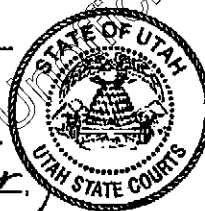


Judgment Page 1 of 11
Russell Shirts Washington County Recorder
11/13/2015 01:08:36 PM Fee \$45.00 By
BINGHAM SNOW & CALDWELL

STATE OF UTAH
COUNTY OF Washington

I hereby certify that the document to which this certificate is attached is a full, true and correct copy of the original filed in the Utah State Courts. WITNESS my hand and seal this 13 day of November, 2015
DISTRICT/JUVENILE COURT



*Voted September 17, 2015
BY THE COURT:*

*Jeffrey C. Wilcox
Dist. Ct. Judge*

HEATH H. SNOW #8563 _____ CLERK

STEPHEN R. SCHWENDIMAN #11465
BINGHAM SNOW & CALDWELL, LLP
*Counsel for Defendants Cypress Capital XI, LLC;
Hard Money, LLC; The Clark Group, LLC;
Eighty Plus, LLC; Private Equity, LLC
and Loan One, LLC*
253 W. St. George Boulevard, Ste. 100
St. George, Utah 84770
(435) 656-1900 phone
(435) 656-1963 fax
heath@binghamsnow.com
steve@binghamsnow.com

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5TH DISTRICT COURT
ST. GEORGE

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**IN THE FIFTH JUDICIAL DISTRICT COURT
WASHINGTON COUNTY, STATE OF UTAH**

MELLON VALLEY II, LLC; DOS LAGOS, LLC; R. FAMILY TRUST, u/a/d April 4, 2006; ROLAND NEIL FAMILY LIMITED PARTNERSHIP; ELIM VALLEY PLANNING AND DEVELOPMENT, LLC; R. WATER, LLC, ROLAND N. WALKER and SALLY WALKER, and DOES 1-10,

Plaintiffs,

vs.

CYPRESS CAPITAL XI, LLC, a Utah Limited Liability Company; ROBERT N. BAXTER, individually; BLAIR M. WALKER, individually; MARK SWAN, as Substitute Trustee under Deed of Trust dated December 13, 2007; and DOES I-X,

Defendants.

FINAL ORDER & JUDGMENT

Civil No. 080502947
Judge Jeffrey C. Wilcox

CYPRESS CAPITAL XI, LLC, a Utah limited liability company; HARD MONEY, LLC, an Idaho limited liability company; THE CLARK GROUP, an Idaho limited liability company; EIGHTY PLUS, LLC, an Idaho limited liability company; PRIVATE EQUITY, LLC, an Idaho limited liability company; and LOAN ONE, LLC, an Idaho limited liability company,

Plaintiffs,

vs.

MELLON VALLEY II, LLC; DOS LAGOS, LLC; R. FAMILY TRUST, u/a/d April 4, 2006; ROLAND NEIL FAMILY LIMITED PARTNERSHIP; ELIM VALLEY PLANNING AND DEVELOPMENT, LLC; R. WATER, LLC; ROLAND N. WALKER and SALLY WALKER, Defendants.

Case No.: 080917303
(formerly before the 3rd District Court)

MELLON VALLEY II, LLC; DOS LAGOS, LLC; R. FAMILY TRUST, u/a/d APRIL 4, 2006; ROLAND NEIL FAMILY LIMITED PARTNERSHIP; ELIM VALLEY PLANNING AND DEVELOPMENT, LLC; R. WATER, LLC; ROLAND N. WALKER and SALLY WALKER,

Third-Party Plaintiffs,

vs.

HARD MONEY, LLC, an Idaho limited liability company; THE CLARK GROUP, LLC, an Idaho limited liability company; EIGHTY PLUS, LLC, an Idaho limited liability company; PRIVATE EQUITY, LLC, an Idaho limited liability company; LOAN ONE, LLC, an Idaho limited liability company; JOHN DOES 1-50, individuals, and ROE CORPORATIONS, 1-50, all types of companies,

Third-Party Defendants.

