

The Order of the Court is stated below:

Dated: October 20, 2024

11:39:33 AM

/s/ KRAIG POWELL

District Court Judge



Jason H. Robinson (8075)
Trevor T. Furner (17994)
BABCOCK SCOTT & BABCOCK, P.C.
370 E South Temple, 4th Floor
Salt Lake City, Utah 84111
Telephone: (801) 531-7000
jason@babcockscott.com
trevor@babcockscott.com

ENT 77345:2024 PG 1 of 14
ANDREA ALLEN
UTAH COUNTY RECORDER
2024 Nov 05 09:37 AM FEE 40.00 BY MG
RECORDED FOR Babcock Scott & Babcock
ELECTRONICALLY RECORDED

Attorneys for Plaintiff

IN THE FOURTH DISTRICT COURT

UTAH COUNTY, STATE OF UTAH

CONSOLIDATED ELECTRICAL
DISTRIBUTORS, INC. d/b/a ROYAL
WHOLESALE ELECTRIC, a Delaware
corporation,

Plaintiff,
vs.
COLTON KESTLE, an individual,
Defendant.

WRIT OF EXECUTION

Civil No. 230401111

Judge Kraig Powell

To the [X] sheriff (to seize real property)

[] sheriff or constable (to seize personal property)

of Utah County (county in which property is located):

1. A judgment has been entered against the judgment debtor. After calculation of interest, costs and payments, the judgment debtor owes **\$266,810.11**.
2. You are directed to seize and sell enough of the judgment debtor's non-exempt property described in paragraphs 5 and 6 of the Application for Writ of Execution to satisfy that amount.
3. You are directed to serve this Writ and all attachments on the debtor and on the people named in paragraphs 5 and 6 of the Application for Writ of Execution.

4. You are to return this Writ within 10 days after receiving it, with a signed account of your actions in executing this Writ.

—END OF DOCUMENT—

—In accordance with the Utah State District Courts E-Filing Standard No. 4, and URCP Rule 10(e), this Order does not bear the handwritten signature of the Judge, but instead displays an electronic signature at the upper right-hand corner of the first page of this Order along with the court's seal and the date the order was executed by the court. —

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 Trevor T. Turner (17994)
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Attorneys for Plaintiff

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 DISTRIBUTORS, INC. d/b/a ROYAL
 WHOLESALE ELECTRIC, a Delaware
 corporation,

Plaintiff,

vs.

COLTON KESTLE, an individual

Defendant.

**APPLICATION FOR WRIT OF
 EXECUTION
 (Utah Rule of Civil Procedure 64E)**

Civil No. 230401111

Judge Kraig Powell

Instructions: You must include the following records and forms with this application.

- Writ of Execution (proposed).
- Notice of Execution and Exemptions for each person named in paragraphs 3, 5 and 6 of this document.
- Reply and Request for Hearing Form for each person named in paragraphs 3, 5 and 6 of this document.
- Check payable to the Sheriff, Constable or Private Investigator who will be serving the Writ.
- Check payable to the court for the filing fee.
- Abstract of judgment, if this court did not enter the judgment.

1. On June 21, 2024, judgment against defendant was entered in the amount of \$251,593.16.
2. The amount due is:

Amount of original judgment	\$ 251,593.16
Post-judgment interest	\$ 15,136.95
Cost to file Application for Writ of Execution	\$ 50.00
Cost to serve this writ	\$ 30.00
Filing and service fees for other writs (Attach receipts.)	\$ -0-
Subtotal	\$ 266,810.11
Less payments made	\$ (0.00)
Total amount due	\$ 266,810.11

3. The judgment debtor is:

Name(s)	COLTON KESTLE
Address(es)	249 N. Cannavale Ct. Saratoga Springs, UT 84045
Social security number (Last 4 digits only, if known)	***-**-3412
Driver's license number and state of issuance (Last 4 digits only, if known)	
Year and month of birth (if known)	

4. I request that a Writ of Execution be issued directing the sheriff or constable to seize and sell enough of the judgment debtor's property described below to satisfy the judgment. I request that the Writ be served on the debtor and on the people named in paragraphs 5 and 6, along with the attached forms.
5. I request that the Writ of Execution direct the sheriff or constable to seize and sell the debtor's following business property:

Description	Location	Estimated value
a. Non-Exempt Business Property: Ladders, computers, copy machines, telephone systems, tools, trailers, vehicles, equipment, furniture, office equipment, inventory, etc., and cash on hand.		\$
Name & address of anyone other than debtor claiming an interest:		
b. Non-Exempt Personal Property: Televisions, VCRs, DVD players, stereos, computers, firearms, sporting goods, jewelry, appliances, furniture, boats, motor vehicles, trailers, equipment, tools, and cash on hand.		\$
Name & address of anyone other than debtor claiming an interest:		
c. Name & address of anyone other than debtor claiming an interest:		\$
d. Name & address of anyone other than debtor claiming an interest:		\$
e. Name & address of anyone other than debtor claiming an interest:		\$
f. Name & address of anyone other than debtor claiming an interest:		\$
g. Name & address of anyone other than debtor claiming an interest:		\$
h. Name & address of anyone other than debtor claiming an interest:		\$
i. Name & address of anyone other than debtor claiming an interest:		\$

Description	Location	Estimated value
Name & address of anyone other than debtor claiming an interest:		
j.		\$
Name & address of anyone other than debtor claiming an interest:		
k.		\$
Name & address of anyone other than debtor claiming an interest:		
l.		\$
Name & address of anyone other than debtor claiming an interest:		
m.		\$
Name & address of anyone other than debtor claiming an interest:		
n.		\$
Name & address of anyone other than debtor claiming an interest:		
o.		\$
Name & address of anyone other than debtor claiming an interest:		

6. I request that the Writ of Execution direct the sheriff to seize and sell the debtor's following **real property** (real estate).

