

8-4

The Order of the Court is stated below:

Dated: February 01, 2019
06:04:47 PM

/s/ KARA PETTIT
District Court Judge



I CERTIFY THAT THIS IS A TRUE COPY OF AN ORIGINAL DOCUMENT ON FILE IN THE THIRD DISTRICT COURT, SALT LAKE COUNTY, STATE OF UTAH.

DATE: 02/11/2019


C. Ann. Buttrick
DEPUTY COURT CLERK



Matt C. Osborne, USB No.7271
OSBORNE BARNHILL & BARFUSS, P.C.
Attorney for Plaintiff
11576 South State Street, Bldg. 204
Draper, Utah 84020
Telephone: 801-571-2555
Facsimile: 801-571-9929
matt@oblawpc.com

THIRD JUDICIAL DISTRICT COURT IN AND FOR SALT LAKE COUNTY

SALT LAKE DEPARTMENT, STATE OF UTAH

<p>MODERN DAMP-PROOFING, INC., a Utah corporation dba ROCKY MOUNTAIN WATERPROOFING,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>HOMESMITH BUILDERS LLC, a Utah limited liability company; NOW CONSTRUCTION SERVICES, LLC, a Utah limited liability company; GYF, Inc., a Utah corporation; MILLCREEK COVE APARTMENTS, LLC, a Utah limited liability company; COREY ALLEN JONES, an individual; and SMITH BALLSTAEDT, an individual,</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: center;"><i>Corrected</i> JUDGMENT</p>  <p>Case No.180905485</p> <p>Judge: Kara Pettit</p>
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02/15/2019 02:44 PM #28-00
Book - 10753 Pg - 4333-4340
RASHELLE HOBBS
REORDER, SALT LAKE COUNTY, UTAH

OSBORNE & BARNHILL
11576 S STATE ST BLDG 204
DRAPER UT 84020
BY: DCP, DEPUTY - MA 8 P.

DEFAULT

In this action Defendants ~~HomeSmith Builders, LLC, Now Construction Services, LLC,~~

GYF, Inc., and Millcreek Cove Apartments, LLC, having been regularly served with Summons and Complaint and having failed to appear and answer Plaintiff's Complaint through counsel, the Court having entered its Order Granting Plaintiff's Motion to Strike the [pro se] Answer of Defendants ~~Homesmith Builders, LLC~~, GYF, Inc., Now Construction, LLC and Millcreek Cove Apartments, LLC on October 12, 2018, and Defendants GYF, Inc., Now Construction, LLC and Millcreek Cove Apartments, LLC having failed to file an answer through counsel by the deadline imposed by the Court, Default Certificates for said Defendants were entered by the Court on November 13, 2018.

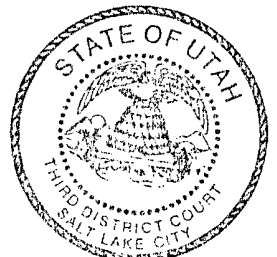
SUMMARY JUDGMENT ORDER

The Court entered, on November 28, 2018, an Order Granting Plaintiff's Motion for Partial Summary Judgment against Defendants Smith Ballstaedt and Homesmith Builders, LLC for the amounts requested in Plaintiff's Complaint.

JUDGMENT

IT IS HEREBY ORDERED that Plaintiff Modern Damp-Proofing, Inc. dba Rocky Mountain Waterproofing, be awarded judgment against Defendants Smith Ballstaedt, Homesmith Builders, LLC, Now Construction Services, LLC, GYF, Inc., and Millcreek Cove Apartments, LLC, jointly and severally, in the following amounts:

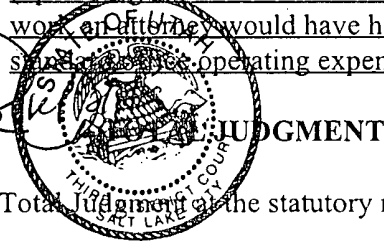
\$30,290.00	Principal;
\$ 3,634.80	Pre-judgment interest at the statutory rate of twelve percent (12%) <i>per annum</i> pursuant to Utah Code Ann. § 58-55-603;
\$ 564.00	Pre-judgment costs; and



~~\$ 7,579.00 - 7,033~~

Pre-judgment attorney fees pursuant to Utah Code Ann. § 58-55-603. Although Defendants have not objected to the Affidavit of Attorney Fees, the Court is obligated to independently evaluate the reasonableness of requested fees, even if no objection or opposition had been filed. Foote v. Clark, 962 P.2d 52, 55 (Utah 1998). The Court reviewed the fees affidavit and finds the work was actually performed, at reasonable rates and was reasonable, except the Court excluded those entries performed by support staff that was clerical and not tasks that an attorney would have had to perform, such as e-filing, creating or organizing files, printing documents, printing to PDF, scanning, mailing, calls to court clerk. See e.g. Baldwin v. Burton, 850 P.2d 1188, 1200 01 (Utah 1993) (upholding trial court's inclusion of paralegal fees because it was work an attorney would have had to perform and not part of support staff's operating expenses).

