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Attorneys for Plaintiff

**FILED DISTRICT COURT**  
 Third Judicial District

**MAR 21 2012**

By SALT LAKE COUN  
 Deputy Clerk

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**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.

**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. Hraby-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 Hraby-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.

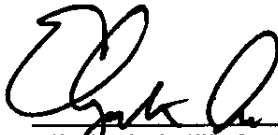
4. Pursuant to this Judgment of Condemnation and the authority vested in this Court by Utah Code Ann. §§ 78B-6-501, et seq. and Utah R. Civ. P. 70, the Court hereby grants and conveys to UDOT and its successors and assigns, fee title to the property as particularly described in the attached Exhibit A,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

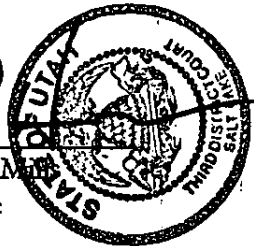
5. It is further ORDERED that a copy of this Final Judgment of Condemnation shall be filed with the County Recorder of Salt Lake County, State of Utah, and thereupon the fee estate in the property described above shall vest in UDOT for the purposes specified.

*[signatures to follow]*

DATED this 21 day of March, 2012.

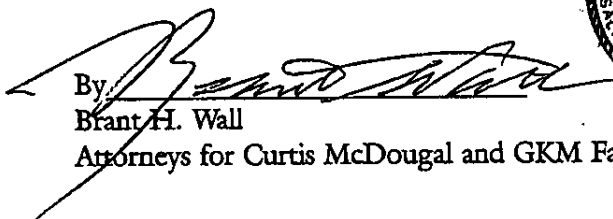
BY THE COURT

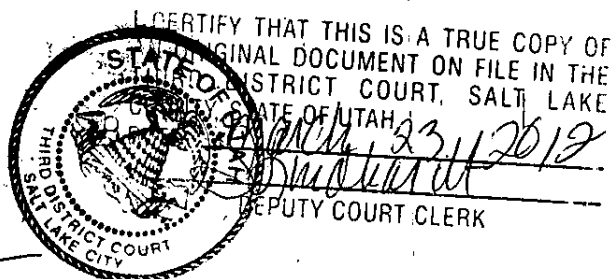
  
Elizabeth A. Hruby-Miller  
District Court Judge



APPROVED AS TO FORM:

WALL & WALL

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



## 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.

**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:

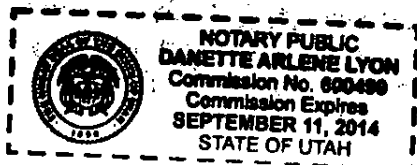
**Counsel for Defendant Curtis McDougal & GKM Family, LLC**  
Brant H. Wall  
Wall & Wall  
2168 East Fort Union Blvd  
Salt Lake City, Utah 84121

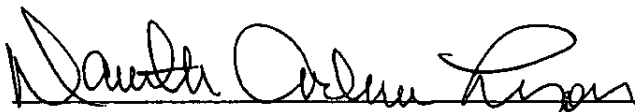
**Counsel for Salt Lake County Treasurer**  
Sim Gill  
Zachary D. Shaw  
Salt Lake County District Attorney  
2001 South State Street, S-3600  
Salt Lake City, Utah 84190-1210

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

  
\_\_\_\_\_  
Shari H. Sampson

SUBSCRIBED AND SWORN TO before me this 19<sup>th</sup> day of March, 2012.



  
\_\_\_\_\_  
Notary Public