

Note: This document shall attach to and encumber all property in the name of Judgment Debtor.


When Recorded return to:
RJLaw, PC
Attn: Robert M. Jensen
35 S. 400 W. Ste. 300
St. George, UT 84770

JUDGMENT INFORMATION STATEMENT

1. **CASE:**
Ash Excavating, LLC, v. TC Smith LLC, and Todd Smith
Case number 239500932
Fifth Judicial District Court in and for Washington County, State of Utah
2. **U.C.A. §78B-5-201** In compliance with Section 78B-5-201, the following information is provided in connection with the attached Judgment and including the following judgment debtor:
3. **JUDGMENT DEBTOR NO. 1.** The judgment debtor is **Todd Smith**, also possibly known as **Todd C. Smith**, an individual.
4. The last known address of the judgment debtor is:
1173 S. 250 W. #310
St. George, Utah 84770
5. The judgment debtor is an **individual person** and
 - (a) the (social security number)(EIN) of the judgment debtor is **unknown**;
 - (b) the (date of birth)(registration date) of the judgment debtor is **unknown**;
 - (c) the driver's license number of the judgment debtor is **unknown**.
6. **JUDGMENT DEBTOR NO. 2.** The judgment debtor is **TC Smith, LLC**, also possibly known as **T.C. Smith, LLC**, or **TC Smith, LLC**, a Utah limited liability company.
7. The last known address of the judgment debtor is:
1173 S. 250 W. #310
St. George, Utah 84770
8. The judgment debtor is a **corporate entity** and
 - (a) the (social security number)(EIN) of the judgment debtor is **unknown**;
 - (b) the (date of birth)(registration date) of the judgment debtor is **unknown**;
 - (c) the driver's license number of the judgment debtor is **unknown**.
9. **JUDGEMENT CREDITOR.** The judgment creditor is **Ash Excavating, LLC**, a Utah limited liability company.
10. The address of the judgment creditor is **2637 S CAMINO REAL WASHINGTON, UT 84780**.

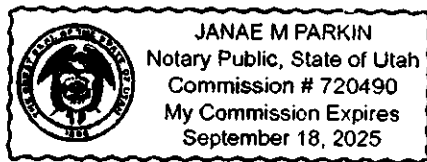
- 11. The amount of the judgment is **\$682,074.70, plus costs, interest, and attorney fees.**
See EXHIBIT A attached hereto.
- 12. The judgment has not been stayed.
- 13. The judgment creditor has reviewed its own records, the records of its attorney and the records of the court in which the judgment is entered. Any information required by Section 78B-5-201 but not provided in this statement is unknown and unavailable.

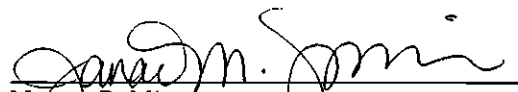
Dated this 11th day of July, 2023.


 Robert M. Jensen
 Attorney for Judgment Creditor

STATE OF UTAH,)
 :ss.
 County of Washington.)

On this 11th day of July, 2023, before me, a notary public, personally appeared Robert M. Jensen, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged he executed the same. Witness my hand and official seal.




 Notary Public

The Order of the Court is stated below:

Dated: July 03, 2023
03:15:54 PM

/s/ ERIC
District



RJLAW, PC
Robert M. Jensen – 7557
Daniel B. Baldwin
Counsel for Plaintiff
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St. George, UT 84770
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**IN THE FIFTH JUDICIAL DISTRICT COURT
IN AND FOR WASHINGTON COUNTY, STATE OF UTAH**

ASH EXCAVATING, LLC, a Utah Limited Liability Company

Plaintiff,

v.

TC SMITH LLC, a Utah Limited Liability Company; TODD SMITH, individually; and JOHN DOES I through X,

Defendants.

DEFAULT JUDGMENT

Tier 3

Civil No. 239500932

Judge Eric A. Ludlow

This matter came before the Court on Plaintiff’s Ex Parte Motion for Default Judgment and whereas

FINDINGS

- 1) A Summons and Complaint were served upon Defendants TC Smith LLC, and Todd Smith, in St. George, Utah, on May 30, 2023, See Court’s file Nos. 4 and 5.
- 2) Defendants’ Answer to the Complaint was due on or about June 20, 2023, but Defendant has failed to answer the same.
- 3) A Default Certificate was submitted to the Clerk of the Court herewith.

4) Plaintiff has claimed, and Defendants have failed to contest, that Plaintiff is entitled to Judgment against Defendants on the following grounds: 1st Cause of Action: Defendants have breached the parties' contract, 2nd Cause of Action: Defendants have been unjustly enriched, 3rd Cause of Action: A valid Construction Lien has been filed against the properties involved.

5) Plaintiff's claims against Defendant as set forth in the Complaint, are for a sum certain amount of \$682,074.70 (and other additional principal amounts yet to be verified or as otherwise established at Court hereafter), plus interest at the rate of 18% or as otherwise allowed by contract or statute, costs, expenses and attorney fees as allowed by contract or statute, plus consequential and incidental damages, and all other relief as the Court deems just and proper.

6) The Utah Rules of Civil Procedure provide for the entry of a default judgment by the Clerk of the Court, or the Court itself, upon the above facts.

JUDGMENT

Upon the foregoing facts and upon finding good cause therefore, the Court hereby enters the following Orders and Judgment:

1) IT IS ORDERED, ADJUDGED AND DECREED that Plaintiff is hereby granted judgment against Defendant, in the following amounts:

\$ 682,074.70	Judgment, principal amount
\$ 39,696.44	Pre-judgment, interest at the rate of 18% from February, 24, 2023 to June 22, 2023;
\$ TBD	Post-judgment, contract interest at the rate of 18% annually, \$336.36 per diem, from June 22, 2023, until the total judgment and all interest are paid in full; and
\$ 8,718.52	Costs and Attorney Fees;
\$730,489.66	TOTAL JUDGMENT , as of June 22, 2023, plus the additional

interest described above.

2) IT IS FURTHER ORDERED that Plaintiff may be entitled to further amounts as may be established pursuant to the Complaint as established by motion or hearing hereafter.

3) IT IS FURTHER ORDERED that this Judgment shall be augmented in the amount of reasonable costs and attorney fees expended in collecting said Judgment by execution or otherwise as shall be established by affidavit.

4) IT IS FURTHER ORDERED that said Judgment, including any augmentation thereof, shall accrue interest at the contract rate of 18% per annum, \$336.36 per diem, until paid in full.

5) IT IS FURTHER ORDERED that this judgment shall create a lien or encumbrance on the judgment debtors' interest in any and all real property. Utah Code Ann. § 38-9-1.

6) IT IS FURTHER ORDERED that Plaintiff is entitled to recovery from the Residential Lien recovery Fund Act as the requirements of such are hereby established.

7) IT IS FURTHER ORDERED that Plaintiff's claim is superior to that of all other Defendants.

8) IT IS FURTHER ORDERED that Plaintiff may generally execute against Defendants real and personal property, in order to collect upon any deficiency judgment.

DATE AND JUDGE'S SIGNATURE IN UPPER CORNER OF FIRST PAGE

-----END OF ORDER-----