

1994

# In the matter of the license of T. Morris Ostler to act as a real estate broker : Reply Brief

Utah Court of Appeals

Follow this and additional works at: [https://digitalcommons.law.byu.edu/byu\\_ca1](https://digitalcommons.law.byu.edu/byu_ca1)



Part of the [Law Commons](#)

Original Brief Submitted to the Utah Court of Appeals; digitized by the Howard W. Hunter Law Library, J. Reuben Clark Law School, Brigham Young University, Provo, Utah; machine-generated OCR, may contain errors.

Lynn Nicholas; Assistant Attorney General; Attorney for Respondent.

Thomas W. Seiler; Robinson, Seiler & Glazier, LC; Attorney for Petitioner.

---

## Recommended Citation

Reply Brief, *Ostler v.*, No. 940713 (Utah Court of Appeals, 1994).  
[https://digitalcommons.law.byu.edu/byu\\_ca1/6323](https://digitalcommons.law.byu.edu/byu_ca1/6323)

This Reply Brief is brought to you for free and open access by BYU Law Digital Commons. It has been accepted for inclusion in Utah Court of Appeals Briefs by an authorized administrator of BYU Law Digital Commons. Policies regarding these Utah briefs are available at [http://digitalcommons.law.byu.edu/utah\\_court\\_briefs/policies.html](http://digitalcommons.law.byu.edu/utah_court_briefs/policies.html). Please contact the Repository Manager at [hunterlawlibrary@byu.edu](mailto:hunterlawlibrary@byu.edu) with questions or feedback.

UTAH  
DOCK  
KFU  
50

.A10

DOCKET NO. 940713CA

---

IN THE UTAH COURT OF APPEALS

---

IN THE MATTER OF THE LICENSE	:	Case No. 94-0713-CA
OF T. MORRIS OSTLER TO ACT AS	:	
A REAL ESTATE BROKER	:	Priority No. 14
	:	

---

PETITIONER'S REPLY BRIEF

---

JUDICIAL REVIEW OF A FINAL ACTION  
OF THE UTAH DEPARTMENT OF COMMERCE  
CONSTANCE B. WHITE, EXECUTIVE DIRECTOR

---

Lynn Nicholas, #6008  
Assistant Attorney General  
Attorney for Respondent  
330 South 300 East  
Salt Lake City, UT 84111  
Tele: (801) 575-1649

Thomas W. Seiler, #2910  
ROBINSON, SEILER &  
GLAZIER, LC  
Attorney for Petitioner  
80 North 100 East  
P.O. Box 1266  
Provo, UT 84603-1266  
Tele: (801) 375-1920

ORAL ARGUMENTS REQUESTED

**FILED**

JUL 25 1995

COURT OF APPEALS

---

IN THE UTAH COURT OF APPEALS

---

IN THE MATTER OF THE LICENSE	:	Case No. 94-0713-CA
OF T. MORRIS OSTLER TO ACT AS	:	
A REAL ESTATE BROKER	:	Priority No. 14
	:	

---

PETITIONER'S REPLY BRIEF

---

JUDICIAL REVIEW OF A FINAL ACTION  
OF THE UTAH DEPARTMENT OF COMMERCE  
CONSTANCE B. WHITE, EXECUTIVE DIRECTOR

---

ORAL ARGUMENTS REQUESTED

## TABLE OF CONTENTS

	<u>PAGE</u>
TABLE OF AUTHORITIES.....	ii
SUMMARY OF ARGUMENT.....	1
ARGUMENT.....	2
POINT I.....	2
PETITIONER PROPERLY REQUESTED AGENCY REVIEW OF THE ALJ'S AND THE REAL ESTATE COMMISSIONS FACTUAL FINDINGS AND THEIR ORDER IN LIGHT OF PRIOR DISCIPLINARY ACTION AND THEREFOR PRESERVED SAID ISSUES FOR REVIEW ON APPEAL.	
POINT II.....	4
PETITIONER HAS NOT PRESENTED A STRONGER PRIMA FACIA CASE AS A RESULT OF RESPONDENTS FAILURE TO MAKE AVAILABLE APPROPRIATE INFORMATION RELATED TO PRIOR DISCIPLINARY MEASURES TAKEN BY THE REAL ESTATE COMMISSION.	
CONCLUSION.....	6
ADDENDA.....	8
ADDENDUM A        Petition Requesting Agency Review, dated August 1, 1994	
ADDENDUM B        Brief in Support of Petitioner's Request for Agency Review, dated August 1, 1994	

TABLE OF AUTHORITIES

<u>STATUTES</u>	<u>PAGE(S)</u>
Utah Code Annotated §61-2-13 (1953 as amended) .....	2
Utah Administrative Code §R151-46b-13 .....	2

---

IN THE UTAH COURT OF APPEALS

---

IN THE MATTER OF THE LICENSE	:	Case No. 94-0713-CA
OF T. MORRIS OSTLER TO ACT AS	:	
A REAL ESTATE BROKER	:	Priority No. 14
	:	

---

SUMMARY OF ARGUMENT

Petitioner has not waived his right to claim that Administrative Law Judge's (ALJ) factual findings were unsupported by the evidence nor that the revocation of Petitioner's license was inconsistent with prior agency disciplinary action. By its nature, a request for agency review of the decision of the ALJ and its adoption by the Real Estate Commission is a request that the agency review the findings of fact, conclusions of law and order for consistency with the evidence presented. Further, Petitioner's request for agency review clearly requests that the Department of Commerce examine the record to determine that the Commission's Order was consistent with the evidence and past disciplinary action of the Commission.

Petitioner has not presented more specific evidence to support its prima facie case concerning his contention that the Commission treated, Petitioner inconsistently with other disciplinary matters because the Commission has failed to make available to Petitioner adequate evidence concerning other

disciplinary cases.

### ARGUMENT

**POINT I: PETITIONER PROPERLY REQUESTED AGENCY REVIEW OF THE ALJ'S AND THE REAL ESTATE COMMISSIONS FACTUAL FINDINGS AND THEIR ORDER IN LIGHT OF PRIOR DISCIPLINARY ACTION AND THEREFOR PRESERVED SAID ISSUES FOR REVIEW ON APPEAL.**

Respondent asserts that Petitioner in requesting a review of the ALJ and Real Estate Commission's Order did not raise the issues of unsupported findings of facts and inconsistent disciplinary action by the Commission and therefore waived those issues on appeal. Respondents assertion that Petitioner waived the issues presented by him in this case is wrong.

