

The Order of the Court is stated below:

Dated: January 07, 2022
12:54:46 PM

/s/ REUBEN BENSTROM
District Court Judge



STATE OF UTAH }
COUNTY OF WEBER } SS.

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

DATED THIS 7 DAY OF JAN 2022
CLERK OF THE COURT

BY [Signature] DEPUTY

PAGE 1 THROUGH 9



DANIEL L. DAY 7502

Attorney for Plaintiff

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E# 3211873 PG 1 OF 9
LEANN H KILTS, WEBER COUNTY RECORDER
19-JAN-22 350 PM FEE \$40.00 DC
REC FOR: DANIEL DAY (GREEN BOXER)



W3211873

IN THE SECOND DISTRICT COURT

FOR WEBER COUNTY, STATE OF UTAH

GREEN BOXER CONSTRUCTION, LLC,

Plaintiff,

vs.

WILLIAM H. CALDWELL d.b.a.
PARADIGM REAL ESTATE; Caldwell
INVESTMENTS WS, LLC; BROWNING
APARTMENTS OGDEN, LLC and JOHN
DOES, 1-5,

JUDGMENT

Defendants.	Case No. 210903147 Judge Reuben Renstrom
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This case came before the Court on the Motion for Entry of Judgment by Default filed by Plaintiff Green Boxer Construction, LLC (“Green Boxer”). The Court has made findings of fact and conclusions of law based on the pleadings and the evidence and argument submitted in support of Green Boxer’s motion. Having made findings of fact and conclusions of law supporting this Judgment, the Court hereby ORDERS, ADJUDGES AND DECREES the following:

Under Green Boxer’s First Claim for Relief for breach of contract against William H. Caldwell for his failure to satisfy his Promissory Note to Green Boxer, the Court awards judgment in Green Boxer’s favor and against William H. Caldwell in the amount of \$48,834.86 calculated as follows as of January 4, 2022:

Principal	\$24,000.00	
Interest from 06/20/2018 – 01/04/2022		\$20,420.38
Attorney Fees	\$3,683.33	
Costs	<u>\$730.15</u>	
Total as of 01/04/2022		<u>\$48,833.86</u>

Interest will continue to accrue on the principal amount of \$24,000.00 from January 4, 2022 until paid in full.

In addition, this Judgment may be augmented by additional attorney fees and costs Plaintiff incurs in collecting this Judgment through appropriate application to the Court.

Under Green Boxer's Second Claim for Relief for declaratory judgment, the Court also awards Green Boxer the following declaratory judgment in Green Boxer's favor and against Browning Apartments, LLC and Caldwell Investments WS, LLC:

Under Utah Code §§ 78B-6-408 and 78B-6-1301, the Court declares that Green Boxer's right to have the Promissory Note secured by a trust deed recorded against the real property (the "Property") described as follows is superior to and has priority in time over Browning Apartments, LLC's interests and Caldwell Investments WS, LLC's interests in the Property:

PART OF LOT 10, BLOCK 4, PLAT A, OGDEN CITY SURVEY: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT AND RUNNING THENCE WEST 57 FEET, THENCE SOUTH 80 FEET, THENCE WEST 75 FEET, THENCE SOUTH 28.5 FEET; THENCE EAST 8 RODS, THENCE NORTH 108.5 FEET TO BEGINNING. SUBJECT TO EXISTING RIGHT-OF-WAY OVER THE SOUTH 5 FEET THEREOF AND TOGETHER WITH A RIGHT-OF-WAY OVER 5 FEET ADJOINING FIRST DESCRIPTION ON THE SOUTH.

Parcel # 01-004-0063

The recording of this Judgment in the Weber County Recorder's Office will serve as the equivalent of a trust deed recorded against the Property securing the Promissory Note with superiority in interest and priority in time over the rights and interests of Browning Apartments, LLC and Caldwell Investments WS, LLC in the Property.

* * * * *

**Executed and entered by the Court as indicated by the
electronic signature and seal at the top of this Judgment**

* * * * *

CERTIFICATE OF SERVICE

I certify that on January 4, 2022, I sent a true and correct copy of the foregoing to the following by postage-paid First Class United States Mail:

William H. Caldwell
18997 Elbert Road
Elbert, CO 80106

Browning Apartments Ogden, LLC
c/o Caldwell Investments WS, LLC, It's Registered Agent
c/o William H. Caldwell, Caldwell Investments WS, LLC's Registered Agent
18997 Elbert Road
Elbert, CO 80106

Browning Apartments Ogden, LLC
c/o Private Funding Tree, LLC
333 East Main Street Unit 1033
Lehi, UT 84043

Caldwell Investments WS, LLC
c/o William H. Caldwell, its Registered Agent
18997 Elbert Road
Elbert, CO 80106

Caldwell Investments WS, LLC
c/o William H. Caldwell, its Registered Agent
2661 Washington Blvd. Suite 203
Ogden, UT 84401

DANIEL L. DAY 7502
Attorney for Plaintiff
9571 South 700 East, Suite 104
Sandy, Utah 84070
Telephone (801) 676-1506
Email dan@d-daylaw.com

IN THE SECOND DISTRICT COURT
FOR WEBER COUNTY, STATE OF UTAH

GREEN BOXER CONSTRUCTION, LLC,

Plaintiff,

vs.

