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*Attorneys for Plaintiff Westgate  
Lofts Condominium Association*

12082776  
6/30/2015 4:35:00 PM \$13.00  
Book - 10339 Pg - 3876-3877  
Gary W. Ott  
Recorder, Salt Lake County, UT  
FABIAN & CLENDENIN  
BY: eCASH, DEPUTY - EF 2 P.

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IN THE THIRD JUDICIAL DISTRICT COURT  
IN AND FOR SALT LAKE COUNTY, STATE OF UTAH

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WESTGATE LOFTS CONDOMINIUM )  
ASSOCIATION, a Utah non-Profit )  
Corporations, )  
Plaintiff, )

v. )

CLEARWATER HOMES, LLC, a Utah )  
limited liability company, TELEGRAPH )  
EXCHANGE LLC, a Utah limited liability )  
company, and MICAH PETERS, an )  
individual, )

Defendants. )

**LIS PENDENS**

Civil No. 150904368  
Judge: Hon. James Gardner

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NOTICE IS HEREBY GIVEN of the pendency of the above-captioned action and all claims, causes of action, and allegations set forth therein affecting the real property in Salt Lake County, State of Utah, described as follows (the "**Property**"):

Beginning at a point South 89° 58' 30" West 62.94 feet and North 00° 01' 30" West 64.43 feet and South 89° 58' 33" West from the monument located at the intersection of Second South Street and Third West Street;

thence South 89° 58' 33" West 176.93 feet;  
thence North 00° 03' 31" West 178.40 feet;  
thence North 89° 58' 27" East 165.14 feet;  
thence North 00° 03' 25" West 21.64 feet;  
thence North 89° 58' 27" East 11.90 feet;

thence South 00° 01' 33" East 200.04 feet to the point of beginning.  
Contains 31,830 sq. ft. or 0.73 acres.

or

BEG S 89° 58' 33" W 383.4 FT FR SE COR OF LOT 1, BLK 66, PLAT A, SLC SUR; S 89° 58' 33" W 176.93 FT; N 00° 03' 31" W 178.40 FT; N 89° 58' 27" E 165.14 FT; N 00° 03' 25" W 21.64 FT; N 89° 58' 27" E 11.90 FT; S 00° 01' 33" E 200.04 FT TO BEG. 9375-5021

Sidwell No. 15-01-129-029-000

Without limitation of any kind upon the foregoing, the claims, causes of action, and allegations, in the above-captioned action affecting the Property include specific performance of recorded CC&Rs, a contract and promise for the assignment and conveyance of the Property to the Plaintiffs named above.

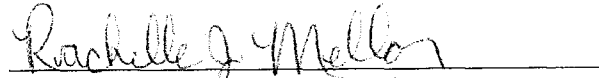
DATED this 30<sup>th</sup> day of June, 2015.



Scott R. Sabey  
Robert G. Crockett  
FABIAN & CLENDENIN  
A Professional Corporation  
*Attorneys for Plaintiff Westgate  
Lofts Condominium Association*

STATE OF UTAH                    )  
  : ss.  
COUNTY OF SALT LAKE    )

The foregoing Lis Pendens was acknowledged before me this 30<sup>th</sup> day of June, 2015, by Robert G. Crockett.



Notary Public for the State of Utah



3RD DISTRICT COURT - SALT LAKE  
SALT LAKE COUNTY, STATE OF UTAH

WESTGATE LOFTS CONDOMINIUM ASS vs. CLEARWATER HOMES LLC  
CASE NUMBER 150904368 Property Rights

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CURRENT ASSIGNED JUDGE  
JAMES GARDNER

PARTIES

Plaintiff - WESTGATE LOFTS CONDOMINIUM ASS  
Represented by: SCOTT R SABEY  
Represented by: ROBERT G CROCKETT  
Defendant - CLEARWATER HOMES LLC  
Defendant - TELEGRAPH EXCHANGE LLC  
Represented by: PAUL D VEASY  
Represented by: ZACK L WINZELER  
Defendant - MICAH PETERS  
Represented by: PAUL D VEASY  
Represented by: ZACK L WINZELER

ACCOUNT SUMMARY

TOTAL REVENUE	Amount Due:	360.00
	Amount Paid:	360.00
	Credit:	0.00
	Balance:	0.00
REVENUE DETAIL - TYPE: COMPLAINT - NO AMT S		
	Amount Due:	360.00
	Amount Paid:	360.00
	Amount Credit:	0.00
	Balance:	0.00