Petitioner requested a review by the Department of Commerce under U.C.A. §61-2-12 (1953 as amended) and Utah Administrative Code §R151-46b-13. Utah Administrative Code §R151-46b-13 states as follows:

[B]efore seeking judicial review of the findings of fact, conclusions of law and the order entered in a formal adjudication proceeding...an aggrieved party shall file a petition requesting agency review within 30 days after the issuance of the order in question.

In compliance with this section of the Administrative Code, on August 1, 1995, Petitioner filed a petition requesting agency review of the ALJ and the Real Estate Commissions determination.

U.A.C. §R151-46b-13 only requires Petitioner to file a petition requesting agency review. It makes no mention of delineating specific objections to the findings, conclusions or order of the ALJ or the Commission. Any review by the Commerce Department, therefore, under §R151-46b-13, encompasses a review

of the findings of fact, conclusions of law and the order prepared by the ALJ and adopted by the Real Estate Commission. Consequently, Petitioners filing of his request for agency review preserved issues related to the findings of the ALJ being unsupported by the evidence presented and the Commission's disciplinary action being inconsistent with previous disciplinary measures taken by the Commission.

Although a request for agency review automatically encompasses a review of the findings of fact, conclusions of law and the order in this matter, Petitioner's request for agency review also specifically requested that the Department of Commerce review the decision of the ALJ and the Real Estate Commission to see if the decision was consistent with prior agency action. In his Brief in Support of Petitioner's Request for Agency Review (Brief), Petitioner alleged that the Order recommended by the ALJ and adopted by the Commission was inconsistent with prior agency action. Petitioner's Brief also requested the Department of Commerce alter the Order to make it consistent with prior disciplinary action of the Commission.

Petitioner also presented numerous mitigating factors, in his Brief, which distinguished Petitioners circumstances from other cases in which the Commission had revoked a real estate license. For example, in paragraph 16 of his Brief, Petitioner stated,

16. Revocation of the petitioner's real estate license is a severe disciplinary sanction. Petitioner respectfully requests that the sanction be reviewed and a hearing be held on the same, particularly in light



of:

a. Mr. Ostler's admission in his initial response addressed to the Department of Commerce, Blaine E. Twitchell, Director, wherein the Petitioner admits that the transaction should have been finalized through the brokerage;

b. Mr. Ostler's motivation to close this sale to avoid harm to the Skankeys as set forth in Dr. Skankey's deposition; and

c. There have been no complaints received by the Department of Commerce, Division of Real Estate, against this Petitioner for actions taken by this Petitioner since the date of the transaction which is the subject matter of the petition filed herein. In the interim, the Petitioner has worked in the real estate industry.

In light of the inconsistent disciplinary action taken by the Commission, in the prayer for relief of Petitioner's Brief, Petitioner requested that the Department of Commerce alter the sanctions imposed by the Commission and recommended sanctions he believed were in line with previous disciplinary action taken by the Real Estate Commission.

The wording of Petitioner's request for agency review requires the Department of Commerce to review the Order of the Real Estate Commission for inconsistency with prior Commission decisions. Consequently, Petitioner has not waived his right to bring the issues presented by him before this Court.

**POINT II: PETITIONER HAS NOT PRESENTED A STRONGER PRIMA FACIA CASE AS A RESULT OF RESPONDENTS FAILURE TO MAKE AVAILABLE APPROPRIATE INFORMATION RELATED TO PRIOR DISCIPLINARY MEASURES TAKEN BY THE REAL ESTATE COMMISSION.**

Respondent has alleged that Petitioner has not presented a prima facia case related to his contention that the decision of

the Real Estate Commission to revoke his license was inconsistent with prior Commission disciplinary actions. Petitioner, admits that his prima facia case is not as strong as he would normally present to this Court but denies it is insufficient for this Court to rule in his favor. Furthermore, any failure of Petitioner's prima facia case must be attributed to Respondents improper withholding of information related to prior disciplinary action of the Real Estate Commission.

In presenting his contention that the Commission Order was inconsistent with its prior conduct, Petitioner attempted to acquire information related to prior cases and decisions made by the ALJ and Real Estate Commission. Petitioner contacted the Commission concerning prior cases and decisions and was informed that the requested information was only made publicly available through a newsletter published quarterly by the Commission. Petitioner reviewed issues of the newsletter and determined that the information provided therein, with regard to previous disciplinary action taken by the Commission, was anecdotal and incomplete in providing the necessary information to this Court.

Notwithstanding a reasonable search, Petitioner was unable to locate any additional source for information related to prior disciplinary action taken by the Commission. Since the desired information is within the complete control of Respondent and is not properly available to Petitioner, Respondent should not be entitled to object to Petitioner's prima facia case. Furthermore, Respondent should be required to make available to

the Court complete records of prior disciplinary actions taken by the Real Estate Commission within a reasonable period of time.

### **CONCLUSION**

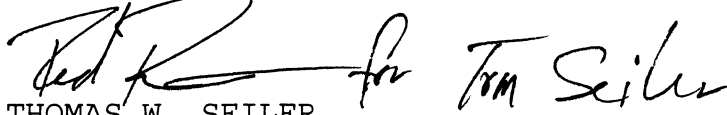
The issues raised before the Court by Petitioner's appeal, namely, was the ALJ's findings and conclusions supported by the evidence and was the Real Estate Commission's sanction of Petitioner consistent with previous disciplinary action, were properly presented to the Department of Commerce for review, and therefore, were not raised by Petitioner. Moreover, Petitioner has presented the necessary prima facie case for this Court to find that the Commission's sanction of Petitioner, was inconsistent with previous disciplinary action. Petitioner's intention of presenting further evidence in this regard was impeded by Respondents' failure to make information concerning other disciplinary actions available to Petitioner.

Accordingly, Petitioner respectfully requests that this Court determine that the findings of the ALJ and Real Estate Commission were unsupported, and that the Commission's sanction of Petitioner was inconsistent with prior disciplinary action taken by the Commission. Furthermore, Petitioner respectfully requests that this Court reinstate his real estate broker license.

Petitioner respectfully requests that this Court schedule oral arguments in this matter.

Respectfully Submitted,

ROBINSON, SEILER & GLAZIER, LC

A handwritten signature in black ink, appearing to read "Tom Seiler", written over the printed name.

