



# SUMMIT COUNTY SHERIFF'S OFFICE

SHERIFF JUSTIN MARTINEZ

6300 JUSTICE CENTER ROAD PARK CITY, UTAH 84098 (435) 615-3600

## NOTICE OF REAL ESTATE LEVY

STATE OF UTAH

ss. Sheriff's Office

COUNTY OF SUMMIT

Notice is hereby given, that under and by virtue of a WRIT OF EXECUTION, issued out of the Third District Court of the State of Utah, of which the annexed is a true copy, I have this day attached and levied upon all right, title, claim and interest of defendant(s), 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., of, in and to the following described Real Estate, standing on the records of Summit County, in the name of whose interest being sold, taken off execution and / or praecipe, and particularly described as follows:

- a. Summit County Tax Parcel: SS-87
- b. Legal Description:

All of Section 1, Township 2 South, Range 4 East, Salt Lake Base and Meridian lying west of the Summit County-Wasatch County Line, which is more particularly described as follows:  
 Beginning at the Northwest Corner of said Section 1, thence the following two (2) courses coincident with the north line of said Section 2, 1) South 89°28'26" East 2666.21 to the North Quarter Corner thereof; 2) South 89°56'55" East 1874.61 feet to the point of intersection with the Summit-Wasatch county line; Thence the following four (4) courses coincident with said County Line, 1) South 03°34'52" East 596.40 feet; 2) South 15°40'52" East 1085.46 feet; 3) South 30°05'08" West 491.21 feet; 4) South 07°47'44" East 581.66 feet to the point of intersection with Center Quarter Section Line; Thence North 89°47'09" West 2073.53 feet coincident with said Quarter Section line to the number 5 rebar and cap stamped "Alliance" which is monumentalizing the Center Quarter Corner thereof; Thence South 00°46'27" West 2669.63 feet coincident with the Center Quarter Section line to the North Quarter Corner of said Section 1; Thence the following two (2) courses coincident with south and west lines of said Section 1, 1) North 89°27'15" West 2652.15 feet to the Southwest Corner thereof; 2) North 00°37'20" East 5304.46 feet to the point of beginning.

Less and Excepting therefrom the following more or less five (5) parcels of land;

- 1) All of the Southeast Quarter of said Section 1.
- 2) All of Summit County Tax Parcel SS-87-B, described in that certain Special Warranty Deed from United Park City Mines Company to Jordanelle Special Service District, recorded August 27, 2002 as Entry 00630270, in Book 1468, at page 1153 of the Summit County Records.
- 3) Any portion thereof lying and situate within the boundaries of SR-248, Utah Department of Transportation Project Number NF-61, along with any portions lying and situate within the bounds of those particular parcels of land described in that certain Amended Complaint in Condemnation recorded September 04, 1996 as Entry 00461947, in Book 990, at pages 22-75 of the Summit County Records.
- 4) All of Summit County Tax Parcel SS-86-91-UP-X, described in that certain Quit Claim Deed recorded February 22, 2006 as Entry 0769412, in Book 1772, at Page 483 of the Summit County Records.
- 5) Any portion thereof lying and situate within the boundaries of Richardson Flat Road which is also known as State Road Commission Project RAE-93-B and described in that certain Quit Claim Deed recorded March 08, 1930, as Entry 44348, in Book F, at page 182, of the Summit County Records

- c. Approximate location 40°40'26.8" N 111°27'28.2" W

TOGETHER WITH,

- a. Summit County Tax Parcel: SS-88
- b. Legal Description:

All of the East Half of Section 2, Township 2 South, Range 4 East, Salt Lake Base and Meridian lying east of US Highway 40, Utah Department of Transportation Project Number

ENTRY NO. 01177916  
 11/18/2021 01:23:57 PM B: 2707 P: 0680  
 PAGE 1/36  
 RECORDED BY SUMMIT COUNTY SHERIFF'S OFFICE



# SUMMIT COUNTY SHERIFF'S OFFICE

SHERIFF JUSTIN MARTINEZ

6300 JUSTICE CENTER ROAD PARK CITY, UTAH 84098 (435) 615-3600

NF-19, which is also known as Summit County Tax Parcel SS-92-A-X, described in that certain Amended Complaint in Condemnation recorded September 04, 1996 as Entry 00461947, in Book 990, at Pages 22-75 of the Summit County Records, which is more particularly described as follows:

Beginning at the Northeast Corner of said Section 2, thence South 00°37'20" West 5304.46 feet coincident with the east line of said Section 2, to the Southeast Corner of said Section 2; Thence South 89°49'26" West 1426.87 feet coincident with the south line of said section 2 to the point of intersection with the east right of way of U.S. Highway 40 (U.D.O.T Project Number NF-19 (13); Thence the following eleven (11) courses coincident with said easterly right of way, 1) North 07°00'58" West 2014.69 feet to a right of way monument; 2) North 07°01'31" West 735.04 feet to a right of way monument; 3) North 07°00'41" West 599.61 feet; 4) North 01°35'19" East 203.30 feet; 5) North 07°17'03" West 47.94 feet to a number five rebar and cap stamped "Alliance"; 6) North 07°03'54" West 150.63 feet to a number five rebar and cap stamped "Alliance"; 7) North 07°00'58" West 206.41 feet; 8) North 03°03'08" West 110.14 feet to a point of curvature; 9) Northerly 385.39 feet along the arc of a 2406.48 foot radius curve to the right (center bears North 86°56'52" East) through a central angle of 09°10'33" to a point of tangency; 10) North 05°49'23" East 203.62 feet; 11) North 25°42'29" East 761.81 feet to a point on the north line of said Section 2; Thence South 89°49'54" East 1582.28 feet coincident with said north line to the point of beginning.

