

# NOTICE OF EVICTION

## FIVE DAY NOTICE

### TO A TENANT-AT-WILL

This Notice is given to:

James McCoy, Les Ann McCoy and family  
371 W 650 N  
Vernal, UT 84078

This Notice is given by:

Troy Allred  
941 W Hwy 40 Suite A  
Vernal, UT 84078

**You are given notice that you are a tenant-at-will and that you are required to vacate the premises no later than five (5) calendar days of this notice (including weekends and holidays).**

If you do not comply with this notice, you will be served with a Summons and Complaint for unlawful detainer pursuant to UCA §78-36-1. Unlawful detainer is when you remain in possession of rental property after the owner serves you with a lawful notice to leave, such as this eviction notice. If you are found by the court to be in unlawful detainer, you will be evicted by the court & found liable for:

- (1) any rent for the time remained in home after this notice;
- (2) damages caused by your unlawful detainer of the property;
- (3) damages for any waste of the property caused by you, if and only if the owner alleges them in a court complaint and proves them at trial, or submits them to the court by affidavit in the event of your default (Waste is damage you cause beyond normal wear and tear.); In addition, any fixtures or appurtenances to the property that are removed will result in damages to be paid to the owner.
- (4) damages as provided in Utah Code Ann. § 78B-6-1107 through 1114 for the abatement of nuisance, if any, caused by you. (Abatement of nuisance means to stop a nuisance.); and
- (5) attorney fees and court costs.

**You will also be liable for three times those damages allowed to be trebled under Utah Code § 78B-6-811 which specifically may include trebling all of those damages mentioned above except attorneys fees and court costs.** Damages under (2) are the reasonable rental value or reasonable value of the use and occupation of the premises for each day you remain after the expiration of this notice. In most cases trebling damages under (2) means the court will times the amount you have been paying for rent by three for every day you remain in the property after the last day you were given to leave under this eviction notice. Please contact your landlord to discuss this situation.

Posted on House  
3/10/15

AFTER RECORDING RETURN TO:  
Halliday, Watkins & Mann, P.C.  
376 East 400 South, Suite 300  
Salt Lake City, UT 84111

Entry 2015001856  
Book 1423 Pages 82-83 \$12.00  
26-FEB-15 01:34  
BRENDA McDONALD  
RECORDER: UTAH COUNTY, UTAH  
SECURITY TITLE INSURANCE AGENCY OF  
376 E 400 S #304 SALT LAKE CITY, UT  
Rec By: CARADIE ASH, DEPUTY

MAIL TAX NOTICE TO:  
DPW Enterprises, LLC as to an undivided  
50% interest and Equity Trust Company  
Custodian FBO Z103205 Roth IRA, as to an  
undivided 50% interest  
193 East 1570 North  
Orem, UT 84057

Entry 2015001856  
Book 1423 Page 82

File Number: 42644

TAX #: 04-072-0027

### TRUSTEE'S DEED

This Deed is made by Paul M. Halliday, Jr., as Successor Trustee and a member of the Utah State Bar, under the Trust Deed described below, in favor of **DPW Enterprises, LLC as to an undivided 50% interest and Equity Trust Company Custodian FBO Z103205 Roth IRA, as to an undivided 50% interest**, 193 East 1570 North, Orem, UT 84057, as Grantee.

WHEREAS, on October 26, 2007, Lea Ann McCoy and James McCoy, as Trustors, executed and delivered to Basin Land Title & Abstract, as Trustee, for the benefit of Mortgage Electronic Registration Systems, Inc. as nominee for Taylor, Bean & Whitaker Mortgage Corp., its successors and assigns, as Beneficiary, a certain Trust Deed to secure the performance by the Trustors of obligations under a Promissory Note of the same date executed and delivered for a valid consideration to the Beneficiary and the Trust Deed having been recorded in the office of the Utah County Recorder on October 31, 2007, as Entry No. 2007012418, in Book 1060, at Page 298-307, describing the property set forth below; and

WHEREAS, a breach and default occurred under the terms of the Note and Trust Deed in the particulars set forth in the Notice of Default in this matter; and

WHEREAS, Paul M. Halliday, Jr., was duly appointed by the Beneficiary as Successor Trustee by a Substitution of Trustee recorded in the Office of the County Recorder of Utah County, State of Utah, on June 9, 2014, as Entry No. 2014005313, in Book 1384, at Page 148; and

