuntary servitude and not be forced to incriminate himself which will result from Appellant not paying a judgment for attorneys fees against Appellant and also violates prohibitions against double and triple jeopardy. Appellant has already paid for the subject parcel of real property, Appellant has already paid to defend this action by spending hundreds of hours litigating, Appellant has already paid for an official survey of the parcel, Appellant has already been forced to pay all taxes on the parcel since year 1954, and Appellant may now be also forced to pay for the Appellees attorney fees for prosecuting this action that deprived Appellant of real property lawfully within Appellants possession at the commencement of this action years ago, all of which will force Appellant to pay for the theft, by Appellee, of Appellants own property. All of those issues are absurd, ridiculous, insane, and go against all normal reasoning and civility in this entire case. The criminal behavior , conspiracy, collusion, misprision, larceny, unlawful appropriation, and theft has

been committed by Appellees, the 4th District court, and clerk, and should subject Appellees attorney to URCP Rule 40(b) Sanctions and discipline of attorneys and parties.

XX. Whether the trial court erred when months after trial and without proper notice to Appellant, Judge Taylor peremptorily signed and failed to mail copy of the final order to Appellants by mailing the final order to a (sic) a several year old officially superceded Appellants address, according to court records?

The trial court ordered clerk of the court to (sic) fail to send Appellant notice and copy of the Courts final judgment and order to Appellant at Appellants current address, which is and has been verifiably on file with the 4th District Court perpetually for the past twenty (20) years, as this mentioned notice is required by law to be bona fide delivered to Appellant to effect Appellants option and right to appeal within appeal time limitations. Coincidentally, Appellant was inspecting court attorney files for documents relating to another case when Appellant “found” judge Taylors final order and judgment a few days before Notice of Appeal was due to commence Appellants right to appeal. All of the preceding is strongly corroborative evidence to this Court of Appeals of the 4th District Court intentional criminal deprivations or willful attempted criminal deprivations of Appellants civil rights, again and by a presumed professional court that is duty bound to observe all of Appellants civil rights and prevent any stealthy encroachments thereon, and calls for summary forfeiture of judge Taylors bond, in the nominal amount, to Appellants, forthwith, and / or summary ejectment of judge Taylor from judge Taylors residence and forfeiture of the same to Appellant, forthwith, and attainder to incarcerate judge Taylor at the State Penitentiary permanently and which may be for life, for mentioned felony and misprision actions of judge Taylor against Appellants in this case.

XXI. Whether the Court erred when, as shown by Court records, the court (sic) failed to send Appellant copy of the final order in violation of Appellants right to due process, notice and opportunity to defend with post judgment remedies and to legally challenge the trial court final orders in this case?

The trial court erred when the final order was signed by the Court on August 2, 2004 and subsequently and impossibly, filed with the Court on August 3rd, 2004 by Brett Anderson at 9:58 a. m. These inconsistent dates prove that Brett Anderson had an additional ex parte hearing with Judge Taylor on the 2nd of August, 2004, then filed the final order August 3rd, 2004, all of which is criminal tampering with court scheduling, and another criminal ex parte hearing and criminal denial of service of timely notice of final order and judgment necessary to lawfully and timely effect Appellants right to appeal and invoke post judgment remedies in this matter and provides this Court of Appeals with more than sufficient evidence to summarily reverse, vacate, quash, dismiss or any other effectual way to properly dispose of all of the trial court rulings in this case. The trial Court erred when, as shown by trial Court records, the trial court (sic) failed to send Appellant copy of the final order in violation of Appellants right to due process, notice and opportunity to defend with post judgment remedies and to legally challenge the trial court final orders in this case.(Addendum # 12, Judgment and Order)


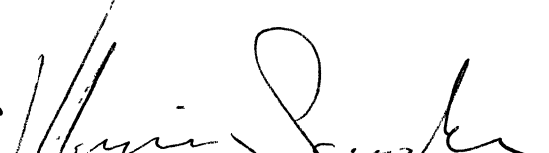
XXII. Whether the court erred by denying Appellant many of the protections of the due process clauses included in all three of the United States of America Constitution, the State of Utah Constitution and the Utah Code Annotated Rules of Civil Procedure and other holdings in the Utah Code?

The United States of America(ns) Constitution, the State of Utah Constitution and the Utah Code Annotated Rules of Civil Procedure protect this Appellant and Appellants property. All of those mentioned lawful documents are specifically constructed to insure, simplify, and expedite the resolution of frivolous lawsuits and/ or preclude unfounded claims upon real property by parties who have no actual controversy, but bring actions for no reasons other than attempting to effect legalized theft from vulnerable impoverished real property owners sufficient to preclude or deprive such owners of real property who cannot pay and/or find an attorney to represent and protect their property, such as these Appellants which are pro se due to financial poverty.

CONCLUSION AND PRECISE RELIEF SOUGHT

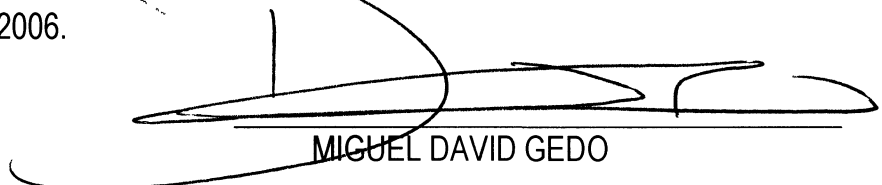
Based for and upon the foregoing reasons, argument and documents, all of which Appellant request for this Court to liberally apply to this case and thereby effect, and conclusively find sufficient cause to order reversal of all the trial court orders, actions and decisions and forthwith order return of status quo upon this parcel as it was before the trial court issued erroneous temporary restraining order and preliminary injunction and forthwith remand this case with orders to the trial court to quiet title to Appellants parcel, and to establish peaceable possession of Appellants land in Appellants behalf and summarily dispose of all questions and claims against this property in Appellants favor against any party or claim. Based upon all of the foregoing, the trial court's findings that the subject matter of this action, which is lot 59(parcel 1 – 40 – 440059), as described in the Utah County Recorder does not exist and that the county records are in error should also be quashed, reversed, or remanded with specific orders to vacate the trial courts erroneous findings of facts in this matter and all be effectively disposed of in Appellants favor.

APPELLANTS REQUISITIONS NOTICED AND SUBMITTED this 10th Day of January, 2006.


MIGUEL DAVID GEDO,
MARIA A. SANCHEZ,
Pro Se, Appellant.

CERTIFICATE OF MAILING

I hereby certify that I delivered two (2) true and correct copies of the foregoing Brief of Appellant to Brett C. Anderson, attorney for Appellees @ 110 South Main St. Pleasant Grove, Utah 84062 this 10th day of January, 2006.


MIGUEL DAVID GEDO

ADDENDA

- # 1. Title Insurance Policy.
- # 2. Official Survey performed by D.H. Jensen and Associates, Inc. on record at Utah County Surveyors Department.
- # 3. Appellees Original Complaint.
- # 4. Utah Court of Appeals reservation of argument for declaratory judgment.
- # 5. All of Appellants Motions.
- # 6. All of Appellants undelivered and returned mail to the 4th District Court.
- # 7. Appellees Amended Complaint
- # 8. Ruling on Request for Change of Judge, Rule 63 (b).
- # 9. Appellees Criminal Simulation Plat Map by Official Surveyor, John B. Stahl.
- # 10. Appellants supplementary plat map of June 21st, 2005 Plat Map by disinterested Official Surveyor David W. Peterson.
- # 11. Judgment entered by Pleasant Grove City Justice Court for lien against Parcel # 59.
- # 12. Final Judgment and Order.
- # 13. Utah County Recorder plat map.
- # 14. Utah County Recorder official copy of the warranty deed.
- # 15. Utah County Recorder muniments Tax Notice.
- # 16. Motion to Supplement the Record.
- # 17. Motion for Clerk to Impose Waiver Requirements U.R.C.P. Rule 10(f)
- # 18. letter given to Appellants by Mr. John R. Sudweeks from the lawfirm of Blackburn and Stone, LC Attorneys at Law.

Utah Code: Annotated: Rules of Civil Procedure:

Rules 4,5(d),7(b)(2),10(d),10(f),12(f),15,15(a),16, 17, 19, 20, 21, 38, 39, 39(1),40,40(b),41, 43, 44, 50, 52, 54, 54(d)(2), 56, 58A. (d), 60, 61, 63, 63A, 63A.(c), 63A(3),63(b)(1)(A),63B, 65A, 64F, 5, 70,70A,74A, Judicial Code: 78-12-2, 78-12-5, 78-12-5.1, 78-12-6., 78-12-7., 78-12-7.1., 78-12-12. 78-12-12.1, Utah Criminal Code: 76-8-414., 76-8-415., 76-8-502., 76-8-503., 76-8-504., 76-8-505.,

76-8-506., 76-8-508., 76-6-518., 76-8-306., 76-6-404., 76-6-404.5., 76-6-406., 78 - 2 - 2.(3)(j), 78 - 2a - 3.(j),

United States Constitution, Article VI, Amendment IV, V, VII, and XIV.

State of Utah Constitution, Article I, Section 7, 10, 11, 14, 24, 26, and 21.



315 South 500 East
American Fork, UT 84003
Phone 801-492-1206
Fax 801-492-1269

September 6, 2001

MIGUEL DAVID GEDO
140 EAST 200 SOUTH
EASANT GROVE, UT 84062

Dear Miguel

Enclosed is your policy of Title Insurance covering the real estate you recently acquired and which is described in Schedule A of your policy.

Please place this policy in a safe place along with any other valuable papers you have concerning this property. If you have any questions concerning the policy or your property, feel free to call.

If you ever want to borrow against your property, or sell it, please contact us to do the title work. Since we have already done the most of the work required, and if it is within a certain period of time we may be able to offer any new services at a substantial savings to you.

Please do not hesitate to call on us for any service or questions you may have.

Sincerely,

Title Insurance Department

SCHEDULE A

JE NO.: 995434

POLICY NO.: O 99662891

AMOUNT \$24,000.00/\$270.00

Policy Date: October 12, 1999 at 9:09 AM

Name of Insured:

MIGUEL DAVID GEDO

The estate or interest in the land which is covered by this policy is:

FEE SIMPLE

Title to the estate or interest covered by this policy at the date hereof is vested in:

MIGUEL DAVID GEDO

The land referred to in this policy is situated in the County of UTAH, State of UT, and described as follows:

See Attached Exhibit "A"

EXHIBIT "A"

PARCEL 1

BEGINNING at a point on a Boundary Line Agreement Entry No. 1746-86, Book 2275, Page 848, which point is South 89°35'14" West along the Section line 1970.01 feet and South 875.99 feet (based on the Utah State Coordinate System, Central Zone and Data published by the Utah County Surveyor as of January 1986) from the Northeast corner of Section 27, Township 5 South, Range 2 East, Salt Lake Base and Meridian, thence South 15°09'46" East along said Boundary Line Agreement 119.29 feet, thence South 89°29'14" West continuing along said Boundary Line Agreement 184.91 feet, thence North 00°12'46" West continuing along said Boundary Line Agreement 124.12 feet, thence North 89°22'00" East 82.56 feet to a fence line as described in a Fence Line Boundary Agreement Entry No. 35388-92, Book 2966, Page 465, thence South 00°05'19" West 8.25 feet along a fence line as described in said Boundary Agreement, to a fence line, thence North 89°59'43" East 71.61 feet along said fence line as described in said Boundary Agreement, to the point of BEGINNING

PARCEL 2

COMMENCING at a point on South side of Battle Creek Drive, Pleasant Grove, Utah, thence North 89°59' West along the Section line 2075.10 feet and South 720.02 feet from the Northeast corner of Section 27, Township 5 South, Range 2 East, Salt Lake Base and Meridian, thence South 29' West along a retaining wall and well extended 146.85 feet, thence North 89°05' East 70.39 feet, thence South 14°44' East 119.29 feet, thence South 89°55' West 184.91 feet, thence North 13' East 260 feet, thence North 89°05' East 84.45 feet to BEGINNING

LESS AND EXCEPTING

COMMENCING at the Northeast corner of Section 27, Township 5 South, Range 2 East, Salt Lake Base and Meridian, thence South 0°27'58" East along the section line 1382.51 feet, thence North 89°49'36" West along the one-sixteenth section line 1386.88 feet, thence North 1°45'27" West along a fence line 37.88 feet, thence South 89°24'56" West 429.15 feet, thence South 89°13'32" West along the North boundary of Plat "C", Timp Ridge Estates 879.87 feet, thence North 0°05'48" West along the one-quarter section line 468.22 feet, thence North 88°32'53" East partially along a fence line 562.53 feet, thence South 0°12'46" East 132.75 feet, thence North 89°29'14" East 184.19 feet, thence North 15°09'46" West 119.29 feet, thence North 8°06'12" East along a fence line 148.31 feet, thence North 88°39'14" East 204.56 feet, thence North 2°00'13" West 69.49 feet, thence North 48°15' East 172.00 feet, thence North 64°45' East 405.50 feet, thence North 19°57' East 73.26 feet, thence North 17°20'46" West 85.20 feet, thence North 42°46'14" East 304.90 feet, thence North 89°35'06" East along the section line 1045.29 feet to the point of BEGINNING

ALSO LESS AND EXCEPTING

BEGINNING at a point on a fence corner, at a point on the Boundary Line Agreement as recorded in Book 2275-of-848, said point being South 89°35'07" West 1949.10 feet along section line and South 729.23 feet from the Northeast corner of Section 27, Township 5 South, Range 2 East, Salt Lake Base and Meridian, thence South 8°06'12" West 148.31 feet along a fence line, thence South 89°59'43" West 71.61 feet along a fence line, thence North 0°05'19" East 146.13 feet along a fence line, thence North 89°33'35" East 92.30 feet along a fence line to the point of BEGINNING

ALSO LESS AND EXCEPTING

BEGINNING at a fence corner on the South side of 200 South Street (Battle Creek Drive), Pleasant Grove, Utah, which point is South 89°35'14" West along the section line 2041.40 feet and South 729.35 feet (based on the Utah State Coordinate System, Central Zone and Data published by the Utah County Surveyor as of January 1986) from the Northeast corner of Section 27, Township 5 South, Range 2 East, Salt Lake Base and Meridian, thence South 00°05'19" West 137.87 feet along a fence line as described in a Fence Line Boundary Agreement Entry No. 35388-92, Book 2966, Page 465, thence South 89°22'00" West 32.56 feet to a point on a Boundary Line Agreement Entry No. 1746-86 Book 2275, page 348, thence North 00°12'46" West along said Boundary Line Agreement 8.63 feet, thence South 88°32'53" West continuing along said Boundary Line Agreement 0.50 feet to a fence line, thence North 00°36'30" West 129.33 feet to the South side of said 200 South Street, thence North

89°33'35" East along said street 84 68 feet to the point of BEGINNING

ALSO LESS AND EXCEPTING

BEGINNING at a point on a Boundary line Agreement Entry No 1746-86, Book 2275, Page 848, which point is South 89°35'14" West along the section line 1970 01 feet and South 875 99 feet (based on the Utah State Coordinate System, Central Zone and Data published by the Utah County Surveyor as of January 1986) from the Northeast corner of Section 27, Township 5 South, Range 2 East, Salt Lake Base and Meridian, thence South 15°09'46" East along said Boundary Line Agreement 119 29 feet, thence South 89°29'14" West continuing along said Boundary Line Agreement 184 91 feet, thence North 00°12'46" West continuing along said Boundary Line Agreement 124 12 feet, thence North 89°22'00" East 82 56 feet to a fence line as described in a Fence Line Boundary Agreement Entry No 35388-92, Book 2966, Page 465, thence South 00°05'19" West 8 25 feet along a fence line as described in said Boundary Agreement, to a fence line, thence North 89°59'43" East 71 61 feet along said fence line as described in said Boundary Agreement, to the point of BEGINNING

SCHEDULE B

This Policy does not insure against loss or damage by reason of the following

Standard Exceptions

- (a) Rights or claims of parties in possession or claiming to be in possession not shown by the public records
- (b) Easements, or claims of easements, not shown by the public records
- (c) Encroachments, or questions of location, boundary, and area which are dependant upon a correct survey or inspection of the premises for determination
- (d) Any lien, or right to a lien, for services, labor or material hereto or hereafter furnished, imposed by law and not shown by the public records
- (e) Unpatented mining claims, reservations or exceptions in patents or in acts authorizing the issuance thereof, water rights, claims or title to water
- (f) Any service, installation or connection charge for sewer, water or electricity
- (g) General taxes not now payable, matters relating to special levies or assessments, if any, preceding the same becoming a lien

Special Exceptions

(THE FOLLOWING EXCEPTION AFFECTS PARCEL 1)

Taxes for the year 1999 are now accruing as a lien, but are not yet due and payable Taxes for the year 1998 and prior years were paid (Tax Parcel No 14 044 0058)

(THE FOLLOWING EXCEPTION AFFECTS PARCEL 2)

Taxes for the year 1999 are now accruing as a lien, but are not yet due and payable Taxes for the year 1998 and prior years were paid (Tax Parcel No 14 044 0059)

Said property is included within the boundaries of Pleasant Grove City (785-5045), Utah County, Central Utah County Water Conservancy District, Alpine School District and Assessments and Collection, and North Utah County Water Conservancy District, and is subject to all charges and assessments levied thereunder

Subject to the effects of a Right of Way Easement, in favor of PROVO IRRIGATION CO , recorded July 20, 1951, as Entry No 8300, in Book 505, at Page 603, UTAH County Recorder's Office

Easement in favor of Utah Power and Light Company to construct, reconstruct, operate maintain and repair electric transmission and other equipment over, under and across a portion of the subject property Said Easement recorded December 4 1948, as Entry No 11713, in Book 509, at Page 384, UTAH County Recorder's Office

SUBJECT to the effects of a Right of Way Easement in favor of TELLURIDE POWER CO recorded September 1 1909 as Entry No 4582 in Book 115, at Page 14 UTAH County Recorder's Office

(Continued)

SCHEDULE B
(Continued)

SUBJECT to the effects of a Resolution No. 1995-82, which is dated November 6, 1995 and recorded November 8, 1995, as Entry No 76846, in Book 3811, at Page 791, UTAH County Recorder's Office.

No apparent access to Parcel 1 is shown.

Boundary Line Agreement by and between LOWELL B. TOMLINSON, Executor of the IVADELL M. TOMLINSON ESTATE and ALLEN R. STRASBURG, affecting the property line to the affecting the property line. Said boundary line agreement recorded January 17, 1986, as Entry No. 1746, in Book 2275, at Page 848, UTAH County Recorder's Office.

Boundary Line Agreement by and between NELDA H OLSON, Trustee of the NELDA H. OLSON FAMILY TRUST U/A/D June 21, 1991 and ALLEN R. STRASBURG. Said boundary line agreement recorded July 15, 1992, as Entry No. 35388, in Book 2966, at Page 465, UTAH County Recorder's Office

Deed of Trust securing an indebtedness of the amount stated herein and any other amounts payable under the terms thereof:

Dated: October 5, 1999
Amount: \$25,000 00, plus interest
Trustor: MIGUEL DAVID GEDO
Trustee: EQUITY TITLE AGENCY, INC.
Beneficiary: LUIS GEDO
Recorded: October 12, 1999
Entry No.: 109681
Book: 5241
Page: 21

200 SOUTH

PROPERTY DESCRIPTION (RECORD)

COMMENCING SOUTH 73514 FEET AND WEST 206964 FEET FROM THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, S00°03'13"W 906 FEET; S00°03'14"W 007 FEET; S89°33'35"W 5638 FEET; S00°36'30"E 12953 FEET; N88°32'53"E 05 FEET; S00°12'47"E 018 FEET; S88°32'52"W 2943 FEET; N00°12'47"W 13801 FEET; N88°39'13"E 8445 FEET TO BEGINNING AREA 0101 ACRES

PROPERTY DESCRIPTION (AS SURVEYED)

COMMENCING AT A POINT S89°35'13"W 207491 FEET AND S00°24'26"E 72022 FEET FROM THE NORTHEAST CORNER OF SECTION 27 TOWNSHIP 5 SOUTH RANGE 2 EAST SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE S00°03'13"W 906 FEET TO A POINT ON THE NORTH LINE OF O'CONNOR'S PROPERTY; THENCE S2°33'35"W ALONG SAID PROPERTY LINE 5638 FEET TO THE NORTHWEST CORNER OF SAID PROPERTY; THENCE S00°36'30"E ALONG THE WEST LINE OF SAID PROPERTY 12953 FEET; THENCE N88°32'53"E 05 FEET; THENCE S00°12'47"E 018 FEET; THENCE S88°32'52"W 2943 FEET; THENCE N00°12'47"W ALONG THE EAST LINE OF SEDWECKS PROPERTY 13601 FEET; THENCE N88°39'13"E 8445 FEET TO THE POINT OF BEGINNING CONTAINS 4,44726 so ft (0102 acres)

JOHN R. SEDWEEK

BASIS OF BEARING

THE LINE BETWEEN THE NORTHEAST CORNER AND THE NORTH 1/4 CORNER OF SECTION 27 TOWNSHIP 5 SOUTH RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, BEARS SOUTH 89°35'13" WEST

NARRATIVE

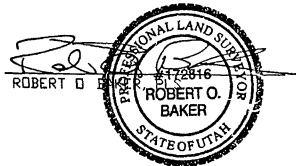
THE PURPOSE OF THIS SURVEY IS TO ESTABLISH THE PROPERTY CORNERS FOR THE GEDDO LAND PARCEL BETWEEN THE SEDWECKS AND O'CONNOR PROPERTIES

SURVEYORS CERTIFICATE

I, Robert O Baker do hereby certify that I am a Professional Land Surveyor in accordance with the Laws of the State of Utah and that I hold License No 172816 I further certify that I have made a survey of the above described parcel of land and found it as shown on this survey plat

DATE: 05 OCT 2000

1 inch



00-11111367

REVISIONS

D.H. JENSEN

CONSULTING SURVEYOR
NORTHEAST CORNER OF SECTION 27,
SALT LAKE BASE AND MERIDIAN

DATE = OCT. 5, 2000
SCALE = 1" = 20'
BY = K. HONG

[Handwritten signature]
200

Brett C. Anderson, Bar No. 8134 ✓
Gordon W. Duval, Bar No. 6532 ✓
DUVAL HANSEN WITT & MORLEY, P.C.
Attorneys for Plaintiffs
110 South Main Street
Pleasant Grove, UT 84062
Telephone (801) 785-5350
Facsimile (801) 785-0853

IN THE FOURTH JUDICIAL DISTRICT COURT
UTAH COUNTY, STATE OF UTAH
125 North 100 West, Provo, Ut 84601

JOHN R. SUDWEEKS, and
DEANNA SUDWEEKS,

Plaintiffs,

vs.

MARIA ANGELICA SANCHEZ, MIGUEL
DAVID GEDO, JAMES GEDO, JOHNNY
RAY O'CONNOR, and MARTHA
O'CONNOR,

Defendants.

COMPLAINT

Civil No. 010462488

Judge: 7

COME NOW, Plaintiffs, John R. Sudweeks and Deanna Sudweeks, by and through counsel, Brett C. Anderson, DUVAL HANSEN WITT & MORLEY, P.C. and Complain against the Defendants above named, and allege as follows:

1. The Plaintiffs are individuals residing in Utah County, State of Utah.
2. Defendants Maria Angelica Sanchez, Miguel David Gedo, James Gedo, Johnny

Ray O'Connor and Martha O'Connor, are individuals residing in Utah County, State of Utah.

3. Plaintiffs own two parcels of real property in Pleasant Grove City, Utah County, State of Utah (the "Sudweeks Property"), one parcel which is described in the Warranty Deed from Joseph Best and Elaine P. Best to Plaintiffs, dated June 21, 1972, and recorded June 22, 1972 as Entry No. 9195, Book 1279 and Page 224 of the Records of the Utah County Recorder's Office, and the second parcel which is described in the Warranty Deed from Boyd M. Collings and Geraldine L. Collings to Plaintiffs, dated August 25, 1972 as Entry No. 13361, Book 1290 and Page 108 of the Records of the Utah County Recorder's Office. A copy of each of these Deeds is attached hereto as Exhibit "A" and Exhibit "B" to this Complaint.
4. The Sudweeks have been the sole and exclusive owners of the above described parcels since they purchased the same in 1972.
5. Defendants Johnny Ray O'Connor and Martha O'Connor are the owners of a parcel of real property in Pleasant Grove City, County of Utah, State of Utah (the "O'Connor Property"), which is located directly to the east and to the north of the Sanchez Property as described in the Warranty Deed from Susan S. Hardinger to Defendants O'Connor dated August 10, 1994 as Entry No. 64616, Book 3507 and Pages 855 and 856 of the Records of the Utah County Recorder's Office. A copy

of the Deed is attached hereto as Exhibit “C”.

6. Defendant Maria Angelica Sanchez owns property in Pleasant Grove City, County of Utah, State of Utah (the “Sanchez Property”), which is described in the Quit Claim Deed from Miguel David Gedo to Maria Angelica Sanchez dated October 8, 2000 and recorded October 19, 1999 as Entry No. 112433, Book 5248 and Pages 654 - 656 of the Records of the Utah County Recorder’s Office. A copy of this Deed is attached hereto as Exhibit “D” to this Complaint.
7. The Sanchez Property contains two separate parts, one part which is approximately 33 feet wide and lies directly between the Sudweeks Property on the east, and the O’Connor Property on the west, and the second part which lies directly to the south of the O’Connor Property.
8. The Sanchez Property which is approximately 33 feet wide and lies directly between the Sudweeks Property and the O’Connor Property is the subject of this action.
9. Both parts of the Sanchez Property and the O’Connor Property were part of a larger tract of land which was owned by the Defendants’ predecessors in interest.
10. The boundary between the O’Connor Property on the west and the Sanchez Property on the east is marked by a fence and driveway, which have both been in existence for a long time, and the fence was erected by the Plaintiffs shortly after

the purchase of their parcels in 1972.

11. The corresponding boundary line which is marked by the fence and driveway, has been recognized and treated by the parties and their predecessors in interest as the boundary between the Sanchez Property on the west and the Plaintiffs' property on the east since 1972 when the Plaintiffs purchased their two parcels which are above described.
12. The Plaintiffs have reasonably believed that their property line extended up to the fence and driveway line since they purchased their parcels in 1972, and they have continued to use and occupy the same since that time, and have planted fruit trees, grass, plants, and have laid an asphalt pad on the same.
13. Defendants Miguel David Gedo, James Gedo and Maria Angelica Sanchez did knowingly and intentionally drive a wrecking truck upon and did park the same on the Plaintiffs' property directly in front of the Plaintiffs' motor home.
14. The parking of the wrecking truck does prohibit the Plaintiffs from using their motor home since they cannot remove it from their property.
15. Notwithstanding the demands from Plaintiffs to Defendants Miguel David Gedo, James Gedo and Maria Angelica Sanchez, requesting that the wrecking truck be removed from in front of Plaintiffs' motor home, said Defendants have refused to remove the wrecking truck from in front of Plaintiffs' motor home.

FIRST CAUSE OF ACTION
(Boundary by Acquiescence)

16. Plaintiffs reallege and incorporate all of the foregoing paragraphs herein by this reference.
17. Plaintiffs have occupied their respective property and treated it as their own up to the line which is marked by a fence and driveway on the east side of the parcel which is now owned by the Defendant Sanchez, and Plaintiffs have so occupied the same continuously since 1972.
18. Defendants or their predecessors in interest have occupied their respective property only up to and on the east side of the fence, driveway and corresponding line, which fence, driveway and corresponding line are located on the east side of the property now owned by Defendant Sanchez.
19. The parties and their predecessors in interest have acquiesced in the boundary line, which is marked by the fence and driveway, as the boundary between the parcel which is now owned by the Defendant Sanchez and the parcel which is now owned by the Plaintiffs.
20. The Plaintiffs and Defendant Sanchez are adjoining landowners, as were Plaintiffs and Defendant Sanchez' predecessors in interest.
21. Plaintiffs are entitled to a decree of the Court determining that the fence, driveway

and corresponding line on the east side of the Sanchez Property, above described, is the boundary between the smaller Sanchez Property and the Sudweeks Property.

**SECOND CAUSE OF ACTION
(Prescriptive Easement)**

22. Plaintiffs reallege and incorporate all of the foregoing paragraphs herein by this reference.
23. Plaintiffs have openly used and occupied the subject property which is described in paragraph 8 above and have treated it as their own up to the line which is marked by a fence and driveway on the east side of the parcel which is now owned by Defendant Sanchez, and Plaintiffs have so occupied the same continuously since 1972.
24. During Plaintiffs' use and occupation of the subject property, Plaintiffs have erected a fence, planted trees, grass and plants, and have constructed an asphalt pad on the subject property and used the same to park their motor home.
25. Plaintiffs' use of the subject property has at all times been adverse to the Defendants and their predecessors in interest.
26. Plaintiffs' use of the subject property has at all times been notorious.
27. In the alternative to the Boundary by Acquiescence claim, Plaintiffs are entitled to

a decree of the Court determining that the Plaintiffs have a prescriptive easement in the subject property which runs with the same, and that said prescriptive easement shall include all of the subject property up to the fence and driveway line on the east side of the same, and it shall provide for the use of parking vehicles, growing and maintaining plants, trees and grass, and other typical and general uses.

THIRD CAUSE OF ACTION

(Trespass by Miguel David Gedo, James Gedo and Maria Angelica Sanchez)

28. Plaintiffs reallege and incorporate all of the foregoing paragraphs herein by this reference.
29. Defendants Miguel David Gedo and Maria Angelica Sanchez have acted in such a manner as to damage the Plaintiffs' property, and have prohibited them from the quiet use and enjoyment of the same.
30. Plaintiffs are entitled to judgment against Defendants Miguel David Gedo, James Gedo and Maria Angelica Sanchez for damages and for injury to Plaintiffs' property in an amount to be shown at trial.
31. Plaintiffs are also entitled to punitive damages as a result of Defendant Miguel David Gedo's, Defendant James Gedo's, and Defendant Maria Angelica Sanchez'

intentional trespass on Plaintiffs' property with knowing and intentional disregard for Plaintiffs' rights therein, in an amount to be determined at trial.

FOURTH CAUSE OF ACTION
(Forcible Detainer by Miguel David Gedo, James Gedo and Maria Angelica Sanchez)

32. Plaintiffs reallege and incorporate all of the foregoing paragraphs herein by this reference.
33. Defendants Miguel David Gedo, James Gedo and Maria Angelica Sanchez did unlawfully enter a portion of Plaintiffs' property in Plaintiffs' absence and have excluded Plaintiffs from possession of the portion of Plaintiffs' property by parking a wrecking truck or causing the same to be parked on Plaintiffs' property between Plaintiffs' motor home and the public street.
34. The actions of Defendants Miguel David Gedo, James Gedo and Maria Angelica Sanchez have damaged the Plaintiffs and have prohibited them from the quiet use and enjoyment of their property.
35. Defendants Miguel David Gedo, James Gedo and Maria Angelica Sanchez have refused to surrender Plaintiffs' property being unlawfully occupied by said Defendants after demand was made on said Defendants for the surrender of the premises unlawfully entered.

