



DAVID L. PINKSTON (6630)
P. MATTHEW COX (9879)
SNOW, CHRISTENSEN & MARTINEAU
10 Exchange Place, Eleventh Floor
Post Office Box 45000
Salt Lake City, Utah 84145
dlp@scmlaw.com
pmc@scmlaw.com

Attorneys for William O. Martineau, Receiver of Westwood Partners and Westwood Hills Investments, Ltd.

IN THE THIRD JUDICIAL DISTRICT COURT OF SALT LAKE COUNTY STATE OF UTAH	
BILLINGS, PETER W. JR., Plaintiff, vs. WESTWOOD HILLS INVESTMENTS, LTD., et al., Defendants.	ORDER: (1) APPROVING UPDATED SERVICE LIST AND CONFIRMING THAT NOTICE IS SUFFICIENT; (2) AUTHORIZING PUBLICATION OF NOTICE OF OPPORTUNITY TO SUBMIT CLAIMS FOR RECEIVERSHIP ASSETS; (3) APPROVING FORM OF NOTICE AND CLAIM FORM; AND (4) ESTABLISHING PROCESS AND DEADLINES FOR SUBMITTING CLAIMS Case No. 890900969 Judge Andrew Stone

The "Motion for Order: (1) Approving Updated Service List and Confirming that Notice is Sufficient; (2) Authorizing Publication of Notice of Opportunity to Submit Claims for Receivership Assets; (3) Approving Form of Notice and Claim Form; and (4) Establishing

Process and Deadlines For Submitting Claims,” (the “Motion”), filed by William O. Martineau, as Receiver of Westwood Partners and Westwood Hills Investments, Ltd. in this matter (the “Receiver”), came on for hearing before this Court, pursuant to notice, on May 3, 2021, at the hour of 11:00, a.m.. The Receiver was represented by David L. Pinkston of the law firm of Snow, Christensen & Martineau. No other parties appeared. The Court, having reviewed the Motion, the accompanying Declaration of David L. Pinkston (the “Declaration”), the Notice of Hearing on the Motion (the “Notice of Hearing”), and the Certificate of Service, and there being no objections to the Motion, and the Court being fully advised in the premises and good cause appearing therefor, it is hereby

ORDERED, ADJUDGED, and DECREED as follows:

1. The Motion is granted in its entirety.
2. The Updated Service List (as defined in the Motion and attached thereto as Exhibit H) is hereby approved and deemed to contain the last-known addresses of known creditors, owners, and parties-in-interest, as required by this Court’s “Order Prescribing Notice,” dated January 31, 1997 (defined herein and in the Motion as the “Notice Order”), as of the date of this Order. The Updated Service List may be updated, from time to time, without further order of the Court, with new information obtained by the Receiver.
3. The Notice of Hearing complies with all requirements of the Notice Order in that it provided parties more than 15 days’ notice of the hearing on the Motion. The Receiver’s service of the Motion, the Notice of Hearing, the Declaration, and the proposed Order, in the manner set forth in the Certificate of Service (regular mail to the addresses listed in the original Service List and the Updated Service List and, where applicable, to the email addresses listed

therein), was timely, constitutes sufficient service of said documents, provides sufficient notice of the Motion and the hearing thereon, and in all respects satisfies the Notice Order. All actions taken by this Court on the Motion are therefore binding on all parties listed on the Updated Service List, as well as any other parties who objected to the Motion or made an appearance in this matter.

4. Service of any future notices, motions, or other documents in this matter (including, without limitation, the Claims Notice and Claim Form, as defined below) by regular mail to the addresses listed in the Updated Service List (as may be updated by the Receiver, from time to time, with new information, without further order of the Court) and, where applicable, to the email addresses listed therein, will likewise be sufficient and satisfy the Notice Order and will be deemed complete upon mailing or emailing, as the case may be. Documents served in this manner shall be considered and referred to, herein, as “Mailed”.

5. The “NOTICE OF ASSETS AND DEADLINE TO FILE CLAIM FORM” (the “Claims Notice”), attached as Addendum A to the Motion, is hereby approved as (a) providing creditors, owners, and parties-in-interest sufficient notice of the opportunity to submit claims for Receivership Property (“Claims”); and (b) providing parties sufficient information and instructions for filing and serving Claims, the information required to be provided in such Claims, the deadline for filing claims, as well as the consequences for failing to file a timely, complete, or correct Claim, which are that such claim may be disallowed, waived, and forever barred).

6. The “CLAIM FOR RECEIVERSHIP ASSETS” form (the “Claim Form”), attached as Addendum B to the Motion, is hereby approved as the form claimants must use to

submit Claims.

7. The Receiver is hereby authorized and instructed to publish the Claims Notice (without exhibits) and Claim Form in a newspaper of general circulation in Carbon County and a different one in Salt Lake County, once a week each, for four consecutive weeks. Documents published in this manner shall be considered and referred to, herein, as “Published”.

8. The Receiver is hereby authorized and instructed to post a link to the Claims Notice and Claim Form on the website of Snow, Christensen & Martineau (with additional links to a copy of the Motion, with exhibits, and this Order) until after the Claims Deadline (as defined below) has passed. Documents posted in this manner shall be considered and referred to, herein, as “Posted”.