PROCEEDINGS

06-30-15 Filed: Complaint  
06-30-15 Case filed  
06-30-15 Fee Account created            Total Due:            360.00  
06-30-15 COMPLAINT - NO AMT S        Payment Received:        360.00  
06-30-15 Judge JAMES GARDNER assigned.  
06-30-15 Filed: Return of Electronic Notification  
09-16-15 Filed: Amended Complaint  
Printed: 04/15/19 15:44:14            Page 1

09-16-15 Filed: Return of Electronic Notification

09-25-15 Filed: Answer to Amended Complaint

TELEGRAPH EXCHANGE LLC

MICAH PETERS

09-25-15 Note: Certificate of Readiness for Trial due 10/07/2016

09-25-15 Filed: NOTICE OF EVENT DUE DATES

09-25-15 Filed: Return of Electronic Notification

10-09-15 Filed: Certificate of Service for Plaintiffs Initial  
Disclosures

10-09-15 Filed: Return of Electronic Notification

11-06-15 Filed: Certificate of Service for Defendants Initial  
Disclosures Under Rule 26(a)(1)

11-06-15 Filed: Return of Electronic Notification

11-09-15 Filed: Appearance of Counsel/Notice of Limited Appearance of  
Zack L. Winzeler

11-09-15 Filed: Return of Electronic Notification

11-13-15 Filed: Certificate of Service for Defendants First Set of  
Interrogatories, Requests for Production of Documents, and  
Requests for Admission

11-13-15 Filed: Return of Electronic Notification

11-16-15 Filed: Appearance of Counsel/Notice of Limited Appearance

11-16-15 Filed: Return of Electronic Notification

11-16-15 Filed: Motion for Partial Summary Judgment  
Filed by: WESTGATE LOFTS CONDOMINIUM ASS,

11-16-15 Filed: Affidavit/Declaration of Lee Lesburg in Support of  
Plaintiffs Motion for Partial Summary Judgment

11-16-15 Filed: Exhibit A-1 to Motion for Partial Summary Judgment

11-16-15 Filed: Exhibit A-2 to Motion for Partial Summary Judgment

11-16-15 Filed: Return of Electronic Notification

11-16-15 Filed: Exhibit A-3 to Motion for Partial Summary Judgment

11-16-15 Filed: Exhibit A-4 to Motion for Partial Summary Judgment

11-16-15 Filed: Exhibit A-5 to Motion for Partial Summary Judgment

11-16-15 Filed: Exhibit A-6 to Motion for Partial Summary Judgment

11-16-15 Filed: Return of Electronic Notification

11-16-15 Filed: Exhibit A-7 to Motion for Partial Summary Judgment

11-16-15 Filed: Exhibit A-8 to Motion for Partial Summary Judgment

11-16-15 Filed: Exhibit A-9 to Motion for Partial Summary Judgment

11-16-15 Filed: Exhibit A-10 to Motion for Partial Summary Judgment

11-16-15 Filed: Return of Electronic Notification  
11-16-15 Filed: Return of Electronic Notification  
11-30-15 Filed: Motion to File Overlength Memorandum Opposing Plaintiffs  
Motion for Partial Summary Judgment  
Filed by: TELEGRAPH EXCHANGE LLC,  
11-30-15 Filed: Request/Notice to Submit to Submit for Decision  
11-30-15 Filed: Order (Proposed) Granting Ex Parte Motion to File  
Overlength Memorandum Opposing Plaintiffs Motion for Partial  
Summary Judgment  
11-30-15 Filed: Return of Electronic Notification  
11-30-15 Note: E-filing to Judge  
11-30-15 Filed: Opposition to Defendants Memo Opposing Plaintiffs Motion  
for Partial Summary Judgment  
11-30-15 Filed: Exhibits to Defendants Memo Opposing Plaintiffs Motion  
for Partial Summary Judgment  
11-30-15 Filed: Return of Electronic Notification  
11-30-15 Filed order: Order Granting Ex Parte Motion to File Overlength  
Memorandum Opposing Plaintiffs Motion for Partial Summary  
Judgment  
Judge JAMES GARDNER  
Signed November 30, 2015  
11-30-15 Filed: Return of Electronic Notification  
12-14-15 Filed: Reply Memorandum in Support of Motion for Partial  
Summary Judgment and Request for Hearing  
12-14-15 Filed: Motion for Leave to File Overlength Reply Memorandum  
Filed by: WESTGATE LOFTS CONDOMINIUM ASS,  
12-14-15 Filed: Order (Proposed) Granting Leave to File Overlength Reply  
Memorandum  
12-14-15 Filed: Return of Electronic Notification  
12-15-15 Filed: Other - Declined to Sign Order (Proposed) Granting Leave  
to File Overlength Reply Memorandum  
12-15-15 Note: A Request to Submit is required according to Rule 7  
(civil) or Rule 26 (criminal). Court will not hold  
Proposed Orders.  
12-15-15 Filed: Return of Electronic Notification  
12-15-15 Filed: Request/Notice to Submit Motion for Leave to File  
Overlength Reply Memorandum in Support of Motion for Partial  
Summary Judgment  
12-15-15 Filed: Order (Proposed) Granting Motion for Leave to File

