

The Order of the Court is stated below:

Dated: December 05, 2018
10:25:44 AM

/s/ RICHARD MCKELVIE
District Court Judge



Ryan B. Braithwaite (8817)
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Recorder, Salt Lake County, UT
BENNETT TUELLER JOHNSON DEERE
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Attorneys for Plaintiff

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

DISTINCTIVE DESIGN, LLC, dba
PENDLETON DESIGN MANAGEMENT;
PENDLETON DESIGN MANAGEMENT,
LLC; and STEVEN PENDLETON;

Plaintiffs,

vs.

LAKE CITY CUSTOM HOMES, INC.;
LAKE CITY HOMES, LLC; LAKE CITY
ENTERPRISES, LLC; LAKE CITY
CAPITAL, LLC; LAKE CITY CAPITAL VI,
LLC; LAKE CITY CAPITAL VII, LLC;
LAKE CITY CAPITAL XI, LLC; LAKE
CITY CAPITAL XII, LLC; LAKE CITY
CAPITAL XIII, LLC; LAKE CITY CAPITAL
XV, LLC; LAKE CITY CAPITAL XVI, LLC;
STEEPLECHASE LCCH 59, LLC;
BEAUFONTAINE PARTNERS, LLC;
MONTREAUX PARTNERS, LLC; DAVID
BROWN; and JOHN DOES 1-50;

Defendants.

**DEFAULT JUDGMENT AGAINST
DEFENDANTS**

Civil No. 180907854

Judge Richard McKelvie

In this action, Defendants Lake City Custom Homes, Inc.; Lake City Homes, LLC; Lake City Enterprises, LLC; Lake City Capital, LLC; Lake City Capital VI, LLC; Lake City Capital VII, LLC; Lake City Capital XI, LLC; Lake City Capital XII, LLC; Lake City Capital XIII, LLC; Lake City Capital XV, LLC; Lake City Capital XVI, LLC; Steeplechase LCCH 59, LLC; Beaufontaine Partners, LLC; Montreaux Partners, LLC; and David Brown (collectively, “Defendants”), having been regularly and personally served with process and having failed to timely appear and answer Plaintiffs’ Complaint filed in the above-captioned case (the “Complaint”), the time allowed by law for answering having expired, and the default of Defendants having been duly entered according to law, now, upon application of the Plaintiffs to this Court, Judgment is hereby entered against Defendants, jointly and severally, as follows:

WHEREFORE, by virtue of the law, and for the reasons stated above, it is hereby ordered, adjudged, and decreed that Plaintiffs Distinctive Design, LLC, dba Pendleton Design Management (“Distinctive Design”), Pendleton Design Management, LLC (“Pendleton Design”), and Steven Pendleton (“Pendleton”) (collectively, the “Plaintiffs”) are hereby awarded Judgment against Defendants, jointly and severally, as follows and as requested in the Complaint:

JUDGMENT

Plaintiffs are hereby awarded a Judgment against Defendants, jointly and severally, as follows:

1. For the principal amount of \$958,000.00 as requested in the Complaint;
2. For pre-judgment interest, as requested in the Complaint, at the statutory rate of 10% per annum beginning January 24, 2018 through November 24, 2018 in the amount of

\$79,833.33;

3. For Plaintiffs' costs, as requested in the Complaint, through November 14, 2018 in the amount of \$768.15;

4. For Plaintiffs' attorneys' fees, as requested in the Complaint, through November 14, 2018 and pursuant to Utah Code Ann. §§ 38-1a-706(2)(b), 25-6-302, and 58-55-603(2) and the Lake City Subcontractor Agreement dated August 19, 2016 in the amount of \$7,872.50; and

5. For lien costs, as requested in the Complaint, pursuant to Utah Code Ann. § 38-1a-706(2)(a) in the amount of \$200.00;

For a Judgment against Defendants, jointly and severally, in the total amount of \$1,046,673.98 as of November 14, 2018. As requested in the Complaint, post-judgment interest shall accrue on the Judgment at the rate of 12% per annum pursuant to Utah Code Ann. § 58-55-603(2).

It is further Ordered that the amount of this Judgment may be augmented by the amount of reasonable attorneys' fees and costs incurred to enforce this Judgment until the Judgment is satisfied in full.

