

The Order of the Court is stated below:

Dated: September 12, 2024 /s/ ROBERT FAUST
07:07:12 PM District Court Judge



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Rashelle Hobbs, Recorder, Salt Lake County, Utah
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Silver Spur Construction, LLC

**IN THE THIRD JUDICIAL DISTRICT COURT OF SALT LAKE COUNTY
STATE OF UTAH**

SILVER SPUR CONSTRUCTION, LLC, a Utah limited liability company,

Plaintiffs,

v.

VUU HOMES, LLC, a Utah limited liability company; AXE, LLC, a Utah limited liability company,

Defendants.

**DEFAULT ORDER AND JUDGMENT
AGAINST VUU HOMES, LLC AND AXE,
LLC**

Civil No. 220906769

Judge Robert Faust

Tier 2

The Court, having entered default against defendants Vuu Homes, LLC (“Vuu Homes”) and Axe, LLC (“Axe”) hereby enters Default Judgment against Defendants and in favor of plaintiff Silver Spur Construction, LLC and awards the relief requested in Plaintiff’s complaint. Pursuant to Utah Rule of Civil Procedure, and based on the foregoing, the Court finds, declares, and decrees:

1. Axe is the owner of the property located at 13701 South Lovers Lane, Riverton City,

Utah 84065 with Tax Parcel IDs 33-02-152-005-0000, 33-02-152-024-0000, and 33-02-176-018-0000 which properties are legally described as follows:

a. Parcel Number 33-02-152-024-0000

BEG N 0°00'44" E 630.43 FT ALG SEC LINE & E 496.95 FT FR W 1/4 COR SEC 2, T4S, R1W, SLM; N 50° E 230.18 FT; N 68°30' E 154.27 FT; S 27°07'13" W 27.04 FT; S 51°31' E 51.13 FT; S 80°42'20" E 379.74 FT; S 76°18' E 1062.85 FT; S 21°30' W 33.31 FT; N 76°18' W 1057.06 FT; N 80°42'20" W 172.01 FT; S 22°16' W 207.50 FT; N 76°50' W 479.97 FT TO BEG. 3.13 AC M OR L.

b. Parcel Number 33-02-152-005-0000

BEG N 478.93 FT & E 946.9 FT FR W 1/4 COR SEC 2, T 45, R1W, SLM; N 22°16' E 253.07 FT; S 80°42'20" E 172.01 FT; S 22°16' W 266.68 FT; N 76°13' W 169.47 FT TO BEG. 1 AC

c. Parcel Number 33-02-176-018-0000

BEG N 438.56 FT & E 1111.49 FT FR W 1/4 COR SEC 2, T 4S, R1W, SLM; S 76°13' E 1060.45 FT; N 21°30' E 267.72 FT; N 76°18' W 1057.06 FT; S 22°16' W 266.68 FT TO BEG. 6.429 ACRES.

(Collectively the “**Property**”)

See Complaint ¶ 12 and admission in Answer to Complaint ¶ 12.

2. On or about January 6, 2021, Silver Spur entered into a construction contract with Vuu Homes for Silver Spur to provide grading services at and for the benefit of the Property (the “**Construction Contract**”).

3. Over the course of the project, site conditions and delays outside the control of Silver Spur required additional work to be done and Silver Spur agreed to provide numerous extras, upgrades, and changes from the original bid.

4. Vuu Homes or its representatives agreed to all the extras, upgrades, and changes, and approved the additional costs.

5. Silver Spur fully and satisfactorily provided the services, material and labor to Vuu Homes at the direction and authorization provided by Vuu Homes and its authorized agents and representatives.

6. The outstanding invoices that have not been paid are as follows:

DATE DESCRIPTION	AMOUNT DUE	DAYS PAST DUE	INTEREST ACCRUED	TOTAL DUE
1/28/22 Invoice #2102-11	102,971.10	952	48,342.82	151,313.92
3/29/22 Invoice #2102-12	34,940.00	892	15,369.77	50,309.77
7/26/22 Invoice #10284	67,500.00	773	25,731.37	93,231.37
205,411.10			89,443.96	294,855.06

7. Silver Spur is owed \$205,411.10 in principal for the services, material and labor it provided to the Property, of which \$137,911.10 is secured by the Construction Lien, together with interest and attorneys' fees and costs.

8. Silver Spur made numerous demands on Vuu Homes and demonstrated to it that the balance owed is accurate.

9. Despite Silver Spur's demands, Vuu Homes has failed and refused to pay Silver Spur the amounts due.

10. Silver Spur filed its preliminary notice with the State Construction Registry on October 22, 2020, as Entry No. 8222213.

11. Silver Spur properly and timely recorded and served a Notice of Construction Lien (the "**Construction Lien**") against the Property, which was recorded in the Office of the Salt Lake County Recorder on May 13, 2022, as Entry No. 13951823.

12. The lien has not been paid or discharged and there is still a balance due and owing on

said lien in favor of Silver Spur in the amount of \$137,911.10.