WHEREAS, Paul M. Halliday, Jr., as Successor Trustee under the Trust Deed, executed and recorded in the Office of the County Recorder of Utah County, a Notice of Default containing an election to sell the trust property, which was recorded on June 2, 2014, as Entry No. 2014005059, in Book 1383, at Page 76, and that no later than ten days after the Notice of Default was filed for record, the Trustee mailed, by certified mail, a copy of the Notice of Default to the Trustors, and to each person whose name and address were set forth in a request for notice filed for record prior to the filing of the Notice of Default; and

WHEREAS, Paul M. Halliday, Jr., as Successor Trustee, pursuant to the Notice of Default, and in accordance with the Trust Deed, did execute his Notice of Trustee's Sale stating that as Successor Trustee, he would sell at public auction to the highest bidder for cash, in lawful money of the United States of America, the property described, and fixing the time and place of sale as February 17, 2015, at 12:15 PM of said day, at the main entrance of the Utah County District Court, 920 E. Hwy 40, Vernal, Utah, however this sale having been postponed by oral announcement to February 23, 2015 at 12:15 PM at the same location, and did cause copies of the Notice of Sale to be posted for not less than 20 days before the date of the sale in a conspicuous place on the property to be sold and also at the office of the County Recorder of each County in which the trust property, or some part of it, is located; and the Successor Trustee did cause a copy of the Notice of Sale to be published once a week for three consecutive weeks in the Deseret News,

Accommodation Recording

1599

Entry 2015001856  
Book 1423 Page 83

a newspaper having a general circulation in the county in which the property to be sold is situated, the last publication being at least 10 days but not more than 30 days before the date the sale is scheduled, and also published on utahlegals.com, the website established by Utah's newspapers for legal notices, for not less than 30 days before the date the sale is scheduled; and that no later than 20 days before the date of the sale, the Trustee also mailed, by certified mail, a copy of the Notice of Sale to the Trustor and to each person whose name and address were set forth in a request for notice filed for record prior to the filing of the Notice of Default; and

WHEREAS, all applicable statutory provisions of the State of Utah and all of the provisions of the Trust Deed have been complied with as to the acts to be performed and the notices to be given; and

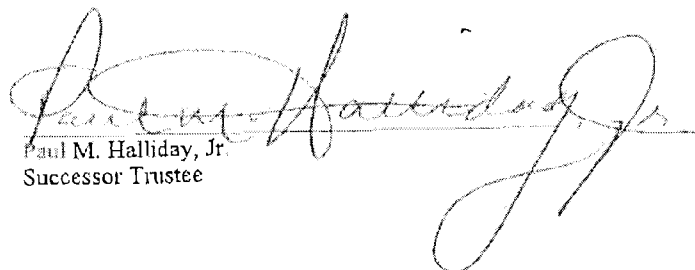
WHEREAS, the Successor Trustee did at the time and place of sale by public auction sell, to Grantee, being the highest bidder, the property described for the sum of \$98,629.00 paid in cash in lawful money of the United States of America.

NOW THEREFORE, the Successor Trustee, in consideration of the premises recited and of the sum above mentioned, bid and paid by Grantee, the receipt of which is acknowledged, and by virtue of the authority vested in him by the Trust Deed, does by these presents grant and convey to the Grantee above named, but without any covenant or warranty, express or implied, all of that certain real property situated in Uintah County, State of Utah, described as follows:

Lot 27 of the GLENBROOK ESTATES SUBDIVISION, according to the Official Plat thereof on file in the office of the Recorder, Uintah County, Utah TAX #: 04-072-0027

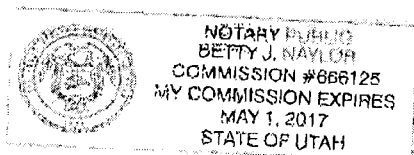
TOGETHER WITH any and all improvements, fixtures, appurtenances and easements now situated on or pertaining to the property.

DATED: February 24, 2015.

  
Paul M. Halliday, Jr.  
Successor Trustee

State of Utah                    )  
  (ss.  
County of Salt Lake         )

The foregoing instrument was acknowledged before me this February 24, 2015, by PAUL M. HALLIDAY, JR., the Successor Trustee.



  
Notary Public