No. 20200373-SC

IN THE
SUPREME COURT OF THE STATE OF UTAH

WHITNEY CROFT, ROBERT BOHMAN, BRANDON PETERSON,
SHELLEY PAIGE, and DAVID PIKE,
Petitioners/Appellants,
v.
MORGAN COUNTY and STACY NETZ CLARK,
solely in her official capacity as Morgan County Clerk,
Respondents/Appellees,
and
WASATCH PEAKS RANCH, LLC,
Intervenor/Appellee.

REPLY BRIEF OF APPELLANTS

On appeal from the Second Judicial District Court, Morgan County,
Honorable Noel Hyde, District Court No. 190500095

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Introduction

WPR invites this court to interpret section 602.8 as requiring every challenge to a referendum decision to be filed in this court with a petition for extraordinary writ. If (and only if) this court denies the petition, then the challenge could be brought in the district court. WPR asserts that this court's denial of a petition is the only way the sponsors could be "prohibited from pursuing an extraordinary writ" sufficient to satisfy section 602.8.

WPR's position ignores rule 19 and this court's opinions interpreting it. Contrary to WPR's assertions, the statements required under rule 19 are not merely assertions, but descriptions of the conditions under which a petition is appropriate. Indeed, this court has repeatedly held that a petition for an extraordinary writ is appropriately filed in this court only if the conditions in rule 19 are satisfied. If they are not, the petition is inappropriate, or "prohibited." Those conditions could not be met here because the Petitioners did not face the "tight timelines" that would prevent a timely resolution of their challenge. The Petitioners' challenge was therefore properly filed in the district court.

And although WPR alleges three flaws with the application, none of them require this court to use its discretion to affirm on alternative grounds. The first two alleged flaws (lack of certification and improper notarization) rely on erroneous legal conclusions. And the third (timeliness) concerns a disputed issue of material fact, making it inappropriate to resolve on summary judgment.

Argument

1. The Petitioners Were Prohibited from Filing in this Court

As explained in the opening brief, the district court erred in dismissing the Petitioners' case for lack of jurisdiction. Under section 20A-7-602.8(4)(a) of the Utah Code, the petition was properly filed in the district court because the requirements of rule 19 could not be satisfied. Thus, a petition for extraordinary writ could not have been filed in this court—it was prohibited.

WPR provides four responses, but none of them change that conclusion.

Prohibited Under Rule 19 – First, WPR argues that a petition for extraordinary writ would not have been prohibited in this court, and thus that the Petitioners could—and should—have filed the petition in this court. Specifically, WPR argues that although rule 19 requires an explanation about why it is "impractical or inappropriate" to file in the district court, the requirement does not articulate the standard for when and whether a petition for extraordinary writ is appropriately filed in an appellate court. In WPR's view, a petition must include the explanation, but the explanation is not relevant to whether the petition is appropriately filed.

Instead, WPR asserts that a petition is "prohibited" in this court only if and when this court denies a petition for extraordinary relief. Under WPR's reading of section 20A-7-602.8, every petition seeking to challenge the denial of an application must be filed in this court with a petition for extraordinary writ—and

be denied relief by this court—before the petitioner could seek relief in the district court.

WPR is mistaken. This court has explained what the rule means and has been clear that the "general restrictions" under rule 19 are consistent with this court's "typical[]" practice of "limit[ing] itself to addressing only those petitions that cannot be decided in another forum." *Carpenter v. Riverton City*, 2004 UT 68, ¶ 4, 103 P.3d 127. The statement required under rule 19 *is* the standard under which this court determines whether a petition is appropriate or, instead, prohibited. *E.g.*, *Anderson v. Provo City*, 2016 UT 50, ¶ 3, 387 P.3d 1014.

WPR's reading conflicts with this court's precedent, in which this court has repeatedly held that challenges to referendum decisions should be filed in the district court. *Anderson*, 2016 UT 50, ¶ 4; *Carpenter*, 2004 UT 68, ¶ 4 n.3; *Low v. City of Monticello*, 2002 UT 90, ¶ 16, 54 P.3d 1153, *overruled on other grounds by Carter v. Lehi City*, 2012 UT 2, ¶ 15, 269 P.3d 141.

