



E 3312463 B 7633 P 3-8
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
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FEE \$40.00 Pgs: 6
DEP eCASH REC'D FOR DUNN LAW FIRM

DUNN LAW FIRM
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Attorneys for Plaintiff

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

<p>JOE SALISBURY, an individual, Plaintiff, vs. SHIEKH MAQBOOL AHMED, an individual; and FAHMIDA KHANUM AHMED, an individual; and AVAIS A. AHMED, and individual, Defendants.</p>	<p>DEFAULT JUDGMENT [SHIEKH MAQBOOL AHMED, FAHMIDA KHANUM AHMED, & AVAIS A. AHMED] Case No.: 200700318 Judge: Michael Edwards</p>
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Based on the Plaintiff's Motion for Default Judgment, the Default entered in this Action against the Defendants, all pleading in this matter, and for good cause appearing, therefore:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Plaintiff is found to be entitled to judgment against the Defendants and that Plaintiff's Motion for Default Judgment is hereby GRANTED.

IN SO ORDERING, this Court finds that the Defendants, Shiekh Maqbool Ahmed, Fahmida Khanum Ahmed and Avais A. Ahmed, have caused the Plaintiff actual damages in the

amount of sixty-five thousand, eighty dollars and fifty-eight cents (\$65,080.58) as of April 1, 2020.

This Court finds that the parties represented that the Note which they delivered to Plaintiff would be secured by property located at 4226 S. 225 E., Kaysville, Utah 84037 ("Property") by a Deed of Trust.

The Court finds that the Defendants, Shiekh Maqbool Ahmed and Fahmida Khanum Ahmed, did not cause that the Deed of Trust was recorded against the Property and sold the Property resulting in the Note not being secured as promised by the Defendants, Shiekh Maqbool Ahmed and Fahmida Khanum Ahmed.

The Court finds that the Defendant, Avais A. Ahmed, represented that the loan would be secured by the Deed of Trust and personally represented to the Plaintiff that he would personally cause the Deed of Trust to be recorded against the Property and yet never did record the Deed of Trust and then made numerous misrepresentations regarding the status of the Deed of the Trust and covered up the fact that the Property had been sold without paying the Note.

The Court finds, by clear and convincing evidence, that the actions of the Defendants, Shiekh Maqbool Ahmed, Fahmida Khanum Ahmed, and Avais A. Ahmed, were tortious misrepresentations that caused the Plaintiff actual damages and thus constitute FRAUD.

The Court finds that the tortious misrepresentations of the Defendants, Shiekh Maqbool Ahmed, Fahmida Khanum Ahmed, and Avais A. Ahmed, were made willfully, intentionally, and undertaken with malice and/or conscious disregard for Plaintiff's rights and that, therefore, the Plaintiff is entitled to PUNITIVE damages.

The Court finds further that the Plaintiff should be entitled to an equitable and

constructive trust on the funds from the sale of the Property, whether remaining in cash or otherwise, used to purchase real property.

Therefore, based on these findings, IT IS FURTHER ORDERED, ADJUDGED AND DECREED that JUDGMENT is awarded in favor of Plaintiff and against *all* Defendants, Shiekh Maqbool Ahmed, Fahmida Khanum Ahmed, and Avais A. Ahmed, *jointly and severally*, in the amount of sixty-five thousand, eighty dollars and fifty-eight cents (\$65,080.58) as of April 1, 2020.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that JUDGMENT is awarded in favor of Plaintiff and against *all* Defendants, Shiekh Maqbool Ahmed, Fahmida Khanum Ahmed, and Avais A. Ahmed, *jointly and severally*, for punitive damages in the amount of sixty-five thousand, eighty dollars and fifty-eight cents (\$65,080.58) awarded to punish the fraudulent misrepresentations of said Defendants in relation to the Deed of Trust and thereafter.

