

3RD DISTRICT COURT
SALT LAKE COUNTY, STATE OF UTAH

WILLIAM B CARTER et al. vs. CORY DRAPER et al.

CASE NUMBER/040912177 Miscellaneous

CURRENT ASSIGNED JUDGE
SU CHON

PARTIES

Plaintiff - JODY CARTER
Represented by: RICHARD GOLDEN

Plaintiff - WILLIAM B CARTER
Represented by: RICHARD GOLDEN
Represented by: JAMES MCINTYRE
Represented by: JACOB RICE

Defendant - SALT LAKE COUNTY
Represented by: JASON ROSE

Defendant - CORY DRAPER

Defendant - DIETRICK VAN NEDERVEEN
Represented by: SUMMER OSBURN

Defendant - UTAH STATE TAX COMMISSION
Represented by: STEPHEN LEWIS

Defendant - HAOLE BOY ENTERTAINMENT LLC
Represented by: SCOTT MERCER

ACCOUNT SUMMARY

Total Revenue Amount Due:	323.00
Amount Paid:	323.00
Amount Credit:	0.00
Balance:	0.00

REVENUE DETAIL - TYPE: COMPLAINT - NO AMT S

Original Amount Due:	155.00
Amended Amount Due:	155.00
Amount Paid:	155.00
Amount Credit:	0.00
Balance:	0.00

REVENUE DETAIL - TYPE: 3RD PRY CMLPT 10K +

Original Amount Due:	105.00
Amended Amount Due:	105.00
Amount Paid:	105.00
Amount Credit:	0.00
Balance:	0.00

REVENUE DETAIL - TYPE: VIDEO TAPE COPY

Original Amount Due:	30.00
Amended Amount Due:	30.00
Amount Paid:	30.00
Amount Credit:	0.00
Balance:	0.00

REVENUE DETAIL - TYPE: VIDEO TAPE COPY

Original Amount Due:	15.00
Amended Amount Due:	15.00
Amount Paid:	15.00
Amount Credit:	0.00
Balance:	0.00

REVENUE DETAIL - TYPE: COPY FEE

Original Amount Due:	1.00
Amended Amount Due:	1.00
Amount Paid:	1.00
Amount Credit:	0.00
Balance:	0.00

REVENUE DETAIL - TYPE: CERTIFIED COPIES

Original Amount Due:	3.00
Amended Amount Due:	3.00
Amount Paid:	3.00
Amount Credit:	0.00
Balance:	0.00

REVENUE DETAIL - TYPE: COPY FEE

Original Amount Due:	0.50
Amended Amount Due:	0.50
Amount Paid:	0.50
Amount Credit:	0.00
Balance:	0.00

REVENUE DETAIL - TYPE: CERTIFICATION

Original Amount Due:	4.00
Amended Amount Due:	4.00
Amount Paid:	4.00
Amount Credit:	0.00
Balance:	0.00

REVENUE DETAIL - TYPE: CERTIFIED COPIES

Original Amount Due:	4.00
Amended Amount Due:	4.00
Amount Paid:	4.00
Amount Credit:	0.00
Balance:	0.00

REVENUE DETAIL - TYPE: COPY FEE

Original Amount Due:	1.50
Amended Amount Due:	1.50

Amount Paid:	1.50
Amount Credit:	0.00
Balance:	0.00

REVENUE DETAIL - TYPE: CERTIFICATION

Original Amount Due:	4.00
Amended Amount Due:	4.00
Amount Paid:	4.00
Amount Credit:	0.00
Balance:	0.00

CASE NOTE

PROCEEDINGS

06-14-2004 Filed: Complaint

06-14-2004 Judge FRANK G. NOEL assigned.

