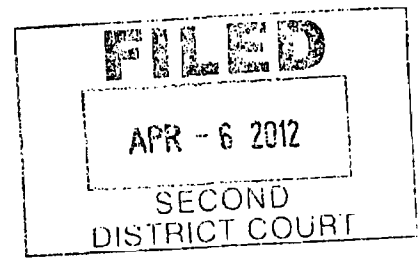


STEPHEN I. ODA, #2446  
Attorney at Law  
44 North Main Street Ste A  
Layton, Utah 84041  
Telephone: (801) 546-1264



IN THE SECOND JUDICIAL DISTRICT IN AND FOR  
DAVIS COUNTY, STATE OF UTAH, BOUNTIFUL DEPARTMENT

SPENCER HOVEY and HORTENCE )  
HOVEY, )  
Plaintiffs, )  
vs. )

JUDGMENT

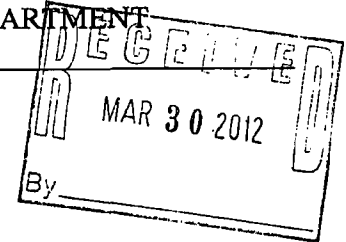
NOLA STAUFFER, JAY EDWIN )  
CLEMENT, CYNTHIA MESSERLEY, )  
THE ESTATE OF RANDY CRANE, )  
DECEASED and CAROL CRANE, )  
Defendants. )

Case No. 090700225  
Judge Thomas L. Kay

NOLA LEMMON STAUFFER, Individually )  
and as Trustee of the NOLA LEMMON )  
STAUFFER TRUST, u/t/d May 5, 2004, )  
Counter-claimant, )  
Intervenor of Right )  
and Third Party )  
Plaintiff, )

vs. )

SPENCER L. HOVEY; HORTENCE )  
LEMMON HOVEY; JAY EDWIN )  
CLEMENT; THE ESTATE OF PEGGE )  
JAY, Deceased; PEGGE JAY, CHADWICK )  
JAY and LYN B. HADEN, Trustees of the )  
PEGGE JAY REVOCABLE LIVING )  
TRUST, u/t/d June 27, 2008; MICHAEL L. )  
HOVEY; THE ESTATE OF RANDY )  
DEAN CRANE, Deceased; CAROL )  
HOVEY CRANE; AND DOES 1 through 5, )  
as all other unknown persons or entities )



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DAVIS COUNTY, UTAH RECORDER  
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who have, or claim to have, any right, title, )  
estate or interest in, or lien upon, the real )  
property described *infra.*, which claims are )  
adverse to the Counter-claimant and )  
Intervenor/Third-Party Plaintiff's )  
ownership and constitute a cloud on their )  
title, )  
Counter-claim and )  
Intervenor-Third )  
Party Defendants. )

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This matter having come on for Trial on the 9th day of February, 2012, before the Honorable Thomas L. Kay, one of the Judges of the above entitled Court. Plaintiff was present and represented by Stephen I. Oda, and Defendant, Nola Stauffer was present and represented by Robin K. Nalder and B. Lyn Haden and Chadwick V. Jay Trustees of the Pegge Jay Trust who were not present but were represented by James P. Alder.

The Court, after hearing testimony of the parties and representations of Counsel and after being fully advised, does hereby

ORDER:

1. This action was brought pursuant to UTAH CODE ANN. § 78B-6-1301, *et seq.*, 1953 (as amended), for the purpose of determining, fully and particularly, the origin, nature and the extent of the interests of the parties hereto in two residential duplexes, one situated at 740-742 West Gentile Street, and the other at 744-746 West Gentile Street, in Layton City, Davis County, Utah, which are hereinafter more particularly described; to perfect the existing title of Spencer L. Hovey and Michael L. Hovey, as Trustees of a Declaration Of Trust, u/t/d January 10, 1991 to 744-746 West Gentile Street, pursuant to its Amended Complaint; and to perfect the existing titles of Nola L. Stauffer, individually and as Trustee of the Nola

Lemmon Stauffer Trust, u/t/d May 5, 2004, to both 744-746 West Gentile Street and 742-744 West Gentile Street, pursuant to her Amended Counterclaim And Third-Party Complaint, against any and all other claimants.