Overlength Reply Memorandum in Support of Motion for Partial  
Summary Judgment

12-15-15 Note: Submitted Efiled Order to Judge  
12-15-15 Filed: Return of Electronic Notification  
12-16-15 Filed order: Order Granting Motion for Leave to File Overlength  
Reply Memorandum in Support of Motion for Partial Summary  
Judgment

Judge JAMES GARDNER

Signed December 16, 2015

12-16-15 Filed: Return of Electronic Notification  
12-17-15 Filed: Objection to Evidence in Plaintiffs Reply Memorandum in  
Support of Motion for Partial Summary Judgment  
12-17-15 Filed: Return of Electronic Notification  
12-18-15 Filed: Certificate of Service of Plaintiffs Responses to  
Defendants First Discovery Requests  
12-18-15 Filed: Return of Electronic Notification  
12-22-15 Filed: Request/Notice to Submit Motion for Partial Summary  
Judgment  
12-22-15 Filed: Memorandum in Response to Objection to Evidence in  
Plaintiffs Reply Memorandum in Support of Motion for Partial  
Summary Judgment  
12-22-15 Filed: Return of Electronic Notification  
12-23-15 Note: Request to Submit sent to Judge for review.  
01-05-16 Notice - NOTICE for Case 150904368 ID 17154619  
MOTION FOR PAR SUMMARY JUDGE is scheduled.

Date: 03/23/2016

Time: 02:00 p.m.

Location: WJ Courtroom 33

8080 South Redwood Road

Suite 1701

Salt Lake City, UT 84088

Before Judge: JAMES GARDNER

The moving party is required to provide the Court with two-sided  
courtesy copies at least five work days prior to the hearing. The  
courtesy copies are to include the motion, all memoranda and only  
necessary exhibits.

01-05-16 MOTION FOR PAR SUMMARY JUDGE scheduled on March 23, 2016 at  
02:00 PM in West Jordan Room 33 with Judge GARDNER.

01-05-16 Filed: Notice for Case 150904368 ID 17154619  
01-12-16 Filed: Notice of Supplemental Authority  
01-12-16 Filed: Return of Electronic Notification  
01-14-16 Filed: Opposition to Notice of Supplemental Authority  
01-14-16 Filed: Return of Electronic Notification  
01-26-16 MOTION FOR PAR SUMMARY JUDGE scheduled on March 23, 2016 at  
09:00 AM in West Jordan Room 33 with Judge GARDNER.

01-26-16 Notice - NOTICE for Case 150904368 ID 17202797  
MOTION FOR PAR SUMMARY JUDGE.

Date: 03/23/2016

Time: 09:00 a.m.

Location: WJ Courtroom 33  
8080 South Redwood Road  
Suite 1701  
Salt Lake City, UT 84088

Before Judge: JAMES GARDNER

The reason for the change is Correct Calendar  
Moving party to provide a complete set of Memoranda, printed as  
double sided, to the Court one week prior to hearing.

01-26-16 Filed: Notice for Case 150904368 ID 17202797

03-23-16 Minute Entry - MOTION FOR PARTIAL SUMMARY JUDGMENT

Judge: JAMES GARDNER

Clerk: brendak

PRESENT

Plaintiff's Attorney(s): SCOTT R SABEY  
ROBERT G CROCKETT

Defendant's Attorney(s): PAUL D VEASY

Audio

Tape Number: 33 Tape Count: 9:01-11:01

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9:01 on record.

This case comes before the Court for hearing on plaintiff's motion  
for partial summary judgment.

Counsel for the parties present their arguments to the Court.

10:58 - The Court denies the motion. Paul Veasy to prepare the order.