06-14-2004 Filed: Complaint No Amount

06-14-2004 Fee Account created Total Due: 155.00

06-14-2004 COMPLAINT - NO AMT S Payment Received: 155.00
Note: Code Description: COMPLAINT - NO AMT S

06-14-2004 TELEPHONIC HEARING ON TRO scheduled on June 15, 2004 at 11:30 AM in FOURTH FLOOR-S44 with Judge JUDITH S. ATHERTON

06-14-2004 NOTICE for Case 040912177 ID 5972353
Judge: JUDITH S ATHERTON
TELEPHONIC HEARING ON TRO is scheduled.
Date: 06/15/2004
Time: 11:30 a.m.
Location: Fourth Floor - S44
Third District Court
450 South State
SLC, UT 84114-1860
Before Judge: JUDITH S ATHERTON
Counsel are requested to be in their respective offices at the time set for the telephone scheduling conference. Unavailability or non-appearance of counsel will result in dates being set without counsel's input, or pleadings stricken and default entered.

06-14-2004 Filed: Ex Parte Application for Temporary Restraining Order and Preliminary Injunction

06-14-2004 Filed: Certification of Counsel Under Rule 65A(b)(1)

06-14-2004 Filed: Affidavit of Richard Golden

06-14-2004 Filed: Affidavit of Robyn Burkinshaw

06-14-2004 Filed: Affidavit of Norma Davis

06-15-2004 NOTICE for Case 040912177 ID 5973425
Judge: FRANK G. NOEL
PRELIMINARY INJUNCTION is scheduled.
Date: 06/23/2004
Time: 10:00 a.m.
Location: Fourth Floor - S45
Third District Court
450 South State
SLC, UT 84114-1860

Before Judge: FRANK G. NOEL

06-15-2004 Note: F&D and Order to JNoel

06-15-2004 Filed order: TEMPORARY RESTRAINING ORDER GRANTED
Judge JUDITH S. ATHERTON
Signed June 15, 2004

06-15-2004 Issued: Temporary Restraining Order
Judge JUDITH S. ATHERTON
Hearing Date June 15, 2004 11:30 AM

06-15-2004 PRELIMINARY INJUNCTION scheduled on June 23, 2004 at 10:00 AM
in FOURTH FLOOR-S45 with Judge FRANK G. NOEL

06-15-2004 NOTICE for Case 040912177 ID 5973548
Judge: FRANK G. NOEL
PRELIMINARY INJUNCTION is scheduled.
Date: 06/23/2004
Time: 10:00 a.m.
Location: Fourth Floor - S45
Third District Court
450 South State
SLC, UT 84114-1860
Before Judge: FRANK G. NOEL

06-15-2004 Minute Entry - Minutes for Temp Restrain Order
Judge: JUDITH S ATHERTON
Clerk: staceea

PRESENT

Plaintiff(s): WILLIAM B CARTER
Plaintiff(s): JODY CARTER
Defendant(s): CORY DRAPER
Defendant(s): DIETRICK VAN NEDERVEEN
Plaintiff's Attorney(s): RICHARD R GOLDEN
Video
Tape Count: 11:30

HEARING

Judge Atherton is hearing in Judge Noel's absence. Melanie Blair will take the minutes. All parties present except Tom Branch, counsel for defendants, who is out of town.

The temporary restraining order is read into the record. The court orders all parties from removing or damaging any or all of the property. There is to be no contact between the parties.

06-22-2004 Filed: Notice of Appearance of Counsel

06-22-2004 Filed return: Summons 20-Day on Return, Left with Priscilla Sims, Executive Employee
Party Served: UTAH STATE TAX COMMISSION
Service Type: Personal
Service Date: June 17, 2004
Garnishee:

06-23-2004 Minute Entry - Minutes for Temp Restrain Order
Judge: FRANK G. NOEL
Clerk: patj

PRESENT

Plaintiff(s): WILLIAM B CARTER
Plaintiff(s): JODY CARTER
Defendant(s): CORY DRAPER
Defendant(s): DIETRICK VAN NEDERVEEN

Plaintiff's Attorney(s): RICHARD R GOLDEN

Plaintiff's Attorney(s): JAMES A MCINTYRE

Defendant's Attorney(s): SCOTT O MERCER

Video

HEARING

COUNT: 10.31

This case is before the court for a preliminary injunction. Tom Branch is in another court and not able to attend this hearing.

All of the parties are agreeable to continuing this hearing.

The TRO will remain in effect.

This hearing is continued to June 30 at 2 PM

06-24-2004 NOTICE for Case 040912177 ID 5982279

Judge: FRANK G. NOEL

PRELIMINARY INJUNCTION is scheduled.