2. The aforesaid action of Nola L. Stauffer, individually and as Trustee of the Nola Lemmon Stauffer Trust, u/t/d May 5, 2004, further requested partition and sale of the aforesaid real properties and division of the proceeds among the parties according to the fair market value of their respective interests, having been brought by Nola L. Stauffer, individually and as Trustee of the Nola Lemmon Stauffer Trust, u/t/d May 5, 2004, for her own benefit, and also, that of her co-tenants, pursuant to UTAH CODE ANN. § 78B-6-1201, *et seq.*, 1953 (as amended).

3. 744-746 West Gentile Street. The parties stipulated, and the court finds and concludes, that the fair market value of 744-746 West Gentile Street, in Layton City, Davis County, State of Utah, is \$164,000.00.

4. UTAH CODE ANN. § 57-9-2(4), 1953 (as amended), instructs that marketable record title is subject to all interests and defects which are inherent in the muniments of the chain of record title and title transactions recorded subsequent to the effective date of the root of title.

5. In this same regard, the following documents of record constitute clouds upon the title to 744-746 West Gentile Street, in Layton City, Davis County, State of Utah, which is more particularly described as follows:

Beginning on the North line of Gentile Street at a point 533.96 feet West and 33 feet North from the Southeast corner of the Southwest Quarter of Section 20; Township 4 North, Range 1 West, Salt Lake Base And Meridian; Thence West 82.92 feet; thence North 130 feet; thence East 82.92 feet, more or less, to a point North of the beginning; thence South 130 feet to the point of beginning. Containing .25 acres.

Land Serial Number 10-069-0002.

a. The reservation of life estates by Lyle Lemmon and Ruth Lemmon pursuant to their conveyance to Nola Lemmon Stauffer and of Hortence Lemmon Hovey *via* Warranty Deed dated October 11, 1972 and filed among the official records of the Davis County Recorder on November 5, 1975 in Book 582, at Page 702, as Entry Number 422430; and

b. The tenancy-for-years of Randy Dean Crane and Carol Hovey, who is also known as Carol Hovey Crane and Carol L. Crane, pursuant to that certain Agreement dated June 15, 2001, executed by Spencer L. Hovey and Hortence L. Hovey, as Trustees of the Hovey Trust, Grantors, and Randy Dean Crane and Carol Hovey, as Grantees, filed for record among the official records of the Davis County Recorder on July 3, 2001, in Book 2840, at Pages 134-138, as Entry Number 1672296.

6. Nothing appears in the chain of record title which purports to divest Lyle Lemmon, Ruth Lemmon, Randy Dean Crane, or Carol Hovey, who is also known as Carol Hovey Crane and Carol L. Crane, of such rights, titles, estates, interests and claims evidenced by the aforesaid documents of record and, in accordance with UTAH CODE ANN. § 57-9-1(2), 1953 (as amended), such adverse rights may not be merely disregarded.

7. Accordingly, personal service upon Carol Hovey, who is also known as Carol Hovey Crane and Carol L. Crane, of the Third-party Complaint of Nola Lemmon Stauffer, individually and as Trustee of the Nola Lemmon Stauffer Trust, u/t/d May 5, 2004, was effected herein. Carol Hovey, who is also known as Carol Hovey Crane and Carol L.

Crane, having failed within the time allowed by law to appear and answer, her default, in the premises, was duly entered according to law.

8. Personal service upon the respective Estates of Lyle Lemmon, Ruth Lemmon, and Randy Dean Crane, being impracticable under the circumstances, was effected *via* publication of Summons herein pursuant to UTAH CODE ANN. §78B-6-1314, 1953 (as amended). The Estates of Lyle Lemmon, Ruth Lemmon, and Randy Dean Crane, having failed within the time allowed by law to appear and answer the Third-party Complaint of Nola Lemmon Stauffer, individually and as Trustee of the Nola Lemmon Stauffer Trust, u/t/d May 5, 2004, their default, in the premises, was also duly entered according to law.

