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SECOND DISTRICT COURT, STATE OF UTAH
WEBER COUNTY - OGDEN DEPARTMENT
2525 GRANT AVENUE, OGDEN, UTAH

SECOND DISTRICT COURT

2012 DEC 3 48

DEC 11 2012

MOUNTAIN PRIME LLC, RITCH MEYER)	COMPLAINT FOR EVICTION (UNLAWFUL DETAINER)
)	
Plaintiff(s),)	
vs.)	
)	
DAVID BIRD AND HOLLY H BIRD)	Civil No.: 120908097 EV
)	
Defendant(s),)	Judge: SMH

Plaintiff(s) complains of defendant(s) and for cause of action alleges:

1. That the amount claimed in controversy is less than \$20,000.00 exclusive of costs.
2. That plaintiff(s) is the owner of certain real property located at:

2357 West 5175 South Roy 84067, Weber County,

State of Utah; and that defendant(s) is/are a resident(s) of Weber County, State of Utah.

3. That plaintiff(s) as lessor has allowed defendant(s) to remain on the premises on a
Tenant-at-Will basis. That the reasonable rental of the premises is \$850.00 per
month.

4. That by written notice served upon the defendant(s) on or about November 26, 2012 in compliance with Sections 78B-6-802 (1[b]) and 78B-6-805 U.C.A., plaintiff(s) terminated defendant(s) tenancy and demanded that defendant(s) quit and surrender possession of the premises to plaintiff(s) as of December 1, 2012 . A copy of said Notice being attached hereto as Exhibit "A" and hereby made a part hereof.

5. That defendant(s) have failed to vacate the premises and therefore is in unlawful detainer pursuant to Section 7B8-6-811 U.C.A.

6. That pursuant to the terms of the agreement defendant(s) agreed to be responsible for all costs including a reasonable attorney's fee should plaintiff(s) take legal action to enforce its rights under the Agreement.

7. That plaintiff(s) is/are entitled to a reasonable attorney's fee, together with its costs and expenses incurred herein.

WHEREFORE, plaintiff(s) prays Judgment against defendant(s) as follows:

A. Ordering the defendant(s) to move out and allowing plaintiff(s) to retake possession of the premises and terminating all rights of the defendant(s) arising from the Agreement.

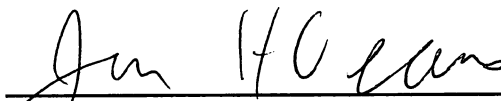
B. **TREBLE** rentals from and including the 2nd day of December 2012 until possession of the rented premises is restored to plaintiff.

C. If necessary, ordering the Sheriff to forcibly evict the defendant(s) (and any and all other persons claiming an interested in the premises through defendant(s)) and turn over possession to plaintiff(s) (Order of Restitution).

D. For an award to plaintiff(s) of its costs and expenses incurred herein, together with a reasonable attorney's fee.

E. For such other and further relief as the Court deems just and equitable in the premises.

DATED this 7th day of December, 2012



JAMES H. DEANS
Attorney for plaintiff

Plaintiff's Address:

PO Box 755
Kaysville

UT 84037-0755

NOTICE TO TERMINATE TENANCY AT WILL AS OF: **EXHIBIT "A"**

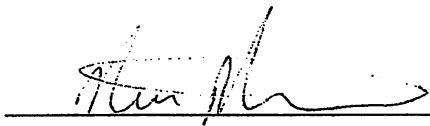
December 1, 2012
(minimum of 5 days)

TO: R. David Bird and Holly H. Bird and/or any other occupants
2357 W 5175 S Roy Utah 84067

You will please take **notice** that as of the First (1st) day of December, 2012, your right to occupy the premises at the above address, which premises you now occupy as tenant of the undersigned, will be terminated and you are hereby required to vacate said premises on or before said date and deliver possession thereof to the undersigned or his or her duly-authorized agent.

In the event of your failure to vacate said premises within the period herein specified, you will be unlawfully detaining possession of said premises and in accordance with the provisions of Section 78B-6-811, U.C.A., you will be held liable for **treble damages** for such unlawful detainer and action will be commenced against you to evict you from said premises and to take judgment against you for any rent accrued and for damages of **three times** the rent for the period you were unlawfully detaining possession of said premises, the damage assessed by the court for unlawful detainer, together with court costs and attorney's fees.