Date: 06/30/2004

Time: 02:00 p.m.

Location: Fourth Floor - S45

Third District Court

450 South State

SLC, UT 84114-1860

Before Judge: FRANK G. NOEL

06-24-2004 PRELIMINARY INJUNCTION scheduled on June 30, 2004 at 02:00 PM in FOURTH FLOOR-S45 with Judge FRANK G. NOEL

06-25-2004 Filed return: Summons 20-Day on Return

Party Served: DRAPER, CORY

Service Type: Personal

Service Date: June 20, 2004

Garnishee:

06-29-2004 Minute Entry - Minutes for Prelim Injunction

Judge: FRANK G. NOEL

Clerk: patj

PRESENT

Plaintiff(s): JODY CARTER

Plaintiff(s): WILLIAM B CARTER

Defendant(s): CORY DRAPER

Defendant(s): DIETRICK VAN NEDERVEEN

Plaintiff's Attorney(s): RICHARD R GOLDEN

Plaintiff's Attorney(s): JAMES A MCINTYRE

Defendant's Attorney(s): TOM D BRANCH

Defendant's Attorney(s): SCOTT O MERCER

Video

Tape Number: 2.04

HEARING

COUNT: 2.04

This case is before the court for a preliminary injunction.

COUNT: 2.24

Cory Draper is sworn and examined in behalf of the pltf

COUNT: 2.59

William Carter is sworn and examined in behalf of the pltf

COUNT: 4.10

Documentary proof is offered and received in evidence.

COUNT: 4.10

Pltf rests

COUNT: 4.11

Travis Pera is sworn and examined in behalf of the deft

COUNT: 5.00

This now being the hour of adjournment the court orders further hearing in this case continued to July 1 at 9:30 AM

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July 1, 2004

COUNT: 9.35

Travis Pera resumes stand and is further examined in behalf of the deft

COUNT: 10.05

Cory Draper is recalled and further examined in behalf of the deft

COUNT: 10.56

Deft rests

COUNT: 10.57

William Carter is recalled and further examined in rebuttal.

COUNT: 12.17

The court finds that the pltf's have failed to show irreparable harm. The motion for a preliminary injunction is denied.

Tom Branch to prepare the order.

06-30-2004

Filed: Exhibit List

07-01-2004

Filed return: Summons 20-Day on Return

Party Served: DIETRICK VAN NEDERVEEN

Service Type: Personal

Service Date: June 26, 2004

Garnishee:

07-06-2004

Filed: Notice of Lis Pendens

07-09-2004

Filed: Waiver of Service of Summons

07-19-2004

Filed: Answer , counterclaim and third party complaint of

Answer Party: CORY DRAPER

07-19-2004

Filed: Answer, counterclaim and third party complaint of

Answer Party: DIETRICK VAN NEDERVEEN

07-20-2004

Filed order: Order denying preliminary injunction

Judge FRANK G. NOEL

Signed July 20, 2004

07-22-2004

Filed: Motion for Entry of Default

07-22-2004

Filed: Memorandum in Support of Motion for Entry of Default

07-26-2004

Filed: Answer, Counterclaim and Third-Party Complaint of Defendant Haole Boy Entertainment, LLC

Answer Party: HAOLE BOY ENTERTAINMENT LLC

07-27-2004

Fee Account created Total Due: 105.00

07-27-2004

3RD PRY CMPLT 10K + Payment Received: 105.00

Note: Code Description: 3RD PRY CMPLT 10K +; Mail Payment;

07-29-2004

Filed: Answer

Answer Party: SALT LAKE COUNTY

08-03-2004

Filed: Reply to Counterclaim by Counterclaim Defendants William B. Carter and Jody Carter