Therefore, IT IS FURTHER ORDERED, ADJUDGED AND DECREED that that the principal amount of this Judgment shall be in the amount of one hundred thirty thousand, one hundred sixty-one dollars and sixteen cents (\$130,161.13) and shall be awarded against *all* Defendants, Shiekh Maqbool Ahmed, Fahmida Khanum Ahmed, and Avais A. Ahmed, *jointly and severally*.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Judgment against Defendants, Shiekh Maqbool Ahmed & Fahmida Khanum Ahmed, imposes an EQUITABLE AND CONSTRUCTIVE TRUST in favor of Plaintiff upon the proceeds from the sale of the Property including and against any real property for which the Defendants used funds from the Property (for the purchase or improvement), and should have been used to pay the Plaintiff.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Judgment arises from the fraudulent conduct of *all* Defendants, Shiekh Maqbool Ahmed, Fahmida Khanum Ahmed, and Avais A. Ahmed.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that *all* the Defendants, Shiekh Maqbool Ahmed, Fahmida Khanum Ahmed, and Avais A. Ahmed, jointly and severally, shall pay to the Plaintiff the entire amount of **one hundred thirty thousand, one hundred sixty-one dollars and sixteen cents (\$130,161.16)**, which amount includes punitive damages against Defendants plus actual damages.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Judgment shall accrue interest at the contractual rate of eighteen percent (18%) per annum.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Judgment may be augmented in the amount of reasonable costs and attorney's fees expended in the collection of said Judgment.

————— **END OF JUDGMENT** —————

[This Judgment is effective when digitally dated and signed by the Court at the top of Page 1.]

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Attorneys for Plaintiff

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

<p>JOE SALISBURY, an individual, Plaintiff, vs. SHIEKH MAQBOOL AHMED, an individual; and FAHMIDA KHANUM AHMED, an individual; and AVAIS A. AHMED, and individual, Defendants.</p>	<p>JUDGMENT INFORMATION STATEMENT</p> <p>Case No.: 200700318</p> <p>Judge: Michael Edwards</p>
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The Plaintiff and Judgment Creditor, JOE SALISBURY, by and through his counsel of record, Adam C. Dunn of the Dunn Law Firm, sets forth the following information in his Information Statement of Judgment Creditor, pursuant to Utah Code Ann. §78B-5-201:

1. The Judgment is based on a Judgment entered on May 29, 2020 for the total amount of **one hundred thirty thousand, one hundred sixty-one dollars and sixteen cents (\$130,161.16)**, together with continued interest at the rate of 18% per annum.
2. The correct name of the Judgment Debtors are: SHIEKH MAQBOOL AHMED,

FAHMIDA KHANUM AHMED, and AVAIS A. AHMED (collectively “Judgment Debtors”).

3. The last known address for the Judgment Debtors, and where Judgment Debtors received service of process, is: 145 South Fairway Drive, North Salt Lake, Utah 84054.

4. The Judgment Debtors, Shiekh Maqbool Ahmed, Fahmida Khanum Ahmed, and Avais A. Ahmed, are natural persons whose social security numbers, dates of birth, and driver’s license numbers are unknown.

5. Judgment Creditor’s name is JOE SALISBURY and Judgment Creditor can be reached at: Dunn Law Firm, counsel of record, at 110 W. Tabernacle, St. George, UT 84770.

6. The Judgment has not been stayed.

7. The Judgment Creditor has reviewed his own records, the records of his attorneys and the records of the court in which the Judgment was entered. Any information required by Utah Code Ann. §78B-5-201 and not provided in this statement is unknown to the Judgment Creditor.

DATED this 5th day of November, 2020.

/s/ Adam C. Dunn

ADAM C. DUNN

Counsel for Judgment Creditor

2nd District- Farmington
DAVIS COUNTY, STATE OF UTAH

JOE SALISBURY vs. SHIEKH MAHBOOL AHMED et al.

