

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

Provo Reservoir Company,  
a corporation,  
Plaintiff,  
-vs-  
Provo City, et al, Defendants.

No. 2888 Civil.

AFFIDAVIT ON MOTION FOR CHANGE OF  
TRIAL JUDGE.

State of Utah, : ss.  
County of Wasatch, :

Joseph R. Murdock being first duly sworn says, that he is an officer of Provo Reservoir Company, the plaintiff herein, to-wit:- the president thereof, and that he makes this affidavit for and in behalf of said plaintiff, and that the above entitled action is at issue and ready to be set for trial in this court, - Affiant further says:-

That the Honorable James B. Tucker, one of the judges of this court, is disqualified to preside at the trial of said cause, by reason of his having been the attorney of the defendant, Provo City, and having counseled and advised the said city and its officers in all of the matters complained of by the plaintiff in its complaint filed herein.

That the Honorable George P. Parker is disqualified from presiding at the trial of the action herein, by reason of his having been a member of the firm of Parker & Robinson, attorneys at law, at Provo City, Utah, and that during the time that said partnership existed, the said cause, No. 2888 Civil, out of which the matters complained of in the complaint herein have arisen, J. W. Robinson, the partner of George P. Parker, appeared as counsel for the Upper East Union Irrigation Company, and the firm of Parker & Robinson, appeared as counsel for the defendant, John W. Hoover, in said action.

That this action involves in effect the trial of rights of property amounting in value to approximately \$50,000.00, said property being water right to springs, some of which are now flowing in the pipe line of the defendant, Provo City, in its general water works system. And if the plaintiff herein shall succeed in this action, the said Provo City may of necessity have to purchase water to supply the quantity, claimed by plaintiff, to have been awarded to it by the decree in No. 2888 Civil, above entitled, which will necessitate the levying of a tax upon the property within said city, or the issuance of bonds to the amount of approximately \$50,000.00. That the said Honorable George P. Parker, is a resident, property owner and tax payer of the defendant, Provo City, and that as such has material interest in the result of this action, and is therefore further disqualified from presiding in the trial thereof.

*Joseph R. Murdock*

Subscribed and sworn to before me this 14th day of April A. D. 1927.

My Commission expires on the 23rd day of April A. D. 1928.

*J. Murdock*  
Notary Public.

Residing at Provo City, Utah.



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E. B. DeLong  
Thompson