36. Plaintiffs are entitled to judgment against Defendants Miguel David Gedo, James Gedo and Maria Angelica Sanchez for damages arising from said Defendants' forcible detainer in an amount to be shown at trial.
37. Pursuant to Utah Code Ann. §78-36-10, Plaintiffs are entitled to have their damages against Defendants Miguel David Gedo, James Gedo and Maria Angelica Sanchez for forcible detainer trebled in an amount to be shown at trial.
38. Pursuant to Utah Code Ann. §78-36-10.5, Plaintiffs are entitled to an order of restitution directing Defendants Miguel David Gedo, James Gedo and Maria Angelica Sanchez to vacate that portion of Plaintiffs' property being unlawfully occupied by said Defendants and to remove all property of said Defendants and to restore said premises to Plaintiffs or be forcibly removed by a sheriff or constable.

**FIFTH CAUSE OF ACTION
(Injunction)**

39. Plaintiffs reallege and incorporate all of the foregoing paragraphs herein by this reference.
40. Plaintiffs are entitled to injunctive relief permanently enjoining the Defendants from occupying or trespassing on Plaintiffs' property.
41. Plaintiffs are entitled to injunctive relief directing Defendants Miguel David

Gedo, James Gedo and Maria Angelica Sanchez to remove from Plaintiffs' property the reeking truck and any other property placed on Plaintiffs' property by or under the direction of said Defendants.

WHEREFORE, Plaintiffs John R. Sudweeks and Deanna Sudweeks pray for judgment against the Defendants as follows:

1. On the First Cause of Action hereof quieting title in Plaintiffs to all property west of the boundary fence and driveway on the basis of boundary by acquiescence.
2. On the Second Cause of Action in the alternative, declaring a prescriptive easement in Plaintiffs to all property west of the fence and driveway for use of parking vehicles, growing and maintaining trees, plants and grass, and other typical and general uses.
3. On the Third Cause of Action hereof for actual and punitive damages against Defendants Miguel David Gedo, James Gedo and Maria Angelica Sanchez in an amount to be shown at trial.
4. On the Fourth Cause of Action hereof for trebled damages against Defendants Miguel David Gedo, James Gedo and Maria Angelica Sanchez in an amount to be determined at trial, and an order of restitution directing Defendants Miguel David Gedo, James Gedo and Maria Angelica Sanchez to vacate that portion of the subject property being unlawfully occupied by said Defendants and to restore said

premises to Plaintiffs.

5. On the Fifth Cause of Action hereof an injunction permanently enjoining Defendants Miguel David Gedo, James Gedo and Maria Angelica Sanchez from occupying or trespassing on the subject property and directing said Defendants to remove from said property the wrecking truck and any other property placed on said property by or under the direction of said Defendants.
6. For Plaintiffs' costs and attorney fees incurred herein.
7. For such other and further relief as the Court may deem appropriate under the circumstances.

DATED this 27th day of April, 2001.

DUVAL HANSEN WITT & MORLEY, P.C.

A handwritten signature in black ink, appearing to read "Brett C. Anderson", written over a horizontal line.

BRETT C. ANDERSON
Attorney for Plaintiffs

Plaintiffs' Address:
c/o Brett C. Anderson, Esq.
DUVAL HANSEN WITT & MORLEY, P.C.
110 South Main Street
Pleasant Grove, Utah 84062

*597 of 600
County Clerk
Provo, Utah*

RECORDED, MAIL TO:
972 JUN 22 AM 9:51
NINA B. BEST
DEPUTY COUNTY CLERK
PROVO, UTAH

9195

9195

Space Above for Recorder's Use

ser no

0525-2-E

PROPERTY TITLE & ABSTRACT CO.
30 East Center - Provo, Utah
Index No. 27148

WARRANTY DEED

JOSEPH BEST AND ELAINE P. BEST, his wife, grantor s
of Provo, County of Utah, State of Utah,
hereby CONVEY and WARRANT to JOHN SUDWEEKS AND DEANNA SUDWEEKS, his wife
as joint tenants and not as tenants in common with full rights of suvivorship.

, grantee s
of Provo, County of Utah, State of Utah
for the sum of Ten dollars and other good and valuable considerations DOLLARS,

the following described tract of land in Utah County, State of Utah, to-wit:

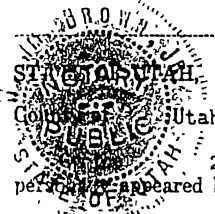
Commencing at a point on a fence line on the South side of Battle Cree^v
Drive, Pleasant Grove, Utah, which point is North 89°59' West along
the section line 2252.53 feet and South 722.91 feet and North 89°05' East
7.00 feet from the Northeast corner of Section 27, Township 5 South, Range
2 East, Salt Lake Base and Meridian; thence South 0°13' West 132.90 feet
thence South 89°05' West 85.38 feet; thence North 0°16' East 132.90 feet
thence North 89°05' East 85.26 feet to the place of beginning.

Subject to easements and restrictions of record.

WITNESS the hand of said grantor, this 21st day of June, 1972

Signed in the presence of

Joseph Best
Elaine P. Best



ss.

21st day of June, 1972
person appeared before me Joseph Best and Elaine P. Best, his wife

the signers of the above instrument, who duly acknowledged to me that, they executed the same.

John Brown
Notary Public.

My commission expires 9-24-73 Residing in Provo, Utah

BOOK 1279 PAGE 224

WHEN RECORDED, MAIL TO:

SECURITY TITLE & ASS. CO.

UTAH
COUNTY OF
SALT LAKE
ABSTRACT
7/15/72
1972
11/16/31
NOV 8 59

SECURITY TITLE & ASS. CO.

13361

Space Above for Recorder's Use

13361

SECURITY TITLE & ASS. CO.
65 East Center Street, Salt Lake City, Utah
Order No. 23537

WARRANTY DEED

ROYD E. COLLINGS AND GERALDINE L. COLLINGS, his wife

of _____, County of _____, State of Utah,

hereby CONVEY and WARRANT to JOHN R. SNOWEES AND DEAN A. L. SNOWEES, his wife, as joint tenants with full rights of survivorship in each and not as tenants in common.

_____ , grantee s
of _____, County of _____, State of Utah

for the sum of Ten Dollars and other good and valuable considerations. DOLLARS,

the following described tract of land in _____ Utah _____ County, State of Utah, to-wit:

Beginning at a point on a fence line on the South side of Battle Creek Drive, Pleasant Grove, Utah, which point is North 89°59' West along the Section line 2252.53 feet and South 722.91 feet and North 89°05' East 7.00 feet from the Northeast corner of Section 27, Township 5 South, Range 2 East, Salt Lake Base and Meridian; thence North 89°05' East along a fence on the South side of said drive 86.00 feet; thence South 89°13' West 132.90 feet; thence South 89°05' West 86.00 feet; thence North 89°13' East 132.90 feet to the point of beginning.

Subject to easements and restrictions of record.

WITNESS the hand of said grantor, this 25th day of August, 1972

Signed in the presence of

Royd E. Collings
Geraldine L. Collings

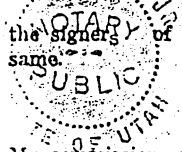
STATE OF UTAH,

County of _____ UTAH

ss.

On the 25th day of August, 1972
personally appeared before me ROYD E. COLLINGS AND GERALDINE L. COLLINGS, his wife

the signers of the above instrument, who duly acknowledged to me that they executed the same



W. Wm. Brown
Notary Public.

My commission expires 9-24-73 Residing in _____, Utah

APPROVED FORM — UTAH SECURITIES COMMISSION

UTAH SECURITIES COMMISSION, 65 W. NINTH SO., S.L.C. 1-1100

BOOK 1290 PAGE 108

EXHIBIT "B"

O'CONNOR ORIGINAL DEED



OLD REPUBLIC
Title Company of Utah, Inc.

94080042 E

ENT 64516 BK 3507 PG 8555
NINA B REID UTAH CO RECORDER BY MC
1994 AUG 12 3:30 PM FEE 12.00
RECORDED FOR OLD REPUBLIC TITLE OF UTAH

WARRANTY DEED

Return To: _____
Grantee: 1640 East 200 South
Pleasant Grove, Utah 84062

SUSAN S. HARDINGER
of Pleasant Grove, County of Utah, State of Utah hereby
CONVEY AND WARRANT to

JOHNNY RAY O'CONNOR AND MARTHA J. O'CONNOR, HUSBAND AND WIFE
AS JOINT TENANTS

of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION-----
the following described tract of land in Utah, County,
State of Utah:

See Exhibit "A"

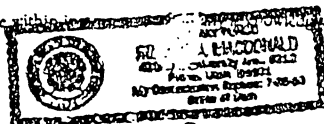
WITNESS, the hand of said grantor, this 10th day of August, A.D. 19 94
Signed in the Presence of Susan S. Hardinger

STATE OF UTAH.

County of Utah

On the 10th day of August, A.D. 19 94
personally appeared before me Susan S. Hardinger

the signer of the within instrument acknowledged to me that she executed the same.



My commission expires

7-25-98

Residing in

Notary Public

Provo, Utah

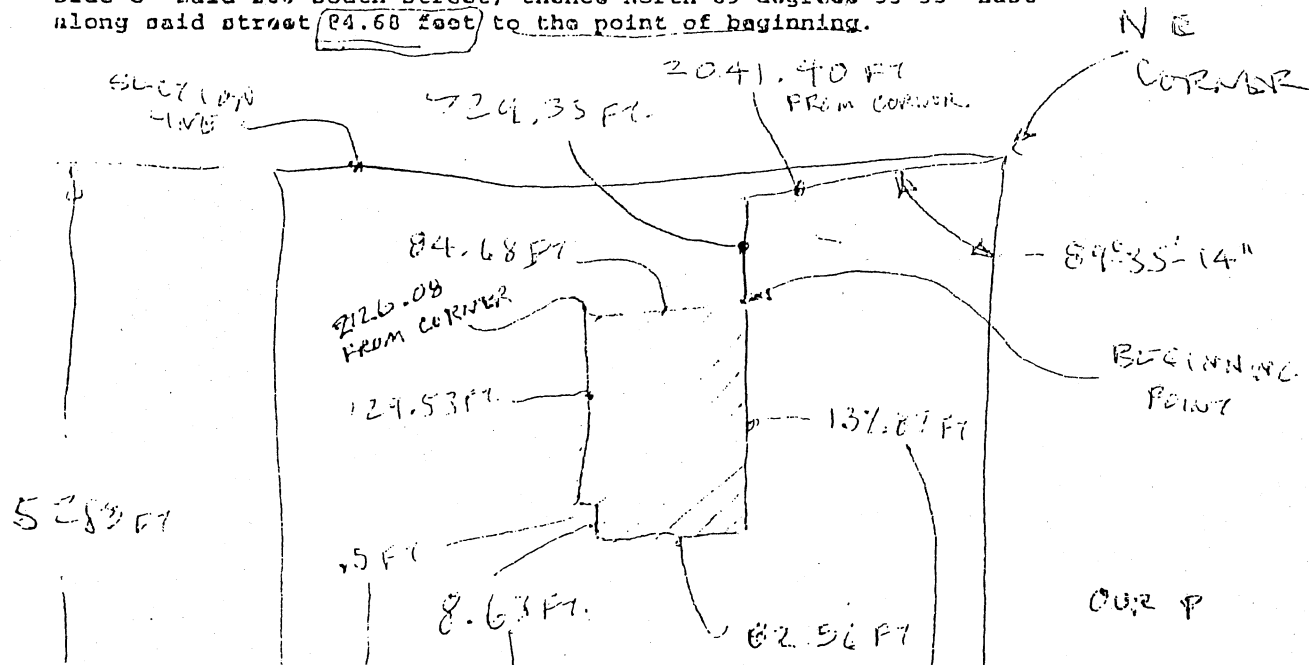
OUR PROPERTY

ENT 64616 BK 3507 PG 856

Exhibit "A"

BEGINNING at a fence corner on the South side of 200 South Street (Battle Creek Drive), Pleasant Grove, Utah, which point is South 89 degrees 35'14" West along the Section line 2041.40 feet and South 729.35 feet (based on the Utah State Coordinate System, Central Zone and Data published by the Utah County Surveyor as of January 1986) from the Northeast Corner of Section 27, Township 5 South, Range 2 East, Salt Lake Base and Meridian; thence South 00 degrees 05'19" East 137.87 feet along a fence line as described in a Fence Line Boundary Agreement Entry No. 35388-92, Book 2966, Page 465; thence South 89 degrees 22'00" West 82.56 feet to a point on a Boundary Line Agreement Entry No. 1746-36, Book 2275, Page 848; thence North 00 degrees 12'46" West along said Boundary Line Agreement 8.63 feet; thence South 88 degrees 32'53" West continuing along said Boundary Line Agreement 0.50 feet to a fence line; thence North 00 degrees 36'30" West 129.53 feet to the South side of said 200 South Street; thence North 89 degrees 33'35" East along said street 84.68 feet to the point of beginning.

BLA BETWEEN
OLSON AND
STRASBURG



Mail ... Notice to:

Grantee

ACCOMMODATION:

File No.

BY 112443 M 5248 M 654
RANDALL A. COOINOTON
UTAH COUNTY RECORDER
1999 Oct 19 3:58 pm FEE 19.00 BY \$5
RECORDED FOR EQUITY TITLE AGENCY INC

QUIT CLAIM DEED

MIGUEL DAVID GEDO,

Grantors

of Pleasant Grove, Utah County, State of Utah, hereby QUIT-CLAIMS
to

MARIA ANGELICA SANCHEZ,

Grantees

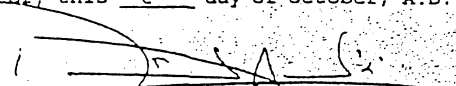
of Pleasant Grove, County of Utah, State of Utah

for the sum of TEN DOLLARS AND NO CENTS AND OTHER GOOD AND VALUABLE
CONSIDERATION

the following described tract of land in Utah County, State of
Utah:

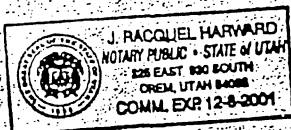
SEE ATTACHED EXHIBIT "A"


WITNESS, the hand of said Grantor, this 8th day of October, A.D.
1999.


MIGUEL DAVID GEDO
Grantor

COUNTY OF UTAH)
: SS
STATE OF UTAH)

SUBSCRIBED AND SWORN to before me this 8th day of
October, 1999, by MIGUEL DAVID GEDO, the signer of the foregoing
instrument, who duly acknowledged to me that he executed the
same.




NOTARY PUBLIC
Residing at: Orem, UT
My Commission Expires: 12-8-2001

DT 112443 W 5248 N 655

EXHIBIT "A"

PARCEL 1

BEGINNING AT A POINT ON A BOUNDARY LINE AGREEMENT ENTRY NO 1746 86 BOOK 2275 PAGE 848 WHICH POINT IS SOUTH 89°15' 14" WEST ALONG THE SECTION LINE 1970 01 FEET AND SOUTH 875 99 FEET (BASED ON THE UTAH STATE COORDINATE SYSTEM CENTRAL ZONE AND DATA PUBLISHED BY THE UTAH COUNTY SURVEYOR AS OF JANUARY 1986) FROM THE NORTHEAST CORNER OF SECTION 27 TOWNSHIP 5 SOUTH RANGE 2 EAST SALT LAKE BASE AND MERIDIAN THENCE SOUTH 15°09' 46" EAST ALONG SAID BOUNDARY LINE AGREEMENT 119 29 FEET THENCE SOUTH 89°29' 14" WEST CONTINUING ALONG SAID BOUNDARY LINE AGREEMENT 184 91 FEET THENCE NORTH 00°12' 46" WEST CONTINUING ALONG SAID BOUNDARY LINE AGREEMENT 124 12 FEET THENCE NORTH 89°22' 00" EAST 62 56 FEET TO A FENCE LINE AS DESCRIBED IN A FENCE LINE BOUNDARY AGREEMENT ENTRY NO 1588 92 BOOK 2966 PAGE 463 THENCE SOUTH 00°05' 19" WEST 6 25 FEET ALONG A FENCE LINE AS DESCRIBED IN SAID BOUNDARY AGREEMENT TO A FENCE LINE THENCE NORTH 89°59' 43" EAST 71 61 FEET ALONG SAID FENCE LINE AS DESCRIBED IN SAID BOUNDARY AGREEMENT TO THE POINT OF BEGINNING

14-044-0058

 **COPY**

MIGUEL DAVID GEDO,
MARIA SANCHEZ
1451 S. 50 E.
OREM UTAH 84058

IN THE UTAH COURT OF APPEALS

| | | |
|-----------------------------|---|------------------------------------|
| MIGUEL DAVID GEDO and MARIA |) | Case No.: 20040767-CA |
| SANCHEZ, |) | |
| |) | Interlocutory |
| Appellants, |) | Motion, Re. Court of Appeals to |
| |) | Issue Declaratory Judgment |
| v. |) | Affirming Presumption |
| |) | Of Governmental Correctness |
| JOHN R. SUDWEEKS and DEANNA |) | Confirming State of Utah Recorder |
| SUDWEEKS, |) | Official Muniments in Full Force |
| |) | and Effect Relating to Ownership |
| Appellees. |) | of Private Real Property, Nunc Pro |
| |) | Tunc |

Appellants David Gedo and Maria Sanchez hereby move this court to issue declaratory judgment relating to: 1. Appellants private real property rights according to Utah Code; and, 2. Presumptions, possession and use of Appellants State of Utah Recorded Real Property,(see Exhibit #1 - Warranty Deed, and, Exhibit #2 - Quit Claim Deed). Appellants request for declaratory judgment was properly and timely requested by Appellant and summarily denied by the trial court at Order to Show Cause hearing on September 11, 2003. Appellants mentioned request is based for and upon the following, to wit:

1. Whereas, this State of Utah has made arrangements by law to secure private real property for all Citizens with a quick, easy, simple and conclusive method by which controversies of ownership between different claimants may be

1 expeditiously resolved at minimum expense and infringement to the parties, and
2 according to Utah Code 78 – 12 – 7.1, wherein it is held “In every action for the
3 recovery of or possession of real property or to quiet title or to determine the
4 owner thereof the person establishing a legal title to such property shall be
5 presumed to have been possessed thereof within the time required by law; (see
6 Exhibit #1 and #2 to verify current official owner of record)

7 The Utah County Records office recording of official muniments which provide
8 for all of the above mentioned qualities to be referenced and applied to secure
9 ownership of real estate to State of Utah Citizens.

- 10 2. Whereas, according to Utah Code Unannotated, 78 – 33 – 1 Jurisdiction of
11 District Courts, which provides that District Courts “shall have power to declare
12 rights, status, and other legal relations by means of a declaratory judgment.”
13 Appellants requested declaratory judgment from the trial court at the inception of
14 this case, but the 4th District Court improperly denied to issue said declaratory
15 judgment according to law.
- 16 3. Whereas, pursuant to Utah Law, this mentioned power is deemed remedial in
17 nature “and is to be liberally construed and administered.” Utah Code Ann. 79 –
18 33 – 12 (2002); Lyon v. Bateman, 228 P. 2d 818, 820 (Utah 1951).
- 19 4. As in any legal matter that comes before this court, a declaratory judgment
20 request must satisfy certain preliminary requirements before it may merit
21 adjudication. Specifically, a declaratory action must satisfy four basic
22 requirements:
- 23 1. there must be a justiciable controversy;
 - 24 2. the interest of the parties must be adverse ;
- 25

3. the parties seeking relief must have a legal protectable interest in the controversy;

4. The issue between the parties must be ripe for judicial determination. See *Baird v. State*, 574 P. 2d 713 715 (Utah 1978); *Jenkins v. Swan*, 675 P. 2d 1145, 1148 (Utah 1983). To the extent that a claim fails any one of the above elements, the claim must be dismissed as a matter of law. See *Boyle v. National Union Fire Ins. Co.*, 866 P. 2d 595, 598 (Utah Ct. App. 1993).

SUMMARY OF THE ARGUMENT

Appellants allegations and claims against Appellee in the trial court show justiciability of the issues between them, sufficient personal interests on the part of Appellants to confer standing, the existence of a private right of action and ownership of Appellants parcel presumption in Appellants favor. Appellant claims are justiciable. Appellants have sufficient interest to confer standing. Appellants have a private right of action to seek relief as the recorded owners of the parcel of which this action is the subject matter. There are no special exceptions that warrant dismissal of a request for declaratory judgment on Appellants behalf in this action. Appellee can not overcome the need to adhere to mandatory law in the recordation, presumption of ownership, possession and control of the subject parcel in this matter according to law.

Argument

1. Justiciable Controversy

It is fundamental to the separation of powers doctrine that the judiciary be limited in its jurisdiction. See generally Utah Const. art. 5, §3 and § 5. Accordingly, any claim brought before a court must involve a justiciable controversy. Indeed, “[t]he necessity

1 of alleging in the pleading a justiciable controversy is regarded as of such importance as
2 to require the court to raise the question [on] its own motion (see "Baird v. State, 574 P.
3 2d at 716.), all of which the trial court refused to do following Appellants instant request.

4 In general, a justiciable controversy cannot involve the issuance of an advisory
5 opinion or impinge upon the powers lawfully granted to another branch of government.
6 See Williams v. University of Utah, 626 P.2d 500 (Utah 1981); Skokos v. Corradini, 900
7 P.2d 539 (Utah Ct. App. 1995). A justiciable controversy exists when a court has proper
8 jurisdiction over "an actual conflict between interested parties asserting adverse claims
9 on an accrued state of facts." Baird v. State, 574 P.2d at 715; accord Lyon v. Bateman,
10 228 P.2d at 821. In other words, hypothetical circumstances, general contentions, and
11 political questions do not give rise to a justiciable controversy.

12 In this case there is no question that the facts alleged in the Motion for
13 Declaratory Judgment are actual and not hypothetical. Appellants set forth specific
14 facts in their answer and counterclaim (see R.O.A. p. 20) at Defendants special
15 appearance for Order to Show Cause hearing of September 11, 2003, were Appellants
16 were summarily denied timely legally and lawfully requested, supported by Utah County
17 Recorder records, and also officially supported by Utah Code, Judicial Code 78 – 12 –
18 5, 5.1, 6., 7., 7.1, 9.,10.,11., 12., and properly and timely requested real estate law
19 declaratory judgment. It is in the absence of any alleged facts of ownership that Plaintiff
20 based not specific claims, but numerous generally vague assertions, all of which failed
21 to be supported by proper foundation of credible evidence for the introduction of any of
22 the alleged causes of action and fail to present any official muniments supporting
23 Appellees claim to legal ownership of the parcel, (see hearing Exhibit list R.O.A. p. 44)
24 Thus, this case does not violate the justiciable controversy requirement on grounds of
25 hypothetical facts or mere general contentions.

1 **2. Interests of the parties must be adverse.**

2 The parties interest are adverse in this case due to Appellees assertion and claim of
3 use and maintenance of Appellants parcel, all of which were misused by Appellee,
4 unlawfully sanctioned by judge Taylor and by which Appellee created criminal
5 simulations and criminal accusations based upon specious claims which were
6 unlawfully brought against Appellants during this action by Appellees and all of which
7 lack (sic) any evidence to support Appellees assertions, actions, presumptions, and / or
8 accusations against Appellant, and, certain of Appellees actions constitute crimes which
9 were imposed upon Appellants in this case by the Appellees, Appellees counsel in
10 concert and in collusion with the judge Taylor court, and the 4th District Court Clerk. The
11 foregoing facts are all highly indicative of an extremely prejudicial and invasive
12 unnecessary restraints imposed upon Appellants civil rights in a civil action in which
13 there were no time constraints and absolutely no reason to threaten to entrap
14 Defendants into long periods of imprisonment, and, to suffer at the hands of powerful
15 police intentionally keeping Appellants too busy and poor to take care of life essential
16 necessities, attempting to imprison Appellants for life, all of which facts are verifiable on
17 the court record and for circumstances that called for the court ordering Appellants use
18 and possession of Appellants parcel until this case is completely resolved, the same
19 way that that parcel had been used for decades, and all of which have corroborated
20 Appellees intent, opportunity, attempt and commission of criminal simulation, fraud and
21 wrongful appropriation to effect unlawfully possession of Appellants real estate.

22 **3. The parties seeking relief must have a legal protectable**
23 **interest in the controversy.**

24 Appellees claim upon Appellants parcel has no legally protectable interest due to
25 facts in this case which establish conclusively that Appellee has never had any interest

1 in Appellants parcel, and that Appellee failed to introduce evidence to the trial court of
2 any claim, interest, instrument or other involvement with Appellants parcel that would
3 have in the past or could presently establish any bona fide interests or claim by
4 Appellee against Appellants property, and, all of which were criminal simulations
5 created by Appellee, Appellees counsel and Appellees expert witnesses with intent to
6 assist Appellee to improperly and criminally obtain control and possession of the
7 subject parcel without Appellants consent, and, over Appellants objection, and, without
8 paying Appellant for Appellants property or use of Appellants property. The only party in
9 this action who possesses a legal protectable interest is Appellants and which is proven
10 by Appellants Recorded (see Exhibit #1 – Warranty Deed , and Exhibit #2 – Quit Claim
11 Deed) transfer of the property and payment for the property and history of complete tax
12 payments on the parcel by Appellant tax payment history, (see Exhibit #3, 2005 Utah
13 County Tax Notice) all of which qualifies Appellants claim and proof of ownership with
14 mentioned official documentation as the presumed owner of the subject parcel and with
15 all rights, privileges, duties, all of which is prima facia conclusive and requiring that
16 this court issue a declaratory judgment on Appellants behalf according to law and the
17 powers of this court to execute it's judicial responsibilities to protect all Citizens property
18 rights, forthwith.

19 **4. The issue between the parties must be ripe for judicial**
20 **determination.**

21 This action has resulted in Appellant being summarily deprived of Appellants property
22 for over 4 (four) years and indicates that Appellee has had ample time to present
23 evidence to the courts that Appellee has a valid claim upon the parcel. Appellee has
24 and continues to fail to show the court any evidence of justiciable issues upon which to
25 make any verifiable supportable claim against Appellant or Appellants parcel, all of

1 which makes this case more than ripe for this court of Appeals to summarily issue
2 declaratory judgment on Appellants behalf, based upon Appellants official recorded
3 muniments of ownership (See Exhibit #4 – Official Recorded Plat Map) and forthwith
4 order control and possession of Appellants parcel returned to Appellant. When this court
5 examines the official evidence introduced by Appellants at the preliminary hearing (see
6 R.O.A. p. 44), but which was refused and withdrawn by the court without notice by
7 either the court or Appellee to Appellant of the withdrawal of Appellants official
8 evidence and examines the absence of any official documentation in support of
9 Appellees claims, this court must, as a matter of law and justice, immediately return
10 Appellant back to status quo as Appellant was, that is in control of and official
11 possession and ownership of this parcel until improper actions by public officials and
12 private malfeasants may be rectified through remedial litigation and compensation, for
13 consequential injuries, all of which are officially established and can be conclusively
14 and officially proven and corrected by this court reversing the erroneous judgment of
15 the State of Utah 4th District Court in this matter.

16 17 **LACK OF JURISDICTION**

18 Whereas, based upon reasons and law mentioned above, it is clear and settled
19 that the trial court lacked jurisdiction over this case because the process by which
20 jurisdiction is obtained may not be waived by special appearance of the Appellant to
21 exclusively, specifically and specially move the trial court for declaratory judgment, nor
22 after such motion is denied, by his answering to the merits, which special appearance
23 answer was summarily ignored by the trial court and Appellee and resulted denying
24 Appellant the protections of well settled law which holds that jurisdictional issues are
25

1 waived only when, without having insisted upon it, Appellant answers the complaint.
2 Harkness v. Hyde,, 98 U.S. 476.

3 Whereas, Appellant continuously challenged the jurisdiction of the court and only
4 made special appearances to preserve the fact issue that the trial court lacked
5 jurisdiction to consider this case. Further, once jurisdiction is challenged, it must be
6 proven and asserted. Hagens v. Lavine, 415 U.S. 533, note 3. The court failed to
7 prove positively that it had jurisdiction over this case in response to Appellant invoking
8 jurisdictional issues by which the State of Utah Constitution and the Utah Code protect
9 and preserve Appellants property rights and by failing to issue Appellants instant
10 request for declaratory judgment properly and according to law.

11 Whereas, Appellee delivered "Notice of Lis Pendens" to this Appellant on
12 August 24th, 2001, which Notice is required by law. The Oran Dictionary Of The Law
13 (Copyright 1983) defines the term "Lis pendens 1. A pending law suit. 2. A warning
14 notice that title to property is in litigation and that anyone who buys the property gets it
15 with legal strings attached.", as warning to prospective purchasers and to inform them of
16 pending litigation against the title to such property and that purchase of the property
17 includes the possibility of being bound by adverse judgment. Appellant was not
18 informed of Appellees claim until 3 (three) years after Appellants purchase of the parcel,
19 all of which classifies any claim by Appellant against Appellant moot and voluntarily
20 relinquished by failure of Appellee to invoke any claim upon the parcel timely or
21 properly. Appellant are and have always been in possession of title to Appellants
22 parcel. Appellee does not and has never had any title that could be quieted by any
23 court and Appellee attempting to invoke quiet title action against (sic) Appellants is
24 ludicrous. Appellants have title, Appellants have deed, and Appellants have the
25 property description, but were, according to R.O.A. p. 47 - 50, served with this action

1 about 3 (three) years after Appellants had begun to make arrangements to purchase the
2 property financed by the seller, and of which Appellee was fully informed in person
3 continuously, with hundreds of opportunities during those 3 (three) years to speak with
4 Appellant after orally informing Appellants (sic) "that the lot had gone up the street
5 some were and was not there any more". Appellants proceeded to improve there
6 property normally, but had concerns about Appellees claim that (sic) "the lot had gone
7 up the street somewhere". Appellants then paid to have an official survey of the property
8 completed with painted property corners and pk nails driven into the asphalt which
9 permanently marked all property corners., Appellant then showed, established and
10 confirmed the property corners to Appellee, who personally agreed and recognized that
11 Appellants were informing him of the parcel property corners and boundary lines.
12 Incidentally, Appellants have observed that the pk nails used by Appellants surveyors
13 to conclusively and permanently mark all of the property corners of this parcel have
14 been removed from the asphalt driveway that Appellee placed on Appellants parcel.
15 Appellants never received notice of Appellees supposed claim until such issues were
16 moot, due to Appellee failing to timely provide lis pendings to Appellants when and while
17 Appellant was involved in the purchase of the parcel and transfer of title, and all of
18 which establishes that Appellee voluntarily acquiesced to the transfer of title, and,
19 Appellants ownership of the parcel.
20 Further, Appellee failing to act to make timely claim upon the parcel, when and while
21 Appellee was fully informed of the pending transfer of ownership for about 3 (three)
22 years, constitutes fully informed acquiescence to the transfer of ownership in the parcel,
23 and, subsequently establishes that Appellee permanently relinquished and extinguished
24 any claim based on any issue of which Appellee now claims as grounds for any interest
25 in this parcel. Appellees lis pendens delivered to Appellant 3 (three) years after the

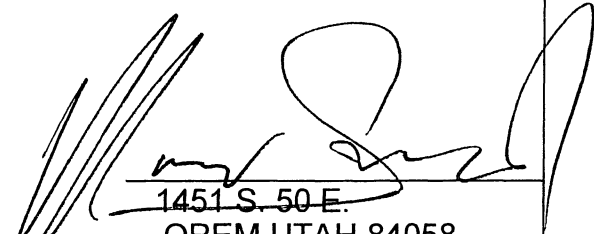
1 closing of Appellants transfer of ownership in this parcel is spot on, proof positive that
2 Appellees failed to lawfully inform Appellants of any claim Appellees would later or could
3 ever introduce or assert against this parcel and, further, the principles of collateral
4 estoppel prohibit Appellees claim, due to Appellees own actions and failures to act, from
5 being considered by this court, now and forever.

