

IF YOU DO NOT RESPOND TO THIS  
DOCUMENT WITHIN APPLICABLE  
TIME LIMITS, JUDGMENT BY DEFAULT  
COULD BE ENTERED AGAINST YOU AS  
REQUESTED.

TIMOTHY S. DEANS - 13193  
CARR | WOODALL, LLC  
Attorneys for Plaintiff  
1309 W South Jordan Parkway, Suite 200  
South Jordan, Utah 84095  
Telephone: (801) 254-9450  
email: tim@carrwoodall.com

**IN THE FOURTH JUDICIAL DISTRICT COURT**  
**OF UTAH COUNTY, UTAH**

<b>MOUNTAIN PRIME 2018, DPW ENTERPRISES, LLC,</b> Plaintiff,  vs.  <b>JULIA KNAPHUS, STEVEN KNAPHUS,</b> Defendant(s).	<b>COMPLAINT FOR EVICTION</b>  Case No.  Judge
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Plaintiff, by and through counsel, alleges the following cause of action against  
Defendant(s):

1. Defendant(s) is a resident of Utah 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 108 West Village Lane, #108, Provo, Utah 84604 ("Property").
3. Defendant(s) defaulted under a Trust Deed resulting in a foreclosure of the property. A copy of the Trustee's Deed is attached as Exhibit A.
4. Defendant(s) are a tenant at will of the property.
5. Fair market rent is \$2,600.00. Daily rent is \$85.48.

6. On October 28, 2024 Plaintiff posted a notice to vacate tenant at will ("Notice") on the Property. The Notice expired November 2, 2024. The Notice is attached as Exhibit B.

7. Defendant(s) has not complied with the Notice and, therefore, is in unlawful detainer of the property.

8. 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. Pursuant to Utah Code 78B-6-811, Plaintiff is entitled to treble damages of \$256.44 per day for rent and \$0.00 per day for late fees from and including November 3, 2024 until Defendant(s) vacates. The trebled amount is calculated by taking the daily rent (or late fees) and multiplying it by three.

9. Defendant(s) is not a member of the United States Military or on active duty status.

10. Pursuant to Utah Code 78B-6-811, Plaintiff is entitled to reasonable attorney's fees for the necessity of bringing this eviction proceeding before this Court.

11. As of the date of this Complaint, Plaintiff has incurred \$450.00 in reasonable attorney fees.

12. The total due and owing under is attorney fees and treble damages.

WHEREFORE, Plaintiff prays for judgment against the Defendant(s), as follows:

1. For the forthwith issuance of an Order of Restitution to evict the Defendant(s) within three calendar days of the date the Order is entered, 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 attorney fees and treble damages, representing the total due and owing as of November 4, 2024:

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

DATED this 4 day of November 2024.

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

### **RULE 26.3 URCP NOTICE**

**(a) Scope.** This rule applies to all actions for eviction or damages arising out of an unlawful detainer under Title 78B, Chapter 6, Part 8, Forcible Entry and Detainer.

**(b) Plaintiff's disclosures.**

**(b)(1) Disclosures served with complaint and summons.** Instead of the disclosures and timing of disclosures required by Rule 26(a), and unless included in the complaint, the plaintiff must serve on the defendant with the summons and complaint:

- (b)(1)(A) any written rental agreement;
- (b)(1)(B) the eviction notice that was served;
- (b)(1)(C) an itemized calculation of rent past due, damages, costs and attorney fees at the time of filing;
- (b)(1)(D) an explanation of the factual basis for the eviction; and
- (b)(1)(E) notice to the defendant of the defendant's obligation to serve the disclosures required by paragraph (c).

**(b)(2) Disclosures for evidentiary hearing.**

(b)(2)(A) If the plaintiff requests an evidentiary hearing under Section 78B-6-810, the plaintiff must serve on the defendant with the request:

- (b)(2)(A)(i) any document not yet disclosed that the plaintiff will offer at the hearing; and
- (b)(2)(A)(ii) the name and, if known, the address and telephone number of each fact witness the plaintiff may call at the evidentiary hearing and, except for an adverse party, a summary of the expected testimony.

