

6-3

The Order of the Court is stated below:

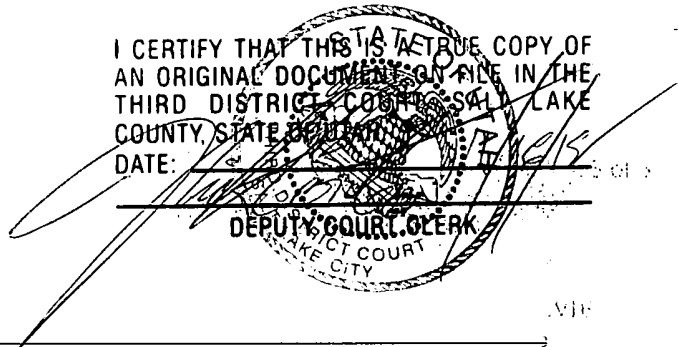
Dated: November 14, 2018
11:06:26 AM

/s/ RICHARD MCKELVIE
District Court Judge



Bruce J. Nelson (2380)
NELSON CHRISTENSEN HOLLINGWORTH & WILLIAMS
5292 College Drive, Suite 203
Murray, UT 84123
Telephone: (801) 428-1810
Fax: (801) 363-3614
Attorneys for Plaintiffs

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: 11/14/2018



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

CAROLE OLSON, an individual; JOHN
OLSON, an individual; ROD HANSEN, an
individual; and MALINDA HANSEN, an
individual,

Plaintiffs,

vs.

LAKE CITY CUSTOM HOMES, INC., a
purported Utah corporation; DAVID JON
BROWN, an individual; and DANIEL
NEWELL, an individual,

Defendants.

**DEFAULT JUDGMENT
AGAINST
ALL DEFENDANTS**

Civil No. 170908012
Judge Richard McKelvie

1 2888928
11/19/2018 02:48 PM #23-00
Book - 10731 Pa - 6754-6759
ADAM GARDINER
RECORDER, SALT LAKE COUNTY, UTAH

NELSON CHRISTENSEN HOLLINGWORTH
& WILLIAMS
5292 COLLEGE DR, STE 203
MURRAY UT 84123
BY: RUP, DEPUTY - WI 6 P.

On October 18, 2018, this Court entered an Order Compelling Discovery, requiring Defendants to respond to Plaintiffs' June 15, 2018, written discovery requests. Such Order required Defendants to respond to the pending discovery requests within ten (10) days from the date of such Order. Such Order provided that failure to adequately respond to the Order would result in the striking of Defendants' Answer and the entry of a Default Judgment against Defendants, and in favor of Plaintiffs, for the relief demanded in the Complaint on file herein.

Copies of the Order Compelling Discovery were sent to Defendants, both by mail and email, on October 19, 2018.

Defendants have failed to respond to such Order and have failed to deliver responses to the ordered discovery, as previously ordered by this Court. Such failure is evidenced by the filed

Affidavit of Plaintiffs' counsel, Bruce J. Nelson, Esq., dated November 1, 2018.

This Court finds that Defendants have had notice of this Court's prior Order Compelling Discovery and have failed to comply with such Order within the time period required under such Order.

ACCORDINGLY, IT IS HEREBY ORDERED:

1. Defendants' Answer previously filed in this case is stricken and of no further force or effect.

2. Plaintiffs are entitled to entry of a Default Judgment pursuant to the allegations of their previously-filed Complaint.

3. Judgment against all Defendants, jointly and severally, is awarded in favor of Plaintiffs Carole Olson and John Olson in the following amounts:

(a) The sum of \$380,000 based upon the causes of action contained in the Complaint, constituting monies previously given by such Olson Plaintiffs to Defendants and not returned;

(b) The sum of \$1,210 as and for one-half the total attorneys' fees incurred by Plaintiffs as prayed and based upon the contract executed between the Olson Plaintiffs and Defendants; and

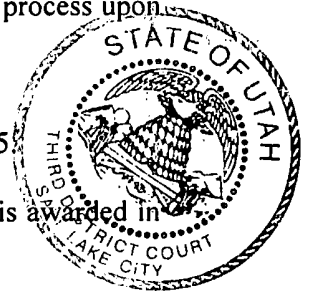
(c) Costs of Court incurred herein in the total amount of \$255, comprised of:

(i) The sum of \$180, being one-half the filing fee; and

(ii) The sum of \$75, being one-half the fee for service of process upon Defendants.

Accordingly, the total judgment rendered in favor of the Olson Plaintiffs is \$381,465.

