

8.4

The Order of the Court is stated below:

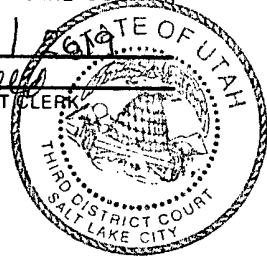
Dated: February 01, 2019  
06:04:47 PM

/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. Butts  
DEPUTY COURT CLERK

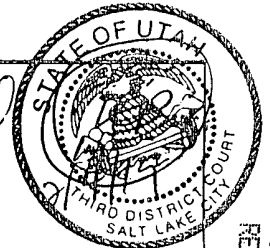


Matt C. Osborne, USB No.7271  
**OSBORNE BARNHILL & BARFUSS, P.C.**  
Attorney for Plaintiff  
11576 South State Street, Bldg. 204  
Draper, Utah 84020  
Telephone: 801-571-2555  
Facsimile: 801-571-9929  
matt@oblawpc.com

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> <b>JUDGMENT</b></p> <p style="text-align: center;">Case No.180905485</p> <p style="text-align: center;">Judge: Kara Pettit</p>
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02/15/2019 02:45 PM \$-28-00  
Book - 10753 Pg - 4357-4364  
RASHELLE HOBBS  
RECORDER, SALT LAKE COUNTY, UTAH

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

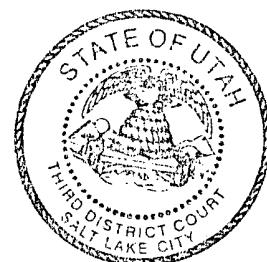
SUMMARY JUDGMENT ORDER

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:

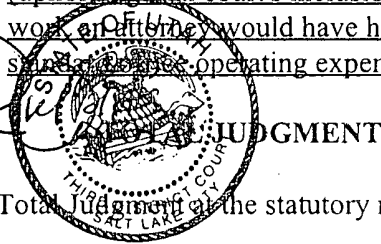
\$30,290.00	Principal;
\$ 3,634.80	Pre-judgment interest at the statutory rate of twelve percent (12%) <i>per annum</i> pursuant to Utah Code Ann. § 58-55-603;
\$ 564.00	Pre-judgment costs; and



~~\$ 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).

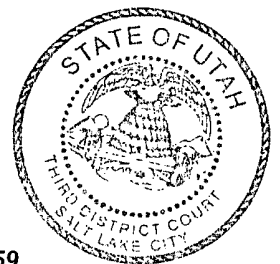
\$41,521.80  
~~\$42,067.80-35,034.80~~



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.

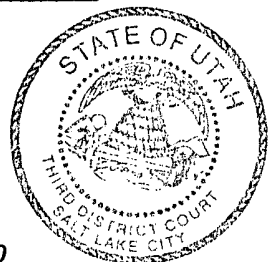
**[EXECUTED AND ENTERED BY THE COURT AS INDICATED BY THE DATE AND SEAL IN THE TOP RIGHT OF THE FIRST PAGE]**



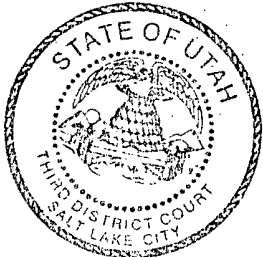
**CERTIFICATE OF SERVICE**

I hereby certify that on the 31<sup>st</sup> 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 SMITH**  
**BALLSTAEDT**

Case No.180905485

Judge: Kara Pettit

1. Plaintiff Modern Damp-Proofing, Inc. dba Rocky Mountain Waterproofing in this action, as judgment creditor, provides the following information in compliance with Section 78B-5-201.

2. The correct name of the judgment debtor is Smith Ballstaedt.

3. The last known address of the judgment debtor is unknown.

4. The address at which the judgment debtor received service of process is 9860 South 700 East, #12, Sandy, Utah, 84070.

5. The judgment debtor is a natural person and

a. the social security number of the judgment debtor xxx-xx-3457,

b. the date of birth of the judgment debtor is February 5, 1975, and

c. the driver license number of the judgment debtor is unknown.

6. The judgment creditor is Modern Damp-Proofing, Inc. dba Rocky Mountain Waterproofing. with an address of 8401 South 4300 West, West Jordan, Utah 84088.

7. The amount of the judgment is \$41,521.80.

8. The judgment was entered on February 1, 2019.

DATED this 8<sup>th</sup> day of February, 2019.

**OSBORNE BARNHILL & BARFUSS, P.C.**

/s/

\_\_\_\_\_  
Matt C. Osborne  
Attorney for Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that on the 8<sup>th</sup> day of February, 2019, I electronically filed the foregoing instrument with the Clerk of Court using the CM/ECF system and caused the following to be served by U.S. Mail, first class, postage prepaid, to the following address 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