

0015

Document Information Form

Mine Number: C/043/001

File Name: Incoming

To: DOGM

From:

Person N/A

Company N/A

Date Sent: MARCH 23, 1990

Explanation:

NOTICE OF DEFAULT

cc:

File in: C/043/001, 1990, Incoming

Refer to:

- Confidential
- Shelf
- Expandable

Date _____ For additional information

0015

file ACT 043/001
cc L. Beaton

ENTRY NO. 151689 DATE 3-16-90 TIME 11:18 FEE \$9.50
RECORDED FOR ATTORNEY GENERAL BOOK 216 PAGE 717-718
RECORDER JOE DEAN HUBER BY LISA SESSIONS

WHEN RECORDED RETURN TO:

RALPH L. FINLAYSON
ASSISTANT ATTORNEY GENERAL
236 STATE CAPITOL
SALT LAKE CITY, UTAH 84114
TELEPHONE: (801) 538-1017

RECEIVED
MAR 23 1990

NOTICE OF DEFAULT DIVISION OF OIL, GAS & MINING

NOTICE IS HEREBY GIVEN that JOHNELL LIMITED PARTNER-
SHIP, a Utah Limited Partnership, as Trustor, on June 2, 1986,
delivered to David S. Christensen, as Trustee, and the STATE OF
UTAH, DEPARTMENT OF NATURAL RESOURCES, DIVISION OF OIL, GAS AND
MINING, as Beneficiary, a Trust Deed on certain real property
situated in the County of Wasatch, State of Utah, more
particularly described as:

The North one-half of the Northeast one-quarter and the
North one-half of the North one-half of the South one-
half of the Northeast one-quarter of Section 24,
Township 5 South, Range 4 East, Salt Lake Base and
Meridian containing 52.89 acres, more or less.

EXCEPTING THE FOLLOWING:

(1) Excepting from Section 24, that portion of the
following described tract which lies within Section 24:
BEGINNING at the Northwest corner of Section 19,
Township 5 South, Range 5 East, Salt Lake Meridian;
thence East 5.32 chains to the lands of John G. Barrett;
thence South 15°30' East 18 chains; thence South 61°30'
East 12.12 chains; thence South 75° East 7.5 chains,
more or less, to the Westerly line of a 4 rod road;
thence West 31.59 chains; thence North 24.66 chains,
more or less, to a point due West of the place of
beginning; thence East 4.28 chains, more or less, to the
place of beginning.

(2) The West half of the Northwest quarter of the
Northeast quarter of Section 24, Township 5 South, Range
4 East, Salt Lake Base and Meridian, containing 20
acres, more or less.

TOGETHER WITH all building
thereon and all water righ
ments, rents, issues, prof
hereditaments, privileges
unto now or hereafter use
property, or any part the:

and improvements
File in:
 Confidential
 Shelf
 Expandable
Refer to Record No 0015 Date 3-23-90
In 043/001, 1990, Incoming
For additional information

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 ASSISTANT ATTORNEY GENERAL
 236 STATE CAPITOL
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 TELEPHONE: (801) 538-1017

RECEIVED
 MAR 23 1990

DIVISION OF
 OIL, GAS & MINING
 NOTICE OF DEFAULT

NOTICE IS HEREBY GIVEN that JOHNELL LIMITED PARTNER-
 SHIP, a Utah Limited Partnership, as Trustor, on June 2, 1986,
 delivered to David S. Christensen, as Trustee, and the STATE OF
 UTAH, DEPARTMENT OF NATURAL RESOURCES, DIVISION OF OIL, GAS AND
 MINING, as Beneficiary, a Trust Deed on certain real property
 situated in the County of Wasatch, State of Utah, more
 particularly described as:

The North one-half of the Northeast one-quarter and the
 North one-half of the North one-half of the South one-
 half of the Northeast one-quarter of Section 24,
 Township 5 South, Range 4 East, Salt Lake Base and
 Meridian containing 52.89 acres, more or less.