Less and Excepting therefrom the following more or less five (±5) parcels of land;

- 1) Any portion thereof lying and situate within the boundaries of SR-248, Utah Department of Transportation Project Number NF-61, along with any portions lying and situate within the bounds of those particular parcels of land described in that certain Amended Complaint in Condemnation recorded September 04, 1996 as Entry 00461947, in Book 990, at Pages 22-75 of the Summit County Records.
- 2) All of Summit County Tax Parcel SS-86-91-UP-X, described in that certain Quit Claim Deed recorded February 22, 2006 as Entry 0769412, in book 1772, at Page 483 of the Summit County Records.
- 3) All of Summit County Tax Parcel SS-91-UP-X, described in that certain Quit Claim Deed recorded September 30, 2005 as Entry 752618, in Book 1738, at Page 696 of the Summit County Records.
- 4) Any portion thereof lying and situate within the boundaries of Richardson Flat Road which is also known as State Road Commission Project FAP-93-B and described in that certain Quit Claim Deed recorded March 08, 1930, as Entry 44348, in Book F, at Page 182, of the Summit County Records.
- 5) The Southeast Quarter of the Southeast Quarter of Section 2 and East 334.00 feet of the Southwest Quarter of the Southeast Quarter of Section 2, Township 2 South, Range 4 East, Salt Lake Base and Meridian Being described as Parcel 1 in that certain Special Warranty Deed recorded December 17, 2014 as Entry 01009165, in Book 2271, at Page 520 of the Summit County Records.

Approximate location 40°40'34.6" N 111°26'52.3" W


TOGETHER WITH,

- a. Summit County Tax Parcel: PP-28-A
- b. Legal Description:

All of the Northwest Quarter of the Northwest Quarter of Section 12, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

- c. Approximate location 40°40'03.0" N 111°27'06.5" W

Justin Martinez  
Sheriff of Summit County

By:   
Deputy Sheriff

Civil Case #: 156500424

SCSO #: 21-C00556

Dated: 11/18/2021

Subscribed and sworn to before me on this 18th day of November, 2021

by: 



**ADRIANNE C. STEED**  
NOTARY PUBLIC - STATE OF UTAH  
My Comm. Exp. 01/15/2023  
Commission # 704045

Matthew L. Lalli (6105)  
Troy J. Aramburu (10444)  
Bret R. Evans (15131)  
**SNELL & WILMER L.L.P.**  
15 West South Temple, Suite 1200  
Salt Lake City, Utah 84101  
Telephone: (801) 257-1900  
Email: [mlalli@swlaw.com](mailto:mlalli@swlaw.com)  
[taramburu@swlaw.com](mailto:taramburu@swlaw.com)  
[brevans@swlaw.com](mailto:brevans@swlaw.com)

*Attorneys for Plaintiffs/Judgment Creditors  
Wells Fargo Bank, N.A. and Midtown  
Acquisitions L.P.*

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

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WELLS FARGO BANK, NATIONAL  
ASSOCIATION and MIDTOWN  
ACQUISITIONS L.P.,

Plaintiffs/Judgment Creditors.

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/Judgment Debtors.

**PRAECIPE FOR WRIT OF EXECUTION  
(Post-Judgment)**

**(REAL PROPERTY)  
[Richardson Flat]**

Consolidated Case No. 156500424

Judge Richard Mrazik

**TO THE SUMMIT COUNTY SHERIFF:**

YOU ARE HEREBY REQUESTED, under Rules 64, 64E, 69A, and 69B of the Utah Rules of Civil Procedure to enter upon Judgment Debtor United Park City Mines Company's (the "Judgment Debtor") property and serve the attached Writ of Execution and levy upon the real property described herein by serving the same upon the Judgment Debtor by recording the Writ of Execution in Summit County, Utah, and thereafter selling all of the Judgment Debtor's right, title, and interest by duly conducted sale held pursuant to the provisions of applicable law.

PURSUANT TO THE WRIT OF EXECUTION YOU ARE HEREBY FURTHER REQUESTED to conduct a sale by auction to the highest bidder (the "Sale") for the real property located in Summit County, State of Utah (the "Property") described below:

<b>Property Description or Address</b>	<b>Estimated Value</b>	<b>Name &amp; Address of any other than debtor claiming an interest</b>
See Exhibit A	The value of the Property described in Exhibit A is unknown, but believed to be less than \$10,000,000.00.	Judgment Creditors are unaware of anyone else that holds or may hold any interest in the Property. The parties listed in Exhibit B are affiliates of Judgment Debtor, and Summit County where the Property is located, and these entities may claim an interest.

As required by Utah law under Rules 69A and 69B of the Utah Rules of Civil Procedure, you are further requested to do the following, as applicable, with the Property:

1. Schedule the Sale for the soonest date following completion of the requirements below and any other requirements of the Utah Rules of Civil Procedure, Monday through Saturday, legal holidays excluded, between the hours of 9:00 a.m. and 8:00 p.m.
2. Seize or otherwise levy upon the Property with the Summit County Recorder by filing the Writ of Execution and a description of the Property with the Summit County Recorder.

3. Provide a copy of the Writ of Execution and a description of the Property with an occupant of the Property. If there is no occupant of the Property, please post the Writ of Execution and description of the Property in a conspicuous place on the Property. If another person claims an interest in the Property, please serve the Writ of Execution and description of the Property on the other person who claims an interest in the Property.

