

The Order of the Court is stated below:

Dated: July 10, 2020  
09:08:27 AM

/s/ PAUL B. PARKER  
District Court Judge



Russell A. Cline (4298)  
Crippen & Cline L.C.  
560 South 300 East, Suite 200  
Salt Lake City, Utah 84111  
(801) 539-1900 Office  
(801) 322-1054 Facsimile

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: 7/10/2020

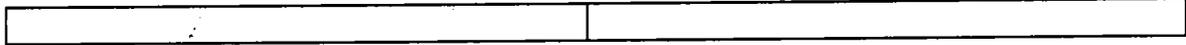
DEPUTY COURT CLERK

Attorney for Defendant and Third-Party Plaintiffs

IN THE THIRD JUDICIAL DISTRICT COURT  
SALT LAKE COUNTY DISTRICT, STATE OF UTAH

<p>KNIGHT ADJUSTMENT BUREAU A Utah Corporation,</p> <p>Plaintiff,</p> <p>vs.</p> <p>TIFFANY RUIZ,</p> <p>Defendant.</p>	<p><b>ORDER AND AMENDED JUDGMENT</b></p> <p>Case No. 199901165 Judge: Paul B. Parker</p>
<p>TIFFANY RUIZ, individually and on behalf of ALEXANDER OSCAR RUIZ and OLIVIA LAUREN RUIZ as legal guardian,</p> <p>Third-Party Plaintiffs</p> <p>vs.</p> <p>HILLRISE APARTMENTS BUSINESS TRUST, a Utah business trust, aka Hill Rise Apartments Business Trust</p> <p>Third-Party Defendant</p>	

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01/08/2021 04:26 PM \$40.00  
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RASHELLE HOBBS  
RECORDER, SALT LAKE COUNTY, UTAH  
CRIPPEN & CLINE  
560 S 300 E SUITE 200  
SALT LAKE CITY UT 84111  
BY: STA. DEPUTY - MI 9 P.



A hearing on damages having been held on February 20, 2020, and defendant and Third-Party Plaintiff Tiffany Ruiz, individually and on behalf of Alexander Oscar Ruiz and Olivia Lauren Ruiz as legal guardian (collectively "Ruiz"), having been represented by Russell A. Cline at the hearing, and Tiffany Ruiz, Alexander Oscar Ruiz and Olivia Lauren Ruiz having been present in the courtroom, and a Certificate of Default having been entered in this matter as to Third-Party Defendant Hillrise Apartments Business Trust, a Utah business trust, aka Hill Rise Apartments Business Trust ("Hill Rise") on August 28, 2019, and a Declaration of Damages and Other Relief Requested and supporting documents and affidavit having been filed by Tiffany Ruiz on December 22, 2019, and Hill Rise having failed to appear at that hearing, and the Court having entered its Order and Judgment with respect to that hearing on March 18, 2020, and Third-Party Plaintiffs having filed on March 18, 2020 their Motion for Entry of Order Allowing Third-Party Defendant 30 Days to Request Another Damages Hearing, and the Court having entered an Order on March 31, 2020, allowing Third Party Defendant another damages hearing set for July 8, 2020 at 11:30 a.m., and notice thereof having been mailed to Third-Party Defendant on April 1, 2020, and a second damages hearing having been held on July 8, 2020 at 11:30 a.m., and Ruiz having been represented by Russell A. Cline at that hearing, and Hill Rise having failed to appear at that hearing, and good cause appearing, the Court hereby takes notice of the prior testimony at February 20, 2020 hearing and adopts the same, and hereby finds, orders, decrees and adjudges as follows:

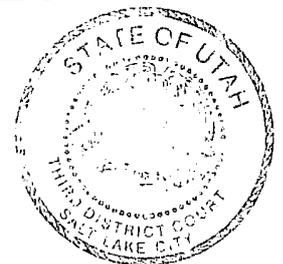


1. On or about November 28, 2005, June 1, 2009, June 1, 2010 and October 24, 2016 Tiffany Ruiz and Hill Rise entered into leases for a property located at 2372 East 6895 South, Cottonwood Heights, Utah 84121 (the "Property")
2. At the February 20, 2020 hearing, Ruiz claimed that Hill Rise breached the lease by failing to repair water leakage and that the failure proximately caused physical and emotional health damage to Tiffany Ruiz and her children.
3. The court is not convinced that Ruiz has sufficiently proved that the breaches by Hill Rise proximately caused the damages claimed by Ruiz.
4. Therefore, the Court declines to award Ruiz any damages against Hill Rise for those breaches.
5. On May 10, 2018, Hill Rise posted a Notice of Abandonment on the Property, stating, among other things, that Hill Rise had "deemed" and "declared" the Property to be abandoned, and that it was Hill Rise's "intent" to "remove all personal property from the premises and to store such for a period of thirty (30) days from the date of this Notice."
6. On May 20, 2018, Tiffany Ruiz emailed Hill Rise stating that "I received a notice of abandonment. Please note it is not abandoned..."
7. On May 31, 2018, Hill Rise "trashed out" the Property, removing and disposing of all of Tiffany Ruiz and her children's personal property located at the Property.
8. The Court finds that Hill Rise unlawfully removed and disposed of that personal property under multiple legal theories, including breach of contract (i.e., breach of the October 24, 2016 lease), conversion, breach of the Utah Unlawful Detainer Act, and wrongful



eviction.

9. The Court also finds that Hill Rise is liable to Ruiz for “forcible detainer” and “forcible entry.” See Utah Code Annotated Section 78B-6-801(2), (3).
10. The Court finds the fair market value of the property belonging to Tiffany Ruiz that was wrongfully disposed of by Hill Rise was \$27,350.00 as of May 31, 2018.
11. Because this Court finds Hill Rise liable for “forcible detainer” and “forcible entry,” the Court finds that pursuant to Utah Code Section 78B-6-811(3), the amount of damages awarded above for “forcible detainer” and “forcible entry” (\$27,350.00) should be trebled to \$82,050.00.
12. The court finds that much of the property disposed of by Hill Rise was irreplaceable and of great personal worth to Tiffany Ruiz and the loss thereof caused Tiffany Ruiz great pain and suffering, and this Court awards Tiffany Ruiz an additional \$250,000.00 in damages as compensation therefore.
13. Judgment is hereby entered against Hillrise Apartments Business Trust, a Utah business trust, aka Hill Rise Apartments Business Trust and in favor of Tiffany Ruiz, individually, in the amount of \$27,350.00, which is trebled to \$82,050.00 pursuant to Utah Code Section 78B-6-811(3), and in the amount of \$250,000.00, which is not trebled, for a total judgment of \$332,050.00.
14. Tiffany Ruiz is hereby awarded attorney’s fees in the amount of \$15,000 and costs in the amount of \$732.50, and those amounts are hereby entered as a judgment against Hill Rise and in favor of Tiffany Ruiz.



15. This award of costs and attorney's fees may be augmented by additional costs and attorney's fees incurred in defending this Order and Judgment, in collecting the amounts awarded hereunder, and otherwise hereafter incurred in this matter.
16. The Lease Agreement dated October 24, 2016 provides that the interest rate on any judgment is "twenty four percent (24%) per annum compounded daily," accruing from the "due date." The Court finds that this provision applies to both the landlord and the tenant. Accordingly, the judgment for \$332,050.00 shall bear interest from May 31, 2018 (the date of loss, or "due date"), until paid at the contract interest rate of twenty four percent (24%) per annum compounded daily, the award of \$15,732.50 for costs and attorney's fees shall bear interest at that same rate from March 18, 2020 (the date those costs and fees were awarded under the Order and Judgment entered on March 18, 2020) until paid, and all augmented costs and attorney's fees shall bear interest at that interest rate from the date awarded until paid.
17. The Court adopts the district court's finding in United States of America v. Stanley L. Wade, et al., United States District Court for the District of Utah, Case No. 2:15CV00883 DS, including the findings that Hill Rise was a "sham business trust," that Hill Rise "held title [to the Property] as a nominee for Stanley Wade" and that the transfer of the Property to Hill Rise "was fraudulent."
18. The Court finds that Hill Rise's claimed status as a "business trust" does not act as a shield or protection from the following liability, and hereby declares Hill Rise to be null, void, of no force or effect, "pierced," and set aside to the extent necessary to impose the



following liability.

