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BK 8238 PG 544

The Order of the Court is stated below:

Dated: March 29, 2023
09:17:10 AM

/s/ MICHAEL D. DIREDA
District Court Judge



Michael T. Hoppe (8790) (mhoppe@parrbrown.com)
Daniel Sorenson (18101) (dsorenson@parrbrown.com)
Parr Brown Gee & Loveless
101 South 200 East, Suite 700
Salt Lake City, UT 84111
Telephone: (801) 532-7840
Facsimile: (801) 532-7750
Attorneys for Plaintiff Steel Concepts, LLC

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RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
04/20/2023 02:57:33 PM
FEE: \$40.00 Pgs: 4
DEP eCASH REC'D FOR: PARR BROWN GEE AND

**IN THE SECOND JUDICIAL DISTRICT COURT
IN AND FOR DAVIS COUNTY, STATE OF UTAH**

STEEL CONCEPTS, LLC, a Utah limited liability company,

Plaintiff,

vs.

BLUEMOUNTAIN, INC, a Utah Corporation;
ROCKWOOD CONSTRUCTION, LLC, a Utah limited liability company; EASTBENCH RE, LLC a Utah limited liability company; MAC LENDERS VIII, LLC, a Utah limited liability company; ACTION ZONE BUSINESS 17, LLC, a Utah limited liability company; RB50 LLC, a Delaware limited liability company; LARRY AND SHERRY POWERS FAMILY LIMITED PARTNERSHIP, an Arizona Limited Partnership; JUSTIN ATKINSON, an individual; CONTINENTAL RECOVERY SERVICES, INC. D/B/A AS CRF SOLUTIONS, a California Corporation; BORDER STATES INDUSTRIES, INC. D/B/A AS BORDER STATES ELECTRIC, a North Dakota Corporation; and DOES 1-10,

Defendants.

**FINAL JUDGMENT AND ORDER
BY CONFESSION OF JUDGMENT**

Case No. 220700973

Judge Michael D. DiReda

Pursuant to Utah Code § 78B-5-205 and Rule 58A of the Utah Rules of Civil Procedure, and based upon the Confession of Judgment, dated March 6, 2023 (the “Confession of Judgment”), executed by Defendants Bluemountain, Inc.; Rockwood Construction, LLC; and Eastbench RE, LLC (the “Defendants”) in favor of Plaintiff Steel Concepts LLC (“Steel Concepts”) on file in this case, and the other pleadings of record, and good cause appearing therefore, **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** as follows:

* On February 23, 2023, Defendants voluntarily entered into a Settlement and Release Agreement (the “Settlement Agreement”) with Steel Concepts in an attempt to resolve the above-captioned matter and such Settlement Agreement is valid and binding in accordance with its terms.

* Steel Concepts’ claims in this matter were based on a failure to pay for work performed on a construction project.

* Pursuant to this Settlement Agreement, Defendants signed a Confession of Judgment whereby they stipulated and confessed to entry of judgment against them, jointly and severally, in the event of their failure to make payments prescribed in the Settlement Agreement.

* The Settlement Agreement was submitted to the Court concurrently with the submission of the Confession of Judgment. Paragraph 2 of the Settlement Agreement makes clear that in the event of failure by the defendants to make agreed-upon payments, Steel Concepts is entitled to pursue judgment via the Confession of Judgment without any further notice to the defendants. The Court finds the Confession of Judgment was submitted after agreed-upon payments pursuant to the Settlement Agreement were not made by the defendants.

* The Court finds that defendants have defaulted under the Settlement Agreement.

* Judgment is hereby entered in favor of Steel Concepts and against defendants Bluemountain, Inc., a Utah corporation; Rockwood Construction, LLC, a Utah limited liability company; and Eastbench RE LLC, a Utah limited liability company, jointly and severally in the amount of \$76,652.23.

* Interest shall accrue on this judgment amount at the rate of ten percent (10%) from March 20, 2023, until paid in full pursuant to Utah Code § 15-1-1.

* This Judgment constitutes the final judgment of this Court in this matter for purposes of Rule 54.

*******END OF ORDER*******

Pursuant to Rule 10(e) of the Utah Rules of Civil Procedure, this Order will be entered by the Court's signature at the top of the first page.

1. **CERTIFICATE OF SERVICE**

2.

I certify that on the 20th day of March, 2023, a true and correct copy of the foregoing **(Proposed) FINAL JUDGMENT AND ORDER BY CONFESSION OF JUDGMENT** was filed via Green Filing, which electronically served the following:

Cole S. Cannon
Rachel Henderson
Cannon Law Group, PLLC
124 S. 600 E.
Salt Lake City, UT 84102
cole@cannonlawgroup.com
rachel@cannonlawgroup.com

Parr Brown Gee & Loveless, P.C.

/s/ Michael T. Hoppe
Michael T. Hoppe
Daniel Sorenson