EXCEPTING THE FOLLOWING:

(1) Excepting from Section 24, that portion of the
 following described tract which lies within Section 24:
 BEGINNING at the Northwest corner of Section 19,
 Township 5 South, Range 5 East, Salt Lake Meridian;
 thence East 5.32 chains to the lands of John G. Barrett;
 thence South 15°30' East 18 chains; thence South 61°30'
 East 12.12 chains; thence South 75° East 7.5 chains,
 more or less, to the Westerly line of a 4 rod road;
 thence West 31.59 chains; thence North 24.66 chains,
 more or less, to a point due West of the place of
 beginning; thence East 4.28 chains, more or less, to the
 place of beginning.

(2) The West half of the Northwest quarter of the
 Northeast quarter of Section 24, Township 5 South, Range
 4 East, Salt Lake Base and Meridian, containing 20
 acres, more or less.

TOGETHER WITH all buildings, fixtures and improvements
 thereon and all water rights, rights-of-way, ease-
 ments, rents, issues, profits, income, tenements,
 hereditaments, privileges and appurtenances there-
 unto now or hereafter used or enjoyed with said
 property, or any part thereof;

which Trust Deed was delivered as collateral bond posted to secure the reclamation costs of the surface coal mining operations at the Blackhawk Mine and was recorded June 5, 1966, as Entry No. 138780 in Book 181 at Page 154 et seq., of the official records of the Wasatch County Recorder.

A breach of the obligations of the Trustor has occurred as provided in the Collateral Bonding and Indemnity Agreement entered into by and between Summit Minerals, Inc. and Johnell limited Partnership and the State of Utah by and through the Department of Natural Resources, Division of Oil, Gas, and Mining in that the Trustor has failed to perform the required and agreed-to reclamation of the disturbed areas of the Blackhawk Mine. The required and agreed to reclamation of the surface coal mining operations of the Blackhawk Mine was secured by the trust property conveyed by the said Trust Deed as reclamation bond posted to secure the reclamation costs. A substitution of Trustee has occurred and was duly recorded in the official records of the Wasatch County Recorder, the Successor Trustee being Ralph L. Finlayson, a member of the Utah State Bar Association.

Beneficiary has elected, pursuant to the terms of said Collateral Bonding and Indemnity Agreement to cause the reclamation bond to be forfeited and has directed the Successor Trustee to sell or cause to be sold said real property to obtain the funds necessary to reclaim the Blackhawk Mine.

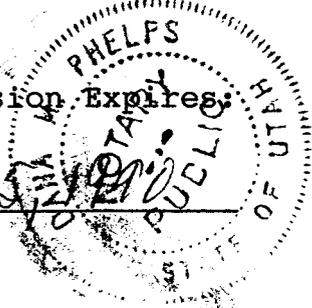
DATED this 14th day of March, 1990.

Ralph L. Finlayson
RALPH L. FINLAYSON

STATE OF UTAH)
: ss.
COUNTY OF WASATCH)

On the 14th day of March, 1990, personally appeared before me Ralph L. Finlayson, the signer of the above Notice of Default, who duly acknowledged to me that he executed the same.

My Commission Expires:

May 15, 1991


Stena M. Phelps
NOTARY PUBLIC
Residing at Salt Lake City, Utah

AFFIDAVIT OF SERVICE

STATE OF UTAH)
 : ss.
COUNTY OF)

I, Ralph H Finlayson, being first duly sworn upon oath, depose and say that on the 22nd day of March, 1990, I mailed a true and correct copy of the attached Notice of Default, which Notice is incorporated herein by this reference, by registered mail, with postage prepaid, to each of the following at the address below indicated:

Johnell Limited Partnership
171 Third Avenue
Salt Lake City, Utah 84103

Bachman Title Company
68 South Main
Salt Lake City, Utah 84111

Ralph H Finlayson

Subscribed and sworn to before me this 22nd day of March, 1990.

My Commission Expires:

09-01-91

Fred Williams
NOTARY PUBLIC
Residing at Salt Lake County