9. Accordingly, and with respect to and Carol Hovey, who is also known as Carol Hovey Crane and Carol L. Crane and the respective Estates of Lyle Lemmon, Ruth Lemmon, and Randy Dean Crane, any and all right, title, estate, interest, claim, or charge, however denominated, whether legal or equitable, present or future, and whether such interests, claims, or charges have or may have been asserted *sui juris* or under a disability, are hereby declared void. Pursuant to the prayer of the Amended Complaint of Spencer L. Hovey and Michael L. Hovey, as Trustees of a Declaration Of Trust, u/t/d January 10, 1991, and the prayer of the Third-Party Complaint of Nola L. Stauffer, individually and as Trustee of the Nola Lemmon Stauffer Trust, u/t/d May 5, 2004, said parties have no such right, title, estate, lien, interest or claim in or to 744-746 West Gentile Street, Layton City, Davis County, State of Utah, or any part thereof, and are each forever barred and estopped from having or claiming any right, title, or interest in derogation thereof.

10. The Declaration Of Trust, u/t/d January 10, 1991, and the Hovey Trust, are one and the same, of which Spencer L. Hovey and Michael L. Hovey are Trustees, reference

to which is made in the following documents which appear in the chain of record title to 744-746 West Gentile Street:

a. The aforesaid Agreement dated June 15, 2001, executed by Spencer L. Hovey and Hortence L. Hovey, as Trustees, Grantor, and Randy Dean Crane and Carol Hovey, as Grantees, filed among the official records of the Davis County Recorder on July 3, 2001, in Book 2840, at Pages 134-138, as Entry Number 1672296

b. That certain Quitclaim Deed dated October 4, 1991, wherein Hortence L. Hovey and Carol Hovey are identified as Grantors, conveying all of their right, title and interest in 744-746 West Gentile Street to Spencer L. Hovey and Hortence L. Hovey, as Trustees of a Declaration Of Trust, u/t/d January 10, 1991, Grantee, filed among the official records of the Davis County Recorder on July 30, 1992, in Book 1517, at Page 869, as Entry Number 984403; and

c. That certain Quit Claim Deed dated and filed among the official records of the Davis County Recorder on April 11, 2007, in Book 4259, at Pages 747-748, as Entry Number 2260803, wherein Hortence L. Hovey and Spencer L. Hovey, as Grantors, conveyed all of their right title and interest in and to 744-746 West Gentile Street to themselves and to Michael L. Hovey, as Trustees of a Declaration Of Trust, u/t/d January 10. 1991, Grantee.

11. The Nola Lemmon Stauffer Trust, u/t/d/ May 5, 2004 and the Nola Lemmon Stauffer Trust, u/t/d/ May 4, 2004 are one and the same, of which Nola L. Stauffer is the Trustee, reference to which is made in the following documents which appear in the chain of record title to 744-746 West Gentile Street:

a. That certain Quitclaim Deed dated May 5, 2004, and filed among

the official records of the Davis County Recorder on May 7, 2004, in Book 3535, at Page 176, as Entry Number 1984743, wherein Nola L. Stauffer, as Grantor, conveyed all of her right title and interest in and to 744-746 West Gentile Street to Noila L. Stauffer, as Trustee of the Nola Lemmon Stauffer Trust, u/t/d May 5, 2004, Grantee.

b. That certain Special Warranty Deed dated September 29, 2008, and filed among the official records of the Davis County Recorder on October 3, 2008, in Book 4628, at Page 1129, as Entry Number 2396710, wherein Karry Lynn Andelin, who is also known as Karry L. Andelin, Grantor, conveyed all her right, title and interest in and to 744-746 West Gentile Street to Nola Lemmon Stauffer, Trustee of the Nola Lemmon Stauffer Trust, u/t/d/ May 4, 2004.