4. Serve notice of the Sale upon:

United Park City Mines Company  
c/o CT Corporation System, Registered Agent  
1108 E South Union Ave  
Midvale, UT 84047

and

John R. Lund  
Adam E. Weinacker  
Parsons Behle & Latimer  
201 South Main Street, Suite 1800  
Salt Lake City, Utah 84111

Or such other address provided by counsel for the above-captioned Judgment

Creditors/Plaintiffs.

5. Post written notice of the date, time and place of the Sale and a particular description of the Property to be sold for at least twenty-one (21) days prior to the date of the Sale at: (a) the Property, (b) the place of Sale, which will be the District Courthouse for the Third District Court, located at 6300 Justice Center Road, Park City, UT 84098, and (c) at least three other public places in Summit County, Utah.

6. Publish notice of the date of the Sale at least once a week for three successive weeks immediately preceding the Sale in a newspaper of general circulation in Summit County, Utah.

7. Abstain from purchasing the Property or holding an interest in the Property.

8. Sell only so much of the Property as is necessary to satisfy the amount due, which is in excess of \$163,823,320.78.

9. Sell the Property to the highest bidder and sell the Property in one or more such parcels as are likely to bring the highest price.

10. Plaintiffs/Judgment Creditors Wells Fargo Bank, National Association and/or Midtown Acquisitions L.P., or their assigns, may bid at the sale by way of credit bid up to the full amount of the judgment entered in favor of Judgment Creditors and against Judgment Debtor on April 15, 2015 in this Court in the amount of \$158,597,589.50, plus interest and fees and costs (the "Judgment"), which is attached hereto as Exhibit C.

11. Apply the Property in the following order up to the amount due or the value of the Property, whichever is less: (a) pay the reasonable and necessary costs of seizing and selling the Property; and (b) deliver to the Plaintiffs the remaining proceeds of the Sale in excess of the Judgment amount, if any, as set forth herein.

12. Every bid is an irrevocable offer. If a person refuses to pay the amount bid, the person is liable for the difference between the amount bid and the ultimate sale price. If a person refuses to pay the amount bid, then (a) offer the Property to the next highest bidder, (b) renew bidding on the Property, and (c) reject any other bid of the person who refused to pay.

13. Upon payment of the amount bid, deliver to the purchaser of the Property a sheriff's deed identifying (a) a description of the Property; (b) the price paid; (c) a statement that all right, title, and interest of the Judgment Debtor in the Property is conveyed to the purchaser; and (d) a statement that the Sale is not subject to redemption.

14. File and record the sheriff's deed in the office of the Summit County Recorder.

15. Deliver the Property to the purchaser or its designee.

DATED: November 9, 2021

**SNELL & WILMER L.L.P.**

/s/ Troy J. Aramburu

Matthew L. Balli  
Troy J. Aramburu  
Bret R. Evans

*Attorneys for Judgment Creditors*

Serve Judgment Debtor at:

United Park City Mines Company  
c/o CT Corporation System, Registered Agent  
1108 E South Union Ave  
Midvale, UT 84047

and

John R. Lund  
Adam E. Weiracker  
Parsons Behle & Latimer  
201 South Main Street, Suite 1800  
Salt Lake City, UT 84111

**EXHIBIT A**

**(Property Legal Description)**

Summit County Tax Parcel SS-87:

All of Section 1, Township 2 South, Range 4 East, Salt Lake Base and Meridian lying west of the Summit County - Wasatch County Line, which is more particularly described as follows:

Beginning at the Northwest Corner of said Section 1, thence the following two (2) courses coincident with the north line of said Section 2, 1) South 89°28'26" East 2666.21 to the North Quarter Corner thereof; 2) South 89°56'55" East 1874.61 feet to the point of intersection with the Summit - Wasatch county line; Thence the following four (4) courses coincident with said County Line, 1) South 03°34'52" East 596.40 feet; 2) South 15°40'52" East 1085.46 feet; 3) South 30°05'08" West 491.21 feet; 4) South 07°47'44" East 581.66 feet to the point of intersection with the Center Quarter Section Line; Thence North 89°47'09" West 2073.53 feet coincident with said Quarter Section line to the number 5 rebar and cap stamped "Alliance" which is monumentalizing the Center Quarter Corner thereof; Thence South 00°46'27" West 2669.63 feet coincident with the Center Quarter Section line to the North Quarter Corner of said Section 1; Thence the following two (2) courses coincident with south and west lines of said Section 1, 1) North 89°27'15" West 2652.15 feet to the Southwest Corner thereof; 2) North 00°37'20" East 5304.46 feet to the point of beginning.

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TOGETHER WITH,

Summit County Tax Parcel SS-88:

All of the East Half of Section 2, Township 2 South, Range 4 East, Salt Lake Base and Meridian lying east of US Highway 40, Utah Department of Transportation Project Number NF-19, which is also known as Summit County Tax Parcel SS-92-A-X, described in that certain Amended Complaint in Condemnation recorded September 04, 1996 as Entry 00461947, in Book 990, at Pages 22-75 of the Summit County Records, which is more particularly described as follows:

Beginning at the Northeast Corner of said Section 2, thence South 00°37'20" West 5304.46 feet coincident with the east line of said Section 2 to the Southeast Corner of said Section 2; Thence South 89°49'26" West 1426.87 feet coincident with the south line of said Section 2 to the point of intersection with the east right of way of U.S. Highway 40 (U.D.O.T Project Number NF-19 (13); Thence the following eleven (11) courses coincident with said easterly right of way, 1) North 07°00'58" West 2014.69 feet to a right of way monument; 2) North 07°01'31" West 735.04 feet to a right of way monument; 3) North 07°00'41" West 599.61 feet; 4) North 01°35'19" East 203.30 feet; 5) North 07°17'03" West 47.94 feet to a number five rebar and cap stamped "Alliance"; 6) North 07°03'54" West 150.63 feet to a number five rebar and cap stamped "Alliance"; 7) North 07°00'58" West 206.41 feet; 8) North 03°03'08" West 110.14 feet to a point of curvature; 9) Northerly 385.39 feet along the arc of a 2406.48 foot radius curve to the right (center bears North 86°56'52" East) through a central angle of 09°10'33" to a point of tangency; 10) North 05°49'23" East 203.62 feet; 11) North 25°42'29" East 761.81 feet to a point on the north line of said Section 2; Thence South 89°49'54" East 1582.28 feet coincident with said north line to the point of beginning.

