

The Order of the Court is stated below:

Dated: December 04, 2015 /s/ Darold McDade
12:29:39 PM District Court Judge



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STATE OF UTAH
COUNTY OF Wasatch

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
this 23 day of June
2016

DISTRICT/JUVENILE COURT

Marcia Mechan CLERK



Ent 433105 Bl 1180 Pg 268-286
Date: 03-JAN-2017 12:18:21PM
Fee: \$52.00 Check Filed By: LA
PEGGY SULSER, Recorder
WASATCH COUNTY CORPORATION
For: RICHARDS BRANDT MILLER NELSON

Attorneys for Plaintiff Double O Ranch

IN THE FOURTH JUDICIAL DISTRICT COURT

WASATCH COUNTY, STATE OF UTAH

OTIS SWEAT FAMILY, LLC, a Utah Limited Liability Company; RYAN SWEAT, an individual; DOUBLE O RANCH, LLC, a Utah Limited Liability Company, and unknown persons 1-109,

Plaintiffs,

v.

ZENNIFER AND VEDA COX FAMILY TRUST; 2 SPRINGS RANCH, L.L.C., a Utah Limited Liability Company; GAROLD H. CHRISTENSEN PROPERTIES, L.C., a Utah Limited Liability Company; and PHIL SWEAT, an individual.

Defendants.

PROPOSED ORDER DISMISSING PLAINTIFFS' CLAIMS AGAINST DEFENDANT 2 SPRINGS RANCH, L.L.C., AND GAROLD H. CHRISTENSEN PROPERTIES, L.C. WITH PREJUDICE AND FINDINGS OF FACT AND CONCLUSIONS OF LAW APPLICABLE THERETO

Case No. 110500519

Honorable Darold McDade

A bench trial was conducted on September 11, 2015 in the above-entitled action before the

Honorable Darold McDade. Plaintiffs were represented by counsel of record, Benson L. Hathaway, Jr and Analise Q. Wilson. Garold H. Christensen Properties, L.C., ("Christensen") was represented by counsel of record, James A. McIntyre. Defendants Leroy Sweat Properties, L.C. and Phil Sweat (collectively "LSP") were represented by counsel of record, Blake T. Ostler. Defendant 2 Springs Ranch, L.L.C. ("2 Springs") was represented by counsel of record, David L. Barclay, Kraig J. Powell and Lincoln Harris.

PROCEEDINGS AT TRIAL

Subsequent to the Court calling the case, counsel for Plaintiffs and LSP entered a settlement stipulation on the record, which resulted in dismissal with prejudice of all claims Plaintiffs had against LSP, (specifically those claims affecting what has been described in the pleadings in these proceedings as the *east access road* ("East Access") located on the easterly side of the property ("Plaintiffs' Property") described in these proceedings as (i) being previously owned by Plaintiff Otis Sweat Family, LLC ("OSF") and (ii) as being currently owned by Plaintiff Double O Ranch, LLC ("Double O"). As described in the pleadings in these proceedings, the claims of Plaintiffs to the East Access also involves claims to what has been generally described as the *corral* or *corral area* ("Corral Area"). In describing their stipulation of dismissal regarding claims affecting the East Access, Plaintiffs represented that neither Plaintiffs' settlement nor any future failure thereof would affect or be raised as an issue affecting the 2 Springs Property or the Christensen Property.

