

# SUMMIT COUNTY SHERIFF'S OFFICE

SHERIFF FRANK SMITH

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 STAR MOUNTAIN CONSTRUCTION, INC., an expired Utah Corporation, RANDAL CASTONA, an individual, 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 praecipe, and particularly described as follows:

a. Address:

495 West 5880 North, Oakley, Utah 84061

b. Legal Description:

LOT 1, FIVE BAR DASH SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE CONT 8.121 AC (LESS 0.11 AC 1194-374 FBD-1-A) (LESS 01.16 AC 1199-182 FBD-1-B) BAL 7.85 AC 1376-1415 2398-110 2656-1083-1102

LOT 2, FIVE BAR DASH SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE CONT 5.258 AC (LESS 0.15 AC 1199-182 FBD-1-B) BAL 5.11 AC 1376-1415 2398-110 2656-1083-1102

c. Tax Parcel ID Numbers:

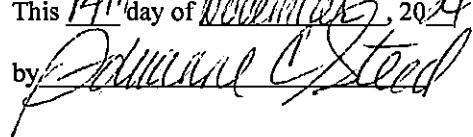
FBD-1  
FBD-2

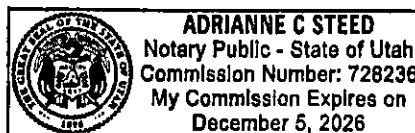
Frank Smith  
Sheriff of Summit County

By:  K24  
Deputy Sheriff

Civil Case No: 230500427  
SCSO Case No: 24-C00412  
Dated: November 14, 2024

Subscribed and sworn to before me on

This 14 day of November, 2024  
by: 



Phone (435) 615-3500 / Fax (435) 615-3523 / Email: fsmith@summitcounty.org  
Kamas (435) 783-4356 / Coalville (435) 336-3500  
summitcountysheriff.org

ENTRY NO. 01227593

11/14/2024 03:17:05 PM B: 2839 P: 0921

Writ Page 1/16  
RHONDA FRANCIS, SUMMIT COUNTY RECORDER  
FEE \$ 0.00 BY SUMMIT COUNTY SHERIFF'S OFFICE

The Order of the Court is stated below:

Dated: October 24, 2024

10:27:46 AM

/s/ KENT HOLMBERG

District Court Judge



Brian J. Babcock (6172)  
Trevor T. Furner (17994)  
**Babcock Scott & Babcock, P.C.**  
370 East South Temple, 4<sup>th</sup> Floor  
Salt Lake City, Utah 84111  
Telephone: (801) 531-7000  
Facsimile: (801) 531-7060  
[brian@babcockscott.com](mailto:brian@babcockscott.com)  
[trevor@babcockscott.com](mailto:trevor@babcockscott.com)

Attorneys for Plaintiff

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

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BIG-D SIGNATURE, LLC., a Utah corporation,

Plaintiff,

vs.

STAR MOUNTAIN CONSTRUCTION, INC., an expired Utah corporation,  
RANDAL CASTONA, an individual,

Defendants.

**WRIT OF EXECUTION**

Case No.: 230500427

Judge: Kent Holmberg

To the [X] sheriff (to seize real property)

[ ] sheriff or constable (to seize personal property)

of Summit County (county in which property is located):

1. A judgment has been entered against the judgment debtor. After calculation of interest, costs and payments, the judgment debtor owes **\$1,441,772.72**.
2. You are directed to seize and sell enough of the judgment debtor's non-exempt property described in paragraphs 5 and 6 of the Application for Writ of Execution to satisfy that amount.

3. You are directed to serve this Writ and all attachments on the debtor and on the people named in paragraphs 5 and 6 of the Application for Writ of Execution.
4. You are to return this Writ within 10 days after receiving it, with a signed account of your actions in executing this Writ.

**—END OF DOCUMENT—**

**—In accordance with the Utah State District Courts E-Filing Standard No. 4, and URCP Rule 10(e), this Order does not bear the handwritten signature of the Judge, but instead displays an electronic signature at the upper right-hand corner of the first page of this Order along with the court's seal and the date the order was executed by the court. —**

Brian J. Babcock (6172)  
Trevor T. Furner (17994)  
**Babcock Scott & Babcock, P.C.**  
370 East South Temple, 4<sup>th</sup> Floor  
Salt Lake City, Utah 84111  
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[brian@babcockscott.com](mailto:brian@babcockscott.com)  
[trevor@babcockscott.com](mailto:trevor@babcockscott.com)

*Attorneys for Plaintiff*

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

BIG-D SIGNATURE, LLC., a Utah corporation,

Plaintiff,

vs.