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- 3) All of Summit County Tax Parcel SS-91-UP-X, described in that certain Quit Claim Deed recorded September 30, 2005 as Entry 752618, in Book 1738, at Page 696 of the Summit County Records.
- 4) Any portion thereof lying and situate within the boundaries of Richardson Flat Road which is also known as State Road Commission Project FAP-93-B and described in that certain Quit Claim Deed recorded March 08, 1930, as Entry 44348, in Book F, at Page 182, of the Summit County Records.

5) The Southeast Quarter of the Southeast Quarter of Section 2 and East 334.00 feet of the Southwest Quarter of the Southeast Quarter of Section 2, Township 2 South, Range 4 East, Salt Lake Base and Meridian. Being described as Parcel 1 in that certain Special Warranty Deed recorded December 17, 2014 as Entry 01009165, in Book 2271, at Page 520 of the Summit County Records.

TOGETHER WITH,

Summit County Tax Parcel PP-28-A:

All of the Northwest Quarter of the Northwest Quarter of Section 12, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

**EXHIBIT B**

<p>TALISKER PARTNERSHIP          145 Adelaide St. West, Ste. 500          Toronto, Ontario M5H 4E5          CANADA</p>	<p>TUHAYE LLC          c/o David J. Smith, Registered Agent          7700 Marsac Ave.          PO Box 4349          Park City, Utah 84060</p>
<p>TALISKER INVESTMENTS          (CANADA) INC.          c/o David Smith, Registered Agent          7700 Marsac Ave.          PO Box 1450          Park City, UT 84060</p>	<p>TUHAYE GOLF, LLC          c/o John Corbett, Registered Agent          9875 N Tuhaye Park Drive          Kamas, Utah 84036</p>
<p>TALISKER INVESTMENTS          (CANADA) INC.          145 Adelaide Street West, Suite 500          Toronto, Ontario M5H 4E5          Canada</p>	<p>TALISKER INVESTMENTS          (U.S.) LLC          c/o CT Corporation System          1108 E South Union Ave.          Midvale, Utah 84047</p>
<p>MOUNTAIN RESORTS          DEVELOPMENT (PIOCHE), LLC          c/o David J. Smith, Registered Agent          7700 Marsac Ave.          PO Box 1450          Park City, UT 84060</p>	<p>MOUNTAIN DEVELOPMENTS I,          INC.          c/o Michael R. Salmond, Registered          Agent          900 Main St., Ste. 6107          PO Box 1450          Park City, Utah 84060</p>
<p>UNITED PARK CITY MINES          COMPANY          c/o CT Corporation Systems, Registered          Agent          1108 E South Union Ave.          Midvale, Utah 84047</p>	<p>UNITED PARK CITY MINES          COMPANY          c/o CT Corporation Systems, Registered          Agent          1108 E South Union Ave.          Midvale, Utah 84047</p>

<p>TUHAYE ELM, INC.  c/o David J. Smith, Registered Agent  7700 Marsac Ave.  PO Box 1450  Park City, UT 84060</p>	<p>TALISKER DEVELOPMENTS INC.  c/o David J. Smith, Registered Agent  10 Exchange Pl., Ste. 507A  Salt Lake City, UT 84111</p>
<p>Park City Municipal Corporation  Attn: Margaret Plane  P.O. Box 1480  445 Marsac Avenue  Park City, Utah 84060-1480</p>	<p>John R. Lund  Adam E. Weinacker  Parsons Behle &amp; Latimer  201 South Main Street, Suite 1800  Salt Lake City, Utah 84111</p>
<p>EYAHUT FLOG, LLC fka TUHAYE  GOLF, LLC  c/o Registered Agents, Inc.  881 Baxter Drive, Ste. 100  South Jordan, Utah 84095</p>	<p>Summit County Attorney's Office  Attn: Margaret Olson  6300 Justice Center Road  Park City, UT 84098</p>
<p>UNITED PARK CITY MINES  COMPANY  c/o The Corporation Trust Company,  Registered Agent  Corporation Trust Center  1209 Orange Street  Wilmington, DE 19801</p>	

**EXHIBIT C**

**(Judgment)**

The Order of Court is stated below:

Dated: April 15, 2015  
09:50:36 AM

/s/ Robert Faust  
District Court Judge

I CERTIFY THAT THIS IS A TRUE COPY OF  
AN ORIGINAL DOCUMENT ON FILE IN THE  
THIRD DISTRICT COURT, SALT LAKE  
COUNTY, STATE OF UTAH.

DATE: 4/15/15  
[Signature]  
DEPUTY COURT CLERK

Kevin M. Rowe (USB #4905)  
George W. Pratt (USB #2642)  
JONES, WALDO, HOLBROOK & McDONOUGH, P.C.  
170 South Main Street, Suite 1500  
Salt Lake City, Utah 84101  
Telephone: (801) 521-3200  
[gpratt@joneswaldo.com](mailto:gpratt@joneswaldo.com)

*Attorneys for Plaintiffs*

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

WELLS FARGO BANK, NATIONAL  
ASSOCIATION, and MIDTOWN  
ACQUISITIONS L.P.,

Plaintiffs,

vs.

