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6/10/2020 12:07:00 PM \$40.00  
Book - 10958 Pg - 6062-6069  
RASHELLE HOBBS  
Recorder, Salt Lake County, UT  
COTTONWOOD TITLE  
BY: eCASH, DEPUTY - EF 8 P.

**WHEN RECORDED, PLEASE RETURN TO:**

**PARSONS BEHLE & LATIMER**  
One Utah Center  
201 South Main Street, Suite 1800  
Post Office Box 45898  
Salt Lake City, Utah 84145-45898  
Attention: Brian P. Rosander

*Space Above for County Recorder's Use*

**Tax Parcel Numbers: 15-04-302-001; 15-04-302-002;**  
**15-04-326-003; 15-04-326-004; and 15-04-326-005**

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**NOTICE OF DEFAULT AND ELECTION TO SELL**

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NOTICE IS HEREBY GIVEN of the default of that certain Trust Deed (the "Trust Deed"), together with any and all interest, fees, and other amounts of indebtedness secured thereby, which is dated June 19, 2015 and granted by **SUNBEAM DAM PROPERTIES, L.L.C.**, a Utah limited liability company, as the Trustor, with **BRIAN P. ROSANDER**, an active member of the Utah State Bar with a place of business at Parsons Behle & Latimer, 201 South Main Street, Suite 1800, Salt Lake City, Utah 84111, as the successor trustee ("Successor Trustee"), and **BRETT SAVAGE**, an individual, as the Beneficiary. The Trust Deed was recorded on September 3, 2015, as Entry No. 12126568 in Book 10359 beginning at Page 644 in the official records of the Salt Lake County Recorder's Office in the State of Utah. The real property and improvements subject to the Trust Deed are situated in Salt Lake County, State of Utah ("Trust Property"), which real property is more particularly described on Exhibit "A" attached hereto and incorporated herein.

FURTHER NOTICE IS HEREBY GIVEN that a default and breach of that certain Trust Deed Note, dated June 19, 2015 (the "Note"), granted by Trustor in favor of Beneficiary, the obligation for which the Trust Property was given as security, has occurred. The Beneficiary has elected to have Successor Trustee sell or cause the Trust Property to be sold to satisfy the obligations secured by the Trust Deed, including, but not limited to, any and all fees, charges, and expenses incurred by the Successor Trustee, any advances from Beneficiary, and any and all interest thereon, and all unpaid principal, accrued interest, late charges, and attorneys' fees and collection costs under the Note secured by the Trust Deed.

The nature of such default and breach of the obligation secured by the Trust Deed is the failure of the Trustor to pay amounts to Beneficiary when due on the maturity date as provided for in the Note and Trust Deed. As a result of the payment breach, among other breaches under the Note and Trust Deed, the entire balance owed by Trustor under the Note is immediately due and payable in full. As of June 10, 2020, the total outstanding principal balance owing to Beneficiary under the Note and Trust Deed is Four Hundred Eleven Thousand One Hundred

Thirty Dollars and No/100 (\$411,130.00), the total accrued and unpaid interest owing to Beneficiary under the Note and Trust Deed is Four Hundred Twenty-Six Thousand Eight Hundred Fifty-Three Dollars and 59/100 (\$426,853.59), the accrued and unpaid late charges owing to Beneficiary under the Note and Trust Deed is Seventy-Eight Thousand Seven Hundred Eight-Six Dollars and 65/100 (\$78,786.65), and all other fees, charges, and expenses, including attorneys' fees and collection costs, owing to Beneficiary under the Note and Trust Deed is Three Thousand One Hundred and Two Dollars and No/100 (\$3,102.00), for a combined amount of Nine Hundred Nineteen Thousand Eight Hundred Seventy-Two Dollars and 24/100 (\$919,872.24). The combined amount of \$919,872.24 owing as of June 10, 2020, together with all other payments, accrued interest, late charges, attorneys' fees, and collection costs owing to Beneficiary have been declared to be due and payable, subject to any rights Trustor may have, if any, to cure the delinquency as provided by Utah law.

The purpose of this Notice of Default and Election to Sell is to collect a debt and any information obtained may be used for that purpose. Trustor is also notified of the following pursuant to the Fair Debt Collection Practices Act:

Unless you notify the Beneficiary or the Successor Trustee, within thirty (30) days after receiving this Notice of Default and Election to Sell, that you dispute the above-described debt or any portion thereof, we will presume that the debt is valid. If you dispute the debt in writing within thirty (30) days from receiving this Notice of Default and Election to Sell, we will obtain verification of the debt and a copy of such verification will be mailed to you. Also, if you make a request to the Beneficiary or the Successor Trustee in writing within thirty (30) days after receiving this Notice of Default and Election to Sell, we will provide you with the name and address of the original creditor, if different from the current creditor. You are further notified that during the 30-day period described above, this foreclosure proceeding will continue, except as provided by Utah law.