THOMAS W. SEILER  
Attorney for Petitioner

**MAILING CERTIFICATE**

I hereby certify that two (2) true and correct copies of the foregoing was provided to the following by placing the copies thereof in the U.S. Mail, first class postage prepaid, this 25th day of July, 1995:

Lynn Nicholas  
Assistant Attorney General  
Jan Graham  
Attorney General  
Consumer Rights Division  
330 South 300 East  
Salt Lake City, UT 84111

A handwritten signature in black ink, appearing to read "Lynn Nicholas", written over a horizontal line.

g \rivers\litigati\ostler rep

## **ADDENDUM**

IN THE COURT OF APPEALS OF THE STATE OF UTAH

Number 940693-CA

Leonard Shyrl Brown and Ila D. Brown, Plaintiffs, Appellants,

v

Quinn Christensen, Defendant, Appellee.

ON APPEAL FROM THE SIXTH DISTRICT COURT OF SEVIER COUNTY, JUDGE  
DAVID L. MOWER.

PETITION FOR WRIT OF MANDAMUS TO JUDGE MOWER -or- APPEAL OF  
RIGHT

APPELLANTS REPLY TO BRIEF OF DEFENDANT-APPELLEE

Leonard Shyrl Brown and Ila D. Brown, in person, 490 North 100  
West, Richfield, Utah 84701. (801) 896-4864

TABLE OF CONTENTS

I. Summary of Argument	51
II. Argument	51
a. Enforcement of foreign v domestic judgments	51
b. Federal jurisdiction v Utah jurisdiction	55
c. Defendant's cases and facts are off point	60
d. Notice of Appeal	63
e. Defendant's false or unsupported claims	65
III. Conclusion	67

TABLE OF AUTHORITIES

U. S. Constitution, Art I, Sec 8, Cl 17	56
Art III, Sec 2, Cl 1	55, 57
Art IV, Sec 3, Cl 2	55
Utah Code, 78-22-1	59
78-22a-2(2)	52, 54, 59, 64, 67
26 U.S. Code §7402	58
28 U.S. Code §125	58

28 U.S. Code §1332	56, 65, 66
§1651	58
Rule 19, URAP	63
Rule 69, Federal Rules of Civil Procedure	58
Bawden v Pearce, 414 P2d 578	61
Data Management v EDP Corp, 709 P2d 377 (Ut 1985)	52, 53, 60
Edmonston v Sisk, 156 F2d 300	61
Holm v Smilowitz, 840 P2d 157 (Utah App 1992)	52, 53, 54, 57, 62, 64, 66
Intermill v Nash, 75 P2d 157	60
Olsen v Board of Education, 571 P2d 1336	61
Pan Energy v Martin, 813 P2d 1142 (Ut 1991)	52, 64

I. SUMMARY OF ARGUMENT. The foreign judgment is not entitled Full Faith and Credit until it is properly filed and domesticated in Utah. It is unlawful to go to the police to enforce a foreign judgment prior to filing the foreign judgment in a Utah court. The foreign court is NOT a court of general jurisdiction in Utah. It is a federal court created by statute and granted jurisdiction ONLY by statute, which statutory jurisdiction has not been found. The foreign jurisdiction judgment can be attack in this quiet title action on grounds of fraud, lack of jurisdiction and lack of due process. The Supreme Court or the Court of Appeals does have jurisdiction. Defendant's arguments are in violation of the law, opposed to previous decisions of higher courts without grounds, outrageous or false.

II. ARGUMENT.

(a) ENFORCEMENT OF FOREIGN AND DOMESTIC JUDGMENTS DISTINGUISHED. Defendant appears to argue only that foreign judgments and domestic judgments are precisely the same as to procedure and enforcement within Utah. We now distinguish between foreign judgments and domestic judgments to prove (as admitted by Defendant) the law has not been followed and actions of Defendant were clear violations of our rights to due process of law.

Our argument is on the basis of clearly established law and precedent which we, in good faith, rely upon for our appeal and petition. Thus, we deny that our appeal is frivolous and allege that Defendant's Brief and arguments are frivolous, in



violation of the law, and in clear violation of our rights to due process of law.

We request the court NOTICE that none of the cases cited by Defendant concern themselves with foreign judgments, full faith and credit, or enforcement proceedings of foreign judgments within Utah. Defendant would have us believe that enforcement of foreign judgments in Utah is automatic. This is clearly false under the law in Utah. DEFENDANT IS DELIBERATELY OFF POINT.

The cases which are on point are the cases upon which we rely, Holm v Smilowitz, 840 P2d 157 (Utah App. 1992); Pan Energy v Martin, 813 P2d 1142 (Utah 1991); Data Management Systems v EDP Corp, 709 P2d 377. (Ut. 1985)

Defendant admits at p. 10 that the U.S. District Court judgment is a FOREIGN JUDGMENT which must seek full faith and credit to be enforced in Utah and is so defined in Utah Code, 78-22a-2(2).

The court teaches that a foreign judgment can not be enforced in another jurisdiction until it has been domesticated.

"An order of a judge in one state is simply not enforceable in another state until that order has been domesticated in the second state." Holm, supra, p. 163

It is most distressing to see Defendant continue to refute the law and prior decisions of the Court of Appeals and the Supreme Court sustaining the law, which decisions are on point and applicable in this civil action.

Defendant claims the foreign judgment is automatically enforceable in Utah. The Appeals Court disagrees, stating that

with regard to full faith and credit,

"...it is equally clear that a foreign judgment must first be filed in Utah in order for it to become an enforceable Utah order, and furthermore, that the parties are, in most circumstances, entitled to a hearing on the foreign order to examine the narrow issue of whether the other state court had jurisdiction when it rendered its order. Neither occurred here, resulting in denial of Holm's substantive due process rights." Holm, supra, p. 163

The foreign judgment has never been properly filed in the Utah Court. We were denied our rights to due process of law on the jurisdiction of the foreign court when it rendered its order. Judge Mower simply refused to hear and decide our jurisdiction arguments, which we believe conclusively proves that the federal court could not possibly have jurisdiction over the real property nor over our persons nor over the subject matter, point by point, when it rendered its judgment. Fraud and lack of due process of law in addition to jurisdiction are grounds for attack upon the foreign jurisdiction judgment as we have previously shown. We attack the foreign judgment on all three grounds. We are entitled to a hearing and an unprejudiced finding of fact and law on all issues we raised. In the face of the law and previous decisions of higher Utah Courts, foreign judgments can be attack on these and possibly other grounds (See Data Management, supra, at p. 379), Defendant's argument is frivolous.

"Thus, enforcement of a foreign custody decree pursuant to the UCCJA must be accomplished in compliance with provisions of the Utah Foreign Judgment Act, which governs the procedure for ENFORCEMENT OF ALL FOREIGN JUDGMENTS." Holm, supra, p. 163, emphasis added.

