

JAMES H. DEANS, #846  
Attorney for Plaintiff  
440 South 700 East - #101  
Salt Lake City, UT 84102  
Telephone: 575-5005

JUN 04 2012  
2ND DISTRICT COURT  
2 JUN -1 P 3:02

WEBER COUNTY - OGDEN DEPARTMENT

FREEMONT INVESTMENTS, LLC AND  
MOUNTAIN PRIME LLC

Plaintiff(s),

vs.

ANGELA J. BENSON AND ROGER D. KIRK

Defendant(s),

COMPLAINT FOR EVICTION  
(UNLAWFUL DETAINER)

Civil No.: 120903898 EV

Judge: Direda

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:

2553 South 4700 West Hooper 84315, Weber County,

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

3. That following a foreclosure sale, 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 \$1,400.00 per month.

4. That by written notice served upon the defendant(s) on or about May 23, 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 May 29, 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 78B-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.

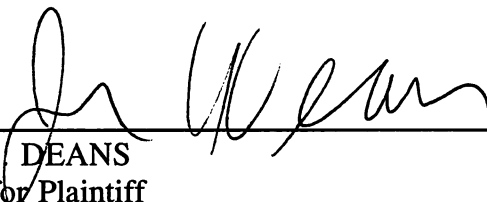
B. **TREBLE** rentals from and including the 30th day of May, 2011 until possession of the rented premises is restored to plaintiff.

C. If necessary, ordering the Sheriff to forcibly evict the defendant(s) (and any and all other persons claiming an interest 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 30th day of May, 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:**May 29th 2012

TO: Angela J. Benson and Roger D Kirk and  
all other occupants at the below listed property.  
2553 S 4700 W Hooper Utah

You will please take notice that as of the 29th day of MAY, 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 23<sup>rd</sup> day of May, 2012.

[Signature]  
(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) 5/23/12 at (place) 2553 S. 4700 W. Hooper by: Utah.  
\_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

Randy Layton5/23/12  
Date



\*W2577474\*

**After Recording Return To:**  
Freemont Investments LLC and  
Mountain Prime LLC  
P.O. Box 755  
Kaysville, UT 84037-0755  
  
Case No. 11-15717/MD

E# 2577474 PG 1 OF 2  
ERNEST D. ROWLEY, WEBER COUNTY RECORDER  
21-May-12 0355 PM FEE \$13.00 DEP SC  
REC FOR: ETITLE INSURANCE AGENCY  
ELECTRONICALLY RECORDED

Parcel ID #: 09-075-0181

(Space above for County Recorder's use)

**TRUSTEE'S DEED**

This Deed is made by eTitle Insurance Agency (the "Trustee"), as trustee under the trust deed described below, in favor of Freemont Investments LLC and Mountain Prime LLC, as grantee: whose address is P.O. Box 755, Kaysville, UT 84037-0755.

On January 28, 2003, Angela J. Benson and Roger D. Kirk, as trustors, executed and delivered to Founders Title Company, as trustee, for the benefit of Wells Fargo Home Mortgage, Inc., as beneficiary, a trust deed to secure the performance by the trustors of their obligations under a promissory note executed and delivered for a valid consideration on or about January 28, 2003. The trust deed was filed for record February 3, 2003, with recorder's entry No. 1910057, Weber County, Utah, and covered the property described below (the "property").

The trust deed beneficiary appointed eTitle Insurance Agency as trustee by a substitution of trustee filed for record July 28, 2011, with recorder's entry No. 2535576, Weber County, Utah.

A default occurred under the terms of the promissory note and trust deed. The Trustee executed and filed for record a written notice of default and election to sell (the "notice of default") July 28, 2011, with recorder's entry No. 2535577, Weber County, Utah.

Not 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 reflecting the filing data 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.

The default was not cured within three months after the filing of the notice of default and the Trustee executed a notice of trustee's sale stating that he would sell the property at public auction to the highest bidder, fixing the date and time of the sale as April 17, 2012, at 10:30 a.m. of said day, and caused copies of the notice of trustee's sale to be posted not less than 20 days before the date of sale on the property and in the office of the Weber County Recorder. The Trustee also caused a copy of the notice of trustee's sale to be published once a week for three consecutive weeks before the date of sale in the Standard Examiner, a newspaper having a general circulation in the county in which the property is situated, the first date of such publication being March 15, 2012, and the last date being March 29, 2012. At least 20 days before the date of the sale, the Trustee also mailed, by certified mail, a copy of the notice of trustee's sale 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.

