



**Tax Parcel Nos.:**  
10-038-0011 & 10-038-0014.

E# 2549426 PG 1 OF 4  
ERNEST D ROWLEY, WEBER COUNTY RECORDER  
09-Nov-11 0426 PM FEE \$18.00 DEP SC  
REC FOR: CHARGER TITLE  
ELECTRONICALLY RECORDED

**WHEN RECORDED RETURN TO:**  
PRIVATE CAPITAL GROUP, INC.  
160 West Canyon Crest Rd.  
Alpine, Utah 84004

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*Space above for County Recorder's Use*

**NOTICE OF DEFAULT AND ELECTION TO SELL**

NOTICE IS HEREBY GIVEN of the default of that certain Deed of Trust ("*Deed of Trust*"), together with the indebtedness secured thereby, which is dated APRIL 7, 2011 and granted by LITTLE MOUNTAIN RABBIT PATCH, LLC, a Utah limited liability company as trustor ("*Trustor*"), with DOUGLAS J. SHUMWAY, ESQ., of the law firm of Shumway Van & Hansen, Chtd., located at 160 West Canyon Crest Rd., Alpine, Utah 84004, as trustee ("*Trustee*"), and those individuals/entities listed on the attached Exhibit A and their successors and assigns, whose mailing address is c/o Private Capital Group, 160 West Canyon Crest Rd., Alpine, Utah 84004 as beneficiary and secured party ("*Beneficiary*"). The Deed of Trust was recorded on APRIL 11, 2011, as Entry No. 2522981 in the Official Records of the County Recorder of Weber County, State of Utah. The property subject to the Deed of Trust is situated in Weber County, State of Utah, and is more particularly described on the attached Exhibit B, which is incorporated herein by this reference ("*Trust Property*").

FURTHER NOTICE IS HEREBY GIVEN that a breach of that certain Secured Promissory Note, dated APRIL 7, 2011, ("*Note*"), between Trustor and Beneficiary, the obligation for which the Trust Property was given as security has occurred. Beneficiary has elected to have Trustee sell or cause the Trust Property to be sold to satisfy the obligations secured by the Deed of Trust, including, but not limited to, appropriate fees, charges, and expenses incurred by Trustee, advances, if any, under the terms of the Deed of Trust, interest thereon, and the unpaid principal, accrued interest, late fees and charges, and attorneys' fees and costs of the Note secured by the Deed of Trust.

The nature of such default and breach of the obligation secured by the Deed of Trust is the failure of Trustor to pay amounts to Beneficiary when due as provided for in the Note and Deed of Trust. The Note and the principal sum of \$1,000,000.00, together with any and all accrued interest, late fees and charges, and all costs and fees including attorneys' fees have been declared to be due and payable, subject to any rights Trustor may have to cure the delinquency as provided by Utah law.


The purpose of this notice ("Notice") 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 Beneficiary or Trustee, within thirty (30) calendar days after receiving this Notice, 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) calendar days from receiving this Notice, 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 Beneficiary or Trustee in writing within thirty (30) calendar days after receiving this Notice, 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.

DATED this 9<sup>th</sup> day of November, 2011.

TRUSTEE:

  
DOUGLAS J. SHUMWAY, ESQ.  
SHUMWAY VAN & HANSEN, CHTD.  
160 W. Canyon Crest Road  
Alpine, UT 84004  
Telephone: (801) 216-8885  
Facsimile: (801) 216-8887  
Office Hours 8:30 a.m. to 5:00 p.m.

STATE OF UTAH     )  
                          : ss.  
COUNTY OF UTAH    )

On 11/9/2011 before me, Jodi F. Miller, a notary public in and for said state, personally appeared Douglas J. Shumway, Esq., an active member of the Utah State Bar residing in Salt Lake City, Utah, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within NOTICE OF DEFAULT AND ELECTION TO SELL and acknowledged to me that he executed the same in his authorized capacity as Successor Trustee under the aforementioned Deed of Trust, and that by his signature on the instrument, he acted and executed the NOTICE OF DEFAULT AND ELECTION TO SELL.



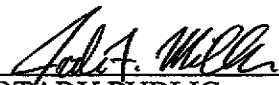
  
NOTARY PUBLIC

EXHIBIT "A"