6 **Now Wherefore**, Defendant request this court of Appeals issue declaratory
7 judgment in this case, nunc pro tunc, and based for and upon the facts that the trial
8 court denied Appellants timely request for declaratory judgment at the September 11,
9 2003 Order to Show Cause hearing. The trial court should have dismissed Appellees
10 complaint based on clear and convincing facts that the court could not and cannot
11 affect any legal remedy in this case properly and that there is no issue of ownership in
12 the parcel based upon Appellants official valid muniments which specifically affirm
13 Appellants official survey of the parcel and the fact that Appellees complaint failed to
14 state a claim upon which relief may be granted, all of which resulted in that the trial
15 court lacked jurisdiction to hear this case, and which provided by law that the trial court
16 was duty bound to retain jurisdiction only to summarily dismiss Appellees complaint
17 instantly, as was appropriately requested by Appellant at the commencement of this
18 action 4 (four) years ago. Appellants hereby officially request this court order
19 Appellants be restored to status quo possession, and complete control of this subject
20 matter parcel, and, award Appellants reasonable litigation, fees for Appellees unlawful
21 possession, and damages for unwanted "improvements" upon Appellants parcel
22 committed by Appellee in violation of 4th District Court judge Hansen sua sponte order:
23 "Mr. Sudweeks is prohibited to making any improvements on the property." (See Exhibit
24 #5 – Court Minute Entry) And compel Appellees attorney, Brett Anderson to show
25 cause, if any he may have, for deleting that part of the courts orders, after the court

1 ordered Brett Anderson "Mr. Anderson will prepare the order.", then Mr. Anderson
2 intentionally, premeditated and maliciously (sic) failed to include that part in the just
3 mentioned order by the court, and of which Mr. Sudweeks was fully, completely and
4 timely warned by the court not to make any improvements on the parcel.

6 Dated this 30th day of November, 2005

7
8 
9
10 1451 S. 50 E.
OREM UTAH 84058
MIGUEL DAVID GEDO

11
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13 
14 1451 S. 50 E.
OREM UTAH 84058
15 MARIA SANCHEZ
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CERTIFICATE OF SERVICE

I certify that on this 30th day of November, 2005, I caused the foregoing;
**Interlocutory Motion, Re. Court of Appeals to Issue Declaratory Judgment
Affirming Presumption Of Governmental Correctness Confirming State of Utah
Recorder Official Muniments in Full Force and Effect Relating to Ownership of
Private Real Property, Nunc Pro Tunc;**
To be served upon the following person(s) by placing a true and correct copy of
The same in the U.S. mail, first class postage prepaid and addressed as follows:

Attorney for Appellees:
John and Deanna sudweeks
Brett C. Anderson
110 South Main St.
Pleasant Grove, UT 84062


MIGUEL DAVID GEDO

WHEN RECORDED RETURN TO:
Miguel David Gedo
1640 East 200 South
Pleasant Grove, Utah 84062

ENT 109680 BK 5241 PG 19
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
1999 Oct 12 9:09 am FEE 16.00 BY SS
RECORDED FOR EQUITY TITLE AGENCY INC

WARRANTY DEED

ALAN R. STRASBURG grantor(s)

of Pleasant Grove, County of Utah, State of UT her
Convey and Warrant to

MIGUEL DAVID GEDO

of Pleasant Grove, County of Utah, State of Utah grantee(s)

for the sum of TEN DOLLARS and other good and valuable consideration
the following described tract of land in Utah County, State of UTAH, to wit:

PARCEL 2: SEE ATTACHED EXHIBIT "A"

Sidwell No. 14:044:0059

Subject to covenants, conditions and restrictions of record.

WITNESS, the hands of said grantors, this 8th day of October 1999, A.D.
Signed in the presence of

Alan R. Strasburg
ALAN R. STRASBURG

STATE OF UTAH)
 : ss
COUNTY OF UTAH)

The foregoing instrument was acknowledged before me this 8th day of October, 1999, by _____

Alan R. Strasburg

Jacqueline Harward
Notary Public
Residing in: Orem ut

My Commission Expires: 12-8-2001

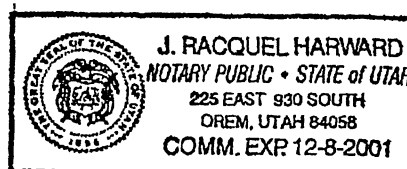


EXHIBIT #1

PARCEL 2

COMMENCING AT A POINT ON SOUTH SIDE OF BATTLE CREEK DRIVE, PLEASANT GROVE, UTAH, THENCE NORTH 89 DEG. 59' WEST ALONG THE SECTION LINE 2075.10 FEET AND SOUTH 720.02 FEET FROM THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 29' WEST ALONG A RETAINING WALL AND WELL EXTENDED 146.85 FEET, THENCE NORTH 89 DEG. 05' EAST 70.39 FEET, THENCE SOUTH 14 DEG. 44' EAST 119.29 FEET, THENCE SOUTH 89 DEG. 55' WEST 184.91 FEET, THENCE NORTH 13' EAST 260 FEET, THENCE NORTH 89 DEG. 05' EAST 84.45 FEET TO BEGINNING

LESS AND EXCEPTING:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, THENCE SOUTH 0 DEG. 27'58" EAST ALONG THE SECTION LINE 1382.51 FEET, THENCE NORTH 89 DEG. 49'36" WEST ALONG THE ONE-SIXTEENTH SECTION LINE 1386.88 FEET; THENCE NORTH 1 DEG. 45'27" WEST ALONG A FENCE LINE 37.88 FEET, THENCE SOUTH 89 DEG. 24'56" WEST 429.15 FEET; THENCE SOUTH 89 DEG. 13'32" WEST ALONG THE NORTH BOUNDARY OF PLAT "C", TIMP RIDGE ESTATES 879.87 FEET, THENCE NORTH 0 DEG. 05'48" WEST ALONG THE ONE-QUARTER SECTION LINE 468.22 FEET, THENCE NORTH 88 DEG. 32'53" EAST PARTIALLY ALONG A FENCE LINE 562.53 FEET, THENCE SOUTH 0 DEG. 12'46" EAST 132.75 FEET; THENCE NORTH 89 DEG. 29'14" EAST 184.19 FEET, THENCE NORTH 15 DEG. 09'46" WEST 119.29 FEET, THENCE NORTH 8 DEG. 06'12" EAST ALONG A FENCE LINE 148.31 FEET, THENCE NORTH 88 DEG. 39'14" EAST 204.56 FEET; THENCE NORTH 2 DEG. 00'13" WEST 69.49 FEET, THENCE NORTH 48 DEG. 15' EAST 172.00 FEET THENCE NORTH 64 DEG. 45' EAST 405.50 FEET, THENCE NORTH 19 DEG. 57' EAST 73.26 FEET, THENCE NORTH 17 DEG. 20'46" WEST 85.20 FEET, THENCE NORTH 42 DEG. 46'14" EAST 304.90 FEET; THENCE NORTH 89 DEG. 35'06" EAST ALONG THE SECTION LINE 1045.29 FEET TO THE POINT OF BEGINNING.

ALSO LESS AND EXCEPTING:

BEGINNING AT A POINT ON A FENCE CORNER, AT A POINT ON THE BOUNDARY LINE AGREEMENT AS RECORDED IN BOOK 2275-OF-848, SAID POINT BEING SOUTH 89 DEG. 35'07" WEST 1949.10 FEET ALONG SECTION LINE AND SOUTH 729.23 FEET FROM THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, THENCE SOUTH 8 DEG. 06'12" WEST 148.31 FEET ALONG A FENCE LINE. THENCE SOUTH 89 DEG. 59'43" WEST 71.61 FEET ALONG A FENCE LINE; THENCE NORTH 0 DEG. 05'19" EAST 146.13 FEET ALONG A FENCE LINE, THENCE NORTH 89 DEG. 33'35" EAST 92.30 FEET ALONG A FENCE LINE TO THE POINT OF BEGINNING.

ALSO LESS AND EXCEPTING

BEGINNING AT A FENCE CORNER ON THE SOUTH SIDE OF 200 SOUTH STREET (BATTLE CREEK DRIVE), PLEASANT GROVE, UTAH, WHICH POINT IS SOUTH 89°35'14" WEST ALONG THE SECTION LINE 2041.40 FEET AND SOUTH 729.35 FEET (BASED ON THE UTAH STATE COORDINATE SYSTEM, CENTRAL ZONE AND DATA PUBLISHED BY THE UTAH COUNTY SURVEYOR AS OF JANUARY 1986) FROM THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, THENCE SOUTH 00°05'19" WEST 137.87 FEET ALONG A FENCE LINE AS DESCRIBED IN A FENCE LINE BOUNDARY AGREEMENT ENTRY NO. 35388-92, BOOK 2966, PAGE 465; THENCE SOUTH 89°22'00" WEST 82.56 FEET TO A POINT ON A BOUNDARY LINE AGREEMENT ENTRY NO. 1746-86, BOOK 2275, PAGE 848, THENCE NORTH 00°12'46" WEST ALONG SAID BOUNDARY LINE AGREEMENT 8.63 FEET; THENCE SOUTH 88°32'53" WEST CONTINUING ALONG SAID BOUNDARY LINE AGREEMENT 0.50 FEET TO A FENCE LINE; THENCE NORTH 00°36'30" WEST 129.55 FEET TO THE SOUTH SIDE OF SAID 200 SOUTH STREET, THENCE NORTH 89°33'35" EAST ALONG SAID STREET 84.68 FEET TO THE POINT OF BEGINNING.

ALSO LESS AND EXCEPTING:

BEGINNING AT A POINT ON A BOUNDARY LINE AGREEMENT ENTRY NO. 1746-86, BOOK 2275, PAGE 848, WHICH POINT IS SOUTH 89°35'14" WEST ALONG THE SECTION LINE 1970.01 FEET AND SOUTH 875.99 FEET (BASED ON THE UTAH STATE COORDINATE SYSTEM, CENTRAL ZONE AND DATA PUBLISHED BY THE UTAH COUNTY SURVEYOR AS OF JANUARY 1986) FROM THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, THENCE SOUTH 15°09'46" EAST ALONG SAID BOUNDARY LINE AGREEMENT 119.29 FEET, THENCE SOUTH 89°29'14" WEST CONTINUING ALONG SAID BOUNDARY LINE AGREEMENT 184.91 FEET, THENCE NORTH 00°12'46" WEST CONTINUING ALONG SAID BOUNDARY LINE AGREEMENT 124.12 FEET, THENCE NORTH 89°22'00" EAST 82.56 FEET TO A FENCE LINE AS DESCRIBED IN A FENCE LINE BOUNDARY AGREEMENT ENTRY NO. 35388-92, BOOK 2966, PAGE 465, THENCE SOUTH 00°05'19" WEST 8.25 FEET ALONG A FENCE LINE AS DESCRIBED IN SAID BOUNDARY AGREEMENT, TO A FENCE LINE; THENCE NORTH 89°59'43" EAST 71.61 FEET ALONG SAID FENCE LINE AS DESCRIBED IN SAID BOUNDARY AGREEMENT, TO THE POINT OF BEGINNING.

Mail Tax Notice to:

Grantee

ACCOMMODATION

File No.

ENT 112443 BK 5248 PG 654
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
1999 Oct 19 3:58 pm FEE 19.00 BY SS
RECORDED FOR EQUITY TITLE AGENCY INC

QUIT CLAIM DEED

MIGUEL DAVID GEDO,

Grantors

of Pleasant Grove, Utah County, State of Utah, hereby QUIT-CLAIMS
to

MARIA ANGELICA SANCHEZ,

Grantees

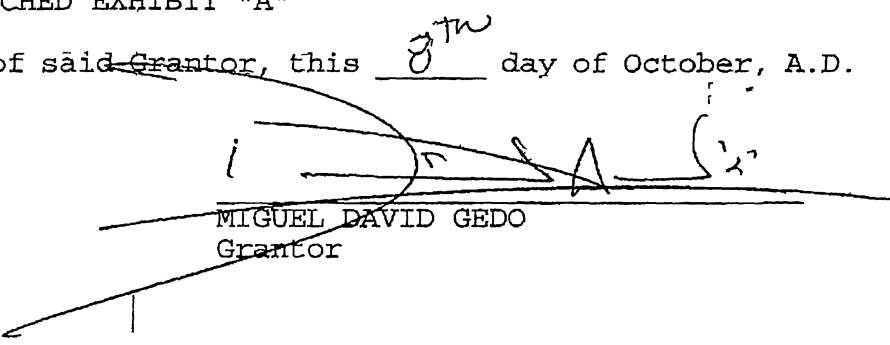
of Pleasant Grove, County of Utah, State of Utah

for the sum of TEN DOLLARS AND NO CENTS AND OTHER GOOD AND VALUABLE
CONSIDERATION

the following described tract of land in Utah County, State of
Utah:

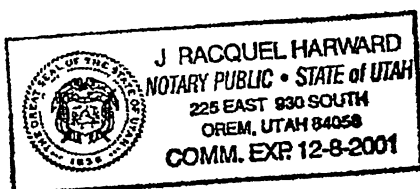
SEE ATTACHED EXHIBIT "A"

WITNESS, the hand of said ~~Grantor~~, this 8th day of October, A.D.
1999.


MIGUEL DAVID GEDO
Grantor

COUNTY OF UTAH)
 : SS
STATE OF UTAH)

SUBSCRIBED AND SWORN to before me this 8th day of
October, 1999, by MIGUEL DAVID GEDO, the signer of the foregoing
instrument, who duly acknowledged to me that he executed the
same.



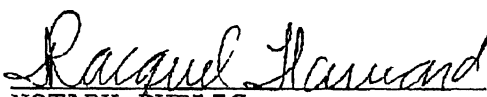

NOTARY PUBLIC
Residing at: Orem UT
My Commission Expires: 12-8-2001

EXHIBIT # 2

EXHIBIT "A"

PARCEL 1.

BEGINNING AT A POINT ON A BOUNDARY LINE AGREEMENT ENTRY NO. 1746-86, BOOK 2275, PAGE 848, WHICH POINT IS SOUTH 89°35'14" WEST ALONG THE SECTION LINE 1970.01 FEET AND SOUTH 875.99 FEET (BASED ON THE UTAH STATE COORDINATE SYSTEM, CENTRAL ZONE AND DATA PUBLISHED BY THE UTAH COUNTY SURVEYOR AS OF JANUARY 1986) FROM THE NORTHEAST CORNER OF SECTION 27 TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, THENCE SOUTH 15°09'46" EAST ALONG SAID BOUNDARY LINE AGREEMENT 119.29 FEET, THENCE SOUTH 89°29'14" WEST CONTINUING ALONG SAID BOUNDARY LINE AGREEMENT 184.91 FEET, THENCE NORTH 00°12'46" WEST CONTINUING ALONG SAID BOUNDARY LINE AGREEMENT 124.12 FEET, THENCE NORTH 89°22'00" EAST 82.56 FEET TO A FENCE LINE AS DESCRIBED IN A FENCE LINE BOUNDARY AGREEMENT ENTRY NO. 35388-92, BOOK 2966, PAGE 465, THENCE SOUTH 00°05'19" WEST 8.25 FEET ALONG A FENCE LINE AS DESCRIBED IN SAID BOUNDARY AGREEMENT, TO A FENCE LINE; THENCE NORTH 89°59'43" EAST 71.61 FEET ALONG SAID FENCE LINE AS DESCRIBED IN SAID BOUNDARY AGREEMENT, TO THE POINT OF BEGINNING

COMMENCING AT A POINT ON SOUTH SIDE OF BATTLE CREEK DRIVE, PLEASANT GROVE, UTAH, THENCE NORTH 89 DEG. 59' WEST ALONG THE SECTION LINE 2075.10 FEET AND SOUTH 720.02 FEET FROM THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 29' WEST ALONG A RETAINING WALL AND WELL EXTENDED 146.85 FEET; THENCE NORTH 89 DEG. 05' EAST 70.39 FEET; THENCE SOUTH 14 DEG. 44' EAST 119.29 FEET; THENCE SOUTH 89 DEG. 55' WEST 184.91 FEET; THENCE NORTH 13' EAST 260 FEET; THENCE NORTH 89 DEG. 05' EAST 84.45 FEET TO BEGINNING.

ENT 112443 BK 5248 PG 656

LESS AND EXCEPTING:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 0 DEG. 27'58" EAST ALONG THE SECTION LINE 1382.51 FEET; THENCE NORTH 89 DEG. 49'36" WEST ALONG THE ONE-SIXTEENTH SECTION LINE 1386.88 FEET; THENCE NORTH 1 DEG. 45'27" WEST ALONG A FENCE LINE 37.88 FEET; THENCE SOUTH 89 DEG. 24'56" WEST 429.15 FEET; THENCE SOUTH 89 DEG. 13'32" WEST ALONG THE NORTH BOUNDARY OF PLAT "C", TIMP RIDGE ESTATES 879.87 FEET; THENCE NORTH 0 DEG. 05'48" WEST ALONG THE ONE-QUARTER SECTION LINE 468.22 FEET; THENCE NORTH 88 DEG. 32'53" EAST PARTIALLY ALONG A FENCE LINE 562.53 FEET; THENCE SOUTH 0 DEG. 12'46" EAST 132.75 FEET; THENCE NORTH 89 DEG. 29'14" EAST 184.19 FEET; THENCE NORTH 15 DEG. 09'46" WEST 119.29 FEET; THENCE NORTH 8 DEG. 06'12" EAST ALONG A FENCE LINE 148.31 FEET; THENCE NORTH 88 DEG. 39'14" EAST 204.56 FEET; THENCE NORTH 2 DEG. 00'13" WEST 69.49 FEET; THENCE NORTH 48 DEG. 15' EAST 172.00 FEET; THENCE NORTH 64 DEG. 45' EAST 405.50 FEET; THENCE NORTH 19 DEG. 57' EAST 73.26 FEET; THENCE NORTH 17 DEG. 20'46" WEST 85.20 FEET; THENCE NORTH 42 DEG. 46'14" EAST 304.90 FEET; THENCE NORTH 89 DEG. 35'06" EAST ALONG THE SECTION LINE 1045.29 FEET TO THE POINT OF BEGINNING.

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COUNTY OF UTAH
I, THE UNDERSIGNED RECORDER OF UTAH COUNTY, UTAH,
DO HEREBY CERTIFY THAT THE ANNEXED AND FOREGOING IS A
TRUE COPY OF THE ORIGINAL RECORDED DOCUMENT IN THE
OFFICE RECORD IN MY OFFICE AS THE SAME APPEARS IN

ENTRY 112443; 99 PAGES 3

BOOK _____ AT PAGE _____

WITNESS MY HAND AND SEAL OF SAID OFFICE THIS 28th

DAY OF November 20 05

11. 28 2005 RANDALL A. COVINGTON, RECORDER



UTAH COUNTY TREASURER



(Form on reverse side)

Check here to receive a
2006 prepayment booklet
(Form on reverse side)****TAXES ARE DELINQUENT AT 5:00 PM, NOV. 30, 2005****Pay Online at www.utah.gov/utahproptax.org

Recorded owner as of JAN. 1, 2005

Pin #: 0438946
Serial #: 14:044:0059
District #: 070

V

2005 Amt. Due: \$14.17

14:044:0059
% NIELSON, KARI
GEDO, MIGUEL DAVID
775 E 150 N
AMERICAN FORK UT 84003-3018

1

Return this portion with your MAIL payment

Retain this portion for your records Your canceled check will be your receipt

2005 UTAH COUNTY TAX NOTICE
SEE REVERSE SIDE FOR IMPORTANT INFORMATIONMAKE CHECK PAYABLE TO UTAH COUNTY TREASURER
100 EAST CENTER, SUITE 1200, PROVO, UTAH 84606-3159

Recorded owner as of JAN. 1, 2005

Pin #: 0438946 District #: 070
Serial #: 14:044:0059 V% NIELSON, KARI
GEDO, MIGUEL DAVID
775 E 150 N
AMERICAN FORK UT 84003-30182005 TAXES: \$14.17
Adjustments: \$0.00
Total Payments: \$0.00

2005 Amt. Due: \$14.17

Property Description (not for legal documents)

COM S 735.14 FT & W 2069.64 FT FR NE COR. SEC. 27, T5S, R2E, SLB&M.; S 0 DEG 3'13"W 9.06 FT;
T; S 0 DEG 3'14"W 0.07 FT; S 89 DEG 33'35"W 56.38 FT; S 0 DEG 36'30"E 129.53 FT; N 88 DEG
32'53"E 0.5 FT; S 0 DEG 12'47"E 0.18 FT; S 88 DEG 32'52"W 29.43 FT; N 0 DEG 12'47"W 138.01
FT; N 88 DEG 39'13"E 84.45 FT TO BEG. AREA 0.101 AC.

Property Address

| Value of Property | | | Effective Tax Rate | Distribution of General Taxes | | |
|-------------------|---------------|--------------|-----------------------|-------------------------------|----------|--------|
| Type | Taxable Value | Market Value | | Taxing Unit | Tax Rate | Amount |
| Res Real Est | 1,156 | 1,156 | .008080 | ALPINE SCHOOL DIST | .008082 | 9.3 |
| | | | .000355 | ASSESSING | .000351 | .4 |
| | | | .001038 | UTAH COUNTY | .001040 | 1.2 |
| | | | .000398 | CENTRAL UT WATER | .000400 | .4 |
| | | | .000035 | NO. UTAH CNTY WATER | .000033 | .0 |
| | | | .002352 | PLEASANT GROVE CITY | .002349 | 2.7 |
| | 1,156 | 1,156 | .012258 | | .012255 | 14.1 |

EXHIBIT #3

200.



PROPERTY DESCRIPTION (RECORD)

COMMENCING SOUTH 735.14 FEET AND WEST 2069.64 FEET FROM THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; S00°03'13"W 906 FEET; S00°03'14"W 0.07 FEET; S89°33'35"W 56.38 FEET; S00°36'30"E 129.53 FEET; N88°32'53"E 0.5 FEET; S00°12'47"E 0.18 FEET; S88°32'52"W 29.43 FEET; N00°12'47"W 138.01 FEET; N88°39'13"E 84.45 FEET TO BEGINNING AREA 0.101 ACRES

PROPERTY DESCRIPTION (AS SURVEYED)

COMMENCING AT A POINT S89°35'13"W 2074.91 FEET AN S00°24'26"E 780.22 FEET FROM THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 SOUTH RANGE 2 EAST SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE S00°03'13"W 906 FEET TO A POINT ON THE NORTH LINE OF O'CONNOR'S PROPERTY; THENCE S89°33'35"W ALONG SAID PROPERTY LINE 56.38 FEET TO THE NORTHWEST CORNER OF SAID PROPERTY; THENCE S00°36'30"E ALONG THE WEST LINE OF SAID PROPERTY 129.53 FEET; THENCE N88°32'53"E 0.50 FEET; THENCE S00°12'47"E 0.18 FEET; THENCE S88°32'52"W 29.43 FEET; THENCE N00°12'47"W ALONG THE EAST LINE OF SEDWEEKS PROPERTY 138.01 FEET; THENCE N88°39'13"E 84.45 FEET TO THE POINT OF BEGINNING CONTAINS 4.44726 sq. ft. (0.102 acres)

BASIS OF BEARING

THE LINE BETWEEN THE NORTHEAST CORNER AND THE NORTH 1/4 CORNER OF SECTION 27, TOWNSHIP 5 SOUTH RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, BEARS SOUTH 89°35'13" WEST

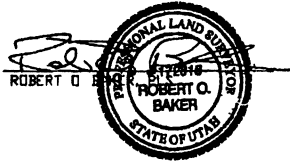
NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO ESTABLISH THE PROPERTY CORNERS FOR THE GEDO LAND PARCEL BETWEEN THE SEDWEEKS AND O'CONNOR PROPERTIES

SURVEYORS CERTIFICATE

I, Robert D. Baker, do hereby certify that I am a Professional Land Surveyor in accordance with the Laws of the State of Utah and that I hold License No. 172816. I further certify that I have made a survey of the above described parcel of land and found it as shown on this survey plat.

DATE: 05 OCT, 2000



00-~~1534~~ 567

| |
|-----------|
| REVISIONS |
| |
| |
| |

DARY SURVEY
D.H. GEDO
THE EAST CORNER OF SECTION 27,
CONS EAST, SALT LAKE BASE AND MERIDIAN.

| | |
|------------|--------------|
| DATE = | OCT. 5, 2000 |
| SCALE = | 1" = 20' |
| BY = | K. HONIG |
| TRACING NO | L-1405 |

4TH DISTRICT COURT, PROVO DEPT COURT
UTAH COUNTY, STATE OF UTAH

| | | |
|-------------------------------|---|-------------------------|
| JOHN R SUDWEEKS Et al, | : | MINUTES |
| Plaintiff, | : | TEMP RESTRAIN ORDER |
| | : | |
| | : | |
| VS. | : | Case No: 010402488 MI |
| | : | |
| MARIE ANGELICA SANCHEZ Et al, | : | Judge: STEVEN L. HANSEN |
| Defendant. | : | Date: August 8, 2001 |

Clerk: tarag
Reporter: BEATTY, MICHELLE
MICHELLB

PRESENT

Plaintiff(s): JOHN R SUDWEEKS
DEANNA SUDWEEKS
Defendant(s): MIGUEL DAVID GEDO
JAMES GEDO
Plaintiff's Attorney(s): BRETT C ANDERSON

HEARING

This matter comes before the Court for a Temporary Restraining Order.

Mr. Anderson submits opening statements. Mr. David Gedo submits opening statements.

COUNT: 10:57

John Sudweeks is sworn and testifies on direct by Mr. Anderson.

COUNT: 11:25

Alan Trasper is sworn and testifies on direct by Mr. Anderson. Cross by Mr. Gedo. Redirect by Mr. Anderson. Recross by Mr. Gedo.

COUNT: 12:04

John Sudweek is sworn and testifies on direct by Mr. Gedo. Court recesses.

COUNT: 12:39

Court resumes with all counsels and parties present.

COUNT: 12:39

Mr. Gedo continues to question Mr. Sudweeks on direct. Cross by

Case No: 010402488
Date: Aug 08, 2001

Mr. Anderson. Redirect by Mr. Gedo.

COUNT: 1:21

Deanna Sudweeks is sworn and testifies on direct by Mr. Gedo.

COUNT: 1:30

Mr. Gedo recalls Mr. Sudweeks.

COUNT: 1:38

David Gedo is sworn and testifies on his own behalf. Cross by Mr. Anderson.

COUNT: 2:01

James Gedo is sworn and testifies on his own behalf. Cross by Mr. Anderson.

Closing arguments by Mr. Gedo. Closing argument by Mr. Anderson.
Final argument by Mrs. Gedo.

COUNT: 2:20

Court recesses.

COUNT: 2:37

Court resumes with counsel and all parties present.

The Court grants plaintiff's motion for temporary restraining order. The Court denies defendant's motion for temporary restraining order.

The Court orders the Gedo's to stay away from the Sudweeks. Mr. Sudweeks is prohibited to making any improvements on the property. Mr. Anderson will prepare the order.

September 11, 2003

IN THE FOURTH JUDICIAL DISTRICT COURT
OF UTAH COUNTY, STATE OF UTAH, PROVO DEPARTMENT

125 North 100 West, Provo, Utah 84601

JOHN R. SUDWEEKS, and
DEANNA SUDWEEKS,

Plaintiffs, (Pf)

vs.

MARIA ANGELICA SANCHEZ,
MIGUEL DAVID GEDO, JAMES GEDO,
JOHNNY RAY O'CONNOR, and
MARTHA O'CONNOR.

