

TIMOTHY S. DEANS-13193K.
CARR | WOODALL, PLLC
Attorneys for Plaintiff
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South Jordan, Utah 84095
Telephone: (801) 254-9450
email:tim@carrwoodall.com

**IN THE EIGHTH JUDICIAL DISTRICT COURT
OF DAGGETT COUNTY, UTAH**

DPW ENTERPRISES, Plaintiff, vs. WADE W. FERGUSON, WYOMING GLASS GROUP, INC. Defendant(s).	COMPLAINT FOR EVICTION Case No. Judge
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Plaintiff, by and through counsel, alleges the following cause of action against Defendant:

1. Defendant(s) is a resident of Uintah County, State of Utah. DOES 1 through 10 are persons unknown to Plaintiff, who may be residing at the subject property.
2. Plaintiff is the owner of real property located at 97 North Lake View Drive, Manila, Utah 84046 ("Property").
3. On July 14, 2023 the Plaintiff acquired title following a Trustee's Sale conducted in accordance with applicable Utah law. By virtue of said Trustee's Sale, a Trustee's Deed attached hereto as Exhibit "A" was issued to Plaintiff in regard to the Property. Which property is more particularly described as follows:

LOT 15 AND 16, HOGGE & SHAW SUBDIVISION, ACCORDING TO THE
OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE RECORDER, DAGGETT

COUNTY, UTAH

4. There was and is no express or implied arrangement between the Plaintiff as owner of the Property and the Defendant(s) as tenants for a period of rental or for periodic rental payments. The Defendant(s) are all tenants at will.

5. On June 14, 2024, the Plaintiff caused to be served upon the Defendant(s) a Five-Day Notice to Vacate, by posting the Notice on the subject property, notifying said Defendant(s) pursuant to Title 78B, Chapter 6, Section 805, Utah Code Annotated, as amended, that they must vacate the Property within five days from the date of service. A copy of said Five-day Notice and the process server's Affidavit of Service are attached hereto as Exhibit "B" and by this reference made a part hereof.

6. The Defendant(s) have failed to vacate the Property. The Defendants, therefore, have been in unlawful detainer of the Property since July, 2023.

7. As a direct and proximate result of the Defendant(s) unlawful detainer, the Plaintiff has and continues to accrue treble damages on a daily basis.

8. The identities of those Defendants other than Wade W. Ferguson, Wyoming Glass Group, Inc. occupying the Property are currently unknown to Plaintiff. Plaintiff requests leave to amend its pleadings to reflect the true identity of said Defendant(s) if and when such time their identities become known to Plaintiff.

9. Defendant(s) is not a military service member.

10. Plaintiff is entitled to reasonable attorney's fees and court costs for the necessity of bringing this eviction proceeding before this Court.

WHEREFORE, Plaintiff prays for judgment against the Defendants, as follows:

1. For the forthwith issuance of a Writ of Restitution to evict the Defendant(s), and all others claiming by, through or under them, and to restore possession of the Property to the Plaintiff herein:

2. For an Order awarding plaintiff judgment against Defendant(s) for Plaintiff's costs and expenses incurred herein, including reasonable attorney fees, court costs, etc. and

3. For such other relief as this Court deems appropriate.

DATED this 22 day of July 2024.

/S/ Timothy S. Deans
TIMOTHY S. DEANS
Attorney for plaintiff

EXHIBIT A

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

MAIL TAX NOTICE TO:
DPW Enterprises
10028 S Morgan Grove Way
Sandy, UT 84092

File Number: UT21601

TAX #: H-S-16/0100210016

Ent 031500 Bk 105Pg 358
Date 01-Sep-2023 02:09PM
Fee: \$40.00 ACH
Filed By: BC
BRIANNE CARTER, Recorder
DAGGETT COUNTY
For: HALLIDAY, WATKINS & MANN, P.C.
Recorded Electronically by Simplifile

TRUSTEE'S DEED

This Deed is made by the law firm of Halliday, Watkins & Mann, P.C., Successor Trustee, under the Trust Deed described below, in favor of DPW Enterprises, 10028 S Morgan Grove Way, Sandy, UT 84092, as Grantee.