We have shown that Defendant went straight to the Richfield City police with a criminal trespass complaint to enforce his foreign judgment. This is in violation of the law and due process

of law. Judge Mower ruled that the word "may" in Utah Code, 78-22a-2(2) (record p. 128) rendered the foreign judgment act voluntary; directly in opposition to higher court decisions.

The court quotes §78-22a-2(2) and states: "Smilowitz argues that the use of "may" suggests that the method undertaken here, simply taking the foreign judgment straight to the police, is also an acceptable alternative. We disagree. The Utah Supreme Court explained the history of the Utah Foreign Judgment act in *Pan Energy v Martin*, 813 P2d 1142, 1143 (Utah 1991), and noted that its purpose was 'to simplify the enforcement of foreign judgments by sparing the judgment holder the burden of further litigation and allowing enforcement in this state by the simple expedient of filing the judgment with a county clerk in Utah. The judgment holder still has the option, however, to commence an enforcement action under the older, tradition approach.' *Id.* (citation omitted). Thus, use of the word "may" merely conveys that the judgment holder may file it with a district court clerk or use the prior approach, not that he may proceed without docketing the judgment whatsoever." Holm, supra, footnote 3, p. 163

Thus, Defendant clearly circumvented the law and violated our rights to due process of law by his act of going straight to the police with his criminal trespass complaint rather than (1) filing the foreign judgment with the clerk of the court or (2) commencing an enforcement action in the 6th district court. These are the two recognized lawful methods whereby a foreign judgment can be enforced in Utah.

The court continues stating our rights to due process of law are mandatory.

"The demands of due process rest on the concept of basic fairness of procedure and demand a procedure appropriate to the case and just to the parties involved." Holm, supra, p. 164

"It is well settled that '(a) foreign judgment rendered without jurisdiction over the defendant or under circumstances which amount to a lack of due process is not entitled to full faith and credit in Utah'." Holm, supra, p. 164.

(b) FEDERAL JURISDICTION V UTAH JURISDICTION. Defendant claims that our appearance to defend (p. 12) in federal court conferred jurisdiction upon the federal court. That is absolutely false. No action or inaction by us could confer jurisdiction. (Our brief p. 1213). We were faced with the problem of appearing to defend or have summary judgment issued against us. Knowing that federal courts have only jurisdiction conferred upon them by STATUTE by Congress pursuant to the U.S. Constitution, and knowing there was no statute granting such jurisdiction over the real property or over our persons, we appeared to defend. Each and every appearance in the federal court was a "special" not a "general" appearance, each and every time denying the jurisdiction of the federal court over Ila's property and over our persons, individually. The record shows the issue was never fully litigated or decided or even considered.

Defendant claims (p. 10) Art III, Section 2, Cl. 1 confers jurisdiction over our persons and Ila's property but as usual it is misquoted.

"The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made under their authority;..." Art III, Sec 2, Cl 1, U.S. Constitution.

Defendant fails to state the portion of the U.S. Constitution or the laws of the United States which grants jurisdiction over real property located in Richfield, Utah. There are only two possibilities, none of which apply. (1) Art. IV, Sec 3, Cl 2, grants federal jurisdiction over territories. Federal

jurisdiction was ousted in 1896 when Utah ceased to be a territory and became a State on an equal footing with all other states. (2) Art I, Sec 8, Cl 17 grants exclusive jurisdiction to the federal government over lands purchased with the consent of the state legislature and accepted by Congress. The real property was not federally purchased by the consent of the Utah Legislature and therefore, does not apply. Jurisdiction runs to real property and the persons residing thereon. Therefore, the federal government could not possibly have jurisdiction over Ila's property nor over our persons individually. Defendant fails to prove federal jurisdiction. Defendant admits (p. 9) that court jurisdiction can be challenged at any time.

Defendant then claims that §1332 grants jurisdiction to the federal court by quoting, "The District Court shall have original jurisdiction of all civil actions..." As usual, Defendant falsely quotes the law, attempting to broaden jurisdiction far beyond congressional intent and constitutional authority, as seen in the law itself.

"(a) The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$50,000, exclusive of interest and costs and is between (1) citizens of different States; (2) citizens of a State and citizens or subjects of a foreign state; (3) citizens of different States and in which citizens or subjects of a foreign state are additional parties; and (4) a foreign state, defined in section 1603(a) of this title, as plaintiff and citizens of a State or of different states." 28 USC §1332.  
Defendant, through his attorney, deliberately lied claiming that §1332 is a grant of general federal jurisdiction in Utah when it is a highly qualified jurisdictional grant having absolutely no application to the instant action. The section

actually grants a portion of federal jurisdiction in Art III, Sec 2, Cl 1 of the U.S. Constitution with other jurisdiction going to other federal courts.

We request the COURT TAKE NOTICE (1) that this jurisdictional point was not raised in the lower court and (2) that there is no statement of federal jurisdiction on the record. The federal court failed to find jurisdiction. The Utah court and Defendant failed to find any statutory federal court jurisdiction. Federal court jurisdiction is entirely statutory, can not be presumed, and when challenged must be proven by the party alleging federal jurisdiction. Defendant is grasping at straws having no factual or lawful ground to prove federal jurisdiction.

"Only when the question of a sister state's (in the instant action, U.S. District Court's) jurisdiction is fully and fairly litigated in the foreign court, does such judgment have a res judicata effect on the matter of jurisdiction in Utah." Holm, supra, p. 164.

Thus, Defendant's claim of res judicata is false. The fact that Christensen relies solely upon a foreign judgment for his claim, immediately raises SUBSTANTIAL JURISDICTIONAL QUESTIONS which must be fully litigated. Relying upon the Holm case, it appears that the matter must be referred back to the U.S. District Court for a determination, at law, of the jurisdiction of the federal court. It is obvious from the record that the issues we raise here were never decided, otherwise, a jurisdictional statement of fact and law would appear on the record addressing each and every element of the judgment.

Next (p. 11), Defendant claims federal jurisdiction under

28 USC §125. This is not a grant of federal jurisdiction, rather is a description of federal court organization having no application to the instant action. We challenge federal court JURISDICTION not VENUE.

Next (p. 11), Defendant cites 26 USC §7402, with emphasis on NE EXEAT REPUBLICA writ, as a specific grant of general federal jurisdiction.