Defendants (Def)

Request for Change
of Judge, URCR 63b

Civil No. 01-0402488

Judge: Taylor

Def states:

Whereas, Def appeared today for Order to Show Cause in the instant case
For alleged unlawful telephone calls to Pf by Def; and,
Whereas, Court asked Pf if Pf wanted jail time commitment for Def if Court
Found Def in Contempt; and,
Whereas, Def Requested Jury Trial for the issue, which was denied by the Court
Due to summary Contempt proceedings, ex parte, or any other reason the Court
Wanted to intimidate Def with incarceration in this Civil case; and,
Whereas, Utah Code 76-2-402 holds that "A person is justified in threatening or
Using force against another when and to the extent that he or she reasonably believes
That force is necessary to defend himself or a third person against such others imminent
Use of unlawful force"; and,
Whereas, said Utah Code Section 402 does not hold that justification contingent on the
Existence of an Injunction; and,
Whereas, Pf is and was the aggressor, as Pf in this case; and,
Whereas, Pf in concert with Pleasant Grove City police and this Court bailiffs are
Ready, able and willing to enforce their Criminal oppression of Def through any and
All of the following patterns of conduct, which are irrevocably recorded on this Court,
Police, and Pf records, to include the following crimes against Def by Pf, to wit;

1. Forcible Felony against Disabled Adult Def.
2. Aggravated Assault
3. Attempted Mayhem
4. Attempted Aggravated Murder
5. Attempted Manslaughter
6. Kidnapping

7. Rape
8. Forcible Sodomy
9. False Arrest
10. False Imprisonment
11. Entrapment
12. Robbery
13. Theft
14. Extortion
15. Giving a False Alarm
16. Witness Tampering
17. Tampering with Evidence
18. Fraud
19. False Swearing
20. Abuse of Contempt Powers
21. Racketeering
22. Perjury
23. Fraudulent handling of Recordable writings.
24. Written False Statements *; and,*

Whereas, Constitution of Utah, Article 1, Section 15 declares that "No law shall Be passed to abridge or restrain the freedom of speech"; and,
 Whereas, Constitution of Utah also guarantees this Def Freedom of Speech under Reasonable circumstances, which Pf, and this Court are actively suppressing Def right to be heard, to enter issues to this Court, to talk to anybody Def wants To talk to, or say anything to; and,
 Whereas, Utah Code also holds that "All provisions of this Code and Offenses Defined by the Laws of this State shall be construed according to the Fair import Of their terms to promote justice and to effect the objects of the Law; and,
 Whereas, due to the fact that Def cannot afford to pay any attorney to defend Against Pf stealing Def property, this Court and Pf act like they will do anything They want to Def, as Def will have no recourse or compensation for any injury or Theft by Pf from Def, which converts any of Pf actions into Law unlimited for Pf and against Def, which violates Def Civil Rights to justice enforced by this Court, Which existence has been solely to safeguard justice for everyone, not just thieves that Have stolen enough to pay their chronies, that is Lawyers, to steal for them and use this Court to help them steal; and,
 Whereas, Constitution of Utah, Section 10 states "In capital cases, the right of trial by Jury shall remain inviolate. A jury in civil cases shall be waived unless demanded";
 Wherefore, Def Request jury trial for this case; and,
 Wherefore, Def Request the Court and Pf prepare to explain and justify to this Def, Def jury, and the Grand Jury exactly what is being done to this Def by esteemed Professional Court and licensed Attorney, to reduce, enslave, destroy Def, who is Fully protected by State of Utah Constitution enumeration of Def Civil Rights; and,
 Whereas, Court set trial date for this case on Dec 15th 16, 2003; and,

Whereas, Court set trial date less than 30 (thirty) days from this hearing; and,
Whereas, Def Requested Jury trial within seconds of trial date setting by Court; which
Was the earliest opportunity to Request jury; and,
Whereas, Court ruled that Def timely Request for Jury Trial is denied due to requirement
Of Jury demand be noticed more than 30 (thirty) days before trial; and,
Whereas, Court intentionally set trial date less than 30 days from today's date, to facilitate
denial of Def Right to Jury Trial, as guaranteed in State of Utah Constitution; and,
Whereas, Court and Pf have extorted Def into Involuntary Servitude and Slavery, both
Of which are expressly prohibited by Article 1, Section 21 of State of Utah Constitution,
By issuing Injunction against Def use of Def property; and,
Whereas, Def right to be secure from unreasonable searches and seizures has been
violated by Court and Pf seizing Def property without cause, without payment, and
Against Law; and,
Whereas, every Action by Pf in this case has deprived Def of Def property or control
Over Def property with purpose to deprive Def thereof; and,
Wherefore, Def Request this Court Show Cause for assisting Pf to steal Def parcel,
which have paid all taxes assessed by Utah County Assessor, which automatically
Precludes any Adverse Possession Claim by Pf; and,
Whereas, Def paid to have an Official Survey of Def parcel and marked all property
Corners, which was done, delineating property boundaries and incontrovertibly
Establishing the existence of and ownership of Def parcel by Def; and,
Whereas, Utah Code 76-6-404 holds that "A person commits theft if he obtains
Or exercises unauthorized control over the property of another with purpose
To deprive him thereof"; and,
Whereas, Pf has not received authority from the only person that can authorize
Use of Def property, that is the owner of record, sic, the Def; and,
Wherefore, Pf possession of Def property that is the subject of this Action must
Be Criminal before this Court and Pf should be summarily punished for stealing
Def property; and,
Wherefore, Def Request Pleasant Grove Police be Ordered by this Court to
Prosecute Pf forthwith for Theft of Def property; and,
Whereas, the Court acted improperly by directing Def witness to "Shut up" during
Def examination, however conducted by Def neophyte courtroom style, which the
Court should liberally accommodate, and not expect Def to know the intricacies of
Formal Court hearings, as this Def has no education involved in Courtroom strategies
And is protected by United States Supreme Court holdings that "Pro Se litigants should
be held to less stringent standards than well practiced Attorneys;" and,
Whereas, the Court included instructions to Def as if Def is an experienced attorney
Intentionally disrespecting the Court, or Court process, indicative of Court unlawfully
Holding Def to stringent attorney standards, which is misconduct by this Court; and,
Whereas, Pf has violated Utah Code 76-10-1601 Racketeering Enterprises, by
kidnapping, theft, obstruction of justice, false or inconsistent material statements, and
Other Crimes against Def involving use and possession of Def verifiably Paid for Real
Property that is the subject matter of this misaction by Pf and Court; and,
Whereas, Def Demanded Counsel be appointed if the Court didn't approve of Def
Litigation, to which Court denied, stating "This is a Civil action, and you are not entitled
To Court appointed Counsel.", and "You have waived that Right because you didn't rob
A bank to pay for an attorney to stop Pf Theft of your real estate; and,

Wherefore, Def is still entitled to be Heard by this Court as a matter of absolute Right, As Citizen Def is still Owner of this Court due to the fact that Def PAID for this Court; and,

Whereas, Court denied Def timely Request Counsel and Jury Trial when Court was Threatening and asking Pf if they wanted Jail time; and,

Whereas, Court attempted to intimidate Def by having 3 (three) bailiffs enter the Courtroom as if to take Def into custody; and,

Whereas, Court improperly instructed a witness "you don't have to answer that" which Was highly prejudicial, criminal, and Contempt of State judicial powers that are entrusted And sworn to be Lawfully administered by Court presumed lawful conduct, and against ethical standards of Judicial Conduct and Administration; and,

Whereas, Judge Taylor previously ruled, during trial, on Def 63b Recussal of Judge Eyre During Def criminal trial, that was conducted extemporaneously, and denied; and,

Whereas, the Court stated "Yeah, Judge Eyre did all those things you are complaining about, but what are you going to do about it" and then overruled Def Recussal; and,

Whereas, subsequently, on rotation, the same issues were noticed to Judge Davis, who Stated that he would "correct" violations of Law committed by Pleasant Grove City Prosecutor Tina Peterson and move forward to correct the Double Jeopardy; and,

Whereas, Def, then represented by Attorney Scott Card, recused Judge Davis for Incompetency; and,

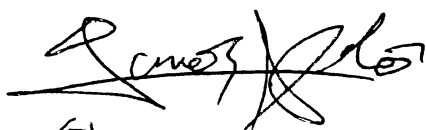
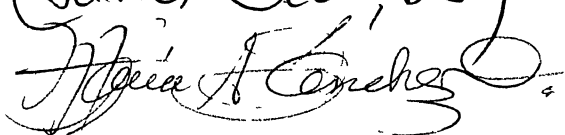
Whereas, the case was then transferred to Judge Burningham, who subsequently Reviewed and entirely Dismissed Pleasant Grove City Complaint; and,


Whereas, that mentioned Court case went before 6 (six) Judges, that was Judge Bullock, Judge Leslie, Judge Eyre, Judge Davis, Judge Taylor, and finally before Judge Burningham, who was competent enough to make an intelligent ruling of Law, and dismiss the three year ongoing Infraction Charge that cost Def \$700,000.00 (sevenhundred thousand dollars) and resulted in permanent recussal of all involved Judges from Def Cases, including Judge Taylor; and,

Whereas, Judge Taylor summarily ejected Def Counsel and brother, Dave Gedo, From Court, thereby denying Def Right to the assistance of Counsel of Choice; and, Whereas, said ejectment left Def without assistance to litigate a hearing crucial to Def defense, and invokes the Automatic Reversal Rule holding "No Counsel, No Conviction".

Wherefore, Def Request Court Show Cause for getting together with Pf to arrange The legalized theft of Def property by force, which is War against this State of Utah Constitution, Article I, Section 19, wherein Treason is defined; and Wherefore, said definition of Treason requires two (2) witnesses, which are James Gedo and David Gedo.

Wherefore, Def Request Judge Taylor Recuse himself from this case and Transfer to another Judge.


(James Gedo, Def)



Miguel D. Gedo

FILED IN
4TH DISTRICT COURT
STATE OF UTAH
UTAH COUNTY

MAR 1 3 35 PM '02

IN THE FOURTH JUDICIAL DISTRICT COURT, IN AND FOR

UTAH COUNTY, STATE OF UTAH

| | | |
|------------------------|---|--|
| Subweeks | : | |
| | : | |
| Plaintiff, (Pf.) | : | Demand to Quash |
| | : | Complaint, Terminate |
| v. | : | Injunction, Attorneys and |
| Dave Gorb | : | Award Litigation Attorneys Fees |
| State of Utah Recorder | : | Civil No. -201-0402488 |
| Defendant. (Def, Pf.) | : | Judge |

Def. states,

Whereas, Court granted Pf. injunction to possess
Def. real property improperly due to unknown reasons to
Def. and,

Whereas, Utah Law holds that "In no case shall adverse
possession be established unless it shall be shown that the
land has been occupied and claimed for the period of seven
years continuously, and that the party have paid all the

taxes which have been levied and assessed upon such land according to Law"; and,

Whereas, Pt. did not show, and could not have shown that Pt. occupied and claimed the land for the period of seven years continuously; and

Whereas, Pt. did not inform Dt. of Pt. ongoing claim ~~and~~ at any time prior to Pt. complaint; and

Whereas, Pt. did not show with any evidence, that Pt. occupied the land continuously for seven years prior to filing Pt

Complaint; and,

Whereas, Pt. did not show receipt of payment of all the taxes which have been levied and assessed upon said land according to law. because Pt. did not pay any taxes on the land; and

Whereas, all Taxes on said land have been paid by Dt. and the prior owner Alan Strassburg, as verifiable at County

Recorders office; and

Whereas, Pt. refused to acknowledge Dt. official survey of the land after Dt. paid for survey and marked all property boundaries bona fide; and

Whereas, Pt. refuses and continues to have Pt. lot surveyed, for unknown reasons to Dt; ~~and~~ to establish property boundaries; and,

Whereas, Pt. knows exactly where the boundary is between Pt and Dt. properties, and ~~he~~ claims not to know so he can continued ~~to~~ use Dt. property for free.
justify

Whereas, State of Utah, Recorder office has all the necessary proof of Df. payment of Taxes, plat maps showing Df. lot and its placement and dimensions in relation to all the contiguous lots surrounding Df. lot, and, the names of all Lot owners, including Pf. and Df., as official, stamped and confirmed documents; and Whereas, the Court held that Df. proof of said plat maps, tax payments and other evidence were inadmissible due to unavailability of the personnel from Recorder Office to testify the authenticity of said documents; and

Whereas, Df. requests that the Clerk of the Court be sent to Recorder Office to verify all entered or refused evidentiary documents that are the only proofs available to Df. that were ~~the~~ necessary to lawfully establish Df. ownership and possession of said real estate; or to confirm the authenticity of said documents and establish into evidence the necessary parameters of the investigation by Court and Quash Pf. Complaint; and/or

Whereas, Df. request the Recorder Office be ordered to appear and testify of the authenticity and reliability of before mentioned evidence; and, Whereas, Pf. did not have any physical evidence presented to the Court to support Pf. claim, possession, or tax payment by Pf. for the property in controversy, and, whereas, Pf. relied solely on Pf. perjured testimony, that he had claimed the land, improved it, paid the taxes, etc. and the Court sided it in, for unknown to Df., reasons; and,

Whereas, the Court also issued preliminary injunction to dispossess Df. of Df. property without Jury trial, as guaranteed absolute Df. rights; and,

Whereas, the Court, in possible and indicated pattern of some type of Collusion with Pf. attorney, failed to defer to Df. unrepresented ~~re~~ ~~to~~ poverty), ~~and~~ status, held Df. to the letter of the law as if Df. is an attorney, and maliciously deprived Df. of Real Estate that was bought and paid for, verifiably, by Df., and

Whereas, Pf. did not offer to pay either the former owner, Alan Strasburg or the current owner, for use of property he did not own and benefited Pf., an outright theft which goes directly to credibility, ~~and~~ ~~to~~ ~~the~~ motives of Pf. and should completely discredit ~~on~~ all of Pf. testimony; and,

Whereas, Pf. is an interested witness and Plaintiff, which further substantially, derogates Pf. credibility, before this Court; and

Whereas, Df. is and has been ripped off by the Pf. and the Court in this case, stealing property from Df. because Df. cannot hire counsel; and,

Whereas, maybe this is another shining example of the "justice for all" clause of Pledge of Allegiance to these United States, right? right; and,

Wherefore, Df. request the Court Quash Pf. Complaint due to the following reasons, to wit;

1. Pf. has failed to establish claim with or without any documentation
2. Pf. only claim is subjectively ~~and~~ not based on merit or was verifiable, recorded, substantial, real or relevant evidence
3. Pf. has coveted Df. driveway which is contiguous to Pf. East boundary for a long time and finally forced paid that to help him steal it - Pf. attorney; ^{sig} and,
4. Pf. has failed to establish continuous possession for seven years, or any other amount of time

5 DF. has offered proof positive of possession continuous with official Recorded verifiable evidence that is/was uncontradicted by PF.
6. PF. presented numerous Official State Documents to PF and the Court negating any possibility of an adverse possession under requirements of Law, but were not entered in to evidence due to some specious objections by PF hired thief.

wherefore, DF. requests the Court Quash PF. Complaint and also any Order of the Court ~~as to~~ ^{as to} possession of said parcel for ~~plain~~ ^{indisputable} causes before listed; and,

wherefore, DF. request Court Quiet Title to DF. and return possession to DF. forthwith, and

wherefore, DF request the Court Order PF. to pay DF a reasonable ~~amount~~ amount in the \$10,000.00 range for PF. attempted legal theft of DF. property, and limitation of said property; and
wherefore, DF request PF. counsel be severely disciplined and disbarred for prosecuting a frivolous, meritless, causeless Complaint with absolutely no evidence to support the Action; and,
wherefore, if the Court contraverts any of DF. accusations, insinuation, or outright claims of legalized theft, then DF invites the Court & Plaintiff to convene a Jury of DF. peers and we will all have a real party when DF. exposes, ridicules, holds u to the line, and humbles the lazy thieves before said Jury; and

Whereas, Df is ready, willing, and able to easily accomplish before stated results, so, if anybody wants to mess with Pf. any more, bring it on, lets see your ugly faces, grotesque bodies, and depraved jackasses, do it to Df. in front of Df peers and with Df. bailiffs in the Court room. Lets see how that goes. Lets see what your really, is, when Df socks it to you; and, Whereas, Df. ^{and Court} have tolerated enough of Pf. 'pretends', to wit

1. "Pretend" Df. is physically violent after Pf provokes Df. by theft, vandalism, taunting, denigration, calling Police, etc., to obtain injunction.
2. "Pretend" the property Pf wants is Pf just because it is next to Pf. lot.
3. "Pretend" possession for more than 7 (seven) years to establish adverse possession claim.
4. "Pretend" Pf has ~~occupied~~ ^{occupied} property continuously for seven years.
5. "Pretend" Pf. does not know exactly where Pf. property line is; "Pretend" to pay all taxes levied on property.
6. "Pretend" that Pf. claimed said property more than seven years ago, with no legal documents to verify it.
7. "Pretend" that Df. official survey is invalid.
8. "Pretend" improvement to property without documentation.

Whereas, due to all the listed pretensions, it is manifest to this Court that Pf. has no cause of action against Df, has no evidence to support Pf. ludicrous claim against Df., does not and never has owned ~~the~~ or paid for claimed property, and should not prevail in any way against Df.; and, Wherefore, any questions? Converse Jury and we will settle it with them.

1N

Utah County, State of Utah, Prob Dept.

John Subweeks,

~~State of~~

Plaintiff, (PF)

Turner Gede

Dave Gede

State of Utah Survey

Defendants, (DF, Def)

4TH DISTRICT COURT - Dismissing
STATE OF UTAH
Quit Title and

MAR 1

3:34 PM '02
~~Notice of~~

~~Appeal, and,~~

~~Order to Show~~

~~Cause~~ Defense
Request for ~~Att~~

Fees \$10,000.00

Request to Quit Land
~~and~~ Orders.

DF, Defendant states;

Whereas, Defendant lost Temporary Restraining Order
Hearing on about 2001, and, consequently,

Whereas, now DF. is being unlawfully deprived of use
of Defendants Own Real Property; and,
Whereas, DF request prompt disposition of this pending matter; and,
Whereas, now DF. cannot legally enter DF. own real estate,
use it exclusively or in any way, or keep trespassers (squatters)
off said Parcel; and

Whereas, DF. has promptly paid all Tax and fees of the
State of Utah assessed; and,

Whereas, presumably, Actions of the State are Prima Facie
Correct; and,

Whereas, DF now needs and requests State of Utah be
Ordered to Show Cause ~~at~~ with the Correct Survey, exact ~~to~~

Parcel of Property that DF. has Paid all Taxes on
previously, and, bring sufficient documents to Discover and Establish

010402486 JUDGE: MAR 30

with ample certainty of corroborative evidence, the
Precise Records that will confirm Def. ownership of Designated

and, as follows; Exhibit A

EMT 64616 BK 3507 PG 856

BEGINNING at a fence corner on the South side of 200 South Street (Battle Creek Drive), Pleasant Grove, Utah, which point is South 89 degrees 35'14" West along the section line 2041.40 feet and South 729.35 feet (based on the Utah State Coordinate System, Central Zone and Data published by the Utah County Surveyor as of January 1986) from the Northeast Corner of Section 27, Township 5 South, Range 2 East, Salt Lake Base and Meridian; thence South 00 degrees 05'19" East 137.87 feet along a fence line as described in a Fence Line Boundary Agreement Entry No. 35388-92, Book 2966, Page 465; thence South 89 degrees 22'00" West 82.56 feet to a point on a Boundary Line Agreement Entry No. 1746-86, Book 2275, Page 848; thence North 00 degrees 12'46" East along said Boundary Line Agreement 0.53 feet; thence South 88 degrees 32'53" West continuing along said Boundary Line Agreement 0.50 feet to a fence line; thence North 00 degrees 36'30" West 129.57 feet to the South side of said 200 South Street; thence North 89 degrees 33'35" East along said street 84.68 feet to the point of beginning.

whereas, Plaintiff has admitted to using property ~~for~~ over 20 years enjoying, benefitting from the property, never paying the owner of the property for anything relating to use of the property; and

whereas, after all the value that Plaintiff extracted from the use of property, has not offered or paid to the Owner of property, a very substantial amount in excess of \$150,000.00; and,

whereas Plaintiff has by his own admission used the property notoriously; and
whereas Plaintiff never informed Defendant of Plaintiff's intent to not only use the property, but ultimately steal the property with an adverse possession claim ~~as~~ as deceptive, fraudulent outright theft manifest; and,
whereas, Plaintiff has coveted Def. property for many years; and,
whereas, Plaintiff has now justified in his own mind the property is now Plaintiff's for a lot less than free; and,

Whereas, Plaintiff has succeeded in taking possession of property, and
Defendants objections; and,

Whereas, Plaintiff knows that Defendant is impoverished, cannot
pay, hire or afford an Attorney to competently Defend Plaintiff
Action; and,

Whereas, a serious injustice would be done to Defendants if
Plaintiff were assisted to steal Defendants property by the Court; and

Whereas, an adverse possession Claim should not be entertained in any
case that DF. is ~~paying~~ making payments on the property periodically, obviously
DF is taking physical care involvement of said property confirming
DF ownership and current maintenance of parcel, automatically precluding

any adverse possession claim; and

Whereas, due to said payments being claimed by PF. Action, maybe Court
would explain to DF. exactly what DF. is paying for: someone else's
claim and possession of Real Property? and Paying their taxes, also? ^{per}

Whereas an adverse possession claim, by law, could not accrue the required
seven year possession time period because DF. has not owned said
real property for more than 7 years; and,

Whereas, maybe PF. is saying wrong DF. since previous owner is
really the party who had an interest in property at time of claim; and,

Whereas, two people could repeatedly claim adverse possession of any property
and take it from any payment purchaser repeatedly, leaving the payment
payer with nothing after 10 years of paying, and one of the owners would
keep property perpetually, and all payments, also; ~~which~~ ^{which} would be theft; and
wherefore, DF. request PF. complaint be Dismissed with Prejudice, due to all before stated/
listed reasons.

Q

A →

not signed
12/8/00
W. A. Meyer

IN THE FOURTH JUDICIAL DISTRICT COURT, IN AND FOR
UTAH COUNTY, STATE OF UTAH

R. Schwab
vs. S. V. V. V.
Plaintiff,

v.
ed D. Gede
vs. Gede
Defendant (Def., et)

:
:
:
:
:
:
:
:
:
:
:

Affidavit and
Request for
Disqualification
of Judge ~~and~~ Nunc Pro Tunc and
Certificate of Contd

Civil No. 01-0402488

Judge HANSEN

Defendant states;

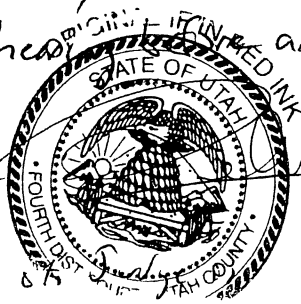
Whereas, Judge Hansen has been Disqualified by
Def. in a prior case ~~and~~, this year; and
Whereas, Def. did not realize that Judge was the
judge that Def. previously disqualified until after
Def. received Mail from the Court after the hearing in which
said Judge granted Plaintiff everything Plaintiff wanted, which
is possession of Def. parcel of Real Property and the Temporary
Restraining Order and request injunction that excluded Def.
from Def. Real Estate; and,

Whereas, said Judge would not allow introduction of evidence from the State of Utah Recorder which conclusively proved Def. Ownership of Def. Real Property in controversy, and Whereas, said Judge then and there used Def. legal description to specify exactly which property Def. would be excluded from, first with a Temporary Restraining Order, then with a permanent injunction, which is Def. property, ~~wherefore~~, Def. Requests that the Judge in this case be ~~Disqualified Nunc Pro Tunc~~ and all rulings made by said Judge in this case ~~be~~ be Quashed pending another meaningful hearing by a Qualified Judge.

~~Wherefore, further Affiant says not.~~

Whereas, said Statute, informed, specious and contemptible actions by the Court in this case is strongly corroborative evidence that Judge Hansen is prejudiced and biased against Def. wherefore, Def. Requests that Judge Hansen be Disqualified, Nunc Pro Tunc, and all ruling made by said Judge be Quashed pending a meaningful hearing by another and impartial Judge; and Wherefore, further Def. ^{Affiant} says naught.

Def. certifies that this Disqualification is made in good faith.



[Signature]

FILED
Fourth Judicial District Court
of Utah County, State of Utah
§ 8-016 Deputy

IN THE FOURTH JUDICIAL DISTRICT COURT
OF UTAH COUNTY, PROVO DEPARTMENT, STATE OF UTAH

| | | |
|---------------------------|---|-----------------------|
| Miguel V. Gede |) | |
| James L. Gede |) | MOTION FOR |
| Plaintiffs, |) | TEMPORARY RESTRAINING |
| vs. |) | ORDER |
| |) | |
| John R. Subareak |) | Civil No. 01-0402488 |
| John R. Subareak |) | |
| Johnny Ray O'Connor ET AL |) | Judge: District 47 |
| Defendants. |) | |

Plaintiffs state;

Whereas, the Defendants have admitted they have seen,
and are currently using Plaintiffs real property parcel/s and,
Whereas, Defendants have no right, title or valid claim upon
Plaintiffs property.

Wherefore, Plaintiffs motion the Court for a Temporary Restraining
Order to compel Defendants to vacate said property
until this case is completely litigated

IN THE FOURTH JUDICIAL DISTRICT COURT,
COUNTY OF UTAH, STATE OF UTAH

Dave Gedo, et al
Defendants,

John Sudweeks, et al
Plaintiffs

Answer

Case # 010402436C
Unknown

HAUSER

Defendant states,
Defendants answer Complaint by Plaintiffs as follows;

Defendants deny the substantial allegations
in Plaintiffs complaint, and,

Defendants countersuit against Plaintiffs for;

1. Use of Defendants property since 1999 by
Plaintiffs without authorization
2. Attempted theft of said property through
an adverse possession claim by Plaintiffs
against Defendants.
3. Conspiracy of Plaintiffs and P.C. Police
and zoning officials to harass Defendant to
lose said property.

4. Depriving Defendants of use of Defendants property by parking vehicles and storing various items on Defendants property without Defendants permission and over Defendants Objection.

5. Assault by Plaintiff ~~and~~ John S. Swedes on Defendant Dave Gels during a Court hearing


6. The intentional disregard of Plaintiff ~~of~~ the Official Survey done on the instant ~~pro~~ real property and for removing one of the boundary markers secretly placed by said Surveyors hired by Defendants, to positively establish all the property boundaries of Defendants property.

7. ~~The~~ Plaintiff impersonation^{of} the P.G. Police calling Defendant at ~~11:00~~ 12:00 midnight to remove Defendant trucks off Defendants property or they would tow said truck immediately.

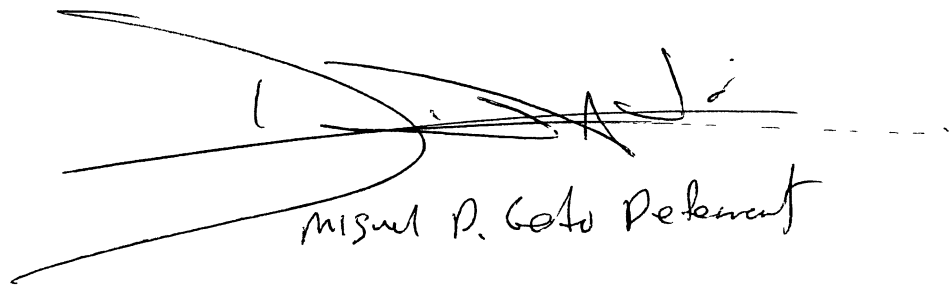
8. Plaintiffs and Plaintiffs' attorney conspiring and perjuring themselves by making false statements and conclusions of law included in Plaintiffs' complaint,
9. Such other and further relief as may be claimed by Defendants against Plaintiffs as established by the Court after trial.

Wherefore, Defendants ~~do~~ request the Court schedule a Trial date set certain for a Bench Trial at the soonest date available.

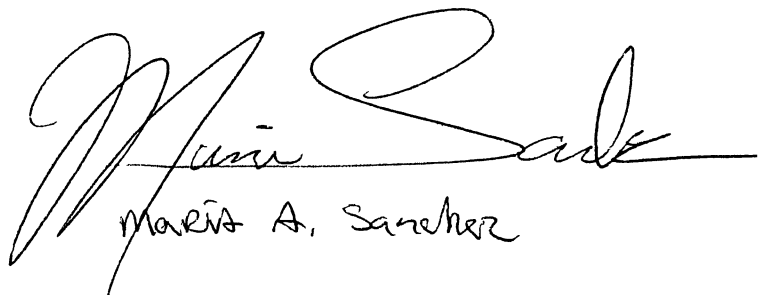
Dated May 26th, 2001



James Goto, Defendant



Miguel P. Goto Defendant



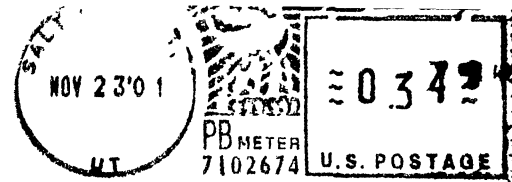
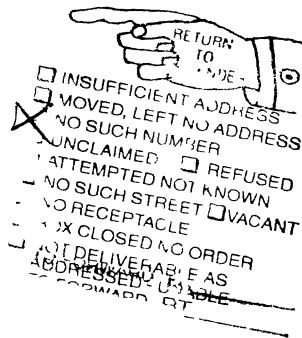
MARIA A. Sanchez

Fourth District Court

STEVEN L. HANSEN, JUDGE
125 North 100 West
Provo, Utah 84601

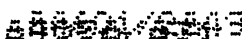
RETURN SERVICE REQUESTED

76



76

MIGUEL DAVID GEDO
371 EAST 155 SOUTH
OREM UT



**IN THE FOURTH JUDICIAL DISTRICT COURT
UTAH COUNTY, STATE OF UTAH**

JOHN R SUDWEEKS and DEANNA
SUDWEEKS,

Petitioner/Plaintiff(s),

vs.

MARIA ANGELICA SANCHEZ, MIGUEL
DAVID GEDO, JAMES GEDO, JOHNNY
RAY O'CONNOR, and MARTHA
O'CONNOR,

Respondent/Defendant(s).

**NOTICE RE: EX PARTE
COMMUNICATION**

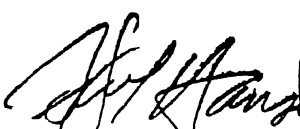
Case #010402488

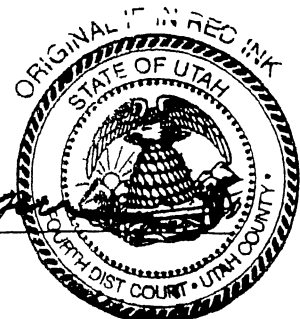
Judge Steven L. Hansen

Division 7

THE COURT notes to the litigants in the above-entitled matter that it has received the attached letter from the defendants, Miguel and James Gedo. The documents are an ex parte communication with the Court and may not be considered by the Court unless resubmitted in compliance with the Utah Rules of Civil Procedure. Further, the Court is prohibited under the law from giving legal advice to the defendants. The subject documents have been unread and filed in the court file.

Dated this November 21, 2001


STEVEN L. HANSEN
District Court Judge



CERTIFICATE OF NOTIFICATION

I certify that a copy of the attached document was sent to the following people for case 010402488 by the method and on the date specified.

| METHOD | NAME |
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| Mail | JAMES GEDO DEFENDANT 361 WEST 800 NORTH PROVO, UT 84601 |
| Mail | MIGUEL DAVID GEDO DEFENDANT 371 East 155 South Orem UT |
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| Mail | BRETT C ANDERSON ATTORNEY PLA 306 West Main Street American Fork UT 84003 |
| Mail | GORDON DUVAL ATTORNEY PLA 110 SOUTH MAIN STREET PLEASANT GROVE UT 84062 |

Dated this 21st day of Nov, 2001.

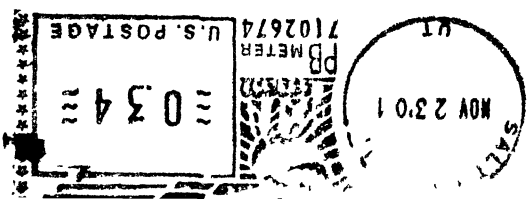
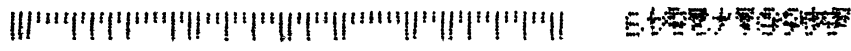
ABrown
Deputy Court Clerk

Fourth District Court
 STEVEN L. HANSEN, JUDGE
 125 North 100 West
 Provo, Utah 84601

RETURN SERVICE REQUESTED

☐ RETURN TO SENDER
☒ INSUFFICIENT ADDRESS
☒ MOVED, LEFT NO ADDRESS
☒ NO SUCH NUMBER
☐ UNCLAIMED
☐ REFUSED
☐ ATTEMPTED NOT KNOWN
☐ NO SUCH STREET
☐ NO RECEPTACLE
☐ BOX CLOSED NO ORDER
☐ NOT DELIVERABLE AS ADDRESSED
☐ UNDELIVERABLE

MARIE ANGELICA SANCHEZ
371 EAST 155 SOUTH
OREM UT



74A

**IN THE FOURTH JUDICIAL DISTRICT COURT
UTAH COUNTY, STATE OF UTAH**

JOHN R SUDWEEKS and DEANNA
SUDWEEKS,

Petitioner/Plaintiff(s),

vs.

MARIA ANGELICA SANCHEZ, MIGUEL
DAVID GEDO, JAMES GEDO, JOHNNY
RAY O'CONNOR, and MARTHA
O'CONNOR,

Respondent/Defendant(s).

**NOTICE RE: EX PARTE
COMMUNICATION**

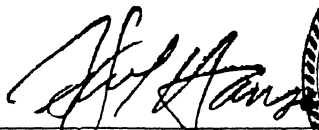
Case #010402488

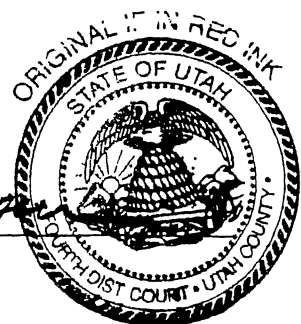
Judge Steven L. Hansen

Division 7

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STEVEN L. HANSEN
District Court Judge



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| Mail | GORDON DUVAL ATTORNEY PLA 110 SOUTH MAIN STREET PLEASANT GROVE UT 84062 |

Dated this 21st day of Nov, 2001.