TALISKER PARTERSHIP, a Province of  
Ontario, Canada general partnership,  
TALISKER INVESTMENTS (CANADA) Inc.,  
a Province of Ontario, Canada corporation;  
TALISKER INVESTMENTS (U.S.) INC., a  
Utah corporation; TALISKER  
DEVELOPMENTS INC., a Utah corporation;  
UNITED PARK CITY MINES COMPANY, a  
Delaware corporation; TUHAYE LLC, a Utah  
limited liability company; TUHAYE GOLF  
LLC, a Utah limited liability company;  
MOUNTAIN RESORTS DEVELOPMENT  
(PIOCHE), LLC, a Delaware limited liability  
company; MOUNTAIN DEVELOPMENTS I,  
INC., a Delaware corporation; TOWER CLUB  
LLC, a Utah limited liability company; and  
TUHAYE ELM, INC., a Delaware corporation,

Defendants.

**JUDGMENT**

Civil No. \_\_\_\_\_

11573427

Based upon (1) the Confession of Judgment executed by Defendants, TALISKER PARTERSHIP, a Province of Ontario, Canada general partnership; TALISKER INVESTMENTS (CANADA) Inc., a Province of Ontario, Canada corporation; TALISKER INVESTMENTS (U.S.) INC., a Utah corporation; TALISKER DEVELOPMENTS INC., a Utah corporation; UNITED PARK CITY MINES COMPANY, a Delaware corporation; TUHAYE LLC, a Utah limited liability company; TUHAYE GOLF, LLC, a Utah limited liability company; MOUNTAIN RESORTS DEVELOPMENT (PIOCHE), LLC, a Delaware limited liability company; MOUNTAIN DEVELOPMENTS I, INC., a Delaware corporation; TOWER CLUB LLC, a Utah limited liability company; and TUHAYE ELM, INC., a Delaware corporation, and (2) the Declaration submitted to the Court on behalf of the Plaintiffs, with respect to each of which Plaintiffs represent is in compliance with the parties' Forbearance Agreement,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED: as follows:

1. Plaintiffs WELLS FARGO BANK, NATIONAL ASSOCIATION and MIDTOWN ACQUISITIONS L.P. shall recover from Defendants TALISKER PARTERSHIP, a Province of Ontario, Canada general partnership; TALISKER INVESTMENTS (CANADA) Inc., a Province of Ontario, Canada corporation; TALISKER INVESTMENTS (U.S.) INC., a Utah corporation; TALISKER DEVELOPMENTS INC., a Utah corporation; UNITED PARK CITY MINES COMPANY, a Delaware corporation; TUHAYE LLC, a Utah limited liability company; TUHAYE GOLF, LLC, a Utah limited liability company; MOUNTAIN RESORTS

DEVELOPMENT (PIOCHE), LLC, a Delaware limited liability company; MOUNTAIN DEVELOPMENTS I, INC., a Delaware corporation; TOWER CLUB LLC, a Utah limited liability company; and TULIAYE ELM, INC., a Delaware corporation, the sum of \$158,597,589.55.

2. Interest shall accrue on up to \$125,874,177.76 of the Judgment (i.e. the principal balance of the Loan as of December 20, 2013) at a rate equal to the sum of: (a) three and one-half percent (3.50%) plus (b) the LIBO rate (as defined in the promissory notes giving rise to the indebtedness that is hereby reduced to judgment) for the period from December 20, 2013 until April 30, 2014 and then at a rate equal to the sum of: (x) eight and one-half percent (8.50%) plus (y) the LIBO rate (as defined in the promissory notes giving rise to the indebtedness that is hereby reduced to judgment) for the period after April 30, 2014; interest shall accrue on the Judgment, to the extent it exceeds \$125,874,177.76 (i.e. for all sums advanced by the Plaintiffs from and after November 25, 2013), at the rate of ten percent (10%) for the period from December 20, 2013 until April 30, 2014 and then at a rate equal to fifteen percent (15%) for the period after April 30, 2014.

3. This Judgment shall be augmented in the amount of reasonable costs and attorney's fees expended in collecting the Judgment, which may be established by declaration.

4. Plaintiffs acknowledge and agree that simultaneously with the full payment or other full satisfaction of the Judgment amount, the following shall be automatically, discharged, terminated, and released: (i) the Judgment; (ii) any judgment of



foreclosure, and (iii) all liens against or security interests in any real, personal or intangible property, or any other property,

interests or rights of any kind or nature whatsoever, created by, arising under or evidenced by Loan Documents or Other Related Documents, as referenced in the Confession of Judgment.

Plaintiffs shall then, whenever and as often as requested to do so by any defendant, cause to be duly executed, acknowledged, delivered, filed and/or recorded any and all such instruments and documents as may be necessary or proper to evidence said discharges, terminations, or releases.

5. None of Plaintiffs or any court appointed receiver shall sell any of the collateral pledged to secure the debt guaranteed by any of the Defendants or cause or permit any such collateral to be sold in satisfaction of the Judgment for a period of 90 days after the entry of the Judgment, and any of the Defendants and Talisker Finance shall be permitted to satisfy the Judgment in full during such 90 day period.

