
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

UNITED STATES OF AMERICA,

Plaintiff,

v.

RONALD B. TALMAGE, and ANNETTE C.
TALMAGE,

Defendants; and

WESTERN LAND & LIVESTOCK, LLC,
and WESTERN RESERVE MORTGAGE,
LLC

Defendants and Counterclaim
Plaintiffs;

v.

UNITED STATES OF AMERICA,

Counterclaim Defendant.

**MEMORANDUM DECISION
AND ORDER GRANTING IN PART
MOTION TO ALTER OR AMEND
JUDGMENT**

Case No. 1:16-cv-00019-DN-PMW

District Judge David Nuffer

Defendants Western Land & Livestock, LLC and Western Reserve Mortgage, LLC (collectively, the “Western Entities”) seek to alter or amend the Judgment entered on September 19, 2019.¹ The Western Entities argue that amendment of paragraphs 4 and 5 of the Judgment² is

¹ Western Entities’ Motion to Alter or Amend Judgment (“Motion to Amend Judgment”), [docket no. 328](#), filed Oct. 15, 2019.

² Judgment in a Civil Case (“Judgment”) at 2, [docket no. 325](#), filed Sept. 19, 2019.

necessary to clarify and emphasize that the Judgment pertains only to this case.³ The Western Entities propose the following language for paragraphs 4 and 5 of the Judgment:

(4) Western Reserve Mortgage, LLC is the nominee of Ronald B. Talmage and Annette C. Talmage *with regard to the Liberty Property*.

(5) Western Reserve Mortgage, LLC is the fraudulent transferee of Ronald B. Talmage and Annette C. Talmage *with regard to the Liberty Property*.⁴

The government agrees that paragraphs 4 and 5 of the Judgment should be amended, but argues that the Western Entities' proposed amendments do not reflect the multiple transactions involved in the case.⁵ The government is correct.

The government proposed the following alternative language for amending paragraphs 4 and 5 of the Judgment:

(4) Western Reserve Mortgage, LLC is the nominee of Ronald B. Talmage and Annette C. Talmage *with respect to the Liberty Property and any funds or promissory notes related to any transactions involving the Liberty Property*.

(5) Western Reserve Mortgage, LLC is the fraudulent transferee of Ronald B. Talmage and Annette C. Talmage *with respect to the Liberty Property and any funds or promissory notes related to any transactions involving the Liberty Property*.⁶

The Western Entities argue that the government's proposed amendments contain unnecessary and expansive language.⁷ The Western Entities are correct.

³ Motion to Amend Judgment at 2-4. The Western Entities quote paragraphs 4 and 5 of the Judgment in their Motion to Amend Judgment, but incorrectly identify the paragraphs as being paragraphs 3 and 4 of the Judgment. *Id.*

⁴ *Id.* at 3.

⁵ United States' Response to Western Entities' Motion to Alter or Amend Judgment at 3-4, [docket no. 333](#), filed Nov. 5, 2019.

⁶ *Id.*

⁷ Reply in Support of Western Entities' Motion to Alter or Amend Judgment at 2-4, [docket no. 335](#), filed Nov. 18, 2019.

A middle ground approach is appropriate to resolve the parties' dispute over paragraphs 4 and 5 of the Judgment. Therefore, paragraphs 4 and 5 of the Judgment shall be amended as follows:

(4) Western Reserve Mortgage, LLC is the nominee of Ronald B. Talmage and Annette C. Talmage *with regard to the Liberty Property and any transactions involving the Liberty Property.*

(5) Western Reserve Mortgage, LLC is the fraudulent transferee of Ronald B. Talmage and Annette C. Talmage *with regard to the Liberty Property and any transactions involving the Liberty Property.*

This language clarifies that the Judgment pertains only to this case, while also reflecting the multiple transactions involved in the case.

ORDER

THEREFORE, IT IS HEREBY ORDERED that the Western Entities' Motion to Amend Judgment⁸ is GRANTED in part.

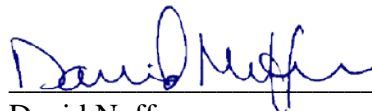
IT IS FURTHER HEREBY ORDERED that paragraphs 4 and 5 of the Judgment⁹ shall be amended as follows:

(4) Western Reserve Mortgage, LLC is the nominee of Ronald B. Talmage and Annette C. Talmage with regard to the Liberty Property and any transactions involving the Liberty Property.

(5) Western Reserve Mortgage, LLC is the fraudulent transferee of Ronald B. Talmage and Annette C. Talmage with regard to the Liberty Property and any transactions involving the Liberty Property.

Signed December 2, 2019.

BY THE COURT



David Nuffer
United States District Judge

⁸ Docket no. 328, filed Oct. 15, 2019.

⁹ Docket no. 325, filed Sept. 19, 2019.