

The Order of the Court is stated below:

Dated: March 10, 2016
08:45:08 AM

/s/ TODD M. SHAUGHNESSY
District Court Judge



Jonathan O. Hafen (6096)
Justin P. Matkin (8847)
Jeffery A. Balls (12437)
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Attorneys for Defendants

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: 28th March 2016
DEPUTY COURT CLERK
THIRD DISTRICT COURT
SALT LAKE CITY

IN THE THIRD JUDICIAL DISTRICT COURT

IN AND FOR SALT LAKE COUNTY, STATE OF UTAH

<p>UTAH DEPARTMENT OF TRANSPORTATION, Plaintiff, vs. LEJ INVESTMENTS, LLC, a Utah limited liability company; ROBERT BOWMAN CONSULTING, LLC, a Utah limited liability company; CRAIG JENSEN, an individual; RICHARD JENSEN, an individual; CAROL BOWMAN, an individual; ROBERT BOWMAN, an individual, Defendants.</p>	<p>FINAL JUDGMENT OF CONDEMNATION</p> <p>UDOT Project No. MP-0182(6) Parcel Nos. 177NO:A; 177NO:E; 177NO:2E Affecting Tax ID Nos. 20-26-300-001, 20-26-100-001</p> <p>Civil No. 110902201</p> <p>Judge Todd M. Shaughnessy</p>
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GARRETT M. OTT
REORDER, SALT LAKE COUNTY, UTAH
UTAH DEPT. OF TRANSPORTATION
PO BOX 148420
SALT LAKE CITY UT 84114
BY: SSP, DEPUTY - M1 8 P.

This matter came before the Court for a bench trial on November 16, 17, 18, 19, and 30th and December 1, 7, 8, and 11th. Plaintiff Utah Department of Transportation ("UDOT") was represented at trial by William H. Christensen, Barbara H. Ochoa, and David M. Quealy.

Defendants LEJ Investments, LLC, Robert Bowman, Carol Bowman, Robert Bowman Consulting, LLC, Craig Jensen, and Richard Jensen (the "Defendants") were represented at trial by Jonathan O. Hafen, Justin P. Matkin, and Jeffery A. Balls. At the request of the Court, UDOT and LEJ submitted separate proposed Findings of Fact and Conclusions of Law on December 22, 2014. On February 24, 2016, the Court declined to enter the Findings of Fact and Conclusions of Law proposed by either UDOT or Defendants and instead entered its own Findings of Fact and Conclusions of Law ("Findings and Conclusions"). Consistent with the Findings and Conclusions and being fully advised in the premises and for good cause appearing,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That the parcels of land hereinafter described in Paragraph No. 8 ("Subject Property") are hereby condemned and acquired by UDOT for the purposes set forth below.
2. That the purpose of said condemnation is a public use authorized by law and the Subject Property is necessary for that public use.
3. That the fair market value of the Subject Property and the damages to the remainder of Defendants' property caused by the taking of the Subject Property and the construction of the project proposed by UDOT is Thirteen Million Nine Thousand Four Hundred Forty Dollars (\$13,009,440).
4. That pursuant to Utah Code Ann. §78B-6-510(3)(a), UDOT previously deposited with the Court the sum of Eight Million Sixty Eight Thousand Eight Hundred Dollars (\$8,068,800) (the "Deposited Funds") as an advance on the just compensation to be paid and for the purpose of obtaining an order of immediate occupancy. The Deposited Funds were withdrawn by the Defendants on February 1, 2011 and UDOT took occupancy of the property on February 7, 2011. UDOT is required to deposit an additional \$4,940,640.00 with the Clerk of the Court to meet the award of just compensation

along with interest on that amount at the rate of 8% per annum from the date of occupancy to the date of deposit.

5. That pursuant to the Court's Findings of Fact and Conclusions of Law and Utah Code Ann. §78B-6-510(5)(c)(i) & (ii), UDOT deposited \$6,946,133.76 with the Clerk of the Court on March 4, 2016 representing the remainder due in this matter as just compensation and interest. Interest was calculated at the rate of 8% per annum on the total compensation awarded less the sum of \$8,068,800 deposited with the Clerk of the Court on February 1, 2011. Interest was computed for the period beginning with the date UDOT was first entitled to take occupancy of the premises, February 7, 2011, through March 4, 2016, the date that the balance of compensation and interest owing was deposited with the Clerk of the Court.

6. UDOT, having deposited with the Clerk of the Court the full amount of just compensation and interest to which Defendants are owed, is entitled to have this Final Judgment of Condemnation entered.

7. The Clerk of the Court is ordered to issue a check in the amount of \$6,946,133.76 made payable to the "Parr Brown Gee & Loveless Trust Account." Said amount representing satisfaction in full of the amount owed by UDOT to the Defendants. Nothing in this Final Judgment shall constitute a waiver of any parties' rights to appeal, which the parties have expressly reserved.