After the Court accepted the stipulation, counsel for Plaintiffs stated on the record that due to the Court's prior evidentiary orders, Plaintiffs would present no evidence to the Court during the trial regarding either the 2 Springs Property or the Christensen Property, and they therefore rested their case. Consequently, without putting on evidence, Plaintiffs rested as to:

- a. Their First Cause of Action alleging easement by implication across the 2 Springs

Property and the Christensen Property to reach Plaintiffs' Property via that route, including any alleged damages against 2 Springs and Christensen for interference with such easement;

b. Their Second Cause of Action alleging prescriptive easement across the 2 Springs Property and the Christensen Property via what is characterized in Plaintiffs' Third Amended Complaint as a "west access road", including any alleged damages against 2 Springs and Christensen for interference with such easement;

c. The Third Cause of Action of "Tortious Interference with Prospective Economic Relations", the Fourth Cause of Action for "Injunctive Relief", the Fifth Cause of Action for "Declaratory Judgment", and the Sixth Cause of Action for "Equitable Estoppel. In addition, inasmuch as the equitable estoppel claim sought injunctive relief only until the matters alleged in the Third Amended Complaint are resolved at trial, by the conclusion of this case as set forth in this Order, that claim is moot.

Plaintiffs' counsel additionally agreed to the Court granting 2 Springs' Counterclaim of *Boundary by Acquiescence and Quiet Title* to establish the boundary between the 2 Springs Property and Plaintiffs' Property as an existing fence separating the two properties, which fence was constructed in approximately 1963 by Otis Sweat and Delbert Sweat ("Boundary Fence").

Subsequent to the above statements by Plaintiffs' counsel, 2 Springs and Christensen moved for a directed verdict based upon the evidence before the Court described below and Plaintiffs' lack of presentation of evidence, asking that all of Plaintiffs' claims against 2 Springs, Christensen, the 2 Springs Property, and the Christensen Property be dismissed with prejudice and that 2 Springs be granted the relief sought in its Counterclaim. That motion for directed verdict was granted.

FINDINGS OF FACT

Based upon the foregoing evidence comprised of Plaintiffs' admissions, the observations

made by Judge Pullan during his site visit, and certain additional admissions in Plaintiffs' pleadings consistent with their other admissions, the Court renders the Finding of Fact set forth below.

With Respect to 2 Springs Boundary By Acquiescence and Quiet Title Claim. In addition to the above Findings of Fact, the Court makes the following additional Finding of Fact germane to 2 Springs' Counterclaim:

Finding Number 1.

Plaintiffs conceded the viability and granting of 2 Springs' Counterclaim of Boundary by Acquiescence and Quite Title at the trial on September 11, 2015. Consequently, 2 Springs is the fee simple owner, free of any right, title, estate, interest, easement, right of way, or lien in favor of Plaintiffs, of the following described property located in Wasatch County, Utah, *but as the easterly boundary thereof has been moved further to the east as established by the Boundary Fence:*

Parcel 1

Beginning at the Southeast corner of Section 36, in Township 4 South of Range 5 East of the Salt Lake Meridian, and running thence North 46°01' West 3386.5 feet; thence North 30°30' East 2785.5 feet to the North boundary of said Section 36; thence East 1023.0 feet to the Northeast corner of said Section 36; thence South 4752.0 feet along the East boundary to the place of beginning.

Parcel 2

Beginning at the Northwest corner of Section 31, in Township 4 South of Range 6 East of the Salt Lake Meridian and running thence along the North line of said Section 31, South 89°45' East 31.55 chains; thence South 80 chains to the South line of said Section 31; thence West 43 rods; thence North 80 rods; thence West 80 rods to the West line of said Section 31; thence North 60 chains, more or less to the place of beginning.

Parcel 3

A Non-exclusive easement for ingress and egress over and across the following described property:

A right of way 20 feet wide, being on the South side of the following described line; Beginning at a point North 89°45' West 610.50 feet and North 94.83 feet from the South quarter corner of Section 30, in Township 4 South of Range 6 East of the Salt Lake Meridian,

and running thence North 71°24' East to Center Creek. Said right of way is for the purpose of taking cattle to water.

Parcel 4

A Non-exclusive easement for ingress and egress over and across the following described property:

A right of way for canal across the Southeast quarter of Section 31 and the East 37 rods of the Southwest quarter of Section 31 for the construction of a canal to carry runoff water to a proposed pond to be built in the Southwest quarter of Section 31.