DATED this 26 day of November, 2012.



(Owner or Manager)

RETURN OF SERVICE

I certify that service of this notice was completed in accordance with the provisions of Section 78B-6-802 and Section 78B-6-805; Utah Code Annotated, on (date) 11-26-12 at (place) 2357 W 5175 S Roy UT by:

- ☐ delivering a copy to the tenant personally, **OR**
- ☐ sending a copy through certified or registered mail, addressed to the tenant at his or her place of residence, **OR**
- ☐ leaving a copy with _____, a person of suitable age and discretion at the tenant's residence or place of business, and by mailing a second copy to the Tenant at said residence, or place of business, **OR**
- ☒ affixing a copy in a conspicuous place on the rented premises, after knocking and failing to find anyone there.

Signature of server

Date

COVER SHEET FOR CIVIL ACTIONS

PARTY IDENTIFICATION (ATTACH ADDITIONAL SHEETS AS NECESSARY)

PLAINTIFF/PETITIONER

Name **Mountain Prime, Llc, Ritch Meyer**
Address **PO Box 755**
Kaysville UT 84037-0755
Day Time Telephone

ATTY FOR PLAINTIFF/PETITIONER

Name **James H. Deans**
Address **440 South 700 East, Suite 101**
Salt Lake City, Utah 84102
Day Time Telephone **575-5005**

PLAINTIFF/PETITIONER

Name
Address

Day Time Telephone

ATTY FOR PLAINTIFF/PETITIONER

Name
Address

Day Time Telephone

DEFENDANT/RESPONDENT

Name ~~Kelly Heitz~~ *David & Holly Bird*
Address ~~2357 West 5175 South~~
~~Roy Utah 84067~~
Day Time Telephone

ATTY FOR DEFENDANT/RESPONDENT

Name
Address

Day Time Telephone

DEFENDANT/RESPONDENT

Name
Address

Day Time Telephone

~~ATTY FOR~~ DEFENDANT/RESPONDENT

Name
Address

Day Time Telephone

TOTAL CLAIMS FOR DAMAGES

\$ 850.00

JURY DEMAND

☐ Yes

☒ No

SCHEDULE OF FEES: §21-1-5. CHECK ANY THAT APPLY. (SEE CASE TYPES FOR FILING FEES FOR COMPLAINTS OTHER THAN CLAIM FOR DAMAGES)

