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FILED DISTRICT COURT
Third Judicial District

MAR 21 2012

By _____
SALT LAKE COUN
[Signature]
Deputy Clerk

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03/30/2012 12:35 PM \$0.00
Book - 10004 Pg - 1506-1511
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
UT ST-DEPT OF TRANSPORTATION
BOX 148420 ATT: MONE WARDLE
SLC UT 84114-8420
BY: DCD, DEPUTY - WI 6 P.

Attorneys for Plaintiff

IN THE THIRD JUDICIAL DISTRICT COURT FOR SALT LAKE COUNTY

STATE OF UTAH

UTAH DEPARTMENT OF
TRANSPORTATION,

Plaintiff,

v.

CURTIS MCDUGAL, an individual; GKM
FAMILY LLC, a Utah limited liability company,
et al.,

Defendants.

FINAL JUDGMENT OF
CONDEMNATION

Project No.: MP-0182(6)
Parcel No.: 101B:T

Tax ID No.: 33-16-300-020

Case No. 100905261

Judge Elizabeth A. Hrubby-Mills

This eminent domain action came on regularly for a three-day jury trial pursuant to the Court's pretrial scheduling orders beginning March 5, 2012, the Honorable Elizabeth Hrubby-Mills presiding. Plaintiff Utah Department of Transportation ("UDOT") was

present through James A. Olschewski, its Deputy Director of Right-of-Way, and was represented by Jody K Burnett and Robert C. Keller of Williams and Hunt. Defendants Curtis McDougal and GKM Family LLC ("McDougal") were present through Gary and Curtis McDougal, and were represented by Brant H. Wall and Steven B. Wall of Wall & Wall.

The issues having been duly and fully tried, and the jury having considered its instructions and having rendered its verdict awarding McDougal just compensation in the total amount of \$1,407,000, the Court being fully informed and good cause appearing therefor, it is hereby

ORDERED, ADJUDGED AND DECREED as follows:

1. Pursuant to the Court's prior Order of Immediate Occupancy, on or about May 7, 2010, UDOT deposited \$1,224,000.00 with the Clerk of the Court for McDougal's benefit. The Clerk subsequently dispersed those funds to McDougal pursuant to stipulation and motion of the parties.

2. Pursuant to Utah Code Ann. §§ 78B-6-510 and 511, UDOT shall pay and McDougal shall accept an additional sum of \$183,000 as the difference between the \$1,224,000 previously paid and the \$1,407,000 awarded by the jury, plus interest on that difference at 8% per annum from April 22, 2010, in the amount of \$28,077, for a total payment of new money in the amount of \$211,077.

3. UDOT is awarded a Final Judgment of Condemnation for acquisition of the real property more specifically described in the attached Exhibit A (the "Subject Property") for an authorized and necessary public purpose, namely, the construction and maintenance of the Mountain View Corridor in Salt Lake County, State of Utah, as described in UDOT's Complaint filed in this matter. All other claims or potential claims or causes of action between or among the parties to this action arising from condemnation of the Subject Property are dismissed, with prejudice, each of the parties to bear their own costs and attorneys' fees.

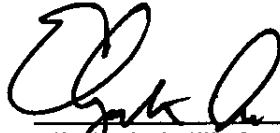
4. Pursuant to this Judgment of Condemnation and the authority vested in this Court by Utah Code Ann. §§ 78B-6-501, et seq. and Utah R. Civ. P. 70, the Court hereby grants and conveys to UDOT and its successors and assigns, fee title to the property as particularly described in the attached Exhibit A, which is incorporated herein by reference.

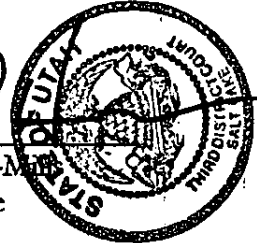
5. It is further ORDERED that a copy of this Final Judgment of Condemnation shall be filed with the County Recorder of Salt Lake County, State of Utah, and thereupon the fee estate in the property described above shall vest in UDOT for the purposes specified.

[signatures to follow]

DATED this 21 day of March, 2012.