19. The Court hereby orders, decrees and declares that all legal and/or beneficial owner(s) of Hill Rise, however designated, including all “beneficiaries” of Hill Rise, and all owner(s) of the Property, from and including May 31, 2018 through the date hereof, are jointly and severally liable to Tiffany Ruiz for the judgment set forth herein in favor of Tiffany Ruiz and against Hill Rise, including liability for all principal, interest, cost and attorney’s fees (both as awarded hereunder and as may be augmented hereafter.)
20. This court has reviewed the request for augmented attorney fees and finds that fees are appropriate but the amounts in the supplemental affidavit are unreasonable. Tiffany Ruiz is hereby awarded augmented attorney’s fees in the amount of \$1,000, which are the attorney’s fees for drafting and filing the Motion for Entry of Order Allowing Third-Party Defendant 30 Days to Request Another Damages Hearing on March 18, 2020, drafting the related Order, appearing at the hearing on that motion, mailing a copy of the Court’s March 31, 2020 Order, preparing for and attending the July 8, 2020 hearing, drafting and filing this Order and Amended Judgment, and matters related thereto, and that amount is hereby awarded as an additional judgment against Hill Rise and in favor of Tiffany Ruiz.

**\*\*ENTERED ON THE DATE AND AS INDICATED  
BY THE SEAL OF THE COURT AT TOP OF PAGE 1\*\***

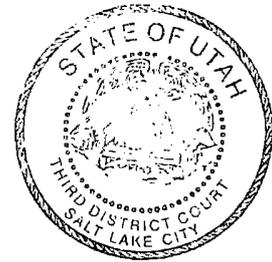
**CERTIFICATE OF SERVICE**



I HEREBY CERTIFY that on the 9th of July, 2020, I caused the foregoing to be delivered via the court's electronic filing system to the following:

Jay V. Barney  
5525 South 900 East, Suite 235  
Salt Lake City, UT 84117  
[jay.barneypc@knightadj.com](mailto:jay.barneypc@knightadj.com)  
Attorney for Knight Adjustment Bureau

/s/ Russell A. Cline  
Russell A. Cline



**When recorded return to:  
Russell Cline  
Crippen & Cline  
560 South 300 East, Suite 200  
Salt Lake City, Utah 84111  
801-539-1900**

## **JUDGMENT INFORMATION SHEET**

### **Judgment Debtor Information**

Name: Hillrise Apartments Business Trust, a Utah business trust, aka Hill Rise Apartments Business Trust.

Address: 2389 East 6895 South, Cottonwood Heights, Utah 84121

Address where debtor was served: 2389 East 6895 South, Cottonwood Heights, Utah 84121

The judgment debtor is a Utah business trust.

A copy of the Order and Amended Judgment entered on July 10, 2020 is attached hereto as Exhibit A.

### **Judgment Creditor Information**

Name: Tiffany Ruiz

Address: c/o Russell Cline, 560 South 300 East, Suite 200, Salt Lake City, UT 84111

Amount of Judgment: \$332,050.00, together with interest at 24.00% per annum compounded daily from May 31, 2018 until paid, together with costs and attorney's fees as awarded and as may hereafter be awarded, bearing interest at the same rate from the date awarded.

Date Judgment was entered: July 10, 2020

Judgment has not been stayed.

Date stay expires (if applicable): Not applicable

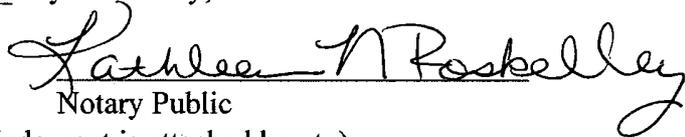
The Judgment creditor has reviewed the records for the information given. Any information required by Section 78B-5-201 or 78B-5-202 but not provided in this statement is either unknown or unavailable.

Dated: January 8, 2020



By: Russell Cline, attorney for Tiffany Ruiz

Subscribed and sworn before me this 8 day of January, 2021.

  
Notary Public

(Certified copy of Order and Amended Judgment is attached hereto)

