

MARGARET H. OLSON (Bar No. 6296)  
Summit County Attorney  
DAVID L. THOMAS (Bar No. 7106)  
Chief Civil Deputy County Attorney  
JAMI R. BRACKIN (Bar No. 8753)  
Deputy County Attorney  
SUMMIT COUNTY ATTORNEY'S OFFICE  
60 N. Main Street, P.O. Box 128  
Coalville, Utah 84017  
Telephone: 435-336-3206  
Fax: 435-336-3287  
[molson@summitcounty.org](mailto:molson@summitcounty.org)  
[dthomas@summitcounty.org](mailto:dthomas@summitcounty.org)  
[jbrackin@summitcounty.org](mailto:jbrackin@summitcounty.org)

**ENTRY NO. 01140231**

08/31/2020 08:23:16 AM B: 2594 P: 1347

Lis Pendens PAGE 1/9

RHONDA FRANCIS, SUMMIT COUNTY RECORDER

FEE 0.00 BY SUMMIT COUNTY ATTORNEY



Attorneys for Plaintiff and Petitioner

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

SUMMIT COUNTY, a political subdivision  
of the State of Utah,

Plaintiff and Petitioner,

NATHAN A. BROCKBANK, an  
individual, JOSHUA J. ROMNEY, an  
individual, RB 248 LLC, NB 248, LLC, N.  
BROCKBANK INVESTMENTS, LLC, JJR  
VENTURES, LTD, WELLS FARGO  
BANK, NA, REDUS PARK CITY, LLC,  
UNITED PARK CITY MINES  
COMPANY, and JUSTIN  
LAMPROPOULOS

Defendants and Respondents.

**NOTICE OF LIS PENDENS**

Civil No. 200500346

Judge Richard Mrazik

Plaintiff/Petitioner Summit County, by and through its counsel Margaret H. Olson, David

L. Thomas, and Jami R. Brackin and pursuant to Utah Code § 78B-6-1303 hereby gives notice

that a Notice of pendency of action is being filed with the Summit County Recorder for the property descriptions described in the attached "Constable's Deed" dated February 21, 2020 and recorded on August 26, 2020. The object of the action is as follows:

**CLAIM FOR RELIEF (Declaratory Judgment; Injunctive Relief; and Abatement – Illegal Subdivision, Parcels SS-87 and SS-88)**: For judgment in favor of Plaintiff Summit County declaring and ordering that:

- A. Parcels SS-87 and SS-88 were illegally subdivided by the Foreclosure Sale and remain unified parcels;
- B. The Foreclosure Sale is abated and void, and title to Parcels SS-87 and SS-88 did not pass to Wells Fargo or Brockbank or any subsequent transferees through the Constable's Deed;
- C. The Constable's Deed is abated and void, and all subsequent transfers therefrom are void;
- D. Brockbank and Wells Fargo are enjoined from recording the Constable's Deed and any other subsequent deed regarding Parcels SS-87 and SS-88;
- E. Brockbank and Wells Fargo are enjoined from providing consent to annex any portion of Parcels SS-87 or SS-88 into Hideout pursuant to Utah Code §10-2-418(3)(c); and
- F. Brockbank and Wells Fargo are enjoined from exercising any ownership interest in Parcels SS-87 and SS-88 until those parcels are properly subdivided and an appropriate and legal foreclosure sale has been held.

**SECOND CLAIM FOR RELIEF (Declaratory Judgment; Injunctive Relief; and Abatement – Fraudulent and Invalid Real Property Deed (Constable's Deed))**: For judgment in favor of Plaintiff Summit County declaring and ordering that:

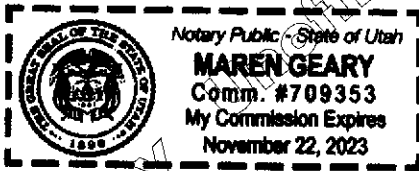
- A. Justin Lampropoulos has no legal authority within Summit County to execute on real property, hold foreclosure sales, or issue real property deeds.
- B. Justin Lampropoulos' entry into Summit County without notice to the Sheriff and purporting to act as a "Constable for the State of Utah" and holding a Foreclosure Sale was a violation of Utah Code § 17-25-1, 17-25-6(1), Utah R. Civ. P. 64(d) and Utah Code § 76-8-201 (Official Misconduct).
- C. Justin Lampropoulos' Constable's Deed dated February 22, 2020 has no legal force or effect or in the alternative is void ab initio.