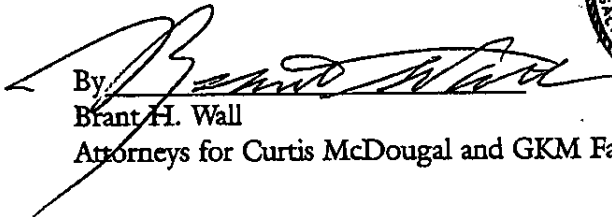
BY THE COURT


Elizabeth A. Hruby-Miller
District Court Judge



APPROVED AS TO FORM:

WALL & WALL

By 
Brant H. Wall
Attorneys for Curtis McDougal and GKM Family LLC

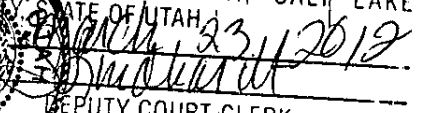
I CERTIFY THAT THIS IS A TRUE COPY OF ORIGINAL DOCUMENT ON FILE IN THE DISTRICT COURT, SALT LAKE CITY, STATE OF UTAH, 23/1/2012

DEPUTY COURT CLERK

EXHIBIT A

The Subject Property is located in Salt Lake County, Utah and described as:

Tax Id No.33-16-300-020

Parcel No. 0182 :101B:T

A tract of land in fee, being all of an entire tract of property, situate in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, T.4S., R.1W., SLB&M, for the construction of a highway known as Project MP-0182. The boundaries of said tract are further described as follows:

The west half of the Northeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 16, Township 4 South, Range 1 West, Salt Lake Base and Meridian. And the east half of the Northeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 16, Township 4 South, Range 1 West, Salt Lake Base and Meridian. The above described tract of land contains 433,405 square feet in area or 9.950 acres.

237481.1

AFFIDAVIT OF SERVICE

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

Shari H. Sampson, being duly sworn, says that she is employed in the law offices of Williams & Hunt, attorneys for Plaintiff Utah Department of Transportation, herein; that she served the attached *Proposed* **FINAL JUDGMENT OF CONDEMNATION** in Case No. 100905261 before the Third Judicial District Court for Salt Lake County upon the parties listed below by placing a true and correct copy thereof in an envelope addressed to:

Counsel for Defendant Curtis McDougal & GKM Family, LLC
Brant H. Wall
Wall & Wall
2168 East Fort Union Blvd
Salt Lake City, Utah 84121

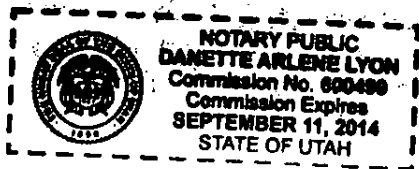
Counsel for Salt Lake County Treasurer
Sim Gill
Zachary D. Shaw
Salt Lake County District Attorney
2001 South State Street, S-3600
Salt Lake City, Utah 84190-1210

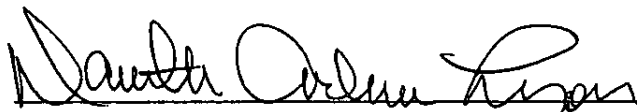
and causing the same to be mailed first class, postage prepaid, on the 19th day of March, 2012.



Shari H. Sampson

SUBSCRIBED AND SWORN TO before me this 19th day of March, 2012.





Notary Public

The Order of Court is stated below:

Dated: May 14, 2015
12:55:52 PM

/s/ Elizabeth A. Hruby-Mills
District Court Judge

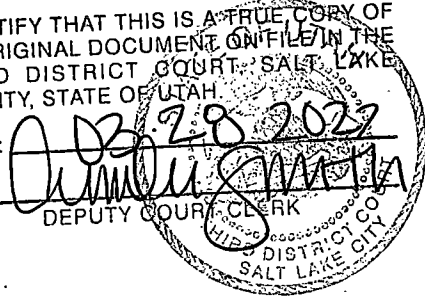


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Facsimile: 801-364-4500
jburnett@williamsandhunt.com
rkeller@williamsandhunt.com
tbywater@williamsandhunt.com

Attorneys for Plaintiff Utah Department of
Transportation

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:



13929823 B: 11327 P: 2158 Total Pages: 5
04/11/2022 11:14 AM By: bmeans Fees: \$0.00
JUDGE - JUDGMENT
Rashelle Hobbs, Recorder, Salt Lake County, Utah
Return To: UTAH DEPARTMENT OF TRANSPORTATION
4501 SOUTH 2700 WEST PO BOX 148420 SALT LAKE CITY, UT 841148420

IN THE THIRD JUDICIAL DISTRICT COURT FOR SALT LAKE COUNTY

STATE OF UTAH

UTAH DEPARTMENT OF
TRANSPORTATION,

Plaintiff,

v.

CURTIS McDOUGAL, an individual; GKM
FAMILY LLC, a Utah limited liability company,
et al.,

Defendants.

