

The Order of the Court is stated below:

Dated: January 15, 2019
10:13:56 AM

/s/ CAMILLE NEIDER
District Court Judge



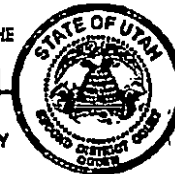
STATE OF UTAH }
COUNTY OF WEBER } SS

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE ORIGINAL ON FILE IN MY OFFICE.

DATED THIS 15th DAY OF JANUARY 2019
CLERK OF THE COURT

BY Megan Ford DEPUTY

PAGE 1 THROUGH 7



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Attorney for Plaintiff



W2974510

IN THE SECOND JUDICIAL DISTRICT COURT IN AND FOR
WEBER COUNTY, OGDEN DEPARTMENT, STATE OF UTAH

WAJ ENTERPRISES, LLC, a Utah limited liability company,

Plaintiff,

v.

Joseph A. Tony & Jeanne Pombo, Richard A. Saunders, Karl Lundin, Bonneville Investment Company, Dave Fantle, Ryan Moore, Darwin David Runchell & Sheriann Runchel, Sharon Tuttle, Marilyn S Burton, Gregory O Allen & Cheryl D Allen, Rusty R Chowning & Melissa Chowning, Zachary Hildebrand & Pamela Hildebrand, Downtown Resort Properties UT LLC, Robert & Beverly Wadman, David L Berry, Shane Dunleavy & Amy Thornquist, Kenyon J. Mumford & Sarah A Mumford, S & J Frongner Revocable Family Trust, Darwin David Runchel & Sheriann Runchel, Machel Maycock, Dave Mariani & Gayle Mariani, Browne, Cindy & Mark L Johnson, Frank & Sherry Wood, Linda McDonald, &

DEFAULT JUDGMENT

EH 2974510 PG 1 OF 11
LEANN H KILTS, WEBER COUNTY RECORDER
12-APR-19 12:17 PM FEE \$72.00 DEF DC
REC FOR: CELESTE CANNING

Case No. 170905581

Judge: Camille Neider

Allan J McDonald, Randy Curt Emery Trust

Etal, David R Spee Trust, Ward Family Trust , Sam Dimsdale, Susan U Mudrow, Bradly Rasmussen ETAL, Brad R Egginton & Kim Egginton, Kevin Schwartz, Corey D & Anden M D, Don Alvin Hansen & Kayla Dean Hansen, Dave Jessup & Misty Samuels, Dennis J Brown & Linda H Brown, David Doxey Jr & Sally J Doxey, Scott A Jensen & Jenna Jensen, Russel Dean Grange II , Charles Brandon Rawlins, Luke Zeleznick, Linda Lawless Lastayo & Paul Lastayo, Kevin Lowell, Rick & Cindy Johnson, R Dee Costly Trust, Daniels family Trust, Max Patterson, Harry H Schmalz & Jaimie Rae Schmalz, Kenneth R & Suzanne Beck, Maughan-Browning Land Co Inc., Kyle L Frongner & Kathy J Frongner, Aaron V Barson Jr, Gregory W Tapay & Diane W Tapay, Kevin M Schneider, MTM Plus LLC, Weston c Loegering & Janis H Loegering, Cody O Thompson, Weston C Loegering & Janie H Loegering, David R Spee Trust, Walter L Prothero & Cheri D Flory, James F Orrock & Janet M Stephenson, Old Town Lodging & Investments LLC, CBI Properties LLC, Johni E Pottorff & Patricia A Pottorff, individually , and DOES I – X, and ALL PERSONS UNKNOWN claiming any right, title, estate, lien, or interest in the real property described in the complaint, or any cloud on Plaintiff's title thereto,

Defendants

The defendants, identified below, having been served Plaintiff's Summons and Complaint, as indicated below, pursuant to Utah R. Civ. P. Rule 4, or in compliance with an

Order of this Court,

Susan Mudrow- served by process server
Brad Egginton- served by process server
Cody Thompson- Served by publication
Sally Doxey- served by process server
Sam Dimsdale- served by first class certified mail
Amy Thornquist- served by first class certified mail
Kevin Schwarts- served by first class certified mail
Jaimie Rae Schmalz- served by first class certified mail
Misty Samuels- served by first class certified mail
Charles Brandon Rawlings- served by first class certified mail
Bradley Rasmussen- served by first class certified mail
Max Patterson- served by process server
Sarah Mumford- served by first class certified mail
Kenyon Mumford- served by first class certified mail
Ryan Moore-served by process server
Karl Fredrick Lundin- served by first class certified mail
Kevin Lowell-served by publication
Dave Jessup- served by first class certified mail
Zachary Hildebrand- served by first class certified mail
Pamela Hildebrand- served by first class certified mail
Shaun Frongner- served by process server
Jennifer Frongner- served by process server
Dave Fantle- served by first class certified mail
Shane Dunleavy- served by first class certified mail
Rusty Chowning- served by process server
Mellissa Chowning- served by process server
Walter Prothero- served by first class certified mail
Cheri D. Flory - served by first class certified mail
Kenneth Beck- served by first class certified mail
Suzanne Beck- served by first class certified mail
Harry H. Schmalz- served by first class certified mail
David L. Berry- served by first class certified mail
Dennis Brown- served by first class certified mail
Linda Brown- served by first class certified mail
Randy Curt Emery- served by first class certified mail
Linda Z McDonald- served by process server
Allan J McDonald- served by process server
Aaron Barson Jr – served by process server
Rick Johnson- served by first class certified mail