DATED this 31<sup>th</sup> day of August, 2020.

SUMMIT COUNTY ATTORNEY'S OFFICE

By: David L. Thomas  
David L. Thomas

Subscribed and Sworn on this 31<sup>st</sup> day of August, 2020 in Summit County, Utah before Maren Geary, Notary Public, 60 North Main Street, Coalville, Utah 84017, Commission Expires November 22, 2023.



Maren Geary  
Maren Geary, Notary Public

WHEN RECORDED, RETURN TO AND  
MAIL TAX NOTICES TO:  
RB 248 LLC  
Attn: Nate Brockbank  
2265 East Murray Holladay Road  
Holladay, UT 84117  
CT- 121413-CAF

01140002 B: 2593 P: 1783  
Page 1 of 5  
Rhonda Francis Summit County Recorder  
08/26/2020 02:13:03 PM Fee \$40.00  
By Cottonwood Title Insurance Agency, Inc.  
Electronically Recorded

APNs: See Exhibit "A"

**CONSTABLE'S DEED**

(Richardson Flats - EAST)

TIN SS-87 & PP-28.A

THIS CONSTABLE'S DEED ("Deed") is made effective as of the 22<sup>nd</sup> day of February 2020 between Justin Lammopoulos, Constable for the State of Utah ("Grantor"), and RB 248 LLC, a Utah limited liability company ("Grantee").

WITNESSETH, WHEREAS, on April 15, 2015 a Judgment (the "Judgment") was entered by the Third Judicial District Court of Salt Lake County, State of Utah, in *WELLS FARGO BANK NATIONAL ASSOCIATION, and MIDTOWN ACQUISITIONS L.P., Plaintiffs, vs. TALISKER PARTNERSHIP; TALISKER INVESTMENTS (CANADA) INC.; TALISKER INVESTMENTS (U.S.) INC.; TALISKER DEVELOPMENTS INC.; UNITED PARK CITY MINES COMPANY; TUHAYE LLC; TUHAYE GOLF, LLC; MOUNTAIN RESORTS DEVELOPMENT (PIOCHE), LLC; MOUNTAIN DEVELOPMENTS I, INC.; TOWER CLUB LLC; and TUHAYE ELM, INC., Defendants*, Civil No. 156500424.

AND WHEREAS, upon entry of the Judgment, an Abstract of the Judgment was filed in the Third Judicial District Court of Summit County, pursuant to Utah Code Ann. § 78B-5-202(3), where the Judgment now "ha[s] the same force and effect as a judgment entered in [this] court." *Id.*

AND WHEREAS, after the Judgment was filed in the Third Judicial District Court of Summit County, it was recorded with the Summit County Recorder on April 16, 2015, as Entry No. 01016864.

AND WHEREAS, upon the application of the Plaintiff Wells Fargo Bank, National Association ("Plaintiff"), a Writ of Execution (the "Writ of Execution") was issued on November 25, 2019, directed to the Summit County Sheriff or Constable, directing the Sheriff or Constable to sell certain real property, owned by defendant Talisker Developments Inc. and/or United Park City Mines Company, as identified in the Writ of Execution.

AND WHEREAS, the Writ of Execution provides that Plaintiffs may credit bid up to the outstanding amount owed under the Judgment at the Sheriff's or Constable's sale.

AND WHEREAS, at the hour of nine o'clock a.m. on the 22<sup>nd</sup> day of February, 2020, at

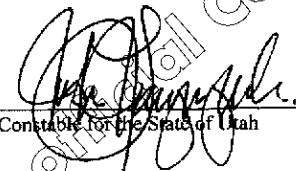
the Summit County Silver Summit District Courthouse in Park City, after due public notice had been given, as required by Rule 69B, Utah Rules of Civil Procedure, Grantor did duly sell at public auction the real property referenced in the Writ of Execution, which is described in Exhibit "A" attached hereto (the "Property"), to the Plaintiff, such Plaintiff being the highest bidder thereof, for the sum of \$8,550,000.00 in the form of cash in the amount of \$100 and the remainder in the form a credit bid against the obligations owed by the Defendants that were secured pursuant to the Judgment. Subsequently, Plaintiff did assign its right as the high bidder at the aforementioned public auction to take title to the Property to Grantee.