Indeed, this court is especially reluctant to grant extraordinary relief where, like here, "there is no record below to aid this court in resolving [factual] disputes." *Carpenter*, 2004 UT 68, ¶ 4. And this court has repeatedly held that petitions are properly filed in the district court unless the petitioners can satisfy the requirements of rule 19. *Anderson*, 2016 UT 50, ¶ 4; *Carpenter*, 2004 UT 68, ¶ 4; *Low*, 2002 UT 90, ¶ 16.

Here, the statute recognizes that a petition may be filed in this court only "if possible." Utah Code § 20A-7-602.8(4)(a)(i). It is only "possible" to file the petition if petitioners satisfy rule 19 requirements—including demonstrating that it would be impractical or inappropriate to file in the district court. Utah R. App. P. 19. The statute specifically authorizes filing a challenge in the district court. Utah Code § 20A-7-602.8 (4)(a)(ii). Where, like here, it would not be impractical or inappropriate to file in the district court, Petitioners cannot satisfy rule 19. The statute therefore allowed the Petitioners to file their challenge in the district court.

WPR's reading also conflicts with the timeline in the statute. The statute requires petitioners to file a challenge within seven days of the rejection. *Id.* § 20A-7-602.8(4). If petitioners are required to file first in this court, and be denied relief, before filing in the district court, that process would almost certainly take more than seven days. It is unclear how petitioners could then timely file their challenge in the district court under WPR's reading of the statute.

Statutory Jurisdiction - Second, WPR argues that the district court lacked jurisdiction because no statute expressly grants district courts appellate jurisdiction to review challenges to referendum decisions. (Resp. Br. at 10-11.) As WPR points out, the Utah Constitution states that "district court[s] shall have appellate jurisdiction as provided by statute." Utah Const. art. VIII, § 5.

But here, section 602.8 expressly grants jurisdiction to district courts. Section 602.8 provides that the district court may review the appeal "if the sponsor is prohibited from pursuing an extraordinary writ [in the Utah Supreme Court]." Utah Code § 20A-7-602.8(4)(a)(ii). Thus, section 602.8 provides the district court jurisdiction to consider this challenge.

This Court's Precedent - Third, WPR argues that none of this court's opinions interpreting similar provisions in the Election Code are relevant to this appeal because the statutory language at issue in those opinions was different. (Resp. Br. at 12-13.) But WPR does not explain how the difference requires a different result. Far from it, the language of section 602.8 makes the district court's jurisdiction even more clear than it was in this court's prior opinions.

Specifically, in those opinions, this court interpreted language providing that "[i]f the local clerk refuses to accept and file any referendum petition, any voter *may* apply to the Supreme Court for an extraordinary writ to compel him [or her] to do so." *Low*, 2002 UT 90, ¶ 16 (emphasis in original) (alteration in original) (quoting Utah Code § 20A-7-607(4)(a) (1998)); *Anderson*, 2016 UT 50, ¶ 4; *Carpenter*, 2004 UT 68, ¶ 4 n.3

The statute did not mention the district court. Yet in each of those opinions, this court held that the petition was properly filed in the district court. *Anderson*, 2016 UT 50, ¶ 16; *Carpenter*, 2004 UT 68, ¶ 4 n.3; *Low*, 2002 UT 90, ¶ 4.

Here, section 602.8 expressly states that a petition may be filed in the district court. It is difficult to understand how this express statement could require a different result. WPR does not explain.

Nor does WPR explain why this court's repeated statements about rule 19 in those opinions are not controlling here. Indeed, this court has been clear that a petition for extraordinary writ may be filed in this court only if rule 19 is satisfied. *Anderson*, 2016 UT 50, ¶¶ 4–6; *Carpenter*, 2004 UT 68, ¶ 4. Rule 19 has not changed since those decisions. The decisions apply here and demonstrate that the Petitioners could not—and should not—have filed in this court.

The Petitioners' Explanation Below – Fourth, WPR argues that the Petitioners failed to demonstrate why they were prohibited from filing a petition for extraordinary writ in this court. (Resp. Br. at 14-15.) WPR cites the requirement in rule 19 that a party seeking an extraordinary writ must provide a "statement explaining why it is impractical or inappropriate to file the petition for a writ in the district court." (Resp. Br. at 15.)

Of course, that requirement applies only when a party seeks extraordinary relief in the appellate court. The requirements of rule 19 do not apply where, like here, the petition is filed in the district court.