Cindy Johnson- served by first class certified mail
 Scott Jenson - served by first class certified mail
 Sharon Tuttle- served by first class certified mail
 Diane W. Tapay- served by first class certified mail
 Weston c. Loegering- served by first class certified mail
 Janis H. Loegering- served by first class certified mail
 Russel Dean Grange II- served by first class certified mail
 Kim Egginton- served by process server
 Johni E. Pottorff- served by publication
 Patricia A. Pottorff – served by publication
 Marilyn S. Burton Trust served by publication -
 - by acquiesce to Jeffery Burton, Trustee of the Marilyn S. Burton Trust
 David Doxey- served by process server
 Greg Tapay- served by first class certified mail
 Mark Johnson- served by first class certified mail
 Jenna Jensen- served by first class certified mail
 Johni Pottorff- served by publication
 Patricia Pottorff- served by publication
 Does I-X, and All persons unknown – served by publication
 MTM Plus- served by process server
 Bonneville Investment Company- served by process server
 Downtown Resort Properties - served by first class certified mail
 CBI Properties - served by first class certified mail
 Maughan-Browning Land Company- served by first class certified mail
 Old Town Lodging & Investments- served by publication
 Daniels Family Trust- served by first class certified mail
 Corey Anden MD- served by first class certified mail
 Robert Wadman- served by process server
 Beverly Wadman- served by process sever

having failed to answer or otherwise appear to defend this action, or having acquiesced in
 entry of default and this Judgment, and default having been entered, and good cause appearing
 thereto,

IT IS HEREBY ORDERED AND DECREED as follows:

1. Plaintiff and its predecessors in interest have used Big Sky Drive and 2050 North to access the land in Weber County, Utah, Parcel No. 22-

040-0022 (the "Property"), since the parcel was severed from common ownership, more than twenty years.

2. The use by Plaintiff and its predecessors is reasonably necessary to the use and enjoyment of the Property.
3. Where the parcels had common ownership, and the last common owner accessed the Property via Big Sky Drive and 2050 North, it appears the last common owner intended to transfer right of access, but failed to do so.
4. Plaintiff has met the legal requirements for an implied easement.
5. Plaintiff and its predecessors have obtained access to the Property over Big Sky Drive and 2050 North for more than 20 years.
6. Because no Defendant, acting on its, his or her own, had the right to grant permission to use the rights-of-way, Plaintiff's use was not permissive.
7. Plaintiff's use of the rights-of-way was open, notorious, and continuous.
8. Plaintiff has met the legal requirements for a prescriptive easement.
9. It appears Plaintiff's predecessors in interest failed to transfer the right of access at the time title to the Property was transferred.
10. Based on subsequent actions to remediate this failure to transfer access, the failure was due to mutual mistake of the parties.

11. Plaintiff has met the legal requirements for deed reformation.
12. The Court hereby recognizes Plaintiff's right of access over Big Sky Drive and 2050 North, for the purposes of ingress and egress, based on the theories of implied easement, prescriptive easement, and deed reformation.
13. This right of access is appurtenant to the land, and may be transferred to Plaintiff's successors and assigns.
14. Plaintiff is obligated to contribute its fair share to the maintenance and upkeep of the rights-of-way, so long as both, or either, remain private rights-of-way. Plaintiff's obligation to contribute to upkeep and maintenance, other than through taxation, including special assessments, shall terminate when and if the roadways are dedicated to and accepted by Weber County or another governmental entity.
15. Plaintiff's share of maintenance and upkeep shall be determined by the homeowner's associations (HOA) of Big Sky Estates 1 and Big Sky Estates 2, or any other similar organization, so long as such determination is made in a reasonable manner, in accordance with the law applicable to such allocations and agreements.
16. In no event shall Plaintiff be required to pay maintenance costs to more than one (1) HOA or similar organization per subdivision.
17. Plaintiff may record this judgment and order with the Weber County

Recorder.

