

Donald S. Reay (11948)
43 WEST 9000 SOUTH, SUITE B
SANDY, UTAH 84070
TELEPHONE: (801) 999-8529
FAX: (801) 206-0211
DONALD@REAYLAW.COM

Attorney for Plaintiff

**FIRST JUDICIAL DISTRICT COURT
CACHE COUNTY, STATE OF UTAH
135 North 100 West, Logan, Utah 84321**

JEFF WANGSGARD, LLP,

Plaintiff,

v.

**CHARLES M. PARSON AND HOLLY M.
PARSON,**

Defendant.

C O M P L A I N T

Case No.

Judge

Plaintiff, Jeff Wangsgard (“Plaintiff”), by and through Donald S. Reay, attorney of record, complains and alleges against Defendant, CHARLES M. PARSON and HOLLY M. PARSON (“Defendant”) as follows:

PARTIES

1. Plaintiff owns or controls the property located at 1602 Sunset Drive, Logan, Utah 84321.
2. Defendant is occupying the property located at 1602 Sunset Drive, Logan, Utah 84321.
3. Defendant is a residential tenant.

JURISDICTION AND VENUE

4. The Lease (as hereinafter defined) was entered into by Plaintiff and Defendant in Salt Lake County and was to be performed in Salt Lake County.
5. Under Utah Code Annotated, Section 78A-5-102, as a district court for the State of Utah, this Court has subject matter jurisdiction over this action.
6. Under Utah Code Annotated, Section 78B-3-304, venue in this county is proper, as this county is where the defendant's obligations were to be performed and where the parties entered into the Lease (as hereinafter defined).
7. Pursuant to Utah Rules of Civil Procedure, Rule 26(c)(5), this cause of action qualifies as a tier one (1), because the claims alleged do not exceed \$50,000.

GENERAL ALLEGATIONS

8. Plaintiff incorporates by reference each of the allegations set forth above.
9. Plaintiff purchased the property at a foreclosure sale and the tenants are at will and in unlawful detainer pursuant to Utah Code Ann. §78B-6-802.5.
10. The tenants have failed to pay anything for rents since the Plaintiff took ownership of the property.
11. The tenants were served with a FIVE DAY NOTICE TO VACATE which was delivered on February 5, 2015 and is attached hereto as Exhibit "A."

FIRST CAUSE OF ACTION

(Unlawful Detainer)

12. Plaintiff incorporates by reference each of the allegations set forth above.

13. Defendants have failed to pay Rents or to vacate, resulting in damages of not less than \$1,999 and as shall be proven at trial.
14. On February 5, 2015, Plaintiff caused Defendant to be served with a Five Day Notice to Vacate. *See* Exhibit “A”, Five-day Notice.
15. Despite the Defendant’s receipt of the aforementioned Notice, Defendant has failed to vacate the Premises.
16. Because Defendant has failed to vacate the Premises in the time set forth in the Notice, Defendant is in unlawful detainer of the Premises and Plaintiff has the right to recover possession of the Premises, plus rent, late fees, treble damages, court costs, attorney’s fees and interest as provided by the Lease and by law; therefore, Plaintiff is seeking \$1999.00 in damages, plus accruing late fees, treble damages, court costs, attorney’s fees and interest.
17. Because the plaintiff’s claim for damages is less than \$2,000.00, the initial court filing fee will be \$75.00.

SECOND CAUSE OF ACTION

(Breach of Contract)

18. Plaintiffs incorporate by reference each of the allegations set forth above.
19. Defendants are in unlawful detainer.
20. As a direct and proximate result of the Defendant’s breach the Lease, Plaintiff has suffered a loss, for which Plaintiff will pursue \$1999.00 in damages, and continues to incur additional losses in an amount to be proven at trial, including interest, late charges, treble damages, court costs and attorney’s fees.

