

ENT 38096:2011 PG 1 of 3
Jeffery Smith
Utah County Recorder
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Prepared and Proposed by:
David W. Zimmerman (5567)
Nathan R. Runyan (13347)
HOLLAND & HART LLP
222 S. Main Street, Suite 2200
Salt Lake City, Utah 84101
Telephone: (801) 799-5800
Fax: (801) 799-5700

Attorneys for Plaintiff Jansen Construction Company of Utah

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

<p>JANSEN CONSTRUCTION COMPANY OF UTAH, an Oregon corporation,</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>GARY PATEL, an individual; KUSUM ENTERPRISES, INC., a Utah corporation,</p> <p style="text-align: center;">Defendants.</p>	<p>DEFAULT JUDGMENT AND DECREE OF FORECLOSURE</p> <p>Case No. 2:10-cv-342</p> <p>Judge Dale A. Kimball</p>
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Based upon the upon the pleadings and declarations filed by Plaintiff Jansen Construction Company of Utah ("Jansen"), and pursuant to Federal Rule of Civil Procedure 55(b) and for good cause appearing therefore, judgment is hereby entered as follows:

1. Jansen shall recover from Defendants Gary Patel ("Patel") and Kusum Enterprises, Inc., jointly and severally, the amount of \$101,721.04, plus pre-judgment interest at

the per diem rate of \$33.44 from December 7, 2010, through the date of entry of this Judgment, and post-judgment interest at the rate(s) specified in 28 U.S.C. § 1961.

2. Jansen is entitled to a mechanic's lien under Utah Code Ann. § 38-1-1 et seq. in the amount of \$101,721.04, plus pre-judgment interest at the per diem rate of \$33.44 from December 7, 2010, through the date of entry of judgment, plus post-judgment interest at the rate(s) specified in 28 U.S.C. § 1961, plus attorneys' fees and costs in the amount of \$5,883.50. The lien is attached to, and shall be foreclosed against, that certain real property, which property is more particularly described as:

LOT 2, PLAT B, SUMMIT GROUP INC. SUBDV. AREA 1,472
AC.

Parcel No. 52:620:0002

and by this reference incorporated herein (the "Subject Property"). The Subject Property shall be sold at public auction by the Sheriff of Utah County, Utah in the manner prescribed by law for such sales. The person submitting the highest bid and upon payment of said bid amount to the Sheriff, shall be provided the Sheriff's Certificate of Sale and Sheriff's Deed. The proceeds of such sale shall be applied first to the Sheriff's costs, disbursements, and commissions, and then to Jansen, or its attorneys, in satisfaction of the amounts owing to Jansen for principal, interest, attorneys' fees and costs, and expenses, or so much of said amounts as the proceeds realized from the sale of the property will pay. The surplus, if any, realized from the sale shall be accounted for and paid over to the clerk of the court subject to the Court's further order.

3. All persons having an interest in the Subject Property, shall have the right, upon producing satisfactory proof, to redeem the Subject Property within the time provided by law for

such redemption. From and after expiration of the period of redemption as provided by law, Kusum and all persons claiming by, through, or under it be forever barred and foreclosed of all right, title, and interest in and to the Subject Property, and from and after the date of delivery of the Sheriff's Deed to the Subject Property, the grantee named therein be given possession thereof.

4. The persons entitled to the Sheriff's Certificate of Sale and the Sheriff's Deed shall be issued such writs and orders of this Court as may be necessary upon application of this Court therefore to enable those persons to obtain possession of and quiet title to, the Subject Property.

5. If a deficiency results after due and proper adjudication of the proceeds of the sale of the Subject Property, that Jansen be awarded judgment against Patel for the full amount of said deficiency.

6. This Judgment shall be augmented in the amount of reasonable costs and attorneys' fees in connection with the enforcement and foreclosure of Jansen's mechanic's lien upon the Subject Property, as shall be established by further affidavit, which amounts may be collected from Patel and/or from the proceeds of the sale of the Subject Property.

DATED this 30th day of March, 2011.

BY THE COURT:



Judge Dale A. Kimball
United States District Court Judge

I hereby certify that the annexed is a true and correct copy of a document or an electronic docket entry on file at the United States District Court for the District of Utah.

of pages

Date: 5-20-11

D. MARK JONES, Clerk of Court

By: 
Deputy Clerk

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