8. A copy of this Final Judgment shall be filed with the County Recorder of Salt Lake County, State of Utah, and thereupon the rights and interests of all named Defendants in and to the following described property, situated in Salt Lake County, State of Utah, shall vest in the Plaintiff, Utah Department of Transportation, 4501 South 2700 West, Salt Lake City, Utah 84119:

Tax Id No. 20-26-100-001, 20-26-300-001

Parcel No. 0182:177NO:A (FEE SIMPLE)

A parcel of land in fee for a highway known as Project No. MP-0182(6), being part of an entire tract of property situate in the SW1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4, NE1/4SW1/4, NW1/4SW1/4, SW1/4NW1/4 and the NW1/4NW1/4 of Section 26, T.2S., R.2W., S.L.B.&M. The boundaries of said parcel of land are described as follows:

Beginning at a point in the southerly line of said Section 26, which point is 945.30 ft. S. 89°45'36" E. along said section line from the Southwest corner of said Section 26, said point is also 1.11 ft. perpendicularly distant northerly from the 7800 South Street Right of Way Control Line opposite approximate engineer station -0+05.00; and running thence N. 00°15'09" E. 78.89 ft.; thence S. 89°44'51" E. 786.81 ft. to a point designated as Point "A", which point is 80.00 ft. perpendicularly distant northerly from said 7800 South Street Right of Way Control Line opposite engineer station 7+81.81; thence S. 89°44'51" E. 300.00 ft.; thence N. 25°09'11" E. 37.47 ft. to the beginning of a 1397.00-foot radius non-tangent curve to the left; thence Northwesterly 254.88 ft. along the arc of said curve (Note: Chord to said curve bears N. 22°59'34" W. for a distance of 254.53 ft.); thence N. 28°13'09" W. 508.23 ft.; thence N. 32°42'46" W. 2116.84 ft.; thence N. 23°04'10" W. 507.09 ft.; thence N. 40°38'36" W. 44.24 ft.; thence N. 49°21'24" E. 16.31 ft.; thence N. 30°15'46" W. 193.13 ft. thence N. 18°01'55" W. 250.48 ft.; thence N. 23°04'10" W. 262.06 ft.; thence N. 21°37'09" W. 232.85 ft. to the westerly boundary line of said entire tract which is the westerly line of said Section 26 at a point designated as Point "B", which point is 44.60 ft. radially distant southwesterly from the Mountain View Corridor Right of Way Control Line opposite engineer station 1524+63.49; thence N. 00°11'48" W. 1330.42 ft. along said westerly boundary line to the Northwest corner of said entire tract which is also the Northwest corner of said Section 26, said corner is also designated as point "C", which point is 328.63 ft. radially distant easterly from said Mountain View Corridor Right of Way Control Line opposite engineer station 1537+85.74; thence East 36.23 ft. along the north boundary line of said entire tract; thence S. 14°43'25" E. 731.36 ft.; thence N. 76°14'04" E. 48.42 ft.; thence S. 85°32'17" E. 145.75 ft.; thence S. 30°48'37" E. 179.83 ft.; thence S. 08°39'49" W. 127.59 ft.; thence S. 70°43'13" W. 126.81 ft.; thence S. 04°10'37" W. 133.37 ft.; thence S. 19°16'47" E. 357.21 ft.; thence S. 23°22'48" E. 378.38 ft.; thence S. 40°38'36" E. 149.31 ft.; thence S. 49°21'24" W. 37.47 ft.; thence S. 30°10'36" E. 206.28 ft.; thence S. 32°30'59" E. 2373.35 ft.; thence S. 50°27'01" E. 469.01 ft.; thence S. 49°02'02" E. 102.69 ft. to the beginning of a 1108.00-foot radius non-tangent curve to the right; thence Southeasterly 561.16 ft. along the arc of said curve (Note: Chord to said curve bears S. 34°30'33" E. for a distance of 555.19 ft.); thence S. 20°00'00" E. 224.19 ft.; thence East 154.95 ft.; thence S. 88°05'06" E. 145.05 ft. to a point designated as Point "D", which point is 82.50 ft. perpendicularly distant northerly from said 7800 South Street Right of Way Control Line opposite engineer station 22+35.55; thence S. 88°05'06" E. 86.24 ft.; thence S. 89°44'51" E. 285.60 ft. to the easterly boundary line of said entire tract; thence S. 00°22'44" E. 78.32 ft. along said easterly boundary line to the southerly line of said Section 26; thence along said southerly line the following two (2) courses and distances (1) N. 89°45'39" W. 889.53 ft. to the South Quarter corner of said Section 26; thence N. 89°45'35" W. 1723.69 ft. to the point of beginning. The above described parcel of land contains 2,794,335 square feet in area or 64.149 acres, more or less of which 39,196 square feet in area or 0.900 acre, more or less, is now occupied by the existing roadway. The balance is 2,755,139 square feet in area or 63.249 acres more or less.