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CONCLUSIONS OF LAW

With Respect to Jurisdiction

This Court has personal and subject matter jurisdiction over the parties and subject matter of this litigation sufficient to resolve all actions contained herein.

With Respect to Prescriptive Easement

Plaintiffs' claims for prescriptive easement fail for the following reasons:

Conclusion of Law Number 1.

In order to prevail on a claim of prescriptive easement in Utah, the party claiming the easement must prove "use of another's land was open, notorious, adverse and continuous for at least twenty years." [See *Potter v. Chadaz*, 95, 977 P.2d 533 (Utah Ct. App. 1999); *Nyman v. Anchor Dev., L.L.C.*, 2003 UT 27, ¶18, 73 P.3d 357 (quoting *Orton v. Carter*, 970 P.2d 1254, 1258 (Utah 1998)).] To prevail on their claims of prescriptive easement, Plaintiffs must prove **by clear and convincing evidence** each of these elements. [See *Lunt v. Lance*, 2008 UT App 192, ¶18, 186 P.3d 978 (citing *Marchant v. Park City*, 788 P.2d 520 (Utah 1990).] By failing to put on any evidence at trial regarding any use whatsoever of the 2 Springs Property and the Christensen Property, Plaintiffs have in fact failed to meet this burden, and those claims must fail.

With Respect to Easements by Implication

Plaintiffs' claims of easements by implication fail for the following reasons:

Conclusion of Law Number 2.

In order to prevail on a claim of easement by implication in Utah, the party claiming the easement must prove (1) unity of title followed by severance; (2) that at the time of severance the servitude was apparent, obvious, and visible; (3) that the easement is reasonably necessary to the enjoyment of the dominant estate; and (4) that it is continuous and self-acting, as distinguished from one's use only from time to time when the occasion arises. [See *Southland Corp. v. Potter*, 760 P.2d 320, 323 (Utah Ct. App. 1988) (citation omitted); see also *Ovard v. Cannon*, 900 P.2d 1246, 1247 (Utah 1979).] "Whether an easement arises by implication on a conveyance of real estate depends on the intent of the parties, which must clearly appear in order to sustain an easement by implication." [See *Butler v. Lee*, 774 P.2d 1150, 1153 n.1 (Utah Ct. App. 1989).] By not putting on any evidence at trial, Plaintiffs failed to meet their burden of establishing any of the above-stated elements, and their easement by implication claims fail.

With Respect to Tortious Interference and Equitable Estoppel

Plaintiffs' claims of Tortious Interference and Equitable Estoppel fail for the following reasons

Conclusion of Law Number 3.

Plaintiffs failed to prove by any evidentiary standard any element of a tortious interference claim, including that either 2 Springs or Christensen interfered with any right or economic interest of Plaintiffs by "improper means". Consequently any claim of tortious interference against 2 Springs or Christensen fails.

Conclusion of Law Number 4.

By failing to put on any evidence at trial to support such a claim, whether with respect to its elements, damages or otherwise, Plaintiffs' claim for equitable estoppel fails.

With Respect to Injunctive Relief and Declaratory Judgment

Because Plaintiffs have no viable claims with regards rights of access, they are entitled to neither injunctive relief nor to any declaratory relief that they had or have such access.

As to Boundary by Acquiescence and Quiet Title

2 Springs is entitled to an order granting its claim of boundary by acquiescence and quiet title on the basis that Plaintiffs agreed to the granting of such relief at the trial on September 11, 2015.