ORDER

Furthermore, the Court hereby makes the following Order, as requested in the Complaint:

1. Pursuant to paragraph 5 of Plaintiffs' Prayer for Relief, paragraph 70 of the Complaint, and Utah Code Ann. § 25-6-202, the Court hereby avoids Defendants' transfers of the following Properties:

- a. Salt Lake County Parcel No. 21-34-480-023-0000
- b. Salt Lake County Parcel No. 21-34-480-021-0000
- c. Salt Lake County Parcel No. 34-18-101-029-0000
- d. Salt Lake County Parcel No. 28-33-451-011-0000

- e. Salt Lake County Parcel No. 34-08-278-025-0000
- f. Salt Lake County Parcel No. 34-08-278-019-0000
- g. Salt Lake County Parcel No. 34-08-279-003-0000
- h. Salt Lake County Parcel No. 34-08-279-004-0000
- i. Salt Lake County Parcel No. 34-08-279-005-0000
- j. Salt Lake County Parcel No. 34-08-279-007-0000
- k. Salt Lake County Parcel No. 34-08-279-008-0000
- l. Salt Lake County Parcel No. 34-08-278-014-0000
- m. Salt Lake County Parcel No. 34-08-278-029-0000
- n. Salt Lake County Parcel No. 34-08-427-004-0000
- o. Salt Lake County Parcel No. 34-04-256-007-0000
- p. Wasatch County Parcel No. 00-0021-1593
- q. Wasatch County Parcel No. 00-0021-1594
- r. Wasatch County Parcel No. 00-0021-1595
- s. Wasatch County Parcel No. 00-0021-1597
- t. Wasatch County Parcel No. 00-0021-1604
- u. Wasatch County Parcel No. 00-0021-1607
- v. Wasatch County Parcel No. 00-0021-1611

The Court also orders that the Plaintiffs may attach the Properties for the amount of this Judgment and levy on the Properties to satisfy this Judgment.

2. Pursuant to paragraph 6 of Plaintiffs' Prayer for Relief, the Court Orders that Plaintiffs may record this Judgment with the County Recorders of the appropriate counties to secure this Judgment with a trust deed against the Beaufontaine Lots, the Parcel Nos. of which are identified below. Pursuant to paragraphs 21, 72-81 of the Complaint, the Court further Orders that the Trust Deed recorded as Entry No. 450495 in the Office of the Wasatch County Recorder's Office against Lots 44, 45, and 49 (the "Trust Deed") is hereby reformed such that the Trust Deed now encumbers Lots 46, 47, 48, 50, 57, 60, and 64 in the Beaufontaine Project, having the following Parcel Nos.:

- a. Wasatch County Parcel No. 00-0021-1593
- b. Wasatch County Parcel No. 00-0021-1594
- c. Wasatch County Parcel No. 00-0021-1595
- d. Wasatch County Parcel No. 00-0021-1597
- e. Wasatch County Parcel No. 00-0021-1604

f. Wasatch County Parcel No. 00-0021-1607

g. Wasatch County Parcel No. 00-0021-1611

The reformation Ordered herein shall take effect as of April 20, 2018 when the Trust Deed was recorded. All other terms of the Trust Deed shall remain the same.

3. Pursuant to paragraph 7 of the Prayer for Relief, the Court Orders that each Defendants Lake City Custom Homes, Inc.; Lake City Homes, LLC; Lake City Enterprises, LLC; Lake City Capital, LLC; Lake City Capital VI, LLC; Lake City Capital VII, LLC; Lake City Capital XI, LLC; Lake City Capital XII, LLC; Lake City Capital XIII, LLC; Lake City Capital XV, LLC; Lake City Capital XVI, LLC; Steeplechase LCCH 59, LLC; Beaufontaine Partners, LLC; Montreaux Partners, LLC (the “Defendant Entities”) and Defendant David Brown (“Brown”) is the alter ego of the other and is therefore jointly and severally liable for all amounts owed to the Plaintiffs by any or all of the Defendant Entities or Brown.

4. Pursuant to paragraph 8 of the Prayer for Relief, the Court Orders that Plaintiffs may sell the Beaufontaine Lots and all assets of the Defendants to satisfy the amounts owed to the Plaintiffs.

