

The Order of the Court is stated below:

Dated: July 03, 2024
02:09:07 PM

/s/ ROGER W. GRIFFIN
District Court Judge



ENT 75152 : 2024 PG 1 of 6
ANDREA ALLEN
UTAH COUNTY RECORDER
2024 Oct 29 11:15 AM FEE 40.00 BY AS
RECORDED FOR Bennett Tuellet Johnson and
ELECTRONICALLY RECORDED

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Counsel for plaintiff

IN THE FOURTH JUDICIAL DISTRICT COURT UTAH COUNTY, AMERICAN FORK COURTHOUSE, STATE OF UTAH	
ATM Real Estate Solutions, LLC , a Utah limited liability company, Plaintiff, -vs- Brian Kunz , an individual, And Padjumper, LLC , a Utah limited liability company, Defendants	Final Judgment Case No.: 240401308 <i>240100092</i> Judge: Hon. ROGER W GRIFFIN

1. This court granted the plaintiff's motions for alternative service.
2. Although the defendants were served on April 23, 2024, they have not appeared in this case.
3. On May 30, 2024, the plaintiff ("ATM") motioned for partial summary judgment on its first and second causes of action for breach of the Padjumper Note and Kunz Guarantee, respectively.

4. The only remaining causes of action are the third and fourth based on alleged breaches of the covenants of good faith and fair dealing inherent in the Padjumper Note and Kunz Guarantee. These causes of action are dismissed.

5. ATM's motion included a request for damages, attorney's fees, and costs according to the terms of the Note and Guarantee.

6. Per Rule 7(d)(1), *URCP*, the defendants had until May 13, 2024, to oppose the motion, but no opposition has been filed.

The total damages amount to \$99,410.00.

7. The defendants have not challenged the plaintiff's damages calculation in its motion for summary judgment or motion for damages, fees, and costs.

8. The calculation of damages, noting the total amount owed as of the date the Court entered the judgment, is \$99,410.00.

The terms of the Note and Guarantee allow for the recovery of attorney's fees, interest, and penalties. The fees of \$1,710.00 and costs of \$869.95 are not unreasonable.

9. The Note and Guarantee allows fees and costs to be recovered.

10. An April 2023 article, "[Lawyer Hourly Rate & Fees by State](#)," cites a Statista report citing the "Average Hourly Rate" for Utah attorneys in 2021 and 2022 was \$251 and \$260.

11. The plaintiff's counsel's 2024 hourly rate is \$285. He was licensed to practice law in Illinois in 1999 and Utah in 2004. He has been actively engaged in law for over fifteen years.

12. The plaintiff's counsel spent 6 hours prosecuting the case. Total fees are \$1,710.00. The cost to serve the defendants and the filing fee total \$869.95.

13. The plaintiff's fees and costs are not unreasonable. The Padjumper Note and Kunz Guarantee allow the plaintiff to recover fees and costs, and this amount is correctly added to the judgment.

Final Judgment

14. Judgment is entered in favor of the plaintiff and against the defendants jointly and severally for \$99,410.00 for principal, interest, and penalties, plus \$1,710.00 for attorney's fees and \$869.95 for costs for a total judgment of \$101,989.95.

15. Unpaid principal, interest, and fees shall bear interest at the rate of twenty-eight percent (28%) per annum until paid in full.

16. All of the plaintiff's claims have been adjudicated. There are no counterclaims. No other order is necessary. This is the FINAL JUDGMENT of the Court.

End of Order

Per Utah R. Civ. P. 10(e) and Utah State District Courts E-filing Standard No. 4, this Order does not bear the handwritten signature of a court official but instead displays an electronic signature at the top of the first page of this Order.

Certificate of Service

This document was filed with the court's e-filing system on the date noted below. On the same day, a copy was sent by mail to each defendant at the following addresses:

Brian Kunz
769 Ranch Cir.
Alpine, UT 84004

Padjumper LLC
769 Ranch Circle
Alpine, UT 84004

Date: July 2, 2024

/s/ Walter T. Keane
By: Walter T. Keane

David M. Kono (8770)
 Bradley C. Johnson (17250)
 BENNETT TUELLER JOHNSON & DEERE
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Attorneys for Plaintiff

IN THE FOURTH JUDICIAL DISTRICT COURT

UTAH COUNTY, STATE OF UTAH

<p>ATM REAL ESTATE SOLUTIONS, LLC,</p> <p style="text-align: center;">Plaintiff</p> <p>v.</p> <p>BRIAN KUNZ, and PADJUMPER, LLC,</p> <p style="text-align: center;">Defendants</p>	<p>JUDGMENT INFORMATION STATEMENT</p> <p>Case Number 240100092</p> <p>Judge Roger W. Griffin</p>
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Plaintiff ATM Real Estate Solutions, LLC ("***Plaintiff***"), in this action, as Judgment Creditor, provide the following information in compliance with Utah Code Annotated § 78B-5-201.

1. The correct name of the Judgment Debtor is Brian Kunz ("***Kunz***").
2. The last known address of Kunz is 769 Ranch Cir, Alpine, Utah 84004.
3. Kunz received service of process, to the extent required, at the addresses listed above.
4. Kunz's date of birth is 2/9/1974.
5. The last four digits of Kunz's social security number are xxx-xx-0737.
6. The correct name of the Judgment Debtor is Padjumper, LLC ("***Padjumper***").

7. The last known address of Padjumper is c/o Brian Kunz, 769 Ranch Cir, Alpine, Utah 84004.

8. Padjumper received service of process, to the extent required, at the addresses listed above.

9. The name of the Judgment Creditor is ATM Real Estate Solutions, LLC.

10. The address of the Judgment Creditor is c/o Bradley C. Johnson, Bennett Tueller Johnson & Deere, 3165 East Millrock Drive, Suite 500, Salt Lake City, Utah 84121.

11. The amount of the Judgment is \$101,989.95.

12. Judgment was entered on June 26, 2024.

13. The Judgment has not been stayed.

14. The Judgment Creditor has reviewed its own records, the records of its attorney and the records of the Court in which the Judgment was entered. Any information required by Utah Code Annotated § 78B-5-201 but not provided in this statement is unknown and unavailable.

DATED this 29 day of October, 2024.

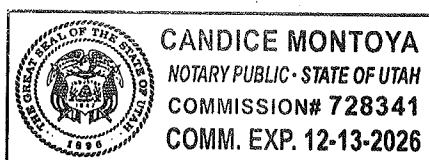
BENNETT TUELLER JOHNSON & DEERE



Bradley C. Johnson
Attorneys for Plaintiff

State of Utah }
 } ss.
County of Salt Lake }

On this 29 day of October, in the year 2024, before me, Candice Montoya, a notary public, personally appeared Bradley C. Johnson, proved on the basis of satisfactory evidence to be the person whose name is subscribed to in this document, and acknowledged he executed the same.





Notary Public