(b)(2)(B) If the defendant requests an evidentiary hearing under Section 78B-6-810, the plaintiff must serve the disclosures required by paragraph (b)(2)(A) on the defendant no less than 2 days before the hearing. The plaintiff must serve the disclosures by the method most likely to be promptly received.

**(c) Defendant's disclosures for evidentiary hearing.**

(c)(1) If the defendant requests an evidentiary hearing under Section 78B-6-810, the defendant must serve on the plaintiff with the request:

- (c)(1)(A) any document not yet disclosed that the defendant will offer at the hearing; and
- (c)(1)(B) the name and, if known, the address and telephone number of each fact witness the defendant may call at the evidentiary hearing and, except for an adverse party, a summary of the expected testimony.

(c)(2) If the plaintiff requests an evidentiary hearing under Section 78B-6-810, the defendant must serve the disclosures required by paragraph (c)(1) on the plaintiff no less than 2 days before the hearing. The defendant must serve the disclosures by the method most likely to be promptly received.

**(d) Pretrial disclosures; objections.** No later than 14 days before trial, the parties must serve the disclosures required by Rule 26(a)(5)(A). No later than 7 days before trial, each party must serve and file counter designations of deposition testimony, objections and grounds for the objections to the use of a deposition and to the admissibility of exhibits.

# EXHIBIT A

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

ENT 73171:2024 PG 1 of 2  
**ANDREA ALLEN**  
**UTAH COUNTY RECORDER**  
2024 Oct 22 02:47 PM FEE 40.00 BY MG  
RECORDED FOR Halliday, Watkins & Mann, P  
ELECTRONICALLY RECORDED

**MAIL TAX NOTICE TO:**  
**DPW Enterprises LLC and Mountain Prime**  
**2018 LLC**  
**3138 N 1250 W**  
**Pleasant View, UT 84414**

**File Number: UT24265**

**TAX #: 54-178-0022**

### **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 LLC and Mountain Prime 2018 LLC, 3138 N 1250 W, Pleasant View, UT 84414**, as Grantee.

WHEREAS, on January 22, 2021, Julia Knaphus and Steven Knaphus, as Trustors, executed and delivered to Access Title Company, as Trustee, for the benefit of Mortgage Electronic Registration Systems, Inc., as Beneficiary, as nominee for Axia Financial, LLC, 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 January 22, 2021, as Entry No. 12668:2021, 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 Utah County, State of Utah, on July 11, 2024, as Entry No. 46104:2024; and

WHEREAS, Halliday, Watkins & Mann, P.C., 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 April 8, 2024, as Entry No. 22620:2024; 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 its Notice of Trustee's Sale stating that as Successor Trustee, it 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 September 5, 2024, at 09:00 AM of said day, at the South Main Entrance, Fourth Judicial District, American Fork Division, 75 East 80 North, American Fork, 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 Lehi Free Press, 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, by oral announcement at the time and place of the original sale of September 5, 2024, the sale was postponed to October 17, 2024 to be cried at the same time and location.

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 \$411,924.00 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 Utah County, State of Utah, described as follows:

Unit 132, Building 900, contained within The Village at Riverwoods Phase II, a condominium project as the same is identified in the record of survey map recorded in Utah County, as Entry No. 101735:2003, and Map Filing No. 10059, (as said record of survey map may have heretofore been amended or supplemented) and in the declaration recorded in Utah County, as Entry No. 124818:2001 (as said declaration may have heretofore been amended or supplemented).

Together with the appurtenant undivided interest in said project's common areas as established in said declaration and allowing for periodic alteration both in the magnitude of said undivided interest and in the composition of the common areas and facilities to which said interest relates. TAX #: 54-178-0022

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

DATED: 10/22/2024

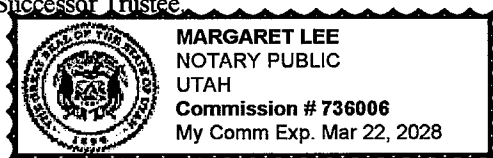
HALLIDAY, WATKINS & MANN, P.C.:

By: Jessica Oliveri

Name: Jessica Oliveri  
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 10/22/2024, by Jessica Oliveri as an attorney and authorized agent of the law firm of Halliday, Watkins & Mann, P.C., the Successor Trustee.