According to Black's Law Dictionary, Rev 4th Ed, NE EXEAT REPUBLICIA is a writ issued to prevent a defendant from leaving the jurisdiction of the court. No such writ was issued by the state or federal court. We were never under the jurisdiction of the federal court so we could not possibly leave the federal jurisdiction.

Again, §7402 is not a general grant of federal jurisdiction. The actual authority for federal courts to issue writs is under 28 USC §1651 which states:

"(a) The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law." 28 USC §1651

§7402 is merely a wordy restatement of §1651. Use of federal writs are governed by §1651. The writ can only be issued in "aid" of the court's jurisdiction. No federal court or other court can issue writs outside of or in excess of its jurisdiction. Defendant failed to prove federal court jurisdiction. In the absence of jurisdiction, the writ is void.

Under Utah law and court precedents cited above, the writ of execution must be issued in the name of the State of Utah, with its court seal, based upon a properly filed foreign judgment

and directed to the Sevier County Sheriff. The court should NOTICE that p. 11 of our brief again informed the Defendant of the laws, rules and court precedents concerning foreign judgments. Rule 69, Federal Rules of Civil Procedure, clearly states that, "The procedure on execution, in proceedings supplementary to and in aid of a judgment, and in proceedings on and in aid of execution shall be in accordance with the practice and procedure of the state in which the district court is held." The Defendant now appears before this court (as he did in the lower court) advocating that the court ignore or nullify Utah law, relying on court cases which are off point.

The court should notice that §7402 does NOT authorize a federal writ of execution. That would be in violation of Rule 69, supra. recognizing that such a writ must comply with Utah law and procedure as we have clearly detailed.

Defendant claims (p. 11)"...enforcement of Internal Revenue laws..." The court should NOTICE, there is nothing in the record stating which "internal revenue laws" are being enforced. Therefore, the court can only conclude there is no law being enforced.

We further distinguish between enforcement of domestic and foreign judgments. Utah Code, 78-22-1 governs domestic judgments stating that when a judgment of a Utah district court is docketed in another Utah county district court, the judgment becomes a lien of the property of the judgment debtor and enforceable. The Utah Foreign Judgment Act, Utah Code, 78-22a-2(1), et seq similarly establishes a lien on the judgment



debtor's property upon the docketing of the foreign judgment with the appropriate county court. However, the judgment docketing requires notice and can not be enforced until 30 days after the docketing. Further, the foreign judgment must seek "full faith and credit", an additional step not required in domestic judgments. The higher courts have ruled that when a foreign judgment was fraudulent, the foreign court lacked jurisdiction or the foreign proceeding lacked due process of law the judgment is VOID and need not be accorded full faith and credit. Only when the sister jurisdiction's proceeding is shown to comply with these conditions is the foreign judgment accorded full faith and credit. (See Holm, supra, p. 164) Also the Supreme Court rejects Defendant's argument that the foreign judgment is immune from collateral attack.

"The Full Faith and Credit Clause does not prevent a judgment debtor from collaterally attacking a foreign judgment on the ground of fraud or the want of jurisdiction or due process of law. (citations) Data Management systems v EDP Corp, 790 P2d 377 (Utah 1985) at p. 379

Defendant's claims on p. 15 are obviously made, knowingly, in direct opposition to the higher court decision.

(c) DEFENDANT'S CASES AND FACTS ARE OFF POINT. Defendant deliberately creates confusion by citing cases which are OFF POINT. His cases were decided prior to the Utah Foreign Judgment Act of 1982 and are Utah cases decided in Utah courts. Foreign and domestic judgments have different rules.

Defendant relies upon Intermill v Nash, 75 P2d 157, at p. 13. This was a quiet title action in which both plaintiff and defendant were under Utah court jurisdiction. The case

was litigated in the District Court of Salt Lake County. Full Faith and Credit was not required as it is in this instant action. This case has no application here.

Defendant relies upon Bawden v Pearce, 414 P2d 578, at p. 14. Again, the property and parties are within Utah and apparently within the jurisdiction of a Utah court. This is not a foreign judgment case and has no application here.

Defendant relies upon Olsen v Board of Education, 571 P2d 1336 (Utah 1977), at p. 15. This was a condemnation proceeding in the Third District Court of Salt Lake County. Again, this has no application here because it did not involve a foreign judgment which must secure Full Faith and Credit to be enforced in Utah.

Defendant relies upon Edmonston v Sisk, 156 F2d 300 at p. 15. We are at a loss to know why this case was cited. It is an old case decided in 1946. The case relies upon 28 USC §838 (See p. 302). §838 has apparently been repealed as we can not find it in the federal code. The law governing foreign judgments and Full Faith and Credit was enacted in 1982. Therefore, that case is unreliable.

Defendant's "Statement of Facts" p. 4, clearly and openly admits that Defendant violated the laws of Utah and failed to follow the long settled procedure for enforcing foreign judgments in Utah. The Utah Supreme Court has settled the procedural issue of enforcing foreign judgments. If the Defendant wants his foreign judgment enforced in Utah he must either (1) file his foreign judgment in compliance with the Utah Foreign Judgment

act or (2) commence an enforcement action under the older traditional approach. (See Holm, supra, footnote 3, p. 163.) It appears, no other approach is lawfully acceptable in Utah. Higher courts have already decided that going to the police before properly filing and litigating the foreign judgment in a Utah Court is unlawful and a violation of our rights to due process (Holm, supra, p. 163).

Defendant makes two false statements on p. 10. (1) The foreign judgment WAS entitled to full faith and credit. This is false because the foreign judgment must be properly filed before it can gain full faith and credit in Utah and survive jurisdictional, fraud and due process attacks. (2) The federal court is a court of general jurisdiction in Utah. This is false because every federal court other than the Supreme Court is a court of LIMITED JURISDICTION, having only statutory jurisdiction granted by Congress (our brief, p. 26-7). The record is silent as to the alleged statutory jurisdiction and should be judged lacking or, at least, not fully litigated.

Defendant's Facts 1 and 2 are in clear violation of Rule 69(a) and (b), Utah Rules of Civil Procedure (URCP).

Defendant's Fact 3 is in clear violation of the long settled rule, "An order of a judge in one state (foreign jurisdiction in the instant action) is simply not enforceable in another state (Utah) until that order has been domesticated in the second state." Holm, supra, at 163. Judge Jenkins has never found his statutory jurisdiction to act. Even if we granted him the widest possible jurisdictional latitude, and if Defendant could

prove statutory jurisdiction, he could ONLY ISSUE JUDGMENT against L. Shyrl Brown. There is no lien on the record to foreclose. All other acts, the sale, foreclose the lien which does not exist, and the execution must proceed in a Utah Court, under the authority of a Utah Court and under the laws of Utah.