Regardless, WPR is mistaken. In the petition, the Petitioners explained they were prohibited from filing because they were not up against the "tight timelines" that makes extraordinary relief appropriate under rule 19:

> Under Rule 19 of the *Utah Rules of Appellate Procedure*, the appealing party has the burden to prove that it is "impractical or inappropriate to file the petition for a writ in the district court." Utah R. App. P. 19. The Supreme Court in *Anderson* implied that those circumstances present themselves in the context of a referendum when there is an immediate and urgent need to get the referendum on an imminent ballot. *See Anderson, et al[.] v. Orem City*, 2016 UT 50, ¶ 4. The case before the Court does not present the type of "tight timelines" referred to by the Supreme Court in *Anderson* and, as a result, it was not practical or appropriate for Petitioners to apply for extraordinary relief from the Supreme Court. *Id.* at ¶ 4. Indeed, since Petitioners cannot meet the requirements of Rule 19, they are prohibited from seeking extraordinary relief. In light of that prohibition and the inability to meet the burdens required by Rule 19, Petitioners['] only option was t[o] present the petition to the Court.

[R.421.] The Petitioners therefore explained why they were prohibited from filing in this court.

Relatedly, WPR argues that there was, in fact, a tight timeline in this case. (Resp. Br. at 17.) Specifically, WPR notes that, for the referendum to have been placed on the ballot for the November 2020 election, the Petitioners would have needed a final adjudication of this case by June 9, 2020. (*Id.*) WPR concludes that filing in the district court made it impossible to obtain that adjudication, and appellate review, in time. (*Id.* at 17-18.)

But the Petitioners filed this case in November 2019—a year before the November 2020 election. [R.6.] When the case was filed, there were not tight timelines preventing the case from being heard and resolved in the district court. *E.g.*, *Baker v. Carlson*, 2018 UT 59, ¶¶ 6–7, 437 P.3d 333 (petitioners initiated action

in district court in August 2018 for November 2018 election). And the district court could have expedited the proceedings if necessary. *Zonts v. Pleasant Grove City*, 2017 UT 71, ¶ 5 & n.2, 416 P.3d 360. The fact that the district court improperly dismissed the case, leading to additional litigation, does not now retroactively justify the district court's erroneous determination that it lacked jurisdiction at the outset.

WPR also repeatedly asserts that the Petitioners did not preserve their argument that the Petitioners "could not satisfy Rule 19's requirement of a statement that 'no other plain, speedy, or adequate remedy exists.'" (Resp. Br. at 2-3,18 n.4.) But WPR acknowledges that the argument is "'essentially indistinguishable' from the[] argument that it was not 'inappropriate' to file in the district court." (Resp. Br.at 18-19 n. 4.) The Petitioners therefore preserved the argument that is before this court.

This court should reverse.

2. WPR's Alternative Grounds to Affirm Are Legally Incorrect

This court also should decline to affirm on alternative grounds. While WPR alleges three flaws in the Petitioners' application, none of them require dismissal of their lawsuit. This is true because the first two alleged flaws (lack of certification and improper notarization) rely on erroneous legal conclusions. And the third alleged flaw (timeliness) concerns a disputed issue of material fact, making it inappropriate to resolve on summary judgment. Only the first of these

alleged flaws (certification) formed the basis for the county's rejection of the Petitioners' application.[1] [R.12.]

Certification - WPR first argues that the Petitioners did not properly certify that they were each residents of Utah. (Resp. Br. at 22-24.) Specifically, WPR argues that the Petitioners' signatures did not satisfy the certification requirement. (Resp. Br. at 23.) WPR's argument is legally incorrect.

Under the statute governing the application procedures, the Petitioners' application was required to contain several things, including the Petitioners' addresses and a certification that they are Utah residents:

> (2) The application shall contain:
>
> > (a) the name and residence address of at least five sponsors of the referendum petition; [and]
> >
> > (b) a certification indicating that each of the sponsors is a resident of Utah; . . . .

Utah Code § 20A-7-602.