THIRD CAUSE OF ACTION

(Waste and Damages to property)

21. Plaintiff incorporates by reference each of the allegations set forth above.
22. Pursuant to Utah Code Annotated, Section 78B-6-811(2)(c), Plaintiff alleges waste and physical damage to the property beyond normal wear and tear, which occurred during the time Defendant was in possession of Plaintiff's property.
23. Pursuant to Utah Code Annotated, Section 78B-6-811, Plaintiff is entitled to a judgment for any of the damages upon proof at trial or upon Plaintiff's affidavit in the event of Defendant's default.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief against Defendant as follows:

1. For an order of restitution requiring Defendant to vacate the Premises, remove personal property, and restore possession of the Premises to Plaintiff; or, be forcibly removed by a sheriff or constable, within a time period to be established by the Court;
2. For actual damages in an amount to be proven at trial, including interest, late charges, treble damages, court costs and attorney's fees as provided by law;
3. Grant Plaintiff a judgment for any other damages to the property that may be discovered in the post-vacancy inspection and that are allowed under Utah Code Annotated, Sections 78B-6-811, as proven in Court or upon Plaintiff's affidavit in the event of Defendant's default; and
4. For such other and further relief as the Court deems just and proper.

RESPECTFULLY SUBMITTED.

DATED February 23, 2015. /s/ Donald S. Reay
Donald S. Reay
Attorney for Jeff Wangsgard

Plaintiff's Attorneys address:
Donald S. Reay
43 WEST 9000 SOUTH, SUITE B
SANDY, UTAH 84070

EXHIBIT A
FIVE-DAY NOTICE TO VACATE

LAW OFFICES
REAY LAW, PLLC
43 WEST 9000 SOUTH
SUITE B
SANDY, UTAH 84070

DONALD S. REAY, Esq.
DAVID A. REAY, Esq.

TELEPHONE (801) 999-8529
FACSIMILE (801) 206-0211

EVICTIION NOTICE
(FIVE DAY NOTICE TO VACATE)

Tenant(s):		Landlord:	
Name(s):	CHARLES M. PARSON and HOLLY M. PARSON	Name(s):	Jeff Wangsgard
			(the "Owner")
Address:	1602 Sunset Drive Logan, Utah 84321	Address:	C/O Donald S. Reay 43 West 9000 South Ste. B Sandy, Utah 84070
	(street) (city), (state) (zip)		(street) (city), (state) (zip)

CHARLES M. PARSON AND HOLLY M. PARSON, YOU ARE HEREBY NOTIFIED THAT YOU ARE GIVEN NOTICE THAT YOU ARE A TENANT AT WILL AND THAT YOU ARE REQUIRED TO VACATE THE PREMISES IDENTIFIED ABOVE (THE "Premises") NO LATER THAN FIVE (5) CALENDAR DAYS AFTER RECEIVING THIS NOTICE (INCLUDING WEEKENDS AND HOLIDAYS).

Pursuant to this notice, Tenant(s) must do the following:

WITHIN FIVE (5) DAYS after service of this notice upon you, or the dated stated above, you must vacate the Premises and surrender possession of the Premises with keys to Donald S. Reay, Jeff Wangsgard's duly authorized agent.

This Notice is given and served in accordance with the provisions of Utah Code Annotated, Sections 78B-6-802 and 78B-6-805. Accordingly, you are not relieved of liability for any rent currently due by vacating the Premises. Moreover, in the event you either fail to vacate the Premises as stated above, you shall be in unlawful detainer of the Premises and an action will be commenced against you to evict you from the Premises. In addition to the foregoing, if the court finds you in unlawful detainer of the Premises, you will be liable for attorney's fees and court costs; along with three (3) times the amount of unpaid rent, damages caused by your unlawful detainer of the Premises, damages for any waste alleged and proven, and the cost to abate a nuisance under Utah Code Annotated, Sections 78B-6-1107 through 78B-6-1114.

Signature of Notice Giver: /S/ Donald S Reay

Mailed Certified Mail with delivery confirmation.

