

The Order of the Court is stated below:

Dated: June 09, 2026
01:39:13 PM

/s/ JAY WINWARD
District Court Judge



Benson L. Hathaway, Jr. (Utah Bar No. 4219)
Jacob A. Green (Utah Bar No. 15146)
Adam D. Wahlquist (Utah Bar No. 12269)
KIRTON McCONKIE
50 East South Temple, Suite 400
P.O. Box 45120
Salt Lake City, UT 84145-0120
Telephone: (801) 328-3600
bhathaway@kmclaw.com
jgreen@kmclaw.com
awahlquist@kmclaw.com

Thomas K. Checketts (Utah Bar No. 9161)
CHECKETTS LAW
182 South 1950 East
Layton, UT 84040
Telephone: (801) 633-3155
tom@checkettsdevelopment.com

Craig M. Call (Utah Bar No. 00538)
ANDERSON CALL & WILKINSON
P.O. Box 13295
Ogden, UT 84412
Telephone: (801) 859-2255
ccall@andersoncall.com

Attorneys for Plaintiff Class

**IN THE FIFTH JUDICIAL DISTRICT COURT IN AND FOR
WASHINGTON COUNTY STATE OF UTAH**

WASHINGTON TOWNHOMES, LLC, et al.

Plaintiffs,

vs.

WASHINGTON COUNTY WATER
CONSERVANCY DISTRICT, et al.

Defendants.

**FINAL ORDER AND JUDGMENT
GRANTING STIPULATION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT AGREEMENT,
PROPOSED DISTRIBUTION OF
SETTLEMENT FUNDS, AND
DISMISSAL OF COMPLAINT
WITH PREJUDICE**

Case No. 130500465 PR

Having reviewed the parties' Stipulation for Entry of Order for Final Approval of Class Action Settlement Agreement, Proposed Distribution of Settlement Funds, and Dismissal of

Complaint with Prejudice, and good cause appearing therefor, THE COURT HEREBY FINDS as follows:

1. The Class Administrator has given notice to the Class Members as required by the May 4, 2026, Order Granting Joint Motion for Preliminary Approval of Class Action Settlement Agreement, Notice to Class, and Proposed Distribution of Settlement Funds (“Preliminary Order”);
2. No Class Member has objected to the Settlement Agreement as permitted under the Preliminary Order, and the deadline for any objection to the Settlement Agreement has expired;
3. The settlement is fair, reasonable, and adequate for the reasons set forth in the parties’ Joint Motion for Preliminary Approval of Class Action Settlement Agreement, Notice to Class, and Proposed Distribution of Settlement Funds and Stipulation for Entry of Order for Final Approval of Class Action Settlement Agreement, Proposed Distribution of Settlement Funds, and Dismissal of Complaint with Prejudice (“Approval Motions”);
4. The Class Administrator’s and Class Counsels’ fees and costs are reasonable for the reasons set forth in the Approval Motions; and
5. The proposed distribution of settlement proceeds is proper.

Accordingly, and for good cause appearing, THE COURT HEREBY ORDERS as follows:

1. Final approval of the Settlement Agreement is **GRANTED**.
2. Final approval is **GRANTED** for reimbursement of reasonable litigation costs and expenses incurred or to be incurred by Class Counsel and the Class Administrator in the amount

of \$581,006.22 as of June 11, 2026, as set forth in the Approval Motions and supporting declarations, subject to final approval.

3. Final approval is **GRANTED** for payment of attorney fees to Class Counsel and compensation to the Class Administrator in an amount of forty percent (40%) of the Settlement Fund, following deduction of Court-approved costs and expenses. The Court finds that the requested fee structure is reasonable under the circumstances.

4. Final approval is **GRANTED** for the proposed procedure governing distribution of the Net Settlement Award, defined as the portion of the Settlement Fund remaining after deduction of Court-approved attorney fees, costs, and expenses.

a. The Class Administrator shall calculate each Class Member's pro rata share of the Net Settlement Award based on the number of qualifying impact fees paid during the class period by that Class Member.

b. The amount distributed to each claimant shall be based on the Class Member's pro rata share multiplied by the amount paid; by way of example, if the fund for class distribution totals \$9,960,000 and the total number of fees paid is \$69,667,256.46, which amount the parties stipulate and agree is the total fees paid by the Class Members, a pro rata share of 14.2964% shall be applied, so a Potential Class Member who paid \$6,728.00 in qualifying impact fees would be entitled to a distribution of \$961.87.

c. After receiving claims forms from Class Members and verifying their eligibility to receive a portion of the Net Settlement Award, the Class Administrator shall issue settlement payments in the amount permitted by this

Order directly to eligible Class Members by electronic means or check mailed to the address provided by the Class Member or otherwise reflected in the Class Administrator's records.

d. The Class Administrator shall ensure each qualifying impact fee be entitled to a single distribution, and there shall be no duplicative distributions for a qualifying impact fee, absent an agreement between claimants to the same fee.

e. In the event of a dispute between potential Class Members over whom will receive the distribution, the Class Administrator shall attempt to determine and resolve the dispute in a fair and equitable manner consistent with the Order Identifying Class, Appointing Class Representative and Approving Notice (June 30, 2022); if the claimants do not agree on a resolution, the distribution shall be interplead into the Court for a determination of the appropriate party entitled to receive the distribution. The District shall not be required to participate or appear in litigation over the interplead funds, although it may elect to do so.

f. Any settlement checks that are not negotiated within 120 days shall be void and the corresponding funds shall be remitted to the State of Utah as unclaimed property, in accordance with applicable law.

g. Pursuant to Section 67-4a-201(10) of the Utah Code, any portion of the Net Settlement Award allocated to a specific impact fee payment that is not

claimed within the approved claims period shall likewise be remitted to the State of Utah as unclaimed property.

h. The Class Administrator shall maintain records of all distributions and shall provide a final accounting to the Court following completion of the distribution process.

i. Neither Class Counsel nor the Class Administrator shall be liable for any errors of computations or errors in the distribution of the Settlement Payment.

5. Plaintiffs Complaint is dismissed with prejudice, with each party to pay its own attorney fees and costs.

6. This is in all regards the final order and judgment of the Court in the above-entitled matter pursuant to Rule 54 of the Utah Rules of Civil Procedure.

**The Court's signature appears at the top of the first page of this Order.
---END OF DOCUMENT---**

Approved as to form:

KIRTON McCONKIE

By: /s/ Benson L. Hathaway, Jr.

Benson L. Hathaway, Jr.

Adam D. Wahlquist

Jacob A. Green

CHECKETTS LAW

By: /s/ Thomas K. Checketts (with permission).

Thomas K. Checketts

ANDERSON CALL & WILKINSON

By: /s/ Craig M. Call (with permission)

Craig M. Call

Attorneys for Plaintiff Class

SPENCER FANE

By: /s/ Scott C. Powers (with permission)

Robert C. Keller

Scott C. Powers

Melinda Bowen

HOGGAN LEE HUTCHINSON

By: /s/ Nathanael J. Mitchell (with permission)

Nathanael J. Mitchell

Jodi Richins

Attorneys for Washington County Water

Conservancy District