CASE NUMBER 200700318 Contracts

CURRENT ASSIGNED JUDGE
MICHAEL EDWARDS

PARTIES

Plaintiff - JOE SALISBURY
Represented by: ADAM DUNN

Defendant - FAHMIDA KHANUM AHMED

Defendant - SHIEKH MAHBOOL AHMED

Defendant - AVAIS A AHMED

ACCOUNT SUMMARY

Total Revenue Amount Due:	360.00
Amount Paid:	360.00
Amount Credit:	0.00
Balance:	0.00
Bail/Cash Bonds Amount Due:	300.00
Amount Paid:	300.00
Amount Credit:	0.00
Balance:	0.00
Trust Totals:	
Trust Due:	300.00
Amount Paid:	300.00
Amount Credit:	0.00
Trust Balance Due:	0.00

REVENUE DETAIL - TYPE: COMPLAINT 10K-MORE

Original Amount Due:	360.00
Amended Amount Due:	360.00
Amount Paid:	360.00
Amount Credit:	0.00
Balance:	0.00

BAIL/CASH BOND DETAIL - TYPE: BAIL

Posted By: SHIEKH MAHBOOL AHMED	
Posted:	300.00
Forfeited:	300.00
Refunded:	0.00
Balance:	0.00

TRUST DETAIL

Trust Description: Bail/Bond Forfeiture	
Recipient: JOE SALISBURY	
Amount Due:	300.00

Paid In:	300.00
Paid Out:	300.00

CASE NOTE

PROCEEDINGS

04-01-2020 Filed: Complaint
04-01-2020 Filed: Exhibit A
04-01-2020 Filed: Exhibit B
04-01-2020 Filed: Exhibit C
04-01-2020 Case filed by efiler
04-01-2020 Fee Account created Total Due: 360.00
04-01-2020 Fee Account created
04-01-2020 COMPLAINT 10K-MORE 360.00
04-01-2020 Judge MICHAEL EDWARDS assigned.
04-01-2020 Note: discovery tier set to 2
04-01-2020 Filed: Return of Electronic Notification
04-08-2020 Filed return: Return of Service - Fahmida Khanum Ahmed
Party Served: FAHMIDA KHANUM AHMED
Service Type: Personal
Service Date: April 02, 2020
Garnishee:
04-08-2020 Filed return: Return of Service - Sheikh Maqbool Ahmed upon SHEIKH MAQBOOL AHMED for
Party Served: SHIEKH MAHBOOL AHMED
Service Type: Personal
Service Date: April 02, 2020
Garnishee:
04-08-2020 Filed: Return of Electronic Notification
04-14-2020 Filed return: Return of Service Avais Ahmed upon AVAIS A. AHMED for
Party Served: AVAIS A AHMED
Service Type: Personal
Service Date: April 11, 2020
Garnishee:
04-14-2020 Filed: Return of Electronic Notification
04-24-2020 Filed: Default Certificate (Proposed) SHIEKH MAQBOOL AHMED FAHMIDA KHANUM AHMED
04-24-2020 Filed: Return of Electronic Notification
04-24-2020 Filed: Default Certificate SHIEKH MAQBOOL AHMED FAHMIDA KHANUM AHMED
04-24-2020 Filed: Return of Electronic Notification
05-07-2020 Filed: Default Certificate (Proposed) AVAIS A. AHMED
05-07-2020 Filed: Return of Electronic Notification
05-08-2020 Filed: Default Certificate AVAIS A. AHMED
05-08-2020 Filed: Return of Electronic Notification
05-28-2020 Filed: Default Judgment (Proposed) All Defendants
05-28-2020 Filed: Motion for Default Judgment
Filed by: JOE SALISBURY
05-28-2020 Filed: Return of Electronic Notification
05-29-2020 Filed judgment: Default Judgment All Defendants

Judge MICHAEL EDWARDS

Signed May 29, 2020

medwards

05-29-2020 Judgment # 1 Entered 130,161.16

Creditor : JOE SALISBURY
 Debtor : SHIEKH MAHBOOL AHMED
 Debtor : FAHMIDA KHANUM AHMED
 Debtor : AVAIS A AHMED
 130,161.16 Principal
 130,161.16 Judgment Grand Total