COMES NOW the above-entitled Court, having reviewed the Stipulation for Entry of Final Order and Judgment filed by Plaintiffs and Defendants (collectively the "Parties") of even date, as well as the Stipulations filed by the Parties on the 4th day of December, 2014, the 11th day of May, 2015 and the Orders Granting Defendants' Motions for Partial Summary Judgment entered on the 9th day of November, 2009 and the 7th day of March, 2014 and for good cause showing, renders the following final order and judgment ("Final Order & Judgment"):

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendants Cypress Capital XI, LLC; Hard Money, LLC; The Clark Group, LLC; Eighty Plus, LLC; Private Equity, LLC and Loan One, LLC (collectively "Defendants") shall have Judgment against Plaintiffs Mellon Valley II, LLC, Dos Lagos, LLC; R. Family Trust; Roland Neil Family Limited Partnership; Elim Valley Planning and Development, LLC; R. Water, LLC; Roland N. Walker and Sally Walker (collectively "Plaintiffs"), and each of them, joint and severally, in the amount of:

\$15,000,000.00	Principal
\$15,367,192.18	Interest to date of Judgment
\$ <u>221,560.94</u>	Attorney's Fees & Costs to date of Judgment
\$30,588,753.12	TOTAL JUDGMENT

With interest compounding monthly on the Total Judgment at Twenty Four Percent (24%) per annum from the date of the Stipulation for Entry of Final Judgment until paid, plus after-accruing costs ("Judgment").

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that in the event it becomes necessary for Defendants to execute upon this Judgment, Plaintiffs shall pay all

additional attorney's fees and costs incurred in the execution of the Judgment, in addition to the costs and attorney's fees outlined herein above.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, for purposes of final judgment, as follows:

1. That the fair market value of the water rights defined in that certain Water Rights Deed of Trust and Security Agreement entered into by R Water, LLC as Trustor, in favor of Cypress Capital XI, LLC, as Beneficiary, dated December 13, 2007 and recorded on the 14th day of December, 2007 as Entry No. 20070058976 in the Official Records on file in the Office of the Recorder of Washington County, State of Utah ("Subject Water Rights") as of the date they were sold, to wit: September 28, 2012, was Two Million Dollars (\$2,000,000.00).

2. That the fair market value of the general development intangibles and personal property, including the Development Agreement, as defined in that certain Trust Deed, Security Agreement and Fixture Filing entered into by Elim Valley Planning and Development, LLC, as Trustor, and Cypress Capital XI, LLC, as Beneficiary, dated December 13, 2007 and recorded on the 14th day of December, 2007 as Entry No. 20070058975 in the Official Records on file in the Office of the Recorder of Washington County, State of Utah ("Subject Personal Property") as of the date they were sold, to wit: September 28, 2012, was Four Million Dollars (\$4,000,000.00).

3. That the fair market value of the real property defined in that certain Deed of Trust, Security Agreement and Fixture Filing entered into by Mellon Valley II, LLC, as Trustor, in favor of Cypress Capital XI, LLC, dated December 13, 2007 and recorded on the 14th day of December 2007 as Entry No. 20070058952 in the Official Records of Washington County, State of Utah ("Subject Real Property") as of the date it was sold, to wit: September 12, 2012, was Twelve Million Dollars (\$12,000,000.00).

4. That the Subject Water Rights, the Subject Personal Property and the Subject Real Property are hereinafter referred to collectively as the "Property", as that term is used in Utah Code Ann § 57-1-32.

5. That the entire legal debt owed by Plaintiffs to Defendants (inclusive of all interest, fees, etc., but exclusive of reasonable attorney fees and costs) as of September 28, 2012, was (before applying an offset for the value of the Property) Thirty Three Million Dollars (\$33,000,000.00) ("September 2012 Indebtedness").

6. That, pursuant to Utah Code Ann. § 57-1-32, the difference between the September 2012 Indebtedness (\$33,000,000.00) and the fair market value of the Property (\$18,000,000.00) as of September 28, 2012 was Fifteen Million Dollars (\$15,000,000.00) plus all attorney's fees and cost incurred by Defendants as allowed pursuant to Section 7.B. of the Secured Promissory Note ("Note") executed by the Plaintiffs and Defendant, Cypress Capital XI, LLC on the 13th day of December, 2007 ("Deficiency Amount").

7. That, pursuant to Section 5 of the Note, the interest on the Deficiency Amount compounds on a monthly basis at the rate of Twenty Four Percent (24%) per annum.

8. That One Thousand Eighty Four (1084) days or Thirty Five and Sixty One Hundredths (35.61) months have transpired since September 28, 2012 and today's date.

9. That Interest has accrued on the Deficiency Amount since September 28, 2012 in the amount of Fifteen Million Three Hundred Sixty Seven Thousand One Hundred Ninety Two and 18/100 Dollars (\$15,367,192.18).

10. That the attorney's fees and costs incurred by Defendants as allowed and awardable under the Note is Two Hundred Twenty One Thousand Five Hundred Sixty and 94/100 Dollars (\$221,560.94).

