

SERVED Jesse Rodney Dansie
STODDARD INVESTIGATIONS
P.O. BOX 1662 Draper, UT 84020
801-209-3922 #G101460
DATE/TIME 6/7/13 P 1:20
SERVER DIXIE STODDARD

Attorneys for Plaintiff
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Serve:
Jesse Rodney Dansie
7005 W. 13090 S.
Herriman, UT 84096

**IN THE THIRD JUDICIAL DISTRICT COURT OF SALT LAKE COUNTY
STATE OF UTAH, WEST JORDAN DEPARTMENT**

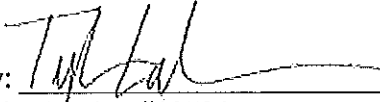
HI-COUNTRY ESTATES HOMEOWNERS ASSOCIATION, a domestic non-profit corporation,	SUMMONS
Plaintiff,	Case No. _____
v.	Judge: _____
THE JESSE RODNEY DANSIE LIVING TRUST, a Utah Trust, JESSE RODNEY DANSIE, an individual, BOYD W. DANSIE, an individual, CLAUDIA J. DANSIE, an individual, RICHARD DANSIE, an individual, DIXIE DANSIE, an individual, JOYCE TAYLOR, an individual, and BONNIE PARKIN, an individual	
Defendants.	

THE STATE OF UTAH TO THE ABOVE-NAMED DEFENDANT:

You are summoned and required to answer the attached complaint. The attached complaint will be filed with the court within 10 days after service. You may call the clerk of the court to verify that the complaint has been filed at the following number: 801-233-9700. If the attached complaint is not filed within 10 days after service, you need not file an answer with the court.

Within 20 days after service of this summons, you must file your written answer with the clerk of the court at the following address: **8080 S. Redwood Rd. Suite 1701, West Jordan UT 84088** and you must mail or deliver a copy to Plaintiff's attorneys at the address listed above. If you fail to do so, judgment by default may be taken against you for the relief demanded in the complaint.

DATED this 3rd day of June, 2013.

By: 
Tyler LaMarr #13784
Of Attorneys for Plaintiff

Plaintiff's Address:
Hi-Country Estates
c/o Vial Fotheringham LLP
602 East 300 South
Salt Lake, Utah 84102

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Attorneys for Plaintiff

**IN THE THIRD JUDICIAL DISTRICT COURT OF SALT LAKE COUNTY
STATE OF UTAH, WEST JORDAN DEPARTMENT**

HI-COUNTRY ESTATES HOMEOWNERS
ASSOCIATION, a domestic non-profit
corporation,

Plaintiff,

v.

THE JESSE RODNEY DANSIE LIVING
TRUST, a Utah Trust, JESSE RODNEY
DANSIE, an individual, BOYD W. DANSIE,
an individual, CLAUDIA J. DANSIE, an
individual, RICHARD DANSIE, an
individual, DIXIE DANSIE, an individual,
JOYCE TAYLOR, an individual, and
BONNIE PARKIN, an individual

Defendants.

COMPLAINT

Case No. _____

Judge: _____

COMES NOW the Plaintiff and for causes of action against the above-named Defendants
alleges as follows:

GENERAL ALLEGATIONS

1. At all material times herein, Plaintiff Hi-Country Estates Homeowners Association

("Plaintiff") is now an incorporated association of homeowners of Hi-Country Estates Homeowners Association, organized under the laws of the State of Utah to levy and collect assessments and charges for the provision of services, including maintenance of common elements and the provision of charging water standby fees to the lot owners of the Hi-Country Estates Homeowners Association, a Planned Unit Development.

2. The Association of unit owners ("Association") was established and is governed by the Certificate of Incorporation of Hi-Country Estates Homeowners Association, and the Association's governing documents including recorded By-laws available to all owners. ("By-Laws").

