



W3189690

WHEN RECORDED MAIL TO:

Ian S. Davis
Denton Durham Jones Pinegar
111 South Main St., Ste 2400
Salt Lake City, Utah 84111

E# **3189690** PG 1 OF 6
Leann H. Kilts, WEBER COUNTY RECORDER
12-Oct-21 11:18 AM FEE \$50.00 DEP TN
REC FOR: DENTONS DURHAM JONES PINEGAR SAL
ELECTRONICALLY RECORDED

Tax Parcel ID Nos: 21-126-0001, 21-126-0002, 21-126-0003, 21-126-0006, 21-126-0011, 21-130-0001,
21-130-0003, 21-130-0004, 21-130-0006, 21-001-0014, 21-001-0015, 23-012-0022, 20-169-0001,
20-169-0002 and 21-111-0001

NOTICE OF DEFAULT

Notice is hereby given, pursuant to Utah Code Section 57-1-24(1), that a breach of an obligation for which the trust property was given as security has occurred under the following documents of record in Weber County, Utah (collectively, the "Deed of Trust"):

1. Deed of Trust, Security Agreement, Assignment of Leases and Rents and Fixture Filing: Trustor: Sanctuary Ranch Utah, LLC, a Utah limited liability company and Timothy P. Charlwood, an individual, also known as Timothy Patrick Charlwood; Trustee: Cottonwood Title Insurance Agency, Inc.; Beneficiary: Mountain West Debt Fund, LP, a Delaware limited partnership; Dated: July 15, 2016; Recorded: July 15, 2016 as Entry Number 2803929.
2. Assignment of Rights Under Covenants, Conditions and Restrictions, Sales Agreements, Permits, and Development Documents in favor of Mountain West Debt Fund, LP, a Delaware limited partnership, dated July 15, 2016 and recorded July 15, 2016, as Entry No. 2803930.
3. Modification Agreement under said Deed of Trust dated December 13, 2016 and recorded December 13, 2016 as Entry No. 2831753 of Official Records.
4. Modification Agreement under said Deed of Trust dated May 1, 2017 and recorded May 1, 2017 as Entry No. 2854988 of Official Records.
5. Assignment of Deed of Trust and Rights in favor of Mountain West REIT, LLC, a Delaware limited liability company, recorded March 19, 2020 as Entry No. 3042192.
6. Modification Agreement under said Deed of Trust dated February 15, 2020 and recorded April 2, 2020 as Entry No. 3044937 of Official Records.

The real property subject of the Deed of Trust is attached hereto as Exhibit A, and incorporated herein by this reference (the "Property").

The Beneficiary elects to exercise its rights under the Uniform Commercial Code of Utah (the "UCC") to the personal property and fixtures of Trustor, as pledged in the Deed of Trust, as set forth more fully in Exhibit B, attached hereto, and pursuant to Article 9a of the UCC.

The nature of the breach known at this time is non-payment of the entire balance of principal and interest secured by the Deed of Trust that was all due and payable on June 15, 2020, together with late charges, and any other payments or performance of any other obligation secured by the Deed of Trust that are now due or become due prior to payoff, including fees and costs.

The Property subject to the Deed of Trust is, for reference purposes, located in Weber County, and located in the Sanctuary or Green Hill Country Estates Subdivisions, Huntsville, Utah.

The Trustee who is Ian S. Davis should be contacted for correction, clarification, or quotation of the amount needed for payoff.

The obligation which the Deed of Trust secures has been declared to be and is by its terms accelerated, and the entire balance thereof is due and payable, together with interest, costs, attorney fees, and advances for taxes and insurance, if any, subject to the provisions of Utah Code Section 57-1-31 (1953, as amended).

The Trustee hereby declares that he elects to sell all of such Property to satisfy the obligations secured thereby.

[signature page follows]

DATED: October 12, 2021.

TRUSTEE

Ian S. Davis
Ian S. Davis

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me on the 12th day of October, 2021, by Ian S. Davis, Trustee.

Carol S. Mackay
NOTARY PUBLIC



All correspondence and inquiries should be directed to:

Ian S. Davis
Denton Durham Jones Pinegar
111 South Main St., Ste 2400
Salt Lake City, Utah 84111
(801) 415-3000
Office hours: 8:00 am – 5:00 pm

EXHIBIT A

The following land situate in Weber County, State of Utah and described as follows:

PARCEL 1:

Lot 1, THE SANCTUARY SUBDIVISION, according to the official plat thereof as recorded in the office of the Weber County Recorder, State of Utah on July 16, 2013 as Entry No. 2645602 in Book 74 at Page 31.

PARCEL 2:

Shared Ownership Interest consisting of an undivided 6/12 fee simple ownership interest as a tenant in common in Lot 2, THE SANCTUARY SUBDIVISION, according to the official plat thereof, and as according to the Second Amended and Restated Declaration of Covenants, Conditions, Easements and Restrictions for Sanctuary Utah, recorded on January 9, 2019 as Entry No. 2645602 in the office of the Weber County Recorder, State of Utah, together with the exclusive right to possess and occupy the Residence during the calendar months of January, February, April, May, June and July, each and every calendar year.

PARCELS 3 through 12:

Lots 3, 6 and Private Roadways within THE SANCTUARY SUBDIVISION, according to the official plat thereof as recorded in the office of the Weber County Recorder, State of Utah on July 16, 2013 as Entry No. 2645602 in Book 74 at Page 31.

Lots 4, 5, 7 and 8 within THE SANCTUARY FIRST AMENDMENT SUBDIVISION, according to the official plat thereof as recorded in the office of the Weber County Recorder, State of Utah on May 5, 2014 as Entry No. 2685089 in Book 75 at Page 71.

Lots 4 and 5 (the same being the East half of the Northeast quarter) of Section 4, Township 6 North, Range 2 East, Salt Lake Base and Meridian.

EXCEPTING THEREFROM that portion lying within the bounds of The Sanctuary Subdivision and The Sanctuary First Amendment Subdivision.

The Northwest quarter of Section 3, Township 6 North, Range 2 East, Salt Lake Base and Meridian.

EXCEPTING THEREFROM that portion lying within the bounds of The Sanctuary Subdivision and The Sanctuary First Amendment Subdivision.

The Southwest quarter of Section 34, Township 7 North, Range 2 East, Salt Lake Base and Meridian.

PARCEL A:

A perpetual easement for ingress, egress and utilities over and across the existing 50' private road as more particularly described and conveyed in that certain Right of Way and Easement recorded January 14, 1998 as Entry No. 1515370 in Book 1901 at Page 2685, and in that certain Easement Agreement and Declaration of Covenants recorded September 23, 2004 as Entry No. 2058175 of official records.

PARCEL 13:

Lots 1 and 2, SANCTUARY LAKESIDE SUBDIVISION, according to the official plat thereof as recorded in the office of the Weber County Recorder on March 11, 2019 as Entry No. 2969264 in Book 85 at Page 10.

PARCEL 14:

All of Lot 99, GREEN HILL COUNTRY ESTATES, PHASE NO. 6, LOT 99 - FIRST AMENDMENT, according to the official plat thereof as recorded in the office of the Weber County Recorder on July 10, 2006 as Entry No. 2192505 in Book 64 at Page 21.

EXHIBIT B

UCC Collateral

All of Trustor's right, title and interest in, to and under the Property (as that term is defined in the Deed of Trust) and all proceeds and products thereof, in each case, whether now owned or existing, or hereafter acquired or arising to the full extent that the Property may be subject to the Uniform Commercial Code (said portion of the Property so subject to the Uniform Commercial Code being called in this paragraph the "Collateral").