11. That Plaintiffs, and any entity of which they control, shall not interfere, obstruct, attempt to prohibit or object to Defendants' efforts to market, resell and/or develop the Property owned by Defendants.

12. That Plaintiffs, and any entity of which they control, shall cooperate and take any and all actions necessary, including the execution of any and all additional documents which Defendants may deem necessary to effectuate the purpose and intent of this final order and judgment.

13. That in entering this Final Order & Judgment, the court reincorporates all of its findings and conclusions set forth in orders granting or denying various motions filed in this case.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Final Order and Judgment is certified as a final judgment and order pursuant to Rule 54(b) of the Utah Rules of Civil Procedure for purposes of appeal.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the trial presently scheduled in this case for September 17, 2015 be vacated.

***** End of Order. The Court's signature will appear at the top of the first page. *****

HEATH H. SNOW #8563
STEPHEN R. SCHWENDIMAN #11465
BINGHAM SNOW & CALDWELL, LLP
Counsel for Cypress Capital XI, LLC;
Hard Money, LLC; The Clark Group, LLC;
Eighty Plus, LLC; Private Equity, LLC
and Loan One, LLC
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**IN THE FIFTH JUDICIAL DISTRICT COURT
WASHINGTON COUNTY, STATE OF UTAH**

MELLON VALLEY II, LLC; DOS LAGOS,
LLC; R. FAMILY TRUST, u/a/d April 4, 2006;
ROLAND NEIL FAMILY LIMITED
PARTNERSHIP; ELIM VALLEY PLANNING
AND DEVELOPMENT, LLC; R. WATER,
LLC, ROLAND N. WALKER and SALLY
WALKER, and DOES I-10,

Plaintiffs,

vs.

CYPRESS CAPITAL XI, LLC, a Utah Limited
Liability Company; ROBERT N. BAXTER,
individually; BLAIR M. WALKER,
individually; MARK SWAN, as Substitute
Trustee under Deed of Trust dated December
13, 2007; and DOES IX,

Defendants.

**JUDGMENT INFORMATION
STATEMENT**

Civil No: 080502947
Judge Jeffrey C. Wilcox

CYPRESS CAPITAL XI, LLC, a Utah limited liability company; HARD MONEY, LLC, an Idaho limited liability company; THE CLARK GROUP, LLC, an Idaho limited liability company; EIGHTY PLUS, LLC, an Idaho limited liability company; PRIVATE EQUITY, LLC, an Idaho limited liability company; and LOAN ONE, LLC, an Idaho limited liability company

Plaintiffs,

vs.

MELLON VALLEY II, LLC; DOS LAGOS, LLC; R. FAMILY TRUST, u/a/d April 4, 2006; ROLAND NEIL FAMILY LIMITED PARTNERSHIP; ELIM VALLEY PLANNING AND DEVELOPMENT, LLC; R. WATER, LLC; ROLAND N. WALKER and SALLY WALKER,

Defendants.

MELLON VALLEY II, LLC; DOS LAGOS, LLC; R. FAMILY TRUST, u/a/d APRIL 4, 2006; ROLAND NEIL FAMILY LIMITED PARTNERSHIP; ELIM VALLEY PLANNING AND DEVELOPMENT, LLC; R. WATER, LLC; ROLAND N. WALKER and SALLY WALKER,

Third-Party Plaintiffs,

v.

HARD MONEY, LLC, an Idaho limited liability company; THE CLARK GROUP, LLC, an Idaho limited liability company; EIGHTY PLUS, LLC, an Idaho limited liability company; PRIVATE EQUITY, LLC, an Idaho limited

Case No.: 080917303
(formerly before the 3rd District Court)

liability company, LOAN ONE, LLC, an Idaho limited liability company; JOHN DOES 1-50, individuals, and ROE CORPORATIONS, 1-50, all types of companies,

Third-Party Defendants.

(1) CYPRESS CAPITAL XI, LLC, a Utah limited liability company; HARD MONEY, LLC, an Idaho limited liability company; THE CLARK GROUP, LLC, an Idaho limited liability company; EIGHTY PLUS, LLC, an Idaho limited liability company; PRIVATE EQUITY, LLC, an Idaho limited liability company; and LOAN ONE, LLC, an Idaho limited liability company, as the judgment creditors in this action, provide the following information in compliance with Section 78B-5-201, Utah Code Annotated.