3. Defendants Jesse Rodney Dansie, Boyd W. Dansie, Claudia J. Dansie, Richard Dansie, and Dixie Dansie ("Defendants") are residents of Salt Lake County, State of Utah.

4. At all material times herein, Defendants Jesse Rodney Dansie, The Jesse Rodney Dansie Living Trust, Boyd Dansie, Claudia Dansie, Richard Dansie, Dixie Dansie, Joyce Taylor, and Bonnie Perkin were and are now the owners or reputed owners of the fee simple title in and to the following described real property in Salt Lake County, State of Utah, LOT 51, HI-COUNTRY ESTATES 5078-0490 5593-2130 5593-2131 6205-0712 6548-1723, Parcel No. 32041760030000, commonly known as 13688 Shaggy Mountain Rd. Herriman, Utah 84096 ("Lot 51,")

5. at all material times herein, Defendants Jesse Rodney Danise and the Jesse Rodney Dansie Living Trust were are are now the owners or reputed owners of the fee simple title in and to the following described real property in Salt Lake County, State of Utah, LOT 43, HI-COUNTRY

ESTATES. 5148-1351, 1350. 5288-1219 5288-1220 5515-2741 5718-1562 5786-2581 5846-1495 7750, Parcel No. 32043260030000, commonly known as 7750 W. Shaggy Mountain Rd. Herriman, Utah 84096 ("Lot 43,") (lots 43 and 51 cumulatively as "Property").

6. Prior to 1996, Plaintiff was authorized by Public Service Commission to provide services and utilities to the member-owners within the Association, under the Tariff for Water Service.

7. Plaintiff provides stand by service to Defendants' Property.

8. Plaintiff's Board of Directors established its rates and fees beginning in 1997. Plaintiff's initial rates are established in the 1997 Tariff for Water Services ("Tariff").

a. From April 1994, through February 2001, the Plaintiff assessed a water standby fee of \$9.00 per month and a late fee at \$10.00 per month.

b. From March 2001, through March 2007, the Plaintiff assessed a water standby fee of \$4.50 per month and a late fee at \$10.00 per month.

c. From April 2007, through March 2008, the Plaintiff assessed a water standby fee of \$9.00 per month and a late fee at \$10.00 per month.

d. From April 2008, through May 2009, the Plaintiff assessed a water standby fee of \$10.00 per month and a late fee at \$10.00 per month.

e. From June 2009, through March 2010, the Plaintiff assessed a water standby fee of \$10.61 per month and a late fee at \$10.00 per month.

f. From April 2010, through March 2011, the Plaintiff assessed a water standby

fee of \$11.23 per month and a late fee at \$10.00 per month.

g. From April 2011, through March 2012, the Plaintiff assessed a water standby fee of \$12.41 per month and a late fee at \$10.00 per month.

h. From May 2012, through June 2013, the Plaintiff assessed a water standby fee of \$12.41 per month and a late fee at \$10.00 per month.

FIRST CAUSE OF ACTION

(Unpaid Fees)

9. Plaintiff hereby incorporates by reference paragraphs 1 through 7 and further alleges:

10. The Articles of Incorporation, By-Laws and the Tariff for Water Service provide that all owners are obligated to pay common utilities expenses assessed against them for services provided by the Association.

11. The utility fees for Defendants' Property were set by the Board of Directors of the Association pursuant to the governing documents and Tariff for services, labor and/or materials lawfully chargeable as common expenses and/or utility expenses.

12. The Association's governing documents and Tariff gives the Association the authority to assess against an owner a late fee and interest in the event utility service fees are not paid when due. The Tariff has imposed a late fee of \$10.00 for any fee not paid by the 30th of the month in which it is due.

13. Pursuant to the Association By-Laws, any utility service fee, late fees, costs and

expenses, and reasonable attorneys' fees, for the filing and enforcement thereof, shall constitute a lien on the entire property, including any undivided interest in the common areas appurtenant thereto.

