



# 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

COUNTY OF SUMMIT

ss. Sheriff's Office

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 DEVELOPMENT'S 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 process, 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°36'35" 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 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

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. 01178029**  
 11/19/2021 02:55:10 PM B: 2707P: 1404  
 UP: 1 PAGE 1/6  
 PHONIX FRANCIS  
 FEE 0.00 BY SUMMIT COUNTY SHERIFF'S OFFICE  
 SUMMIT COUNTY RECORDER



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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 2406.44 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 R4P-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: 11/19/2021



# SUMMIT COUNTY SHERIFF'S OFFICE

SHERIFF JUSTIN MARTINEZ

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

Subscribed and sworn to before me on  
this 19th day of November, 2021

by *Adriane C. Steed*



The Order of the Court is stated below:

Dated: November 08, 2021  
05:08:57 PM

/s/ RICHARD MRÁZIK  
District Court Judge



Matthew D. Lalli (6105)  
Troy J. Aramburu (10444)  
Bret R. Evans (15131)  
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*Attorneys for Plaintiffs/Judgment Creditors  
Wells Fargo Bank, N.A. and Midtown  
Acquisitions L.P.*

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

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  
(PICCHE), LLC; MOUNTAIN  
DEVELOPMENTS I, INC.; POWER CLUB,  
LLC; and TUHAYE ELM, INC.,

Defendants/Judgment Debtors.

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

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

Consolidated Case No. 156500424

Judge Richard Mrazik

**TO THE SUMMIT COUNTY SHERIFF:**

WHEREAS, the Court entered a judgment in the above-captioned case in favor of Judgment Creditors Wells Fargo Bank, National Association and Midtown Acquisitions L.P. (“**Plaintiffs**” or “**Judgment Creditors**”) and against Judgment Debtor United Park City Mines Company (the “**Judgment Debtor**”). The Judgment was entered on April 15, 2015 in this Court in the amount of \$158,597,589.50, plus interest and fees and costs (the “**Judgment**”). A copy of the Judgment is attached to the *Application for Writ of Execution* as **Exhibit D** thereto. Neither Judgment Debtor nor the above-captioned defendants have yet fully satisfied this Judgment.

WHEREAS the amount still owing under the Judgment, as of April 30, 2021, is at least \$163,823,320.78, with interest accruing at the rates set forth in the Judgment, and not including accrued and accruing attorneys’ fees and costs incurred to date.

NOW, THEREFORE, YOU ARE HEREBY COMMANDED by this Court to: (1) within ten (10) days of issuance of this Writ of Execution (this “**Writ**”), serve this Writ and all attachments on the Judgment Debtor and on the parties named as having or claiming an interest in the real property described in **Exhibit A** to the *Application for Writ of Execution* (the “**Property**”); (2) within ten (10) days of issuance of this Writ, seize or otherwise levy upon the Property with the Summit County Recorder by filing this Writ and a description of the Property with the Summit County Recorder; (3) within seventy-five (75) days of issuance of this Writ, and pursuant to the instructions set forth in the *Præcipe*, which is attached to the *Application for Writ of Execution* as **Exhibit E**, sell enough of the Judgment Debtor’s Property to satisfy some or all of the Judgment, together with the costs of this execution, levy and seizure; and (4) deliver to Judgment Creditors all non-exempt proceeds from the sale of the same.

The Property contains at least three separate, readily identifiable parcels that are described by tax parcel identification numbers (i.e., SS-87, SS-88, and PP-28-A) as more particularly set forth in **Exhibit A** to the *Application for Writ of Execution*. As such, Rule 69B(d)

and this Writ shall allow for the Sheriff to sell the Property in one or more such parcels as are likely to bring the highest price.

Park City has recorded a Lis Pendens (see Summit County Recorder Entry No. 01148928) and asserts claims that may impact the purchaser's right and title to the Property, including alleged rights under a Development Agreement (see Summit County Recorder Entry No. 00806100), an alleged conservation easement, and Park City's lease rights as set forth in a Ground Lease (see Summit County Recorder Entry No. 01175236). Some or all of the Property is the subject of litigation in Case No. 200500346, pending in the Third Judicial District Court in Summit County, Utah. This Writ does not resolve that litigation or Park City's claims.

Judgment Debtor has waived the 180-day right of redemption set forth in Rule 69C of the Utah Rules of Civil Procedure. Accordingly, because the statutory right of redemption has been waived, after the sale of the Property you shall not issue a certificate of sale, but instead promptly issue a sheriff's deed to the purchaser at the sale, or to the purchaser's designee.

At any sale of the Property, Judgment Creditors may bid by way of credit bid against the outstanding obligations owed to Judgment Creditors under the Judgment.

This shall be your sufficient warrant for doing so. Within ten (10) days after service of this Writ, please return this Writ, along with proof of service of the Writ and, if Property has been seized, an inventory of the Property seized and stating whether the Property is held by you or by your designee.

**Pursuant to Rule 10(e) of the Utah Rules of Civil Procedure, this Order will be entered by the Court's signature at the top of the first page.**