03-24-16 Note: CD Request Completed, Mailed to Requestor.

04-05-16 Filed: Certificate of Service of Supplement to Plaintiffs Initial Disclosures and Plaintiffs Response to Defendants First Discovery Requests

04-05-16 Filed: Return of Electronic Notification

04-05-16 Filed: Motion Stipulated and Joint Motion for Extraordinary Discovery

Filed by: WESTGATE LOFTS CONDOMINIUM ASS,

04-05-16 Filed: Order (Proposed) Granting Stipulated and Joint Motion for Extraordinary Discovery

04-05-16 Filed: Return of Electronic Notification

04-06-16 Note: Submitted Efiled Order to Judge

04-06-16 Filed: Order (Proposed) Denying Plaintiffs Motion for Partial Summary Judgment

04-06-16 Filed: Return of Electronic Notification

04-06-16 Note: Submitted Efiled Order to Judge

04-06-16 Filed order: Order Denying Plaintiffs Motion for Partial Summary Judgment

Judge JAMES GARDNER

Signed April 06, 2016

04-06-16 Filed order: Order Granting Stipulated and Joint Motion for Extraordinary Discovery

Judge JAMES GARDNER

Signed April 06, 2016

04-06-16 Filed: Return of Electronic Notification

04-06-16 Filed: Return of Electronic Notification

04-07-16 Filed: TRANSCRIPT for Hearing of 03-23-2016

04-11-16 Filed: Certificate of Service of Plaintiffs First Set of Discovery Requests

04-11-16 Filed: Return of Electronic Notification

04-14-16 Filed return: Return of Service of Subpoena for Production of Documents to GT Title Services

Party Served: PERSONAL SERVICE - GT TITLE SERVICES

Service Date: April 13, 2016

04-14-16 Filed: Return of Electronic Notification



05-23-16 Filed: COS - Defendants Answers and Responses to Plaintiffs  
First Set of Discovery Requests

05-23-16 Filed: Return of Electronic Notification

08-30-16 Filed: Motion for Extending Discovery Dates  
Filed by: TELEGRAPH EXCHANGE LLC,

08-30-16 Filed: Order (Proposed) Granting Relief Requested in  
Stipulation and Second Joint Motion for Extending Discovery  
Deadlines

08-30-16 Note: Submitted Efiled Order for Discovery to Judge's Team

08-30-16 Filed: Return of Electronic Notification

08-30-16 Filed: Return of Electronic Notification

09-01-16 Filed order: Order Granting Relief Requested in Stipulation and  
Second Joint Motion for Extending Discovery Deadlines  
Judge JAMES GARDNER  
Signed September 01, 2016

09-01-16 Filed: Return of Electronic Notification

09-27-16 Filed: Motion for Extending Discovery Dates  
Filed by: TELEGRAPH EXCHANGE LLC,

09-27-16 Filed: Order (Proposed) Granting Relief Requested in  
Stipulation and Third Joint Motion for Extending Discovery  
Deadlines

09-27-16 Note: Submitted Efiled Order of Discovery to Judge's Team

09-27-16 Filed: Return of Electronic Notification

09-27-16 Filed: Other - Not Signed Order (Proposed) Granting Relief  
Requested in Stipulation and Third Joint Motion for Extending  
Discovery Deadlines

09-27-16 Note: The proposed document was declined/unsigned due to  
formatting issues. For RTF formatting tips, refer to  
[www.utcourts.gov/efiling](http://www.utcourts.gov/efiling). If further assistance is  
needed, the filer may contact their eFiling Service  
Provider, or the Courts' Help Desk at

09-27-16 Note: 801-578-3850 (option #4).

09-27-16 Filed: Return of Electronic Notification

09-27-16 Filed: Order (Proposed) Granting Relief Requested in  
Stipulation and Third Joint Motion for Extending Discovery  
Deadlines

09-27-16 Filed: Return of Electronic Notification

09-28-16 Filed order: Order Granting Relief Requested in Stipulation and  
Third Joint Motion for Extending Discovery Deadlines

Judge JAMES GARDNER

Signed September 28, 2016

- 09-28-16 Filed: Return of Electronic Notification
- 12-05-16 Filed: Stipulation and Fourth Joint Motion for Extending Discovery Dates
- 12-05-16 Filed: Order (Proposed) Granting Relief Requested in Stipulation and Fourth Joint Motion for Extending Discovery Deadlines
- 12-05-16 Filed: Return of Electronic Notification
- 12-05-16 Filed: Return of Electronic Notification
- 12-05-16 Note: Submitted Efiled Order to Judge
- 12-05-16 Filed order: Order Granting Relief Requested in Stipulation and Fourth Joint Motion for Extending Discovery Deadlines