Defendant's other facts are irrelevant or immaterial because Judge Jenkins clearly acted outside of his jurisdiction and in violation of Utah and federal laws, as did the United States Marshal. LET THE BUYER BEWARE. The unlawful acts of Christensen, Judge Jenkins and Marshal Davis can not create a lawful interest in Ila's real property. Their acts are void and fraudulent.

(d) JURISDICTION. Procedure with our PETITION FOR WRIT OF MANDAMUS is governed by Rule 19, URAP not as Defendant claims at p. 7. Our original appeal was for a Writ of Mandamus and not intended as an Appeal of Right. The rule requires filing with the court, service upon the judge and interested parties. All requirements were complied with. The court should NOTICE that the Petition has not been timely answered nor contradicted in any manner by any person. The court should grant the writ and require decision on the numerous issues of Utah and Federal law we raised before Judge Mower.

The original intent of the NOTICE OF APPEAL was to obtain a WRIT OF MANDAMUS from the Court of Appeals to compel Judge Mower to NOTICE THE LAW and to DECIDE ALL ISSUES OF LAW raised by Plaintiffs.

Judge Mower circumvented the several issues of law by

falsely interpreting Utah Code, 78-22a-2(2). See record p. 128. He stated, "The Utah Foreign Judgment Act is not mandatory. It is permissive." This directly contradicts previous decisions of the Supreme Court and Court of Appeals as we have shown above. The foreign judgment MUST first be filed in Utah for it to become an enforceable Utah order. This mandatory language is found in Holm, supra, p. 163, also see footnote 3. Judge Mower's statement, "Hence, it is not exclusive." is correct in that the Supreme Court settled the interpretation in Pan Energy v Martin, 813 P2d at 1143 deciding "may" would give Christensen two methods of enforcing his foreign judgment in Utah. (1) The foreign judgment could be filed in compliance with Utah Code, 78-22a-1, et seq or (2) Christensen could commence an older, traditional method by commencing an enforcement action. Christensen's acts in the instant action are condemned and in violation of due process of law by the courts' stating,

"Thus, use of the word 'may' merely conveys that the judgment holder may file it with a district court clerk or use the prior approach, not that he may proceed without docketing the judgment whatsoever." Holm, supra, at p. 163, footnote 3.

Judge Mower further ruled (record p. 128) that Judge Jenkins could execute his own judgments, was not required to follow Utah law and to rule otherwise would leave that court potentially powerless to enforce federal laws in Utah. We are not talking about enforcing federal laws (none are cited), the discussion is enforcing a foreign judgment. Judge Mower's decision is in direct opposition to decisions of higher Utah courts. (a) The judgment must be filed to be enforceable. (b) All foreign

judgment enforcement in Utah is governed by the Foreign Judgment Act. (c) A foreign judge can not enforce his judgment in Utah. (d) A foreign judgment must be filed and domesticated to be enforceable. (e) U.S. Court judgments are not exempt from the general rules, rather, have legal status not distinguishable from Florida, New York or Ohio judgments.

Id. p 163.

Our desire was to have all issues of fact and law decided in the lower court to prevent multiple appeals.

We recognize the court has wide procedural latitude, in the interest of justice, to hear and decide the issues. The court has not decided whether to hear the appeal as a Petition for Writ of Mandamus or as an Appeal of Right. The Petition was filed. The Notice was filed. The court requested a brief be filed. It was timely filed. We have complied with rules, procedures and court requests to the best of our ability. We believe Christensen's Argument, point 1, frivolous.

(e) DEFENDANT'S FALSE OR UNSUPPORTED CLAIMS.

Christensen claims, p. 11, "...enforcement of Internal Revenue laws..." Which internal revenue law is being enforced? Is it 26 USC §5001? Or another internal revenue law? The record is silent. The claim is unsupported.

Christensen claims, p. 11, "...The...Federal...Court...did have jurisdiction over the subject matter and the parties." Christensen claims, p. 11, that 28 USC §1332 granted that jurisdiction. No other statutory jurisdictional grant is cited. We show above that §1332 has no application to the instant

action. The claim is false.

Christensen claims, p. 12, the federal court "had general authority to adjudicate interests as between the Defendants in real property and to issue such supervised orders of sale or execution as were requires." Christensen relies upon 26 USC §1332 for jurisdictional authority as no other statutory authority is cited. We have shown above that enforcement of the foreign judgment in this manner is in direct violation of Utah law and procedure. The statement is unsupported and false.

Christensen claims, p. 12, "Appellants argue the judgment was not valid against them basically because it was oppressive and cite many federal cases which do not appear to be relevant."

(a) The court should NOTICE, the judgment, Christensen's Appendix A-3, has never been properly filed. We show above the court

can not CONSIDER the judgment until properly filed (Holm, supra, p. 163). Beyond that, and if the court reverses the Holm court,

(b) The court should NOTICE, the judgment was against L. Shyrl Brown, not against "them". (c) The court should NOTICE, the property is owned by Ila, not "them". (d) We will contest the validity of the judgment as being fraudulent, issued lacking jurisdiction and lack of due process of law, if it ever is properly filed in a Utah court for enforcement. (e) The court should NOTICE, it is impossible to reply to Christensen's claim that many federal cases are not relevant. No cases are cited as irrelevant, therefore, the statement is false.

Christensen claims, p. 12, The federal court "...supervised an Order of Execution over the subject property." Whether or

not the federal court supervised the execution and sale is irrelevant. We show above that these acts were in direct violation of Utah law and procedure.

Christensen claims, p. 16, we seek an extraordinary writ directing Judge Mower to make decisions contrary to law. This statement is OUTRAGEOUS AND FALSE. We seek the Mandamus to compel Judge Mower to decide the issues of law presented to him. If we disagree, our course of action would be to seek relief in the higher courts. We CERTAINLY and ABSOLUTELY do NOT seek an order to make decisions contrary to law. Rather, we seek decisions in HARMONY WITH THE LAW. We believe we show above that Judge Mower unlawfully and falsely interpreted Utah Code, 78-22a-2(2)

III. CONCLUSION. The courts look with great disfavor upon briefs not grounded in fact, not warranted by existing law, not based on a good faith argument to extend, modify, or reverse existing law, or other improper purpose. Christensen's brief appears to fit neatly into the definition of frivolous brief.