ABrown
Deputy Court Clerk

Fourth District Court

STEVEN L. HANSEN, JUDGE

North 100 West

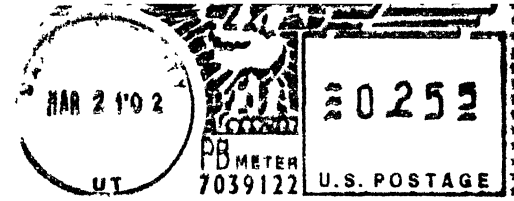
Provo, Utah 84601

RETURN SERVICE REQUESTED

4TH DISTRICT COURT
PROVO DISTRICT
UTAH

2007 MAR 28

PRESS HERE
FIRST CLASS

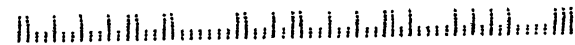


97

JAMES GEDO
361 WEST 800 NORTH
PROVO UT 84601

GED0361 844012005 1102 05 03/24/07
RETURN TO SENDER
GED0 MOVED LEFT NO ADDRESS
UNABLE TO FORWARD
RETURN TO SENDER

AAEEN415 440303243



**IN THE FOURTH JUDICIAL DISTRICT COURT
UTAH COUNTY, STATE OF UTAH**

| | |
|--|---|
| <div>JOHN R. SUDWEEKS, and DEANNA SUDWEEKS,</div> <div>Plaintiffs,</div> <div>vs.</div> <div>MARIA ANGELICA SANCHEZ, MIGUEL DAVID GEDO, JAMES GEDO, JOHNNY RAY O'CONNOR, and MARTHA O'CONNOR.</div> <div>Defendants.</div> | <div>MEMORANDUM DECISION</div> <div>Case No. 010402488</div> <div>Date: March 20, 2002</div> <div>Judge Steven L. Hansen</div> |
|--|---|

Before the Court is Plaintiffs' Motion to Strike Defendants' Demand to Quash Complaint, Terminate Injunction, Litigation Fees, and Motion to Strike Defendants' Request for Dismissal Quiet Title and Request for Defense Fees. The Court having reviewed all relevant memoranda, now grants Plaintiffs' Motions.

Defendants Miguel David Gedo and James Gedo have submitted to the Court a Demand to Quash Complaint, Terminate Injunction. and Award Litigation Fees. In addition, Defendants have submitted a Request for Dismissal Quiet Title and Request for Defense Fees. Both pleadings are hand-written and neither of the pleadings includes a Certificate of Mailing indicating that the pleadings were properly served on Plaintiffs.

Rule 10(d) of the Utah Rules of Civil Procedure provides that all pleadings shall be typewritten or printed and "all typing or printing shall be clearly legible." Rule 10(f) provides that parties may be required to substitute properly prepared pleadings for nonconforming pleadings. Additionally, Rule 5(d) provides that papers filed with the court "shall be accompanied by a certificate of service showing the date and manner of service completed by the person effecting

service ” The Court concludes that Defendants’ pleadings are illegible As a result, understanding the basis of Defendants’ arguments is virtually impossible In addition, no mailing certificate has been filed with the Defendants’ pleadings Therefore, Defendants’ Demand to Quash Complaint, Terminate Injunction, Litigation Fees, and Defendants’ Request for Dismissal Quiet Title and Request for Defense Fees are stricken Defendants’ shall submit properly prepared pleadings

Plaintiffs’ counsel is to prepare an order consistent with this ruling and submit it for the Court’s signature

DATED this 20 day of March, 2002

BY THE COURT


STEVEN L. HANSEN, JUDGE




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| Mail | BRETT C ANDERSON ATTORNEY PLA 306 West Main Street American Fork UT 84003 |

Dated this 20 day of March, 20 02.


Deputy Court Clerk

Fourth District Court

STEVEN L HANSEN, JUDGE

~~125~~ North ~~100~~ West

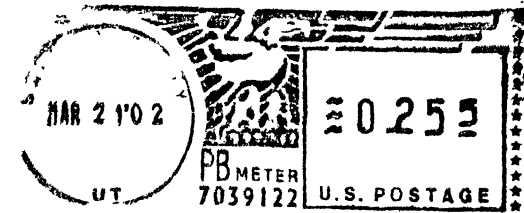
Provo, Utah, 84601

RETURN SERVICE REQUESTED

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2002 JUL 28

QUESTIONS:
FIRST TIME



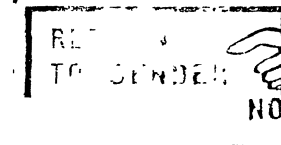
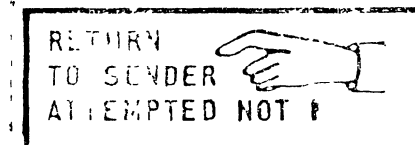
95%

MARIE ANGELICA SANCHEZ

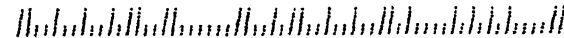
361 WEST 800 NORTH

PROVO (IT 84601

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ААБЗ 21-152606-9



**IN THE FOURTH JUDICIAL DISTRICT COURT
UTAH COUNTY, STATE OF UTAH**

| | |
|--|--|
| <div>JOHN R. SUDWEEKS, and DEANNA SUDWEEKS,</div> <div>Plaintiffs,</div> <div>vs.</div> <div>MARIA ANGELICA SANCHEZ, MIGUEL DAVID GEDO, JAMES GEDO, JOHNNY RAY O'CONNOR, and MARTHA O'CONNOR.</div> <div>Defendants.</div> | <div>MEMORANDUM DECISION</div> <div>Case No. 010402488</div> <div>Date: March 20, 2002</div> <div>Judge Steven L Hansen</div> |
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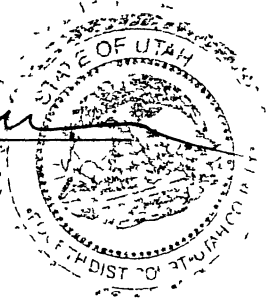
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Plaintiffs’ counsel is to prepare an order consistent with this ruling and submit it for the Court’s signature

DATED this 20 day of March, 2002

BY THE COURT


STEVEN L. HANSEN, JUDGE




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| Mail | MARIE ANGELICA SANCHEZ DEFENDANT 371 East 155 South Orem UT 84061 |
| Mail | BRETT C ANDERSON ATTORNEY PLA 306 West Main Street American Fork UT 84003 |

Dated this 20 day of March, 20 02.


Deputy Court Clerk

Fourth District Court

STEVEN L. HANSEN, JUDGE

125 North 100 West

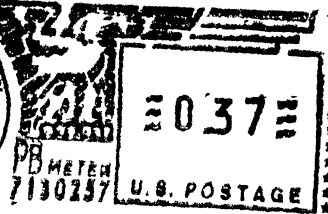
Provo, Utah 84601

RETURN SERVICE REQUESTED

MLNA

MIGUEL DAVID GEDO
PO BOX 970002

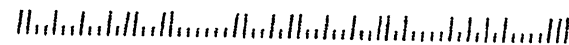
[REDACTED]



115K

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UNABLE TO DELIVER ADDRESS
- ☐ Unable To Forward
 - ☐ Attempted - Not Known
 - ☐ Unclaimed
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 - ☐ Insufficient Address
 - ☐ Refused
 - ☐ No Such Number
- Rt. _____ Init. _____

43

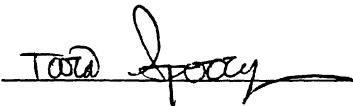


4TH DISTRICT COURT, PROVO DEPT COURT
UTAH COUNTY, STATE OF UTAH

| | | |
|---------------------------|---|-------------------------|
| JOHN R SUDWEEKS et al., | : | NOTICE OF |
| Plaintiff, | : | PRETRIAL CONFERENCE |
| | : | |
| | : | |
| vs. | : | Case No: 010402488 MI |
| | : | |
| MARIE ANGELICA SANCHEZ et | : | Judge: STEVEN L. HANSEN |
| al., | : | Date: June 19, 2003 |
| Defendant. | : | |

PRETRIAL CONFERENCE is scheduled.
Date: 07/23/2003
Time: 09:00 a.m.
Location: Second floor, Rm 203
FOURTH DISTRICT COURT
125 N 100 W
PROVO, UT 84601
Before Judge: STEVEN L. HANSEN

Dated this 19 day of June, 2003.


District Court Deputy Clerk

IF YOU NEED AN INTERPRETER, PLEASE NOTIFY THE COURT at
(801)429-1046(five days before your hearing, if possible). In all
criminal cases and in some other proceedings, the court will
arrange for the interpreter and will pay the interpreter's fees.
You must use an interpreter from the list provided by the court.

Case No: 010402488
Date: Jun 19, 2003

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this proceeding should call CHRIS at (801)429-1112 at least three working days prior to the proceeding.

Case No: 010402488
Date: Jun 19, 2003

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| METHOD | NAME |
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| Mail | MIGUEL DAVID GEDO DEFENDANT P O BOX 970002 OREM UT 84097 |
| Mail | JOHNNY RAY O'CONNOR DEFENDANT 1640 E Battlecreek Dr Pleasant Grove UT 84062 |
| Mail | MARTHA O'CONNOR DEFENDANT 1640 E Battlecreek Dr Pleasant Grove UT 84062 |
| Mail | MARIE ANGELICA SANCHEZ DEFENDANT 361 W 800 N PROVO UT 84061 |
| Mail | BRETT C ANDERSON ATTORNEY PLA 110 S MAIN PLEASANT GROVE UT 84062 |
| Mail | MIGUEL DAVID GEDO DEF 361 W 800 N PROVO UT 84061 |

Dated this 19 day of June, 2003.

Case No: 010402488
Date: Jun 19, 2003


Deputy Court clerk

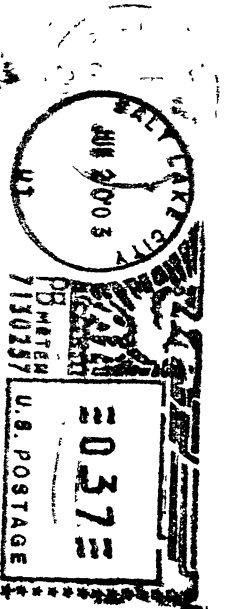
Fourth District Court

STEVEN L. HANSEN, JUDGE
125 North 100 West
Provo, Utah 84601

RETURN SERVICE REQUESTED

STATE OF UTAH
JUL 8 10 47 AM '08

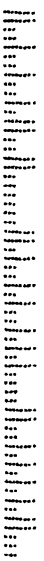
MARIE ANGELICA SANCHEZ
361 WEST 800 NORTH
PROVO UT 84061



119A



846011193919




4TH DISTRICT COURT, PROVO DEPT COURT
UTAH COUNTY, STATE OF UTAH

| | | | |
|------------------------|------------|---|-------------------------|
| JOHN R SUDWEEKS | et al., | : | NOTICE OF |
| | Plaintiff, | : | PRETRIAL CONFERENCE |
| | | : | |
| | | : | |
| vs. | | : | Case No: 010402488 MI |
| | | : | |
| MARIE ANGELICA SANCHEZ | et | : | |
| al., | | : | Judge: STEVEN L. HANSEN |
| | Defendant. | : | Date: June 19, 2003 |

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| Mail | BRETT C ANDERSON ATTORNEY PLA 110 S MAIN PLEASANT GROVE UT 84062 |
| Mail | MIGUEL DAVID GEDO DEF 361 W 800 N PROVO UT 84061 |

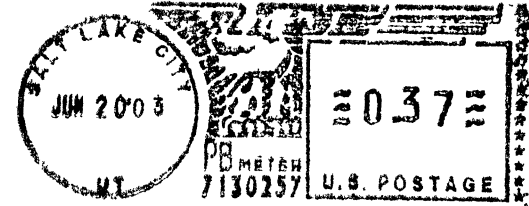
Dated this 19 day of June, 2003.

Case No: 010402488
Date: Jun 19, 2003

Tina Spay
Deputy Court clerk

Fourth District Court
STEVEN L. HANSEN, JUDGE
125 North 100 West
Provo, Utah 84601

RETURN SERVICE REQUESTED



1237

JUL 8 10 47 AM '03

JAMES GEDO
361 WEST 800 NORTH
PROVO UT 84061




4TH DISTRICT COURT, PROVO DEPT COURT
UTAH COUNTY, STATE OF UTAH

| | | | |
|------------------------|------------|---|-------------------------|
| JOHN R SUDWEEKS | et al., | : | NOTICE OF |
| | Plaintiff, | : | PRETRIAL CONFERENCE |
| | | : | |
| | | : | |
| vs. | | : | Case No: 010402488 MI |
| | | : | |
| MARIE ANGELICA SANCHEZ | et | : | |
| al., | | : | Judge: STEVEN L. HANSEN |
| | Defendant. | : | Date: June 19, 2003 |

PRETRIAL CONFERENCE is scheduled.
Date: 07/23/2003
Time: 09:00 a.m.
Location: Second floor, Rm 203
FOURTH DISTRICT COURT
125 N 100 W
PROVO, UT 84601
Before Judge: STEVEN L. HANSEN

Dated this 19 day of June, 2003.


District Court Deputy Clerk

IF YOU NEED AN INTERPRETER, PLEASE NOTIFY THE COURT at
(801)429-1046(five days before your hearing, if possible). In all
criminal cases and in some other proceedings, the court will
arrange for the interpreter and will pay the interpreter's fees.
You must use an interpreter from the list provided by the court.

Case No: 010402488
Date: Jun 19, 2003

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this proceeding should call CHRIS at (801)429-1112 at least three working days prior to the proceeding.

Case No: 010402488
Date: Jun 19, 2003

CERTIFICATE OF NOTIFICATION

I certify that a copy of the attached document was sent to the following people for case 010402488 by the method and on the date specified.

| METHOD | NAME |
|--------|--|
| Mail | JAMES GEDO DEFENDANT 361 W 800 N PROVO, UT 84061 |
| Mail | MIGUEL DAVID GEDO DEFENDANT P O BOX 970002 OREM UT 84097 |
| Mail | JOHNNY RAY O'CONNOR DEFENDANT 1640 E Battlecreek Dr Pleasant Grove UT 84062 |
| Mail | MARTHA O'CONNOR DEFENDANT 1640 E Battlecreek Dr Pleasant Grove UT 84062 |
| Mail | MARIE ANGELICA SANCHEZ DEFENDANT 361 W 800 N PROVO UT 84061 |
| Mail | BRETT C ANDERSON ATTORNEY PLA 110 S MAIN PLEASANT GROVE UT 84062 |
| Mail | MIGUEL DAVID GEDO DEF 361 W 800 N PROVO UT 84061 |

Dated this 19 day of June, 2003.

Case No: 010402488
Date: Jun 19, 2003

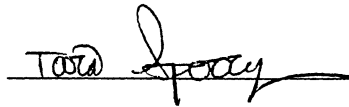
Tara Sperry
Deputy Court Clerk

4TH DISTRICT COURT, PROVO DEPT COURT
UTAH COUNTY, STATE OF UTAH

| | | | |
|------------------------|------------|---|-------------------------|
| JOHN R SUDWEEKS | et al., | : | NOTICE OF |
| | Plaintiff, | : | PRETRIAL CONFERENCE |
| | | : | |
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| Mail | MIGUEL DAVID GEDO DEF 361 W 800 N PROVO UT 84061 |

Dated this 19 day of June, 2003.

Case No: 010402488

Date: Jun 19, 2003

Tina Sperry
Deputy Court Clerk

FILED
FOURTH JUDICIAL DISTRICT COURT
OF UTAH COUNTY, STATE OF UTAH
2003 AUG 11 PM 1:49

Brett C. Anderson, #8134
HANSEN WITT MORLEY & ANDERSON, P. C.
Attorney for Plaintiffs
110 South Main Street
Pleasant Grove, Utah 84062
Telephone: (801) 785-5350
Facsimile: (801) 785-0853

**IN THE FOURTH JUDICIAL DISTRICT COURT OF UTAH COUNTY
STATE OF UTAH, PROVO DEPARTMENT**

125 North 100 West, Provo, Utah 84601

**JOHN R. SUDWEEKS, and
DEANNA SUDWEEKS,**

Plaintiffs,

vs.

**MARIA ANGELICA SANCHEZ
MIGUEL DAVID GEDO, JAMES GEDO,
JOHNNY RAY O'CONNOR, and
MARTHA O'CONNOR.**

Defendants.

AMENDED COMPLAINT

Case No. 01-0402488

Judge James R. Taylor

COME NOW, Plaintiffs, John R. Sudweeks and Deanna Sudweeks, by and through counsel, Brett C. Anderson, of the law firm Hansen Witt Morley & Anderson, P.C. and Complain against the Defendants above named, and allege as follows:

1. Plaintiffs are individuals residing in Utah County, State of Utah.
2. Defendants Maria Angelica Sanchez, Miguel David Gedo, James Gedo, Johnny Ray O'Conner and Martha O'Conner, are individuals residing in Utah County, State of Utah.
3. Plaintiffs own two parcels of real property in Pleasant Grove City, Utah County, State of Utah (the "Sudweeks Property"), one parcel which is described in the Warranty Deed from Joseph Best and Elaine P. Best to Plaintiffs, dated June 21, 1972, and recorded June 22, 1972 as Entry No. 9195, Book 1279 and Page 224 of the Records of the Utah County Recorder's Office, and the second

parcel which is described in the Warranty Deed from Boyd M. Collings and Geraldine L. Collings to Plaintiffs, dated August 25, 1972 as Entry No. 13361, Book 1290 and Page 108 of the Records of the Utah County Recorder's Office. A copy of each of these Deeds is attached hereto as Exhibit "A" and Exhibit "B" to this Complaint.

4. The Sudweeks have been the sole and exclusive owners of the above described parcels since they purchased the same in 1972.

5. Defendants Johnny Ray O'Conner and Martha O'Conner are the owners of a parcel of real property in Pleasant Grove City, County of Utah, State of Utah (the "O'Conner Property"), which is located directly to the east of Plaintiffs' parcels, above described, as referred to in the Warranty Deed from Susan S. Hardinger to Defendants O'Conner dated August 10, 1994 as Entry No. 64616, Book 3507 and Pages 855 and 856 of the Records of the Utah County Recorder's Office. A copy of the Deed is attached hereto as Exhibit "C".

6. Defendant Maria Angelica Sanchez and Defendant Miguel David Gedo claim an ownership interest in real property in Pleasant Grove City, County of Utah, State of Utah (the "Subject Property"), which is described in the Quit Claim Deed from Miguel David Gedo to Maria Angelica Sanchez dated October 8, 2000 and recorded October 19, 1999 as Entry No. 112433, Book 5248 and Pages 654-656 of the Records of the Utah County Recorder's Office. A copy of this Deed is attached hereto as Exhibit "D" to this Complaint.

7. The subject real property parcel is approximately 33 feet wide and lies directly between the Sudweeks Property on the east, and the O'Conner property on the west, and is the subject of this action.

8. The subject real property parcel and the O'Conner Property were part of a larger tract of land which was owned by the Defendants' predecessors in interest.

9. The boundary between the O'Conner Property on the west and the subject real property parcel on the east is marked by a fence and driveway, which have both been in existence for a long time, and the fence was erected by the Plaintiffs shortly after the purchase of their parcels in 1972.

10. The corresponding boundary line which is marked by the fence and driveway, has been recognized and treated by the parties and their predecessors in interest as the boundary between the subject real property parcel on the west and the Plaintiff's property on the east since 1972 when the Plaintiffs purchased their two parcels which are above described.

11. The Plaintiffs have reasonably believed that their property line extended up to the fence and driveway line since they purchased their parcels in 1972, and they have continued to use and occupy the same since that time, and have planted fruit trees, grass, plants, and have laid an asphalt pad on the same.

12. Defendants Miguel David Gedo, James Gedo and Maria Angelica Sanchez did knowingly and intentionally drive a wrecking truck upon and did park the same on the Plaintiff's property directly in front of the Plaintiff's motor home.

13. The parking of the wrecking truck does prohibit the Plaintiffs from using their motor home since they cannot remove it from their property.

14. Notwithstanding the demands from Plaintiffs to Defendants Miguel David Gedo, James Gedo and Maria Angelica Sanchez, requesting that the wrecking truck be removed from in front of Plaintiffs' motor home, said Defendants have refused to remove the wrecking truck from in front of Plaintiffs' motor home, claiming said Defendants have title to the subject property as above described.

FIRST CAUSE OF ACTION

(Quiet Title)

15. Plaintiffs re-allege and incorporate all of the foregoing paragraphs herein by this reference.

16. Plaintiffs are the record owners of the two parcels of real property as described in paragraph 3 herein.

17. Plaintiffs have been the sole and exclusive fee simple owners of said two parcels of real property since they acquired the same in 1972.

18. Plaintiffs have solely and exclusively used and occupied the said two parcels of real property since they acquired the same in 1972, to the exclusion of all others.

19. Plaintiffs have been the sole and exclusive fee simple owners of the subject 33 foot wide parcel described in paragraph 6 herein to the exclusion of all others since Plaintiffs acquired the same in 1972.

20. Plaintiffs have solely and exclusively used and occupied the said subject 33 foot wide parcel of real property described in paragraph 6 herein, to the exclusion of all others.

21. Plaintiffs are entitled to a decree and order quieting title in Plaintiffs, and against Defendants herein named, in the parcels of real property described in Paragraphs 3 and 6 herein.

SECOND CAUSE OF ACTION

(Boundary by Acquiescence)

22. Plaintiffs re-allege and incorporate all of the foregoing paragraphs herein by this reference.

23. Plaintiffs have occupied their respective property and treated it as their own up to the line which is marked by a fence and driveway on the east side of the subject 33 foot wide parcel which is claimed to be owned by Defendant Sanchez and Defendant Miguel David Gedo,

and Plaintiffs have so occupied the same continuously since 1972.

24. Defendants or their predecessors in interest have occupied their respective property only up to and on the east side of the fence, driveway and corresponding line, which fence, driveway and corresponding line are located on the east side of the subject 33 foot wide parcel claimed to be owned by Defendant Sanchez and Defendant David Miguel Gedo.

25. The parties and their predecessors in interest have acquiesced in the boundary line, which is marked by the fence and driveway, and corresponding line, as the boundary between the O'Conner property and the Sudweeks property.

26. The Plaintiffs and Defendants O'Conner are adjoining landowners, as were Plaintiffs and Defendant O'Conner's predecessors in interest.

27. Plaintiffs are entitled to a decree of the Court determining that the fence, driveway and corresponding line on the east side of the subject parcel, above described, is the boundary between the O'Conner Property and the Sudweeks Property.

28. In the alternative to the Quiet Title Claim, Plaintiffs are entitled to a decree of the Court determining that Plaintiffs have acquired sole and exclusive title to the above described 33 foot wide subject parcel via the doctrine of boundary by acquiescence.

THIRD CAUSE OF ACTION

(Prescriptive Easement)

29. Plaintiffs re-allege and incorporate all of the foregoing paragraphs herein by this reference.

30. Plaintiffs have openly used and occupied the subject parcel which is described in paragraph 6 above and have treated it as their own up to the line which is marked by a fence and driveway on the east side of the parcel which is claimed to be owned by Defendant Sanchez and Defendant Miguel David Gedo, and Plaintiffs have so occupied the same continuously since

1972.

31. During Plaintiffs' use and occupation of the subject parcel, Plaintiffs have erected a fence, planted trees, grass and plants, and have constructed an asphalt pad on the subject property and used the same to park their motor home.

32. Plaintiffs' use of the subject parcel has at all times been adverse to the Defendants and their predecessors in interest.

33. Plaintiffs' use of the subject parcel has at all times been notorious.

34. In the alternative to the Quiet Title and Boundary by Acquiescence claims, Plaintiffs are entitled to a decree of the Court determining that the Plaintiffs have a prescriptive easement in the subject parcel which runs with the same, and that said prescriptive easement shall include all of the subject parcel up to the fence and driveway line on the east side of the same, and it shall provide for the use of parking vehicles, growing and maintaining plants, trees, and grass, and other typical and general uses.

FOURTH CAUSE OF ACTION

(Trespass by Miguel David Gedo, James Gedo and Maria Angelica Sanchez)

35. Plaintiffs re-allege and incorporate all of the foregoing paragraphs herein by this reference.

36. Defendants Miguel David Gedo and Maria Angelica Sanchez have acted in such a manner as to damage the Plaintiffs' property, and have prohibited them from the quiet use and enjoyment of the same.

37. Plaintiffs are entitled to judgment against Defendants Miguel David Gedo, James Gedo and Maria Angelica Sanchez for damages and for injury to Plaintiffs' property in an amount to be shown at trial.

38. Plaintiffs are also entitled to punitive damages as a result of Defendant Miguel

David Gedo's, Defendant James Gedo's, and Defendant Maria Angelica Sanchez' intentional trespass on Plaintiffs' property with knowing and intentional disregard for Plaintiffs' rights therein, in an amount to be determined at trial.

FIFTH CAUSE OF ACTION

(Forcible Detainer by Miguel David Gedo, James Gedo and Maria Angelica Sanchez)

39. Plaintiffs re-allege and incorporate all of the foregoing paragraphs herein by this reference.

40. Defendants Miguel David Gedo, James Gedo and Maria Angelica Sanchez did unlawfully enter a portion of Plaintiffs' property in Plaintiffs' absence and have excluded Plaintiffs from use and possession of Plaintiffs' property by parking a wrecking truck or causing the same to be parked on Plaintiffs' property between Plaintiffs' motor home and the public street.

41. The actions of Defendants Miguel David Gedo, James Gedo and Maria Angelica Sanchez have damaged the Plaintiffs and have prohibited them from the quiet use and enjoyment of their property.

42. Defendants Miguel David Gedo, James Gedo and Maria Angelica Sanchez have refused to surrender Plaintiffs' property being unlawfully occupied by said Defendants after demand was made on said Defendants for the surrender of the premises unlawfully entered.

43. Plaintiffs are entitled to judgment against Defendants Miguel David Gedo, James Gedo and Maria Angelica Sanchez for damages arising from said Defendants' forcible detainer in an amount to be shown at trial.

44. Pursuant to Utah Code Ann. §78-36-10, Plaintiffs are entitled to have their damages against Defendants Miguel David Gedo, James Gedo and Maria Angelica Sanchez for

forcible detainer trebled in an amount to be shown at trial.

45. Pursuant to Utah Code Ann. §78-36-10.5, Plaintiffs are entitled to an order of restitution directing Defendants Miguel David Gedo, James Gedo and Maria Angelica Sanchez to vacate that portion of Plaintiffs' property being unlawfully occupied by said Defendants and to remove all property of said Defendants and to restore said premises to Plaintiffs or be forcibly removed by a sheriff or constable.

SIXTH CAUSE OF ACTION

(Injunction)

46. Plaintiffs re-allege and incorporate all of the foregoing paragraphs herein by this reference.

47. Plaintiffs are entitled to injunctive relief permanently enjoining the Defendants from occupying or trespassing on Plaintiffs' property.

48. Plaintiffs are entitled to injunctive relief directing Defendants Miguel David Gedo, James Gedo and Maria Angelica Sanchez to remove from Plaintiffs' property the wrecking truck and any other property placed on Plaintiffs' property by or under the direction of said Defendants.

WHEREFORE, Plaintiffs John R. Sudweeks and Deanna Sudweeks pray for judgment against the Defendants as follows:

1. On the First Cause of Action for an order quieting title in Plaintiffs to the parcels of real property described in paragraphs 3 & 6 above.

2. On the Second Cause of Action in the alternative, awarding to Plaintiffs, the parcel of real property described in paragraph 6 above, under the doctrine of Boundary by Acquiescence.

3. On the Third Cause of Action in the alternative, declaring a prescriptive easement

in Plaintiffs to the real property described in paragraph 6 above for use of parking vehicles, growing and maintaining trees, plants and grass, and other typical and general uses.

4. On the Fourth Cause of Action hereof for actual and punitive damages against Defendants Miguel David Gedo, James Gedo and Maria Angelica Sanchez in an amount to be shown at trial.

5. On the Fifth Cause of Action hereof for trebled damages against Defendants Miguel Daivid Gedo, James Gedo and Maria Angelica Sanchez in an amount to be determined at trial, and an order of restitution directing Defendants Miguel David Gedo, James Gedo and Maria Angelica Sanchez to vacate that portion of the subject parcel being unlawfully occupied by said Defendants and to restore said premises to Plaintiffs.

6. On the Sixth Cause of Action hereof an injunction permanently enjoining Defendants Miguel David Gedo, James Gedo and Maria Angelica Sanchez from using, occupying or trespassing on the subject parcel of real property and directing said Defendants to remove said property the wrecking truck and any other property placed on the subject parcel of real property by or under the direction of said Defendants.

7. For an order that Defendants Miguel Daivd Gedo, James Gedo and Maria Angelica Sanchez pay for Plaintiffs' costs and attorney fees incurred herein.

8. For such other and further relief as the Court may deem appropriate under the circumstances.

DATED this 29th, day of July, 2003.

HANSEN WITT MORLEY & ANDERSON, P.C.



BRETT C. ANDERSON
Attorney for Plaintiffs

MAILING CERTIFICATE

I hereby certify that I mailed a true and correct copy of the foregoing, **AMENDED COMPLAINT**, postage prepaid by first-class mail, on this 8th day of August, 2003, to the following:

Maria Angelica Sanchez
361 West 800 North
Provo, Utah 84061

Miguel David Gedo
PO Box 970002
Orem, Utah 84097

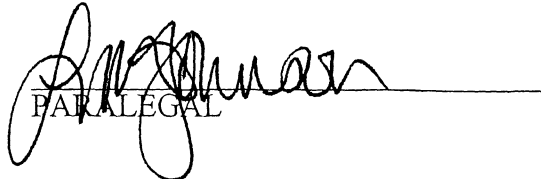
Miguel David Gedo
361 West 800 North
Provo, Utah 84061

James Gedo
361 West 800 North
Provo, Utah 84061

Johnny Ray O'Connor
1640 East Battlecreek Dr.
Pleasant Grove, Utah 84062

Martha O'Connor
1640 East Battlecreek Dr.
Pleasant Grove, Utah 84062

John and Deanna Sudweeks
1610 East 200 South
Pleasant Grove, Utah 84062


PARALEGAL

Fourth Judicial District Court
of Utah County, State of Utah
10-30715 Deputy

**IN THE FOURTH JUDICIAL DISTRICT COURT
UTAH COUNTY, STATE OF UTAH**

| | |
|---|--|
| JOHN R SUDWEEKS and DEANNA SUDWEEKS, Plaintiffs, vs. MARIA SANCHEZ, MIGUEL DAVID GEDO, JAMES GEDO, JOHNNY RAY O'CONNOR, and MARTHA O'CONNOR, Defendants. | RULING CASE NO. 010402488 JUDGE: GARY D STOTT |
|---|--|

RULING

This Court has received the court file for the above referenced case, in which the matter has been referred to address the sufficiency of a motion filed by Miguel D. Gedo.


