



ENT 105290:2020 PG 1 of 4
JEFFERY SMITH
UTAH COUNTY RECORDER
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UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DISTRICT

<p>KEYBANK NATIONAL ASSOCIATION;</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>PRIMOS CAPITAL PARTNERS, LLC, a Nevada limited liability company; TYCOR MANAGEMENT LLC, a Nevada limited liability company; R. CURTIS PAYNE, an individual; and LESLIE PAYNE; an individual; DOES I THROUGH X, inclusive; and ROE BUSINESS ENTITIES I through X, inclusive,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. 2:20-cv-00487-RJS</p> <p>NOTICE OF PENDENCY OF ACTION</p>
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PLEASE TAKE NOTICE that Plaintiff, KeyBank National Association (“Plaintiff” or “KeyBank”) has filed a Complaint in the above-entitled action concerning and affecting real property as described herein. Plaintiff’s Complaint was filed on July 7, 2020. The above-captioned matter is pending in the United States District Court for the District of Utah, located at 351 S W Temple, Salt Lake City, UT 84101.

This action, and the claims for relief that Plaintiff requests in its Complaint, affects title to specific real property and the right to possession of specific real property situated in Utah County, Utah, commonly known as 1969 W. 450 N., Lehi, UT 84043 ("Lot 1") and 1981 W. 450 N., Lehi, UT 84043 ("Lot 2") (Lot 1 and Lot 2 are collectively referred to herein as the "Property"). The current legal description of the Property is:

PARCEL 1: A PORTION OF LOT 1, PLAT "B", SPRING MEADOW RANCHES A RESIDENTIAL SUBDIVISION, LEHI, UTAH, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE UTAH COUNTY RECORDER'S OFFICE. ALSO DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT LOCATED SOUTH 89°51'15" WEST ALONG THE SECTION LINE 755.97 FEET AND NORTH 124.52 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 7, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 88° 54' 50" WEST 72.22 FEET; THENCE NORTH 00° 29' 34" WEST 326.40 FEET; THENCE SOUTH 88° 41' 37" WEST 21.73 FEET; THENCE NORTH 01° 18' 23" WEST 26.32 FEET; THENCE ALONG A NON-TANGENT 61.0 FOOT RADIUS CURVE TO THE LEFT 79 42 FEET (CHORD BEARS NORTH 63° 22' 11" EAST 73.92 FEET); THENCE SOUTH 48° 49' 38" EAST 37.39 FEET; THENCE SOUTH 00° 29' 34" EAST 362.11 FEET TO THE POINT OF BEGINNING.

PARCEL 2: LOT 2 AND A PORTION OF LOT 1, PLAT "B". SPRING MEADOWS RANCHES, A RESIDENTIAL SUBDIVISION, LEHI, UTAH, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE UTAH COUNTY RECORDER'S OFFICE, ALSO DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT LOCATED SOUTH 89° 51' 15" WEST ALONG THE SECTION LINE 755.97 FEET AND NORTH 124.52 FEET AND NORTH 88° 54' 50" WEST 72.22 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 7, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 88° 54' 50" WEST 168.11 FEET; THENCE NORTH 00° 40' 45" WEST 367.99 FEET; THENCE EAST 107.22 FEET; THENCE ALONG A 15.0 FOOT RADIUS CURVE TO THE RIGHT

11.14 FEET (CHORD BEARS SOUTH 68°43' 54" EAST 10.88 FEET); THENCE ALONG A 61.0 FOOT RADIUS CURVE TO THE LEFT 33.93 FEET (CHORD BEARS SOUTH 63° 23' 55" EAST 33.50 FEET); THENCE SOUTH 01° 18' 23" EAST 26.32 FEET; THENCE NORTH 88° 41' 37" EAST 21.73 FEET; THENCE SOUTH 00° 29' 34" EAST 326.40 FEET TO THE POINT OF BEGINNING.

SITUATE IN THE COUNTY OF UTAH, STATE OF UTAH.

In its Complaint, Plaintiff has asked the Court to provide the following claims for relief:

1. For a declaratory judgment by the Court that KeyBank holds a valid, first priority lien against the Property, superior to any claims or interests asserted by Primos and Tycor to the Property, including the Primos Deeds of Trust and Tycor Deed of Trust (as defined in the Complaint).

2. If the KeyBank Deed of Trust is deemed a valid lien against the Property, for a judgment declaring that the KeyBank Deed of Trust is equitably subrogated to the Primos Deeds of Trust and Tycor Deed of Trust to the extent of KeyBank's payoff of the Central Bank Loans and Newbold Loan, plus applicable interest from the date of the payoffs.

3. In the event that the Court finds that the payoff of the Central Bank Loans did not extinguish the Central Bank Deeds of Trust, however, then a declaration and order that under the doctrine of equitable subrogation, KeyBank is entitled to a first priority equitable lien equal to the amount of its payoff of the Central Bank Loans and Newbold Loan, plus applicable interest from the date of the payoffs.

4. For an order declaring that in the event the Paynes and Defendants fail and refuse to make the payments and bring current the payments on the KeyBank Loan, then KeyBank shall

be permitted to foreclose on the KeyBank Deed of Trust in the normal and legal manner allowed for foreclosures by law.

5. For a determination by the Court quieting title to the Property in favor of KeyBank and against Primos and Tycor.

6. For a temporary restraining order and preliminary injunction prohibiting the sale of the Property because it would cause irreparable harm upon KeyBank should such an order not be granted.

7. For an award of all damages suffered by KeyBank in consequence of Primos and Tycor's actions.

8. For attorneys' fees and costs.

9. For such further relief as is fair, just and equitable.

Dated this 14th day of July, 2020.

/s/Aaron D. Lancaster

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I hereby certify that the annexed is a true and correct copy of a document or an electronic docket entry on file at the United States District Court for the District of Utah.

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Date: July 20, 2020

By: MARK JONES, Clerk

Deputy Clerk

