

ENTRY NO. 01173196

09/15/2021 12:05:29 PM B: 2692 P: 1324

Order PAGE 1/10
RHONDA FRANCIS, SUMMIT COUNTY RECORDER
FEE 0.00 BY SUMMIT COUNTY ATTORNEY

The Order of the Court is stated below:

Dated: September 14, 2021 /s/ RICHARD MRAZIK
05:09:28 PM District Court Judge

STATE OF UTAH

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Summit

15m September 15, 2021 Summit



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Jeremy J. Stewart (12247)
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*Attorneys for Defendants Wells Fargo Bank, N.A.
and Redus Park City LLC*

**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,

vs.

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 N.A.,
REDUS PARK CITY LLC, and UNITED
PARK CITY MINES COMPANY,

Defendants and Respondents.

NB 248, LLC,

**AMENDED STIPULATED ORDER
VOIDING CONSTABLE'S DEED**

Case No. 200500346

Judge Richard Mrazik

Counterclaim and Third-Party Plaintiff,

vs.

SUMMIT COUNTY,

Counterclaim Defendant,

and

PARK CITY MUNICIPAL CORPORATION,

Third Party Defendant.

PARK CITY MUNICIPAL CORPORATION,

Counterclaim and Crossclaim Plaintiff,

vs.

NB 248, LLC,

Counterclaim Defendant,

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

Crossclaim Defendants.

In accordance with the stipulation of Plaintiff Summit County and Defendants Nathan A. Brockbank, Joshua J. Romney, RB 248 LLC, NB 248 LLC, Wells Fargo Bank, NA, and Redus Park City LLC, the Court hereby ORDERS as follows:

The Constable's¹ Deed is void.

¹The "Constable's Deed" refers only to that Constable's Deed dated effective as of the 22nd day of February 2020 and recorded in the Official Records of the Summit County Recorder on August 26, 2020 as Entry No. 01140002, in Book 2593, Page 1783.

* * * **END OF ORDER** * * *

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

STIPULATED:

SNELL & WILMER L.L.P.

/s/ Jeremy J. Stewart

Matthew L. Lalli
Jeremy J. Stewart
Tyson J. Prisbrey

*Attorneys for Defendants Wells Fargo Bank, N.A.
and Redus Park City LLC*

SUMMIT COUNTY ATTORNEY

/s/ David L. Thomas

David L. Thomas
(electronic signature affixed with permission)
Attorneys for Summit County

GROSS AND ROONEY

/s/ S. Ian Hatt

S. Ian Hatt

(electronic signature affixed with permission)

Attorneys for Defendants and Crossclaim Defendants

Nathan A. Brockbank, Joshua J. Romney, RB 248 LLC

NB 248 LLC, N. Brockbank Investments, LLC, JJR Ventures, LTD

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of September, 2021, the foregoing **STIPULATED ORDER VOIDING CONSTABLE'S DEED** was filed via the Court's ECF system, which effectuated service upon counsel of record.

By Jeremy J. Stewart

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 1/2 PP-28-A

THIS CONSTABLE'S DEED ("Deed") is made effective as of the 22nd day of February 2020 between Justin Lampropoulos, 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 22nd day of February, 2020, at

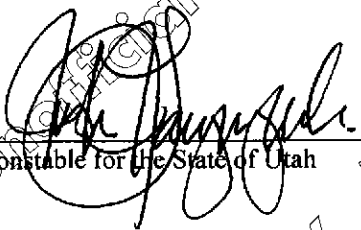
the Summit County Silver Summit District Courthouse in Park City, after due public notice had been given, as required by Rule 69B, Utah Rules of Civil Procedure, Grantor did duly sell at public auction the real property referenced in the Writ of Execution, which is described in Exhibit "A" attached hereto (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 Procure; 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

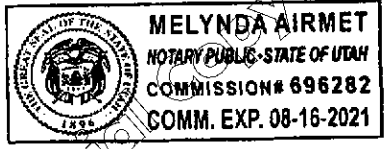

(Print witnesses name)

STATE OF UTAH)
COUNTY OF Utah)

ss.

On the 21 day of August, 2020, before me, Melynda Airmet,
a Notary Public in and for the County of Utah, State of Utah, personally appeared
Justin Lampropoulos, 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 21 day of August, 2020, by
Melynda Airmet
Melynda Airmet
Notary Public
Residing in Utah County, State of Utah
My Commission Expires 08/16/21



**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 $00^{\circ}44'33''$ 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 $89^{\circ}50'21''$ West 1722.59 feet; thence North $36^{\circ}45'43''$ East 401.85 feet; thence North $32^{\circ}35'26''$ 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 $81^{\circ}29'38''$ East 463.60 feet to a right-of-way monument; thence 2) South $78^{\circ}57'52''$ East 621.18 feet to a right-of-way monument; thence 3) South $85^{\circ}29'09''$ East 193.03 feet to a right-of-way monument; thence 4) North $88^{\circ}34'36''$ East 459.30 feet; thence South 1263.44 feet; thence South $89^{\circ}58'46''$ East 696.77 feet to the Summit-Wasatch County line; thence coincident with the Summit-Wasatch County line South $07^{\circ}49'47''$ 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 $00^{\circ}43'31''$ 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 $76^{\circ}40'50''$ West 450.61 feet; thence along the southerly right-of-way line of the county road (UDOT F.A.P. 93-B) North $79^{\circ}44'00''$ East 447.99 feet; thence along the center of section line South $00^{\circ}43'31''$ 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 $00^{\circ}34'37''$ East 1327.29 feet; thence coincident with the south line of the north half of the southeast quarter of Section 2 South $89^{\circ}58'53''$ West 188.10 feet; thence North $19^{\circ}56'15''$ 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 F.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°38'01" 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°40'14" 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)