**FINAL JUDGMENT OF
CONDEMNATION *NUNC PRO TUNC***

Project No.: MP-0182(6)

Parcel No.: 101B:T

Tax ID No.: 33-16-300-020

Civil No. 100905261

Judge Elizabeth A. Hruby-Mills

This eminent domain action came on regularly for a three-day jury trial pursuant to the Court's pretrial scheduling orders beginning March 5, 2012, the Honorable Elizabeth Hruby-Mills presiding. Plaintiff Utah Department of Transportation ("UDOT") was present through

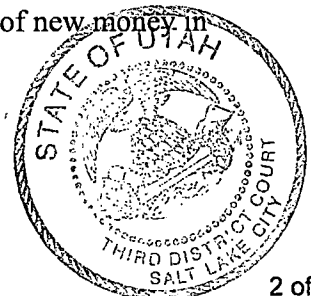
James A. Olschewski, its Deputy Director of Right-of-Way, and was represented by Jody K Burnett and Robert C. Keller of Williams and Hunt. Defendants Curtis McDougal and GKM Family LLC (“McDougal”) were present through Gary and Curtis McDougal, and were represented by Brant H. Wall and Steven B. Wall of Wall & Wall.

After the trial, it came to parties’ attention that the legal description for the property subject to the litigation contained a clerical error. The parties have jointly moved the Court to amend the Final Judgment of Condemnation *nunc pro tunc* to correct the clerical error contained in the legal description. The issues having been duly and fully tried, and the jury having considered its instructions and having rendered its verdict awarding McDougal just compensation in the total amount of \$1,407,000, the Court being fully informed and good cause appearing therefor, it is hereby

ORDERED, ADJUDGED AND DECREED as follows:

1. Pursuant to the Court’s prior Order of Immediate Occupancy, on or about May 7, 2010, UDOT deposited \$1,224,000.00 with the Clerk of the Court for McDougal’s benefit. The Clerk subsequently dispersed those funds to McDougal pursuant to stipulation and motion of the parties.

2. Pursuant to Utah Code Ann. §§ 78B-6-510 and 511, UDOT has paid and McDougal has accepted an additional sum of \$183,000 as the difference between the \$1,224,000 previously paid and the \$1,407,000 awarded by the jury, plus interest on that difference at 8% per annum from April 22, 2010, in the amount of \$28,077, for a total payment of new money in



the amount of \$211,077.

3. UDOT is awarded a Final Judgment of Condemnation for acquisition of the real property more specifically described as:

Tax Id No. 33-16-300-020

Parcel No. 182:101B:T

A tract of land in fee, being all of an entire tract of property, situate in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, T.4S., R.1W., SLB&M, for the construction of a highway known as Project MP-0182. The boundaries of said tract are further described as follows:

The west half of the Northeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 16, Township 4 South, Range 1 West, Salt Lake Base and Meridian. And the east half of the Northwest Quarter of the Southeast Quarter of the Southwest Quarter of Section 16, Township 4 South, Range 1 West, Salt Lake Base and Meridian. The above described tract of land contains 433,405 square feet in area or 9.950 acres.

4. UDOT acquired this property for an authorized and necessary public purpose, namely, the construction and maintenance of the Mountain View Corridor in Salt Lake County, State of Utah, as described in UDOT's Complaint filed in this matter. All other claims or potential claims or causes of action between or among the parties to this action arising from condemnation of the Subject Property are dismissed, with prejudice, each of the parties to bear their own costs and attorneys' fees.

5. Pursuant to this Amended Judgment of Condemnation and the authority vested in this Court by Utah Code Ann. §§ 78B-6-501, et seq. and Utah R. Civ. P. 70, the Court hereby grants and conveys to UDOT and its successors and assigns, fee title to the property as



particularly described herein. UDOT's date of ownership in the Subject Property shall be March 21, 2012.

6. It is further ORDERED that a copy of this Final Judgment of Condemnation shall be filed with the County Recorder of Salt Lake County, State of Utah, and thereupon the fee estate in the property described above shall vest in the Utah Department of Transportation, 4501 South 2700 West, Salt Lake City, Utah 84119 for the purposes specified.

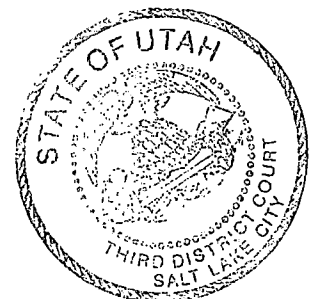
Approved as to form and content

/s/ Brant H. Wall
Brant H. Wall
*Signed by Timothy J. Bywater with permission
of Brant H. Wall*
Attorneys for Defendants Curtis McDougal
and GKM Family, LLC

299751_1.docx

End of Text.

The electronic signature of the Court and the date of entry are affixed to the first page of this Order



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the attached [PROPOSED] FINAL
JUDGMENT OF CONDEMNATION *NUNC PRO TUNC* in Case No. 100905261 before the
Third Judicial District Court for Salt Lake County, State of Utah, was served upon the parties
listed below via electronic notification from the Clerk of Court on the 12th day of May, 2015.

Counsel for Defendant Curtis McDougal & GKM Family, LLC
Brant H. Wall
Wall & Wall
2168 East Fort Union Blvd
Salt Lake City, Utah 84121

/s/ Shari H. Sampson

