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A Maeser jolt in deed*Paper restricts land near historic school to a park***By Tad Walch**

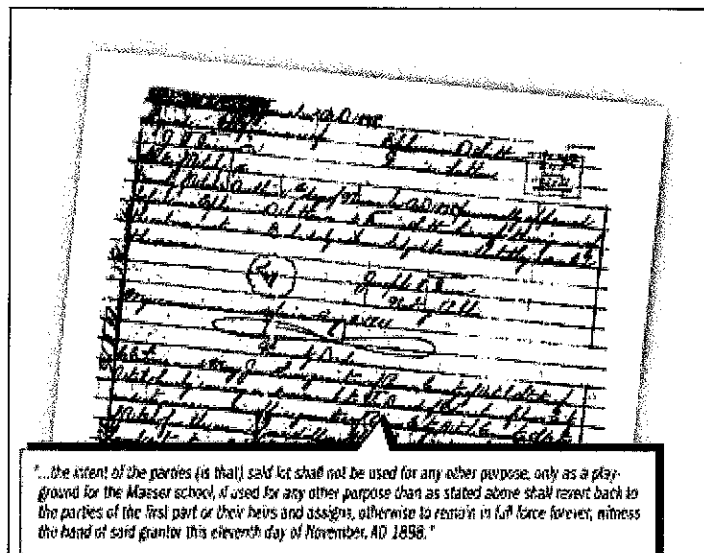
Deseret Morning News

PROVO — Ed Loose died in 1929, during the prime of Babe Ruth's career and just before his fortune disappeared into the financial black hole of the Depression.

Now, 77 years later, with Barry Bonds one shy of Ruth's historic 714 home runs, Loose has reached out from beyond the grave to throw a curve ball at the award-winning renovation of central Provo's historic Maeser School.

The project preserving the school, which closed four years ago, earned a \$50,000 grant from cable station HGTV, which announced Sunday that it would film a 15-minute show about the building later this month.

The question now is whether something Loose did in 1898 might unravel the creative web of funding that saved the Maeser School from the wrecking ball.



Deseret Morning News graphic

A deed signed by Loose two days after the school opened 108 years ago surfaced this week. For \$1, Loose gave the northeast quarter of the Maeser School block to the Provo School District — on one condition: The land could be used only as a playground for the Maeser School.

If the use changed, the school district had to return the land to Loose or his heirs. Somehow, the handwritten deed was missed during title searches on the property over the past two years.

The school district closed Maeser Elementary four years ago. It sold the land two years ago to the Provo Housing Authority, which cobbled together 12 funding sources to raise \$5.2 million. The nonprofit deal calls for the preservation and conversion of the school into 41 apartments for active seniors.

To come up with some of the money, and to meet the requirements of some of its funding

sources, the Provo Housing Authority sold the park/playground area around the school to a group that will build 12 homes on the land.

Those will be for first-time homebuyers who also will help build the homes.

Loose's great-grandson, a deputy Uintah County Attorney who focuses on civil cases, didn't know about the deed until a Maeser neighborhood resident called. "It's not the family's intention to wreak havoc, to claim title to the property," said Ed Peterson, who is named after Loose. "It is my intention that if my great-grandfather wanted a playground for kids, to ensure that there's a playground for kids."

The park was the only one in the area and residents in that part of central Provo have been angry about the loss of open space since the sale was announced. The Provo Housing Authority, on tight deadlines imposed by grants and loans from preservation and revitalization groups, gave neighbors 45 days last year to raise \$420,000 — what it made from the sale of the land for the homes — to keep the land for a park.

The effort failed, but the Loose deed has given them new hope, Peterson said.

"Hopefully we can have some meaningful negotiations with the folks," he said. "Maybe they won't get a whole quarter of a block; maybe they'll get a little community playground."

Land swaps could be impossibly complicated, especially to keep the complex deal together on its deadlines.

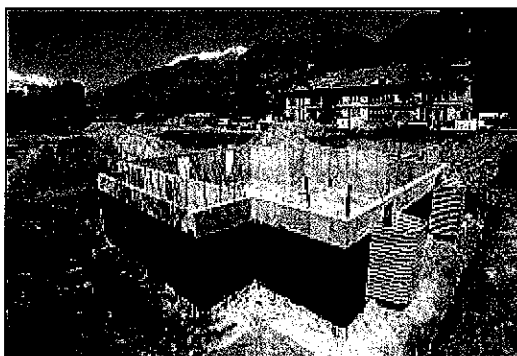
Provo Housing Authority Director Doug Carlson said the property covered in the Loose deed includes lots for three of the homes that are planned. Work has begun on two lots, but they aren't on the land covered in the Loose deed.

"Our legal counsel will be looking at the validity of the claims," Carlson said. "The process would include filing a claim for the title company's insurance to also look into the matter."

And for now, renovation of the school and construction of the homes will continue.

The Loose land actually hasn't been open space for many years. In 1912, while Loose was still alive, the school building was expanded onto some of the land he provided. In 1957, most of the rest, if not all, was covered by a new gym and cafeteria and a parking lot.

Peterson said his father attended school in the Maeser building. Peterson's great-grandfather made his money in the gold fields of California and is a family icon who hunted with Teddy Roosevelt and who can be seen in a portrait that hangs in the Utah State Capitol between the House and Senate chambers.



Homes are planned — but haven't been begun — for Provo land an 1898 deed states should remain a playground.

Stuart Johnson, Deseret Morning News

"He's the big guy in the middle," Peterson says.

Loose donated money to many causes. He was among 10 who gave \$1,000 apiece for construction of the Maeser School at 150 N. 500 East.

"He's one of these larger-than-life characters I happened to be related to," Peterson said.

Unfortunately, Loose owned three banks in 1929. He died 10 months before Black Monday, when the stock market crashed.

"Most of the family inheritance went the way of the Depression," said Peterson, who recognized his great-grandfather's handwriting on the deed.

Peterson said Carlson's intentions appeared noble and that he hoped all sides can act amicably.

"I've found myself in a bit of tempest in a teapot, I think."

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