*[Intentionally Blank – Signature Page to Follow]*



**EXHIBIT "A"**  
**TO**  
**NOTICE OF DEFAULT AND ELECTION TO SELL**

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LEGAL DESCRIPTION OF TRUST PROPERTY

The real property referenced in the foregoing Notice of Default and Election to Sell as the "Trust Property" is located in Salt Lake County, Utah and is more particularly described as follows:

*[See Attached]*

**For Information Purposes Only**

Trust Property Address: The Trust Property has been assigned the address of 2932 West 500 South in Salt Lake City, Utah.

Parcel 1:

Beginning 1324.33 feet South and 1525.03 feet West from center of Section 4, Township 1 South, Range 1 West, Salt Lake Base and Meridian, said point also being 155.1 feet West from the center of the Southwest quarter of Section 4, Township 1 South, Range 1 West, Salt Lake Base and Meridian, and running thence West 250.0 feet; thence North 225.0 feet; thence West 89.9 feet; thence North 1012.5 feet; thence North 77°35' East 346.5 feet; thence South 555.3 feet; thence South 0°57' East 759.0 feet to the point of beginning.

LESS AND EXCEPTING therefrom the following described 5 parcels (A-E):

Parcel A:

A parcel of land in fee for the relocation of the Western Pacific Railroad Main Line Track incident to the construction of a freeway known as Project No. 80-3, being part of an entire tract of property, in the Northwest quarter of the Southwest quarter of Section 4, Township 1 South, Range 1 West, Salt Lake Base and Meridian, recorded in the records of Salt Lake County as Entry No. 1088535, Book 548, Page 355, of official records. Said parcel being a strip of land 100.00 feet wide, lying 50.0 feet on each side of the following described center line: Commencing at the center of Section 4, Township 1 South, Range 1 West, Salt Lake Base and Meridian; thence South a distance of 442.36 feet; thence West a distance of 1879.92 feet to the point of beginning of said center line. Said point of beginning being at Engineer Station 27+76.5 which point is on the West boundary line of said entire tract, said point being 298.80 feet South along said West boundary line from the existing Southerly right of way fence of the Western Pacific Railroad Company; thence Easterly along the arc of a 3819.83 foot radius curve to the right a distance of 351.2 feet (NOTE: The tangent to said curve bears South 77°36'29" East) to Engineer Station 31+27.70.

Parcel B:

Also less and excepting Beginning 1324.33 feet South and 1525.03 feet West from center of Section 4, Township 1 South, Range 1 West, Salt Lake Base and Meridian, said point also being 155.5 feet West from the center of the Southwesterly quarter of Section 4, Township 1 South, Range 1 West, Salt Lake Base and Meridian, and running thence West 250.0 feet; thence North 225.0 feet; thence West 89.9 feet; thence North 605.68 feet, more or less, to the South right of way line of the WPRR right of way; thence Easterly along the arc of a 3769.38 foot radius curve to the right a distance of 351.2 feet, more or less, thence South 732.29 feet, more or less, to the point of beginning.

Parcel C:

Also less and excepting a parcel of land in fee for the relocation of the Salt Lake Garfield and Western Railroad incident to the construction of a freeway known as Project No. 80-3, being part of an entire tract of property, in the Northwest quarter of the Southwest quarter of Section 4, Township 1 South, Range 1 West, Salt Lake Base and Meridian. The boundaries of said parcel of land are described as follows: Beginning at the intersection of the West boundary line of said entire tract and the Northeasterly right of way line of the Western Pacific Railroad main line, which point is approximately 1 871 feet West and 398 feet South from the center of said Section 4; thence Southeasterly 357.09 feet along the arc of a 3869.83 foot radius curve to the right to the East boundary line of said entire tract (NOTE: Tangent to said curve at its beginning bears South 77°33'24" East); thence North 26.06 feet along said East boundary line to a point 33 feet radially distant Northeasterly from the center line of the Salt Lake Garfield and Western Railroad; thence Northwesterly 359.25 feet along the arc of a 3852.83 foot radius curve to the left to said West boundary line (NOTE: Tangent to said curve at its point of beginning bears North 71°00'46" West); thence South 34.04 feet to the point of beginning as shown on the official map of said project on file in the office of the State Road Commission of Utah.