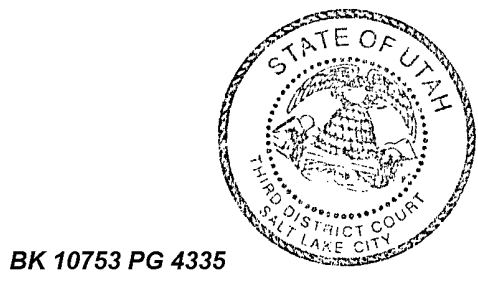
\$41,521.80
~~\$42,067.80 - 55,034.80~~



with interest accruing on the Total Judgment of the statutory rate of twelve percent (12%) pursuant to Utah Code Ann § 58-55-603 until paid in full.

IT IS FURTHER ORDERED that this judgment may be augmented in the amount of reasonable costs and attorney's fees expended in collecting this judgment. Said augmented judgment may be awarded based upon affidavit of Plaintiff's counsel and without further notice to Defendants.

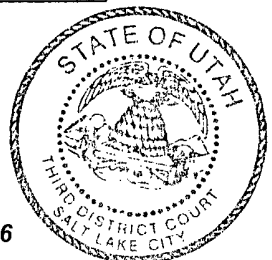
[EXECUTED AND ENTERED BY THE COURT AS INDICATED BY THE DATE AND SEAL IN THE TOP RIGHT OF THE FIRST PAGE]



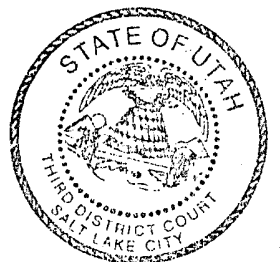
CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of December, 2018, I electronically filed the foregoing instrument with the Clerk of Court using the CM/ECF system and caused the following to be served of copy thereof by U.S. First Class Mail, postage prepaid:

Homesmith Builders LLC 9860 South 700 East #12 Sandy, Utah 84070	Now Construction Services, LLC 663 East 12200 South Draper, Utah 84020
Smith Ballstaedt 9860 South 700 East #12 Sandy, Utah 84070	Millcreek Cove Apartments, LLC 663 East 12200 South Draper, Utah 84020
GYF, Inc. 663 East 12200 South Draper, Utah 84020	David W. Steffensen, P.C. Attorney for Defendant Corey Allen Jones 4873 South State Street Salt Lake City, Utah 84107



_____/s/
Wilma Thomas



Matt C. Osborne, USB No.7271
OSBORNE BARNHILL & BARFUSS, P.C.
Attorney for Plaintiff
11576 South State Street, Bldg. 204
Draper, Utah 84020
Telephone: 801-571-2555
Facsimile: 801-571-9929
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THIRD JUDICIAL DISTRICT COURT IN AND FOR SALT LAKE COUNTY
SALT LAKE DEPARTMENT, STATE OF UTAH

MODERN DAMP-PROOFING, INC., a Utah
corporation dba ROCKY MOUNTAIN
WATERPROOFING,

Plaintiff,

v.

HOMESMITH BUILDERS LLC, a Utah
limited liability company; NOW
CONSTRUCTION SERVICES, LLC, a Utah
limited liability company; GYF, Inc., a Utah
corporation; MILLCREEK COVE
APARTMENTS, LLC, a Utah limited
liability company; COREY ALLEN JONES,
an individual; and SMITH BALLSTAEDT,
an individual,

Defendants.

**JUDGMENT INFORMATION
STATEMENT FOR HOMESMITH
BUILDERS LLC**

Case No.180905485

Judge: Kara Pettit

Plaintiff Modern Damp-Proofing, Inc. dba Rocky Mountain Waterproofing, through its
counsel of record, Osborne Barnhill & Barfuss, P.C. sets forth the following information in its

Statement of Judgment Creditor:

1. Judgment debtor is HomeSmith Builders, LLC, located at 9860 South 700 East, #12, Sandy, Utah 84070.
2. Judgment creditor is Modern Damp-Proofing, Inc. dba Rocky Mountain Waterproofing with an address of 8401 South 4300 West, West Jordan, Utah 84088.
3. The judgment amount is **\$41,521.80** as entered in the Registry of Judgments on or about February 1, 2019.
4. Judgment debtor HomeSmith Builder, LLC's tax identification number is unknown.
5. No stay of enforcement has been ordered by the Court.

DATED this 8th day of February, 2019.

OSBORNE BARNHILL & BARFUSS, P.C.

 /s/ Matt C. Osborne
Matt C. Osborne
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of February, 2019, I electronically filed the foregoing instrument with the Clerk of Court using the CM/ECF system and caused the following parties to be

served by U.S. Mail, first class, postage prepaid, at following addresses indicated.

Homesmith Builders LLC
9860 South 700 East #12
Sandy, Utah 84070

Now Construction Services, LLC
663 East 12200 South
Draper, Utah 84020

Smith Ballstaedt
9860 South 700 East #12
Sandy, Utah 84070

Millcreek Cove Apartments, LLC
663 East 12200 South
Draper, Utah 84020

GYF, Inc.
663 East 12200 South
Draper, Utah 84020

Corey Allen Jones
663 East 12200 South
Draper, Utah 84020

/s/
Wilma Thomas