WILLIAM H. CALDWELL d.b.a.
PARADIGM REAL ESTATE;
CALDWELL INVESTMENTS WS, LLC;
BROWNING APARTMENTS OGDEN,
LLC and JOHN DOES, 1-5,

Defendants.

JUDGMENT INFORMATION STATEMENT

Case No. 210903147
Judge Reuben Renstrom

This Judgment Information Statement is provided in accordance with Utah Code § 78B-5-201 and accompanies the Judgment granted in the above-entitled case in favor of Plaintiff and against Defendants.

1. The correct name of the Judgment Debtor is William H. Caldwell.
2. The last known address of the Judgment Debtor is:

18997 Elbert Road
Elbert, CO 80106
3. The address at which the Judgment Debtor received service of process was:

18997 Elbert Road
Elbert, CO 80106

4. Judgment Debtor's Social Security number is xxx-xx-5720 (only the last 4 digits are provided here as required by Utah Judicial Council Code of Judicial Administration, Rule 4-202.09(10)(C)(i)).
5. Judgment Debtor's date of birth is 08/20/1979.
6. Judgment Debtor's driver's license information is unknown.
7. The name and address of the Judgment Creditor is as follows:

Green Boxer Construction, LLC
492 East 100 South
Pleasant Grove, UT 84062
8. The Judgment was entered by the Second District Court of Weber County, State of Utah, on January 7, 2022.
9. The Judgment amount is \$48,833.86 including pre-judgment interest, attorney fees and costs.
10. In addition, the Judgment grants declaratory relief in favor of the Judgment Creditor and against Defendants Browning Apartments Ogden, LLC and Caldwell Investments WS, LLC.
11. The last known address of Browning Apartments Ogden, LLC is

2661 Washington Blvd, Ste # 203
Ogden, UT 84401
12. The address at which Browning Apartments Ogden, LLC received service of process was:

18997 Elbert Road
Elbert, CO 80106

13. The last known address of Caldwell Investments WS, LLC is

2661 Washington Blvd, Ste # 203
Ogden, UT 84401

14. The address at which Caldwell Investments WS, LLC received service of process

was:

18997 Elbert Road
Elbert, CO 80106

15. The Judgment Creditor is not aware of any stay of enforcement of the Judgment that has been ordered by any court.

16. The undersigned attorney for the Judgment Creditor has reviewed his own records, and the records of the Court in which the judgment was entered. Any information required by Utah Code § 78B-5-201 but not provided in this Judgment Information Statement is unknown and unavailable to Plaintiff.

DATED this 19th day of January, 2022.

/s/ Daniel L. Day

Daniel L. Day, Attorney for Plaintiff

CERTIFICATE OF SERVICE

I certify that on January 19, 2022, I sent a true and correct copy of the foregoing Judgment Information Statement to the following by postage-paid First Class United States Mail:

William H. Caldwell
18997 Elbert Road
Elbert, CO 80106

Browning Apartments Ogden, LLC
c/o Caldwell Investments, LLC, It's Registered Agent
c/o William H. Caldwell, Caldwell Investments, LLC's Registered Agent
18997 Elbert Road
Elbert, CO 80106

Browning Apartments Ogden, LLC
c/o Private Funding Tree, LLC
333 East Main Street Unit 1033
Lehi, UT 84043

Caldwell Investments WS, LLC
c/o William H. Caldwell, its Registered Agent
18997 Elbert Road
Elbert, CO 80106

Caldwell Investments WS, LLC
c/o William H. Caldwell, its Registered Agent
2661 Washington Blvd. Suite 203
Ogden, UT 84401

/s/ Daniel L. Day



W3211877

E# 3211877 PG 1 OF 2
LEANN H KILTS, WEBER COUNTY RECORDER
19-JAN-22 359 PM FEE \$.00 DC
REC FOR: WEBER COUNTY PLANNING

ORDINANCE NO. ~~2022-02~~

**AN ORDINANCE OF WEBER COUNTY VACATING
A PUBLIC UTILITY EASEMENT IN THE WILLOW GREENE ESTATES SUBDIVISION**

WHEREAS, the Owner has filed a petition to vacate two feet of a ten-foot public utility easement along the west property line of lot 2, Fremont Subdivision, as described in Exhibit A of this ordinance; and

WHEREAS, after providing proper public notice, a public hearing was held before the Weber County Commission on January 18, 2022, regarding the vacation of the public utility easement; and

WHEREAS, Weber County's Engineering Department has been notified and has provided written approval of the vacation of the portion of the public utility easement; and

WHEREAS, the Commission finds that good cause exists to vacate the public utility easement, and that it will not substantially affect the Ogden Valley General Plan, and that neither the public interest nor any person will be materially injured;

NOW THEREFORE, the Board of County Commissioners of Weber County vacates the portion of public utility easement, as described in Exhibit A of this ordinance.

Adopted and ordered published this 18th day of January, 2022.

Weber County Commission

By Scott Jenkins

Scott Jenkins, Chair

Commissioner Jenkins Voted Aye

Commissioner Froerer Voted Aye

Commissioner Harvey Voted Aye

ATTEST:

Ricky Hatch

Ricky Hatch, CPA

Weber County Clerk

Exhibit A

The East two feet of the 10 foot public utility easement running along the westerly lot line located within lot 2 of the Fremont Subdivision, less and excepting any portion lying within the 10 foot public utility easement running along the south portion of said lot.