

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, Esthma Tanner
and Caleb Tanner, George Tanner
as Agents Servants and Employess
of Esthma Tanner,
Defendants.

Motion to Quash.

Comes now Esthma Tanner and appearing herein specially for the purpose of this motion, moves the Court to quash and set aside that certain Order to Show cause issued herein by the above entitled Court under date of the 1st day of May, 1934, and as ground for such motion alleges;

1. That the above entitled Court had no jurisdiction to issue the same;
2. That the said writ was issued on an affidavit which does not confer jurisdiction on the Court to issue the same.
3. That from the affidavit on which the same was issued it appears that the plaintiff Provo Reservoir Company is not beneficially interested in the matters and things contained in the said affidavit and is not the party beneficially interested within the meaning of the provisions of the laws of the State of Utah requiring actions to be brot by the parties beneficially interested.
4. That it appears from the affidavit of the said J.M. Bonny on which said order was issued that the said J.M. Bonny is not the party beneficially interested in the matters and things stated in the said affidavit within the meaning of the provisions of the laws of the State of Utah requiring that actions be prosecuted by the parties in interest.
5. That no legal service of the said citation was made as to time within which the defendant was to appear, and that the Court has no jurisdiction to shorten the time for appearance herein to less than the statutory time of at least 5 days notice.
6. That it appears from the title to the said proceeding and the said order that it was not issued in any cause wherein the Court had any jurisdiction to issue the same.

Christina S. Bonny
Attorneys for Esthma Tanner for the
purpose of this motion.

Received copy above this
5th day of June, 1934.

A. V. [Signature]
Attorneys

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IN DIST. COURT
UTAH CO., UTAH
#111111

JUN 19 - 1934

Frank Salisbury Clerk
Deputy