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INTRODUCTION TO DUVAL HAWS & MOODY, P.C.

Duval Haws & Moody, P.C., would like to take this opportunity to acquaint you with our firm. The firm's address is 947 South 500 East, Suite 200 in American Fork. The Orem phone number is 221-5443 and the American Fork phone number is 763-0155.

PART I: BACKGROUND

Background Information on the Firm.

Our firm is located in American Fork with five attorneys, three law clerks, paralegals and support staff.

Our firm attorneys have served as in-house counsel for local governmental entities for many years. Our firm attorneys have also served as contract counsel for literally dozens of cities, counties and governmental entities over the years. Together the firm attorneys have 30 years combined experience representing cities and local governments, and 50 years practicing law generally.

We believe we have developed a team of lawyers with a wealth of knowledge and experience in the areas of law affecting local governments in order to help assure that you will have competent, timely, cost-effective legal representation. Our attorneys often are asked to speak at conferences and seminars for cities and other community groups. Throughout the years our firm has written many research memoranda and other legal opinions analyzing complex legal issues of importance to local government entities. The combination of our experienced lawyers and our research base allow us to answer daily questions and handle complicated issues in a timely and cost-effective manner.

Duval Haws & Moody, P.C., currently serves as city attorney for Lindon City (Ott Dameron- city administrator: 785-5044) and also represents or has represented the following state and local government entities and water companies:

- Utah Department of Education
- Utah Department of Health
- North Union Irrigation Company
- Manila Culinary Mutual Water Company
- Canyon Meadows Mutual Water Company

Attorneys from the firm have also represented the following Utah cities:

American Fork
Pleasant Grove
Cedar Hills
Lehi
Riverton
Mapleton
Alpine

Other clients formerly represented by firm attorneys in local government law matters include:

Oregon:

Portland
Eugene
Roseburg
Brownsville
Florence
Heceta Water District
Multnomah County

Alaska:

Fairbanks
Nenana
Kotzebue
Fairbanks North Star Borough
and in-house counsel to about 95 service
districts in the borough/county
Kodiak Island Borough

In addition, firm attorneys have represented the Matanuska-Susitna Borough School District (AK), Fairbanks North Star Borough School District (AK), Delta-Greeley Borough School District (AK), University of Alaska, and the State of Alaska.

Background Information on the Individual Attorneys.

Many of the firm's attorneys have dedicated most of their professional careers to municipal, real estate, and land use law. The background information on the some of the attorneys follows.

GORDON DUVAL

1) Gordon received his juris doctor degree (J.D.) from the BYU Law School in 1984. He has 21 years experience with an emphasis in real estate, land use, employment, construction, municipal, and business law. He was admitted to the Alaska Bar Association in 1986, the Oregon Bar Association in 1990, and the Utah State Bar in 1993.

2) Mr. Duval served two years as an assistant county attorney, one year as in-house legal counsel to the Utah Health Department, and 18 years in private practice representing local governments and private parties.

3) Gordon has been the Lindon and Mapleton city attorney. He is a member of the government law section of the Utah State Bar and a member of the Utah Municipal Attorneys Association.

4) Gordon successfully served as a county prosecutor before focusing on the civil side of municipal law.

5) He is a past president of the Utah County Employers Council. In his 21 years representing cities he has also been a member of NIMLO (National Institute of Municipal Law

Officers), NOLPE (National Organization of Legal Problems in Education), and the Alaska county attorney association. Gordon taught business law at the University of Alaska.

6) He has experience in all aspects of real estate and land use practice and litigation.

BRIAN HAWS

1) Brian is a partner with the firm and has been with the firm since he was admitted to the Utah State Bar in 1998. Mr. Haws graduated cum laude from the BYU Law School and has been practicing law for nine years in the areas of land use, real estate, construction, government, estate planning, and family law.

2) Brian has been the main prosecutor for Lindon City for the last five years and for Mapleton City for a year. Mr. Haws has worked continuously on land use and municipal matters.

3) Mr. Haws is a member of the governmental law section of the Utah State Bar and has been in attendance at many of the section's continuing education courses.

4) In his role as the city prosecutor, Mr. Haws has had a very successful prosecution rate and is well liked by the police officers he works so closely with. In his private law practice, Brian has had a consistent track record of successfully representing his clients in court.

LARAMIE D. MERRITT

1) Laramie D. Merritt, who recently rejoined the firm in August 2007, was an associate of the firm from July 1996 to August 2000. He has been practicing law for twelve years, and is licensed in both Utah and Wyoming. He practices in the areas of criminal prosecution, municipal law, employment, corporations, contracts, state and federal regulations, and construction law. He is a graduate of BYU Law School, where he served as Note and Comment Editor for the BYU Journal of Public Law and published an award-winning case note on improved access to federal public lands.

2) Laramie has prosecuted cases in the justice and district courts for several northern Utah County municipalities, as well as for the cities of Riverton and West Jordan in Salt Lake County. He served as the Riverton City Prosecutor from June 2005 through April 2007. During his previous association with the firm, he handled a variety of municipal ordinance and contract drafting and revision projects.

3) Mr. Merritt has served on the Utah State Bar's Multijurisdictional Practice Committee and is a member of the Solo/Small Firm Section of the Utah State Bar. He is a former member of the Governmental Law Section and of the Utah Prosecution Council.

4) During law school Laramie was admitted provisionally to the Idaho State Bar and served as Deputy Bear Lake County Attorney, where he prosecuted dozens of misdemeanor and infraction cases and assisted the county with rights-of-way issues.

5) Over the past two years, Laramie has in excess of 28 hours of Continuing Legal Education, including two-day courses in Advanced Trial Advocacy and Advanced Health Care Planning, and a variety of other classes.