4. In addition, Judgment against all Defendants, jointly and severally, is awarded in



favor of Plaintiffs Rod Hansen and Malinda Hansen in the following amounts:

(a) The sum of \$380,000 based upon the causes of action contained in the Complaint, constituting monies previously given by such Hansen Plaintiffs to Defendants and not returned;

(b) The sum of \$1,210 as and for one-half the attorneys' fees incurred by Plaintiffs as prayed and based upon the contract executed between the Olson Plaintiffs and Defendants; and

(c) Costs of Court incurred herein in the total amount of \$255, comprised of:

(i) The sum of \$180, being one-half the filing fee; and

(ii) The sum of \$75, being one-half the fee for service of process upon

Defendants.

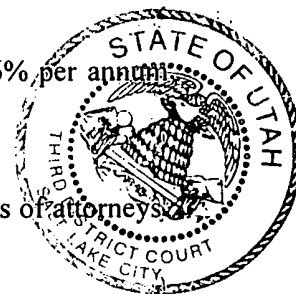
Accordingly, the total judgment rendered in favor of the Hansen Plaintiffs is \$381,465.

5. The Court further finds that the corporate Defendant Lake City Custom Homes, Inc. is the alter ego of the two individual Defendants, who are expressly liable for debts of the corporate Defendant for the reasons alleged in the Complaint filed by Plaintiffs.

6. The Court further finds that the Judgments rendered herein were incurred based upon the fraudulent actions and representations of Defendants, as pled in the Complaint on file herein. Accordingly, this Court specifically finds that the Judgments were incurred based upon fraud and misrepresentation, in addition to the other causes of action pled in Plaintiffs' Complaint.

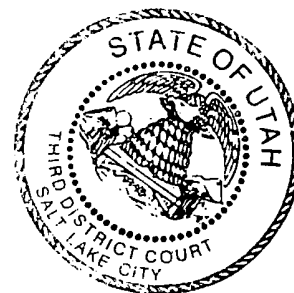
7. This Judgment shall bear interest at the post-judgment rate of 3.76% per annum from and after the date this Judgment is entered.

8. This Judgment shall be augmented in the amount of reasonable costs of attorneys' fees.



fees and costs expended in collecting said Judgment by execution or otherwise as shall be established by affidavit.

EFFECTIVE WHEN DIGITALLY EXECUTED BY THE COURT ABOVE



WHEN RECORDED, MAIL TO:
Bruce J. Nelson, Esq.
NELSON CHRISTENSEN HOLLINGWORTH & WILLIAMS
5292 College Drive, Suite 203
Murray, UT 84123
Attorneys for Judgment Creditors

Space above for County Recorder's use

JUDGMENT INFORMATION STATEMENT

Judgment Debtors' Information:

Name: Lake City Custom Homes, Inc.
Last Known Address: c/o David Jon Brown, Registered Agent
13592 Aintree Hill Cove
Draper, UT 84020
Address at Which Judgment Debtor Received Service of Process: c/o David Jon Brown, Registered Agent
13592 Aintree Hill Cove
Draper, UT 84020
This judgment debtor is not a natural person.

Name: David Jon Brown
Last Known Address: 13592 Aintree Hill Cove
Draper, UT 84020
Address at Which Judgment Debtor Received Service of Process: 13592 Aintree Hill Cove
Draper, UT 84020
This judgment debtor is a natural person.
SSN: unknown
Driver's License No.: unknown
Date of Birth: August 4, 1975

Name: Daniel Newell
Last Known Address: 13494 Fair Hill Court
Draper, UT 84020
Address at Which Judgment Debtor Received Service of Process: 13494 Fair Hill Court
Draper, UT 84020

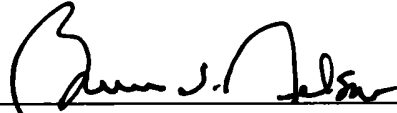
This judgment debtor is a natural person.
SSN: unknown
Driver's License No.: unknown
Date of Birth: May 1, 1966

Judgment Creditors' Information:

Name: John and Carole Olson
Address: 2076 South Hidden Creek Lane
Heber City, UT 84032
Amount of Judgment: \$381,465.00
Date Judgment Entered: November 14, 2018
Judgment has not been stayed.

Name: Rod and Malinda Hansen
Address: 2323 Crystal Lane
Pasadena, CA 91107
Amount of Judgment: \$381,465.00
Date Judgment Entered: November 14, 2018
Judgment has not been stayed.

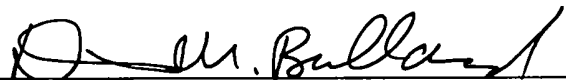
The judgment creditors have reviewed records for the information given. Any information required by § 78B-5-201 but not provided in this Statement is unknown or unavailable.



Bruce J. Nelson
NELSON CHRISTENSEN HOLLINGWORTH & WILLIAMS
Attorneys for Judgment Creditors

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

On the 16th day of November, 2018, personally appeared before me Bruce J. Nelson who, being by me duly sworn, duly acknowledged to me that he signed the foregoing instrument in the capacity indicated.



Notary Public