AND WHEREAS by written agreement, Defendants waived their 180-day statutory right of redemption following a judicial foreclosure sale set forth in Rule 69C(d), Utah Rules of Civil Procedure; and furthermore the 180-day statutory right of redemption period under Rule 69C(d), Utah Rules of Civil Procedure expired on August 20, 2020 without redemption and this Deed is made and delivered after the expiration of such right of redemption period set forth in Rule 69C(d).

NOW, THEREFORE, in order to carry into effect the sale of the Property pursuant to the Writ of Execution, and in consideration of the money paid by credit bid and cash by Plaintiff, the receipt of which is hereby acknowledged, Grantor hereby grants, sells and conveys to Grantee the real property described in Exhibit "A" attached hereto, located in Summit County, State of Utah, together with all tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, to have and to hold the same unto Grantee, its successors and assigns, forever;

SUBJECT TO: (i) all declarations, easements, rights-of-way, restrictions, covenants, and other matters of public record; (ii) all gas, water, and mineral rights of others; (iii) any matters that would be disclosed by an accurate, current survey and inspection of the Property; and (iv) current taxes and assessments.

IN WITNESS WHEREOF, Grantor has hereunto set his hand and seal the day and year first above written.

  
Constable for the State of Utah

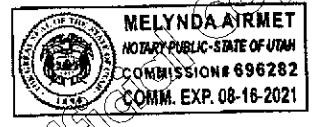
Signed, Sealed and Delivered in the presence of  
  
(Print witnesses name)

STATE OF UTAH

COUNTY OF Utah

On the 11 day of August, 2020, before me, Melynda Airmet, a Notary Public in and for the County of Utah, State of Utah, personally appeared Justin Lamberson, Constable for the State of Utah, personally known to me to be the person described in and who executed the foregoing instrument, who acknowledged to me that he executed the same as such Constable, freely and voluntarily, and for the uses and purposes therein mentioned.

Witness my hand and notary seal, this 11 day of August, 2020, by Melynda Airmet  
Melynda Airmet  
Notary Public  
Residing in Utah County, State of Utah  
My Commission Expires: 08-16-2021



**EXHIBIT A TO  
CONSTABLE'S DEED**

**[Property Legal Description]**

**PARCEL 1 EAST**

A parcel of land located in the north half of Section 1, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being described as follows:

Beginning at a point South 00°44'33" East 2641.90 feet coincident with the section line and West 647.07 feet from the northeast corner of Section 1, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence along the south line of the northeast quarter of Section 1 North 89°50'21" West 1722.59 feet; thence North 36°45'45" East 401.85 feet; thence North 32°35'26" West 1843.40 feet to a point on the southerly right-of-way of Highway U-189; thence coincident with the southerly right-of-way of Highway U-189 the following four (4) courses: 1) South 81°29'38" East 463.60 feet to a right-of-way monument; thence 2) South 78°57'52" East 621.18 feet to a right-of-way monument; thence 3) South 85°29'09" East 193.03 feet to a right-of-way monument; thence 4) North 88°34'36" East 459.30 feet; thence South 1263.44 feet; thence South 89°58'46" East 696.77 feet to the Summit-Wasatch County line; thence coincident with the Summit-Wasatch County line South 07°49'47" East 428.95 feet to the point of beginning.

Description contains 51.88 acres.

(Tax Serial No. Part of SS-87)

**PARCEL 2**

A parcel of land located in the southwest quarter of Section 1, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

Beginning at point North 00°43'31" East 2218.71 feet along the center of section line from the south quarter corner of Section 1, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence along the northerly line of the abandoned Union Pacific Railroad right-of-way North 76°40'50" West 450.61 feet; thence along the southerly right-of-way line of the county road (UDOT F.A.P. 93-B) North 79°44'00" East 447.99 feet; thence along the center of section line South 00°43'31" West 183.67 feet to the point of beginning.

