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Book - 9744 Pg - 5259-5263

GARY W. OTT

RECORDER, SALT LAKE COUNTY, UTAH

TERRY JESSOP & BITNER


39 EXCHANGE PLACE STE. 100

SLC UT 84111

BY: EAP, DEPUTY - WI 5 P.

FILED DISTRICT COURT  
Third Judicial District

JUL - 8 2009

By  SALT LAKE COUNTY  
Deputy Clerk

Richard C. Terry, USB No. 3216  
Christopher G. Jessop, USB No. 8542  
CORBRIDGE BAIRD & CHRISTENSEN  
39 Exchange Place, Suite 100  
Salt Lake City, Utah 84111-2705  
Telephone: 801/534-0909

Property Tax I.D. No: 08-09-251-001

IN THE THIRD JUDICIAL DISTRICT COURT OF SALT LAKE COUNTY

SALT LAKE DEPARTMENT, STATE OF UTAH

THE HARNESS TEAM, a business trust,

Plaintiff,

v.

J. KELLY CHRISTENSEN and BONNIE  
CHRISTENSEN, husband and wife as joint  
tenants, WASHINGTON MUTUAL BANK,  
FSB, and GUARDIAN TITLE COMPANY,

Defendants.

ORDER GRANTING WASHINGTON  
MUTUAL BANK'S MOTION FOR  
SUMMARY JUDGMENT

AND

DECREE QUIETING TITLE

Civil No. 060920839

Judge Tyrone E. Medley

WASHINGTON MUTUAL BANK, FSB,

Counterclaimant,

v.

THE HARNESS TEAM, a business trust,

Counterclaim Defendant.

On June 4, 2009, Defendant Washington Mutual Bank filed a motion for summary judgment in the above-captioned case, together with a memorandum in support of the motion and the affidavit of Christopher G. Jessop. Plaintiff The Harness Team, and Defendant Bonnie Christensen, failed to file any responsive pleading. On June 30, 2009, Washington Mutual Bank filed request to submit for decision.

The Court having considered Washington Mutual Bank's memorandum, and all relevant pleadings and documents pertaining to the motion, now enters the following order pursuant to Utah Code Ann. § 78B-6-401, *et. seq.*:

**ORDER**

WHEREFORE, for the reasons set forth in Washington Mutual Bank's memorandum in support of its Motion for Summary Judgment, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. Washington Mutual Bank's motion for summary judgment is granted.
2. The Deed of Trust in favor of Washington Mutual Bank, which has a face amount of \$272,000, and which was recorded in the Salt Lake County Recorder's Office on May 10, 2005, as Entry No. 9372938 in Book 9129 at Page 1589 (the "WAMU Trust Deed"), is in first-position with respect to the real property located at 3287 North 2200 West, Salt Lake City, Utah 84116, and shall unconditionally be and remain at all times a lien or charge on the property prior and superior to any lien or charge against the property, if any, which may arise from or out of a Mortgage in favor of the Harness Team which was recorded in the Salt Lake County Recorder's Office on February 27, 2004, as Entry No. 8989776, in Book 8950, at Page 9347.

3. The property at issue is more particularly described as follows:

Beginning at a point which is 1084 feet North of the center of Section 9, Township 1 North, Range 1 West, Salt Lake Base and Meridian, and running thence North 236 feet; thence East 890.81 feet, more or less to the West line of a Country Road; thence Southeasterly along said West line 245.68 feet, more or less; thence West 962.63 feet more or less to the point of beginning.

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4. The Harness Team's claims against Defendant Washington Mutual Bank, and any and all of Washington Mutual Bank's counterclaims against The Harness Team, whether known or unknown, are hereby dismissed with prejudice.

5. Defendant Washington Mutual Bank is hereby dismissed from the lawsuit.

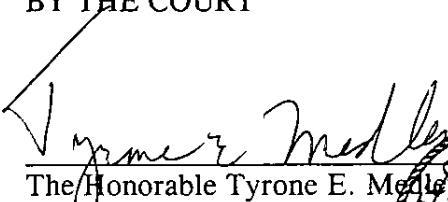
6. The Harness Team and Washington Mutual Bank are to bear their own fees and costs.

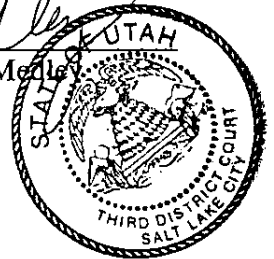
7. All claims of the Harness Team against Defendants J. Kelly Christensen and Bonnie Christensen, together with all defenses raised by Defendants J. Kelly Christensen and Bonnie Christensen shall be addressed in different proceedings.

DATED this 8 day of July, 2009.

BY THE COURT

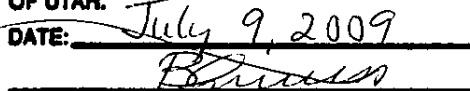


  
The Honorable Tyrone E. Medley  
District Court Judge



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: July 9, 2009

  
DEPUTY COURT CLERK

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BK 9744 PG 5261

Approved as to form and substance:

The Harness Team

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By:

Its:

CORPORON & WILLIAMS  
Attorneys for Bonnie Christensen

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Mary C. Corporon  
Allison Librett

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing was mailed, postage prepaid, to the following at the address(es) indicated on the 30<sup>th</sup> day of June, 2009:

Mary C. Corporon  
Allison Librett  
Corporon & Williams  
405 S. Main Street, Suite 700  
Salt Lake City, Utah 84111

The Harness Team  
Attention: Managing Director  
c/o 4764 South 900 East, Suite 1  
Salt Lake City, Utah 84117

Kenneth Wayne  
17719 Pacific Avenue, #308  
Spanaway, Washington 98387-8334