(Note: All bearings in the above description match the above said Right of Way Control Line.)

Together with any and all abutter's rights of underlying fee to the center of the existing right-of-way appurtenant to this conveyance.

To enable the Utah Department of Transportation to construct and maintain a public highway as a freeway, as contemplated by Title 72, Chapter 6, Section 117, Utah Code Annotated, 1998, as amended, the Defendants hereby release and relinquish to said Utah Department of Transportation any and all rights appurtenant to the remaining property of said Defendants by reason of the location thereof with reference to said highway, including, without limiting the foregoing, all rights of ingress to or egress from said Defendants' remaining property contiguous to the lands hereby conveyed, to or from said highway between said designated Point "A" and said designated Point "B" and between said designated Point "C" and said designated Point "D".

Parcel No. 0182:177NO:E (TEMPORARY EASEMENT)

A temporary easement, upon part of an entire tract of property, in the SW1/4SE1/4, SE1/4SW1/4, NE1/4SW1/4, NW1/4SW1/4, SW1/4NW1/4 and the NW1/4NW1/4 of Section 26, T.2S., R.2W., S.L.B.&M., in Salt Lake County, Utah, for the purpose of constructing thereon appurtenant parts incident to the construction of a highway known as Project No. MP-0182(6).

Non – exclusive Use. The easement acquired herein does not convey any right except as stated herein, nor does it prevent Defendant(s) from the use of the real property within the easement so long as such use does not interfere with the purposes for which the easement is being acquired. This easement does not convey the right to use the easement in a manner that would deny any right Defendant(s) may possess of reasonable access to property outside of the easement.

Duration of Easement. The easement shall begin at the time actual construction of said project is commenced at the location of the easement, and shall continue for a period of three years or until the earlier completion of the project. The easement shall run with the real property and shall be binding on Defendant(s), their successors, heirs and assigns.

Restoration of Property. UDOT will restore the real property as nearly as reasonably possible to its condition prior to any material disturbance from construction activities, consistent with project improvements.

The boundaries of said part of an entire tract of land are described as follows:

Beginning at a point in the easterly boundary line of said entire tract, which point is 2668.99 ft. S. 89°45'36" E. along the southerly line of said Section 26 to the South Quarter corner of said section and 889.53 ft. S. 89°45'39" E. along said southerly section line and 78.32 ft. N. 00°22'44" W. from Southwest corner of said Section 26, said point is also 80.00 ft. perpendicularly distant northerly from the 7800 South Street Right of Way Control Line opposite approximate engineer station 26+07.35; and running thence N. 89°44'51" W. 285.60 ft.; thence N. 88°05'06" W. 231.29 ft.; thence West 154.95 ft.; thence N. 20°00'00" W. 224.19 ft. to the beginning of a 1108.00-foot radius curve to the left; thence Northwesterly 561.16 ft. along the arc of said curve (Note: Chord to said

curve bears N. 34°30'33" W. for a distance of 555.18 ft.); thence N. 49°02'02" W. 102.69 ft.; thence N. 50°27'01" W. 469.01 ft.; thence N. 32°30'59" W. 2373.35 ft.; thence N. 30°10'36" W. 206.28 ft.; thence N. 49°21'24" E. 37.47 ft.; thence N. 40°38'36" W. 149.31 ft.; thence N. 23°22'48" W. 378.38 ft.; thence N. 19°16'47" W. 357.21 ft.; thence N. 04°10'37" E. 133.37 ft.; thence N. 70°43'13" E. 126.81 ft.; thence N. 08°39'49" E. 127.59 ft.; thence N. 30°48'37" W. 179.83 ft.; thence N. 85°32'17" W. 145.75 ft.; thence S. 76°14'04" W. 48.42 ft.; thence N. 14°43'25" W. 731.36 ft. to the north boundary line of said entire tract; thence East 10.34 ft. along said north boundary line; thence S. 14°43'25" E. 718.90 ft.; thence N. 76°14'04" E. 40.19 ft.; thence S. 85°32'17" E. 152.53 ft.; thence S. 30°48'37" E. 188.60 ft.; thence S. 08°39'49" W. 137.20 ft.; thence S. 70°43'13" W. 126.27 ft.; thence S. 04°10'37" W. 124.73 ft.; thence S. 19°16'47" E. 354.77 ft.; thence S. 23°22'48" E. 376.50 ft.; thence S. 40°38'36" E. 157.79 ft.; thence S. 49°21'24" W. 39.15 ft.; thence S. 30°10'36" E. 197.75 ft.; thence S. 32°30'59" E. 2371.57 ft.; thence S. 50°27'01" E. 467.56 ft.; thence S. 49°02'02" E. 102.82 ft. to the beginning of a 1118.00-foot radius non-tangent curve to the right; thence Southeasterly 566.23 ft. along the arc of said curve (Note: Chord to said curve bears S. 34°30'33" E. for a distance of 560.20 ft.); thence S. 20°00'00" E. 217.19 ft.; thence East 148.20 ft.; thence S. 88°05'06" E. 231.23 ft.; thence S. 89°44'51" E. 285.34 ft. to the easterly boundary line of said entire tract; thence S. 00°22'44" E. 10.00 ft. along said easterly boundary line to the point of beginning. The above described part of an entire tract of land contains 70,123 square feet in area or 1.610 acres, more or less.