In addition, a boundary by acquiescence exists where "(1) there is occupation up to a visible line marked by monuments, fences, or buildings and (2) there is mutual acquiescence in the line as a boundary for a long period of time by adjoining landowners." [See *Bahr v. Imus*, 2011 UT 19, ¶35, 250 P.3d 56 (quoting *Staker v. Ainsworth*, 785 P.2d 417, 420 (Utah 1990)).] And "The first element may be satisfied where land up to the visible, purported boundary line is farmed, occupied by homes or other structures, improved, irrigated, used to raise livestock, or put to similar use." [Id. ¶36 (quotation omitted) (courts should consider whether a particular occupation up to a visible line would place a reasonable party on notice that the given line was being treated as the boundary between the properties).] "The second element is satisfied where neighboring owners 'recognize and treat an observable line, **such as a fence**, as the boundary dividing the owner's property from the adjacent landowner's property.'" (Emphasis added.) [See *Bahr*, 2011 UT 19, ¶37 (quoting *Ault v. Holden*, 2002 UT 33, ¶19, 44 P.3d 781).] "This element is met where neighbors do not 'behave[] in a fashion inconsistent with the belief' that a given line is the boundary between their properties. Failure by the record title owner to suggest or imply that the dividing line between the properties is not in the

proper location suggests acquiescence." [See *Bahr*, 2011 UT 19, ¶37 (quotations omitted).]

Based upon the above Findings of Fact regarding the Boundary Fence built by Otis Sweat the Delbert Sweat to separate the Upper End from the Lower End and Plaintiffs' concession on September 11, 2015, 2 Springs is the fee simple owner, free of any right, title, estate, interest, easement, right of way, or lien in favor of Plaintiffs, of the following described property located in Wasatch County, Utah, *but as the easterly boundary thereof has been moved further to the east as established by the above-described Boundary Fence:*

Parcel 1

Beginning at the Southeast corner of Section 36, in Township 4 South of Range 5 East of the Salt Lake Meridian, and running thence North 46°01' West 3386.5 feet; thence North 30°30' East 2785.5 feet to the North boundary of said Section 36; thence East 1023.0 feet to the Northeast corner of said Section 36; thence South 4752.0 feet along the East boundary to the place of beginning.

Parcel 2

Beginning at the Northwest corner of Section 31, in Township 4 South of Range 6 East of the Salt Lake Meridian and running thence along the North line of said Section 31, South 89°45' East 31.55 chains; thence South 80 chains to the South line of said Section 31; thence West 43 rods; thence North 80 rods; thence West 80 rods to the West line of said Section 31; thence North 60 chains, more or less to the place of beginning.

Parcel 3

A Non-exclusive easement for ingress and egress over and across the following described property:

A right of way 20 feet wide, being on the South side of the following described line; Beginning at a point North 89°45' West 610.50 feet and North 94.83 feet from the South quarter corner of Section 30, in Township 4 South of Range 6 East of the Salt Lake Meridian, and running thence North 71°24' East to Center Creek. Said right of way is for the purpose of taking cattle to water.

Parcel 4

A Non-exclusive easement for ingress and egress over and across the following described property:

A right of way for canal across the Southeast quarter of Section 31 and the East 37 rods of

the Southwest quarter of Section 31 for the construction of a canal to carry runoff water to a proposed pond to be built in the Southwest quarter of Section 31.

Tax ID Nos. 00-0020-8051 and 00-0020-8065

**BASED UPON THE FOREGOING, AND GOOD CAUSE EXISTING THEREFORE,
IT IS HEREBY ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:**

A. Plaintiffs' First Cause of Action regarding "Easement by Implication Across the West Access Road" claiming access across the 2 Springs Property and the Christensen Property is dismissed on the merits and with prejudice.

B. Plaintiffs' Second Cause of Action regarding "Prescriptive Easement" claiming access across the 2 Springs Property and the Christensen Property is dismissed on the merits and with prejudice.

C. Plaintiffs' Third Cause of Action claiming "Tortious Interference with Prospective Economic Relations" against 2 Springs and Christensen is dismissed on the merits and with prejudice.

D. Plaintiffs' Fourth Cause of Action claiming "Injunctive Relief" against 2 Springs and Christensen is dismissed on the merits and with prejudice.