08-03-2004

Filed: Motion to Appoint Receiver

08-03-2004

Filed: Memorandum in Support of Motion Appoint Receiver

08-04-2004 Fee Account created Total Due: 30.00  
08-04-2004 VIDEO TAPE COPY Payment Received: 30.00  
08-06-2004 Filed: Notice of intent to serve subpoena duces tecum on BANK ONE  
08-06-2004 Filed: Notice of intent to serve subpoena duces tecum on Guardian Title  
08-11-2004 Filed: Reply to Counterclaim of Haole Boy Entertainment, LLC by Counterclaim Defendants William B. Carter and Jody Carter  
08-11-2004 Filed return: Subpoena Duces Tecum on Return, Served Guardian Title by leaving a copy with Dawn Vaughn, Records Custodian  
Party Served:  
Service Type: Personal  
Service Date: August 05, 2004  
Garnishee:  
08-11-2004 Filed return: Subpoena Duces Tecum on Return, Served Bank One by leaving a copy with Paul Miner, Branch President  
Party Served:  
Service Type: Personal  
Service Date: August 05, 2004  
Garnishee:  
08-13-2004 Filed: Memorandum in Opposition to Motion to Appoint Receiver  
08-13-2004 Filed: Affidavit of Cory Draper  
08-16-2004 Filed: 12(B)(6) Motion to Dismiss Counterclaim of Defendant Haole Boy Entertainment, LLC  
08-16-2004 Filed: Memorandum in Support of 12(B)(6) Motion to Dismiss Counterclaim of Defendant Haole Boy Entertainment, LLC  
08-17-2004 Filed: Affidavit of Cory Draper  
08-25-2004 Filed: Notice to Submit for Decision  
08-25-2004 Filed: Reply Memorandum in Support of Motion to Appoint Receiver  
08-27-2004 Filed return: Subpoena Duces Tecum on Return, Left with Louana Mabry, Records Custodian of J. Phillip Cook & Associates  
Party Served:  
Service Type: Personal  
Service Date: August 23, 2004  
Garnishee:  
09-01-2004 NOTICE for Case 040912177 ID 6047520  
Judge: FRANK G. NOEL  
ORAL ARGUMENT ON MOTION is scheduled.  
Date: 09/15/2004  
Time: 02:00 p.m.  
Location: Fourth Floor - S45  
Third District Court  
450 South State  
SLC, UT 84114-1860  
Before Judge: FRANK G. NOEL  
09-01-2004 ORAL ARGUMENT ON MOTION scheduled on September 15, 2004 at 02:00 PM in FOURTH FLOOR-S45 with Judge FRANK G. NOEL  
09-02-2004 Filed: Memorandum in Opposition to Motion to Dismiss Counterclaim of Haole Boy Entertainment, LLC  
09-13-2004 Filed: Reply Memorandum in Support of 12(B)(6) Motion to Dismiss Counterclaim of Defendant Haole Boy Entertainment, LLC  
09-14-2004 Filed: Notice of withdrawal of counsel - Tom D Branch  
09-15-2004 Minute Entry - Minutes for Law and Motion  
Judge: FRANK G. NOEL

Clerk: patj

PRESENT

Plaintiff's Attorney(s): RICHARD R GOLDEN

Plaintiff's Attorney(s): JAMES A MCINTYRE

Defendant's Attorney(s): SCOTT O MERCER

Defendant's Attorney(s): JASON S. ROSE

Video

HEARING

COUNT: 2.01

After meeting in chambers with counsel, the court orders this hearing continued to Sept 27 at 2 PM.

The court deems Tom Branch to still be in the case.

09-20-2004 Filed: Notice of Depositions

09-24-2004 Filed: Faxed Copy of Stipulation and Joint Motion for Continuance of Hearing

10-12-2004 Filed: Notice to Submit for Decision

10-15-2004 Filed: Request for Hearing Setting

10-15-2004 Filed: Notice of Appearance of Counsel

10-15-2004 ORAL ARGUMENT ON MOTION scheduled on October 29, 2004 at 09:00 AM in FOURTH FLOOR-S45 with Judge FRANK G. NOEL

10-15-2004 NOTICE for Case 040912177 ID 6087336

Judge: FRANK G. NOEL

ORAL ARGUMENT ON MOTION is scheduled.

Date: 10/29/2004

Time: 09:00 a.m.

Location: Fourth Floor - S45

Third District Court

450 South State

SLC, UT 84114-1860

Before Judge: FRANK G. NOEL

Oral argument on motion to appoint receiver.

