

EL PASO COUNTY DISTRICT COURT, STATE OF COLORADO 270 S. Tejon Street Colorado Springs, CO 80903	DATE FILED: February 16, 2022 7:14 PM FILING ID: D0543AFE64CF6 CASE NUMBER: 2022CV30061
Plaintiff: 5STAR BANK v. Defendants: WHOLE HEMP COMPANY LLC , a Colorado limited liability company, FOLIUM EQUITY HOLDING LLC , a Colorado limited liability company, KASHIF A. SHAN , an individual and QUAN NGUYEN , an individual.	▲ COURT USE ONLY ▲
ATTORNEYS FOR PLAINTIFF: Thomas M. Haskins III (#17651) Michael L. Schlepp (#52652) S&D LAW 1290 Broadway, Suite 1650 Denver, Colorado 80203 (303) 399-3000 thaskins@s-d.com ; mschlepp@s-d.com	Case Number: 2022CV30061 Division: 3
STIPULATION	

Plaintiff, 5Star Bank (“Plaintiff”) and the above-named defendants, by their undersigned attorneys who are duly authorized to execute this Stipulation, agree as follows:

1. By this Stipulation, all parties are before this Court in this action for all purposes and waive further service of process herein effective as of the date of this Stipulation.
2. Whole Hemp Company LLC, Folium Equity Holding LLC, Kashif A. Shan, and Quan Nguyen (together “Defendants”), collectively, will voluntarily surrender and deliver the Porsche and Lamborghini automobiles which are further described in the Verified Complaint, upon each of which Plaintiff has a lien, to David Brockway, Senior Vice President of 5Star Bank at its offices located at 104 S. Cascade Ave., Suite 102, Colorado Springs, Colorado, 80903 on or before 2:00 p.m. MT on February 15, 2022. Both such vehicles to be delivered together with all

keys, accessories, maintenance records and operating manuals as well as any additional security codes in Defendants' custody, possession or control relating to either of the vehicles.

3. Defendant Shan is voluntarily surrendering the custody and ownership rights of the said vehicles to 5Star Bank, being a secured collector therein, the bank shall be deemed to be taking custody pursuant to the Uniform Commercial Code and shall have all rights and lawful remedies with regard to those vehicles, including to the right to sell them pursuant to a commercially reasonable public or private sale after at least five (5) business days' notice to Defendant Shan, by email.

4. Defendants have no objection to 5Star Bank's Motion for Appointment of a Receiver and stipulate to the appointment thereof as set forth in said Motion, provided only that the receiver shall not exercise dominion or control over the Accounts of Whole Hemp Company LLC and Folium Equity Holding LLC described in the Security Agreement attached to the Verified Complaint so long as the terms of this Stipulation are not breached or have not otherwise expired.

5. Defendants shall cause electronic records of the Accounts of defendants, Whole Hemp Company LLC and Folium Equity Holding LLC to be electronically delivered to 5Star Bank in readable electronic form. Such delivery shall occur on or before the close of business February 17, 2022.

6. In addition to the delivery of the two automobiles and a copy of the information regarding the Accounts to 5Star Bank, Defendants agree to pay or cause to be paid \$50,000.00 to Plaintiff on each of March 1 and March 31, 2022 subject to a five (5) business day cure period.

8. Nothing contained herein provides for a waiver or other forbearance in the exercise of Plaintiff's rights as to other collateral securing the payment or performance of

Defendants' obligations to Plaintiff arising from the documents attached as exhibits to the Verified Complaint filed in this action. Plaintiff will forbear from efforts to obtain judgment against the Defendants or any of them until breach or expiration of the forbearance provisions above.

9. Subject to the limitations provided in of this Stipulation, the Court is requested to grant Plaintiff's Motion to Appoint a Receiver and enter the proposed Order previously tendered.

10. The hearing on Plaintiff's Motion for Order of Possession scheduled for February 17, 2022 at 8:30 a.m. is hereby canceled.

This Stipulation shall become an order of the Court.

By the Court:

District Court Judge



Thomas M. Haskins, III,
Attorney for Plaintiff

DocuSigned by:


B01AD815C9D94CD...

Whole Hemp Company LLC
By Quan Nguyen, Agent and Manager

DocuSigned by:


B01AD815C9D94CD...


Folium Equity Holding LLC
By Quan Nguyen, Agent and Manager

DocuSigned by:

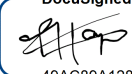

B01AD815C9D94CD...

By Quan Nguyen, Individually

DocuSigned by:


F21718826A22476...

By Kashif A. Shan, Individually

DocuSigned by:

49AC89A12861462

By Maryum Haye Shan who joins herein to consent to the delivery of the Porsche as above, being a co-owner thereof.

IF1747