## LIST OF BENEFICIARIES

- i. Sunwest Trust as Custodain for Richard A. Schleicher IRA 201105900 with an undivided zero and seventy-four hundredths percent (0.74000000) interest;
- ii. Equity Trust Company Custodian FBO Thomas Duro IRA Acct. 116580 with an undivided one and zero percent (1.00000000) interest;
- iii. Equity Trust Company Custodian FBO Judith Duro IRA Acct. 116582 with an undivided one and one tenths percent (1.10000000) interest;
- iv. Equity Trust Company Custodian FBO Thomas Duro IRA Acct. 116581 with an undivided one and forty-five hundredths percent (1.45000000) interest;
- v. Equity Trust Company Custodian FBO Mark Dehaven IRA Acct. 115660 with an undivided one and five tenths percent (1.50000000) interest;
- vi. Equity Trust Company Custodian FBO Donald Paul IRA Acct. 116681 with an undivided one and nine tenths percent (1.90000000) interest;
- vii. Equity Trust Company Custodian FBO Scott Orf IRA Acct. 115580 with an undivided two and zero percent (2.00000000) interest;
- viii. Equity Trust Company Custodian FBO Claire B. Hawley IRA Acct. 115185 with an undivided two and three tenths percent (2.30000000) interest;
- ix. Scott Burgess with an undivided two and five tenths percent (2.50000000) interest;
- x. Equity Trust Company Custodian FBO Kenneth Irons IRA Acct. 116702 with an undivided two and five tenths percent (2.50000000) interest;
- xi. Equity Trust Company Custodian FBO Steven Ray IRA Acct. 116621 with an undivided two and eighty-six hundredths percent (2.86000000) interest;
- xii. Equity Trust Company Custodian FBO Shirley Karman IRA Acct. 111612 with an undivided three and zero percent (3.00000000) interest;
- xiii. Equity Trust Company Custodian FBO Glen Hughes IRA Acct. 114308 with an undivided three and two tenths percent (3.20000000) interest;
- xiv. Equity Trust Company Custodian FBO John B. Giacoma IRA Acct. 116675 with an undivided three and four tenths percent (3.40000000) interest;
- xv. Equity Trust Company Custodian FBO Gregory A. Hansen IRA Acct. 116052 with an undivided three and eighty-five hundredths percent (3.85000000) interest;
- xvi. Equity Trust Company Custodian FBO Mary Lear IRA Acct. 116988 with an undivided four and two tenths percent (4.20000000) interest;
- xvii. Sunwest Trust as Custodian for Patricia Werner IRA 201105891 with an undivided five and zero percent (5.00000000) interest;
- xviii. Equity Trust Company Custodian FBO Barry Snyder IRA Acct. 116506 with an undivided five and zero percent (5.00000000) interest;
- xix. Equity Trust Company Custodian FBO Diana Cone IRA Acct. 116493 with an undivided five and zero percent (5.00000000) interest;
- xx. Carolyn May with a undivided five and zero percent (5.00000000) interest;
- xxi. PENSICO Trust Company Custodian FBO David Greenlees IRA Acct. 20004341 with an undivided seven and five tenths percent (7.50000000) interest; and
- xxii. Equity Trust Company Custodian FBO John Schuch IRA Acct. 106751 with an undivided thirty five and zero percent (35.00000000) interest.

**EXHIBIT "B"****DESCRIPTION OF THE PROPERTY****PARCEL NO. 1:**

Part of the Southeast Quarter of Section 17, Township 6 North, Range 3 West, Salt Lake Base and Meridian, U.S. Survey; BEGINNING at a point in the center of Spur Rail said point being 24.85 feet North 89°50' East along the section line and 1181.94 feet North 0°02'24" East from the Southwest corner of said quarter section; Running THENCE North 0°02'24" East 255.62 feet along the centerline of said spur rail; THENCE North 89°45'54" East 268.03 feet to an existing fence line extended; THENCE South 01°16'45" West 255.71 feet along said fence and fence line extended; THENCE South 89°45'54" West 262.50 feet to THE POINT OF BEGINNING.

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**PARCEL NO. 2:**

Part of the Southeast Quarter of Section 17, Township 6 North, Range 3 West, Salt Lake Base and Meridian, U.S. Survey; BEGINNING at a point which is 25 feet North 89°50' East and North 0°02'24" East 50 feet from the intersection of the centerline of 900 South Street (being the South section of line of Section 17) and the West line of the East 1/2 of Section 17; Running THENCE North 89°50' East along the North line of 900 South Street 949.8 feet to the Westerly line of 9300 West Street; THENCE North 00°02'24" East along the Westerly line of 9300 West Street 2219.25 feet; THENCE South 89°50' West 949.80 feet to the centerline of easement as dedeed in Book 1229, Page 641, Parcel 1, said point being on East line of the property dedeed to the Western Zirconium Inc. in Book 1265, Page 698; thence South 0°02'24" West along said Easterly line 2219.25 feet to THE POINT OF BEGINNING.

EXCEPTING THEREFROM the following described parcel:

BEGINNING at a point in the center of Spur Rail said point being 24.85 feet North 89°50' East along the section line and 1181.94 feet North 00°02'24" East from the Southwest corner of said quarter section; Running THENCE North 00°02'24" East 255.62 feet along the centerline of said spur rail; THENCE North 89°45'54" East 268.03 feet to an existing fence line extended; THENCE South 01°16'45" West 255.71 feet along said fence and fence line extended; THENCE South 89°45'54" West 262.50 feet to THE POINT OF BEGINNING.

TAX ID No.: 10-038-0014 *JNR*

PROPERTY ADDRESS: 791 South 9300 West, Ogden, UT 84404

**ACCOMMODATION RECORDING ONLY  
CHARGER TITLE INSURANCE AGENCY  
ASSUMES NO LIABILITY IN  
CONNECTION WITH THE RECORDING  
OF THIS DOCUMENT.**