

2004

Uwe Michel, an individual, and Ullrich Michel, an individual v. TWN. Inc., a Utah Corporation :
Unknown

Utah Court of Appeals

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FILED
UTAH COURT
APR 29 2005

IN THE UTAH COURT OF APPEALS

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Uwe Michel, an individual, and)	
Ullrich Michel, an individual,)	ORDER
)	
Appellants,)	Case No. 20041121-CA
)	
v.)	
)	
TWN, Inc., a Utah Corporation,)	
)	
Appellee.)	
)	

Before Judges Greenwood, Jackson, and Orme.

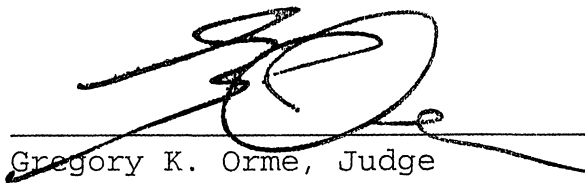
This case is before the court on Appellee's (TWN) motion for summary disposition on the basis that the grounds for appeal are so insubstantial as to not merit further consideration by this court. See Utah R. App. P. 10. This is the second appeal of this case and Appellants (Michels) have listed five issues for appeal in their docketing statement.

The first issue is whether the trial court erred by acting contrary to this court's opinion in the previous appeal, specifically, whether the trial court's ruling, based on this court's remand, was against the clear weight of the evidence and/or clearly erroneous. Second, whether the trial court erred in "ignoring" the res judicata effect of a prior trial court ruling (prior to the first appeal). Third, whether the trial court erred in allowing testimony and evidence, in particular an affidavit of Richard A. Christenson, in the trial following remand. Fourth, whether a county may assess taxes on real property located in an adjacent county and hold a subsequent tax sale for nonpayment. Fifth, whether the trial court erred in refusing to invalidate, pursuant to the four year statute of limitations, a tax deed issued by Utah County relating to real property located in Salt Lake County.

IT IS HEREBY ORDERED THAT TWN's motion for summary disposition is denied and ruling on the issues is deferred pending plenary presentation by the parties. This court will notify the parties upon setting a briefing schedule.

DATED this 24th day of April, 2005.

FOR THE COURT:



Gregory K. Orme, Judge

CERTIFICATE OF MAILING

I hereby certify that on April 29, 2005, a true and correct copy of the foregoing ORDER was deposited in the United States mail to the parties listed below:

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Dated this April 29, 2005.

By  _____

Deputy Clerk

Case No. 20041121
District Court No. 990402593