

IN THE DISTRICT COURT
OF THE SIXTH JUDICIAL DISTRICT OF THE STATE OF MONTANA
IN AND FOR THE COUNTY OF PARK.

Civil No. 12144
Frame No. *16*
FILED

CHARLES F. URSCHER JR.,
Plaintiff,
v.
PARK COUNTY, et.al.,
Defendants.

Cause #12,144

DEC 23 1968

PARK COUNTY, MONTANA
Laura Adams
DEPUTY CLERK

JUDGMENT

The above entitled cause came on regularly for trial on the 11th day of September, 1968, before the court sitting without a jury, with Ben E. Berg Jr., of Berg, O'Connell and Angel, of Bozeman, Montana, appearing as attorney for plaintiff, and Byron L. Robb, Park County Attorney, and John W. McDonald Jr., Deputy County Attorney, both of Livingston, Montana, appearing as attorneys for the defendants Park County and the Board of County Commissioners; and evidence both oral and documentary having been introduced by both parties and the cause submitted for decision, and the court having heretofore made and filed its findings of fact and conclusions of law herein on the 11th day of December, 1968, which findings and conclusions are hereby referred to and incorporated by reference herein; and the court being fully advised and informed herein;

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED, AND THIS DOES SO ORDER, ADJUDGE AND DECREE, AS FOLLOWS:

A. That the plaintiff herein, Charles F. Urschel Jr., is the owner and entitled to possession of the east half of section 20 and all of section 21, township 2 north, range 11 east, M.P.M., in Park County, Montana, and that his title thereto is good and valid and should be and is quieted as against all adverse claims of the defendants, save and except for the public road easement across the same hereinafter referred to.

B. That the defendants should be and are perpetually enjoined, restrained and debarred from asserting any claims to or interest in

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the said premises adverse to that of plaintiff, his heirs, successors and assigns, save and except for the public road easement across the same hereinafter referred to.

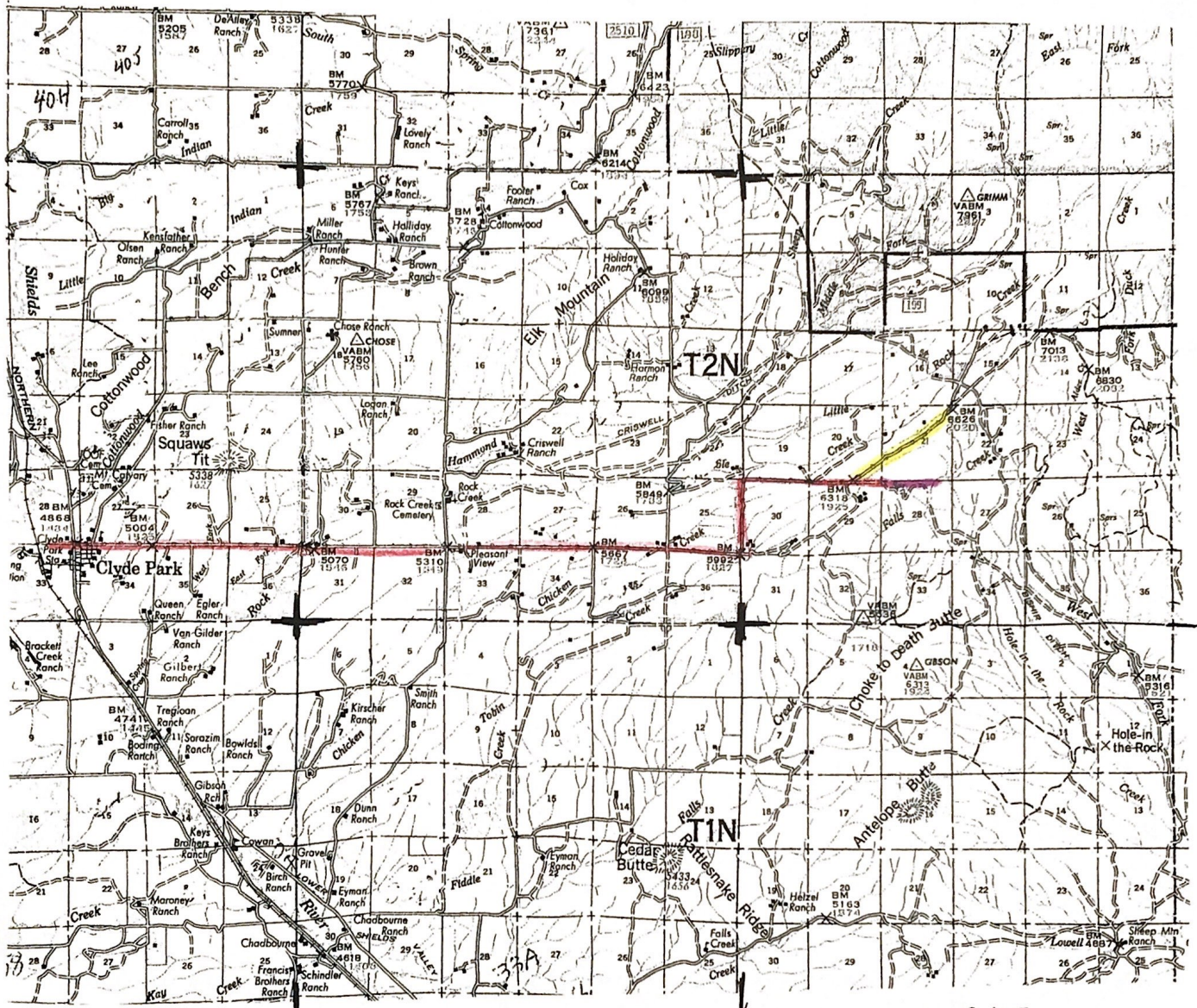
G. That all of that certain road designated by the Park County Commissioners as 35E, including that portion thereof from the approximate midpoint of the south line of said section 20 extending in a northeasterly direction across the east half of section 20 and all of section 21 to the northeast corner of section 21, is a public road heretofore established by prescription and adverse use, and that said premises are subject to an easement therefor.

D. That the plaintiff should be and is perpetually enjoined, restrained and debarred from obstructing or interfering in any way with the public's right to use said road, or Park County's right to maintain the same. Provided, however, that plaintiff is not precluded from continuing the use of the gates on said road as they have previously existed, but that plaintiff shall not lock or construct said gates so as to interfere with the public's use of said road.

E. That each party should pay his own costs herein.

DONE IN OPEN COURT this 23rd day of December, 1968.

Jack D. Shanstrom
District Judge



R9E

R10E

R11E

Robinson Bench Road

NAME OF ROAD TODAY

ROAD NUMBER

35E

ROBINSON BENCH ROAD

PETITIONS AND OTHER PAPERS CONCERNING THIS ROAD

PETITION, VIEWERS REPORT, NOTICES, OATHS, SURVEYORS REPORT,
Wm Sincock, petitioner, 1893, PETITION # 48

PETITION, John Everett, June 1908, from NE corner sec 29 T2N R11E east 3/4 of
a mile to NE 3/4 corner sec 28, Petition # 54

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Charles Urschel Jr Vs Park County et al
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Declares road 35E a public road from
south line section 20 + extending in NE
direction across east half of section 20 +
all of section 21 to The NE corner of
section 21

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