We believe we have destroyed every argument of Defendant. We believe we correctly represent the authorities on the instant subject matter. We summarize that which we have previously proven by argument, the law and previous decisions of higher Utah Courts on the subject of foreign judgments. Christensen's judgment is clearly a foreign judgment as defined by law. Under the law, Christensen must either file his judgment in compliance with the Utah Foreign Judgment Act or commence an enforcement action to deprive Ila of her property. This governs enforcement



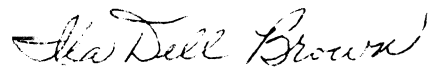
procedure of all foreign judgments in Utah. U.S. District Court's legal status within Utah, as defined by Utah law, is precisely the same as Missouri or Iowa or any other jurisdiction entitled to Full Faith and Credit in Utah. A foreign judgment must be properly filed in Utah before Utah will recognize and enforce it. Christensen violated the law and due process by going FIRST to the police to enforce his foreign judgment. Foreign judges can not enforce their judgments within Utah. All foreign judgments must survive collateral challenges as to jurisdiction, fraud and due process of law in Utah. This has been denied by Judge Mower due to his false interpretation of the law.

Judge Mower's decision and grant of summary judgment is in clear violation of the law, previous decisions of the higher courts and due process of law. There are numerous issues of law which remain undecided in the lower court, a further violation of due process of law.

Therefore, the court should grant our requested relief.

Christensen has had notice of the lawful procedure for enforcing his foreign judgment for more than six (6) months and continues to refuse to properly file the judgment for enforcement. He has also had notice of the applicable law and cases. He knows that going first to the police before filing his foreign judgment is a violation of law and practice in Utah. All of his actions strongly suggests contempt for the law and higher court decisions and are designed to harass Plaintiffs, cause needless delay and needless increase in cost of litigation.

  
Leonard Shyrl Brown

  
Ila Dell Brown

CERTIFICATE OF SERVICE

I certify I mailed two copies of this document to Tex R. Olsen,  
Attorney, P.O. Box 100, Richfield, Utah, 84701, postage prepaid,  
U.S. Mail, on December 31, 1994.

  
Leonard Shyrl Brown

THOMAS W. SEILER  
ROBINSON, SEILER & GLAZIER  
Attorney for T. Morris Ostler  
80 North 100 East  
P.O. Box 1266  
Provo, UT 84603-1266  
Telephone: (801) 375-1920

BEFORE THE EXECUTIVE DIRECTOR OF THE UTAH

DEPARTMENT OF COMMERCE


---

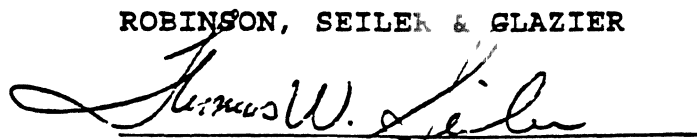
In the Matter of the License	)	PETITION REQUESTING
of T. MORRIS OSTLER to act	)	AGENCY REVIEW
as a Real Estate Broker	)	
	)	Case No. RE90-10-01

---

COMES NOW PETITIONER, T. Morris Ostler, pursuant to U.C.A. §61-1-12 (1953 as amended) and the Utah Administrative Code §R151-46b-13, by and through his counsel of record Thomas W. Seiler of ROBINSON, SEILER & GLAZIER and requests Agency Review of the Order dated July 6, 1994 which revoked his license to act as a Real Estate Broker in the State of Utah. This petition is accompanied by a brief in support of grounds for review. Petitioner, further requests oral argument be heard as to the merits of the review.

DATED this 1<sup>st</sup> day of August, 1994.

  
\_\_\_\_\_  
T. MORRIS OSTLER

ROBINSON, SEILER & GLAZIER  
  
\_\_\_\_\_  
THOMAS W. SEILER

CERTIFICATE OF MAILING

The undersigned does hereby certify that a true and correct copy of the foregoing PETITION FOR AGENCY REVIEW was mailed, with postage prepaid thereon, on the 15 day of August, 1994, to the following:

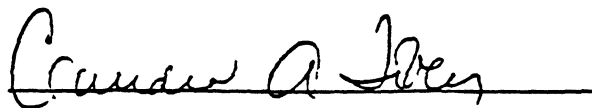
Shelly K. Wismer  
Department of Commerce  
Heber M. Wells Building  
163 East 300 South  
P.O. Box 45802  
Salt Lake City, UT 84145

Utah Real Estate Commission  
Heber M. Wells Building  
160 East 300 South  
Salt Lake City, UT 84145

Paul Grant  
Assistant Attorney General  
236 State Capital  
Salt Lake City, UT 84114

Sander J. Mooy  
Assistant Attorney General  
236 State Capital  
Salt Lake City, UT 84114

Constance White  
Executive Director of the  
Utah Department of Commerce  
Heber M. Wells Building  
163 East 300 South  
P.O. Box 45802  
Salt Lake City, UT 84145



THOMAS W. SEILER (#2910)  
ROBINSON, SEILER & GLAZIER  
Attorney for T. Morris Ostler  
80 North 100 East  
P. O. Box 1266  
Provo, UT 84603  
Telephone: (801) 375-1920

BEFORE THE EXECUTIVE DIRECTOR OF THE UTAH  
DEPARTMENT OF COMMERCE

---

In the Matter of the License	)	BRIEF IN SUPPORT OF
of T. MORRIS OSTLER to act	)	PETITIONER'S REQUEST FOR
as a Real Estate Broker	)	AGENCY REVIEW
	)	
	)	Case No. RE90-10-01

---

Pursuant to the Utah Administrative Code R151-46b-13, Petitioner T. Morris Ostler hereby submits his Brief in Support of Petitioners Request for Agency Review of the above-entitled matter.

**FACTS**

1. Petitioner is presently licensed to practice as a real estate broker in Utah. He was initially licensed as a sales agent in 1975. Petitioner became a licensed broker in October 1987 and he was affiliated with Help-U-Sell of Utah County from at least November 1989 to January 18, 1990. During that time, Petitioner's principal broker was Shane Luck.

2. On November 28, 1989, Petitioner prepared an earnest money sales agreement, whereby Gidalthi O. Ojeda D

offered to purchase a Provo, Utah home owned by a Robert and Alice Skankey. Petitioner received \$500.00 earnest money, which he deposited to the Help-U-Sell real estate trust account. The Skankeys accepted the offer. Help-U-Sell was to be paid a fee totalling \$2,450 on the sale of the home. Petitioner's commission, payable from that amount, would total \$1,110.00.