JUDGMENT ENTERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
THIRD DISTRICT COURT JUDGE

Approved as to Form:

VanCott, Bagley, Cornwall & McCarthy,  
by Clark K. Taylor

/s/ Clark K. Taylor with permission of Clark K. Taylor

Keven M. Rowe (USB #4905)  
George W. Pratt (USB #2642)  
JONES, WALDO, HOLBROOK & McDONOUGH, P.C.  
170 South Main Street, Suite 1500  
Salt Lake City, Utah 84101  
Telephone: (801) 521-3200  
[krowejoneswaldo.com](mailto:krowejoneswaldo.com)  
[gprattjoneswaldo.com](mailto:gprattjoneswaldo.com)

*Attorneys for Plaintiffs*

**IN THE THIRD JUDICIAL DISTRICT COURT OF SALT LAKE COUNTY**

**STATE OF UTAH**

WELLS FARGO BANK NATIONAL  
ASSOCIATION, and MIDTOWN  
ACQUISITIONS L.P.,

Plaintiffs,

vs.

TALISKER PARTERSHIP, a Province of  
Ontario, Canada general partnership; TALISKER  
INVESTMENTS (CANADA) Inc., a Province of  
Ontario, Canada corporation; TALISKER  
INVESTMENTS (U.S.) INC., a Utah  
corporation; TALISKER DEVELOPMENTS  
INC., a Utah corporation; UNITED PARK CITY  
MINES COMPANY, a Delaware corporation;  
TUHAYE LLC, a Utah limited liability  
company; TUHAYE GOLF, LLC, a Utah limited  
liability company; MOUNTAIN RESORTS  
DEVELOPMENT (PIOCHE), LLC, a Delaware  
limited liability company; MOUNTAIN  
DEVELOPMENTS I, INC., a Delaware  
corporation; TOWER CLUB LLC, a Utah  
limited liability company; and TUHAYE ELM,  
INC., a Delaware corporation,

Defendants.

**INFORMATION STATEMENT OF  
JUDGMENT CREDITORS**

Civil No. \_\_\_\_\_

Plaintiffs and judgment creditors, Wells Fargo Bank, National Association and Midtown Acquisitions L.P., pursuant to *Utah Code Ann. § 78B-5-201*, hereby provides the following information:

1. The last known addresses of the judgment debtors are as follows:

Talisker Partnership  
145 Adelaide Street West, Suite 500  
Toronto, Ontario M5H 4E5  
Canada

Talisker Investments (Canada) Inc.,  
145 Adelaide Street West, Suite 500  
Toronto, Ontario M5H 4E5  
Canada

Talisker Investments (U.S.) Inc.  
7700 Marsac Ave.  
P. O. Box 4349  
Park City, Utah 84060

Talisker Developments Inc.  
7700 Marsac Ave.  
P. O. Box 4349  
Park City, Utah 84060

United Park City Mines Company  
7700 Marsac Ave.  
P. O. Box 1450  
Park City, Utah 84060

Tuhaye LLC  
7700 Marsac Ave.  
P. O. Box 4349  
Park City, Utah 84060

Tuhaye Golf, LLC  
7700 Marsac Ave.  
P. O. Box 4349  
Park City, Utah 84060

Mountain Resorts Development (Pioche), LLC  
7700 Marsac Ave.  
P. O. Box 4349  
Park City, Utah 84060

Mountain Developments I, Inc.  
7700 Marsac Ave.  
P. O. Box 1450  
Park City, Utah 84060

Tower Club LLC  
1850 Sidewinder Dr., Second Floor  
P. O. Box 4349  
Park City, Utah 84060

Tuhaye ELM, INC.  
7700 Marsac Ave.  
P. O. Box 4349  
Park City, Utah 84060

2. The judgment debtors were not served at the foregoing addresses, because the judgment to be entered against them in this proceeding is predicated upon a Confession of Judgment, in which service is waived.

3. The judgment creditors are Wells Fargo Bank, N.A. and Midtown Acquisitions L.P., whose addresses are as follows:

Wells Fargo Bank, N.A.  
2030 Main Street Suite 1150  
Irvine, California 92614

Midtown Acquisitions, L.P.  
65 East 55<sup>th</sup> Street, 20<sup>th</sup> Floor  
New York, New York 10022

4. The amount of the Judgment to be entered against the defendants, as of March 31, 2015, is \$158,597,589.55. Interest accrues on the Judgment at the rates set forth therein.

5. No stay of enforcement of the Judgment has been ordered by the Court.

DATED this 14<sup>th</sup> day of April, 2015.

JONES, WALDO, HOLBROOK & McDONOUGH, P.C.

By: /s/ George W Pratt

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George W. Pratt  
Kevin M. Rowe  
Jessica P. Wilde

*Attorneys for Plaintiff Wells Fargo Bank, National  
Association and Midtown Acquisitions L.P.*

Unofficial Copy

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**EXHIBIT D**

**(Notice of Execution and Exemptions)**



**NOTICE OF EXECUTION AND EXEMPTIONS**  
**NOTICE: YOUR PROPERTY MAY BE TAKEN TO PAY A CREDITOR.**  
**PLEASE READ THIS CAREFULLY.**

(1) A judgment for money has been entered against you, and the creditor has taken steps to garnish, attach, levy, or otherwise execute upon your money or property to pay the judgment. If you think the creditor has improperly seized some of your money or property, you may object to the execution by taking the steps described below. You may not use these steps to object to the judgment. **If you think the judgment itself is improper, you must file a timely motion under Utah Rule of Civil Procedure 60(b) to set the judgment aside.**

(2) If you are the judgment debtor in this case, your rights may be affected. Read this notice and take steps to protect your rights.

(3) If you are not the judgment debtor in this case, you may have an interest in the judgment debtor's property and your rights may be affected. Read this notice and take steps to protect your rights.