Property description or address	Estimated value	Name and address of anyone other than debtor claiming an interest
249 N. Cannavale Ct. Saratoga Springs, UT 84045 Serial # 50:121:0008	\$	
	\$	
	\$	

I declare under criminal penalty of Utah Code Section 78B-5-705 that this Application for Writ of Execution is true and correct.

Date October 14, 2024 Sign here ► /s/ Jason H. Robinson
Typed or printed name Jason H. Robinson

NOTICE OF EXECUTION AND EXEMPTIONS

Please read this carefully.

Your property may be taken to pay a creditor.

You have a deadline of 14 days in which to object.

1. A judgment for money has been entered against the judgment debtor (the person who owes money), and the creditor has taken steps to take your money or property to pay the judgment.
2. If you are the judgment debtor in this case, your rights may be affected. Read this notice and take steps to protect your rights.
3. If you are not the judgment debtor in this case, you may have an interest in the judgment debtor's property and your rights may be affected. Read this notice and take steps to protect your rights.
4. The court has ordered a sheriff or constable to seize your property. This means that it may be sold to pay the debt.
5. Some property and money can't be taken and are "exempt" from execution.

This is a **partial** list of exempt property and money. Some of these exemptions might not apply to judgments for alimony or child support.

- Declaration of Homestead, which must be filed with the county recorder before the auction of the property. (Utah Code 78B-5-504)
- A burial plot for you and your family.
- Health aids.
- Benefits because of disability, illness or unemployment.
- Medical care benefits.
- Veteran's benefits.
- Money or property for child support, alimony or separate maintenance.
- Social security benefits.
- Supplemental security income benefits (SSI).
- Workers' compensation benefits.
- Certain retirement benefits.
- Public assistance.
- Certain furnishings, appliances, carpets, animals, books, musical instruments, works of art and heirlooms.
- Provisions for 12 months.
- Wearing apparel, not including jewelry or furs.
- Beds and bedding.
- Certain works of art.
- Compensatory damages from bodily injury or wrongful death.
- The proceeds of certain life insurance contracts and trusts.
- Certain books, implements and tools of a trade.
- A personal motor vehicle up to a specified amount.

- A motor vehicle used in trade or business.
- Part of your wages.
- Property of a person who did not have a judgment entered against him or her, such as the co-owner of the property being held.

See the Utah Exemptions Act (Utah Code Title 78B, Chapter 5, Part 5) for more information about exemptions. There is no exemption solely because you are having trouble paying your debts.

6. If you think your property should not be taken because:
 - statements in the Application for Writ of Execution are wrong;
 - the Writ of Execution was not issued correctly; or
 - some of your property should not have been taken because it is exempt

do the following immediately. You have a deadline of **14 calendar days** from the date that the Writ of Execution and this notice was delivered to you.

- Complete the attached Reply and Request for Hearing form.
- Sign your name in the space provided and write the address at which the court clerk should notify you of the hearing.
- Attach any documents that help you prove your claim.
- Mail or deliver the form to:
 - the court, and
 - the judgment creditor or, if they have one, their attorney or licensed paralegal practitioner.

Keep a copy for your records. The name and address of the court are on the first page of the Writ of Execution. The address for the judgment creditor or, if they have one, their attorney or licensed paralegal practitioner is:

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Attorneys for Plaintiff

7. The court will schedule a hearing and notify you. You should file with the Reply and Request for Hearing form any documents that help you prove your claim, or bring them to the hearing.

8. If you do not take these steps, the property may be used to pay the judgment creditor even though it is exempt.
9. If your property is seized for sale, you may tell the officer who is conducting the sale the order in which to auction the property. For example, sell a boat first and a car second.
10. You may talk to an attorney and have the attorney represent you at the hearing. See the court's Finding Legal Help page for information about free and low cost ways to get the help of an attorney: www.utcourts.gov/howto/legalassist/.
11. The judgment debtor may not use the steps in paragraph 6 to challenge why the judgment was entered. If you are the judgment debtor and you think the judgment should not have been entered against you, possible options include:
 - an appeal. See the court's Appeals page for more information about the process and forms: www.utcourts.gov/howto/appeals/.
 - a Motion to Set Aside Judgment (Utah Rule of Civil Procedure 60(b)). See the court's Motion to Set Aside Judgment page for more information about the process and forms: www.utcourts.gov/howto/judgment/set_aside/.

Simply filing an appeal or Motion to Set Aside the Judgment does not stop the collection of the judgment.

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**REPLY AND REQUEST FOR HEARING
 – WRIT OF EXECUTION**

Civil No. 230401111

Judge Kraig Powell

1. I have read the Notice of Execution and Exemptions form. I understand that I cannot use this form to challenge why the judgment was entered against me. I believe that the creditor has improperly seized some of my money or property to pay the judgment.
2. [] Statements in the Application for Writ of Execution are wrong because:

3. [] The Writ of Execution was not issued correctly because:

4. All or part of the property is exempt because:

5. This amount is exempt: \$ _____.

6. I am not the judgment debtor. I claim the following ownership in all or part of the property. (Explain.)

7. I have attached documents that support my claims.

8. I request a hearing.

Plaintiff/Petitioner or Defendant/Respondent

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date _____ Signature ► _____
 Printed Name _____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

Date _____ Signature ► _____
 Printed Name _____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Reply and Request for Hearing – Writ of Execution on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Signature ►

Date _____

Printed Name _____

EXHIBIT "A"

LEGAL DESCRIPTION: LOT 1208, PLAT L, QUAILHILL AT MT SARATOGA SUB AREA 0.399 AC.

SERIAL NUMBER: 50:121:0008