3. Help-U-Sell had full control of the \$500.00 earnest money deposited in its trust account and ultimately delivered the same back to the Skankeys. The Petitioner tendered the balance of Help-U-Sell's commission to Help-U-Sell, which tender was refused.

4. Petitioner's affiliation with Help-U-Sell was terminated on January 18, 1990. The Ojeda-Skankey transaction was not closed as of that date.

5. Prior to terminating Petitioner's affiliation with the Help-U-Sell brokerage, Mr. Luck inquired if Petitioner had any transactions which were still pending. At that time the Skankey-Ojeda transaction appeared as though it would not close. This information was given to Mr. Luck.

6. Petitioner's license was inactivated January 18, 1990 and remained in that status for approximately three (3) weeks. The license was then suspended for one (1) year, effective February 10, 1990, pursuant to an order entered by the Commission (Case No. E89-06-10).

7. On January 20, 1990 the Skankeys executed a warranty deed, whereby they conveyed the property to the Ojedas. On January 22, 1990 an all-inclusive trust deed was executed by the Ojedas and notarized by the Petitioner. The Administrative Law Judge found that the closing occurred on January 22, 1990, some four days after the Petitioner's license was inactivated.

8. On or about February 16, 1990, Petitioner tendered an \$840.00 check to Help-U-Sell. The February 16, 1990 check represented the selling fee which would have been retained by the brokerage less the earnest money still on deposit. By letter, dated February 22, 1990, Mr. Luck returned the closing documents to Petitioner, advised Petitioner that the Skankeys had been informed Petitioner would have the closing documents and informed Petitioner that the Skankeys wanted "their closing documents and money immediately" and a "settlement on the January rent prorations with Ojeda."

9. Help-U-Sell was unwilling to close this transaction. The Skankeys (sellers) and the Ojedas (buyers) were extremely anxious to cause the sale to go forward. In the absence of the sale the Skankeys believed they would be significantly damaged. Indeed, Dr. Skankey testified in his deposition conducted on Friday, June 4, 1993 at page 31, lines 12 through 16:

Q: So, Dr. Skankey, our question is, is that if you assume for a minute that the Ojeda sale didn't take place, and no one followed through on it, would that have been harmful to you?

A: Yes.

10. The Respondent disbursed all funds due the Skankeys (sellers) on February 16, 1990. Mr. Luck subsequently sent the earnest money deposit to the Skankeys.

11. Neither the Skankeys nor the Ojedas suffered any damaged by reason of the Petitioner's action in closing this transaction.

12. The Petitioner was motivated to close this sale as a result of his desire to assist both the Ojedas and the Skankeys in their desire to complete this transaction.

13. In light of the determination by the Administrative Law Judge (J. Steven Eklund) that the closing occurred on January 22, 1990, four (4) days after the Petitioner's associate broker's license was inactivated, the Petitioner could have re-activated his own principal broker's license, prior to the closing date, and completed this transaction. The transaction would have been no different had this license been reactivated, but rather, would have been consummated in the identical manner it was in fact consummated.

14. The only person or entity claiming any damage



in this matter is a claim by Mr. Luck on behalf of Help-U-Sell for lost business. The broker's portion of the commission was either controlled by Help-U-Sell (in the form of the \$500.00 Help-U-Sell earnest money deposit) or tendered to Help-U-Sell (in the form of a check in the amount of \$840.00 delivered by Petitioner to Help-U-Sell).

15. The recommended order as prepared by the Administrative Law Judge was that the Petitioner's license as a real estate broker be revoked. The Utah Real Estate Commission confirmed and adopted the Findings of Fact and Conclusions of Law and Recommended Order as prepared by the Administrative Law Judge.

16. Revocation of the Petitioner's real estate license is a severe disciplinary sanction. Petitioner respectfully requests that the sanction be reviewed and a hearing be held on the same, particularly in light of:

a. Mr. Ostler's admission in his initial response addressed to the Department of Commerce, Blaine E. Twitchell, Director, wherein the Petitioner admits that the transaction should have been finalized through the brokerage;

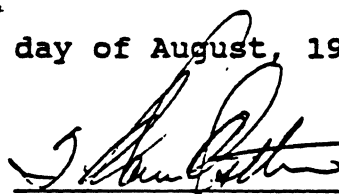
b. Mr. Ostler's motivation to close this sale to avoid harm to the Skankeys as set forth in Dr. Skankey's deposition; and

c. There have been no complaints received by

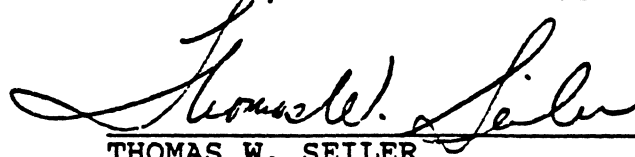
the Department of Commerce, Division of Real Estate, against this Petitioner for actions taken by this Petitioner since the date of the transaction which is the subject matter of the petition filed herein. In that interim, the Petitioner has worked in the real estate industry.

WHEREFORE, the Petitioner requests that the Order of July 6, 1994 be reviewed and, upon review, that the sanctions imposed therein be amended to a three (3) month suspension and a fine of not more than \$1,000.00. To the extent it is within the Executive Director's authority, it may be appropriate to, rather than amending the entire sanction, suspend the sanction for the purpose of putting the Petitioner on a probationary status for one year or such other time period as to the Commission may seem appropriate. It is further requested that the sanction not be invoked until such time as this matter may be heard on the merits.

DATED this 1<sup>st</sup> day of August, 1994.

  
\_\_\_\_\_  
T. MORRIS OSTLER  
Petitioner

ROBINSON, SEILER & GLAZIER

  
\_\_\_\_\_  
THOMAS W. SEILER  
Attorney for Respondent

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and correct copy of the foregoing REQUEST FOR RECONSIDERATION was mailed, with postage prepaid thereon, on the 1st day of Aug, 1994, to the following:

Shelly K. Wismer  
Department of Commerce  
Heber M. Wells Building  
163 East 300 South  
P. O. Box 45802  
Salt Lake City, UT 84145

Utah Real Estate Commission (7 copies)  
Heber M. Wells Building  
160 East 300 South  
Salt Lake City, UT 84145

Paul Grant  
Assistant Attorney General  
236 State Capital  
Salt Lake City, UT 84114

Sander J. Mooy  
Assistant Attorney General  
236 State Capital  
Salt Lake City, UT 84114

Constance White  
Executive Director of the  
Utah Department of Commerce  
Heber M. Wells Building  
163 East 300 South  
P.O. Box 45802  
Salt Lake City, UT 84145

Constance A. White