(2) The correct names of the judgment debtors are MELLON VALLEY II, LLC, a Utah limited liability company; DOS LAGOS, LLC, an Idaho limited liability company; R. FAMILY TRUST, u/a/d APRIL 4, 2006, is an Idaho trust; ROLAND NEIL FAMILY LIMITED PARTNERSHIP is an Idaho limited partnership; ELIM VALLEY PLANNING AND DEVELOPMENT, LLC, a Utah limited liability company; R. WATER, LLC, a Utah limited liability company; ROLAND N. WALKER, an individual; and SALLY WALKER, an individual.

(3) The correct last known addresses of the judgment debtors are:

Mellon Valley II, LLC 1300 S. Sand Hollow Rd. Hurricane, UT 84737	Dos Lagos, LLC 2130 S. Boulevard Idaho Falls, ID 83402
R. Family Trust, u/a/d April 4, 2006 2130 S. Boulevard Idaho Falls, ID 83402	Roland Neil Family Limited Partnership 2130 S. Boulevard Idaho Falls, ID 83402
Elim Valley Planning and Development, LLC 1300 S. Sand Hollow Rd. Hurricane, UT 84737	R. Water, LLC 1300 S. Sand Hollow Rd. Hurricane, UT 84737
Roland N. Walker 2130 S. Boulevard	Sally Walker 2130 S. Boulevard

Idaho Falls, ID 83402

Idaho Falls, ID 83402

- (3) The addresses at which the judgment debtors received service of process are:
- | | |
|---|--|
| Mellon Valley II, LLC
1300 S. Sand Hollow Rd.
Hurricane, UT 84737 | Dos Lagos, LLC
2130 S. Boulevard
Idaho Falls, ID 83402 |
|---|--|

R. Family Trust, u/a/d April 4, 2006
2130 S. Boulevard
Idaho Falls, ID 83402

Roland Neil Family Limited Partnership
2130 S. Boulevard
Idaho Falls, ID 83402

Elim Valley Planning and Development, LLC
1300 S. Sand Hollow Rd.
Hurricane, UT 84737

R. Water, LLC
1300 S. Sand Hollow Rd.
Hurricane, UT 84737

Roland N. Walker
2130 S. Boulevard
Idaho Falls, ID 83402

Sally Walker
2130 S. Boulevard
Idaho Falls, ID 83402

- (4) The judgment debtors Mellon Valley II, LLC; Dos Lagos, LLC; R. Family Trust, u/a/d April 4, 2006; Roland Neil Family Limited Partnership; Elim Valley Planning and Development, LLC and R. Water, LLC are not natural persons.

Judgment Debtor Roland N. Walker is a natural person and

- (a) the social security number of Roland N. Walker is unknown,
- (b) the date of birth of Roland N. Walker is March ** 1955, and
- (c) the driver's license number of Roland N. Walker is unknown.

Judgment Debtor Sally Walker is a natural person and

- (a) the social security number of Sally Walker is ****
- (b) the date of birth of Sally Walker is ***** 1959,
- (c) the driver's license number of Sally Walker is unknown.

- (5) The name of the judgment creditors are Cypress Capital XI, LLC; Hard Money, LLC; The Clark Group, LLC; Eighty Plus, LLC; Private Equity, LLC and Loan One, LLC.

- (6) The addresses of the judgment creditors are:

Cypress Capital XI, LLC
912 W. Baxter Dr. Ste. 250
South Jordan, UT 84095

Hard Money, LLC
6101 Country Club Dr.
Pocatello, ID 83204

The Clark Group, LLC
6101 Country Club Dr
Pocatello, ID 83204

Eighty Plus, LLC
1111 Yellowstone
Pocatello, ID 83201

Private Equity, LLC
1111 Yellowstone
Pocatello, ID 83201

Loan One, LLC
1111 Yellowstone
Pocatello, ID 83201

- (7) The amount of the judgment is \$30,588,753.12.
- (8) The judgment was entered on September 17, 2015 with costs, fees and interest accruing thereon pursuant to the judgment.
- (10) X The judgment has not been stayed. OR
_____ The judgment has been stayed and the stay expires on _____.
- (11) The judgment creditor has reviewed its own records, the records of its attorney and the records of the court in which the judgment is entered. Any information required by Section 78B-5-201 of the Utah Code Annotated but not provided in this statement is unknown and/or unavailable.

DATED this 13th day of November, 2015.

BINGHAM SNOW & CALDWELL, LLP

/s/ Stephen R. Schwendiman
Heath H. Snow, Esq.
Stephen R. Schwendiman, Esq.
Attorneys for Judgment Creditor