WITNESS my signature and the Seal of this Court as shown at the top of the first page of
this Order.

/s/ Celeste C. Canning

Celeste C. Canning
Attorney for Plaintiff

✦DOCUMENT END✦

Legal Description

1. ALL OF LOTS 13 AND 14, BIG SKY ESTATES NO. 1, WEBER COUNTY,UTAH.
Parcel: 22-042-0010 BT ds BST
2. ALL OF LOT 16, BIG SKY ESTATES NO. 1, WEBER COUNTY, UTAH.
Parcel: 22-042-0013 BT
3. ALL OF LOT 59, BIG SKY ESTATES NO. 2, WEBER COUNTY, UTAH.
Parcel: 22-044-0008 BT
4. ALL OF LOT 32, BIG SKY ESTATES NO. 1, WEBER COUNTY, UTAH.
Parcel: 22-042-0021 BT
5. LOT 12, BIG SKY ESTATES NO. 1, WEBER COUNTY, UTAH.
Parcel: 22-042-0009 BT
6. ALL OF LOT 43, BIG SKY ESTATES NO. 1, WEBER COUNTY, UTAH.
Parcel: 22-041-0019 BT
7. ALL OF LOT 17, BIG SKY ESTATES NO. 1, WEBER COUNTY, UTAH.
Parcel: 22-042-0014 BT
8. ALL OF LOT 62, BIG SKY ESTATES NO. 2, WEBER COUNTY, UTAH.
Parcel: 22-043-0007 BT
9. ALL OF LOT 21, BIG SKY ESTATES NO. 1, WEBER COUNTY, UTAH
Parcel: 22-042-0018 BT
10. ALL OF LOT 34, BIG SKY ESTATES NO. 1, WEBER COUNTY, UTAH.
Parcel: 22-042-0023 BT
11. ALL OF LOT 15, BIG SKY ESTATES NO 1, WEBER COUNTY, UTAH.
Parcel: 22-042-0012 BT
12. ALL OF LOT 61, BIG SKY ESTATES NO. 2, WEBER COUNTY, UTAH.
Parcel: 22-043-0006 BT
13. ALL OF LOT 45, BIG SKY ESTATES NO. 1, WEBER COUNTY, UTAH.
Parcel: 22-041-0021 BT

14. ALL OF LOT 26, BIG SKY ESTATES NO. 1, WEBER COUNTY, UTAH.
Parcel: 22-041-0007 BT
15. ALL OF LOT 23, BIG SKY ESTATES NO. 1, WEBER COUNTY, UTAH.
Parcel: 22-041-0004 BT
16. ALL OF LOT 48, BIG SKY ESTATES NO. 2, WEBER COUNTY, UTAH.
Parcel: 22-043-0001 BT
17. ALL OF LOT 21, BIG SKY ESTATES NO. 1, WEBER COUNTY, UTAH.
Parcel: 22-042-0018 BT
18. ALL OF LOT 38, BIG SKY ESTATES NO. 1, WEBER COUNTY, UTAH.
Parcel: 22-041-0014 BT
19. ALL OF LOT 46, BIG SKY ESTATES NO. 1, WEBER COUNTY, UTAH.
Parcel: 22-041-0022 BT
20. ALL OF LOT 25, BIG SKY ESTATES NO. 1, WEBER COUNTY, UTAH.
Parcel: 22-041-0006 BT
21. ALL OF LOT 37, BIG SKY ESTATES NO. 1, WEBER COUNTY, UTAH.
Parcel: 22-041-0013 BT
22. ALL OF LOT 66, BIG SKY ESTATES NO. 2, WEBER COUNTY, UTAH.
Parcel: 22-044-0011 BT
23. ALL OF LOT 63, BIG SKY ESTATES NO. 2, WEBER COUNTY, UTAH.
Parcel: 22-043-0008 BT
24. ALL OF LOT 42, BIG SKY ESTATES NO. 1, WEBER COUNTY, UTAH.
Parcel: 22-041-0018 BT
25. ALL OF LOT 22, BIG SKY ESTATES, NO. 1, WEBER COUNTY, UTAH.
Parcel: 22-042-0019 BT
26. ALL OF LOT 9, BIG SKY ESTATES NO. 1, WEBER COUNTY, UTAH.
Parcel: 22-042-0006 BT

