The Order of the Court is stated below: Dated: September 26, 2023

05:30:00 PM

/s/ LINDA JONES District Court Judge

STATE OF UTAH COUNTY OF I hereby certify that the document to which this certificate is attached is a full, true and correct copy of the original filed in the Utah State Courts WITNESS my hand and seal

**CLERK** 

1Marlon L. Bates [#4794] SCALLEY READING BATES HANSEN & RASMUSSEN, P.C.

Attorneys for Plaintiff 15 West South Temple, Suite 600 Salt Lake City, Utah 84101

Telephone: (801) 531-7870 Facsimile: (801) 326-4669

Email: Marlon@scalleyreading.net

## IN THE THIRD JUDICIAL DISTRICT COURT

SALT LAKE COUNTY, SALT LAKE DEPARTMENT, STATE OF UTAH

LIVE WEST LLC, a Utah limited liability company

Plaintiff,

JOHN DOES 1-5.

VS.

Defendants.

**Default Judgment** 

Case No. 230905009

Judge Andrew H. Stone

Pursuant to Rules 55(b) and 54(c) of the Utah Rules of Civil Procedure, Default Judgment is hereby entered against John Does 1-5 ("Defendants"). Defendants, whose identities are unknown, were served with process through alternative service by publication. On July 12 2023, the Court granted a Motion for Alternative Service of Process by Publication Under URCP 4(d)(5)(A), which required the Summons and a description of the remedy sought to be published once a week for three consecutive weeks, with service was deemed to be completed five days after the last publication.

The Affidavit of Publication filed with the Court indicates that *The Salt Lake Tribune* published the Summons and a description of the remedy sought on August 2, 2023; August 9, 2023; and August 16, 2023. Therefore, service of process was accomplished five days later on August 21, 2023.

Following this service of process, Defendants have failed to plead or otherwise defend against the Verified Complaint within the time permitted by law and default has been duly entered against them.

The Court having reviewed the Verified Complaint, and other pleadings, the entry of default, and for good cause shown, now enters the following Default Judgment:

A non-exclusive, perpetual easement through prescriptive use ("Easement") for ingress and egress, as described below, is hereby granted to Plaintiff in favor of the dominant estate ("Dominant Estate"), as described below:

### **Easement Property:**

Commencing at the Southeast corner of Lot 9, Block 14, Plat "F", Salt Lake City Survey; thence North 66 feet; thence East 16.5 feet to the Norwest corner of Lot 20; thence South along the Western boundary of Lot 20 to the Southwest corner of Lot 20; thence West 16.5 feet to the point of beginning.

#### **Dominant Estate:**

Commencing at the Southeast corner of Lot 7, Block 14, Plat "F", Salt Lake City Survey, and running North 4 Rods; thence West 9 Rods; thence South 4 Rods; thence East 9 Rods to the point of beginning." (Tax ID. No. 16-05-476-020-0000)

This default judgment may be recorded with the Salt Lake County Recorder's Office so the easement granted herein is shown on the public land records.

# SIGNATURE BY THE COURT:

If signed, the court's signatory stamp will appear at the top right corner of this order.

3

14164007 B: 11450 P: 9997 Page 3 of 3