The Petitioners' application contained those requirements. Specifically, the application states "We, the undersigned citizens of Morgan County, Utah,

---

[1] The county also rejected the application on the ground that the Petitioners failed to include a copy of the ordinance with their application. [R.12.] But the Petitioners had requested a copy of the ordinance and were informed that the copy would not be available until after the deadline for filing their application for referendum. [R.430.] The Petitioners instead gave a description of the ordinance, as is authorized by statute when the referendum seeks to repeal a law rather than an ordinance. The Petitioners should have been allowed to rely on this description where they otherwise would not have been able to timely file their petition. *E.g.*, *Gricius v. Cox*, 2015 UT 86, ¶ 6, 365 P.3d 1198 (noting that petitioners were not required to include finalized "law" where law would not be enacted prior to the deadline or filing their application).

respectfully apply to circulate a referendum petition." [R.7.] That in and of itself is a certification that the Petitioners are residents of Utah. The application also stated that "Each signer of this Petition states and declares under the pains of perjury that . . . My residence and post office address are written correctly after my name." [R.7.] And each Petitioner's address was, in fact, printed below each of their signatures. [R.8-10.] Each signature was therefore a certification indicating that each Petitioner is a resident of Utah.

Indeed, under Utah law, a signature is a certification. *E.g.*, *PC Crane Serv., LLC v. McQueen Masonry, Inc.*, 2012 UT App 61, ¶ 33, 273 P.3d 396 (signature constitutes certification that party or counsel has read document). And the information contained on the application's signature page here is also considered a certification. *Worthington & Kimball Constr. Co. v. C & A Dev. Co.*, 777 P.2d 475, 477 (Utah 1989) (signature and acknowledgement described as a "certification"). The authority cited by WPR confirms this conclusion. (Resp. Br. at 23 (quoting dictionaries).)

WPR nonetheless argues that the application did not contain a certification that each Petitioner is a Utah resident. (Resp. Br. at 23-24.) WPR seems to argue that the signatures and addresses cannot be the required certification—that a separate, additional "certification" was required to certify the residency statements. Otherwise, WPR argues, one of the two requirements would be rendered "superfluous." (*Id.* at 23.)

WPR cites no support for this argument and there is none. The fact that an aspect of a document satisfies two required statutory elements does not render one of the statutory elements superfluous. But even were WPR correct that the application required a separate, additional statement, the application specifically states that "[w]e, the undersigned citizens of Morgan County, Utah, respectfully apply to circulate a referendum petition." [R.7.] The Petitioners certified that they were Utah residents when they stated as such, and when they each signed the application that included their addresses.

Notarization – WPR next argues that the Petitioners' signatures were improperly notarized because four of the signatures were notarized by Whitney Croft, the fifth signatory to the document. (Resp. Br. at 24-26.) WPR concludes that the petition is therefore "invalid." (*Id.* at 24.) WPR's argument is again legally incorrect.

Under the statute governing the application procedures, the application was required to contain "the signature of each of the sponsors, acknowledged by a notary public." Utah Code § 20A-7-602(d). Here, four of the signatures were notarized by Ms. Croft. When Ms. Croft signed, a different notary public confirmed her signature. But Ms. Croft was disqualified as a notary because the statute governing a notary's qualifications states that "[a] notary may not perform a notarial act if the notary . . . is a signer of the document that is to be notarized." Utah Code § 46-1-7.

WPR asserts that, because Ms. Croft was disqualified as a notary, the Petitioners' application is invalid. But WPR offers no support for that conclusion, and again, there is none. Neither the statute nor any Utah law provides that a document is void if it is notarized by a disqualified person.

Instead, the Utah Code is clear that an improper notarization does not in and of itself void the document. Utah Code § 46-1-22. Specifically, it states that "[i]f a notarial act is performed contrary to or in violation of this chapter, that fact does not of itself invalidate notice to third parties of the contents of the document notarized." *Id.*

And courts in other jurisdictions have held that a document notarized by a disqualified notary is not void. Indeed, the document becomes invalid only if "an improper benefit was obtained by the notary or any party to the instrument" or if "any harm flowed from the transaction." *Galloway v. Cinello*, 423 S.E.2d 875, 879–80 (W. Va. 1992). Even where the notary has a conflict of interest, the notarization is still valid where there is no "indication of actual prejudice." *Hass v. Neth*, 657 N.W.2d 11, 24 (Neb. 2003); *see also* Va. Code § 47.1-30 ("A notarial act performed in violation of this section shall not be automatically be void for such reason, but shall be voidable in the discretion of any court of competent jurisdiction upon the motion of any person injured thereby.").