WHEREAS, on June 12, 2007, Wade W. Ferguson and Wyoming Glass Group, Inc., as Trustors, executed and delivered to Advanced Title Company, Inc., as Trustee, for the benefit of State Bank, 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 Daggett County Recorder on June 25, 2007, as Entry No. 023433, in Book 66, at Page 190, 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, Halliday, Watkins & Mann, P.C., was duly appointed by the Beneficiary as Successor Trustee by a Substitution of Trustee recorded in the Office of the County Recorder of Daggett County, State of Utah, on May 11, 2023, as Entry No. 031346, in Book 104, at Page 374; and

WHEREAS, the existing Successor Trustee under the Trust Deed executed and recorded in the Office of the County Recorder of Daggett County, a Notice of Default containing an election to sell the trust property, which was recorded on February 27, 2023, as Entry No. 031284, in Book 104, at Page 170; 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, Halliday, Watkins & Mann, P.C., 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 July 14, 2023, at 01:30 PM of said day, at the front door of the Daggett County Courthouse, 95 North 100 West, Manila, Utah, 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, 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

322)

{1500
Per Year}

UTLX

Notice of Default; and

WHEREAS, at the time, date, and place of the original sale, the Successor Trustee postponed the sale to August 28, 2023; 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 the postponed sale by public auction sell, to Grantee, being the highest bidder, the property described for the sum of \$129,237.94 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 Daggett County, State of Utah, described as follows:

Lot 16, HOGGE & SHAW SUBDIVISION, according to the official plat thereof on file in the office of the recorder, Daggett County, Utah. TAX #: H-S-16/ 0100210016

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

DATED: September 1, 2023.

HALLIDAY, WATKINS & MANN, P.C.:

By:

Hillary McCormack

Name:

Hillary McCormack

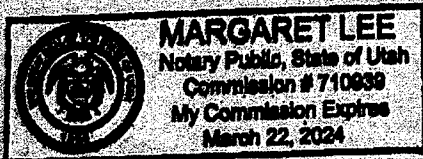
Attorney and authorized agent of the law firm of
Halliday, Watkins & Mann, P.C.
Successor Trustee

State of Utah)

:ss.

County of Salt Lake)

The foregoing instrument was acknowledged before me this Sept 1, 2023, by Hillary McCormack as an attorney and authorized agent of the law firm of Halliday, Watkins & Mann, P.C., the Successor Trustee.



Margaret Lee
Notary Public

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

MAIL TAX NOTICE TO:
DPW Enterprises
10028 S Morgan Grove Way
Sandy, UT 84092

File Number: UT21600

TAX #: H-S-15

Ent 031499 Bk 105Pg 356
Date 01-Sep-2023 02:08PM
Fee \$40.00 AGH
Filed By: BC
BRIANNE CARTER, Recorder
DAGGETT COUNTY
For: HALLIDAY, WATKINS & MANN, P.C.
Recorded Electronically by Simplifile

TRUSTEE'S DEED

This Deed is made by the law firm of Halliday, Watkins & Mann, P.C., Successor Trustee, under the Trust Deed described below, in favor of DPW Enterprises, 10028 S Morgan Grove Way, Sandy, UT 84092, as Grantee.

WHEREAS, on June 12, 2007, Wade W. Ferguson and Wyoming Glass Group, Inc., as Trustors, executed and delivered to Advanced Title Company, Inc., as Trustee, for the benefit of State Bank, 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 Daggett County Recorder on June 25, 2007, as Entry No. 023432, in Book 66, at Page 182, 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, Halliday, Watkins & Mann, P.C., was duly appointed by the Beneficiary as Successor Trustee by a Substitution of Trustee recorded in the Office of the County Recorder of Daggett County, State of Utah, on May 11, 2023, as Entry No. 031347, in Book 104, at Page 375; and

WHEREAS, the existing Successor Trustee under the Trust Deed executed and recorded in the Office of the County Recorder of Daggett County, a Notice of Default containing an election to sell the trust property, which was recorded on February 27, 2023, as Entry No. 031282, in Book 104, at Page 169; 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, Halliday, Watkins & Mann, P.C., 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 July 14, 2023, at 01:30 PM of said day, at the front door of the Daggett County Courthouse, 95 North 100 West, Manila, Utah, 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, 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

of Default; and

WHEREAS, at the time, date, and place of the original sale, the Successor Trustee postponed the sale to August 28, 2023; 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 the postponed sale by public auction sell, to Grantee, being the highest bidder, the property described for the sum of \$35,167.89 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 Daggett County, State of Utah, described as follows:

