

The Order of the Court is stated below:

Dated: January 18, 2019
05:24:22 PM

/s/ JAMES GARDNER
District Court Judge



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BY: eCASH, DEPUTY - EF 4 P.

<p>IN THE THIRD JUDICIAL DISTRICT COURT IN AND FOR SALT LAKE COUNTY, STATE OF UTAH, WEST JORDAN DIVISION</p>	
<p>WINDY RIVER SUBDIVISION ARCHITECTURAL CONTROL COMMITTEE, a Utah nonprofit corporation, Plaintiff, vs. THE RELIC HOLDINGS TRUST DATED jANUARY 1st 2006, VESTIGE an expired business entity in Utah as Trustee; HOMES FOR HEROES dba HERO FOUNDATION, a Utah nonprofit corporation; NEAL MORTENSEN, an individual; and DOES 1-5, Defendants.</p>	<p>ORDER GRANTING PRELIMINARY INJUNCTION</p> <p>Case No. 180907554 Judge James Gardner</p>

This matter came before the court pursuant to Rule 65A of the Utah Rules of Civil Procedure upon the motion of Plaintiff, Windy River Subdivision Architectural Control Committee, for a preliminary injunction, which was filed jointly with Plaintiff's motion for a temporary restraining order on October 16, 2018. Defendants opposed the Motion for

Preliminary Injunction on November 8, 2018. Plaintiff then filed its Reply Memorandum in Support of the Motion for Preliminary Injunction on November 13, 2018. An expedited hearing was held on Plaintiff's Motion for Preliminary Injunction on November 14, 2018 before Judge James Gardner, at which time the Motion for Preliminary Injunction was voluntarily withdrawn based partially upon the Parties' agreement to an expedited trial setting on January 7, 2019. However, the expedited trial date later became unworkable and the trial was vacated and replaced with a hearing on two pending cross motions for summary judgment on January 7, 2019. The Court also allowed Plaintiff to renew its Motion for Preliminary Injunction at the January 7, 2019 hearing, and heard oral argument from Plaintiff and Defendants at the hearing. Based on the testimony and evidence introduced at the November 14, 2018 hearing and the oral arguments of the Parties at both the November 14, 2018 and January 7, 2019 hearings, the Court hereby GRANTS Plaintiff's Motion for Preliminary Injunction as follows:

IT IS HEREBY ORDERED, that Defendants are enjoined and restrained from further construction activities at the real property located at 11896 S. Reeves Lane, Riverton, Utah 84065, also known as Lot 4 of the Windy River Subdivision, Plat A, until further notice or order from the Court. Defendants shall be entitled to a seven-day grace period to remove construction-related equipment from the Property as needed, but no further construction work is to be conducted during that time. Plaintiff shall be required to post a bond with the Court in the amount of \$50,000.00 as security for the issuance of the injunction in this case, and by signing this Order, the Court has acknowledged receipt of the same from Plaintiff.

The Court has issued its findings of fact and conclusions of law relevant to the Preliminary Injunction separate from this Order.

----- **END OF ORDER** -----

*****Court signature, seal, and date of this Order appear at the top of the first page of this document.*****

APPROVED AS TO FORM:

Colemere Gibbs & Stout, PLLC

/s/ Jeffrey T. Colemere

Jeffrey T. Colemere
Attorney for Defendants

AFTER RECORDING PLEASE RETURN TO:

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