All applicable statutory provisions of the State of Utah and all of the provisions of the trust deed were complied with as to the acts to be performed and the notices to be given. At the time and place of sale the sale was postponed as allowed by statute. The postponed sale was held May 17, 2012 at 10:30 a.m. of said day and the property was sold to the grantee. Accordingly, the Trustee, by virtue of his authority under the trust deed and in consideration of the premises recited and of the \$127,101.00 bid and paid by the grantee, grants and conveys to the grantee, without any covenant or warranty, express or implied, effective as of the time of the sale, all of the property situated in Weber County, Utah, described as follows:

Part of the Northwest Quarter of Section 17, Township 5 North, Range 2 West, Salt Lake Base and Meridian, described as follows: Commencing at the Southeast corner of the Southeast Quarter of the Northwest Quarter of said Quarter Section, thence West along Quarter Section line 270 feet; thence North 150 feet; thence East 270 feet; thence South 150 feet to the point of beginning.

Excepting the portion lying within 4700 West Street.

More Correctly Described As:

Part of the Northwest Quarter of Section 17, Township 5 North, Range 2 West, Salt Lake Base and Meridian, described as follows: Commencing at the Southeast corner of the Southeast Quarter of said Quarter Section, thence West along Quarter Section line 270 feet; thence North 150 feet; thence East 270 feet; thence South 150 feet to the point of beginning.

Excepting the portion lying within 4700 West Street.

Together with all the improvements now or hereafter erected on the property, and all easements, appurtenances, and fixtures now or hereafter a part of the property.

DATED: 5-21-12

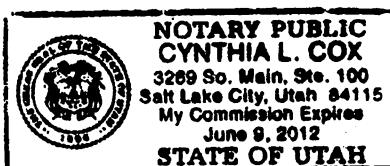
eTitle Insurance Agency, Trustee

By: *Tom Cook*  
 Printed Name: Tom Cook  
 Authorized Officer

State of Utah                                 )  
   : ss.  
 County of Salt Lake                         )

The foregoing trustee's deed was acknowledged before me on May 21, 2012 by Tom Cook an Authorized Officer of eTitle Insurance Agency, Trustee.

*Cynthia L. Cox*  
 Notary Public



# COVER SHEET FOR CIVIL ACTIONS

## PARTY IDENTIFICATION (ATTACH ADDITIONAL SHEETS AS NECESSARY)

### PLAINTIFF/PETITIONER

Name **Freemont Investments, Llc And**  
Address **PO Box 755**  
**Kaysille, 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 **Angela J. Benson**  
Address **2553 South 4700 West**  
**Hooper, UT 84315**  
Day Time Telephone

### ATTY FOR DEFENDANT/RESPONDENT

Name  
Address

Day Time Telephone

### DEFENDANT/RESPONDENT

Name **Roger D. Kirk**  
Address **2553 South 4700 West**  
**Hooper, UT 84315**  
Day Time Telephone

### ~~ATTY FOR DEFENDANT/RESPONDENT~~

Name  
Address

Day Time Telephone

## TOTAL CLAIMS FOR DAMAGES

\$ 1,400.00

## JURY DEMAND

☐ Yes

☒ No

Schedule of Fees: §78a-2-301 (Choose ☒ all that apply. See Page 2 for fees for claims other than claims for damages.)

#### PLEASE CHOOSE ONE BEFORE PROCEEDING:

- ☐ No monetary damages are requested.  
(URCP 26: Tier 2)
- ☐ Damages requested are \$50,000 or less  
(URCP 26: Tier 1)
- ☐ Damages requested are more than \$50,000  
and less than \$300,000 (URCP 26: Tier 2)
- ☐ Damages requested are \$300,000 or more  
(URCP 26: Tier 3)
- ☐ This case is exempt from URCP 26. (E)

— MOTION TO RENEW JUDGMENT —  
\$37.50 ☐ Damages \$2000 or less

\$92.50 ☐ Damages \$2001 - \$9,999  
\$180.00 ☐ Damages \$10,000 & over

#### — COMPLAINT OR INTERPLEADER —

\$75 ☐ Damages \$2000 or less  
\$185 ☐ Damages \$2001 - \$9999  
\$360 ☐ Damages \$10,000 & over  
\$360 ☐ Damages Unspecified

#### — COUNTERCLAIM, CROSS CLAIM, THIRD PARTY CLAIM, OR INTERVENTION —

\$55 ☐ Damages \$2000 or less  
\$150 ☐ Damages \$2001 - \$9999  
\$155 ☐ Damages \$10,000 & over

**Choose ☒ Only One Category**

Fee	Case Type
<b>----- APPEALS -----</b>	
\$360 <input type="checkbox"/>	Administrative Agency Review (E)
Sch <input type="checkbox"/>	Tax Court (Appeal of Tax Commission Decision) Court: Refer to Clerk of Court upon filing.
\$225 <input type="checkbox"/>	Civil (78A-2-301(1)(h)) (E)
\$225 <input type="checkbox"/>	Small Claims Trial de Novo
<b>----- GENERAL CIVIL -----</b>	
\$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 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
<b>----- DOMESTIC -----</b>	
\$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)
<b>----- JUDGMENTS -----</b>	
\$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)
<b>----- PROBATE -----</b>	
\$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
<b>----- SPECIAL MATTERS -----</b>	
\$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