9. Once a copy of the Claims Notice and the Claim Form are Mailed, Published, and Posted as set forth above, the Receiver shall be deemed to have provided sufficient notice to all creditors, owners, and parties-in-interest—known and unknown—of the opportunity and method to file Claims and will be deemed, by so doing, to have satisfied the Notice Order.

10. If a party wishes to file a Claim, the following subparagraphs govern that process:

a. Claimants must use the Claim Form, approved herein (attached hereto as Ex C) to present a Claim.

b. For Claims to be considered, they must be signed by the claimant, under penalty of perjury, and must contain the following information and documents:

i. The name, street address, mailing address (if different from the street address), email address, and telephone number of the claimant;

ii. The amount and basis of the Claim;

iii. The date on which the Claim arose;

iv. Whether the Claim is in the Equity Class or Debt Class, as defined in this Court's "Order Establishing Classes of Claimants and Allocating the Right to Assert Claims to Receivership Assets Among Such Classes," entered in this matter on March 3, 1997 (defined herein and in the Motion, as the "Class Order").

The Class Order provides, essentially, that the creditors of the Partnerships are divided into two classes: the "Debt Class", comprised of creditors who loaned money to the Partnerships, and the "Equity Class," comprised of investors who were limited partners or who otherwise obtained an ownership interest of some kind in the Partnerships;

v. A copy of any records or documents on which the Claim is based.

c. The deadline for parties to file a Claim is 5:00 p.m., prevailing Mountain Time, on **September 24, 2021** (the "Claims Deadline").

d. Claims must be filed with this Court so as to be received by the Court on or before the Claims Deadline. Claims may be mailed to the Court or filed in person in the Clerk's office. The Court's address is 450 S. State Street, Salt Lake City, Utah, 84111.

e. Copies of Claims (with all attachments) must also be emailed and mailed, postage pre-paid, to counsel for the Receiver, at the address set forth in the caption above, so as to be received by counsel on or before the Claims Deadline.

f. If a Claim is not timely filed or served before the Claims Deadline, as set forth herein, the Receiver, in his sole discretion, may elect not to consider such Claim, in

which case, such untimely Claim is automatically disallowed, and whatever Claims such claimant may have against the Receivership Property or against the Receiver are forever waived, barred, and discharged.

11. If the Receiver objects to a Claim, the following subparagraphs govern that process:

a. At any time before entry of an order approving the Receiver's final report and distribution, the Receiver may file with the Court an objection to any Claim, on any basis, including, without limitation, failure to attach supporting documentation or provide all information required by this Order.

b. If the Receiver objects to a Claim, the Receiver will file the objection with the Court and serve a copy thereof on the claimant at the claimant's mailing address or email address provided in the claimant's Claim Form.

c. The Receiver's objection will be treated as a motion under Rule 7, Utah R. Civ. P., with respect to deadlines, page limitations, and hearings.

d. In any objection, the Receiver shall state, in the caption, (a) the deadline for the claimant to respond to the objection, which deadline will be no sooner than the deadline to respond to a motion under Rule 7, Utah R. Civ. P.; (b) whether the Receiver requests a hearing on the objection; and (c) consistent with the Notice Order, that absent a response from the claimant, the Court may sustain the objection and disallow the Claim without a hearing.

e. If a claimant responds to an objection, the claimant must timely file the response with the Court and serve a copy of the response on Receiver's counsel, either at

the mailing address or email address set forth in the caption above. The Receiver shall have the opportunity to file a reply, consistent with and within the time set forth in Rule 7, and file a Request to Submit for Decision, indicating that a hearing has been requested.

f. Nothing herein precludes a claimant and the Receiver from resolving an objection to a Claim without the involvement of the Court. In such case, the parties shall give the Court notice of said resolution, and the Receiver shall withdraw the objection to that Claim.

g. The Court, after notice and an opportunity for a hearing, shall allow or disallow a Claim to which the Receiver has objected, according to Utah law. If a Claim is disallowed, whatever Claims such claimant may have against the Receivership Property or against the Receiver are forever waived, barred, and discharged.

12. Claims that are timely filed and not objected to or otherwise disallowed, shall be deemed allowed.

13. If a claimant provides an email address to the Court, the Receiver or his counsel, in the Claim Form or otherwise, the Receiver and his counsel are authorized, pursuant to Rule 5(b)(3)(B)(i), Utah R. Civ. P., to serve all further notices and documents in this matter on such claimant by the email address provided, including, without limitation, any objections to Claims or subsequent motions and orders.

14. If claimants are represented by counsel, they may inform the Receiver's counsel, at any time, of the name and contact information of their counsel. Once they provide that information, all further communication with and service on that claimant will be through their counsel, except for payments (if the Claim is allowed), which will be sent to the address

indicated in that claimant's Claim Form.

15. If a Claim is allowed, it will eventually be paid, *pro rata*, with other allowed Claims of its Class (as described in the Class Order), from the net proceeds of the sale of Receivership Property (after payment of the Receiver's costs and expenses, as well as those of his professionals, and payment of up to \$1,000.00 to each of the law firms identified in the Background Facts of the Motion). Once all Claims are determined, the Receiver will file his final report and seek authorization to make distribution pursuant to the Orders entered in this matter.

16. Once a Claim is paid by the Receiver, any unpaid portion of that Claim is waived and forever discharged, and the claimant has no further claim, right, cause of action, or entitlement of any kind against the Receivership Property or the Receiver.

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