The Order of the Court is stated below:
Dated: November 05, 2026 01:45:52 AM **/s/** KRAIG POWELL
District Court Judge

DAVID R. GARDNER (USB 14974)
JEREMY M. SHORTS (USB 10983)
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IN THE FOURTH JUDICIAL DISTRICT IN AND FOR UTAH COUNTY, STATE OF UTAH, PROVO DEPARTMENT

ALLMAN LINDON PROPERTIES, LLC, Plaintiff, vs. COLLAN T. HERBY; Defendants.	**ORDER AND JUDGMENT FOLLOWING HEARING** Civil No. 250403877 EV Judge Kraig Powell

On September 1, 2026, the Court held a hearing related to Defendant's Motion to Set Aside, which was filed on June 18, 2026 ("Motion"). Jeremy Shorts appeared on behalf of Plaintiff. Collan T. Herby was present and appeared *pro se*.

After considering the pleadings and statements of the Parties concerning this matter, the Court ORDERS that the Motion is DENIED for the following reasons:

1. Timing. The Motion was not filed in a timely manner. The Default Judgment and Order was entered on September 2, 2025. Mr. Herby filed the Motion on June 18, 2026. The Motion was largely based on mistake, excusable neglect, etc. Rule 60(b) requires that the Motion be brought within 90 days after judgment, which did not occur.

2. Grounds. The Court cannot find a basis or grounds for relief under Rule 60(b).

3. Meritorious Defense. Because the court finds that the Motion was untimely and there were no grounds to set aside the judgment under Rule 60(b), there is no need to evaluate whether Defendant has alleged a meritorious defense.

IT IS FURTHER ORDERED that the Court is required to grant Plaintiff's attorney fees

pursuant to Utah Code Ann. §78B-6-811(5).

IT IS FURTHER ORDERED that Plaintiff be granted an Augmented Judgment against Defendants in the amount of $21,992.00, which consists of the following:

1. $17,918.00 For the initial amount stated in the Default Judgment and Order ("Judgment") entered by this Court on September 2, 2025.

2. $4,074.00 For additional attorney fees and costs incurred by Plaintiff.

IT IS FURTHER ORDERED, the total judgment shall incur interest at the rate of 6.23% per annum from September 2, 2025 until paid plus after-accruing costs. Plaintiff may request post-judgment costs by filing an affidavit or declaration and seeking a subsequent court order.

----------END OF ORDER – SIGNATURE AT TOP----------

CERTIFICATE OF SERVICE

On October 16, 2026, the foregoing **Order and Judgment Following Hearing** was served as follows:

Collan Herby 15903 NE 1st Circle Vancouver, WA 98684 Email: collanlake@outlook.com	____ US Mail, Postage Prepaid __X__ E-Mail ____ NEF E-Filing Notification ____ Other:

LAW OFFICES OF JEREMY M. SHORTS, LLC

/s/ Jeremy M Shorts
JEREMY M. SHORTS
Attorney for Plaintiffs