Parcel D:

Also less and excepting a parcel of land in fee for the relocation of the Salt Lake Garfield and Western Railroad incident to the construction of a freeway known as Project No. 80-3, being part of an entire tract of property, in the Northwest quarter of the Southwest quarter of Section 4, Township 1 South, Range 1 West, Salt Lake Base and Meridian. The boundaries of said parcel of land are described as follows: Beginning at the intersection of the West boundary line of said entire tract and the Northeasterly right of way line of said Salt Lake Garfield and Western Railroad, which point is approximately 1871 feet West and 364 feet South from the center of said Section 4; thence Southeasterly 359.25 feet along the arc of a 3852.83 foot radius curve to the right to the East boundary line of said entire tract (NOTE: Tangent to said curve at its point of beginning bears South 76°21'19" East) thence Northwesterly 370.34 feet along the arc of a 2292.01 foot radius curve to the left to the West boundary line of said entire tract (NOTE: Tangent to said curve at its point of beginning bears North 64°03'52"); thence South 33.53 feet to the point of beginning as shown on the official map of said project on file in the office of the State Road Commission of Utah.

Parcel E:

Also less and Excepting a parcel of land in fee for the relocation of the Salt Lake Garfield and Western Railroad incident to the construction of a freeway know as Project No. 80-3, being part of an entire tract of property, in the Northwest quarter of the Southwest quarter of Section 4, Township 1 South, Range 1 West, Salt Lake Base and Meridian. The boundaries of said parcel of land are described as follows: Beginning in the Northerly right of way line of the Western Pacific Railroad main line at a point opposite Railroad Engineer Station 23+39.38, said point of beginning is approximately 328 feet South and 343 feet East from the West corner of said Section 4; thence Southeasterly 982.99 feet along the arc of a 3869.83 foot radius curve to the right to a point of curve to spiral (NOTE: Tangent to said curve at its point of beginning bears South 69°35'27" East); thence Southeasterly 301.96 feet along the arc of a spiral concentric with and 50 feet radially distant Northeasterly from a 300 foot ten-chord spiral for a 1 degrees 30' curve to the right (NOTE: Tangent to said spiral at its point of beginning bears South 69°35'27" East), thence Southeasterly 104.84 feet along the Northeasterly right of way line of said Western Pacific Railroad main line to a point of tangent to spiral opposite Railroad Engineer Station 37+14.43; thence Southeasterly 298.04 feet along the arc of spiral concentric with and 50 feet radially distant Northeasterly from a 300 foot ten chord spiral for a 1 degrees 30' curve to the left, to a point of spiral to curve opposite Railroad Engineer Station 40+14.45 (NOTE: Tangent to said spiral at its point of beginning bears South 67°20'26" East); thence Southeasterly 2489.67 feet along the arc of a 3769.83 foot radius curve to the left, to the intersection of the Northerly right of way line of the Western Pacific Railroad with the Northerly right-of-way line of the Union Pacific Railroad (NOTE: Tangent to said curve at its point of beginning bears South 69°35'27" East); thence Southwesterly 176.36 feet along the Northwesterly right of way line said Union Pacific Railroad to a point 10 feet radially distant Southerly from the center line of the Salt Lake Garfield and Western Railroad relocation opposite Railroad Engineer station 176+63.64; thence Westerly and Northwesterly 2330.36 feet along the arc of a 3795.67 foot radius curve to the right (NOTE: Tangent to said curve at its point of beginning bears South 75°13'57" West); thence North 68°05'29" West 300.39 feet; thence North 67°20'26" West 200.58 feet; thence North 68°05'25" West 299.61 feet to a point 10 feet radially distant Southwesterly from the center line of said Salt Lake Garfield and Western Railroad relocation opposite Railroad Engineer Station 147+40.93; thence Northwesterly 886.06 feet along the arc of a 3809.83 foot radius curve to the left to the point of beginning (NOTE: Tangent to said curve at its point of beginning bears North 69°35'26" West).

Also less and excepting therefrom those parcels deeded to Utah Department of Transportation, Western Pacific Railroad, Salt Lake Garfield and Western Railroad and/or their successors and/or predecessors.