27. ALL OF LOT 54, BIG SKY ESTATES NO. 2, AND A PART OF LOTS 55 AND 56 OF BIG SKY ESTATES NO. 2. BEGINNING AT THE NORTHWEST CORNER OF LOT 55 AND RUNNING THENCE SOUTH 59.95 FEET, THEN DUE EAST 65 FEET, THEN SOUTH 71.04 FEET, THEN EAST 149.96 FEET, THEN NORTH TO INTERSECT THE SOUTH PROPERTY LINE OF LOT 54 AND THENCE SOUTHWESTERLY 232 FEET, MORE OR LESS, TO THE POINT OF BEGINNING. TOGETHER WITH A RIGHT OF WAY DESCRIBED AS FOLLOWS: A RIGHT OF WAY FOR INGRESS AND EGRESS OVER AN EXISTING ROADBED, WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: A RIGHT OF WAY 15 FEET WIDE, THE WESTERLY LINE BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEASTERLY CORNER OF LOT 54, BIG SKY ESTATES NO. 2, AND RUNNING THENCE SOUTHERLY TO A POINT ON THE SOUTH LOT LINE OF SAID LOT 54, WHICH IS SOUTH 67°D65'43" WEST 50 FEET FROM THE SOUTHEAST CORNER OF SAID LOT 54 (BOOK 1616 PAGE 1028).

Parcel: 22-044-0020 BST

28. ALL OF LOT 49, BIG SKY ESTATES NO. 2, WEBER COUNTY, UTAH.

Parcel: 22-043-0002 BST

29. ALL OF LOT 32, BIG SKY ESTATES NO. 1, WEBER COUNTY, UTAH.

Parcel: 22-042-0021 BST

30. ALL OF LOT 28, BIG SKY ESTATES NO. 1, WEBER COUNTY, UTAH

Parcel: 22-041-0009 BST

31. PART OF LOT 55, BIG SKY ESTATES NO. 2, WEBER COUNTY, UTAH. MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING THE NORTHEAST CORNER OF SAID LOT 55, RUNNING THENCE SOUTH 67°D56'43" WEST 343.40 FEET, THENCE SOUTH 142.85 FEET, MORE OR LESS, TO THE SOUTH PROPERTY LINE OF SAID LOT 55; THENCE NORTH 70°D46'45" EAST 390 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF LOT 55, THENCE NORTHWESTERLY ALONG THE WEST LINE OF BIG SKY DRIVE TO THE POINT OF BEGINNING. TOGETHER WITH A RIGHT OF WAY DESCRIBED AS FOLLOWS: A RIGHT OF WAY FOR INGRESS AND EGRESS OVER AN EXISTING ROADBED, WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: A RIGHT OF WAY 15 FEET WIDE, THE WESTERLY LINE BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEASTERLY CORNER OF LOT 54, BIG SKY ESTATES NO. 2, AND RUNNING THENCE SOUTHERLY TO A POINT ON THE SOUTH LOT LINE OF

SAID LOT 54, WHICH IS SOUTH 67D65'43" WEST 50 FEET FROM THE
SOUTHEAST CORNER OF LOT 54.

Parcel: 22-044-0018 BST

32. ALL OF LOT 58, BIG SKY ESTATES NO. 2, WEBER COUNTY, UTAH SUBJECT
TO A RIGHT-OF-WAY (885-223).

Parcel: 22-044-0007 BST

33. ALL OF LOT 33, BIG SKY ESTATES NO. 1, WEBER COUNTY, UTAH.

Parcel: 22-042-0022 BST

34. ALL OF LOT 71, BIG SKY ESTATES NO. 2, WEBER COUNTY, UTAH.

Parcel: 22-044-0016 BST

35. ALL OF LOT 29, BIG SKY ESTATES NO. 1, WEBER COUNTY, UTAH

Parcel: 22-041-0010 BST

36. ALL OF LOT 24, BIG SKY ESTATES NO. 1, WEBER COUNTY, UTAH.

Parcel: 22-041-0005 BST

37. ALL OF LOT 39, BIG SKY ESTATES NO. 1, WEBER COUNTY, UTAH.

Parcel: 22-041-0015 BST

38. ALL OF LOT 70, BIG SKY ESTATES NO. 2, WEBER COUNTY, UTAH.

Parcel: 22-044-0015 BST

39. ALL OF LOT 64, BIG SKY ESTATES NO. 2, WEBER COUNTY, UTAH.

Parcel: 22-043-0009 BST

40. ALL OF LOT 69, BIG SKY ESTATES NO. 2, WEBER COUNTY, UTAH.

Parcel: 22-044-0014 BST

41. ALL OF LOT 52, BIG SKY ESTATES NO. 2, WEBER COUNTY, UTAH.

Parcel: 22-043-0005 BST

42. ALL OF LOT 18, BIG SKY ESTATES NO. 1, WEBER COUNTY, UTAH

Parcel: ~~22-042-015~~ BST

22-042-0015 *BST*

43. ALL OF LOT 40, BIG SKY ESTATES NO. 1, WEBER COUNTY, UTAH.

Parcel: 22-041-0016