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ENT 6184:2003 PG 1 of 5
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2003 Jan 14 12:34 pm FEE 0.00 BY SS
RECORDED FOR UTAH COUNTY ATTORNEY

**IN THE FOURTH JUDICIAL DISTRICT COURT OF
UTAH COUNTY, STATE OF UTAH**

UTAH COUNTY,

Plaintiff,

vs.

KENNETH E. MILLETT and MARGARET
E. MILLETT,

Defendants.

**PERMANENT INJUNCTION
AND
MANDATORY INJUNCTION**

Civil No. 020404974
Division No. 8

Based upon the Stipulation of the parties to the entry by the Court of a permanent injunction and mandatory injunction, and the Court having reviewed the Verified Complaint filed herein, the Stipulation filed herein, and it appearing to the Court that irreparable harm will result to the Plaintiff herein if this permanent injunction and mandatory injunction is not issued.

NOW THEREFORE, it is hereby ordered, adjudged, and decreed as follows:

1. The Defendants, Kenneth E. Millett and Margaret E. Millett, their agents, servants, employees, lessees, and attorneys, successors in interest relative to ownership of the land

and all persons in active concert or participation with the Defendants, who receive notice of the Order, are hereby permanently enjoined and restrained from using, or allowing to be used, the Subject Property (i) for the maintenance of an outdoor storage yard; (ii) for the placement of more than one (1) dwelling unit; (iii) for the placement of structures for which a valid building permit has not been issued; (iv) for the placement or storage of any vehicles, except for not more than six (6) vehicles, all of which must be continually maintained with a valid Utah State Registration and in operable condition; and (v) for the placement or storage of vehicle parts, debris, junk, inoperable equipment, equipment parts, unpermitted trailers, unpermitted structures, or mobile homes.

2. The Court hereby enters a mandatory injunction requiring and ordering, the Defendants, Kenneth E. Millett and Margaret E. Millett, to (i) remove, prior to the 1st day of March, 2003, thirty (30) or more vehicles from the Subject Property and provide a written list to Utah County, identifying the removed vehicles by specific make, model, year, and VIN number; (ii) remove, prior to the 1st day of July, 2003, an additional thirty (30) or more vehicles (for a total of 60 or more vehicles) from the Subject Property and provide a written list to Utah County, identifying the removed vehicles by specific make, model, year, and VIN number; (iii) remove, prior to the 1st day of December, 2003, all remaining vehicles from the Subject Property (except for not more than six (6) vehicles, all of which must be continually maintained with a valid Utah State Registration and in operable condition); (iv) remove, prior to the 1st day of December, 2003, all vehicle

parts, debris, junk, inoperable equipment, equipment parts, unpermitted trailers, unpermitted structures, and mobile homes from the Subject Property; and (v) take all additional action necessary to comply with all of the requirements of the Utah County Code and the Utah County Zoning Ordinance.

3. The Subject Property is located in Utah County, State of Utah, tax parcel serial number 14:045:0005, which parcel of real property is more particularly described as follows:

COMMENCING SOUTH 440 FEET FROM THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 440 FEET; THENCE WEST 397.255 FEET; THENCE NORTH 24 DEGREES 45' WEST 484.505 FEET; THENCE EAST 600.098 FEET TO POINT OF BEGINNING. AREA = 5.04 ACRES.

The above described parcel of real property is referred to herein as the "Subject Property."

4. In accordance with Section 7-29 of the Utah County Zoning Ordinance, the Plaintiff is awarded judgment against the Defendants, Kenneth E. Millett and Margaret E. Millett, jointly and severally, in the amount of \$1,000 per day, for each day from the 1st day of March, 2003, until the unlawful use of the Subject Property ceases, plus attorney's fees and costs; provided, however, that if the Defendants remove, prior to the 1st day of March, 2003, thirty (30) or more vehicles from the Subject Property and provide a written list to Utah County, identifying the removed vehicles by specific make, model, year, and VIN number, then the Plaintiff shall be awarded judgment against the

Defendants, jointly and severally, in the amount of \$500.00 per day, for each day from the 1st day of March, 2003, until the unlawful use of the Subject Property ceases, plus attorney's fees and costs; further provided, however, that if the Defendants remove, prior to the 1st day of July, 2003, an additional thirty (30) or more vehicles (for a total of 60 or more vehicles) from the Subject Property and provide a written list to Utah County, identifying the removed vehicles by specific make, model, year, and VIN number, then the Plaintiff shall be awarded judgment against the Defendants, jointly and severally, in the amount of \$250.00 per day, for each day from the 1st day of July, 2003, until the unlawful use of the Subject Property ceases, plus attorney's fees and costs; further provided, however, that if the Defendants remove, prior to the 1st day of December, 2003, all remaining vehicles from the Subject Property (except for not more than six (6) vehicles, all of which must be continually maintained with a valid Utah State Registration and in operable condition) then the Plaintiff shall be awarded judgment against the Defendants, jointly and severally, in the amount of \$100.00 per day, for each day from the 1st day of December, 2003, until the unlawful use of the Subject Property ceases, plus attorney's fees and costs.

5. All of the terms and provisions of the Stipulation are hereby approved by the Court.

6. This Permanent Injunction and Mandatory Injunction shall be effective as of the date it is issued by the Court.

DATED this 10 day of Jan, 2000, at the hour of 03 a.m./p.m.

BY THE COURT

/S/ GARY D. STOTT

District Court Judge

APPROVED AS TO FORM AND CONTENT:

Kenneth E. Millett
KENNETH E. MILLETT
Defendant

Margaret E. Millett
MARGARET E. MILLETT
Defendant

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I CERTIFY THAT THIS IS A TRUE COPY OF
AN ORIGINAL DOCUMENT ON FILE IN THE
FOURTH JUDICIAL DISTRICT COURT, UTAH
COUNTY, STATE OF UTAH

DATE: 10/2/00

K. Stott
DEPUTY COURT CLERK