Tax Parcel No.: 15-04-302-001

Parcel 2:

Commencing South 89°54'24" West 1190.35 feet from the center of Section 4, Township 1 South, Range 1 West, Salt Lake Base and Meridian, and running thence South 77°44'14" West 234.31 feet; thence South 0°57'36" East 511.66 feet to the Southerly boundary line of the land conveyed to Intermountain Development, Inc., by Deed recorded February 23, 1955 as Entry No. 1413846 in Book 1172 at Page 67; thence along the Southerly and Westerly boundary of said Intermountain Development Land the following 2 courses South 89°54'24" West 66.67 feet, more or less; thence North 561 feet; thence North 89°54'24" East 293.66 feet to the beginning. LESS AND EXCEPTING that portion lying within the right-of-way of the Western Pacific Railroad. Also, less and excepting therefrom those parcels deeded to Utah Department of Transportation, Western Pacific Railroad, Salt Lake Garfield and Western Railroad and/or their successors and/or predecessors.

Tax Parcel No.: 15-04-302-002

Parcel 3:

Beginning on the Southerly line of canal at a point 38 rods West and South 378.56 feet, more or less, from the center of Section 4, Township 1 South, Range 1 West, Salt Lake Base and Meridian, and running thence South 426 feet, more or less, to the Northerly line of a railroad right of way; thence Southeasterly along said right of way 360 feet, more or less, to the Westerly line of said canal; thence Northwesterly along canal 600 feet, more or less, to the point of beginning. LESS AND EXCEPTING therefrom those parcels deeded to Utah Department of Transportation, Western Pacific Railroad, Salt Lake Garfield and Western Railroad and/or their successors and/or predecessors.

Tax Parcel No.: 15-04-326-003

Parcel 4:

Beginning at a point on the West bank of the Surplus Canal South 89°54'24" West 1127.89 feet from the center of Section 4, Township 1 South, Range 1 West, Salt Lake Base and Meridian, and running thence South 89°54'24" West 62.46 feet; thence South 77°44'14" West 234.31 feet; thence South 0°57'36" East 511.66 feet; thence North 89°54'24" East 491.03 feet; thence South 0°12'04" East 759.00 feet; thence North 89°54'24" East 96.69 feet; thence North 0°12'04" West 1025.86 feet to the West bank of the Surplus Canal; thence along said West bank of Surplus Canal North 51°20'36" West 91.90 feet; thence continuing along the West bank of Surplus Canal North 44°30'03" West 331.23 feet to the point of beginning. LESS AND EXCEPTING therefrom that portion lying Southerly of the Northerly line of the Railroad and/or Utah Department of Transportation property, including, but not limited to the following: That portion taken by the State Road Commission by Final Order of Condemnation for the Western Pacific Railroad right-of-way, by Final Order recorded March 20, 1968 as Entry No. 2237938 in Book 2641 at Page 317 of the Official Records. That portion conveyed to the State Road Commission for widening of the Western Pacific Railroad right-of-way by Deed recorded March 28, 1974 as Entry No. 2608883 in Book 3544 at Page 37 of the Official Records. That portion conveyed to the Utah Department of Transportation for widening of the Western Pacific Railroad right-of-way by Deed recorded July 10, 1979 as Entry No. 3306083 in Book 4898 at Page 61 of the Official Records. That less and excepting therefrom that portion conveyed to Salt Lake County by Deed recorded January 27, 1959 as Entry No. 1633883 in Book 1581 at Page 425 of the Official Records.

Tax Parcel No.: 15-04-326-004

Parcel 5:

Commencing at a point 38 rods West from the center of Section 4, Township 1 South, Range 1 West, Salt Lake Base and Meridian, and running thence West 12 rods; thence South 80 rods; thence East 12 rods; thence North 80 rods to the place of beginning; being also known as part of Lots 3 and 14, Block 29, Brighton Farming Plat. LESS tract deeded to railroad and Utah Department of Transportation. ALSO, less and excepting therefrom the following: Beginning at a point which lies South 89°55'23" West 825.44 feet

and South  $0^{\circ}11'25''$  East 869.62 feet from the center of said Section 4 (said point of beginning lies on the South line of a railroad right of way) and running thence South  $69^{\circ}57'48''$  East along said South line a chord distance of 209.73 feet; thence South  $0^{\circ}12'21''$  East 401.62 feet to the North line of 500 South Street; thence South  $89^{\circ}55'23''$  West 196.91 feet along said North line; thence North  $0^{\circ}11'25''$  West 473.75 feet to the point of beginning. Also Less and excepting therefrom any portion lying within the Jordan River Surplus Canal.

Tax Parcel No.: 15-04-326-005