On September 18, 2003, Mr. Gedo filed a document entitled Request for Change of Judge, URCP 63b. Mr. Gedo is pro se, which shall require this Court to be less inclined to require Mr. Gedo to fully comply with the rules of procedure than would be expected of counsel. However, Mr. Gedo, who has chosen to represent himself, must make a reasonable effort to meet the demands of rules affecting the workings of the courts and the service of judges assigned to cases therein.

Mr. Gedo's motion or request does not refer to the correct rule to change or disqualify a judge. Rule 63A URCP does not apply to the Request for Change of Judge. "All parties . . . " have not joined in the motion as required by that particular provision.

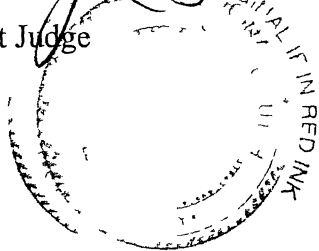
Even if this Court were to assume that the request is intended to rely on Rule 63 URCP, this defendant has still failed to comply with the requirements of that provision. Based upon the language contained in the Request, this Court is unable to understand what it is that Mr. Gedo is complaining of as to Judge Taylor's participation in the case, and in fact, this Court is not able to understand what is actually being said or asked for in the document.

Therefore, the Court finds that the Request of Motion is deficient as to any information or which this Court can conclude any impropriety has occurred by Judge Taylor, or anyone else for that matter. Motion or Request is denied and the case is referred back to Judge Taylor for further proceedings.

DATED this 3 day of Oct, 2003.



District Court Judge



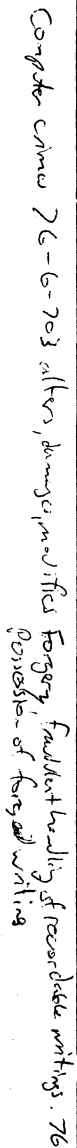
CERTIFICATE OF NOTIFICATION



I certify that a copy of the attached document was sent to the following people for case 010402488 by the method and on the date specified.

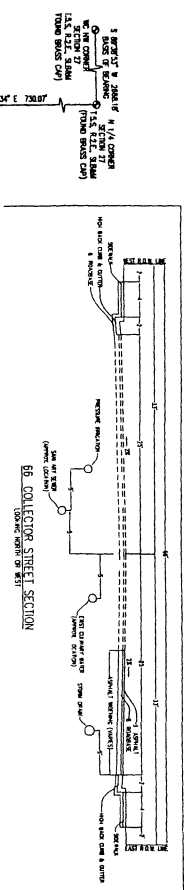
| METHOD | NAME |
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| Mail | JAMES GEDO DEFENDANT Miguel David Gedo/Maria Sanche 768 East 300 North PROVO, UT 84604 |
| Mail | MIGUEL DAVID GEDO DEFENDANT P O BOX 970002 OREM UT 84097 |
| Mail | MARIE ANGELICA SANCHEZ DEFENDANT 371 East 155 South Orem UT |
| Mail | BRETT C ANDERSON ATTORNEY PLA 110 S MAIN PLEASANT GROVE UT 84062 |

Dated this 3 day of Oct, 2013.

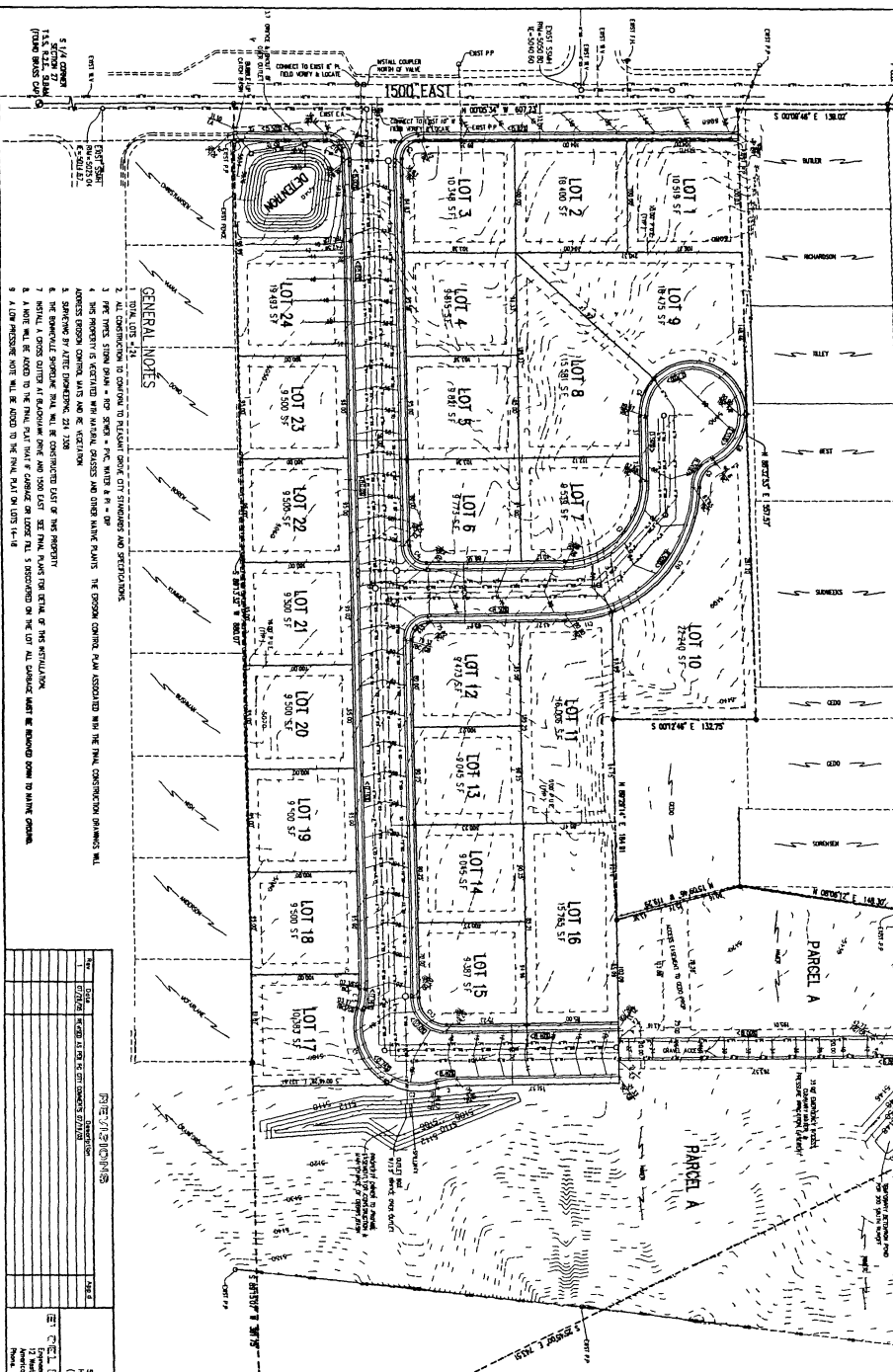

Deputy Court Clerk



| TITLE: CERTIFICATE OF SURVEY SUNDWICKS & NIMER PROPERTY 1810 East 200 South, Pleasant Grove, Utah Client: David Anderson 110 S. Main St. Pleasant Grove, UT 84062 (801) 785-5350 Mailed address: 1810 E. 200 S., Pleasant Grove, UT | | Drawing Name: HMA0301-1 Plot Date: Sep. 8, 2003 Drawing Scale: Horizontal: 1" = 30' Vertical: 1" = 12' | REVISIONS: <table border="1"> <thead> <tr> <th>No.</th> <th>Date</th> <th>By</th> <th>Notes</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Nov. 12, 2003</td> <td>AMS</td> <td>As in Part 2 & 4 of Map 54</td> </tr> </tbody> </table> | No. | Date | By | Notes | 1 | Nov. 12, 2003 | AMS | As in Part 2 & 4 of Map 54 |  |  CORNERSTONE, INC. PROFESSIONAL LAND SURVEY 2028 East 7000 South, Suite 204 Salt Lake City, Utah 84125 (801) 462-6090 Fax (801) 462-7890 A.L.T.A. SURVEYS, COMPUTER MAPPING BOUNDARY CONSULTATION & RESEARCH |
|--|---------------|--|--|-----|------|----|-------|---|---------------|-----|----------------------------|---|--|
| No. | Date | By | Notes | | | | | | | | | | |
| 1 | Nov. 12, 2003 | AMS | As in Part 2 & 4 of Map 54 | | | | | | | | | | |



200 SOUTH



GENERAL NOTES

1. ALL CONSTRUCTION IS TO BE IN ACCORDANCE WITH THE CITY ENGINEER'S SPECIFICATIONS.
2. THE PROPERTY IS TO BE DEVELOPED IN ACCORDANCE WITH THE CITY ENGINEER'S SPECIFICATIONS.
3. THE PROPERTY IS TO BE DEVELOPED IN ACCORDANCE WITH THE CITY ENGINEER'S SPECIFICATIONS.
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9. THE PROPERTY IS TO BE DEVELOPED IN ACCORDANCE WITH THE CITY ENGINEER'S SPECIFICATIONS.

PRELIMINARY PLAN

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File

Bryan R. Farris, Bar No 8979
City Prosecutor
PLEASANT GROVE CITY
70 South 100 East
Pleasant Grove, Utah 84062
Phone. (801) 785-8025

IN THE JUSTICE COURT IN AND FOR PLEASANT GROVE CITY

COUNTY OF UTAH, STATE OF UTAH

PLEASANT GROVE CITY,

Plaintiff

Judgment

Vs.

Case No Y20-1384

MARIA ANGELICA SANCHEZ,

Defendant

On July 2, 2002, a restitution hearing was held in the above captioned matter. At the hearing evidence was presented by Plaintiff, Pleasant Grove City, by and through the City Prosecutor, Bryan R. Farris, as to costs incurred by Pleasant Grove City. The costs were incurred in connection with the execution of a clean-up order on the property owned by Defendant.

At the July 2, 2002 hearing judgment was entered by the Pleasant Grove Justice Court in the amount of FOUR THOUSAND TWO HUNDRED FORTY-FIVE DOLLARS (\$4,245.00) against the defendant as the owner of the property in question. The subject property is hereby described in Exhibit A attached hereto.

DATED and SIGNED this 2nd day of July, 2002

W. Brent Bullock
Pleasant Grove City Justice Court

EXHIBIT "A"

PARCEL 1.

BEGINNING AT A POINT ON A BOUNDARY LINE AGREEMENT ENTRY NO. 1746-86, BOOK 2275, PAGE 848, WHICH POINT IS SOUTH 89°35'14" WEST ALONG THE SECTION LINE 1970.01 FEET AND SOUTH 875.99 FEET (BASED ON THE UTAH STATE COORDINATE SYSTEM, CENTRAL ZONE AND DATA PUBLISHED BY THE UTAH COUNTY SURVEYOR AS OF JANUARY 1986) FROM THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 15°09'46" EAST ALONG SAID BOUNDARY LINE AGREEMENT 119.29 FEET; THENCE SOUTH 89°29'14" WEST CONTINUING ALONG SAID BOUNDARY LINE AGREEMENT 18.91 FEET; THENCE NORTH 00°12'46" WEST CONTINUING ALONG SAID BOUNDARY LINE AGREEMENT 124.12 FEET; THENCE NORTH 89°22'00" EAST 82.56 FEET TO A FENCE LINE AS DESCRIBED IN A FENCE LINE BOUNDARY AGREEMENT ENTRY NO. 35388-92, BOOK 2966, PAGE 465. THENCE SOUTH 00°05'19" WEST 8.25 FEET ALONG A FENCE LINE AS DESCRIBED IN SAID BOUNDARY AGREEMENT, TO A FENCE LINE; THENCE NORTH 89°59'43" EAST 71.61 FEET ALONG SAID FENCE LINE AS DESCRIBED IN SAID BOUNDARY AGREEMENT, TO THE POINT OF BEGINNING.

ORIGINAL NOT LEGIBLE

PARCEL 2

COMMENCING AT A POINT ON SOUTH SIDE OF BATTLE CREEK DRIVE, PLEASANT GROVE, UTAH, THENCE NORTH 89 DEG. 39' WEST ALONG THE SECTION LINE 3075.10 FEET AND SOUTH 729.00 FEET FROM THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 29' WEST ALONG A RETAINING WALL AND WELL EXTENDED 146.83 FEET; THENCE NORTH 89 DEG. 05' EAST 70.39 FEET; THENCE SOUTH 14 DEG. 44' EAST 119.29 FEET; THENCE SOUTH 89 DEG. 35' WEST 184.91 FEET; THENCE NORTH 15' EAST 26' FEET; THENCE NORTH 89 DEG. 05' EAST 84.45 FEET TO BEGINNING

ENT 76021:2002 PG 3 of 3

LESS AND EXCEPTING:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 0 DEG. 27'38" EAST ALONG THE SECTION LINE 1382.51 FEET; THENCE NORTH 89 DEG. 49'36" WEST ALONG THE ONE-SIXTEENTH SECTION LINE 1386.88 FEET; THENCE NORTH 1 DEG. 45'27" WEST ALONG A FENCE LINE 37.88 FEET; THENCE SOUTH 89 DEG. 24'36" WEST 429.13 FEET; THENCE SOUTH 89 DEG. 13'32" WEST ALONG THE NORTH BOUNDARY OF PLAT "C", TIMP RIDGE ESTATES 879.87 FEET; THENCE NORTH 0 DEG. 05'48" WEST ALONG THE ONE-QUARTER SECTION LINE 468.22 FEET; THENCE NORTH 88 DEG. 32'53" EAST PARTIALLY ALONG A FENCE LINE 562.53 FEET; THENCE SOUTH 0 DEG. 12'46" EAST 132.75 FEET; THENCE NORTH 89 DEG. 29'14" EAST 184.19 FEET; THENCE NORTH 15 DEG. 00'46" WEST 119.29 FEET; THENCE NORTH 8 DEG. 06'12" EAST ALONG A FENCE LINE 148.31 FEET; THENCE NORTH 88 DEG. 39'14" EAST 204.56 FEET; THENCE NORTH 2 DEG. 00'13" WEST 69.49 FEET; THENCE NORTH 48 DEG. 15' EAST 172.00 FEET; THENCE NORTH 64 DEG. 45' EAST 405.50 FEET; THENCE NORTH 19 DEG. 57' EAST 73.26 FEET; THENCE NORTH 17 DEG. 20'46" WEST 85.20 FEET; THENCE NORTH 42 DEG. 46'14" EAST 304.90 FEET; THENCE NORTH 89 DEG. 35'06" EAST ALONG THE SECTION LINE 1045.29 FEET TO THE POINT OF BEGINNING.

ALSO LESS AND EXCEPTING:

BEGINNING AT A POINT ON A FENCE CORNER, AT A POINT ON THE BOUNDARY LINE AGREEMENT AS RECORDED IN BOOK 2275-OF-848, SAID POINT BEING SOUTH 89 DEG. 35'07" WEST 1949.10 FEET ALONG SECTION LINE AND SOUTH 729.23 FEET FROM THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 8 DEG. 06'12" WEST 148.31 FEET ALONG A FENCE LINE; THENCE SOUTH 89 DEG. 39'43" WEST 71.61 FEET ALONG A FENCE LINE; THENCE NORTH 0 DEG. 05'19" EAST 146.13 FEET ALONG A FENCE LINE; THENCE NORTH 89 DEG. 33'35" EAST 92.30 FEET ALONG A FENCE LINE TO THE POINT OF BEGINNING.

ALSO LESS AND EXCEPTING:

BEGINNING AT A FENCE CORNER ON THE SOUTH SIDE OF 200 SOUTH STREET (BATTLE CREEK DRIVE), PLEASANT GROVE, UTAH, WHICH POINT IS SOUTH 89°35'14" WEST ALONG THE SECTION LINE 2041.40 FEET AND SOUTH 729.33 FEET (BASED ON THE UTAH STATE COORDINATE SYSTEM, CENTRAL ZONE AND DATA PUBLISHED BY THE UTAH COUNTY SURVEYOR AS OF JANUARY 1986) FROM THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 00°05'19" WEST 127.87 FEET ALONG A FENCE LINE AS DESCRIBED IN A FENCE LINE BOUNDARY AGREEMENT ENTRY NO. 35388-92, BOOK 2966, PAGE 465; THENCE SOUTH 89°22'00" WEST 82.56 FEET TO A POINT ON A BOUNDARY LINE AGREEMENT ENTRY NO. 1746-86, BOOK 2275, PAGE 848; THENCE NORTH 00°12'46" WEST ALONG SAID BOUNDARY LINE AGREEMENT 8.63 FEET; THENCE SOUTH 88°32'53" WEST CONTINUING ALONG SAID BOUNDARY LINE AGREEMENT 0.50 FEET TO A FENCE LINE; THENCE NORTH 00°36'30" WEST 129.53 FEET TO THE SOUTH SIDE OF SAID 200 SOUTH STREET; THENCE NORTH 89°33'35" EAST ALONG SAID STREET 84.68 FEET TO THE POINT OF BEGINNING.

ALSO LESS AND EXCEPTING:

BEGINNING AT A POINT ON A BOUNDARY LINE AGREEMENT ENTRY NO. 1746-86, BOOK 2275, PAGE 848, WHICH POINT IS SOUTH 89°35'14" WEST ALONG THE SECTION LINE 1970.01 FEET AND SOUTH 875.99 FEET (BASED ON THE UTAH STATE COORDINATE SYSTEM, CENTRAL ZONE AND DATA PUBLISHED BY THE UTAH COUNTY SURVEYOR AS OF JANUARY 1986) FROM THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 15°09'46" EAST ALONG SAID BOUNDARY LINE AGREEMENT 119.29 FEET; THENCE SOUTH 89°29'14" WEST CONTINUING ALONG SAID BOUNDARY LINE AGREEMENT 184.91 FEET; THENCE NORTH 00°12'45" WEST CONTINUING ALONG SAID BOUNDARY LINE AGREEMENT 124.12 FEET; THENCE NORTH 89°22'00" EAST 82.56 FEET TO A FENCE LINE AS DESCRIBED IN A FENCE LINE BOUNDARY AGREEMENT ENTRY NO. 35388-92, BOOK 2966, PAGE 465; THENCE SOUTH 00°05'19" WEST 8.25 FEET ALONG A FENCE LINE AS DESCRIBED IN SAID BOUNDARY AGREEMENT TO A FENCE LINE; THENCE NORTH 89°39'43" EAST 71.61 FEET ALONG SAID FENCE LINE AS DESCRIBED IN SAID BOUNDARY AGREEMENT TO THE POINT OF BEGINNING.

ORIGINAL NOT LEGIBLE

Brett C. Anderson, Bar No. 8134
WITT MORLEY & ANDERSON, P.C.
Attorney for Plaintiffs
110 South Main Street
Pleasant Grove, Utah 84062
Telephone: (801) 785-5350
Facsimile: (801) 785-0853

FILED
Fourth Judicial District Court
of Utah County, State of Utah

8.9.04 Deputy
9.5.04

**IN THE FOURTH JUDICIAL DISTRICT COURT OF UTAH COUNTY
STATE OF UTAH, PROVO DEPARTMENT**

125 North 100 West, Provo, Utah 84601

JOHN R. SUDWEEKS, and
DEANNA SUDWEEKS

Plaintiffs,

vs.

MARIA ANGELICA SANCHEZ,
MIGUEL DAVID GEDO, JAMES GEDO,
JOHNNY RAY O'CONNOR, and MARTHA
O'CONNOR,

Defendants.

ORDER AND JUDGMENT

Case No. **01-0402488**

Judge: James R. Taylor

On December 15 and 16, 2003, a trial was conducted in the above-mentioned matter, the Honorable James R. Taylor presiding. Plaintiffs, John R. Sudweeks and Deanna Sudweeks, appeared in person and were represented by counsel of record, Brett C. Anderson, WITT MORLEY & ANDERSON, P.C. Defendants Maria Angelica Sanchez, Miguel David Gedo,

James Gedo, Johnny Ray O'Connor, and Martha O'Connor appeared in person, *pro se*. The Court heard evidence from the parties.

The Court, having reviewed the file, and being otherwise fully apprized in the matter, hereby makes the following FINDINGS OF FACT:

1. The Court finds John B. Stahl's testimony convincing and therefore adopts Plaintiffs' Exhibit #1.
2. The Court finds that the deed of distribution of the estate of Ivadell Tomlinson in 1972 contained an erroneous legal description. The decree mistakenly located the east line of lot 11 (parcel 1-40-440011) westward 33 feet from its correct position.
3. This mistake shifted the west boundary of the estate of Ivadell Tomlinson by 33 feet.
4. The estate of Ivadell Tomlinson was subsequently divided into real property consisting of four parcels or lots, to wit: (1) lot 16 (parcel 1-40-440016), (2) lot 13 (parcel 1-40-440013), (3) lot 14 (parcel 1-40-440014), and (4) lot 15 (parcel 1-40-440015). The legal descriptions of the above-mentioned lots perpetuated the error in paragraph 3, shifting the legal descriptions of these properties westward 33 feet.
5. The error was propagated into legal descriptions of adjoining real property, including lot 11 (parcel 1-40-440011) and lot 12 (parcel 1-40-440012) to the East, and lots 57 (parcel 1-40-440057), 52 (parcel 1-40-440052), and 58 (parcel 1-40-440058) to the West of the former Ivadell Tomlinson estate.

6. Modifications were subsequently made to the descriptions of lot 57 (parcel 1-40-440057), lot 52 (parcel 1-40-440052), and lot 58 (parcel 1-40-440058) which altered the boundary lines by agreements, surveys, and deed exchanges.
7. Even though the boundaries between lot 16 (parcel 1-40-440016) and lot 57 (parcel 1-40-440057) are contiguous, the modifications mentioned in paragraph 6 purported to create a new parcel of 33 feet in width between lots 16 and 57. This purported parcel is referred to as lot 59 (parcel 1-40-440059) in the records of the Utah County Recorder.
8. Defendants Maria Angelica Sanchez, Miguel David Gedo and James Gedo claimed an interest in the 33-foot wide parcel of real property known as lot 59 (parcel 1-40-440059) in the Utah County Recorder's Office.
9. The Court finds that lot 59 (parcel 1-40-440059), as described in the records of the Utah County Recorder, does not exist and that the county records are in error.
10. The Court finds that the metes and bounds description prepared by John B. Stahl, of the disputed parcel (referred to in the Utah County Recorder's Office as lot 59 or parcel 1-40-440059), in addition to that of lots 13 and 16 (indisputably owned by Plaintiffs), describes exactly the two lots purchased by Plaintiffs approximately thirty years ago.
11. Therefore, the Court finds that Title should be quieted in Plaintiffs John and Deanna Sudweeks in real property referred to in paragraph 10 and more particularly described as follows:

Commencing at the North Quarter corner of Section 27, Township 5 South, Range 2 East, of the Salt Lake Base and Meridian, thence South 729.55 feet (South 729.35 feet and 730.08 feet by record and South 00°05'49" East by Utah County State Plane Coordinate System) along the section line and North 89°39'57" East 33.00 feet (East 33.0 feet by record) to a point on the east line of 1500 East Street and the south line of Battle Creek Drive, Pleasant Grove, Utah; thence continuing along the south line of said Battle Creek Drive North 89°39'57" East 356.74 feet (North 89°05' East 356.74 feet by record) to the northeast corner of that certain parcel originally described in Book 1241 at Page 262 as Entry 13592:1971 in the office of the Utah County Recorder, said northeast corner being the True Point of Beginning of the herein described parcel; and running thence and continuing along said south line of Battle Creek Drive North 89°39'57" East 171.24 feet (North 89°05' East 171.26 feet by record) to the northwest corner of that certain parcel originally described in Book 672 at Page 511 as Entry 1276:1955 said corner being common with that certain parcel described in a Quit Claim Deed as Entry 35258:2003 recorded March 10, 2003, said corner also being South 89°39'57" West 176.74 feet from that certain fence corner originally described in Book 672 at Page 511 as Entry 1276:1955 and as described in those certain Boundary Line Agreements recorded in Book 2275 at Page 838 as Entry 1746:1986 and in Book 2966 at Page 465 as Entry 35388:1992; thence South 00°00'07" East 132.90 feet (South 0°13' West 132.90 feet by record) along the west line of said parcel originally described in Book 672 at Page 511 as Entry 1276:1955; thence South 89°01'32" West 153.35 feet (South 89°05' West 171.27 feet by record) to the southwest corner of said parcel originally described in Book 1241 at Page 262 as Entry 13592:1971, said southwest corner being North 89°01'32" East 180.02 feet (North 89°05' East 180 feet by record) from the southeast corner of that certain parcel originally described in Book 679 at Page 617 as Entry 5772:1955; thence North 00°03'00" East 134.81 feet (North 0°16' East 132.90 feet by record) to the True Point of Beginning.

12. Title to this real property being quieted in the Plaintiffs, the Court finds that the issue of boundary by acquiescence is therefore moot.
13. The issue of prescriptive easement is similarly moot.

14. The Court finds that Plaintiffs' claim for forcible detainer should be dismissed based on Plaintiff's own motion.
15. The Court finds that Defendants Miguel David Gedo, James Gedo and Maria Angelica Sanchez claimed rightful use of the disputed parcel, and as a result, the Plaintiffs' claim for trespass should be denied.
16. Defendants Miguel David Gedo and James Gedo violated the Temporary Restraining Order and Preliminary Injunction, which were entered by this Court on or about September 6, 2001, by placing threatening telephone calls to Plaintiffs on or about June 24, 2003 and June 26, 2003.
17. Therefore, the Court finds that Plaintiffs have met their burden with regards to Rule 65A of the Utah Rules of Civil Procedure and, as a result, Defendants Miguel David Gedo and James Gedo are permanently restrained and enjoined from using, occupying or trespassing on Plaintiff's real property, including the real property described in paragraph 11, herein, and from having any contact with Plaintiffs or Plaintiffs' family members.
18. Plaintiffs incurred \$14,182.70 in reasonable attorney fees and costs, as testified to by Plaintiffs' attorney, Brett C. Anderson of WITT MORLEY & ANDERSON, P.C., in the Affidavit of Brett C. Anderson. Accordingly, Plaintiffs should be awarded \$14,182.70 for their attorney fees and costs included herein, and judgment should be entered against Miguel David Gedo and James Gedo in the amount of \$14,182.70.

Based on the above, and for good cause showing,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. The records of the Utah County Recorder shall be corrected in conformance to the survey performed by John B. Stahl (Plaintiff's Exhibit #1) to show that lot 59 (parcel 1-40-440059) does not exist.
2. Title to the disputed 33-foot wide parcel of real property – former lot 59 (parcel 1-40-440059) – is quieted in John and Deanna Sudweeks, as part of the following described real property:

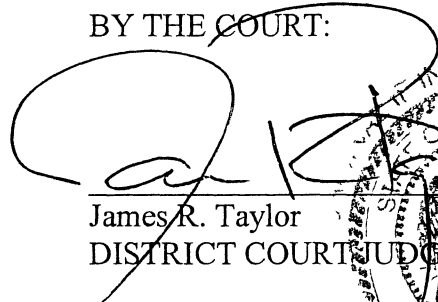
Commencing at the North Quarter corner of Section 27, Township 5 South, Range 2 East, of the Salt Lake Base and Meridian, thence South 729.55 feet (South 729.35 feet and 730.08 feet by record and South 00°05'49" East by Utah County State Plane Coordinate System) along the section line and North 89°39'57" East 33.00 feet (East 33.0 feet by record) to a point on the east line of 1500 East Street and the south line of Battle Creek Drive, Pleasant Grove, Utah; thence continuing along the south line of said Battle Creek Drive North 89°39'57" East 356.74 feet (North 89°05' East 356.74 feet by record) to the northeast corner of that certain parcel originally described in Book 1241 at Page 262 as Entry 13592:1971 in the office of the Utah County Recorder, said northeast corner being the True Point of Beginning of the herein described parcel; and running thence and continuing along said south line of Battle Creek Drive North 89°39'57" East 171.24 feet (North 89°05' East 171.26 feet by record) to the northwest corner of that certain parcel originally described in Book 672 at Page 511 as Entry 1276:1955 said corner being common with that certain parcel described in a Quit Claim Deed as Entry 35258:2003 recorded March 10, 2003, said corner also being South 89°39'57" West 176.74 feet from that certain fence corner originally described in Book 672 at Page 511 as Entry 1276:1955 and as described in those certain Boundary Line Agreements recorded in Book 2275 at Page 838 as Entry 1746:1986 and in Book 2966 at Page 465 as Entry 35388:1992; thence South 00°00'07" East 132.90 feet (South 0°13' West 132.90 feet by record) along the west line of said parcel originally described in Book 672 at Page 511 as Entry 1276:1955; thence South 89°01'32" West 153.35 feet (South 89°05' West 171.27 feet by record) to the southwest corner of said parcel originally described in Book 1241 at Page 262 as Entry 13592:1971, said southwest corner being

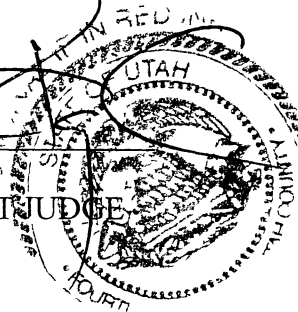
North 89°01'32" East 180.02 feet (North 89°05' East 180 feet by record) from the southeast corner of that certain parcel originally described in Book 679 at Page 617 as Entry 5772:1955; thence North 00°03'00" East 134.81 feet (North 0°16' East 132.90 feet by record) to the True Point of Beginning.

3. Plaintiffs John and Deanna Sudweeks own lots 13 (parcel 1-40-440013) and 16 (parcel 1-40-440016) up to the western boundary of lot 57 (parcel 1-40-440057), more particularly described in paragraph 2 of this Order.
4. Plaintiffs' claim for forcible detainer is dismissed on Plaintiffs' own motion.
5. Plaintiffs' claim against Defendants Miguel David Gedo, James Gedo and Maria Angelica Sanchez for trespass is denied.
6. Defendants Miguel David Gedo and James Gedo are permanently restrained and enjoined from using, entering, occupying, trespassing on, or otherwise interfering with Plaintiffs' quiet use and enjoyment of their real property, including the real property described in paragraph 2 of this Order
7. Defendants Miguel David Gedo and James Gedo are permanently restrained and enjoined from contacting, annoying, harassing, harming, or otherwise communicating directly or indirectly with Plaintiffs or Plaintiffs' family members.
8. Defendants Miguel David Gedo and James Gedo shall pay Plaintiff's attorney fees and costs in the amount of \$14,182.70.

DATED this 2 day of Aug. 2004.

BY THE COURT:


James R. Taylor
DISTRICT COURT JUDGE



NOTICE OF INTENT TO SUBMIT FOR SIGNATURE

To: James Gedo, Miguel David Gedo, Maria Angelica Sanchez, Johnny Ray O'Connor, Martha O'Connor; Defendants,

Please take notice that the undersigned attorney for Plaintiffs will submit the above and foregoing ORDER & JUDGMENT to the Fourth District Court in and for Utah County for signature upon the expiration of five (5) days from the date of this notice, plus three (3) days for mailing, unless written objection is filed prior to that time pursuant to Rule 4-504 of the Utah Rules of Judicial Administration.

