The Order of the Court is stated below:
Dated: November 23, 2026 01:53:14 PM **/s/** MATTHEW J HANSEN
District Court Judge

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IN THE SECOND JUDICIAL DISTRICT COURT
WEBER COUNTY, STATE OF UTAH

OGDEN CITY CORPORATION, a Utah municipal corporation, Plaintiff, v. ARMANDO NEGRETE, an individual; and DOES 1-10, Defendants.	**DEFAULT JUDGMENT AND ORDER FOR PERMANENT INJUNCTION, CLOSING ORDER, AND ABATEMENT** Case No. 260902823 Judge Matthew J. Hansen

This matter came before the Court on Plaintiff Ogden City Corporation's Motion for Default Judgment and Permanent Injunction under Utah Rule of Civil Procedure 55(b)(2). The Court has reviewed the Complaint, the Proof of Service, the Default Certificate, the Military Service Declaration and its Exhibits A through C, and the record. Being fully advised, the Court makes the following findings and conclusions and enters the following Order.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Defendant Armando Negrete ("Defendant") was personally served with the Summons, Bilingual Notice, and Complaint on May 24, 2026, at 1204 3rd St, Ogden, Utah 84404, under Utah Rule of Civil Procedure 4(d)(1)(A).

2. Defendant's answer was due June 15, 2026. Defendant has not answered or otherwise appeared, and his default was entered by the Default Certificate.

3. Defendant is not in military service, based on the Department of Defense Manpower Data Center reports attached as Exhibits A through C to the Military Service Declaration, the most recent of which has a status date of November 18, 2026, and is not a minor or an incompetent person.

4. By defaulting, Defendant is deemed to admit the well-pleaded factual allegations of the Complaint, which establish the following:

(a) Defendant owns the real property at 1204 3rd Street, Ogden, Utah 84404, Weber County parcel no. 11-096-0006 (the "Property").

(b) On January 6 and March 17, 2026, Ogden City Code Services gave Defendant written notice of violations at the Property, each with a 15-day cure period: enclosing the carport without a building permit (Ogden City Code § 15-1-7-A); waste materials, bulky waste, or junk on the premises (§ 12-4-2-A); and operating a business without the required license (§ 5-1A-2). The violations were not corrected.

(c) A home-based food business has been operated from the Property without the required license. The carport was enclosed without permits and is used for food preparation, cooking, sales, and distribution. Defendant's Home Occupation License application was denied on March 9, 2026.

(d) On March 29, 2026, the Ogden City Fire Department found at the Property: no required fire-code operational permit; open junction boxes and open-wiring splices; no required portable fire extinguishers; and no required Type I hood over

cooking appliances used for commercial purposes. Other documented conditions include a commercial gas range, carbon monoxide detector activation in the kitchen area, and burn and thermal damage in the carport addition.

(e) Unless restrained, Defendant will continue these activities and conditions, which present ongoing risks of fire, carbon-monoxide exposure, electrical injury, and other threats to public health and safety that money damages cannot adequately remedy.

5. These conditions and activities constitute a public nuisance under Ogden City Code § 1-4C-4(A)(9) and (A)(13). The City gave the written notice and cure period required by Utah Code §§ 10-11-1 and 10-11-2, and Defendant did not abate.

6. The City has shown that it is entitled to permanent injunctive relief, a closing order, an order to cease business operations, and abatement authority under Ogden City Code §§ 1-4C-5 through 1-4C-7 and Utah Code §§ 10-11-1 through 10-11-3. The threatened injury to the City and the public outweighs any harm to Defendant from being required to stop unlawful business operations and bring the Property into compliance. The relief is not adverse to the public interest, and it does not differ in kind from or exceed what the Complaint prays for (Utah R. Civ. P. 54(c)).

7. The terms below are needed to prevent further conducting, maintaining, or permitting of the nuisance and to protect public health and safety.

ORDER

Based on these findings and conclusions, IT IS ORDERED, ADJUDGED, AND DECREED:

1. **Default Judgment.** Default judgment is entered in favor of Plaintiff Ogden City Corporation and against Defendant Armando Negrete on the Complaint's claims for injunctive and abatement relief, as set out in this Order.