STAR MOUNTAIN CONSTRUCTION, INC., an expired Utah corporation,  
RANDAL CASTONA, an individual,

Defendants.

**APPLICATION FOR WRIT OF  
EXECUTION**  
(Utah Rule of Civil Procedure 64E)

Case No.: 230500427

Judge: Kent Holmberg

**Instructions:** You must include the following records and forms with this application.

- Writ of Execution (proposed).
- Notice of Execution and Exemptions for each person named in paragraphs 3, 5 and 6 of this document.
- Reply and Request for Hearing Form for each person named in paragraphs 3, 5 and 6 of this document.
- Check payable to the Sheriff, Constable or Private Investigator who will be serving the Writ.
- Check payable to the court for the filing fee.
- Abstract of judgment, if this court did not enter the judgment.

1. On December 5, 2023, judgment against Defendants Star Mountain Construction, Inc., and Randal Castona was entered in the amount of \$1,323,961.22.
2. The amount due is:

Amount of original judgment	\$1,323,961.22
Post-judgment interest <a href="http://www.utcourts.gov/resources/intrates/interestrates.htm">www.utcourts.gov/resources/intrates/interestrates.htm</a>	\$117,161.50 (through 10/23/2023)
Cost to file Application for Writ of Execution	\$50.00
Cost to serve this writ	\$600.00
Filing and service fees for other writs (Attach receipts.)	\$0.00
Subtotal	\$1,441,772.72
Less payments made	\$0.00
<b>Total amount due</b>	<b>\$1,441,772.72</b>

3. The judgment debtors are:

Name	Randal Castona 495 West 5880 North, Oakley, Utah 84055
Address	Or 6540 Lacienga Dr., North Highlands, California 95660
Social Security Number (Last 4 digits only, if known.)	
Driver's license number and state of issuance (Last 4 digits only, if known.)	
Year and month of birth (If known.)	

4. I request that a Writ of Execution be issued directing the sheriff or constable to seize and sell enough of the judgment debtor's property described below to satisfy the judgment. I request that the Writ be served on the debtor and on the people named in paragraphs 5 and 6, along with the attached forms.

5. I request that the Writ of Execution direct the sheriff or constable to seize and sell the debtor's following **personal** property: (Anything that can be owned other than real estate. List real estate information in the next section.)

N/A

6. I request that the Writ of Execution direct the sheriff to seize and sell the debtor's following **real property** (real estate).

Property description or address	Estimated value	Name and address of anyone other than debtor claiming an interest
<u>Parcel Number:</u> FBD-1		<b>Leona May Gonzalez</b> - 495 West 5880 North, Oakley, Utah 84055 Or
<u>Legal Property Description:</u> LOT 1, FIVE BAR DASH SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE CONT 8.121 AC (LESS 0.11 AC 1194-374 FBD-1-A)(LESS 0.16 AC 1199-182 FBD-1-B) BAL 7.85 AC 1376-1415 2398-110 2656-1083-1102		6540 Lacienga Dr., North Highlands, California 95660
<u>Address:</u> 495 West 5880 North, Oakley, Utah 84061	\$2,440,000 (Combined estimated value)	<b>Randal Ray Castona</b> - 495 West 5880 North, Oakley, Utah 84055 Or 6540 Lacienga Dr., North Highlands, California 95660
		<b>America First Credit Union</b> (Lincoln Title Insurance Agency as Trustee) – 2225 Washington Boulevard, Suite 200, Ogden, Utah 84401
		<b>Internal Revenue Service</b> – 7940 Kentucky Drive, Stop 2850F, Florence, Kentucky 41042
		<b>America First Credit Union</b> (Scalley Reading Bates Hansen & Rasmussen, P.C. as Trustee) –

		<p>15 W South Temple Suite 600, Salt Lake City, Utah 84101</p> <p><b>Weber Basin Water Conservancy District – 2837</b> East Highway 193, Layton, Utah 84040</p> <p><b>Alex B. Leeman of Parsons Behle &amp; Latimer – 201 S.</b> Main Street, Suite 1800, Salt Lake City, Utah 84111</p> <p><b>Huntsman Lofgran Walton PLLC – 623 East Fort Union Boulevard, Suite 201, Midvale, Utah 84047</b></p> <p><b>Utah State Tax Commission</b> – 210 North 1950 West, Salt Lake City, Utah 84116</p> <p><b>Commercial Credit Group Inc. -</b> C/O McNeill   Von Maack Attn Christopher Von Maack or Craig Hansen, 236 South 300 East, Salt Lake City, Utah 84111</p>
<p><b>Parcel Number:</b> FBD-2</p> <p><b>Legal Property Description:</b> LOT 2, FIVE BAR DASH SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE CONT 5.258 AC (LESS 0.15 AC 1199-182 FBD-1-B)BAL 5.11 AC 1376-1415 2398-110 2656-1083-1102</p> <p><b>Address:</b> 485 West 5880 North,</p>		<p><b>Leona May Gonzalez - 495</b> West 5880 North, Oakley, Utah 84055</p> <p>Or</p> <p>6540 Lacienga Dr., North Highlands, California 95660</p> <p><b>Randal Ray Castona - 495</b> West 5880 North, Oakley, Utah 84055</p>