Margaret Lee  
Notary Public

Notarial act performed by audio-visual communication

## EXHIBIT B



**NOTICE TO VACATE TENANT AT WILL**  
**www.utaheviction.com**

\_\_\_\_\_  
(Date Served)

To: Julia Knaphus, Steven Knaphus and any other tenant or occupant.  
(Occupant(s))  
Address: 108 West Village Lane, #108  
Provo, Utah 84604

**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: Timothy S. Deans attorney for Mountain Prime 2018, LLC and DPW Enterprises, LLC  
Address: 1309 West South Jordan Parkway, Suite 200  
South Jordan, Utah 84095  
Phone: 801-254-9450

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.*

UTAH COUNTY, 4th DISTRICT COURT, PROVO DEPARTMENT, COUNTY OF UTAH

Plaintiff/Petitioner:	<b>Timothy S Dean attorney for Mountain Prime 2018, LLC and DPW Enterprises LLC</b>	<b>PROOF OF SERVICE</b>
VS .		Case No: <b>JKnaphus</b>
Defendant/Respondent:	<b>Julia Knaphus, Knaphus and any other tenant or occupant</b>	Court Date/Time: <b>00/00/0000 / 12:00 AM</b>
		Court Room:

Legal documents received by Statewide Process Servers on the 28th day of October, 2024 at 10:37 AM to be served on:

**Julia Knaphus, Knaphus and any other tenant or occupant**  
108 W Village Lane, 108  
Provo, UT 84604

I, **Charles Bryant**, am over the age of 18, I am not a party to this action, and I am not an attorney for a party to this action. On the **28th October, 2024 at 04:38 PM**, I did the following:

**POSTED AND MAILED** a true copy of the **NOTICE TO VACATE TENANT AT WILL** to the door at the address of: **108 W Village Lane 108, Provo, UT 84604**, the same being the defendant/respondent's Abode

After knocking at the door and receiving no answer I posted the above mentioned documents.

**Supplemental Data Appropriate to this Service:**

Service Comments:  
10/28/2024 4:38 PM:

I have not included any non-public information in this document.

I declare under criminal penalty under the law of Utah that the foregoing is true and correct.



X

Charles Bryant - A131991  
Statewide Process Servers  
PO Box 845  
West Jordan, UT, 84084  
801-809-4133  
Carr & Woodall, Law offices of  
10808 River Front Parkway, Suite 175  
South Jordan, UT 84095  
(801) 254-9450  
Atty File#: JKnaphus  
ch@carrwoodall.com

Service  
Fee:  
**\$40.00**



273607 273607 273607 273607 273607 273607

**ch@carrwoodall.com**

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**From:** Nate Mueller <muellercorporation@gmail.com>  
**Sent:** Friday, October 25, 2024 1:39 PM  
**To:** ch@carrwoodall.com  
**Subject:** Fwd: PROVO - RECORDED  
**Attachments:** REC TsD.pdf

Hi Cindy

We talked to Tim Deans about this property just now. It is a foreclosure that we bought. Attached is the foreclosure notice.

We would like to start on an eviction as soon as possible. We asked Mr Deans if your office could handle the 5 day notice to start the process.

He said you guys could. Please let me know if you need any other information from us.

This is the same owners as the one he is doing for us in Layton. Mountain Prime 2018 LLC and DPW Enterprises LLC.

The address of this property is-

108 West Village Lane #108 - Provo UT  
84604

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Thanks Cindy,

Nate Mueller  
801-721-0350

**ch@carrwoodall.com**

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**From:** Statewide Utah <statewideutah@gmail.com>  
**Sent:** Monday, October 28, 2024 10:50 AM  
**To:** ch@carrwoodall.com  
**Cc:** Jason Jacobson  
**Subject:** Re: Kanphus five day tenant at will

Recieved

Sincerely,

Statewide  
O 801-809-4133  
F 801-907-7546  
PO Box 845  
West Jordan, UT 84084

On Mon, 28 Oct 2024 at 10:08, <[ch@carrwoodall.com](mailto:ch@carrwoodall.com)> wrote:

Please have the attached document posted. Thank you. Cindy

Cindy Hansen

CARR | WOODALL, LLC

1309 West South Jordan Parkway, Suite 200

South Jordan, Utah 84095

801-254-9450