6) From August 2000 through April 2007, Laramie served as general counsel for Oxyrich, Inc., a health supplement manufacturing company, where he had primary responsibility for advising the corporation as to contracts, regulatory law, employment and real estate issues.

PART II: SPECIFIC AREAS OF EXPERIENCE

Municipal Law. Our attorneys act as the legal advisor to the city council, attend their meetings, draft ordinances and resolutions, and generally represent the mayor, the council, and staff in all their legal needs. We can advise you regarding public meetings and public records laws, and the proper procedures for all sorts of governmental actions. We have assisted our clients in both creating and dissolving special districts, and in the operation of those special districts. We have provided assistance in the development and drafting of annexation policy guidelines, annexation resolutions, and withdrawals from special districts. State v. Fairbanks North Star Borough, 736 P.2d 1140 (Alaska 1987), is a nationally recognized case handled by Mr. Duval relating to separation of powers issues. This landmark case invalidated the entire Alaska state budget when the governor tried to reduce appropriations to Mr. Duval's county and school district clients.

Land Use. With our long history of advising public clients, we are very familiar with the rules and regulations surrounding land use and zoning law. We provide comprehensive advice on an almost daily basis to the planning departments for the cities we represent, including drafting zoning ordinances, working on land use plans, imposing moratoria, and assisting in implementing state regulations. We have helped many cities as they work to control the development on the foothills. Recently, we assisted Lindon in the preservation of open space through the sale of private hillside property to state and federal agencies. We also successfully represented the Canyon Meadows Home Owners Association in an effort to enforce open space requirements, Canyon Meadows Home Owners v. Wasatch County, 40 P.3d 1148 (UT App. 2001), one of the most recent cases handled by the firm in the land use arena. It is one of the first cases in Utah relating to open space agreements.

Eminent Domain and Condemnation. We have a great deal of experience handling condemnation matters. Our attorneys often handle property negotiations for acquisition of large and small parcels of real property, easements and rights-of-way. Where negotiations are unsuccessful, we handle condemnation proceedings for our city clients for all types of acquisitions, including the recent condemnation of the land needed for the new Pleasant Grove/Lindon I-15 interchange.

Water Law. The firm has years of experience in the area of water law. We currently represent three water districts and canal companies. We have also helped Lindon, Mapleton and Pleasant Grove with the acquisition and transfer of their water rights. The firm handled the case of Whitmer v. City of Lindon, 943 P.2d 226 (Utah 1997), where we were able to defend the city's secondary water system ordinances.

Criminal Prosecution. The firm handles the criminal prosecution for many of its governmental clients. Currently firm attorneys serve as city prosecutors for Lindon. At times we also assist American Fork and Cedar Hills with their criminal prosecution duties. Because our firm serves as city prosecutors, none of the firm attorneys do criminal defense work.

Bonding and Government Finance Law. Cities are often involved in extensive improvement projects that require bonding and other governmental financing arrangements, including general bonds, revenue bonds, bond anticipation notes, and the use of redevelopment agencies. We are experienced with these specialized areas. Firm attorneys have probably

coordinated in excess of \$150,000,000 in various bond issues. Duval Haws & Moody has also advised many cities on how to respond to recent developments involving impact fees.

Construction Law. The firm has handled construction and right-of-way cases for many of its governmental and private clients, including American Fork, Pleasant Grove, Mapleton and Lindon. The firm represented both Pleasant Grove and American Fork when the cities had claims against contractors who built or remodeled the city recreation centers. Various firm attorneys have also worked for decades in the construction industry so their practical experience helps them provide meaningful legal advice on construction issues.

Employment Law. The firm has extensive experience in employment law which allows us to help our clients with matters concerning their most valuable asset – people. Some of our firm attorneys work extensively in the complex area of labor and employment law, from the development of personnel policies and manuals, to the satisfactory resolution of difficult employee dismissals and layoffs. We are well-versed in the intricacies of public employment and civil service laws. Our employment attorneys help our employer clients address issues before they become problems, thereby avoiding costly lawsuits. We also handle employment and labor-related litigation, administrative proceedings and arbitration for our clients. Faust v. KAI Technologies, Inc., 15 P.3d 1266 (Utah 2000), is an employment law case handled by Mr. Duval. Our law firm can also advise you regarding legally correct and efficient recruitment and hiring practices. We have often been invited to teach and provide seminars on employment law issues.

Public Contracts and Public Works. We have extensive knowledge of public bid laws and bid dispute procedures, as well as the handling of bid protests, design and construction claims, and other public contracting issues. We have drafted public contracting ordinances for cities and special bidding procedures for unique projects. We advise our municipal clients on how to handle bid protests and how to reject bids. We have advised our clients on the development of comprehensive storm water management and discharge ordinances. Fairbanks North Star Borough v. Bowers Office Products, Inc., 851 P.2d 56 (Alaska 1992), is an Alaska Supreme Court case handled by Mr. Duval where he successfully defended the city's bidding procedure in a multimillion dollar bid.

Insurance Defense. Various firm attorneys have defended cities in many cases where claims are brought against the city for personal injuries, civil rights claims or other damages.

Litigation Services. Finally, Duval Haws & Moody, P.C., can help you in that most difficult situation – litigation. While we will do all we can to help you settle disputes before they reach this stage, our attorneys are experienced litigators that will provide you with competent representation if you find yourself in court. We also handle a wide array of other litigation matters for our public clients, including tort defense, contract disputes and constitutional law issues.

PART III: CONCLUSION

We believe Duval Haws & Moody, P.C., has the experienced attorneys and support staff to provide both day-to-day advice and comprehensive legal and litigation services to you. Thank you for taking the time to review this information.