c. That certain Special Warranty Deed dated September 29, 2008, and filed for record among the official records of the Davis County Recorder on October 3, 2008, in Book 4628, at Page 1130, as Entry Number 2396711, wherein Nola L. Stauffer, individually and as Trustee of the Nola Lemmon Stauffer Trust, u/t/d/ May 5, 2004, Grantor, conveyed all her right, title and interest in and to 744-746 West Gentile Street to Nola Lemmon Stauffer, Trustee of the Nola Lemmon Stauffer Trust, u/t/d/ May 4, 2004.

d. That certain Special Warranty Deed dated October 1, 2008, filed among the records of the Davis County Recorder on October 3, 2008, in Book 4628, at Page 1128, as Entry Number 2396709, wherein Thomas Kevin Andelin conveyed all his right, title and interest in and to 744-746 West Gentile Street to Nola Lemmon Stauffer, Trustee of the Nola Lemmon Stauffer Trust, u/t/d/ May 4, 2004.

12. Nola Lemmon Stauffer, Nola L. Stauffer, and Nola L. Andelin, are one and the same person.

13. Hortence Lemmon Hovey and Hortence L. Hovey are one and the same person.

14. Cynthia Andelin, Cynthia A. Messerly and Cynthia Messerly, and Cynthia Messerley are one and the same person.

15. Karry Lynn Andelin Felt and Kerry L. Andelin are one and the same person.

16. The title to 744-746 West Gentile Street is quieted and confirmed in:

a. Nola L. Stauffer, individually, with due regard for her life estate on one half of the duplex, and as Trustee of the Nola Lemmon Stauffer Trust, u/t/d/ May 5, 2004;

b. B. Lyn Haden and Chadwick V. Jay, Trustees of the Pegge Jay Revocable Living Trust, u/t/d June 27, 2008; and

c. Spencer L. Hovey and Michael L. Hovey, Trustees of the Declaration Of Trust, u/t/d January 10, 1991.

17. Because of the location and nature of the residential duplex situated at 744-746 West Gentile Street, it is not feasible to partition it in-kind between the parties hereto without great prejudice to them.

18. As such, judgment of sale for cash is ordered herein in accordance with UTAH CODE ANN. § 78B-6-1201, *et seq.*, 1953 (as amended), allotting the proceeds of such sale, after satisfying and canceling encumbrances, if any, a Realtor® fee and customary settlement costs, and by payment of the sums due in proportion to the parties' respective percentage interests, and distribution of the resulting net proceeds among the parties, also according to their respective percentage interests, to wit:



- a. .335% to Nola L. Stauffer, individually, as and for her life estate, and as Trustee of the Nola Lemmon Stauffer Trust, u/t/d/ May 5, 2004;
- b. .165% to B. Lyn Haden and Chadwick V. Jay. Trustees of the Pegge Jay Revocable Living Trust, u/t/d June 27, 2008; and
- c. .500% to Spencer L. Hovey and Michael L. Hovey, Trustees of the Declaration Of Trust, u/t/d January 10, 1991.

19. The parties shall, forthwith, list 744-746 West Gentile Street with a Realtor® mutually selected by them to market the property for sale, shall pay such Realtor® a reasonable fee for services rendered, and the property is to be sold forthwith.

20. 740-742 West Gentile Street. The second residential duplex situated at 740-742 West Gentile Street, in Layton City, Davis County, State of Utah, more particularly described as follows is ordered as follows:

Beginning on the North line of Gentile Street at a point 451.5 feet West and 33 feet North from the Southeast corner of the Southwest Quarter of Section 20; Township 4 North, Range 1 West, Salt Lake Base And Meridian; thence West 82.46 feet; thence North 158 feet; thence East 82.46 feet, thence South 158 feet to the point of beginning. Containing .30 acres.

Land Serial Number 10-069-0009.

21. The parties stipulated, and the court finds and concludes, that the fair market value of 740-742 West Gentile Street, in Layton City, Davis County, State of Utah, is \$169,000.00.