HEREBY ENTERED BY THE COURT

Effective on the Date When the Court Stamp Is Affixed to the First Page of This Document

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IN THE THIRD JUDICIAL DISTRICT COURT OF SALT LAKE COUNTY

STATE OF UTAH

<p>DISTINCTIVE DESIGN, LLC, dba PENDLETON DESIGN MANAGEMENT; PENDLETON DESIGN MANAGEMENT, LLC; and STEVEN PENDLETON;</p> <p style="text-align: center;">Plaintiffs,</p> <p>vs.</p> <p>LAKE CITY CUSTOM HOMES, INC.; LAKE CITY HOMES, LLC; LAKE CITY ENTERPRISES, LLC; LAKE CITY CAPITAL, LLC; LAKE CITY CAPITAL VI, LLC; LAKE CITY CAPITAL VII, LLC; LAKE CITY CAPITAL XI, LLC; LAKE CITY CAPITAL XII, LLC; LAKE CITY CAPITAL XIII, LLC; LAKE CITY CAPITAL XV, LLC; LAKE CITY CAPITAL XVI, LLC; STEEPLECHASE LCCH 59, LLC; BEAUFONTAINE PARTNERS, LLC; MONTREAUX PARTNERS, LLC; DAVID BROWN; and JOHN DOES 1-50;</p> <p style="text-align: center;">Defendants.</p>	<p>JUDGMENT INFORMATION STATEMENT</p> <p>Civil No180907854</p> <p>Judge Richard McKelvie</p>
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Plaintiffs Distinctive Design, LLC dba Pendleton Design Management, Pendleton Design Management, LLC and Steven Pendleton ("***Plaintiffs***"), as Judgment Creditor, provide the following information in compliance with Section 78B-5-201:

1. The correct names of the Judgment Debtors are: LAKE CITY CUSTOM HOMES, INC., LAKE CITY HOMES, LLC; LAKE CITY ENTERPRISES, LLC; LAKE CITY CAPITAL, LLC; LAKE CITY CAPITAL VI, LLC; LAKE CITY CAPITAL VII, LLC; LAKE CITY CAPITAL XI, LLC; LAKE CITY CAPITAL XII, LLC; LAKE CITY CAPITAL XIII, LLC; LAKE CITY CAPITAL XV, LLC; LAKE CITY CAPITAL XVI, LLC; STEEPLECHASE LCCH 59, LLC; BEAUFONTAINE PARTNERS, LLC; MONTREAUX PARTNERS, LLC; DAVID BROWN

2. The correct last known address of the Judgment Debtors is c/o Dave Brown, Registered Agent, 7370 South Creek Road, Suite 204, Sandy, Utah 84093.

3. The names of the Judgment Creditor are Distinctive Design, LLC dba Pendleton Design Management, Pendleton Design Management, LLC and Steven Pendleton c/o Ryan B. Braithwaite, Bennett Tueller Johnson & Deere, 3165 East Millrock Drive, Suite 500, Salt Lake City, Utah 84121.

4. Judgment Debtors LAKE CITY CUSTOM HOMES, INC., LAKE CITY HOMES, LLC; LAKE CITY ENTERPRISES, LLC; LAKE CITY CAPITAL, LLC; LAKE CITY CAPITAL VI, LLC; LAKE CITY CAPITAL VII, LLC; LAKE CITY CAPITAL XI, LLC; LAKE CITY CAPITAL XII, LLC; LAKE CITY CAPITAL XIII, LLC; LAKE CITY CAPITAL XV, LLC; LAKE CITY CAPITAL XVI, LLC; STEEPLECHASE LCCH 59, LLC; BEAUFONTAINE PARTNERS, LLC; and MONTREAUX PARTNERS, LLC are not natural persons.

5. Judgment Debtor DAVID BROWN is a natural person.

a. David Brown is also known as David Jon Brown;

b. Date of birth: 08/xx/1975;

c. Social Security No. xxx-xx-2789; and

d. Address is 13592 S. Aintree Hill Cove, Draper, Utah 84020.


6. The amount of the judgment is \$1,046,673.98, plus ongoing interest and attorneys' fees and costs.

7. The Judgment has not been stayed.

The Judgment Creditor has reviewed its own records, the records of its attorney and the records of the Court in which the Judgment was entered. Any information required by Section 78B-5-201 but not provided in this statement is unknown and unavailable.

DATED this 6th day of December, 2018.

BENNETT TUELLER JOHNSON & DEERE



Ryan B. Braithwaite
Attorneys for Judgment Creditor

SUBSCRIBED AND SWORN to before me 6th day of December, 2018 by Ryan B. Braithwaite.



Notary Public