10-18-2004 Filed: Notice of Continued Hearing of Motion to Appoint Receiver

10-29-2004 Fee Account created Total Due: 15.00

10-29-2004 VIDEO TAPE COPY Payment Received: 15.00

10-29-2004 Minute Entry - Minutes for Law and Motion

Judge: FRANK G. NOEL

Clerk: patj

PRESENT

Plaintiff's Attorney(s): RICHARD R GOLDEN

Plaintiff's Attorney(s): JAMES A MCINTYRE

Defendant's Attorney(s): SCOTT O MERCER

Defendant's Attorney(s): JASON S. ROSE

Defendant's Attorney(s): TOM BRANCH

Video

HEARING

COUNT: 10.09

Respective counsel have met in the hall and have reached a stipulation that settles the case.

Scott Mercer reads the stipulation into the record.

Richard Golden to prepare the order.

11-30-2004 Filed: Findings of fact

11-30-2004 Filed order: Order on stipulation (Appointing Jody Carter pursuant to Rule 66)

Judge FRANK G. NOEL  
Signed November 30, 2004

11-30-2004 Filed order: Decree of foreclosure  
Judge FRANK G. NOEL

Signed November 30, 2004

11-30-2004 Case Disposition is Judgment  
Disposition Judge is FRANK G. NOEL

12-01-2004 Judgment # 1 Entered 2,067,025.83

alicew

Creditor : WILLIAM B CARTER  
Creditor : JODY CARTER  
Debtor : CORY DRAPER  
Debtor : DIETRICK VAN NEDERVEEN  
Debtor : HAOLE BOY ENTERTAINMENT LLC  
2,067,025.83 Principal  
2,067,025.83 Judgment Grand Total

12-01-2004 Filed judgment: Decree of Foreclosure @J  
Judge FRANK G. NOEL  
Signed November 30, 2004

04-25-2005 Fee Account created Total Due: 1.00

04-25-2005 COPY FEE Payment Received: 1.00

10-11-2005 Fee Account created Total Due: 3.00

10-11-2005 Fee Account created Total Due: 0.50

10-11-2005 Fee Account created Total Due: 4.00

10-11-2005 CERTIFIED COPIES Payment Received: 3.00

10-11-2005 COPY FEE Payment Received: 0.50

10-11-2005 CERTIFICATION Payment Received: 4.00

10-20-2005 Filed: Verified Report of Receiver, Jodie Carter, of  
Defendant's Failure to Comply with Order on Stipulation

10-20-2005 Issued: Order of Sale

Clerk SUSAN L SUNDBERG

10-31-2005 Filed: Motion for Correction of Clerical Errors in Findings of  
Fact and Conclusions of Law, Decree of Foreclosure, and Order  
of Foreclosure Sale

10-31-2005 Filed: Memorandum in Support of Motion for Correction of  
Clerical Errors in Findings of Fact and Conclusions of Law,  
Decree of Foreclosure, and Order of Sale

11-04-2005 Filed: Motion and Memorandum to Withdrawal as Counsel

11-14-2005 Filed: Notice to submit

11-16-2005 Filed: Objection to Notice to Submit Entry of Order to  
Withdrawal of Counsel

11-23-2005 Filed: Plaintiffs' Memorandum in Opposition to Motion and  
Memorandum to Withdrawal of Counsel (Oral Argument Requested)

11-28-2005 Filed order: Corrected Decree of Foreclosure @J

Judge DENO HIMONAS

Signed November 28, 2005

11-28-2005 Filed order: Order to withdraw as counsel - Tom Branch

Judge DENO HIMONAS

Signed November 28, 2005

11-28-2005 Issued: Corrected Order of Foreclosure of Sale

Clerk KRISTEN LATERZA

11-29-2005 Filed: Notice to appear or appoint successor counsel

12-14-2005 Fee Account created Total Due: 4.00

12-14-2005 Fee Account created Total Due: 1.50  
12-14-2005 Fee Account created Total Due: 4.00  
12-14-2005 CERTIFIED COPIES Payment Received: 4.00  
12-14-2005 COPY FEE Payment Received: 1.50  
12-14-2005 CERTIFICATION Payment Received: 4.00  
01-12-2006 Filed: Corrected Order of Foreclosure Sale / Real Estate Order  
of Sale on Return received by Deputy Sheriff Kent Mackey dated  
January 11, 2006  
02-08-2006 Filed: Certificate of sale  
04-14-2006 Filed order: Deficiency Judgment  
Judge DENISE P LINDBERG  
Signed April 14, 2006  
04-17-2006 Judgment # 2 Entered 407,171.50

