

TIMOTHY S. DEANS - 13139
CARR | WOODALL, PLLC
Attorneys for Plaintiff
1309 W South Jordan Parkway, Suite 200
South Jordan, Utah 84095
Telephone: (801) 254-9450
email: tim@carrwoodall.com

**IN THE SEVENTH JUDICIAL DISTRICT COURT
OF EMERY COUNTY, UTAH**

DPW ENTERPRISES, LLC, Plaintiff, vs. HAROLD GLEN FARNSWORTH, VALERIE FARNSWORTH. 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 Emery 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 2005 East Lawrence Main Street, Huntington, Utah 84528 ("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 tenants at will of the property.
5. Fair market rent is \$1,300.00. Daily rent is \$42.74.
6. On March 13, 2024 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:

PLEASE SEE ATTACHED EXHIBIT C

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 personally delivering 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 June 19, 2024.

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 Harold Glen Farnsworth, Valerie Farnsworth 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) are 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.

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

DATED this 20 day of June 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.

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

Ent 433964 Page 1 of 2
Date: 19-Mar-2024 08:36AM
Fee: \$40.00
Filed By: JS
Josie Stillson, Recorder
EMERY COUNTY CORPORATION
For: HALLIDAY, WATKINS & MANN, P.C.

MAIL TAX NOTICE TO:
DPW Enterprises LLC and
Push & Pull Home Builders and Contractors
10028 S Morgan Grove Way
Sandy, UT 84092

File Number: UT23049
TAX #: 03-0082-0005, 03-0082-0027

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 Push & Pull Home Builders and Contractors, 10028 S Morgan Grove Way, Sandy, UT 84092**, as Grantee.

WHEREAS, on October 8, 2007, Harold Glen Farnsworth and Valerie Farnsworth, as Trustors, executed and delivered to Stewart T. Matheson, as Trustee, for the benefit of Mortgage Electronic Registration Systems, Inc., as beneficiary, as nominee for Countrywide Bank FSB., 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 Emery County Recorder on November 13, 2007, as Entry No. 387303, 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 Emery County, State of Utah, on September 19, 2023, as Entry No. 431650; 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 Emery County, a Notice of Default containing an election to sell the trust property, which was recorded on October 20, 2023, as Entry No. 432147; 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, 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 March 13, 2024, at 01:30 PM of said day, at the main entrance of the Emery County District Court, 1850 N. 560 W., Castle Dale, 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 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, 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 \$102,100.00 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 it 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 Emery County, State of Utah, described as follows:

Beginning 1269.81 feet East of the Southwest corner of the NE ¼ SW ¼ of Section 33, Township 17 South, Range 9 East, SLB&M, thence East 791.88 feet; thence North 22°21'22" East 358.87 feet; thence North 29°7' West 329.22 feet; thence North 27°55' West 248.52 feet; thence North 90° West 238.47 feet; thence South 85°38'46" West 94.63 feet; thence South 86°26'22" West 132.74 feet; thence North 0°49'10" West 7.58 feet; thence North 71°17'5" West 151.87 feet; thence South 860 feet, more or less to the point of beginning.

Beginning at a point 462 feet East of the Southwest corner of the NE ¼ SW ¼ of Section 33, T17S, R9E, SLB&M; thence East 807.81 feet, more or less, to the Northwest corner of the road right-of-way; thence North 860 feet, more or less, to the North boundary line of said property; thence North 71°17'5" West 20 feet, more or less; thence North 85°7'11" West 318.85 feet; thence South 128.34 feet; thence South 42°32'48" West 497.33 feet; thence South 88°30'58" West 166.55 feet; thence South 411.71 feet, more or less, to the point of beginning. TAX #: 03-0082-0005, 03-0082-0027

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

DATED: March 18, 2024

HALLDAY, WATKINS & MANN, P.C.:

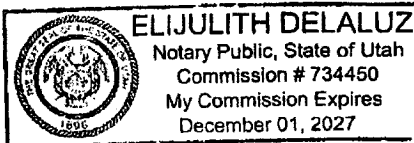
By:

Name:

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 March 18, 2024 by Hillary R. McCormack as an attorney and authorized agent of the law firm of Halliday, Watkins & Mann, P.C., the Successor Trustee.



Notary Public

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

Ent 434217 Page 1 of 2
Date: 10-Apr-2024 08:35AM
Fee: \$40.00
Filed By: JS
Josie Stilson, Recorder
EMERY COUNTY CORPORATION
For: HALLIDAY, WATKINS & MANN, P.C.

MAIL TAX NOTICE TO:
DPW Enterprises LLC and
Push & Pull Home Builders and Contractors
10028 S Morgan Grove Way
Sandy, UT 84092

File Number: UT23049

TAX #: 03-0082-0005, 03-0082-0027

CORRECTIVE TRUSTEE'S DEED

****This deed is being recorded to correct an error made in the legal description of a document entitled "Trustee's Deed" filed for record in the office of the Emery County Recorder on March 19, 2024 with Entry Number 433964****

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 Push & Pull Home Builders and Contractors, 10028 S Morgan Grove Way, Sandy, UT 84092**, as Grantee.