14. The Plaintiff incurred the cost of providing water access, furnished services, labor and/or materials lawfully chargeable as common expenses to the property.

15. The Plaintiff has performed all conditions precedent on its part to be performed.

16. The Plaintiff has demanded payment of the unpaid water stand-by fees, but Defendant has failed and refused to pay the balance due.

17. Exclusive of attorneys' fees and costs, the balance due as of June 30, 2012 is \$6,782.16 including standby fees and late fees. This amount includes \$3,400.58 against Lot 43 and \$3,381.58 against Lot 51. Additional standby fees, late fees and interest will continue to accrue and become due thereafter. Plaintiff is entitled to recovery in this matter of all such sums due and unpaid through the date of judgment.

18. The Declaration and UCA §57-8a-306 provide that Plaintiff is entitled to recover its reasonable attorneys' fees and necessary costs and expenses in any suit or action brought by the Association to collect delinquent assessments.

19. Plaintiff is entitled to post-judgment interest at the legal rate, and pre-judgment interest at the rate of 10% per annum pursuant to UCA15-1-1(2).

SECOND CAUSE OF ACTION

(Unjust-Enrichment)

20. Plaintiff hereby incorporates by reference paragraphs 1 through 18 and further alleges:

21. Defendant has failed and refused to pay the monthly standby fee charges that are due and owing.

22. Upon information and belief, the Defendants are the titled owners of the Property, and have used and enjoyed and continue to use and enjoy the common areas of the project and the services furnished by the Plaintiff, including water access and fire protection. Specifically, in May 2012, Lot 43 caught fire and water from the Plaintiff's supply was utilized to extinguish the lot. This confers and has conferred a direct benefit upon Defendant.

23. Plaintiff is not a volunteer. Plaintiff is entitled to assess fees on the Defendants' lots including the cost incurred by the Plaintiff for water stand by access, and expects Defendant to pay assessments and charges that are due and owing.

24. Permitting Defendant to enjoy ownership of the Property and enjoy and use the common areas and services, including water stand by access, without paying assessments would result in unjust enrichment of the Defendant at the Plaintiff's expense.

WHEREFORE, Plaintiff prays for judgment of this Court against Defendant as follows:

a. For \$3,400.58, against Defendants Jesse Rodney Dansie, the Jesse Rodney Dansie Living Trust jointly and severally, in unpaid water standby fees, together with any additional fees,

late fees and interest which accrues before the date of judgment;

b. For \$3,381.58 against Defendants Jesse Rodney Dansie, the Jesse Rodney Dansie Living Trust, Boyd W. Dansie, Claudia Dansie, Richard P. Dansie, Dixie M. Dansie, Joyce Taylor, and Bonnie Parkin jointly and severally, in unpaid water standby fees, together with any additional fees, late fees and interest which accrues before the date of judgment;

c. For Plaintiff's reasonable attorneys' fees incurred herein and in connection with the collection of plaintiff's claim;

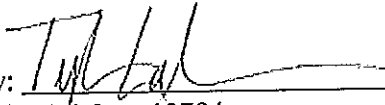
c. For Plaintiff's costs and disbursements incurred herein;

d. For Post-judgment interest on the entire judgment, including the unpaid standby fees and interest, attorneys' fees, and costs and disbursements, and pre-judgment interest at the rate of 10% per annum or, alternatively, at such other lawful rate for judgments in the State of Utah as the Court deems is applicable;

e. If plaintiff incurs post judgment attorneys' fees and costs in connection with the collection of its judgment, plaintiff shall be entitled to apply to the court for supplemental judgments for attorneys' fees and costs incurred in the collection of this matter; and

f. For such other relief as the Court deems just and equitable.

DATED this 3rd day of June, 2013.

By: 
Tyler LaMarr, 13784
Of Attorneys for Plaintiff

Plaintiff's Address:
Hi-Country Estates
c/o Vial Fotheringham LLP
602 East 300 South
Salt Lake, Utah 84102