alicew

Creditor : WILLIAM B CARTER  
Creditor : JODY CARTER  
Debtor : CORY DRAPER  
Debtor : DIETRICK VAN NEDERVEEN  
Debtor : HAOLE BOY ENTERTAINMENT LLC  
407,171.50 Total Judgment  
407,171.50 Judgment Grand Total

04-17-2006 Filed judgment: Deficiency Judgment (on Foreclosure Sale) @J  
Judge DENISE P LINDBERG  
Signed April 14, 2006  
04-27-2006 Filed: Notice of entry of deficiency judgment  
07-20-2006 Filed: Return on Sheriff's Deed and Certificate  
04-03-2012 Note: EVIDENCE In accordance to Rule 4-206(4)(b) The retention  
has been met. All remaining evidence has been destroyed.  
Nothing remains.  
02-21-2013 Filed: MOTION TO RENEW JUDGMENT  
Filed by: WILLIAM B CARTER  
02-21-2013 Filed: AFFIDAVIT SUPPORTING MOTION TO RENEW JUDGMENT  
02-21-2013 Filed: RETURN OF ELECTRONIC NOTIFICATION  
02-21-2013 Filed: RETURN OF ELECTRONIC NOTIFICATION  
03-11-2013 Filed: CERTIFICATE OF MAILING/SERVICE OF FINDINGS OF FACT AND  
CONCLUSIONS OF LAW AND OF ORDER (JUDGMENT) ON MOTION TO RENEW  
JUDGMENT  
03-11-2013 Filed: OTHER NOTICE OF AMOUNT DUE  
03-11-2013 Filed: REQUEST/NOTICE TO SUBMIT  
03-11-2013 Filed: RETURN OF ELECTRONIC NOTIFICATION  
04-09-2013 Filed: Other Proposed :Findings of Fact/Conclusions of Law  
(Proposed) on Motion to Renew Judgment  
04-09-2013 Filed: Other Proposed :Order (Proposed) (Judgment) on Motion to  
Renew Judgment  
04-09-2013 Filed: Return of Electronic Notification  
04-15-2013 Judge DENO HIMONAS assigned.  
04-17-2013 Filed: Other Proposed :Order (Proposed) ORDER (JUDGMENT) ON  
MOTION TO RENEW JUDGMENT  
04-17-2013 Filed: Other Proposed :Order (Proposed) FINDINGS OF FACT AND  
CONCLUSIONS OF LAW ON MOTION TO RENEW JUDGMENT  
04-17-2013 Filed: Return of Electronic Notification  
04-17-2013 Filed order: Order ORDER (JUDGMENT) ON MOTION TO RENEW JUDGMENT  
Judge DENO HIMONAS  
Signed April 17, 2013

04-17-2013 Filed order: Order FINDINGS OF FACT AND CONCLUSIONS OF LAW ON  
MOTION TO RENEW JUDGMENT  
Judge DENO HIMONAS  
Signed April 17, 2013

04-17-2013 Filed: Return of Electronic Notification

04-17-2013 Filed: Return of Electronic Notification

05-29-2013 Filed: Other - Unsigned Findings of Fact/Conclusions of Law  
(Proposed) on Motion to Renew Judgment

05-29-2013 Note: Signed April 17, 2013.

05-29-2013 Filed: Other - Unsigned Order (Proposed) (Judgment) on Motion  
to Renew Judgment

05-29-2013 Note: Signed on April 17, 2013.

05-29-2013 Filed: Return of Electronic Notification

05-29-2013 Filed: Return of Electronic Notification

03-16-2015 Judge ROYAL I HANSEN assigned.

08-05-2021 Judge AMY OLIVER assigned.

12-30-2021 Judge SU CHON assigned.