

The Order of the Court is stated below:

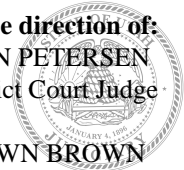
Dated: April 01, 2022  
10:52:52 AM

/s/ MARLA SNOW  
District Court Commissioner



Dated: April 04, 2022  
12:21:18 PM

At the direction of:  
/s/ SEAN PETERSEN  
District Court Judge  
by  
/s/ SHAWN BROWN  
District Court Clerk



Marilyn Moody Brown, No. 4803  
MOODY BROWN LAW  
Attorneys for Respondent  
2525 N. Canyon Rd.  
Provo, Utah 84604  
Telephone: (801) 356-8300  
Fax: (801) 356-8400  
Email: mbrown@moodybrown.com

IN THE FOURTH JUDICIAL DISTRICT COURT OF UTAH COUNTY  
1. STATE OF UTAH  
137 North Freedom Blvd, Provo, UT 84601

JANNETTE HEATON

Petitioner,

v.

BURKE KIM HEATON

Respondent.

**FINAL ORDER REGARDING REAL PROPERTY  
(OTHER ISSUES RESERVED)**

Civil No. 204401485  
Judge Sean Petersen  
Commissioner Marla Snow

Based on the Final Partial Stipulation Regarding Real Property that was signed by the parties on March 11, 2022, and good cause appearing, it is hereby ordered, adjudged, and decreed as follows:

1. Real Property (Zermatt). The parties own a Zermatt suite located in Midway, Utah. Said property and all furnishings will be listed for sale with Butler Realtors at the commercially reasonable rate within 2 weeks of the date the Stipulation is signed by all parties. Respondent specifically warrants that he has no interest in any other property or entities in respect to the Principals at Butler Realtors, Inc.

a. The proceeds from sale will be divided evenly. Upon sale of the property, and after paying commission, cost of sale, and all underlying obligations the parties

will deposit the remaining sale proceeds with 1/2 into the trust account of Dentons Durham Jones  
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Pinegar and ½ into the trust account of Moody Brown Law. The parties will then determine State and Federal Income Taxes owing from the sale, with each party paying their respective share, based on their own individual tax status/situation.

2. Real Property (St. George). The parties own a St. George condominium. An appraisal will be conducted by Steven Davidson at Accurity, Morley & McConkie within 2 weeks of the date the Stipulation is signed by all parties. The parties will equally share the cost of appraisals and closing costs as part of the final property settlement. Kim will pay Jannette ½ of the equity in the St. George property based on the appraisal conducted by Steven Davidson within 45 days of the date the appraisal is completed. There is no underlying obligation.

3. Real Property (Pleasant Grove). The parties own property in Pleasant Grove, Utah. Said property will be listed for sale with Butler Realtors at the commercially reasonable rate within 2 weeks of the date the Stipulation is signed by all parties. The proceeds will be divided evenly. Upon sale of the property, and after paying commission, cost of sale, and all underlying obligations, the parties will deposit the remaining sale proceeds with ½ into the trust account of Dentons Durham Jones Pinegar and ½ into the trust account of Moody Brown Law. The parties will then mutually determine State and Federal Income Taxes owing from the sale, with each party paying their respective share, based on their own individual tax status/situation.

4. Real Property (Highland). The parties own a home and real property located in Highland, Utah. The property will be refinanced by Kim within 45 days of the date the Stipulation is signed by all parties in order to remove Jannette from liability. The parties agree that the appraised value of the home and real property is \$1,395,000 and the underlying obligation is \$495,971, leaving equity of \$899,029. The parties will equally share the cost of

refinance, appraisals and closing costs as part of the final property settlement. The home and real property is awarded to Respondent, and Petitioner will receive \$449,515 for her ½ share of the equity in this property.

5. Real Property (Fairview). The parties own a cabin and real property located in Fairview, Utah. The property will be refinanced by Kim within 45 days of the date the Stipulation is signed by all parties in order to remove Jannette from liability. The parties agree the appraised value of the home and real property is \$690,000 and an underlying obligation of \$240,175, leaving equity of \$449,825. The home and real property shall be awarded to Respondent, and Petitioner will receive \$224,912 for her ½ share of equity in this property.

6. Property Refinance.

a. As stated above, Kim will refinance the Highland residence and Fairview property into his name within 45 days of the date the Stipulation is signed. The parties will equally share the cost of refinance and closing costs as part of the final property settlement. Jannette will sign a Quit Claim Deed and all other documents needed for Kim to refinance Highland and Fairview properties which will be held in escrow at AltaBank pending closing of the refinance. At the time of refinance, Jannette will receive \$449,515 for her equity in the Highland property and \$224,912 for her equity in the Fairview property.

7. All other issues reserved. All issues not specifically included herein are reserved for final agreement of the parties or final order of the court.

8. Documents. Both parties shall sign whatever documents are necessary to implement this agreement.

9. If there is a dispute over taxes owed after properties have been sold. If there is a dispute over tax taxes owed after properties have been sold, the amount in dispute will be held in escrow pending final determination or agreement and the remainder can be distributed to the parties.

**Order is signed when electronically stamped by the Court on the first page**

APPROVED AS TO FORM:  
*With the permission of:*

/s/ Douglas Thayer \*via email authorization 3/24/2022

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DOUGLAS THAYER  
Attorney for Petitioner