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Facsimile: (801) 254-9246  
jdutahlaw@gmail.com

**IN THE SECOND JUDICIAL DISTRICT COURT, STATE OF UTAH  
IN AND FOR DAVIS COUNTY, FARMINGTON DEPARTMENT**

|   |  |
|---|--|
| <p>DPW ENTERPRISES, LLC, a Utah limited liability company,</p> <p>Plaintiff,</p> <p>Vs.</p> <p>BANK OF AMERICA N.A. SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP, formerly known as COUNTRYWIDE HOME LOANS SERVICING LP for the benefit of KEYBANK NATIONAL ASSOCIATION,</p> <p>Defendant.</p> | <p>VERIFIED COMPLAINT</p> <p>Case No:</p> <p>Judge</p> |
|---|--|

The Plaintiff complains and alleges against the Defendant as follows:

1. Plaintiff is a Utah limited liability company authorized to do business and doing business in the State of Utah.
2. The Defendant is a national bank which at one time was authorized to do business in Utah but is no longer authorized to do business here, but maintains a registered agent in the State of Utah.
3. The Defendant was at one time the owner of real property located at 109 W. 350 N. Clearfield, UT 84015 as known as Lot 7, Block 3, Grandview Acres according to the plat in the office of the Davis County Recorder. Tax ID# 14-091-0042.
4. The Defendant acquired its title by virtue of a Trustee's Deed in the calendar year 2012. A true and correct copy of that Trustees Deed is attached hereto as an exhibit.

5. That Trustee's Deed resulted from a foreclosure of the subject property by the Plaintiff.

6. For a period of at least five years the Defendant neglected, refused or failed to pay the real property taxes due and owing against the above identified real property, despite notices from Davis County regarding the tax liability.

7. As a result of the failure to pay taxes for five calendar years, the County notified the Defendant that it would conduct a tax sale on May 17, 2017 at 10:00am. A true and correct copy of the notice that was sent certified and first class mail to the Defendant at the address provided by the Defendant at the County Assessors office is attached hereto.

8. The County conducted a tax sale on the date stated at the time stated and the subject property was sold to the Plaintiff which appeared at the tax sale for the specific purpose of purchasing the subject property. A true and correct copy of the Deed whereby the County conveyed title to the Plaintiff is attached hereto as an exhibit.

9. The Plaintiff has been unable to obtain a policy of title insurance insuring good title to the subject property, the insurance underwriter refusing to issue a policy of insurance without an appropriate court order terminating the interest of the Defendant.

FIRST CAUSE OF ACTION  
QUIET TITLE

10. Plaintiff incorporates by this reference ¶1-9 above as though fully set forth below.

11. Pursuant to the provisions of Utah Code Ann. 70B-6-1301 et seq., the Plaintiff is entitled to a Judgment and Order of Quiet Title removing all of the right, title, claim or interest of the Defendants to the subject property by virtue of the Tax Deed obtained through Davis County.

SECOND CAUSE OF ACTION  
DECLARATORY JUDGMENT

12. Plaintiff incorporates by this reference ¶1-11 above as though fully set forth below.

13. The Plaintiff is entitled to a Declaratory Judgment pursuant to the provisions of Utah Code Ann. 78B-6-401 and Rule 57 of the Utah Rules of Civil Procedure that the Defendants have no right, title, claim or interest to the subject property, having lost and forfeited the same by virtue of their failure to pay property taxes for five years and by virtue of the Tax Deed conveying title from the County to Plaintiff's predecessor in interest with subsequent Deed to Plaintiff.

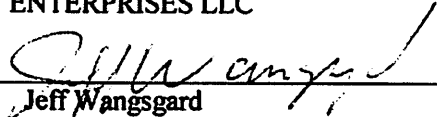
NOW THEREFORE, Plaintiff prays the following relief of Defendant:

1. For a Judgment and Order of Quiet Title quieting title to the subject property in the Plaintiff.
2. For Declaratory Judgment that the Defendants have no right, title, claim or interest to the subject property.
3. For such other and further relief as the court deems just, equitable and proper.

Pursuant to Utah Code Ann. 78B-5-705, I, Jeff Wangsgard, declare, certify, verify and assert and state under the criminal laws of the State of Utah, that the foregoing is true and correct.

DATED this 25 day of April 2018.