Description contains 0.93 acres.

(Tax Serial No. Part of SS-87)

**PARCEL 3A**

A parcel of land located in the southwest quarter of Section 1, the southeast quarter of Section 2, and the northwest quarter of Section 12, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being described as follows:

Beginning at the southwest corner of Section 1, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence coincident with the section line North 00°34'37" East 1327.29 feet; thence coincident with the south line of the north half of the southeast quarter of Section 2 South 89°58'53" West 188.10 feet; thence North 19°56'15" West 537.89 feet to a point on a non

tangent 2914.90 foot radius curve to the left, of which the radius point bears North 07°03'59" West, said point being on the southerly right-of-way of the county road (UDOT E.A.P. 93-B); thence coincident with the southerly right-of-way of the county road (UDOT F.A.P. 93-B) the following two (2) courses: 1) along the arc of said curve 162.81 feet through a central angle of 03°12'01"; thence 2) North 79°44'00" East 236.14 feet; thence South 71°47'16" East 704.98 feet; thence South 82°58'01" East 1191.60 feet; thence North 27°48'26" East 758.25 feet to the southerly line of the abandoned Union Pacific Railroad right-of-way; thence along the southerly line of the abandoned Union Pacific Railroad right-of-way South 76°40'50" East 451.55 feet to the center line of Section 1, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence coincident with the center line of Section 1 South 00°43'31" West 2116.24 feet to the south quarter corner of Section 1; thence coincident with the south line of Section 1 North 89°30'05" West 1326.50 feet; thence coincident with the east line of the northwest quarter of the northwest quarter of Section 12 South 00°41'29" East 1332.41 feet; thence coincident with the south line of the northwest quarter of the northwest quarter of Section 12 North 89°23'28" West 1347.55 feet; thence coincident with the west line of the northwest quarter of the northwest quarter of Section 12 North 00°12'46" East 1329.54 feet to the point of beginning.  
Description contains 153.31 acres.  
(Tax Serial No. Part of SS-87, PP-28-A and part of SS-88)

**PARCEL 6**

A parcel of land located in the north half of Section 1, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

Beginning at the northwest corner of Section 1, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence coincident with the north boundary of said Section 1 the following two (2) courses: 1) South 89°31'25" East 2666.74 feet; thence (2) North 89°59'53" East 1875.55 feet to the Summit-Wasatch county line; thence coincident with the Summit-Wasatch county line South 03°53'07" East 535.39 feet to the north right-of-way boundary of U.S. Highway 189 (also known as SR-248), said point being on a non tangent curve to the left having a radius of 2139.86 feet, of which the radius point bears South 10°52'23" West; thence coincident with said right-of-way the following ten (10) courses: 1) Westerly along the arc of said curve 201.77 feet through a central angle of 05°24'09"; thence 2) North 87°41'03" West 339.16 feet; thence 3) North 89°19'46" West 540.85 feet to a point on a curve to the right having a radius of 5502.89 feet, of which the radius point bears North 00°49'14" East; thence 4) along the arc of said curve 751.38 feet through a central angle of 07°49'24"; thence 5) North 81°30'46" West 302.59 feet; thence 6) South 87°10'38" West 407.66 feet; thence 7) North 81°30'46" West 1224.14 feet to a point on a non tangent curve to the right having a radius of 5579.56 feet, of which the radius point bears North 08°29'18" East; thence 8) Westerly along the arc of said curve 268.64 feet through a central angle of 02°45'31"; thence 9) North 66°59'31" West 246.59 feet to a point on a non tangent curve to the right having a radius of 5534.58 feet, of which the radius point bears North 13°44'49" East; thence 10) Westerly along the arc of said curve 355.11 feet through a central angle of 03°40'34" to the west boundary of the northwest quarter of said Section 1; thence coincident with said west boundary North 00°34'37" East 4.53 feet to the point of beginning.  
Description contains 37.91 acres.  
(Tax Serial No. Part of SS-87)



Unofficial Copy