DATED this 20th day of July, 2004.

WITT MORLEY & ANDERSON, P.C.

A handwritten signature in black ink, appearing to read "Brett C. Anderson", written over a horizontal line.

BRETT C. ANDERSON
Attorney for Plaintiffs

CERTIFICATE OF MAILING

I hereby certify that I mailed a true and correct copy of the foregoing, ORDER AND JUDGMENT, postage prepaid by first-class mail, on this 20th day of July, 2004, to the following:

Maria Angelica Sanchez
361 West 800 North
Provo, Utah 84601

Miguel David Gedo
PO Box 970002
Orem, Utah 84097

Miguel David Gedo
361 West 800 North
Provo, Utah 84601

James Gedo
361 West 800 North
Provo, Utah 84601

Johnny Ray O'Connor
1640 East Battlecreek Dr.
Pleasant Grove, Utah 84062

Martha Ray O'Connor
1640 East Battlecreek Dr.
Pleasant Grove, Utah 84062

John and Deanna Sudweeks
1610 East 200 South
Pleasant Grove, Utah 84062



Legal Assistant

EN RECORDED RETURN TO:

el David Gedo
East 200 South
sant Grove, Utah 84062

ENT 109680 BK 5241 PG 19
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
1999 Oct 12 9:09 am FEE 16.00 BY SS
RECORDED FOR EQUITY TITLE AGENCY INC

WARRANTY DEED

ANR. STRASBURG grantor(s)

Pleasant Grove, County of Utah State of UT hereby
convey and Warrant to

IGUEL DAVID GEDO

Pleasant Grove, County of Utah, State of Utah grantee(s)

for the sum of TEN DOLLARS and other good and valuable consideration
the following described tract of land in Utah County, State of UTAH, to wit:

PARCEL 2: SEE ATTACHED EXHIBIT "A"

Sidwell No. 14:044:0059

Subject to covenants, conditions and restrictions of record.

WITNESS, the hands of said grantors, this 8th day of October 1999, A.D.
Signed in the presence of

Alan R. Strasburg
ALAN R. STRASBURG

STATE OF UTAH)
: ss
COUNTY OF UTAH)

The foregoing instrument was acknowledged before me this 8th day of October, 1999, by

Alan R. Strasburg

J. Racquel Harward
Notary Public
Residing in: Orem, UT

My Commission Expires: 12-8-2001

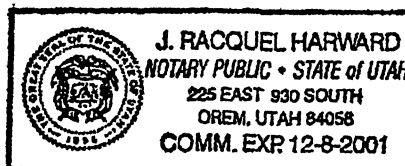


EXHIBIT #1

PARCEL 2:

COMMENCING AT A POINT ON SOUTH SIDE OF BATTLE CREEK DRIVE, PLEASANT GROVE, UTAH, THENCE NORTH 89 DEG. 59' WEST ALONG THE SECTION LINE 2075.10 FEET AND SOUTH 720.02 FEET FROM THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 29' WEST ALONG A RETAINING WALL AND WELL EXTENDED 146.85 FEET, THENCE NORTH 89 DEG. 05' EAST 70.39 FEET, THENCE SOUTH 14 DEG. 44' EAST 119.29 FEET, THENCE SOUTH 89 DEG. 55' WEST 184.91 FEET, THENCE NORTH 13' EAST 260 FEET; THENCE NORTH 89 DEG. 05' EAST 84.45 FEET TO BEGINNING.

LESS AND EXCEPTING:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, THENCE SOUTH 0 DEG. 27'58" EAST ALONG THE SECTION LINE 1382.51 FEET, THENCE NORTH 89 DEG. 49'36" WEST ALONG THE ONE-SIXTEENTH SECTION LINE 1386.88 FEET; THENCE NORTH 1 DEG. 45'27" WEST ALONG A FENCE LINE 37.88 FEET; THENCE SOUTH 89 DEG. 24'56" WEST 429.15 FEET; THENCE SOUTH 89 DEG. 13'32" WEST ALONG THE NORTH BOUNDARY OF PLAT "C", TIMP RIDGE ESTATES 879.87 FEET, THENCE NORTH 0 DEG. 05'48" WEST ALONG THE ONE-QUARTER SECTION LINE 468.22 FEET, THENCE NORTH 88 DEG. 32'53" EAST PARTIALLY ALONG A FENCE LINE 562.53 FEET, THENCE SOUTH 0 DEG. 12'46" EAST 132.75 FEET; THENCE NORTH 89 DEG. 29'14" EAST 184.19 FEET; THENCE NORTH 15 DEG. 09'46" WEST 119.29 FEET, THENCE NORTH 8 DEG. 06'12" EAST ALONG A FENCE LINE 148.31 FEET, THENCE NORTH 88 DEG. 39'14" EAST 204.56 FEET; THENCE NORTH 2 DEG. 00'13" WEST 69.49 FEET; THENCE NORTH 48 DEG. 15' EAST 172.00 FEET THENCE NORTH 64 DEG. 45' EAST 405.50 FEET, THENCE NORTH 19 DEG. 57' EAST 73.26 FEET; THENCE NORTH 17 DEG. 20'46" WEST 85.20 FEET, THENCE NORTH 42 DEG. 46'14" EAST 304.90 FEET; THENCE NORTH 89 DEG. 35'06" EAST ALONG THE SECTION LINE 1045.29 FEET TO THE POINT OF BEGINNING.

ALSO LESS AND EXCEPTING:

BEGINNING AT A POINT ON A FENCE CORNER, AT A POINT ON THE BOUNDARY LINE AGREEMENT AS RECORDED IN BOOK 2275-OF-848, SAID POINT BEING SOUTH 89 DEG. 35'07" WEST 1949.10 FEET ALONG SECTION LINE AND SOUTH 729.23 FEET FROM THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, THENCE SOUTH 8 DEG. 06'12" WEST 148.31 FEET ALONG A FENCE LINE; THENCE SOUTH 89 DEG. 59'43" WEST 71.61 FEET ALONG A FENCE LINE; THENCE NORTH 0 DEG. 05'19" EAST 146.13 FEET ALONG A FENCE LINE, THENCE NORTH 89 DEG. 33'35" EAST 92.30 FEET ALONG A FENCE LINE TO THE POINT OF BEGINNING.

ALSO LESS AND EXCEPTING:

BEGINNING AT A FENCE CORNER ON THE SOUTH SIDE OF 200 SOUTH STREET (BATTLE CREEK DRIVE), PLEASANT GROVE, UTAH, WHICH POINT IS SOUTH 89°35'14" WEST ALONG THE SECTION LINE 2041.40 FEET AND SOUTH 729.35 FEET (BASED ON THE UTAH STATE COORDINATE SYSTEM, CENTRAL ZONE AND DATA PUBLISHED BY THE UTAH COUNTY SURVEYOR AS OF JANUARY 1986) FROM THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, THENCE SOUTH 00°05'19" WEST 137.87 FEET ALONG A FENCE LINE AS DESCRIBED IN A FENCE LINE BOUNDARY AGREEMENT ENTRY NO. 35388-92, BOOK 2966, PAGE 465, THENCE SOUTH 89°22'00" WEST 82.56 FEET TO A POINT ON A BOUNDARY LINE AGREEMENT ENTRY NO. 1746-86, BOOK 2275, PAGE 848; THENCE NORTH 00°12'46" WEST ALONG SAID BOUNDARY LINE AGREEMENT 8.63 FEET; THENCE SOUTH 88°32'53" WEST CONTINUING ALONG SAID BOUNDARY LINE AGREEMENT 0.50 FEET TO A FENCE LINE; THENCE NORTH 00°36'30" WEST 129.53 FEET TO THE SOUTH SIDE OF SAID 200 SOUTH STREET, THENCE NORTH 89°33'35" EAST ALONG SAID STREET 84.68 FEET TO THE POINT OF BEGINNING.

ALSO LESS AND EXCEPTING:

BEGINNING AT A POINT ON A BOUNDARY LINE AGREEMENT ENTRY NO. 1746-86, BOOK 2275, PAGE 848, WHICH POINT IS SOUTH 89°35'14" WEST ALONG THE SECTION LINE 1970.01 FEET AND SOUTH 875.99 FEET (BASED ON THE UTAH STATE COORDINATE SYSTEM, CENTRAL ZONE AND DATA PUBLISHED BY THE UTAH COUNTY SURVEYOR AS OF JANUARY 1986) FROM THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, THENCE SOUTH 15°09'46" EAST ALONG SAID BOUNDARY LINE AGREEMENT 119.29 FEET, THENCE SOUTH 89°29'14" WEST CONTINUING ALONG SAID BOUNDARY LINE AGREEMENT 184.91 FEET, THENCE NORTH 00°12'46" WEST CONTINUING ALONG SAID BOUNDARY LINE AGREEMENT 124.12 FEET, THENCE NORTH 89°22'00" EAST 82.56 FEET TO A FENCE LINE AS DESCRIBED IN A FENCE LINE BOUNDARY AGREEMENT ENTRY NO. 35388-92, BOOK 2966, PAGE 465, THENCE SOUTH 00°05'19" WEST 8.25 FEET ALONG A FENCE LINE AS DESCRIBED IN SAID BOUNDARY AGREEMENT, TO A FENCE LINE; THENCE NORTH 89°59'43" EAST 71.61 FEET ALONG SAID FENCE LINE AS DESCRIBED IN SAID BOUNDARY AGREEMENT, TO THE POINT OF BEGINNING.

Mail Tax Notice to:

Grantee

ACCOMMODATION

File No.

ENT 112443 BK 5248 PG 654
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
1999 Oct 19 3:58 pm FEE 19.00 BY SS
RECORDED FOR EQUITY TITLE AGENCY INC

QUIT CLAIM DEED

MIGUEL DAVID GEDO,

Grantors

of Pleasant Grove, Utah County, State of Utah, hereby QUIT-CLAIMS
to

MARIA ANGELICA SANCHEZ,

Grantees

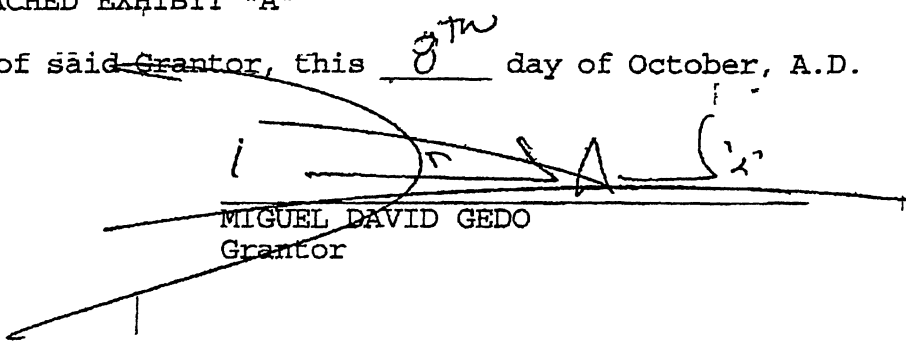
of Pleasant Grove, County of Utah, State of Utah

for the sum of TEN DOLLARS AND NO CENTS AND OTHER GOOD AND VALUABLE
CONSIDERATION

the following described tract of land in Utah County, State of
Utah:

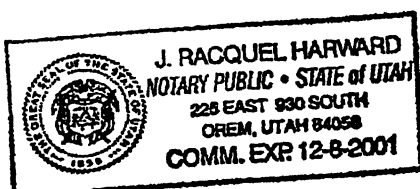
SEE ATTACHED EXHIBIT "A"

WITNESS, the hand of said Grantor, this 8th day of October, A.D.
1999.


MIGUEL DAVID GEDO
Grantor

COUNTY OF UTAH)
 : SS
STATE OF UTAH)

SUBSCRIBED AND SWORN to before me this 8th day of
October, 1999, by MIGUEL DAVID GEDO, the signer of the foregoing
instrument, who duly acknowledged to me that he executed the
same.



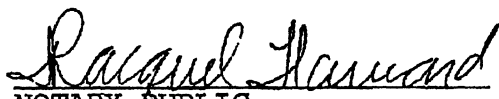

NOTARY PUBLIC
Residing at: Orem UT
My Commission Expires: 12-8-2001

EXHIBIT #2

EXHIBIT "A"

PARCEL 1:

BEGINNING AT A POINT ON A BOUNDARY LINE AGREEMENT ENTRY NO. 1746-86, BOOK 2275, PAGE 848, WHICH POINT IS SOUTH 89°35'14" WEST ALONG THE SECTION LINE 1970.01 FEET AND SOUTH 875.99 FEET (BASED ON THE UTAH STATE COORDINATE SYSTEM, CENTRAL ZONE AND DATA PUBLISHED BY THE UTAH COUNTY SURVEYOR AS OF JANUARY 1986) FROM THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 15°09'46" EAST ALONG SAID BOUNDARY LINE AGREEMENT 119.29 FEET; THENCE SOUTH 89°29'14" WEST CONTINUING ALONG SAID BOUNDARY LINE AGREEMENT 184.91 FEET; THENCE NORTH 00°12'46" WEST CONTINUING ALONG SAID BOUNDARY LINE AGREEMENT 124.12 FEET; THENCE NORTH 89°22'00" EAST 82.56 FEET TO A FENCE LINE AS DESCRIBED IN A FENCE LINE BOUNDARY AGREEMENT ENTRY NO. 35388-92, BOOK 2966, PAGE 465; THENCE SOUTH 00°05'19" WEST 8.25 FEET ALONG A FENCE LINE AS DESCRIBED IN SAID BOUNDARY AGREEMENT, TO A FENCE LINE; THENCE NORTH 89°59'43" EAST 71.61 FEET ALONG SAID FENCE LINE AS DESCRIBED IN SAID BOUNDARY AGREEMENT, TO THE POINT OF BEGINNING.

COMMENCING AT A POINT ON SOUTH SIDE OF BATTLE CREEK DRIVE, PLEASANT GROVE, UTAH, THENCE NORTH 89 DEG. 59' WEST ALONG THE SECTION LINE 2075.10 FEET AND SOUTH 720.02 FEET FROM THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 29' WEST ALONG A RETAINING WALL AND WELL EXTENDED 146.85 FEET; THENCE NORTH 89 DEG. 05' EAST 70.39 FEET; THENCE SOUTH 14 DEG. 44' EAST 119.29 FEET; THENCE SOUTH 89 DEG. 55' WEST 184.91 FEET; THENCE NORTH 13' EAST 260 FEET; THENCE NORTH 89 DEG. 05' EAST 84.45 FEET TO BEGINNING.

ENT 112443 B 5248 P 656

LESS AND EXCEPTING:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 0 DEG. 27'58" EAST ALONG THE SECTION LINE 1382.51 FEET; THENCE NORTH 89 DEG. 49'36" WEST ALONG THE ONE-SIXTEENTH SECTION LINE 1386.88 FEET; THENCE NORTH 1 DEG. 45'27" WEST ALONG A FENCE LINE 37.88 FEET; THENCE SOUTH 89 DEG. 24'56" WEST 429.15 FEET; THENCE SOUTH 89 DEG. 13'32" WEST ALONG THE NORTH BOUNDARY OF PLAT "C", TIMP RIDGE ESTATES 879.87 FEET; THENCE NORTH 0 DEG. 05'48" WEST ALONG THE ONE-QUARTER SECTION LINE 468.22 FEET; THENCE NORTH 88 DEG. 32'53" EAST PARTIALLY ALONG A FENCE LINE 562.53 FEET; THENCE SOUTH 0 DEG. 12'46" EAST 132.75 FEET; THENCE NORTH 89 DEG. 29'14" EAST 184.19 FEET; THENCE NORTH 15 DEG. 09'46" WEST 119.29 FEET; THENCE NORTH 8 DEG. 06'12" EAST ALONG A FENCE LINE 148.31 FEET; THENCE NORTH 88 DEG. 39'14" EAST 204.56 FEET; THENCE NORTH 2 DEG. 00'13" WEST 69.49 FEET; THENCE NORTH 48 DEG. 15' EAST 172.00 FEET; THENCE NORTH 64 DEG. 45' EAST 405.50 FEET; THENCE NORTH 19 DEG. 57' EAST 73.26 FEET; THENCE NORTH 17 DEG. 20'46" WEST 85.20 FEET; THENCE NORTH 42 DEG. 46'14" EAST 304.90 FEET; THENCE NORTH 89 DEG. 35'06" EAST ALONG THE SECTION LINE 1045.29 FEET TO THE POINT OF BEGINNING.

ALSO LESS AND EXCEPTING:

BEGINNING AT A POINT ON A FENCE CORNER, AT A POINT ON THE BOUNDARY LINE AGREEMENT AS RECORDED IN BOOK 2275-OF-848, SAID POINT BEING SOUTH 89 DEG. 35'07" WEST 1949.10 FEET ALONG SECTION LINE AND SOUTH 729.23 FEET FROM THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 8 DEG. 06'12" WEST 148.31 FEET ALONG A FENCE LINE; THENCE SOUTH 89 DEG. 59'43" WEST 71.61 FEET ALONG A FENCE LINE; THENCE NORTH 0 DEG. 05'19" EAST 146.13 FEET ALONG A FENCE LINE; THENCE NORTH 89 DEG. 33'35" EAST 92.30 FEET ALONG A FENCE LINE TO THE POINT OF BEGINNING.

ALSO LESS AND EXCEPTING:

BEGINNING AT A FENCE CORNER ON THE SOUTH SIDE OF 200 SOUTH STREET (BATTLE CREEK DRIVE), PLEASANT GROVE, UTAH, WHICH POINT IS SOUTH 89°35'14" WEST ALONG THE SECTION LINE 2041.40 FEET AND SOUTH 729.35 FEET (BASED ON THE UTAH STATE COORDINATE SYSTEM, CENTRAL ZONE AND DATA PUBLISHED BY THE UTAH COUNTY SURVEYOR AS OF JANUARY 1986) FROM THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 00°05'19" WEST 137.87 FEET ALONG A FENCE LINE AS DESCRIBED IN A FENCE LINE BOUNDARY AGREEMENT ENTRY NO. 35388-92, BOOK 2966, PAGE 465; THENCE SOUTH 89°22'00" WEST 82.56 FEET TO A POINT ON A BOUNDARY LINE AGREEMENT ENTRY NO. 1746-86, BOOK 2275, PAGE 848; THENCE NORTH 00°12'46" WEST ALONG SAID BOUNDARY LINE AGREEMENT 8.63 FEET; THENCE SOUTH 88°32'53" WEST CONTINUING ALONG SAID BOUNDARY LINE AGREEMENT 0.50 FEET TO A FENCE LINE; THENCE NORTH 00°36'30" WEST 129.53 FEET TO THE SOUTH SIDE OF SAID 200 SOUTH STREET; THENCE NORTH 89°33'35" EAST ALONG SAID STREET 84.68 FEET TO THE POINT OF BEGINNING.

ALSO LESS AND EXCEPTING:

BEGINNING AT A POINT ON A BOUNDARY LINE AGREEMENT ENTRY NO. 1746-86, BOOK 2275, PAGE 848, WHICH POINT IS SOUTH 89°35'14" WEST ALONG THE SECTION LINE 1970.01 FEET AND SOUTH 875.99 FEET (BASED ON THE UTAH STATE COORDINATE SYSTEM, CENTRAL ZONE AND DATA PUBLISHED BY THE UTAH COUNTY SURVEYOR AS OF JANUARY 1986) FROM THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 15°09'46" EAST ALONG SAID BOUNDARY LINE AGREEMENT 119.29 FEET; THENCE SOUTH 89°29'14" WEST CONTINUING ALONG SAID BOUNDARY LINE AGREEMENT 184.91 FEET; THENCE NORTH 00°12'46" WEST CONTINUING ALONG SAID BOUNDARY LINE AGREEMENT 124.12 FEET; THENCE NORTH 89°22'00" EAST 82.56 FEET TO A FENCE LINE AS DESCRIBED IN A FENCE LINE BOUNDARY AGREEMENT ENTRY NO. 35388-92, BOOK 2966, PAGE 465; THENCE SOUTH 00°05'19" WEST 8.25 FEET ALONG A FENCE LINE AS DESCRIBED IN SAID BOUNDARY AGREEMENT, TO A FENCE LINE; THENCE NORTH 89°59'43" EAST 71.61 FEET ALONG SAID FENCE LINE AS DESCRIBED IN SAID BOUNDARY AGREEMENT, TO THE POINT OF BEGINNING.

STATE OF UTAH
COUNTY OF UTAH
I, THE UNDERSIGNED RECORDER OF UTAH COUNTY, UTAH
DO HEREBY CERTIFY THAT THE ANNEXED AND FOREGOING IS A
TRUE COPY OF THE ORIGINAL RECORDED DOCUMENT IN THE
OFFICE RECORD IN MY OFFICE AS THE SAME APPEARS IN

ENTRY 112443; 99 PAGES 3

BOOK AT PAGE 28th

WITNESS MY HAND AND SEAL OF SAID OFFICE THIS 28th

DAY OF November 20 05

RANDALL A. COVINGTON, RECORDER

Deana Hill DEPUTY



Check here to receive a
2006 prepayment booklet:
(Form on reverse side)

****TAXES ARE DELINQUENT AT 5:00 PM, NOV. 30, 2005****

Pay Online at www.utah.gov/utahproptax.org

Pin #: 0438946
Serial #: 14:044:0059
District #: 070

Recorded owner as of JAN. 1, 2005

2005 Amt. Due: \$14.17



14:044:0059
% NIELSON, KARI
GEDO, MIGUEL DAVID
775 E 150 N
AMERICAN FORK UT 84003-3018

1

Return this portion with your MAIL payment.

Retain this portion for your records. Your canceled check will be your receipt.

2005 UTAH COUNTY TAX NOTICE

SEE REVERSE SIDE FOR IMPORTANT INFORMATION

MAKE CHECK PAYABLE TO UTAH COUNTY TREASURER
100 EAST CENTER, SUITE 1200, PROVO, UTAH 84606-3159

Recorded owner as of JAN. 1, 2005

Pin #: 0438946 District #: 070
Serial #: 14:044:0059 V

% NIELSON, KARI
GEDO, MIGUEL DAVID
775 E 150 N
AMERICAN FORK UT 84003-3018

2005 TAXES: \$14.17
Adjustments: \$0.00
Total Payments: \$0.00

2005 Amt. Due: \$14.17

Property Description (not for legal documents):

COMM S 735.14 FT & W 2069.64 FT FR NE COR. SEC. 27, T5S, R2E, SLB&M.; S 0 DEG 3'13"W 9.06 FT
; S 0 DEG 3'14"W 0.07 FT; S 89 DEG 33'35"W 56.38 FT; S 0 DEG 36'30"E 129.53 FT; N 88 DEG
2'53"E 0.5 FT; S 0 DEG 12'47"E 0.18 FT; S 88 DEG 32'52"W 29.43 FT; N 0 DEG 12'47"W 138.01
FT; N 88 DEG 39'13"E 84.45 FT TO BEG. AREA 0.101 AC.

Property Address:

| Value of Property | | | Effective Tax Rate | Distribution of General Taxes | | |
|-------------------|---------------|--------------|-----------------------|-------------------------------|----------|--------|
| Type | Taxable Value | Market Value | | Taxing Unit | Tax Rate | Amount |
| s Real Est | 1,156 | 1,156 | .008080 | ALPINE SCHOOL DIST | .008082 | 9.34 |
| | | | .000355 | ASSESSING | .000351 | .41 |
| | | | .001038 | UTAH COUNTY | .001040 | 1.20 |
| | | | .000398 | CENTRAL UT WATER | .000400 | .46 |
| | | | .000035 | NO. UTAH CNTY WATER | .000033 | .04 |
| | | | .002352 | PLEASANT GROVE CITY | .002349 | 2.72 |
| | | | | | | |
| | 1,156 | 1,156 | .012258 | | .012255 | 14.17 |

EXHIBIT #3

1 MIGUEL DAVID GEDO,
2 MARIA SANCHEZ
3 1451 S. 50 E.
4 OREM UTAH 84058

5
6 **IN THE UTAH COURT OF APPEALS**

7
8 MIGUEL DAVID GEDO and MARIA
9 SANCHEZ,
10
11 Appellants,

12 v.

13 JOHN R. SUDWEEKS and DEANNA
14 SUDWEEKS,
15 Appellees.

MOTION TO SUPPLEMENT THE
RECORD; and,
MOTION FOR ORDER TO SHOW
CAUSE

Case No.: 20040767- CA

16
17 Comes now Appellants and move to supplement the record of this case on appeal due
18 to the following reasons, to wit:

- 19
- 20 1. Appellant requested the record of all the hearings held in the State of Utah 4th
21 District Court in this case timely.
 - 22 2. Appellants could not afford to pay for the entire case to be transcribed and
23 therefore only requested limited parts of the record to be transcribed for
24 reference purposes.
 - 25 3. The entire transcript for order to show cause pre-trial hearing on September 11
2003, was requested on this case but was denied due to the court stating "Upon

1 review of the video tape labeled Tape 7A, it is determined there is no sound nor
2 picture for that hearing. Therefore, the video is inadequate to transcribe and no
3 transcript can be made.”(Please see exhibit 1, which is date stamped June 8th ,
4 2005)

- 5 4. Appellants have consulted with numerous attorneys about this incident were the
6 recordings have been unavailable for Appellants use in preparation for appeal due
7 to destruction or equipment malfunction. All said consultations resulted in
8 mentioned attorneys stating that they have NEVER heard of the record being
9 destroyed or the determination that there is no sound nor picture for a hearing by
10 a court of record, not ever. But, one of the attorneys advised Appellant to file a
11 motion for order to show cause, bill of particulars, and request for hearing, Re:
12 Destruction of Court Audio and Video Recordings, which request was filed on
13 September 8th, 2005, with the 4th District Court (please see Exhibit #2) and copy
14 sent to this Court of Appeals, and copy sent to Appellees attorney of record, and
15 of which Appellants have not received any ruling regarding that motion from either
16 the 4th District Court, this Court of Appeals, or Appellees counsel of record.

17 This mentioned dereliction may be grounds for summary reversal of all the 4th
18 District Court rulings and judgment involved in this action. Furthermore, on
19 September 7th, 2005, Teri Anderson, Deputy Clerk of the 4th District Court filed
20 “Clerk’s Certificate on Transcript, certifying that the foregoing and hereunto
21 attached document is the original Transcript from the above-entitled case.

22 WITNESS MY HAND AND SEAL of said District Court at my office in the 4th
23 District Court – PROVO, State of Utah, this 2nd day of September, 2005” (Please
24 see Exhibit #3), but said Judgment Roll and Index fails to list the 4th District
25 Courts “Ruling Regarding Transcription of Video Tape” and instead listed it as

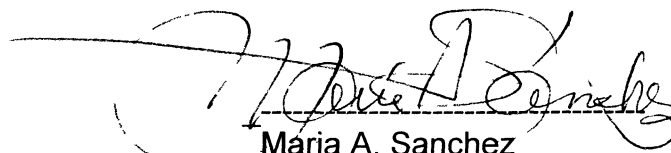
(sic) "Minutes Regarding Transcription of Video Tape" and resulting that that ruling was never sent to this Court of Appeals in Judgment Roll and Index as Certified by said clerk. The destruction of the September 11, 2005 transcript requested by Appellant is the original Transcript which contains Judge Taylor's "Ruling Regarding Transcription Of Video Tape" (please see Exhibit #1) but is listed in the Supplemental Judgment Roll and Index as **Minutes** Regarding Transcription of Video Tape (please see Exhibit #4 "Supplemental Judgment Roll and Index) thereby purposefully and criminally withholding from Court of Appeals the actual document from Judge Taylor titled "Ruling Regarding Transcription of Video Tape"(please see Exhibit #1) not "Minutes Regarding Transcription of Video Tape" as listed in the R.O.A. page # 0271, for said Clerks Judgment Roll and Index, all of which proves that Teri Anderson, deputy court clerk, intentionally failed to list on sworn Clerk's Certificate Judgment Roll and Index a crucial court ruling in this case, and that the 4th District Court may be fraudulently attempting to withhold from the Court of Appeals the actual Judgment Roll and Index in this case and of which actions Appellant properly request be classified as contempt of the Court of Appeals by the 4th District Court, Provo Department Judge Taylor and Clerk Teri Anderson and for this court to schedule Order to Show Cause for mentioned intentional misleading of this Court of Appeals on a day, time and place set certain and forthwith. Further, the 4th District Court may lack jurisdiction to enter said ruling regarding the record of this case due to this case being appealed as stated in Judge Taylors minute entry (see R.O.A. page #0257) "The law is quite clear that when a matter has been taken, by appeal, to either the Supreme Court or the Court of Appeals this court is divested of jurisdiction to make further substantive orders in this case."

1 Wherefore, due to the reasons, law, process and possible unlawful actions by the 4th
2 District Court Clerk, Judge Taylor, and Appellees counsel in attempting to delay,
3 deny, misinform, and (sic) tamper with the record of all proceedings held in this case
4 and deny Appellants prosecution of Appellants lawful appeal, Appellants hereby
5 request this Court of Appeals grant and order Appellants motion to supplement the
6 record with testimony, affidavits, documents, and law, all of which are wholly
7 pertinent and indispensable to this case and Appellants appeal of all actions of the
8 State of Utah 4th District Court, Provo Department, to the State of Utah Court of
9 Appeals.

11 Dated this 1st day of November, 2005

12 

14 1451 S. 50 E.
Orem, Utah 84058
Miguel David Gedo

16 

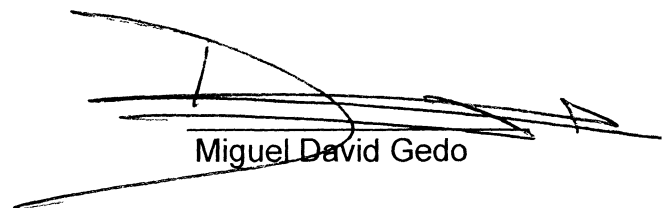
18 Maria A. Sanchez
1451 S. 50 E.
Orem, Utah 84058

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CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of November, 2005, a true and correct copy of the within and foregoing **MOTION TO SUPPLEMENT THE RECORD; and, MOTION FOR ORDER TO SHOW CAUSE** was mailed via the United States mail, postage prepaid to the following:

Attorneys for appellees:
Brett C Anderson
110 S. Main St.
Pleasant Grove, Utah 84062



Miguel David Gedo

FILED

JUN 08 2005

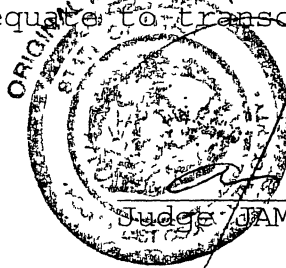
4TH DISTRICT
STATE OF UTAH
UTAH COUNTY

4TH DISTRICT COURT - PROVO COURT
UTAH COUNTY, STATE OF UTAH

| | | |
|-------------------------|---|--------------------------------|
| JOHN R SUDWEEKS, | : | |
| Plaintiff, | : | RULING REGARDING TRANSCRIPTION |
| | : | OF VIDEO TAPE |
| | : | |
| | : | |
| vs. | : | Case No: 010402488 |
| | : | |
| MARIE ANGELICA SANCHEZ, | : | Judge: JAMES R TAYLOR |
| Defendant. | : | Date: 06/08/2005 |

Clerk: sharonj

The Court is in receipt of a request for a transcript of an Order to Show Cause hearing held on September 11, 2003 before Judge James R. Taylor. Upon review of the video tape labeled Tape 7A, it is determined there is no sound nor picture for that hearing. Therefore, the video is inadequate to transcribe and no transcript can be made.