Here, the application neither conferred a benefit on any of the signatories nor harmed anyone else. None of the sponsors whose signatures Ms. Croft

notarized have raised an issue as to the legitimacy of their signatures. And the county did not raise an issue as to the legitimacy of the signatures or their notarizations.

This court should not read the notary statute to render a document void where the statute does not so declare. This is particularly true where the alleged improper notarization was harmless and where a document with an improper notarization remains valid as notice to third-parties under the statute.

Timeliness - Finally, WPR argues that the Petitioners' application was not timely submitted to the county. (Resp. Br. at 26-30.) WPR believes that the application must be rejected because one piece of evidence suggests that the application was filed five minutes late. (*Id.*) But because other evidence suggests that the application was timely filed—and this issue was before the district court on summary judgment—this court should not resolve the dispute in WPR's favor.

Any application challenging a local law must be filed "before 5 p.m. within seven days after the day on which the local law was passed." Utah Code § 20A-7-601(5)(a). Because the law at issue here was passed on October 30, 2019, the application was due by 5 p.m. on November 6. [R.7.]

WPR asserts that the application was untimely because a clerk's handwritten notation on the application indicates that it was received at 5:05 p.m. (Resp. Br. at 28); [R.7]. But other evidence—affidavits from the Petitioners

themselves—show that the application was submitted before 5 p.m. For example, Shelley Page was the last person to sign the application and she testified that, when she returned to her car, it was 4:56 p.m. [R.434.]

This issue was presented in WPR's motion for summary judgment. [R.151-53.] And a court must view the facts and inferences in favor of the Petitioners, the nonmoving party. *Orvis v. Johnson*, 2008 UT 2, ¶ 6, 177 P.3d 600. The Petitioners' evidence creates a disputed issue of material fact and therefore cannot be resolved on a summary judgment motion. This court should decline WPR's invitation to do so.

Conclusion

For the reasons discussed above, this court should reverse and remand to the district court with instructions to exercise its jurisdiction over the Petitioners' claims.

DATED this 2nd day of November, 2020.

ZIMMERMAN BOOHER

/s/ Troy L. Booher
Troy L. Booher
Beth E. Kennedy
Taylor P. Webb

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Certificate of Compliance

I hereby certify that:

1. This brief complies with the word limits set forth in Utah R. App. P. 24(g)(1) because this brief contains 3,430 words, excluding the parts of the brief exempted by Utah R. App. P. 24(g)(2).

2. This brief complies with Utah R. App. P. 21(h) regarding public and non-public filings.

DATED this 2nd day of November, 2020.

/s/ Troy L. Booher

Certificate of Service

This is to certify that on the 2nd day of November, 2020, I caused the Reply Brief of Appellants to be served via email on:

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Addendum D

West's Utah Code Annotated
Title 20a. Election Code
Chapter 7. Issues Submitted to the Voters
Part 6. Local Referenda--Procedures

U.C.A. 1953 § 20A-7-602

§ 20A-7-602. Local referendum process--Application procedures

Effective: May 14, 2019
Currentness

(1) An eligible voter wishing to circulate a referendum petition shall file an application with the local clerk.

(2) The application shall contain:

(a) the name and residence address of at least five sponsors of the referendum petition;

(b) a certification indicating that each of the sponsors is a resident of Utah;

(c) a statement indicating that each of the sponsors has voted in an election in Utah in the last three years;

(d) the signature of each of the sponsors, acknowledged by a notary public; and

(e)(i) if the referendum challenges an ordinance or resolution, one copy of the law; or

(ii) if the referendum challenges a local law that is not an ordinance or resolution, a written description of the local law, including the result of the vote on the local law.

Credits
Laws 1994, c. 272, § 18; Laws 2000, c. 3, § 15, eff. May 1, 2000; Laws 2016, c. 365, § 5, eff. May 10, 2016; Laws 2019, c. 203, § 24, eff. May 14, 2019.

Notes of Decisions (1)

U.C.A. 1953 § 20A-7-602, UT ST § 20A-7-602
Current with laws through the 2020 Sixth Special Session. Some statutes sections may be more current, see credits for details.

End of Document

Addendum E

REFERENDUM PETITION

To Morgan County Clerk's office, c/o Stacey Netz Clark, County Clerk.