DPW ENTERPRISES LLC

By:   
Jeff Wangsgard  
Its: Member/Manager

Plaintiff's Address:  
10028 South Morgan Grove Way  
Sandy, UT 84092

2677672  
BK 5575 PG 1446

E 2677672 B 5575 P 1446-1447  
RICHARD T. MAUGHAN  
DAVIS COUNTY, UTAH RECORDER  
8/1/2012 4:18:00 PM  
FEE \$12.00 Pgs: 2  
DEP eCASH REC'D FOR GUARDIAN TITLE INS AG

AFTER RECORDING RETURN TO:

Armand J. Howell, Esq.  
Matheson & Howell PC  
648 East First South  
Salt Lake City, Utah 84102  
Telephone: (801) 363-2244  
Title Co. No.: 11-3189W  
MMOJ No.: 027717m

14-091-0042

TRUSTEE'S DEED

This Deed is made by Armand J. Howell, a member of the Utah State Bar, as successor Trustee under the hereinafter mentioned and described Trust Deed, in favor of Bank of America, N.A., Successor by Merger to BAC Home Loans Servicing, LP FKA Countrywide Home Loans Servicing LP, for the Benefit of Keybank National Association, 400 National Way, Simi Valley, CA 93065, as Grantee.

WHEREAS, on December 15, 2008, Christian Olsen and Shantell M Olsen, as Trustors, executed and delivered to Founders Title, as Trustee, for the benefit of Mortgage Electronic Registration Systems, Inc., as Beneficiary, a certain Trust Deed to Secure the performance by said Trustors of its obligations under a Promissory Note executed and delivered for a valid consideration to Mortgage Electronic Registration Systems, Inc.. Said Trust Deed was recorded in the office of the Davis County Recorder on December 18, 2008, as Entry No. 2411073, in Book 4678, at Page 279 and covered the property hereinafter described; and

WHEREAS, breach and default was made under the terms of said Trust Deed in the particulars set forth in the Notice of Default hereinafter referred to; and

WHEREAS, Armand J. Howell, was duly appointed by the Beneficiary as successor Trustee by a Substitution of Trustee recorded in the Office of the County Recorder of Davis County, State of Utah, on January 12, 2012, as Entry No. 2637339, in Book 5436, at Page 44; and

WHEREAS, Armand J. Howell, as successor Trustee under said Trust Deed, executed and thereafter filed for record in the Office of the County Recorder of Davis County, a written Notice of Default containing an election to sell the property, which Notice of Default was recorded on December 13, 2011, as Entry No. 2632207, in Book 5416, at Page 1040; and

WHEREAS, Armand J. Howell, as successor Trustee, in consequence of said declaration of default, election and demand for sale, and in accordance with said Trust Deed, did execute a Notice of Trustee's Sale stating that he, as successor Trustee, would sell at public auction to the highest bidder for cash, in lawful money in the United States, the Property therein and hereinafter described, and fixing the time and place of said sale as July 31, 2012, at 10:30 am of said day, and did cause copies of said notice to be posted for not less than 20 days before the date of the sale therein fixed, at the office of the county recorder wherein said Property is located, and also in a conspicuous place on the Property to be sold; and said successor Trustee did cause a copy of said notice to be published once a week for three consecutive weeks before the date of sale therein fixed in a newspaper having a general circulation in the county in which the Property to be sold is situated; and

WHEREAS, said successor Trustee did at the time and place of sale fixed as aforesaid, then and there sell, at public auction, to Grantee above named, being the highest bidder therefore, the property described.

WHEREAS, all applicable statutory and contractual provisions have been complied with;

NOW, THEREFORE, Armand J. Howell, as successor Trustee, in consideration of the premises recited and of the sum above mentioned, bid and paid by Grantee, the receipt whereof is hereby acknowledged, does by these presents grant and convey unto Grantee above named, but without any covenant or warranty, express or implied, all of that certain Property situated in Davis County, State of Utah, described as follows:

LOT 7, BLOCK 3, GRANDVIEW ACRES, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD IN THE OFFICE OF THE DAVIS COUNTY RECORDER.

TAX ID No. 14-091-0042

TOGETHER WITH all improvements now or hereafter created on the Property, and all easements, appurtenances, and fixtures now or hereafter created on the Property.

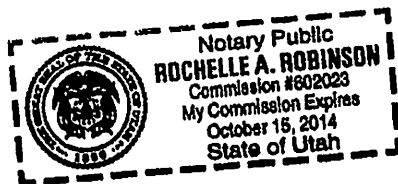
DATED: July 31, 2012.