FAIR DEBT COLLECTION PRACTICES ACT NOTICE:

THIS COMMUNICATION IS AN ATTEMPT TO COLLECT DEBT, AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. Unless you dispute the validity of this debt within 30 days, it will be assumed by the landlord to be valid. If you notify the above noted attorney in writing, within 30 days that you dispute this debt or any portion thereof, the landlord will obtain and mail to you verification of this debt or a copy of a judgment against you. Upon your written request within the 30 day period, the landlord, or the person or entity serving this notice, will provide you with the name and address of the original landlord, if different from the current landlord.

LAW OFFICES
REAY LAW, PLLC
43 WEST 9000 SOUTH
SUITE B
SANDY, UTAH 84070

DONALD. S. REAY, Esq.
DAVID A. REAY, Esq.

TELEPHONE (801) 999-8529
FACSIMILE (801) 206-0211

CHARLES M. PARSON and HOLLY M. PARSON
1602 Sunset Drive
Logan, Utah 84321

Our firm has been retained regarding your unlawful detainer of the property located at the above address. Your failure to vacate the premises by February 10, 2015, will place you in unlawful detainer of the residence. Once you are found in unlawful detainer of the residence, you may be subject to liability for treble damages (three times the amount) for market rent each day you remain in the premise, pursuant to Utah Code Annotated, Section 78B-6-802. Our firm has been retained to ensure that you either vacate the premises.

Further, we wish to inform you that simply vacating the premises will not relieve you of liability for any fair market rent for the time which you have lived in the residence, penalties, costs, attorney fees, or interest currently due for your occupancy in the residence during the time my client has owned the property. Vacating the Premises, however, will limit your liability to the amount of money currently owed; whereas, if you fail to vacate you will be liable for damages (multiplied by three (3)) each additional day you remain in the Premises.

Also, we wish to inform you that in Utah, civil judgments for these types of damages are enforceable for eight (8) years, and can be renewed. We are willing to pursue recovery of any amount owing through wage garnishments, attachments, foreclosures on property, and any other means available under the law, if necessary. In order to limit the amount of damages for which you will be liable, please **promptly comply with this notice by vacating the Premises and returning your keys and garage door openers to Jeff Wangsgard care of Donald S. Reay at the above noted address.**

We ask that you immediately notify the undersigned of your intention.

DATED February 3, 2015.

/s/

Donald S. Reay

FAIR DEBT COLLECTION PRACTICES ACT NOTICE:

THIS COMMUNICATION IS AN ATTEMPT TO COLLECT DEBT, AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. Unless you dispute the validity of this debt within 30 days, it will be assumed by the landlord to be valid. If you notify the above noted attorney in writing, within 30 days that you dispute this debt or any portion thereof, the landlord will obtain and mail to you verification of this debt or a copy of a judgment against you. Upon your written request within the 30 day period, the landlord, or the person or entity serving this notice, will provide you with the name and address of the original landlord, if different from the current landlord.



USPS Tracking™

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Have questions? We're here to help.

Tracking Number: 9405903699300352637951



DELIVERED

Updated Delivery Day: Thursday, February 5, 2015

Product & Tracking Information

Postal Product:
Priority Mail 2-Day™Features:
Insured

USPS Tracking™

Available Actions

[Text Updates](#)[Email Updates](#)

DATE & TIME	STATUS OF ITEM	LOCATION
February 5, 2015 , 1:17 pm	Delivered, In/At Mailbox	LOGAN, UT 84321
Your item was delivered in or at the mailbox at 1:17 pm on February 5, 2015 in LOGAN, UT 84321.		
February 5, 2015 , 7:27 am	Out for Delivery	LOGAN, UT 84321
February 5, 2015 , 7:17 am	Sorting Complete	LOGAN, UT 84321
February 5, 2015 , 5:53 am	Arrived at Post Office	LOGAN, UT 84321
February 4, 2015 , 8:52 pm	Arrived at USPS Origin Facility	SALT LAKE CITY, UT 84199
February 4, 2015 , 7:37 pm	Accepted at USPS Origin Sort Facility	SANDY, UT 84070
February 3, 2015	Pre-Shipment Info Sent to USPS	

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