We, the undersigned citizens of Morgan County, Utah, respectfully apply to circulate a referendum petition, pursuant to Utah Code, Title 20A, Chapter 7, Section 602.

The legislative action that is the subject of this referendum petition is the Resolution granting the Wasatch Peaks Ranch Resort Special District application that was approved by an affirmative vote of the County Council on October 30, 2019. The undersigned citizens respectfully order that the County Council's approval of the Wasatch Peaks Ranch Resort Special District application be referred to the voters for their approval or rejection at a Special Election to be held on a date designated by the County.

The Resort Special request approved by the County Council amended the Morgan County Zoning Map, changing the zoning from Forestry (F-1) and Multiple-Use 160 (MU-160) to Resort Special District (RSD). The legislative action undertaken by the County Council approving the Resort Special request, plan change, and zoning change is the subject of this citizens' referendum. A copy of the Notice of Meeting for the County Council on October 30, 2019 that references the challenged decision is attached to this petition as Exhibit "A." The undersigned were advised by the County that a copy of the approval action that the County Council passed on October 30, 2019, approving the Wasatch Peaks Ranch Resort Special District application, with the related changes to the Morgan County Zoning Map and zoning designation for the property in question, will not be available until November 19, 2019. Therefore, in lieu of a copy of that decision, the undersigned have endeavored to describe the decision and attached a copy of the Notice of Meeting for the County Council's October 30, 2019 meeting.

Each signer of this Petition states and declares under the pains of perjury that:

- I have personally signed this Petition;
- I am registered to vote in Utah and have voted in the last County election.
- My residence and post office address are written correctly after my name.

[Space left intentionally blank – Notarized signatures of the Petitioners and Sponsors of this Petition are included below]

Rec'd
11-6-19
5:05pm SRW

Petitioners and Sponsors:

Whitney A Croft.

Name: Whitney A. Croft

Address: 4150 W. Peterson Creek Road, Morgan, Utah 84050. 801-660-9900.

STATE OF UTAH)
: ss.
COUNTY OF WEBER)

The foregoing instrument was acknowledged before me this 6th day of November, 2019, by Whitney A. Croft.

NOTARY PUBLIC

Kaylee Cain

Robert Bohman

Name: Robert Bohman

Address: 2332 Old Highway Road, Morgan, Utah 84050. 925-548-7865.

KAYLEE M. CAIN
NOTARY PUBLIC • STATE OF UTAH
COMMISSION NO. 706606
COMM. EXP. 10/18/2023

STATE OF UTAH)
: ss.
COUNTY OF WEBER)

The foregoing instrument was acknowledged before me this 6th day of November, 2019, by Robert Bohman.

NOTARY PUBLIC

Whitney Ann Croft
Whitney Croft

WHITNEY ANN CROFT
Notary Public - State of Utah
Comm. No. 704154
My Commission Expires on
Jan 18, 2023

Name: Brandon B. Peterson
Address: 1024 West Old Highway Road, Morgan, Utah 84050. 801-710-7925.

STATE OF UTAH)
: ss.
COUNTY OF WEBER)

The foregoing instrument was acknowledged before me this 6th day of November, 2019, by Brandon B. Peterson.

NOTARY PUBLIC

Whitney Croft

Name: Shelley W. Paige
Address: 313 W. 1550 S., Morgan, Utah 84050. 801-791-4992.

WHITNEY ANN CROFT
Notary Public - State of Utah
Comm. No. 704154
My Commission Expires on
Jan 18, 2023

STATE OF UTAH)
: ss.
COUNTY OF WEBER)

The foregoing instrument was acknowledged before me this 6th day of November, 2019, by Shelley W. Paige.

NOTARY PUBLIC

Whitney Croft

WHITNEY ANN CROFT
Notary Public - State of Utah
Comm. No. 704154
My Commission Expires on
Jan 18, 2023

David E. Pike

Name: David E. Pike
Address: 310 N. Morgan Valley Drive, Morgan, Utah 84050. 801-845-5221.

STATE OF UTAH)
: ss.
COUNTY OF WEBER)

The foregoing instrument was acknowledged before me this 6th day of November, 2019, by David E. Pike.

NOTARY PUBLIC

Whitney ann croft

Whitney Croft

WHITNEY ANN CROFT
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My Commission Expires on
Jan 18, 2023