----- COMPLAINT FOR DAMAGES -----

☒ Civil, Interpleader \$50
\$2000 or less

☐ Civil or Interpleader: \$2001 - \$9999 \$95

☐ Civil or Interpleader: \$10,000 and over \$155

☐ Civil Unspecified \$120

----- MISCELLANEOUS -----

☐ Jury Demand \$50

☐ Vital Statistics §26-2-25 \$2

Choose ☒ Only One Category

Fee	Case Type
----- APPEALS -----	
\$360 <input type="checkbox"/>	Administrative Agency Review (E)
Sch <input type="checkbox"/>	Tax Court (Appeal of Tax Commission Decision) <small>Court: Refer to Clerk of Court upon filing.</small>
\$225 <input type="checkbox"/>	Civil (78A-2-301(1)(h)) (E)
\$225 <input type="checkbox"/>	Small Claims Trial de Novo
----- GENERAL CIVIL -----	
\$360 <input type="checkbox"/>	Attorney Discipline
Sch <input type="checkbox"/>	Civil Rights
\$0 <input type="checkbox"/>	Civil Stalking
\$360 <input type="checkbox"/>	Condemnation/Eminent Domain
Sch <input type="checkbox"/>	Contract
Sch <input type="checkbox"/>	Debt Collection
Sch <input checked="" type="checkbox"/>	Eviction/Forcible Entry and Detainer
\$360 <input type="checkbox"/>	Extraordinary Relief/Writs (E)
\$360 <input type="checkbox"/>	Forfeiture of Property
Sch <input type="checkbox"/>	Interpleader
Sch <input type="checkbox"/>	Lien/Mortgage Foreclosure
Sch <input type="checkbox"/>	Malpractice
Sch <input type="checkbox"/>	Miscellaneous Civil
Sch <input type="checkbox"/>	Personal Injury
\$360 <input type="checkbox"/>	Post Conviction Relief: Capital (E)
\$360 <input type="checkbox"/>	Post Conviction Relief: Non-capital (E)
Sch <input type="checkbox"/>	Property Damage
Sch <input type="checkbox"/>	Property Rights
Sch <input type="checkbox"/>	Sexual Harassment
Sch <input type="checkbox"/>	Water Rights (E)
Sch <input type="checkbox"/>	Wrongful Death
\$360 <input type="checkbox"/>	Wrongful Lien
Sch <input type="checkbox"/>	Wrongful Termination
----- DOMESTIC -----	
\$0 <input type="checkbox"/>	Cohabitant Abuse
\$310 <input type="checkbox"/>	Marriage Adjudication (Common Law)
\$310 <input type="checkbox"/>	Custody/Visitation/ Support
\$310 <input type="checkbox"/>	Divorce/Annulment
	<input type="checkbox"/> Check if child support, custody or parent-time will be part of decree
	<input type="checkbox"/> Check if Temporary Separation filed
\$8 <input type="checkbox"/>	Vital Statistics §26-2-25 per form
\$115 <input type="checkbox"/>	Counterclaim: Divorce/Sep Maint.
\$115 <input type="checkbox"/>	Counterclaim: Custody/Visitation/ Support
\$155 <input type="checkbox"/>	Counterclaim: Paternity/Grandparent Visitation

Fee	Case Type
\$100 <input type="checkbox"/>	Domestic Modification
\$100 <input type="checkbox"/>	Counter-petition: Domestic Modification
\$35 <input type="checkbox"/>	Foreign Domestic Decree
\$360 <input type="checkbox"/>	Grandparent Visitation
\$360 <input type="checkbox"/>	Paternity/Parentage
\$310 <input type="checkbox"/>	Separate Maintenance
\$35 <input type="checkbox"/>	Temporary Separation
\$35 <input type="checkbox"/>	Uniform Child Custody Jurisdiction & Enforcement Act (UCCJEA) (E)
\$35 <input type="checkbox"/>	Uniform Interstate Family Support Act (UIFSA) (E)
----- JUDGMENTS -----	
\$35 <input type="checkbox"/>	Foreign Judgment (Abstract of) (E)
\$50 <input type="checkbox"/>	Abstract of Judgment/Order of Utah Court/Agency (E)
\$30 <input type="checkbox"/>	Abstract of Judgment/Order of Utah State Tax Commission (E)
\$35 <input type="checkbox"/>	Judgment by Confession (E)
----- PROBATE -----	
\$360 <input type="checkbox"/>	Adoption/Foreign Adoption
\$8 <input type="checkbox"/>	Vital Statistics §26-2-25 per form
\$360 <input type="checkbox"/>	Conservatorship
\$360 <input type="checkbox"/>	Estate Personal Rep - Formal
\$360 <input type="checkbox"/>	Estate Personal Rep - Informal
\$35 <input type="checkbox"/>	Foreign Probate/Child Custody Doc.
\$360 <input type="checkbox"/>	Gestational Agreement
\$360 <input type="checkbox"/>	Guardianship
\$0 <input type="checkbox"/>	Involuntary Commitment (E)
\$360 <input type="checkbox"/>	Minor's Settlement
\$360 <input type="checkbox"/>	Name Change
\$360 <input type="checkbox"/>	Supervised Administration
\$360 <input type="checkbox"/>	Trusts
\$360 <input type="checkbox"/>	Unspecified Probate
----- SPECIAL MATTERS -----	
\$35 <input type="checkbox"/>	Arbitration Award (E)
\$0 <input type="checkbox"/>	Determination Competency-Criminal (E)
\$135 <input type="checkbox"/>	Expungement
\$0 <input type="checkbox"/>	Hospital Lien (E)
\$35 <input type="checkbox"/>	Judicial Approval of Document: Not Part of Pending Case (E)
\$35 <input type="checkbox"/>	Notice of Deposition in Out-of-State Case/Foreign Subpoena (E)
\$35 <input type="checkbox"/>	Open Sealed Record (E)

(E) Exempt from URCP Rule 26