(Note: All bearings in the above description match the above said Right of Way Control Line.)

Parcel No. 0182:177NO:2E (Temporary EASEMENT)

A temporary easement, upon part of an entire tract of property, in the SW1/4SW1/4, SE1/4SW1/4, NW1/4SW1/4, and SW1/4NW1/4 of Section 26, T.2S., R.2W., S.L.B.&M., in Salt Lake County, Utah, for the purpose of constructing thereon appurtenant parts incident to the construction of a highway known as Project No. MP-0182(6).

Non – exclusive Use. The easement acquired herein does not convey any right except as stated herein, nor does it prevent Defendant(s) from the use of the real property within the easement so long as such use does not interfere with the purposes for which the easement is being acquired. This easement does not convey the right to use the easement in a manner that would deny any right Defendant(s) may possess of reasonable access to property outside of the easement.

Duration of Easement. The easement shall begin at the time actual construction of said project is commenced at the location of the easement, and shall continue for a period of three years or until the earlier completion of the project. The easement shall run with the real property and shall be binding on Defendant(s), their successors, heirs and assigns.

Restoration of Property. UDOT will restore the real property as nearly as reasonably possible to its condition prior to any material disturbance from construction activities, consistent with project improvements.

The boundaries of said part of an entire tract of land are described as follows:

Beginning at a point in the existing northerly right of way line of 7800 South Street, which point is 945.30 ft. S. 89°45'36" E. along the section line and 15.00 ft. N. 00°15'09" E. from the Southwest corner of said Section 26, said point is also 16.11 ft. perpendicularly distant northerly from the 7800 South Street Right of Way Control Line opposite approximate engineer station 0+05.00; and running thence N. 89°45'36" W. 10.00 ft. along said right of way line; thence N. 00°15'09" E. 73.90 ft.; thence S. 89°44'51" E. 1090.43 ft.; thence N. 25°09'11" E. 27.15 ft. to the beginning of a 1387.00-foot radius non-tangent curve to the left; thence Northwesterly 249.13 ft. along the arc of said curve (Note: Chord to said curve bears N. 23°04'25" W. for a distance of 248.80 ft.); thence N. 28°13'09" W. 507.84 ft.; thence N. 32°42'46" W. 2117.29 ft.; thence N. 23°04'10" W. 506.39 ft.; thence N. 40°38'36" W. 52.69 ft.; thence N. 49°21'24" E. 17.97 ft.; thence N. 30°15'46" W. 185.86 ft.; thence N. 18°01'55" W. 251.12 ft.; thence N. 23°04'10" W. 261.75 ft.; thence N. 21°37'09" W. 207.49 ft. to the westerly boundary line of said entire tract; thence N. 00°11'48" W. 27.38 ft. along said westerly boundary line; thence S. 21°37'09" E. 232.85 ft.; thence S. 23°04'10" E. 262.06 ft.; thence S. 18°01'55" E. 250.48 ft.; thence S. 30°15'46" E. 193.13 ft.; thence S. 49°21'24" W. 16.31 ft.; thence S. 40°38'36" E. 44.24 ft.; thence S. 23°04'10" E. 507.09 ft.; thence S. 32°42'46" E. 2116.84 ft.; thence S. 28°13'09" E. 508.23 ft. to the beginning of a 1397.00-foot radius curve to the right; thence Southeasterly 254.88 ft. along the arc of said curve (Note: Chord to said curve bears S. 22°59'33" E. for a distance of 254.53 ft.); thence S. 25°09'11" W. 37.47 ft.; thence N. 89°44'51" W. 1086.81 ft.; thence S. 00°15'09" W. 63.89 ft. to the point of beginning. The above described part of an entire tract of land contains 55,608 square feet in area or 1.277 acres, more or less.

(Note: All bearings in the above description match the above said Right of Way Control Line.)

APPROVED AS TO FORM:

/s/ Barbara H. Ochoa
Attorneys for Plaintiff UDOT
(signed with permission)

APPROVED AS TO FORM:

/s/ Justin P. Matkin
Attorneys for Defendants

Order becomes effective on the date when electronically signed

by the Court on the first page.