E. Plaintiffs' Fifth Cause of Action claiming "Declaratory Judgment" against 2 Springs and Christensen is dismissed on the merits and with prejudice.

F. Plaintiffs' Sixth Cause of Action claiming "Equitable Estoppel" against 2 Springs and Christensen is dismissed on the merits and with prejudice.

G. The relief requested by 2 Springs in its Counterclaim is granted, and 2 Springs is hereby determined to be the legal and equitable fee simple owner, free of any right, title, estate, interest, easement, right of way, or lien in favor of Plaintiffs, of the following described property located in Wasatch County, Utah, *but as the easterly boundary thereof has been moved further to the*

east as established by the Boundary Fence described above that was built jointly by Otis Sweat and Delbert Sweat in approximately 1963 to separate the below-described property from property retained by Otis Sweat:

Parcel 1

Beginning at the Southeast corner of Section 36, in Township 4 South of Range 5 East of the Salt Lake Meridian, and running thence North 46°01' West 3386.5 feet; thence North 30°30' East 2785.5 feet to the North boundary of said Section 36; thence East 1023.0 feet to the Northeast corner of said Section 36; thence South 4752.0 feet along the East boundary to the place of beginning.

Parcel 2

Beginning at the Northwest corner of Section 31, in Township 4 South of Range 6 East of the Salt Lake Meridian and running thence along the North line of said Section 31, South 89°45' East 31.55 chains; thence South 80 chains to the South line of said Section 31; thence West 43 rods; thence North 80 rods; thence West 80 rods to the West line of said Section 31; thence North 60 chains, more or less to the place of beginning.

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Parcel 4

A Non-exclusive easement for ingress and egress over and across the following described property:

A right of way for canal across the Southeast quarter of Section 31 and the East 37 rods of the Southwest quarter of Section 31 for the construction of a canal to carry runoff water to a proposed pond to be built in the Southwest quarter of Section 31.

Tax ID Nos. 00-0020-8051 and 00-0020-8065

H. The Court hereby quiets in 2 Springs' exclusive legal and equitable fee simple title to the property described in subparagraph G above, as its easterly boundary is so established by the

Boundary Fence, and free and clear of any right, title, estate, interest, easement, right of way, or lien in favor of Plaintiffs.

I. 2 Springs is authorized at its discretion to cause a survey to be made of the Boundary Fence and to record the same of record to document the specific location of the Boundary Fence.

END OF ORDER
ENTERED BY THE COURT AS SET FORTH ON THE FIRST PAGE HEREOF

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of October, 2015, a true and correct copy of **PROPOSED ORDER DISMISSING PLAINTIFFS' CLAIMS AGAINST DEFENDANT 2 SPRINGS RANCH, L.L.C., AND GAROLD H. CHRISTENSEN PROPERTIES, L.C. WITH PREJUDICE AND FINDINGS OF FACT AND CONCLUSIONS OF LAW APPLICABLE THERETO** was served on all counsel of record via the method indicated below.

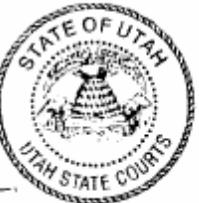
David L. Barclay Richards Brandt Miller Nelson Wells Fargo Building 299 South Main Street, 15 th Floor P.O. Box 2465 Salt Lake City, UT 84111 <i>Attorneys for 2 Springs Ranch, L.L.C.</i>	<input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Mail <input checked="" type="checkbox"/> E-Filer
Kraig J. Powell Attorney Kraig J. Powell, PLLC 55 West Center Street, Suite One Heber City, UT 84032 <i>Attorneys for 2 Springs Ranch, L.L.C.</i>	<input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Mail <input checked="" type="checkbox"/> E-Filer
James A. McIntyre Richard R. Golden McIntyre & Golden, PC 3838 South West Temple Salt Lake City, UT 84115	<input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Mail <input checked="" type="checkbox"/> E-Filer
Dennis M. Astill Dennis M. Astill PC 7730 South Union Park Avenue, Suite 130 Midvale, UT 84047	<input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Mail <input checked="" type="checkbox"/> E-Filer
Duane W. Moss Moss Law Offices, PC 2 South Main Street, Suite 2-B Heber City, UT 84032	<input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Mail <input checked="" type="checkbox"/> E-Filer
Blake T. Ostler THOMPSON OSTLER & OLSEN 57 West 200 South, Suite 350 Salt Lake City, UT 84101	<input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Mail <input checked="" type="checkbox"/> E-Filer