22. The title to 740-746 West Gentile Street is quieted and confirmed, as follows:

- a. .6666% to Nola L. Stauffer, as Trustee of the Nola Lemmon Stauffer Trust, u/t/d/ May 5, 2004, which also possesses a life estate for the life of Nola L.

Stauffer; and

b. .3333% to B. Lyn Haden and Chadwick V. Jay, Trustees of the Pegge Jay Revocable Living Trust, u/t/d June 27, 2008.

23. Because of the location and nature of the residential duplex situated at 740-742 West Gentile Street, it is not feasible to partition it in-kind between the parties hereto without great prejudice to them.

24. As such, judgment of sale for cash to B. Lyn Haden and Chadwick V. Jay, Trustees of the Pegge Jay Revocable Living Trust, u/t/d June 27, 2008, from Nola L. Stauffer, as Trustee of the Nola Lemmon Stauffer Trust, u/t/d/ May 5, 2004, is ordered herein in accordance with UTAH CODE ANN. § 78B-6-1201, *et seq.*, 1953 (as amended).

25. The purchase by Nola L. Stauffer, as Trustee of the Nola Lemmon Stauffer Trust, u/t/d/ May 5, 2004 shall be funded *via* proceeds of the sale of 744-746 West Gentile Street, as aforesaid, and the parties shall satisfy, pay and cancel record encumbrances, if any, pro-rated real property taxes and customary settlement costs in proportion to their aforesaid fractional interests.

26. That certain Lis Pendens filed for record among the official records of the County Recorder of Davis County on May 7, 2012, in Book 5020, at Pages 1378-80, Entry Number 2527261, for the purpose of providing constructive notice to any person who might thereafter acquire any interest in either of the afore-described residential duplexes, in accordance with UTAH CODE ANN. § 78B-6-1204, 1953 (as amended), is hereby released of record.

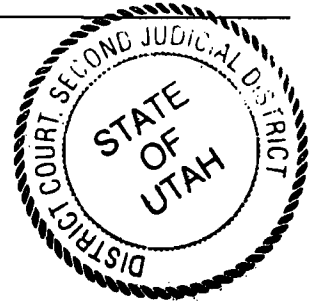
27. The request of Nola L. Stauffer, individually and as Trustee of the Nola Lemmon Stauffer Trust, u/t/d May 5, 2004, that the costs of this litigation, not by way of

limitation but including, publication of Summons, appraisal costs, and reasonable attorney's fee incurred by her on behalf of all parties hereto, be adjudged to be paid in relation to their interests, in accordance with UTAH CODE ANN. §78B-6-1201, *et seq.*, 1953 (as amended), is denied.

28. Each party shall bear their respective attorney fees and costs incurred herein.

DATED this SM day of Aug, 2012

Thomas L. Kay  
THOMAS L. KAY,  
District Court Judge



APPROVED AS TO FORM

DATED this 13th day of March, 2012

Robin K. Nalder  
ROBIN K. NALDER,  
Attorney for Nola Stauffer

APPROVED AS TO FORM

DATED this 26 day of March, 2012

James P. Alder  
JAMES P. ALDER,  
Attorney for B. Lyn Haden and Chadwick V. Jay  
Trustees of the Pegge Jay Trust

STATE OF UTAH }  
COUNTY OF DAVIS } ss

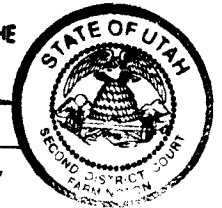
I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE ORIGINAL ON FILE IN MY OFFICE

DATED THIS 17 DAY OF Jun 20 14

ALYSON E BROWN  
CLERK OF THE COURT

BY Kate L. Platt DEPUTY

(12 Pages Total)



CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing JUDGMENT was mailed to Robin K. Nalder, Attorney for Nola Stauffer, 1835 W. 1950 S., Ogden, UT 84401-0325 and James P. Alder, Attorney for Defendants, 623 E. 2100 S., Salt Lake City, UT 84106 this 12 day of March, 2012 by depositing same in the U.S. Mail, postage prepaid.

Paulette Smith  
SECRETARY