WHEREAS, on October 8, 2007, Harold Glen Farnsworth and Valerie Farnsworth, as Trustors, executed and delivered to Stewart T Matheson, Attorney at Law, as Trustee, for the benefit of Mortgage Electronic Registration Systems, Inc., as beneficiary, as nominee for Countrywide Bank FSB., 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 Emery County Recorder on November 13, 2007, as Entry No. 387303, 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 Emery County, State of Utah, on September 19, 2023, as Entry No. 431650; 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 Emery County, a Notice of Default containing an election to sell the trust property, which was recorded on October 20, 2023, as Entry No. 432147; 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 a 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 March 13, 2024, at 01:30 PM of said day, at the main entrance of the Emery County District Court, 1850 N. 560 W., Castle Dale, 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 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, 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 \$102,100.00 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 it 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 Emery County, State of Utah, described as follows:

Beginning 1269.81 feet East of the Southwest corner of the NE ¼ SW ¼ of Section 33, Township 17 South, Range 9 East, SLB&M, thence East 791.88 feet; thence North 22°21'22" East 358.87 feet; thence North 29°7' West 329.22 feet; thence North 27°55' West 248.52 feet; thence North 90° West 238.47 feet; thence South 85°38'46" West 94.63 feet; thence South 86°26'22" West 132.74 feet; thence North 0°49'10" West 7.58 feet; thence North 71°17'5" West 151.87 feet; thence South 860 feet, more or less to the point of beginning. Less County Road right of way.

Beginning at a point 462 feet East of the Southwest corner of the NE ¼ SW ¼ of Section 33, T17S, R9E, SLB&M; thence East 807.81 feet, more or less, to the Northwest corner of the road right-of-way; thence North 860 feet, more or less, to the North boundary line of said property; thence North 71°17'5" West 20 feet, more or less; thence North 85°7'11" West 318.85 feet; thence South 128.34 feet; thence South 42°32'48" West 497.33 feet; thence South 88°30'58" West 166.55 feet; thence South 411.71 feet, more or less, to the point of beginning. TAX #: 03-0082-0005, 03-0082-0027

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

DATED: 04/09/2024

HALLIDAY, WATKINS & MANN, P.C.:

By:

Hillary R. McCormack

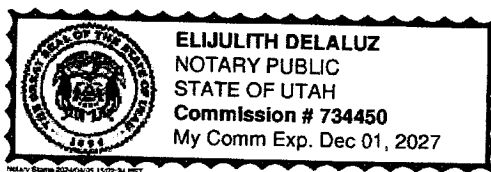
Name:

Hillary R. 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 04/09/2024, by Hillary R. McCormack as an attorney and authorized agent of the law firm of Halliday, Watkins & Mann, P.C., the Successor Trustee.



Notary Public

Notarial act performed by audio-visual communication

EXHIBIT A

EXHIBIT B

NOTICE TO VACATE TENANT AT WILL
www.utaheviction.com

(Date Served)

To: Harold Glen Farnsworth, Valerie Farnsworth and any other tenant or occupant.
(Occupant(s))
Address: 2005 East Lawrence Main Street
Huntington, Utah 84528

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, LLC
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.

EMERY COUNTY, 7th DISTRICT COURT, CASTLE DALE DEPARTMENT, COUNTY OF EMERY

Plaintiff/Petitioner: DPW Enterprises LLC	PROOF OF SERVICE
VS.	Case No: HFarnsworth
Defendant/Respondent: Harold Glen Farnsworth, Valerie Farnsworth and any other tenant or occupant	Court Date/Time: 00/00/0000 / 12:00 AM
	Court Room:

Legal documents received by Statewide Process Servers on the 13th day of June, 2024 at 9:23 AM to be served on:

Harold Glen Farnsworth, Valerie Farnsworth and any other tenant or occupant
2005 E Lawrence Main Street
Huntington, UT 84528

I, **Garrett Hunt**, 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 **14th June, 2024 at 05:15 PM**, I did the following:

PERSONALLY SERVED by delivering a true copy of the **NOTICE TO VACATE TENANT AT WILL** to: **Harold Glen Farnsworth** at the address of: **2005 E Lawrence Main Street, Huntington, UT 84528**

Supplemental Data Appropriate to this Service:

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

Garrett Hunt
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#: HFarnsworth
ch@carrwoodall.com

Service
Fee:
\$75.00



263811 263811 263811 263811 263811 263811

EXHIBIT C

Beginning 1269.81 feet East of the Southwest corner of the NE ¼ SW ¼ of Section 33, Township 17 South, Range 9 East, SLB&M, thence East 791.88 feet; thence North 22°21'22" East 358.87 feet; thence North 29°7' West 329.22 feet; thence North 27°55' West 248.52 feet; thence North 90° West 238.47 feet; thence South 85°38'46" West 94.63 feet; thence South 86°26'22" West 132.74 feet; thence North 0°49'10" West 7.58 feet; thence North 71°17'5" West 151.87 feet; thence South 860 feet, more or less to the point of beginning. Less County Road right of way.

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