Oakley, Utah 84061

Or

6540 Lacienga Dr., North  
Highlands, California 95660

**America First Credit Union**  
(Lincoln Title Insurance Agency  
as Trustee) – 2225 Washington  
Boulevard, Suite 200, Ogden,  
Utah 84401

**Internal Revenue Service –**  
7940 Kentucky Drive, Stop  
2850F, Florence, Kentucky  
41042

**America First Credit Union**  
(Scalley Reading Bates Hansen  
& Rasmussen, P.C. as Trustee) –  
15 W South Temple Suite 600,  
Salt Lake City, Utah 84101

**Weber Basin Water  
Conservancy District** – 2837  
East Highway 193, Layton,  
Utah 84040

**Alex B. Leeman of Parsons  
Behle & Latimer** – 201 S.  
Main Street, Suite 1800, Salt  
Lake City, Utah 84111

**Huntsman Lofgran Walton  
PLLC** – 623 East Fort Union  
Boulevard, Suite 201, Midvale,  
Utah 84047

**Utah State Tax Commission**  
– 210 North 1950 West, Salt  
Lake City, Utah 84116

**Commercial Credit Group**

		<b>Inc.</b> C/O McNeill   Von Maack Attn Christopher Von Maack or Craig Hansen, 236 South 300 East, Salt Lake City, Utah 84111
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I declare under criminal penalty under the law of Utah that everything stated in this document is true.

DATED this 23<sup>rd</sup> day of October, 2024.

BABCOCK SCOTT & BABCOCK, P.C.

/s/ Trevor T. Furner

Brian J. Babcock, Esq.  
Trevor T. Furner, Esq.  
Attorneys for Plaintiff

Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Phone \_\_\_\_\_

Check your email. You will receive information and documents at this email address.

Email \_\_\_\_\_

I am  Plaintiff/Petitioner  Defendant/Respondent  Person Claiming Property Interest  
 Plaintiff/Petitioner's Attorney  Defendant/Respondent's Attorney  
 Person Claiming Property Interest's Attorney (Utah Bar #: \_\_\_\_\_)  
 Plaintiff/Petitioner's Licensed Paralegal Practitioner  
 Defendant/Respondent's Licensed Paralegal Practitioner  
 Person Claiming Property Interest's Licensed Paralegal Practitioner (Utah Bar  
#: \_\_\_\_\_)

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

BIG-D SIGNATURE, LLC., a Utah corporation,

Plaintiff,

vs.

STAR MOUNTAIN CONSTRUCTION, INC., an expired Utah corporation,  
RANDAL CASTONA, an individual,

Defendants.

**REPLY AND REQUEST FOR  
HEARING - WRIT OF EXECUTION**

Case No.: 230500427

Judge: Kent Holmberg

1. I have read the Notice of Execution and Exemptions form. I understand that I cannot use this form to challenge why the judgment was entered against me. I believe that the creditor has improperly seized some of my money or property to pay the judgment.

2.  Statements in the Application for Writ of Execution are wrong because:

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3.  The Writ of Execution was not issued correctly because:

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4.  All or part of the property is exempt because:

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5.  This amount is exempt: \$ \_\_\_\_\_

6.  I am not the judgment debtor. I claim the following ownership in all or part of the property. (Explain.)

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7.  I have attached documents that support my claims.

8.  I request a hearing.

**Plaintiff/Petitioner or Defendant/Respondent**

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at \_\_\_\_\_ (city, and state or country).

