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SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

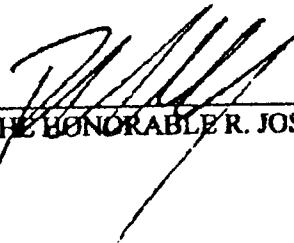
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|-------------------------------|---|---------------------------|
| BYRON D. CONEY, <u>et al.</u> |) | |
| |) | |
| Plaintiff, |) | NO. 97-2-31486-1SEA |
| |) | |
| vs. |) | ORDER ON SUMMARY JUDGMENT |
| |) | |
| SEATTLE SCHOOL DISTRICT, |) | |
| |) | |
| Defendant. |) | |

THIS MATTER having come before the Court on Defendant's Motion for Summary Judgment and the Court having considered said Motion, with attachments, and Plaintiffs' Response, with attachments, and the Court having heard oral arguments of counsel and having rendered an oral decision, and having invited and considered the Defendant's Proposed Order and Memorandum in support thereof, and having considered "Plaintiffs' Response to Request from Court for Proposed Solution" and the Court having been otherwise advised, now therefore

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the real property in question, deeded to the Defendant on a "gift" basis, was accepted by the Defendant "as a perpetual memorial to the Cleveland boys who have lost their lives in the war" (School Board Minutes dated May 12, 1944, attached as Exhibit E to Defendant's Motion) and "which would be a memorial to Cleveland Students who have lost their lives in military service" (School Board Minutes dated June 2, 1944, attached as Exhibit H to Defendant's Motion). Notwithstanding the

1 foregoing conditions on the uses to which the property may be put, taking the facts in a light
2 most favorable to the non-moving party, Plaintiffs have no right to have quiet title to the subject
3 property, and Defendant's Motion for Summary Judgment should be and hereby is granted, and
4 Plaintiffs' Complaint herein is dismissed with prejudice.

5 Dated this first day of February, 2000.

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THE HONORABLE R. JOSEPH WESLEY