(4) The court has ordered a sheriff or constable to seize your property. This means that it may be sold to pay the debt.

(5) Some property and money can't be taken and are "exempt" from execution.

This is a **partial** list of exempt property and money. Some of these exemptions might not apply to judgments for alimony or child support.

(A) Declaration of Homestead. (The Declaration must be filed with the county recorder before the auction of the property. Utah Code Section 78B-5-504.)

(B) A burial plot for you and your family.

(C) Health aids.

(D) Benefits because of disability, illness or unemployment.

(E) Medical care benefits.

(F) Veteran's benefits.

(G) Money or property for child support, alimony or separate maintenance.

(H) Social security benefits.

(I) Supplemental security income benefits (SSI).

(J) Workers' compensation benefits.

(K) Certain retirement benefits.

(L) Public assistance.

(M) Certain furnishings, appliances, carpets, animals, books, musical instruments, works of art and heirlooms.

(N) Provisions for 12 months.

(O) Wearing apparel, not including jewelry or furs.

(P) Beds and bedding.

(Q) Certain works of art.

(R) Compensatory damages from bodily injury or wrongful death.

- (S) The proceeds of certain life insurance contracts and trusts.
- (T) Certain books, implements and tools of a trade.
- (U) A personal motor vehicle up to a specified amount.
- (V) A motor vehicle used in trade or business.
- (W) Part or your wages
- (X) Property of a person who did not have a judgment entered against him or her, such as the co-owner of the property being held.

Some property is exempt regardless of its value. Other property is exempt to the extent that it is worth less than an amount specified in the law. In that case, the property will be sold with the exempt amount going to the debtor and the balance to the creditor.

See the Utah Exemptions Act (Utah Code Title 78B, Chapter 5, Part 5) for more information about exemptions. There is no exemption solely because you are having trouble paying your debts.

(6) If you think your property should not be taken because:

- (A) statements in the Application for Writ of Execution are wrong;
- (B) the Writ of Execution was not issued correctly; or
- (C) some of your property should not have been taken because it is exempt

**do the following immediately. You have a deadline of 14 calendar days from the date that the Writ of Execution and this notice was delivered to you.**

- (A) Complete the attached Reply and Request for Hearing form.
- (B) Sign your name in the space provided and write the address at which the court clerk should notify you of the hearing.
- (C) Attach any documents that help you prove your claim.
- (D) Mail or deliver the form to:  
the court, and

the judgment creditor or, if they have one, their attorney or licensed paralegal practitioner.

Keep a copy for your records. The name and address of the court are on the first page of the Writ of Execution. The address for the judgment creditor or, if they have one, their attorney or licensed paralegal practitioner is:

Matthew L. Lalli  
Troy J. Aramburu  
Bret R. Evans  
**SNELL & WILMER L.L.P.**  
15 West South Temple, Suite 1200  
Salt Lake City, Utah 84101  
Telephone: (801) 257-1900  
Email: [mlalli@swlaw.com](mailto:mlalli@swlaw.com)  
[taramburu@swlaw.com](mailto:taramburu@swlaw.com)  
[brevans@swlaw.com](mailto:brevans@swlaw.com)

- (7) The court will schedule a hearing and notify you. You should file with the Reply and Request for Hearing form any documents that help you prove your claim, or bring them to the hearing.
- (8) If you do not take these steps, the property may be used to pay the judgment creditor even though it is exempt.
- (9) If your property is seized for sale, you may tell the officer who is conducting the sale the order in which to auction the property. For example, sell a boat first and a car second.
- (10) You may talk to an attorney and have the attorney represent you at the hearing. See the court's Finding Legal Help page for information about free and low cost ways to get the help of an attorney: [www.utcourts.gov/howto/legalassist](http://www.utcourts.gov/howto/legalassist)
- (11) The judgment debtor may not use the steps in paragraph 6 to challenge why the judgment was entered. If you are the judgment debtor and you think the judgment should not have been entered against you, possible options include:

(A) an appeal. See the court's Appeals page for more information about the process and forms: [www.utcourts.gov/howto/appeals](http://www.utcourts.gov/howto/appeals).

(B) a Motion to Set Aside Judgment (Utah Rule of Civil Procedure 60(b)). See the court's Motion to Set Aside Judgment page for more information about the process and forms: [www.utcourts.gov/howto/judgment/set\\_aside/](http://www.utcourts.gov/howto/judgment/set_aside/).

Simply filing an appeal or Motion to Set Aside the Judgment does not stop the collection of the judgment.

**EXHIBIT E**  
**(Reply and Request for Hearing)**  
**[2 Copies]**

My Name \_\_\_\_\_  
Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
Phone \_\_\_\_\_  
Email \_\_\_\_\_

I am the  Plaintiff/Petitioner  
 Defendant/Respondent  
 Attorney for the  Plaintiff/Petitioner  Defendant/Respondent and my  
Utah Bar number is \_\_\_\_\_

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

**Court Address: 6300 Justice Center Rd., Ste. A, Park City, UT 84098**

WELLS FARGO BANK, NATIONAL  
ASSOCIATION and MIDTOWN  
ACQUISITIONS LP,

Plaintiffs/Judgment Creditors,

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/Judgment Debtors.

**REPLY AND REQUEST FOR HEARING**

Consolidated Case No. 156500424

Judge Richard Mrazik

(1)  I have read the Notice of Execution and Exemptions form. I understand that, by filing this form, I cannot object to the judgment that I owe money to the creditor. I am filing this form because I believe that the creditor has improperly executed or levied some of my money or property to pay the judgment.

