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 Contempt Proceeding Counter-Affidavit on Motion for Change of Trial Judge.

STATE OF UTAH)
) SS.
COUNTY OF UTAH)

O.K.Hansen, being first duly sworn, upon his oath, deposes and says; that he is an officer of Provo City, a municipal corporation of the State of Utah, to-wit: the duly elected, qualified, and acting Mayor of said City; and also one of the defendants named in the contempt proceedings instituted by the plaintiff in the above entitled cause; that he makes this affidavit for and in behalf of himself and each and all of the defendants in said contempt proceedings;

That affiant is informed and believes and therefore upon such information and belief affiant says, that the Honorable James B. Tucker, one of the judges of the above entitled Court is disqualified to preside at the trial of said contempt proceeding for the reason that he has been the attorney for the defendant Provo City and has counseled and advised said City and its officers in some of the matters complained of by the plaintiff in the affidavit of R. J.Murdock on file herein;

That said affiant is informed and believes, and upon such information and belief affiant says, that the Honorable George P.Parker is not disqualified from presiding at the trial of said contempt proceeding by reason of any of the matters alleged in the affidavit of Joseph R.Murdock on file herein on the motion of the plaintiff for change of trial judge of said contempt proceeding; that said George P.Parker never at any time was, or has been, the attorney for the plaintiff Provo Reservoir Company, a corporation, or the attorney for either of the defendants in any matter involved in the trial of any issue in the above entitled cause, and that said George P.Parker has never at any time either counseled or advised the defendants, or either of them, in any matter connected with, or pertaining to, any issue or question of law or fact in any manner involved in the above entitled cause. That any and all matters of controversy between either the plaintiff or the defendant Provo City and the Upper East Union Irrigation Company and John W. Hoover were settled and concluded by stipulation; that said George P.Parker never at any time participated in, or was present in court, in the trial of Cause No.2888 Civil, or any matter connected therewith;

That affiant is further informed and believes, and upon such information and belief says, that said contempt proceeding does not involve in effect, or at all, the trial of rights of property amounting in value to $50,000.00, or

the trial of rights of any property whatsoever, but that the sole relief prayed for by the plaintiff in said contempt proceeding is that the defendants be adjudged guilty of contempt of this Court, and that said defendants be fined, or damages be adjudged and decreed against them in the sum of $1000.00;

Affiant further says that said George P.Parker is a citizen, resident, property owner, and taxpayer of the defendant Provo City, and affiant is informed and believes and upon such information and belief alleges, that the assessed value of all the real and personal property owned by said George P.Parker within the corporate limits of said Provo City is the sum of $3500.00; that the total assessed valuation of all the taxable property within the corporate limits of Provo City is the sum of $9,458,000.00;

Said affiant further alleges that said George P. Parker has no bias or prejudice in favor of, or against any of the parties to said contempt proceeding and that he never at any time has formed or expressed any opinion on the merits of the issues joined in said contempt proceeding; and affiant is informed and believes and upon such information and belief says, that said George P.Parker has no interest in the result of the said contempt proceeding, and that the fact that he is a resident, property owner, and taxpayer in Provo City does not constitute a sufficient, direct, or material interest in said cause as to in any

manner disqualify him from acting as the presiding judge in the hearing of said contempt proceeding.

O K Hansen.

Subscribed and sworn to before me this 28th. day of April, 1927.

A. B. Morgan
Notary Public

A. B. MORGAN NOTARY PUBLIC COMMISSION EXPIRES JAN. 19, 1931 STATE OF UTAH

Residence: Provo, Utah.

My commission expires Jan. 19-1931.

Copy received April 28, 1927
Booth & Brockbank
attys. for Pltf.

2888

IN DIST. COURT
UTAH CO., UTAH,
FILED
AUG 28 1927
E. B. Dastrup (Clerk)
Deputy