Armand J. Howell, Successor Trustee

State of Utah

County of Salt Lake

The foregoing instrument was acknowledged before me this thirty-first day of July, 2012, by Armand J. Howell.



Rochelle A. Robinson  
Notary Public



## DAVIS COUNTY CLERK/AUDITOR

DAVIS COUNTY ADMINISTRATION BUILDING  
P.O. BOX 618 FARMINGTON, UTAH 84025 PHONE (801) 451-3329

*Sent By Certified and First Class Mail*

February 7, 2017

BANK OF AMERICA NA FBO KEYBANK NATIONAL ASSOCIATION  
450 AMERICAN ST  
SIMI VALLEY CA 93065-6285

### NOTICE OF TAX SALE

Notice is hereby given that on May 17th, 2017, at 10:00 a.m. Mountain Daylight Time, at the Davis County Administration Building, 61 South Main Street, Farmington, Utah 84025, Room 131, I, in my capacity as the Davis County Clerk/Auditor, will offer for sale at a public auction and sell to the highest bidder for cash, pursuant to the provisions of Section 59-2-1351.1, Utah Code Annotated (1953), as amended, the following described real property located in Davis County and now delinquent and subject to tax sale. All bids for less than the total amount of taxes, penalties, interest and administrative costs, which are a charge upon the real property described below, will not be accepted.

### Description of Real Property

ALL OF LOT 7, BLK 3, GRAND VIEW ACRES. CONT. 0.17 ACRES.

Land Serial Number: 14-091-0042

Estimated Taxes, Penalties, and Interest

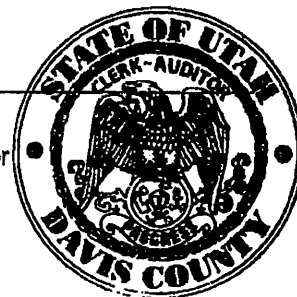
| Tax year | Charges | Balance due | Penalty | Interest | Yearly Total |
|----------|---------|-------------|---------|----------|--------------|
| 2012     | 890.40  | 890.40      | 22.26   | 272.88   | 1,185.54     |
| 2013     | 893.55  | 893.55      | 22.34   | 211.29   | 1,127.18     |
| 2014     | 848.83  | 848.83      | 21.22   | 141.30   | 1,011.35     |
| 2015     | 887.34  | 887.34      | 22.18   | 85.60    | 995.12       |
| 2016     | 937.16  | 937.16      | 23.43   | 24.62    | 985.21       |

**Total Estimated Payoff: 5,304.40**

For actual payoff amount please call the Davis County Treasurers Office at (801) 451-3243.

IN WITNESS WHEREOF, I have hereunto set my hand and  
Official seal on this date, February 7, 2017

Curtis Koch  
Davis County Clerk/Auditor



RETURNED

JUN 02 2017

E 3023948 B 6778 P 67-68  
RICHARD T. NAUGHAN  
DAVIS COUNTY, UTAH RECORDER  
06/02/2017 09:12 AM  
FEE \$12.00 Pgs: 2  
DEF 2T REC'D FOR DAVIS COUNTY

## AUDITOR'S TAX DEED

UCA §59-2-1351.1(9)

DAVIS COUNTY, a political subdivision of the State of Utah, Grantor, hereby conveys to

DPW Enterprises, LLC Grantee,  
whose address is 10028 South Morgan Grove Way, Sandy, Utah 84092 State of Utah

the following-described real estate located in Davis County, Utah:

**Full Property Description – See Exhibit A**

**Tax Identification No. 14-091-0042**

This conveyance is made in consideration of the payment by the Grantee to the Grantor of \$ 5,566.69, representing the total amount owing for delinquent taxes, penalties, interest, and administrative costs constituting a charge against the real property, for nonpayment of general taxes assessed against it for tax years 2012 through 2016 in the sum of \$ 5,304.40.

Dated this 17<sup>th</sup> day of May, 2017.



Davis County

By: C. Koch

Curtis Koch, Davis County Clerk/Auditor

Prepared by: Cheri Mayer

Cheri Mayer, Deputy Clerk/Auditor

**Exhibit A**

**Parcel 14-091-0042**

**ALL OF LOT 7, BLK 3, GRAND VIEW ACRES. CONT.  
0.17 ACRES.**