

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

Provo Reservoir Company,  
a corporation, Plaintiff,

VS.

Motion to Quash.

Provo City, et al, Esthma Tanner,  
and Caleb Tanner, George Tanner,  
as Agents Servants and Employess  
of Esthma Tanner,  
Defendants.

Comes now Caleb Tanner and appearing 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 the 31st 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 said writ 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 in the matters and things stated in the said affidavit within the meaning of the laws of the State of Utah requiring actions to be brought in the name of the real party in interest;
4. That it appears from the affidavit of the said J.M. Bonny on which the said order was issued that the said J.M. Bonny is not the party beneficially interested within the meaning of the provisions of the laws of the State of Utah requiring actions to be brought in the name of the real parties in interest;
5. That the said citation was issued on a shortened notice and that the above entitled Court has no jurisdiction to shorten the time for appearance herein to less than the statutory time of at least 5 days;
6. That it appears from the title to the said proceeding and from the said affidavit and order that the same was not issued in any action in which the Court had jurisdiction to issue the same.

*Chas. W. Bonny & Chas. W. Bonny*  
Attorneys for Caleb Tanner for the  
purpose of this motion.

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

*A. W. West*  
Attorneys

2888

IN DIST. COURT  
UTAH CO. DIST. CT.  
\*FBI\* BLDG

JUN 6 - 1934

*Frank Salisbury*