13. Pursuant to Section 25 of the Construction Contract, Silver Spur is entitled to an award of reasonable attorney's fees to enforce the terms and conditions of the Construction Contract.

14. Pursuant to Section 5a of the Construction Contract, Silver Spur is entitled to interest of eighteen percent (18%) per annum on any amounts which are more than 30 days past due.

15. Pursuant to the provisions of Utah Code Ann. § 78B-6-1303 and § 38-1a-701, Silver Spur has caused a lis pendens to be recorded against the Property in the office of the Salt Lake County Recorder.

16. On September 5, 2024, the Court ordered the answer of Vuu Homes, LLC and Axe, LLC stricken, and default was entered against both entities.

17. Given the Court's entry of default, the Court deems all factual allegations in the Plaintiff's Complaint to be true. As a result, Plaintiff is entitled to judgment as a matter of law.

18. On Silver Spur's First Cause of Action, asserting the foreclosure of its Construction Lien against Axe, the Court enters judgment against Axe, LLC and decrees that Silver Spur's Construction Lien against the Property secures payment of the principal sum of \$137,911.10, together with interest in the amount of \$63,712.59, and attorney's fees and costs in the amount of \$37,489.50, for a total judgment of \$239,113.19. The Court orders the Property described herein to be sold by the Sheriff of Salt Lake County, State of Utah, according to Utah State law, and that the proceeds of such sale be paid to Silver Spur as set forth herein.

19. On Silver Spur's Second and Third Causes of action for Breach of Contract and Unjust Enrichment, the Court enters judgment against Vuu Homes, LLC in the principal sum of \$205,411.10, together with interest in the amount of \$89,443.96, and attorney's fees in the

amount of \$37,489.50, for a total judgment of \$332,344.56. If plaintiff recovers any money through the foreclosure sale of the Property, Plaintiff shall file a partial satisfaction of judgment against Vuu Homes, LLC in the amount of any proceeds received.

20. Plaintiff may augment the judgment and establish the damages and attorney's fees and costs it may have accrued since the date of this judgment, by affidavit.

*****END OF ORDER*****

In accordance with the Utah Courts' electronic filing system, this Order does not bear the analog signature of the Judge or Commissioner, but instead displays the electronic signature of the Court. It is located on the first page, in the upper right-hand corner.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served on September 6, 2024, via the Court's electronic notification system on the following:

Richard L. Sanders, #15728
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Attorney for Defendant AXE LLC

/s/ TJ Stephens

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*Attorneys for Plaintiff,
Silver Spur Construction, LLC*

**IN THE THIRD JUDICIAL DISTRICT COURT OF SALT LAKE
COUNTY STATE OF UTAH**

SILVER SPUR CONSTRUCTION, LLC, a Utah limited liability company, Plaintiffs, v. VUU HOMES, LLC, a Utah limited liability company; AXE, LLC, a Utah limited liability company, Defendants.	JUDGMENT INFORMATION STATEMENT Civil No. 220906769 Judge Robert Faust Tier 2
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My name is Silver Spur Construction, LLC and I am the judgment creditor in the following court case:

Case name (Example: Party v. Party)	SILVER SPUR CONSTRUCTION, LLC v. VUU HOMES, LLC and AXE, LLC
Case number	220906769
Court name and county (Example: Third District Court, Tooele County)	Third Judicial District, Salt Lake County

I provide the following information in compliance with Utah Code Section 78B-5-201.

1. The correct name of the judgment debtor is **AXE, LLC**.
2. The correct last known address of the judgment debtor is:

1111 E Hatch Row
Saratoga Springs, UT 84045

3. The address at which the judgment debtor received service of process is:

AXE, LLC
1111 E Hatch Row
Saratoga Springs, UT 84045

4. The judgment debtor is (choose one):

a natural person, and (if known)

Last four digits of Social Security Number	
Date of birth	
Driver license number	

is not a natural person (For example, a business.).

5. The name of the judgment creditor is: **Silver Spur Construction, LLC**.
6. The amount of the judgment is: **\$ 332,344.56**.
7. The judgment was entered on: **September 12, 2024** (date).
8. The judgment (Choose one.):
- has been stayed and the stay expires on _____ (date).
 has not been stayed.
9. The judgment creditor has reviewed their records, the records of their attorney (if there is one), and the records of the court in which the judgment was entered. Any information required by law but not provided by this statement is unknown and unavailable. (Utah Code 78B-5-201.)

Plaintiff/Petitioner or Defendant/Respondent

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at Salt Lake City, Utah (city, and state or country).

November 19, 2024

Date

Signature ► /s/ Shawn Hayward

Printed Name Shawn Hayward, Silver Spur Construction,
LLC

Attorney or Licensed Paralegal Practitioner of record (if applicable)

November 19, 2024

Date

Signature ► /s/ T.J. Stephens

Printed Name T.J. Stephens