(2)  I request that this matter be scheduled for a hearing.

(3)  Statements in the Application for Writ of Execution are inaccurate because:

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(4)  The Writ of Execution was issued improperly because:

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(5)  All (or this amount of \_\_\_\_\_) of property is exempt because:

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(6)  I am not the judgment debtor, and I claim the following ownership in all or part of the property. Explain.

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(7)  I have attached documents that support my claims.

I have not included any non-public information in this document.

I declare under criminal penalty under the of law of Utah that everything stated in this document is true.

Date \_\_\_\_\_

Sign here ► \_\_\_\_\_

Typed or Printed Name \_\_\_\_\_

Certificate of Service		
I certify that I served a copy of this Reply and Request for Hearing on the following people.		
Person's Name	Method of Service	Served on this Date
Third District Court Attn: Clerk 6300 Justice Center Rd., Ste. A Park City, UT 84098  (Clerk of Court)	<input checked="" type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic Filing	
Matthew L. Lalli Troy J. Aramburu Bret R. Eyans SNELL & WILMER L.L.P. 15 W. South Temple, Ste. 1200 Salt Lake City, UT 84101  (Judgment Creditors' Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input checked="" type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)	
John R. Lund Adam E. Weinacker Parsons Behle & Latimer 201 South Main Street, Suite 1800 Salt Lake City, Utah 84111  (Judgment Debtor's Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input checked="" type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)	
UNITED PARK CITY MINES COMPANY c/o CT Corporation Systems, Registered Agent 1108 E South Union Ave. Midvale, Utah 84047	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)	

<p>(Person Claiming Interest in Property)</p>	<p> <input type="checkbox"/> Mail  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Fax (Person agreed to service by fax.)  <input checked="" type="checkbox"/> Email (Person agreed to service by email.)  <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)  <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)         </p>	
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Date \_\_\_\_\_

Sign here ► \_\_\_\_\_

Typed or printed name \_\_\_\_\_



My Name \_\_\_\_\_  
Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
Phone \_\_\_\_\_  
Email \_\_\_\_\_

I am the  Plaintiff/Petitioner  
 Defendant/Respondent  
 Attorney for the  Plaintiff/Petitioner  Defendant/Respondent and my  
Utah Bar number is \_\_\_\_\_

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

**Court Address: 6300 Justice Center Rd., Ste. A, Park City, UT 84098**

WELLS FARGO BANK, NATIONAL  
ASSOCIATION and MIDTOWN  
ACQUISITIONS LP,  
  
Plaintiffs/Judgment Creditors,  
  
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 EEM, INC.,  
  
Defendants/Judgment Debtors.

**REPLY AND REQUEST FOR HEARING**  
  
Consolidated Case No. 156500424  
  
Judge Richard Mrazik

(1)  I have read the Notice of Execution and Exemptions form. I understand that, by filing this form, I cannot object to the judgment that I owe money to the creditor. I am filing this form because I believe that the creditor has improperly executed or levied upon some of my money or property to pay the judgment.

(2)  I request that this matter be scheduled for a hearing.

(3)  Statements in the Application for Writ of Execution are inaccurate because:

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(4)  The Writ of Execution was issued improperly because:

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(5)  All (or this amount of \_\_\_\_\_) of property is exempt because:

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(6)  I am not the judgment debtor, and I claim the following ownership in all or part of the property. Explain.

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(7)  I have attached documents that support my claims.

I have not included any non-public information in this document.

I declare under criminal penalty under the of law of Utah that everything stated in this document is true.

Date \_\_\_\_\_

Sign here ► \_\_\_\_\_

Typed or Printed Name \_\_\_\_\_

**Certificate of Service**

I certify that I served a copy of this Reply and Request for Hearing on the following people.

Person's Name	Method of Service	Served on this Date
<p>Third District Court                      Attn: Clerk                      6300 Justice Center Rd, Ste. A                      Park City, UT 84098</p> <p>(Clerk of Court)</p>	<p><input type="checkbox"/> Mail  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Electronic Filing</p>	
<p>Matthew L. Lalli                      Troy J. Aramburu                      Bret R. Evans                      SNELL &amp; WILMER L.L.P.                      15 W. South Temple, Ste. 1200                      Salt Lake City, UT 84101</p> <p>(Judgment Creditors' Attorney)</p>	<p><input type="checkbox"/> Mail  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Fax (Person agreed to service by fax.)  <input checked="" type="checkbox"/> Email (Person agreed to service by email.)  <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)</p>	
<p>John R. Lund                      Adam E. Weinacker                      Parsons Behle &amp; Latimer                      201 South Main Street, Suite 1800                      Salt Lake City, Utah 84111</p> <p>(Judgment Debtor's Attorney)</p>	<p><input type="checkbox"/> Mail  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Fax (Person agreed to service by fax.)  <input checked="" type="checkbox"/> Email (Person agreed to service by email.)  <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)</p>	
<p>UNITED PARK CITY MINES COMPANY                      c/o CT Corporation Systems,                      Registered Agent                      1108 E South Union Ave.                      Midvale, Utah 84047</p>	<p><input type="checkbox"/> Mail  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Fax (Person agreed to service by fax.)  <input checked="" type="checkbox"/> Email (Person agreed to service by email.)  <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)  <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)</p>	

<p>(Person Claiming Interest in Property)</p>	<p> <input type="checkbox"/> Mail  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Fax (Person agreed to service by fax.)  <input checked="" type="checkbox"/> Email (Person agreed to service by email.)  <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)  <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)         </p>	
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Date \_\_\_\_\_

Sign here ► \_\_\_\_\_

Typed or printed name \_\_\_\_\_