05-29-2020 Filed: Return of Electronic Notification
 05-29-2020 Case Disposition is Judgment
 Disposition Judge is MICHAEL EDWARDS
 06-01-2020 Filed: Certificate of Service - Notice of Entry of Judgment
 06-01-2020 Filed: Return of Electronic Notification
 09-22-2020 SUPPLEMENTAL ORDER scheduled on October 26, 2020 at 02:00 PM in
 Courtroom L1 with Judge MICHAEL EDWARDS
 09-22-2020 Filed: Motion Ex Parte for Supplemental Proceedings
 Filed by: JOE SALISBURY
 09-22-2020 Filed: Supplemental Order (Proposed) AVAIS A. AHMED
 09-22-2020 Filed: Supplemental Order (Proposed) FAHMIDA KHANUM AHMED
 09-22-2020 Filed: Supplemental Order (Proposed) SHIEKH MAQBOOL AHMED
 09-22-2020 Filed: Return of Electronic Notification
 09-22-2020 Filed: Return of Electronic Notification
 09-25-2020 Issued: Supplemental Order SHIEKH MAQBOOL AHMED
 Clerk LINDA OSGOOD
 09-25-2020 Issued: Supplemental Order FAHMIDA KHANUM AHMED
 Clerk LINDA OSGOOD
 09-25-2020 Issued: Supplemental Order AVAIS A. AHMED
 Clerk LINDA OSGOOD
 09-25-2020 Filed: Return of Electronic Notification
 09-25-2020 Filed: Return of Electronic Notification
 09-25-2020 Filed: Return of Electronic Notification
 10-19-2020 Filed return: Return of Service AVAIS A. AHMED upon AVAIS A.
 AHMED for
 Party Served: AVAIS A AHMED
 Service Type: Personal
 Service Date: September 29, 2020
 Garnishee:
 10-19-2020 Filed return: Return of Service FAHMIDA KHANUM AHMED upon AVAIS
 A. AHMED for
 Party Served: FAHMIDA KHANUM AHMED
 Service Type: Personal
 Service Date: September 29, 2020
 Garnishee:
 10-19-2020 Filed return: Return of Service SHIEKH MAHBOOL AHMED upon AVAIS
 A. AHMED for
 Party Served: SHIEKH MAHBOOL AHMED
 Service Type: Personal
 Service Date: September 29, 2020
 Garnishee:
 10-19-2020 Filed: Return of Electronic Notification

10-26-2020 Minute Entry - SUPPLEMENTAL ORDER
Judge: MICHAEL EDWARDS
Clerk: lino
PRESENT
Plaintiff's Attorney(s): ADAM DUNN
Audio
Tape Number: L1-10262020 Tape Count: 2:16-2:17
HEARING
This is the time set for a supplemental order.
The Defendants are not present.
Mr. Dunn indicates the Defendants have been served with this supplemental order, there was language in the order to contact the court clerk to provide information to have the webex event information sent to them. They have not done that. A bench warrant is requested in the amount of \$1,000 for each Defendant.
The Court grants the request, a \$1,000 cash only bench warrant is to issue for each Defendant.
Mr. Dunn will submit the warrants for the Court's signature.

10-26-2020 Filed order: SUPPLEMENTAL ORDER
Judge MICHAEL EDWARDS
Signed October 26, 2020

10-26-2020 Filed: Return of Electronic Notification

10-29-2020 ORDER TO SHOW CAUSE scheduled on December 21, 2020 at 02:00 PM in Courtroom L1 with Judge MICHAEL EDWARDS

10-29-2020 Filed: Return of Electronic Notification

11-06-2020 Filed: Civil Bench Warrant (Proposed) AVAIS A. AHMED

11-06-2020 Filed: Civil Bench Warrant (Proposed) FAHMIDA KHANUM AHMED

11-06-2020 Filed: Civil Bench Warrant (Proposed) SHIEKH MAQBOOL AHMED

11-06-2020 Filed: Return of Electronic Notification

11-06-2020 Issued: Civil Bench Warrant AVAIS A. AHMED
Judge MICHAEL EDWARDS

11-06-2020 Issued: Civil Bench Warrant FAHMIDA KHANUM AHMED
Judge MICHAEL EDWARDS

11-06-2020 Issued: Civil Bench Warrant SHIEKH MAQBOOL AHMED
Judge MICHAEL EDWARDS

11-06-2020 Filed: Return of Electronic Notification

11-06-2020 Filed: Return of Electronic Notification

11-06-2020 Filed: Return of Electronic Notification

12-11-2020 Filed return: Return of Service of Civil Bench Warrant on SHIEKH MAQBOOL AHMED
Party Served: SHIEKH MAHBOOL AHMED
Service Type: Personal
Service Date: December 03, 2020
Garnishee:

12-11-2020 Filed: Return of Electronic Notification

12-14-2020 Bail Account created Total Due: 300.00

12-14-2020 Bail Account created

12-14-2020 Bail Posted 300.00
Note: Mail Payment;

12-14-2020 Filed return: Return on Bench Warrant
Party Served: AHMED, SHIEKH MAHBOOL

Service Type: Personal
Service Date: November 18, 2020

Garnishee:

12-14-2020 Filed: Return of Electronic Notification

12-21-2020 Minute Entry - ORDER TO SHOW CAUSE

Judge: MICHAEL EDWARDS

Clerk: lino

PRESENT

Plaintiff's Attorney(s): ADAM DUNN

Audio

Tape Number: L1-12212020 Tape Count: 2:00-2:18

HEARING

Mr. Dunn makes statements. It is requested the bail posted by Shiekh Ahmed of \$300 be forfeited, and a new bench warrant be issued.

The Court will forfeit the \$300 bail to the Plaintiff. A new warrant in the amount of \$2,000 cash only is to be issued for Shiekh Mahbool Ahmed.

Mr. Dunn is to submit the new warrant for the Court's signature.

12-22-2020 Filed order: ORDER TO SHOW CAUSE

Judge MICHAEL EDWARDS

Signed December 22, 2020

12-22-2020 Trust Account created Total Due: 300.00

12-22-2020 Trust Account created

12-22-2020 Bail Forfeited -300.00

12-22-2020 Bail/Bond Forfeiture Forfeited: 300.00

12-22-2020 Filed: Civil Bench Warrant (Proposed) AVAIS A. AHMED

12-22-2020 Filed: Civil Bench Warrant (Proposed) FAHMIDA KHANUM AHMED

12-22-2020 Filed: Civil Bench Warrant (Proposed) SHIEKH MAQBOOL AHMED

12-22-2020 Filed: Return of Electronic Notification

12-22-2020 Filed: Return of Electronic Notification

12-23-2020 ORDER TO SHOW CAUSE scheduled on March 01, 2021 at 02:00 PM in Courtroom 6 with Judge MICHAEL EDWARDS

12-23-2020 Issued: Civil Bench Warrant SHIEKH MAQBOOL AHMED

Judge MICHAEL EDWARDS

12-23-2020 Issued: Civil Bench Warrant FAHMIDA KHANUM AHMED

Judge MICHAEL EDWARDS

12-23-2020 Issued: Civil Bench Warrant AVAIS A. AHMED

Judge MICHAEL EDWARDS

12-23-2020 Filed: Return of Electronic Notification

12-23-2020 Filed: Return of Electronic Notification

12-23-2020 Filed: Return of Electronic Notification

12-23-2020 Filed: Return of Electronic Notification

01-07-2021 Bail/Bond Forfeiture Check # 52962 Trust Payout: 300.00

02-25-2021 ORDER TO SHOW CAUSE scheduled on March 29, 2021 at 02:00 PM in Courtroom 6 with Judge MICHAEL EDWARDS

02-25-2021 Note: Reason: Request of counsel Plaintiff's counsel motion.

Party Details

All Parties

Case Number	Case Type	Party Name	Party Type	Birth Date	Address	Address2	City	State	Zip Code
200700318	CN	SHIEKH MAHBOOL AHMED	DEF		145 S. FAIRWAY DRIVE		NORTH SALT LAKE	UT	84054
200700318	CN	FAHMIDA KHANUM AHMED	DEF		145 S. FAIRWAY DRIVE		SALT LAKE CITY	UT	84054
200700318	CN	AVAIS A AHMED	DEF		227 WEST 300 SOUTH EXCHANGE	14034 S	BOUNTIFUL	UT	84010
200700318	CN	JOE SALISBURY	PLA		PLACE BLDG B	145 E STE 202	DRAPER	UT	84020

Debtors

Party Name	SSN	Country	Driver License #	Driver License State	Business Phone	Fax #	Pro Se
SHIEKH MAHBOOL AHMED							
FAHMIDA KHANUM AHMED							
AVAIS A AHMED							

Creditors

Party Name

JOE SALISBURY

Close