Lot 15, Hogge & Shaw Subdivision, according to the official plat thereof on file in the office of the recorder, Daggett County, Utah. TAX #: H-S-15

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

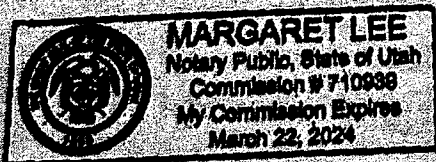
DATED: September 1, 2023.

HALLIDAY, WATKINS & MANN, P.C.:

By: Hillary McCormack
Name: Hillary McCormack
Attorney and authorized agent of the law firm of
Halliday, Watkins & Mann, P.C.
Successor Trustee

State of Utah)
County of Salt Lake) ss.

The foregoing instrument was acknowledged before me this Sept 1, 2023, by
Hillary McCormack as an attorney and authorized agent of the law firm of Halliday,
Watkins & Mann, P.C., the Successor Trustee.



Margaret Lee
Notary Public

EXHIBIT B

NOTICE TO VACATE TENANT AT WILL

www.utaheviction.com

(Date Served)

To: Wade W. Ferguson, Wyoming Glass Group, Inc. and any other tenant or occupant.
(Occupant(s))
Address: 97 North Lake View Drive
Manila, Utah 84046

BE ADVISED THAT YOU ARE A TENANT AT WILL AND DEMAND IS MADE ON YOU TO VACATE THE PREMISES WITHIN FIVE CALENDAR DAYS OF THIS NOTICE OR BE SERVED WITH A SUMMONS AND COMPLAINT FOR UNLAWFUL DETAINER.

COMMUNICATIONS SHALL BE MADE TO:

Name: DPW Enterprises
Address: 10028 South Morgan Grove Way
Sandy, Utah 84092
Phone: 801-915-9686

If you do not comply with this Notice, in accordance with Utah Code 78B-6-811, damages will be pursued against you for 1) waste; 2) attorney fees; and 3) court costs. We will request that judgment be entered against you and thereafter pursue enforcement of that judgment until it is fully satisfied.

Pursuant to Utah Code 78B-5-705, I declare under criminal penalty of the State of Utah that that a copy of this Notice was served on _____, the Tenant, in accordance with Utah Code 78B-6-805 on this _____ day of _____, 20__ by:

- ☐ Personally delivering a copy to the Tenant.
- ☐ Personally delivering a copy to _____, a person of suitable age and discretion at the Property because the Tenant was absent and by mailing a second copy to the Tenant at the Property.
- ☐ Sending a copy through registered or certified mail to the Tenant at the Property.
- ☐ Affixing a copy in a conspicuous place on the Property after knocking and failing to find anyone there.

DATED this _____ day of _____, 20__.

Notice prepared by K. Bradley Carr the Law Offices of James H. Woodall, PLLC. Use of this form does not constitute legal representation. If you are a **landlord** and you need assistance evicting a tenant please contact Mr. Carr at 801-254-9450.

Please see
attachment.

OFFICE
(435) 784-3255
FAX: (435) 784-3251



Erik L. Bailey, Sheriff

DAGGETT COUNTY SHERIFF'S OFFICE

Return of Service

I Deputy J, Harrison, being a person over the age of twenty-one years, not a party entitled to action, hereby certify and return that

On the 14th of June, 2024 at Time: 21405

(X) Type: 5 Day Tenant Notice

(X) Address: 115 N Lakeview Dr Manila, UT 84046

() At the usual place abode with a person of suitable age and discretion there residing.

() Personal

Defendant: Wade Fergusen

Comments: _____

Service Address: 115 N Lakeview Dr Manila, UT 84046

Attempts: 1st Served 2nd _____

3rd _____

Place Served ☒ Home () Jail () Business () Agreed Meeting Place

Reason Not Served: () Recalled () Unable to locate

Deputy Signature: Jayden Harrison

Estimated Total: _____

Process # _____