Judge JAMES GARDNER

Signed December 05, 2016

- 12-05-16 Filed: Return of Electronic Notification
- 01-13-17 Filed: Motion for Extending Discovery Dates  
Filed by: PETERS, MICAH
- 01-13-17 Filed: Order (Proposed) Granting Relief Requested in Stipulation and Fifth Joint Motion for Extending Discovery Deadlines
- 01-13-17 Filed: Return of Electronic Notification
- 01-13-17 Filed: Return of Electronic Notification
- 01-13-17 Note: Proposed order sent to Judge Gardner for review
- 01-16-17 Filed order: Order Granting Relief Requested in Stipulation and Fifth Joint Motion for Extending Discovery Deadlines

Judge JAMES GARDNER

Signed January 16, 2017

- 01-16-17 Filed: Return of Electronic Notification
- 04-12-17 Filed: Motion for Extending Discovery Dates  
Filed by: PETERS, MICAH
- 04-12-17 Filed: Order (Proposed) Granting Relief Requested in Stipulation and Sixth Joint Motion for Extending Discovery Deadlines
- 04-12-17 Note: Efiled order sent to judge for review
- 04-12-17 Filed: Return of Electronic Notification
- 04-12-17 Filed: Return of Electronic Notification
- 04-13-17 Filed order: Order Granting Relief Requested in Stipulation and Sixth Joint Motion for Extending Discovery Deadlines

Judge JAMES GARDNER

Signed April 13, 2017

04-13-17 Filed: Return of Electronic Notification

07-19-17 Filed: Stipulation and Seventh Joint Motion for Extending  
Discovery dates

07-19-17 Filed: Order (Proposed) Granting RELief Requested in  
Stipulation and SEventh Joint Motion for Extending Discovery  
Deadlines

07-19-17 Note: Efiled order sent to judge

07-19-17 Filed order: Order Granting Relief Requested in Stipulation and  
Seventh Joint Motion for Extending Discovery Deadlines

Judge JAMES GARDNER

Signed July 19, 2017

07-19-17 Filed: Return of Electronic Notification

07-19-17 Filed: Return of Electronic Notification

07-19-17 Filed: Return of Electronic Notification

10-25-17 Filed: Motion for Extending Discovery Dates  
Filed by: PETERS, MICAH

10-25-17 Filed: Order (Proposed) Granting Relief Requested in  
Stipulation and Eighth Joint Motion for Extending Discovery  
Deadlines

10-25-17 Filed: Return of Electronic Notification

10-25-17 Filed: Return of Electronic Notification

10-25-17 Note: E-filing to Jude

10-25-17 Filed order: Order Granting Relief Requested in Stipulation and  
Eighth Joint Motion for Extending Discovery Deadlines

Judge JAMES GARDNER

Signed October 25, 2017

10-25-17 Filed: Return of Electronic Notification

12-11-18 ORDER TO SHOW CAUSE DISMISSAL scheduled on February 04, 2019 at  
01:30 PM in West Jordan Room 33 with Judge GARDNER.

12-11-18 Filed: Notice for Case 150904368 PR: Judge JAMES GARDNER

02-04-19 Minute Entry - ORDER TO SHOW CAUSE

Judge: JAMES GARDNER

Clerk: brendak

PRESENT

Plaintiff's Attorney(s): SCOTT R SABEY

Defendant's Attorney(s): PAUL D VEASY

Audio

Tape Number: 33 Tape Count: 1:33-1:35

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This case comes before the Court for an order to show cause for dismissal hearing.

Counsel for the parties state the status of the case.  
Counsel are finalizing settlement.

Counsel are to file something within 60 days or this case will be dismissed.

04-08-19 Note: Scott Sabey phoned parties have reached an agreement, an order will be filed by Friday April 12th. Clerk extended dismissal tracking date by one week.

04-12-19 Filed: Motion to Extend Dismissal Deadline  
Filed by: WESTGATE LOFTS CONDOMINIUM ASS,

04-12-19 Filed: Order (Proposed) Granting Extension of Dismissal  
Deadline

04-12-19 Filed: Return of Electronic Notification

04-12-19 Note: Efiled order sent to judge