

The Order of the Court is stated below:

Dated: June 01, 2016  
01:14:55 PM

/s/ Darold McDade  
District Court Judge



Prepared and submitted by:

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Attorneys for Plaintiff Banner Bank

I CERTIFY THAT THIS IS A TRUE COPY OF  
AN ORIGINAL DOCUMENT ON FILE IN THE  
FOURTH JUDICIAL DISTRICT COURT, UTAH  
COUNTY, STATE OF UTAH  
DATE 6/8/2016

[Signature]  
DEPUTY COURT CLERK

**IN THE FOURTH DISTRICT COURT  
IN AND FOR UTAH COUNTY STATE OF UTAH**

BANNER BANK, successor by merger of  
American West Bank, f/d/b/a Far West Bank, a  
division of American West Bank,

Plaintiff/Judgment Creditor,

vs.

P80S900E, LLC, a Utah limited liability  
company, judgment debtor, and MITCH B.  
HUHEM, an individual, TED L. HANSEN, an  
individual; DAVE TURNER, an individual;  
UTAH RENTALS, a Utah company, and  
JOHN DOES 1-10,

Defendants/Judgment Debtors.

**JUDGMENT FOR AWARD OF  
ATTORNEYS' FEES AND COSTS**

Civil No. 119400527

Hon. Darold McDade

On June 10, 2015, this Court entered its Summary Judgment in favor of American West

Bank, now known as Banner Bank as successor by merger, against Defendants Mitch B. Huhem,

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Jeffery Smith  
Utah County Recorder  
2016 Jun 08 01:55 PM FEE 20.00 BY CS  
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ELECTRONICALLY RECORDED

Ted L. Hansen and Dave Turner.

Paragraphs 4 and 8 of the Summary Judgment included an award of reasonable attorneys' fees and costs as follows:

Paragraph 4. Judgment is made against Defendants Mitch Huhem and Ted Hansen, jointly and severally, in favor of AmericanWest for reasonable attorneys' fees and costs in this action. Counsel for AmericanWest shall submit to the Court an attorneys' fee affidavit pursuant to Utah R. Civ. P. 73(b) (2). Any objection to the Affidavit by Defendants Huhem and Hansen shall be filed with the Court within fourteen (14) days after service of the Affidavit. The Court will make a separate order augmenting this Judgment by the amount of reasonable fees determined by the Court.

Paragraph 8. Judgment is made in favor of AmericanWest against Defendants Turner for reasonable attorneys' fees incurred in this action which pertain to the claims against Defendant Turner. Counsel for AmericanWest shall submit to the Court an attorneys' fee affidavit pursuant to Utah R. Civ. P. 73(b) (2). Any objection to the Affidavit by Defendant Turner shall be filed with the Court within fourteen (14) days after service of the Affidavit. The Court will make a separate order augmenting the judgment made against Defendant Turner by the amount of reasonable fees determined by the Court.

Based thereon, and in compliance with Rule 73, on February 2, 2016, Banner Bank submitted the *Utah R. Civil. P. 73 Affidavit of Steven W. Call in Support of Award of Reasonable Attorneys' Fees*, (the "Attorneys' Fee Affidavit"). The Attorneys' Fee Affidavit set forth in detail the basis for the award; a reasonably detailed description of the time spent and work performed, including the nature of the work performed, the name, position (such as attorney, paralegal, etc.) who performed the work and the hourly rate of the person who performed the work; the factors showing the reasonableness of the services rendered; and the amount of attorneys' fees allocated to the Judgment Debtors.

No objection, or response to the Attorneys' Fee Affidavit and itemized costs set forth therein has been filed with the Court and the time for filing an objection or response to the Motion has expired.

Based upon the foregoing and for cause appearing, IT IS HEREBY ORDERED,  
ADJUDGED AND DECREED AS FOLLOWS:

1. The attorneys' fees sought by Banner Bank comply with Rule 73 of the Utah Rules of Civil Procedure and are reasonable and are hereby approved;

2. Judgment is hereby made in favor of Banner Bank against Defendants Ted Hansen and Mitch B. Huhem, jointly and severally, in the amount of \$57,320.16 for attorneys' fees and \$4,675.00 for costs incurred for a total award of \$61,995.16;

3. The judgment against Defendants Huhem and Hansen shall bear post-judgment interest at the rate of interest of 21% per annum based upon the relevant loan documents pursuant to Utah Code Ann. 15-1-4(2)(a).

4. Judgment is hereby made in favor of Banner Bank against Defendant Dave Turner in the amount of \$4,314.42 for attorneys' fees and \$351.88 for costs incurred for a total award of \$4,666.30;

5. The judgment against Defendant Turner will bear post-judgment interest at the statutory rate pursuant to *Utah Code Ann. § 15-1-4(3)(a)*; and

6. This Judgment For Award Of Attorneys' Fees And Costs is final as to the matters ruled upon and shall be entered by the clerk of court without unreasonable delay.

*[In accordance with the Utah State District Courts E-filing Standard No. 4, and URCP Rule 10(e), this Order does not bear the handwritten signature of the Judge, but instead displays an electronic signature at the upper Right-hand corner of the first page of this Order.]*

IT IS SO ORDERED.

-----END OF DOCUMENT-----

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