/s/Wendy Maynard

The Order of the Court is stated below:

Dated: April 26, 2016
03:57:39 PM/s/ Darold McDade
District Court JudgeSTATE OF UTAH Wasatch
COUNTY OF WasatchI 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
this 29 day of June
20 16

DISTRICT/JUVENILE COURT

Marcia M. Hansen

CLERK

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 Lincoln Harris [8196]
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Attorneys for 2 Springs Ranch, L.L.C.

IN THE FOURTH JUDICIAL DISTRICT COURT
 IN AND FOR THE STATE OF UTAH, WASATCH COUNTY

OTIS SWEAT FAMILY, LLC, a Utah Limited
 Liability Company, RYAN SWEAT, an
 individual, and DOUBLE O RANCH, LLC, a
 Utah Limited Liability Company,

Plaintiffs,

vs.

ZENIFF COX, an individual, 2 SPRINGS
 RANCH, L.L.C., a Utah Limited Liability
 Company, GAROLD H. CHRISTENSEN
 PROPERTIES, L.C., a Utah Limited Liability
 Company, LEROY SWEAT PROPERTIES,
 LC, a Utah Limited Liability Company,
 PROPERTY RESERVE, INC., a Utah Non-
 Profit Corporation,

Defendants.

**ORDER GRANTING MOTION TO
 CERTIFY AND DIRECT THAT
 COMPLETE AND FINAL ORDER AND
 JUDGMENT WERE ENTERED AS OF
 DECEMBER 10, 2015 UPON, AND
 DISPOSING OF, ALL CLAIMS AND
 REQUESTS INVOLVING DEFENDANT 2
 SPRINGS RANCH, L.L.C. AND GAROLD
 H. CHRISTENSEN PROPERTIES, L.C.**

Civil No. 110500519

Judge: Darold McDade

2 SPRINGS RANCH, L.L.C., a Utah Limited
Liability Company,

Counterclaim Plaintiffs,

vs.

OTIS SWEAT FAMILY, LLC, a Utah Limited
Liability Company, RYAN SWEAT, an
individual,

Counterclaim Defendants.

2 SPRINGS RANCH, L.L.C. a Utah Limited
Liability Company,

Cross-Claim Plaintiffs.

vs.

ZENIFF COX, an individual, LEROY SWEAT
PROPERTIES, LC, a Utah Limited Liability
Company, PROPERTY RESERVE, INC., a
Utah Non-Profit Corporation.

Third-Party Defendants.

2 SPRINGS RANCH, L.L.C., a Utah Limited
Liability Company,

Third-Party Plaintiffs,

vs.

JOHN DOES 1 through 20.

Third-Party Defendants.