Judge JAMES R TAYLOR

EXHIBIT #1

1 **MIGUEL DAVID GEDO**
1451 S. 50 E.
2 Orem Utah 84058

3
4
5 **IN THE FOURTH JUDICIAL DISTRICT COURT IN AND FOR**
6 **UTAH COUNTY, STATE OF UTAH**
7

8
9 **JOHN R.SUDWEEKS,**
10 **Plaintiff,**

11 **v.**

12 **MIGUEL DAVID GEDO,**
13 **MARIA ANGELICE SANCHEZ,**
14 **Defendants.**

**MOTION FOR ORDER TO SHOW
CAUSE, BILL OF PARTICULARS,
and, REQUEST FOR HEARING,
Re.
DESTRUCTION OF COURT AUDIO
AND VIDEO RECORD**

CASE No: 010402488

Judge: James R. Taylor

15
16
17
18 Defendants state:

19 Whereas, this case is on appeal waiting for official transcript wherewith to review
20 proceedings, examine the issues, and determine substantial decisions according to law;
21 and,

22 Whereas, following Defendants request for copy of transcript, this court delayed,
23 pontificated, avoided and otherwise denied these Defendants reasonable, timely and
24 lawful request for transcript; and,

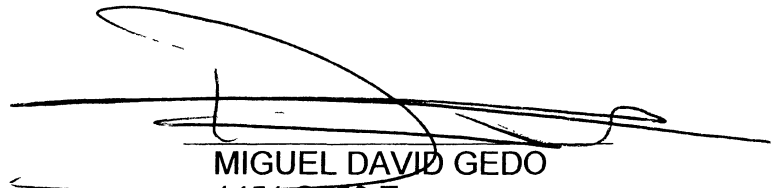
25
EXHIBIT#2

1 Whereas, without said transcript there is no evidence to examine to determine what,
2 why, or when everything done to Defendants by Plaintiffs and the Judge Taylor court
3 was done and / or the law applied to make such determinations which resulted in this
4 court and plaintiff wrongfully appropriating Defendants bought, paid for, taxed, surveyed
5 and recorded parcel of real estate to Defendants neighbor with a preliminary injunction
6 on August 21, 2001 which caused Defendants to be wrongfully deprived of their parcel
7 of real estate since then, Defendants have been forced to continue to pay real estate
8 property taxes on the disputed parcel pending complete resolution of this case and the
9 temporary restraining order and injunction that were issued by this court remain in effect
10 and this court, the plaintiff and plaintiffs attorney may become liable for injuring
11 Defendants by illegally and unlawfully seizing Defendants property against law, all of
12 which is the subject matter of this judicial action.

13 NOW THEREFORE, Defendants request a complete hearing on the merits and a bill of
14 particulars describing what was done to Defendants, the legal reasoning used to
15 enforce the result, applicable law in support of any of plaintiffs claims, all documents
16 used to determine ownership, property lines, tax identification numbers, deed, land
17 patent, transfers of title, and / or any other documentation relied upon to make
18 ownership determinations in this case.

19 Dated this 8th day of September, 2005

20
21
22
23
24
25



MIGUEL DAVID GEDO
1451 S. 50 E.
Orem Utah 84058

CERTIFICATE OF SERVICE

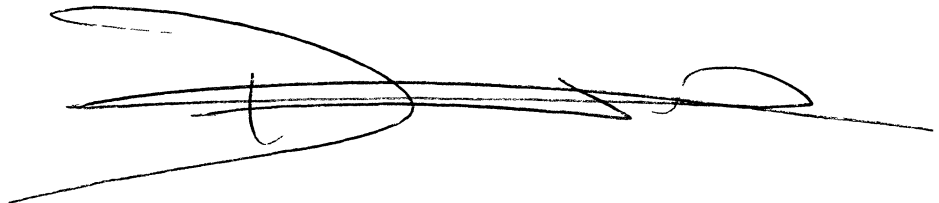
I hereby certify that on the 8th day of September, 2005, a true and correct copy of the within and foregoing **MOTION FOR ORDER TO SHOW CAUSE, BILL OF PARTICULARS, and, REQUEST FOR HEARING, Re. DESTRUCTION OF COURT AUDIO AND VIDEO RECORD** was mailed via the United States mail, postage prepaid to the following:

Attorneys for appellees:

Brett C Anderson

110 S. Main St.

Pleasant Grove, Utah 84062

A handwritten signature in black ink, appearing to read "Brett C. Anderson", is written over a horizontal line. The signature is stylized with a large loop at the end.

4TH DISTRICT COURT - PROVO
STATE OF UTAH

JOHN R SUDWEEKS
Plaintiff

vs.

MARIE ANGELICA SANCHEZ
Defendant

CLERK'S CERTIFICATE
ON TRANSCRIPT

Civil No: 010402488

Appellate No: 20040767-CA

STATE OF UTAH)

: ss.

COUNTY OF UTAH)

I, TERI ANDERSON, Deputy Clerk of the District Court of
4TH DISTRICT COURT - PROVO, State of Utah do hereby certify that the
foregoing and hereunto attached document is the original Transcript
from the above-entitled case.

WITNESS MY HAND AND SEAL of said District Court at my office in
4TH DISTRICT COURT - PROVO, State of Utah, this 2 day of September 2005.

DEPUTY COURT CLERK

By Teri Anderson
Deputy Clerk

EXHIBIT # 3

FILED
UTAH APPELLATE COURT
SEP 07 2005

4TH DISTRICT COURT - PROVO
STATE OF UTAH

JOHN R SUDWEEKS
Plaintiff

vs.

MARIE ANGELICA SANCHEZ
Defendant

Supplemental
JUDGMENT ROLL AND INDEX

Civil No: 010402488

Appellate No: *20040767-CA*

STATE OF UTAH)

: ss.

COUNTY OF UTAH)

I, TERI ANDERSON, Deputy Clerk of the District Court of the
4TH DISTRICT COURT - PROVO, State of Utah, do hereby certify that the attached
papers constitute the Judgment Roll and Index and other papers in the
above-entitled action; that the following is a list of said papers:

Refer to the attached document list

WITNESS MY HAND THE SEAL OF THIS Court, affixed at
my office in 4TH DISTRICT COURT - PROVO, STATE OF UTAH, this 2 day
of September 2005.

DISTRICT COURT CLERK

By *Teri Anderson*
Deputy Clerk

EXHIBIT #4

| Document Title | Entry Date | Page Number |
|--|-------------------|--------------------|
| Completed Transcript Request Form | 05/12/2000 | 0270 |
| Affidavit of Impecuniosity submitted | 08/30/2004 | 0236 |
| LING (Affidavit of Impecuniosity granted) | 08/30/2004 | 0237 |
| Order from the Court of Appeals (matter transfer) | 09/03/2004 | 0238 |
| Copy of Letter from the Court of Appeals to Miguel | 09/15/2004 | 0239 |
| Order (from Supreme Court transferring matter to Court of Appeals) | 09/15/2004 | 0240 |
| Request for Transcript Pursuant to Right of Appellate | 09/15/2004 | 0244 |
| Marketing Statement | 09/17/2004 | 0255 |
| Minute Entry | 09/17/2004 | 0258 |
| Assignment Roll and Index | 10/22/2004 | 0262 |
| Order from Utah Court of Appeals to Appeals Clerk | 12/16/2004 | 0263 |
| Completed Transcript Request Form | 01/06/2005 | 0264 |
| Copy of Order from the Utah Court of Appeals | 02/07/2005 | 0265 |
| Copy of Letter to Miguel Gedo (concerning deposition) | 02/11/2005 | 0267 |
| Request for CD/ Video/ Audio | 02/25/2005 | 0268 |
| Minutes Regarding Transcription of Video Tape | 06/08/2005 | 0271 |
| Transcript Pretrial Conference held 7-23, 12-15 and 1-12 | 06/09/2005 | 0272 |

1 Miguel David Gedo
2 Maria A. Sanchez
3 1451 S. 50 E.
4 Orem, Utah 84058



5 IN THE UTAH COURT OF APPEALS

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10 JOHN R. SUDWEEKS, and
11 DEANNA SUDWEEKS,
12 Plaintiff/Appellee,
13
14 v.
15 MIGUEL DAVID GEDO,
16 MARIA ANGELICA SANCHEZ,
17
18 Defendant/Appellant.

THIRD REQUEST FOR EXTENSION
OF TIME TO FILE APPELLANTS
BRIEF, PURSUANT TO URAP, RULE
22(b)(2)and,

REQUEST FOR ORAL ARGUMENT
ON DENIAL OF APPELLANTS
MOTION TO SUPPLEMENT THE
RECORD, PURSUANT TO URAP,
RULE 29, and,

REQUEST FOR BILL OF
PARTICULARS ON DENIAL OF
MOTION TO SUPPLEMENT THE
RECORD, or alternatively, PURSUANT
TO URAP, RULE 45, REVIEW BY THE
SUPREME COURT

19 Case No.: 20040767-CA

21
22 Appellants Miguel David Gedo and Maria Sanchez hereby move this court for
23 enlargement of time to file brief due to the following reasons, to wit::

24 a. Appellant has been preparing the brief for appeal on this case and went to
25 the 4th District Court for information in the court file on this case. Upon

1 examining the complete file on this case for the first time, Appellant then
2 realized that at least 80 percent of the documents contained therein had
3 never been served upon Appellant by Appellee either before trial or after
4 trial. On October 7th, 2005, Judge Taylor approved Appellants Affidavit of
5 Impecuniosity which provided Appellant with a complete copy of the file in
6 this case for the first time and for Appellants use as reference for
7 preparation of the brief in support of Appeal for this case. Appellant only
8 then realized that Appellee and the 4th District Court judge Taylor have
9 withheld many documents, notices, orders, changes, amendments and
10 other information which would substantially improve, add to, prove, and
11 establish all of Appellants reasons and argument for reversal, or dismissal,
12 and / or summary judgment on Appellants behalf in this case. Appellants
13 realize this court has granted two extension for filing of brief in this case, but
14 due to the volume of the case file, the complete surprise of so many of the
15 documents contained in the case file due to Appellees failure to notify
16 Appellant of so many indispensable documents and notices of pretrial
17 hearings and changes in the causes of action in this case, additionally,
18 critical testimony in the official transcript is missing due to transcriber
19 inserting "short inaudible:", or "no mic", or "two speakers" or "inaudible
20 word" and other sections of the transcript which make no sense to the
21 reader, but made sense at trial, all of which makes much of the transcript
22 incomplete nonsense, and all of which provides sufficient cause to compel
23 this court to grant Appellants motion for extension of time to file Appellants
24 brief.
25

1 b. This court should again grant enlargement of time due to the volume of
2 documents in the case file, the failures of the trial court and the failures of
3 Appellee to follow the rules regarding service of process for all the
4 documents, and, that have resulted from the extended period of time that
5 this case was litigated due to no fault of Appellants, and the extent of the
6 large number of documents in the trial courts file in this case, of which many
7 were ex parte due to the courts and Appellees criminal mail fraud, the (sic)
8 hundreds of pages of documents that the trial court and Appellee failed to
9 serve properly upon Appellant and were actually never served upon
10 Appellant and the fact that Appellants are not attorneys, which requires this
11 court to consider the complexity of the issues to be argued, the facts that
12 Appellants are pro se litigants, the high stakes involved in this property case
13 that involves property worth tens of thousands of dollars to Appellant, the
14 accumulation and degree of injuries imposed upon Appellants due to this
15 case that summarily deprived them of the mentioned value and real property
16 that Appellants paid for, but have yet to receive due to Appellees and the
17 State of Utah 4th District Court mistakes, omissions, failures to apply Utah
18 Code provisions for the protection of and determination of ownership of real
19 property that is and has always been properly Recorded upon the State of
20 Utah, Utah County Recorder official records, all incontrovertibly affirming
21 Appellants ownership of the parcel that is the subject matter of this action.

22 c. These Appellants are currently being prosecuted on about

- 23 1. City of Orem v. Miguel David Gedo, case # 05541292 in the 4th District
24 Court, Provo Department.

2. City of Orem v. Miguel David Gedo, case # 055212625 in the 4th District Court, Provo Department.
3. City of Provo v. Miguel David Gedo, case # 055416513 in the 4th district Court, Provo Department.
4. Salt Lake City Corp. v. Miguel David Gedo, case # 200403512 in Salt Lake City Justice Court.
5. N.A.R. v Miguel David Gedo, case # 050102987, in the 4th district Court, American Fork Department.
6. Pleasant Grove City v. Miguel David Gedo, case # 05PG04045 in Pleasant Grove Justice Court.
7. State of Utah Recovery Services v. Miguel David Gedo, case # 054402008, in the 4th District Court, Provo Department.
8. Miguel David Gedo v. Shacke Rose, case # 54400798 in the 4th District Court, Provo Department.
9. Miguel David Gedo v. Pleasant Grove City, et al, case# 2:05-cv-363, in the United States District Court.
- 10 Miguel David Gedo and Maria A. Sanchez v. Shacke Rose Ouzonian, case # 050403736, in the 4th District Court, Provo Department.
- 11 Miguel David Gedo and James Gedo v. David Richards, Flying Ace Towing, Larry's Towing, Dynamic Collision / Towing, Bulldog Towing, Express Towing, Brent Brown Towing, Ed's Discount Towing, and AM / PM Towing, et al.

- 12 Debra L. Miller, Secretary of the Kansas Dept. of Transportation v.
Danny Lambeth d/b/a Truck Wholesale, case # 05-3207 in the United
States Court of Appeals for the 10th Circuit.
- 13 Debra L. Miller, Secretary of the Kansas Department of
Transportation v. Danny Lambeth d/b/a Truck Wholesale, case # 04 –
2613 – CM, in the United States District Court, District of Kansas.
- 14 Debra L. Miller, Secretary of the Kansas Department of
Transportation v. Danny Lambeth d/b/a Truck Wholesale, case # 2:05
– cv – 02039 - GTV, in the United States District Court, District of
Kansas.
- 15 Debra L. Miller, Secretary of the Kansas Department of
Transportation v. Danny Lambeth d/b/a Truck Wholesale, case # 05 –
94011 - A, in the Court of Appeals, State of Kansas.
- 16 Pleasant Grove City v. Maria Sanchez, case # 025412343 in the 4th
District Court , Provo Department.
- 17 Provo City v. James Gedo, case # 041404166, 4th District Court ,
Provo Department.
- 18 Provo City v. James Gedo, case # 021402883, 4th District Court ,
Provo Department.
- 19
- 20 19. State of Utah v. James Gedo, case # 051400587 in the
21 4th District Court, Provo Department.
- 22 20. Provo City v. James Lootis Gedo, case # 20040225 – CA,
23 in the Utah Court of Appeals.
- 24 21. These cases are only about 10% of the cases that are
25 currently being prosecuted against Appellants, and which may involve

1 incarceration of Appellants if convicted, but Appellants are running out of
2 time this Friday, December 09, 2005 to list all the cases that Appellant is
3 currently processing, plus this application for enlargement of time. Besides
4 all of these cases, Appellants are managers of a 19 (nineteen) apartment
5 complex which require maintenance, snow removal, tenant problems,
6 eviction litigation, etc. and Appellants also have to earn a living at the same
7 time as this mentioned litigation and vehicle transportation which requires
8 Appellants to travel all over the United States at all times of the year. Plus
9 hundreds of cases that have been successfully defended since the
10 commencement of this action on May 10th, of the year 2001.

11 d. That these Appellants moved this court to supplement the record due to the
12 destruction of the record, and, the trial court failure to properly record and
13 preserve the record of this case, and the fact that Appellants are not well
14 versed in the procedures, process and complexities involved in appeal of a
15 2 (two) day trial in which Appellants were summarily and unlawfully denied
16 jury trial and unlawfully continues to impose involuntary servitude upon
17 these Appellants.

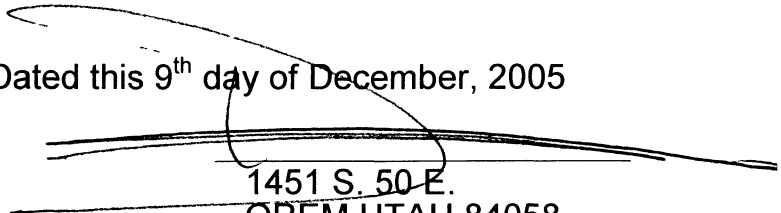
18 e. Appellant reminds this court stated it would only consider another extension
19 if circumstances were beyond Appellants control. Appellant states, for the
20 record that these entire proceedings have been "beyond Appellants control"
21 and exacerbated by the 4th District Court machinations of the record,
22 failures to notify, and allowing Appellee the same misconduct to proceed
23 unquestioned, unconsidered, unpunished, undeterred, unsanctioned and
24 unarrested, but still "gave" Appellee anything Appellee wanted, when and
25 while the trial court refused most of the timely, appropriate, applicable and

1 indispensable relevant provisions for the protections of Appellants private
2 property involved in this case. Further, Appellant informs this court that
3 Appellant Miguel David Gedo is an elementary school 3rd grade dropout and
4 therefore requires a scribe to read, write, typewrite and perform legal
5 research relating to this case.

- 6 f. Appellants filed Motion to Supplement the Record on November 1st, 2005,
7 and this court has delayed ruling on and informing Appellant about this
8 courts' decision on the issue. This court delayed informing Appellant on its
9 ruling, did not send Appellant notice of its ruling until today's date, when
10 Appellant telephonically contacted the court and was informed that said
11 Motion was denied and Appellant would not have received notice of the
12 denial until the due date of Appellants brief , which is December 11, 2005,
13 which would have been too late to effectuate any proper objection or appeal
14 by Appellant to the Supreme Court of the State of Utah or the United States
15 Supreme Court. Appellant reserves right to appeal this courts' denial of
16 Appellants motion to supplement the record for reversible error committed
17 upon a case that has inexplicably and suddenly, after 4 (four) years and at
18 the most crucial and vulnerable stage of these proceedings, become time
19 sensitive without regard for many of the deprivations that were summarily
20 imposed upon Appellant by the 4th District Court and it now appears this
21 Court of Appeals is (sic) willing, able and ready to impose the same
22 misconduct by enforcing the machinations of the 4th District Court as if this
23 court is unaware that many of this Appellants civil rights have been and
24 continue to be violated by lawyers and judges involved with this case.
25

- 1 g. Two previous enlargement of time have been granted to Appellants in this
2 case, for 30 (thirty) days.
3 h. The time will expire for filing Appellants brief on December 11, 2005.
4 i. Appellant will or may have the mentioned brief complete and / or
5 supplemented by January 11, 2006, or more time as this court will evaluate
6 in the circumstances of these Appellants.
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12 Dated this 9th day of December, 2005

13 
14 1451 S. 50 E.
OREM UTAH 84058
MIGUEL DAVID GEDO
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17 MARIA SANCHEZ
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CERTIFICATE OF SERVICE

I certify that on this 9th day of December, 2005, I caused the foregoing motion THIRD REQUEST FOR EXTENSION OF TIME TO FILE APPELLANTS BRIEF, PURSUANT TO URAP, RULE 22(b)(2) and,

REQUEST FOR ORAL ARGUMENT ON DENIAL OF APPELLANTS MOTION TO SUPPLEMENT THE RECORD, PURSUANT TO URAP, RULE 29, and,

REQUEST FOR BILL OF PARTICULARS ON DENIAL OF MOTION TO SUPPLEMENT THE RECORD, or alternatively, PURSUANT TO URAP, RULE 45, REVIEW BY THE SUPREME COURT to be served upon the following person(s) by placing a true and correct copy of the same in the U.S. mail, first class postage prepaid and addressed as follows:

Attorney for Appellees:
John and Deanna sudweeks
Brett C. Anderson
110 South Main St.
Pleasant Grove, UT 84062



MIGUEL DAVID GEDO

1 MIGUEL DAVID GEDO,
2 MARIA SANCHEZ
3 1451 S. 50 E.
4 OREM UTAH 84058
5

6 **IN THE UTAH COURT OF APPEALS**
7

8 MIGUEL DAVID GEDO and MARIA
9 SANCHEZ,

10 Appellants,

11 v.

12 JOHN R. SUDWEEKS and DEANNA
13 SUDWEEKS,

14 Appellees.
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16

MOTION FOR CLERK TO IMPOSE
WAIVER REQUIREMENTS OF
UTAH RULES OF CIVIL PROCEDURE
RULE 10 (f) FOR PRO SE PARTIES

Case No.: 20040767- CA

17 Appellees state:
18

19 Whereas, Appellants are appealing this case pro se; and,

20 Whereas, Appellants claim the waiver requirements of Utah Rule of Civil Procedure,

21 Rule 10 (f) "Enforcement by clerk; waiver for pro se parties." Which states:

22 "The clerk of the court shall examine all pleadings and other papers filed with the
23 court. If they are not prepared in conformity with this rule, the clerk shall accept the
24 filings but may require counsel to substitute properly prepared papers for
25 nonconforming papers. The clerk or the court may waive the requirements of this rule

1 for parties appearing pro se. For good cause shown, the court may relieve any party of
2 any requirements of this rule.

3 Wherefore, according to the preceding quoted law, Appellants hereby move the clerk of
4 this court to waive the attorney requirements for the preparation of the brief and allow
5 for and accept Appellants pro se submission of Appellants brief for this appeal.

6
7 Dated this 2nd day of December, 2005

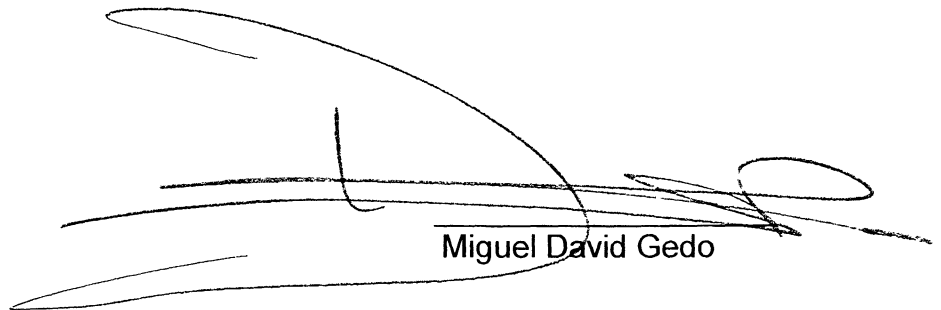
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10 1451 S. 50 E.
Orem, Utah 84058
Miguel David Gedo

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13 Maria A. Sanchez
14 1451 S. 50 E.
Orem, Utah 84058
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CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of December, 2005, a true and correct copy of the within and foregoing MOTION FOR CLERK TO IMPOSE WAIVER REQUIREMENTS OF UTAH RULES OF CIVIL PROCEDURE RULE 10 (f) FOR PRO SE PARTIES was mailed via the United States mail, postage prepaid to the following:

Attorneys for appellees:
Brett C Anderson
110 S. Main St.
Pleasant Grove, Utah 84062



Miguel David Gedo

Charles M. Bennett
Kristy L. Bertelsen
Michael D. Blackburn
David J. Castleton
Henry K. Choi II
Thomas Christensen, Jr.
Michael E. Dyer
Jerry D. Fann
Bryce D. Panzer
Dori K. Petersen
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Stanley K. Stoll
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Telephone (801) 521-7900
Fax (801) 521-7985

Bryce D. Panzer
Direct (801) 578-3520

E-mail: bpanze@blackburn-stoll.com

January 17, 2001

Via Fax to 572-5760

Trevor Sudweeks
Sudweeks Development, LLC
9829 South 1300 East, Suite 301
Sandy, Utah 84094

Re: Boundary Line Dispute re Property Owned by John and Deanna Sudweeks

Dear Trevor,

At your request, I have reviewed various maps, explanations and documents pertaining to a boundary line dispute respecting property owned by John and Deanna Sudweeks ("Sudweeks") and located in Pleasant Grove. The general nature of the dispute is that a portion of the property actually used and occupied by the Sudweeks for many years has been asserted to be owned by one Maria Angelica Sanchez ("Sanchez"), as successor in interest (through various conveyances) to the Strasburgs. The disputed parcel is approximately forty (40) feet wide, just slightly deeper than the Sudweeks' parcels, and is located on the eastern side of the property actually occupied by the Sudweeks.

According to the information you provided, including a helpful analysis by Mr. O'Connor, the Sudweeks actually occupy property that is approximately 171 feet wide and 133 feet deep. [The property is comprised of two legal descriptions, each being about one-half of the whole.] A comparison of the legal descriptions in the deeds by which the Sudweeks acquired the property to the physical measurements made by Mr. O'Connor illustrates that the Sudweeks occupy approximately the amount of property that they purchased.

I understand that the "disputed parcel" in question has been used and occupied by the Sudweeks since they acquired the property in 1972. Among other things, the Sudweeks have maintained a gravel driveway, on which an RV has been parked. The driveway does not extend for the full depth of the parcel, and is inset from the assumed boundary by a few feet. There is a fence running from the southeast corner of the parcel toward the north about fifty (50) feet, but it does not extend the full length of the boundary. For a long time, the

Trevor Sudweeks
January 17, 2001
Page 2

Sudweeks have maintained landscaping on the parcel. Mr. O'Connor's notes state that the Sudweeks have a block column on both the western and eastern boundaries of their parcel.

The first question I have is whether there is really any discrepancy or dispute. The county's plat maps reflect that there is a parcel lying between the Sudweeks and O'Connors; however, without having a formal survey done, I cannot assume that the forty foot wide parcel claimed to be owned by Ms. Sanchez even exists. Just because the county plat maps say it exists is not sufficient evidence to establish that fact, although the plat maps certainly create a concern. In my experience, conflicting legal descriptions commonly arise from either:

1. Faulty assumptions about the size of a section of land. The "perfect" section is 5,280 feet by 5,280 feet, but the "perfect" section rarely, if ever, exists. Nevertheless, people sometimes make assumptions about legal descriptions by assuming that the section of land they are dealing with has precisely those dimensions. Hence, the legal description prepared under such faulty assumptions will frequently conflict with the legal description of an adjoining parcel that is prepared by a competent surveyor, or gaps may be created where none were intended.

2. Monuments used as starting points have been moved or destroyed, or relocated incorrectly. As a result, subsequent surveys that appear to use the same starting point result in conflicting descriptions. A related error is simply an error in locating the monument.

I cannot say what type of error has led to this confusion, but, without having a competent surveyor examine the problem, I also cannot say that there is necessarily a factual basis for the adverse claim being asserted by Ms. Sanchez. Because I think the Sudweeks have a legitimate claim to the disputed property even if Ms. Sanchez has a colorable claim, I would not recommend having a survey done at the Sudweeks' expense at this time (unless there are special circumstances).

Assuming that the parcel claimed by Ms. Sanchez actually exists, I think the Sudweeks have, at the very least, a prescriptive easement on the disputed property, and possibly even title to the property under the doctrine of boundary by acquiescence. Utah law recognizes that a prescriptive easement arises if a person uses another's property and that use was obvious, without permission of the actual landowner, and continuous for at least twenty years. The drawbacks of a prescriptive easement are that: (a) it is not a recorded interest, and thus may create difficulties in conveyances, unless and until a court decree establishes the prescriptive

Trevor Sudweeks
January 17, 2001
Page 3

casement; and (b) the right to use the easement is limited to the uses to which the property was put during the "prescriptive period," i.e., the twenty year period (if it was used for a road for twenty years, that right continues, but you cannot build a house on it). On the other hand, the owner of the property that is subject to the easement may not use it for a purpose that interferes with the easement holder's use. So, Ms. Sanchez could not use the parcel as a driveway to her land to the south. Indeed, it is not clear that any use of the parcel by Ms. Sanchez would be permitted.

If the disputed parcel exists and the Sudweeks have a prescriptive easement on it, then the Sudweeks would appear to own a portion of the parcel to their west, and the owner of that parcel would probably have a similar prescriptive easement on the Sudweeks' property (and so on, until you get to the parcel owned by the Richardsons).

The doctrine of boundary by acquiescence may also be applicable. Boundary by acquiescence requires proof of four elements to establish ownership of a disputed parcel: "(1) occupation up to a visible line marked by monuments, fences, or buildings, (2) mutual acquiescence in the line as a boundary, (3) for a long period of time, (4) by adjoining landowners." Staker v. Ainsworth, 785 P.2d 417, 420 (Utah 1990) (quoting Goodman v. Wilkinson, 629 P.2d 447, 448 (Utah 1981)).

I think the first and third elements are clearly satisfied (although, since the fence and driveway do not extend the full depth of the property, there might be some question as to whether there is a "visible line" for the whole boundary). There may be some difficulty, however, in establishing the second and fourth elements. The older county plats show a gap between the Strasburgs' and Sudweeks' parcels, and it is not clear who owned the alleged gap. Assuming that the "gap" on the county plats represents a real piece of property, then the Strasburgs and their successors may not have been the "adjoining landowners," and the true "adjoining landowner" (whoever that was) may not have acquiesced to the boundary. On the other hand, since the Strasburgs ultimately ended up with title to the "gap," at least according to the county plat maps, I think it is likely they and their successors would be considered to be the adjoining landowners.

A claim to ownership based on boundary by acquiescence does not give the claimant clear title to the parcel until a court decree to that effect is entered and recorded. However, unlike a prescriptive easement, a parcel that is owned under a boundary by acquiescence claim

Trevor Sudweeks
January 17, 2001
Page 4

may be used for any lawful purpose, and not merely the uses to which the parcel was put during the twenty year period.

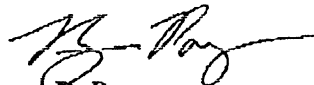
It is also possible that title may be claimed under adverse possession. Usually, establishing a claim of adverse possession requires proof that the claimant paid property taxes on the parcel for seven or more years (as well as occupied the property for seven or more years). If the disputed parcel exists, I presume that Strasburgs or their successors paid taxes on it. However, if no taxes were assessed or paid on the parcel, then the requirement of payment of taxes does not apply, and possession alone may be sufficient to establish title.

Unless there is a reason to establish either title to the property or a prescriptive easement within the foreseeable future, I do not recommend going to the expense of engaging a surveyor or filing a lawsuit at this time. Instead, if Ms. Sanchez is pushing the issue, I would suggest that she engage a competent surveyor, at her expense, to prepare a written survey and to stake all of the relevant boundaries on the ground. The matter could then be examined in light of the surveyor's determinations. If the Sudweeks intend to sell the property in the next few years, that may be a good reason to be more active in seeking a resolution. In that case, I think a number of the neighbors have interests in common with the Sudweeks and might be enticed to share in the costs.

In summary, since the property has been occupied by the Sudweeks for a long period of time, the law creates rights in the Sudweeks, even if they do not have fee title to the property, and they need not be concerned that Ms. Sanchez can oust them from the property.

Very truly yours,

BLACKBURN & STOLL, LC



Bryce D. Panzer