2. **Permanent injunction against food-business activity.** Defendant is permanently enjoined from conducting, maintaining, or permitting at the Property any unlicensed food preparation, cooking, sales, or distribution activity. This includes preparing, cooking, selling, delivering, or giving out food to customers or members of the public for payment or other compensation, and taking orders or payment for food at the Property. This paragraph does not restrict ordinary household food preparation by the Property's residents for their own personal use.

3. **Closing order: carport.** Under Ogden City Code §§ 1-4C-6 and 1-4C-7, the carport, its enclosed addition, and any other area of the Property used for food preparation, cooking, sales, or distribution are closed to all use for food preparation, cooking, sales, distribution, business storage, occupancy, and business activity. This closing order does not prohibit (a) work done under a City-issued permit to remove or correct the carport enclosure or other conditions described in this Order, or (b) entry by the City under paragraph 6.

4. **Cease business operations.** Defendant shall cease all business operations at the Property unless and until he obtains all required City approvals, licenses, land-use approvals, building permits, fire-code approvals, and inspections.

5. **Abatement by Defendant.** Within 7 days after entry of this Order, Defendant shall abate the following nuisance conditions in the carport and on the exterior of the Property by:

(a) removing the unpermitted carport enclosure, or obtaining a City building permit for it and passing final inspection;

(b) removing all junk, debris, waste materials, and bulky waste from the carport and the exterior of the Property; and

(c) correcting the open junction boxes, open-wiring splices, and other electrical deficiencies in the carport area under any required permit and inspection.

6. **City abatement authority.** If Defendant does not fully comply with paragraph 5 within the time ordered, Ogden City, through its officers, employees, contractors, or agents, may enter the carport and the exterior of the Property to abate the unlawful structural alterations and nuisance conditions described in paragraph 5. This paragraph does not authorize entry into the dwelling. The City may recover all resulting costs as allowed by law, including under Utah Code § 10-11-3. Defendant and persons acting in concert with him shall not obstruct or interfere with the City's abatement work.

7. **Reserved matters.** The following are reserved for a later evidentiary hearing or separate motion and are not decided by this Order: (a) civil penalties under Ogden City Code § 1-4C-10, including any additional penalties for violating this Order; and (b) the City's actual costs, expenses, disbursements, reasonable attorney fees, interest, and court costs (Compl., Prayer ¶ H), including abatement costs under Utah Code § 10-11-3. The City shall serve Defendant with notice of any hearing on these matters under Utah Rule of Civil Procedure 5(a)(2)(C).

8. **Persons bound.** Under Utah Rule of Civil Procedure 65A(e), this Order binds Defendant and his officers, agents, servants, employees, and attorneys, and all persons in active

concert or participation with any of them who receive actual notice of this Order by personal service or otherwise.

9. **Security.** No security is required because Plaintiff is a political subdivision of the State of Utah. Utah R. Civ. P. 65A(d)(1).

10. **Notice of entry.** The City shall serve a copy of this signed Order on Defendant by personal service within 7 days after entry. If Defendant refuses to accept personal service, the City shall instead serve the Order by first-class mail to Defendant at 1204 3rd St, Ogden, Utah 84404, the address where he was served with the Summons and Complaint, within the same 7-day period. The City shall file proof of that service. This satisfies notice of entry under Utah Rule of Civil Procedure 58A.

11. **DOES 1-10.** All claims against Defendants DOES 1-10 are dismissed without prejudice under Utah Rule of Civil Procedure 41(a)(2).

12. **Effect of this Order.** This Order resolves all claims against all parties except the matters reserved in paragraph 7. It is effective and enforceable on entry. Because those matters remain pending, this is not a final judgment; a final judgment will be entered after the reserved matters are decided.

13. **Continuing jurisdiction.** The Court retains jurisdiction to enforce this Order, including by contempt, and to decide the reserved matters.

Executed and entered by the Court as indicated by the date and seal at the top of the page.