Having carefully considered the *Motion to Certify and Direct that Complete and Final Order and Judgment Were Entered as of December 10, 2015 Upon, and Disposing of, All Claims and Requests Involving Defendants 2 Springs Ranch, L.L.C. and Garold H. Christensen Properties, L.C.* (“Motion”) filed by Defendant 2 Springs Ranch, L.L.C (“2 Springs”) herein, and good cause appearing therefore, said Motion is hereby granted and

IT IS HEREBY DETERMINED AND ORDERED AS FOLLOWS:

Procedural Background and Determination:

1. At a trial conducted on September 11, 2015 all parties then remaining in this litigation appeared, which included Plaintiffs, 2 Springs, Christensen, and Leroy Sweat Properties, L.C., and Phil Sweat (collectively “**Sweat Defendants**”).
2. 2 Springs and Defendant Garold H. Christensen Properties, L.C. (“**Christensen**”) moved for directed verdict at trial to dismiss with prejudice all claims then remaining against them in this litigation, which claims were comprised solely of claims asserted by Plaintiffs. That motion was granted by the Court without objection from any party.

3. The sole remaining issue to be resolved affecting 2 Springs and Christensen at trial was their request for the payment to them by Plaintiffs of attorneys fees incurred by 2 Springs and Christensen in the litigation.
4. A *Proposed Order Dismissing Plaintiffs' Claims Against Defendant 2 Springs Ranch, L.L.C., and Garold H. Christensen Properties, L.C. with Prejudice and Findings of Fact and Conclusions of Law Applicable Thereto* was entered December 4, 2015 in furtherance of the Court granting said motion for directed verdict at trial ("Order Granting Directed Verdict and Dismissing Claims").
5. Thereafter, on December 10, 2015, the Court entered its *Ruling and Order Re: Defendants' Request for Attorneys Fees* disposing of said sole remaining issue of attorneys fees (**Ruling and Order on Attorneys Fees**”).
6. The Court finds and determines that there is no just reason for delay in certifying and directing that the Order Granting Directed Verdict and Dismissing Claims combined with the Ruling and Order on Attorneys Fees constituted, as of December 10, 2015, the complete and final order and judgment of the Court upon, and disposing of, all claims and requests involving 2 Springs and Christensen in this litigation within the meaning of Rules 7 and 54(b) of the Utah Rules of Civil Procedure.

Order

Based upon the foregoing finding and determination, the Court certifies and directs that the Court's *Proposed Order Dismissing Plaintiffs' Claims Against Defendant 2 Springs Ranch, L.L.C., and Garold H. Christensen Properties, L.C. with Prejudice and Findings of Fact and Conclusions*

of Law Applicable Thereto entered December 4, 2015, combined with the *Ruling and Order Re: Defendants' Request for Attorneys Fee* entered on December 10, 2015, constituted, as of December 10, 2015, the complete and final order and judgment of the Court upon, and disposing of, all claims and requests involving 2 Springs and Christensen within the meaning of Rules 7 and 54(b) of the Utah Rules of Civil Procedure ("Final Order and Judgment"). 2 Springs and Christensen need no longer respond to motions, actions, or proceedings involving Plaintiffs and/or the Sweat Defendants or orders pertaining to Plaintiffs and/or the Sweat Defendants in these proceedings, and failure to do so shall not adversely affect the rights and interest of 2 Springs and Christensen under said Final Order and Judgment.

END OF ORDER

ENTERED BY THE COURT AS SET FORTH ON THE FIRST PAGE HEREOF
APPROVED AS TO FORM:

/s/ James A. McIntire
(electronically signed by David L. Barclay with permission)

JAMES A. McINTYRE,
McINTYRE & GOLDEN
Attorneys for Defendant Garold H. Christensen
Properties, L.C.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a true and correct copy of the foregoing **ORDER GRANTING MOTION TO CERTIFY AND DIRECT THAT COMPLETE AND FINAL ORDER AND JUDGMENT WERE ENTERED AS OF DECEMBER 10, 2015 UPON, AND DISPOSING OF, ALL CLAIMS AND REQUESTS INVOLVING DEFENDANT 2 SPRINGS RANCH, L.L.C. AND GAROLD H. CHRISTENSEN PROPERITES, L.C.** to be served on the 11th day of April, 2016 upon the following via E-Filer:

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Co-Attorney for 2 Springs Ranch, L.L.C.

/s/ Anna Collins

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