Signature ► \_\_\_\_\_  
Date \_\_\_\_\_  
Printed Name \_\_\_\_\_

**Attorney or Licensed Paralegal Practitioner of record (if applicable)**

### Certificate of Service

I certify that I filed with the court and am serving a copy of this Reply and Request for Hearing – Writ of Execution on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Signature ►

Dat  
e

Printed Name \_\_\_\_\_

## **NOTICE OF EXECUTION AND EXEMPTIONS**

**Please read this carefully.**

**Your property may be taken to pay a creditor.**

**You have a deadline of 14 days in which to object.**

1. A judgment for money has been entered against the judgment debtor (the person who owes money), and the creditor has taken steps to take your money or property to pay the judgment.
2. If you are the judgment debtor in this case, your rights may be affected. Read this notice and take steps to protect your rights.
3. If you are not the judgment debtor in this case, you may have an interest in the judgment debtor's property and your rights may be affected. Read this notice and take steps to protect your rights.
4. The court has ordered a sheriff or constable to seize your property. This means that it may be sold to pay the debt.
5. Some property and money can't be taken and are "exempt" from execution.

This is a **partial** list of exempt property and money. Some of these exemptions might not apply to judgments for alimony or child support.

- Declaration of Homestead, which must be filed with the county recorder before the auction of the property. (Utah Code 78B-5-504)
- A burial plot for you and your family.
- Health aids.
- Benefits because of disability, illness or unemployment.
- Medical care benefits.
- Veteran's benefits.
- Money or property for child support, alimony or separate maintenance.
- Social security benefits.
- Supplemental security income benefits (SSI).
- Workers' compensation benefits.
- Certain retirement benefits.
- Public assistance.
- Certain furnishings, appliances, carpets, animals, books, musical instruments, works of art and heirlooms.
- Provisions for 12 months.
- Wearing apparel, not including jewelry or furs.
- Beds and bedding.
- Certain works of art.
- Compensatory damages from bodily injury or wrongful death.

- The proceeds of certain life insurance contracts and trusts.
- Certain books, implements and tools of a trade.
- A personal motor vehicle up to a specified amount.
- A motor vehicle used in trade or business.
- Part of your wages.
- Property of a person who did not have a judgment entered against him or her, such as the co-owner of the property being held.

See the Utah Exemptions Act (Utah Code Title 78B, Chapter 5, Part 5) for more information about exemptions. There is no exemption solely because you are having trouble paying your debts.

6. If you think your property should not be taken because:

- statements in the Application for Writ of Execution are wrong;
- the Writ of Execution was not issued correctly; or
- some of your property should not have been taken because it is exempt

**do the following immediately.** You have a deadline of **14 calendar days** from the date that the Writ of Execution and this notice was delivered to you.

- Complete the attached Reply and Request for Hearing form.
- Sign your name in the space provided and write the address at which the court clerk should notify you of the hearing.
- Attach any documents that help you prove your claim.
- Mail or deliver the form to:
  - the court, and
  - the judgment creditor or, if they have one, their attorney or licensed paralegal practitioner.

Keep a copy for your records. The name and address of the court are on the first page of the Writ of Execution. The address for the judgment creditor or, if they have one, their attorney or licensed paralegal practitioner is:

Brian J. Babcock (6172)  
Trevor T. Furner (17994)  
**Babcock Scott & Babcock, P.C.**  
370 East South Temple, 4<sup>th</sup> Floor  
Salt Lake City, Utah 84111  
Telephone: (801) 531-7000  
Facsimile: (801) 531-7060  
[brian@babcockscott.com](mailto:brian@babcockscott.com)  
[trevor@babcockscott.com](mailto:trevor@babcockscott.com)

7. The court will schedule a hearing and notify you. You should file with the Reply and Request for Hearing form any documents that help you prove your claim, or bring them to the hearing.
8. If you do not take these steps, the property may be used to pay the judgment creditor even though it is exempt.
9. If your property is seized for sale, you may tell the officer who is conducting the sale the order in which to auction the property. For example, sell a boat first and a car second.
10. You may talk to an attorney and have the attorney represent you at the hearing. See the court's Finding Legal Help page for information about free and low cost ways to get the help of an attorney: [www.utcourts.gov/howto/legalassist/](http://www.utcourts.gov/howto/legalassist/).
11. The judgment debtor may not use the steps in paragraph 6 to challenge why the judgment was entered. If you are the judgment debtor and you think the judgment should not have been entered against you, possible options include:
  - an appeal. See the court's Appeals page for more information about the process and forms: [www.utcourts.gov/howto/appeals/](http://www.utcourts.gov/howto/appeals/).
  - a Motion to Set Aside Judgment (Utah Rule of Civil Procedure 60(b)). See the court's Motion to Set Aside Judgment page for more information about the process and forms: [www.utcourts.gov/howto/judgment/set\\_aside/](http://www.utcourts.gov/howto/judgment/set_aside/).

Simply filing an appeal or Motion to Set Aside the Judgment does not stop the collection of the judgment.