

ENT 19452:2025 PG 1 of 3  
**ANDREA ALLEN**  
**UTAH COUNTY RECORDER**  
2025 Mar 19 11:54 AM FEE 40.00 BY MG  
RECORDED FOR Ray Quinney & Nebeker, P.C.  
ELECTRONICALLY RECORDED

When Recorded Return To:

Michael R. Johnson, Esq. (Utah Bar No. 7070)  
Ray Quinney & Nebeker P.C.  
36 South State Street, Suite 1400  
Salt Lake City, UT 84111

**NOTICE OF DEFAULT AND ELECTION TO SELL**

NOTICE IS HEREBY GIVEN by Michael R. Johnson, Esq. (Utah Bar No. 7070), Successor Trustee, an active member of the Utah State Bar residing in Utah, that a default has occurred under that *Commercial Real Estate Deed of Trust*, dated September 13, 2022, executed by Brian Kunz, a married man, as Grantor ("Trustor"), in which Capital Community Bank was named as original Trustee and Beneficiary ("Beneficiary"), and recorded on September 15, 2022, as Filing No. 100663:2022, in the official records of Utah County, State of Utah, as amended by that certain *Modification Agreement—Deed of Trust*, dated September 26, 2022, executed by Brian Kunz, a married man, as Grantor, in which Capital Community Bank was named as Lender and Beneficiary, and recorded on September 28, 2022, as Filing No. 104898:2022 in the official records of Utah County, State of Utah (collectively, the "Trust Deed). The real property affected thereby is situated in Utah County, Utah, and is more particularly described as follows (collectively with the improvements and fixtures thereon or relating thereto, the "Property"):

Lot 17, Plat "B", THE RANCH AT WESTFIELD PARK SUBDIVISION, according to the official plat thereof, as recorded in the office of the Utah County Recorder, Utah County, State of Utah. Less and Excepting therefrom the following: Commencing at the Northwest corner of Lot 18, Plat "B", The Ranch at Westfield Park Subdivision according to the official plat thereof filed on July 5, 1994 as Entry No. 55073, Utah County Recorder's Office, said point being 490.74 feet North 00°01'35" East and 180.89 feet East of the East Quarter Corner of Section 26, Township 4 South, Range 1 East, Salt Lake Base and Meridian, and running thence South 43°53'38" West 360.08 feet; thence North 40°04'42" East 352.19 feet; thence 25.00 feet along a 227.00 foot radius curve to the left (chord bearing South 66°24'35" East 24.99 feet) to the point of beginning.

For informational purposes only, the trust property or its address is purportedly known as approximately 769 West Ranch Circle, Alpine, UT 84004. The parcel identification number for the real property is purported to be 51-238-0034.

Certain events of default have in fact occurred under the Trust Deed, and in the promissory notes and other contractual documents that were executed regarding the Trust Deed, including but not limited to that certain *Commercial Line of Credit Renewal Agreement and Note (Open End)*, dated September 13, 2022, that certain *Unlimited Continuing Guaranty*, dated November 3, 2022, that certain *Change in Terms Agreement*, dated April 6, 2023, that certain *Commercial Guaranty*, dated April 6, 2023, and that certain *Forbearance Agreement*, date June \_\_\_, 2024 (collectively, the "Loan Documents"), executed by Trustor in favor of Beneficiary,

and pursuant to which the obligations secured by the Trust Deed, including all principal, interest, default interest and other charges, and attorneys' fees and costs, were required to be paid and satisfied in full by no later than December 31, 2024. The obligations evidenced by the Loan Documents and secured by the Trust Deed were not paid and satisfied in full by December 31, 2024, and substantial obligations remaining due and owing to Beneficiary.

A Substitution of Trustee has been executed by Beneficiary and duly recorded in the official records of the Utah County Recorder, providing that Michael R. Johnson, an active member of the Utah State Bar residing in Utah, is the current trustee under the Deed of Trust ("Successor Trustee").

By reason of said default of the Trustor under the Trust Deed, Beneficiary has made a written request of Successor Trustee to file a Notice of Default and Election to Sell.

Wherefore, by reason thereof, the Successor Trustee has declared and does hereby declare all sums and obligations secured by the Trust Deed, including all sums and obligations due under the aforementioned Loan Documents, immediately due and payable in full, and has elected to cause the Property to be sold to satisfy the obligations secured thereby, *i.e.*, the outstanding principal balance owed under the aforementioned Loan Documents, and all other amounts secured by the Trust Deed.

The undersigned disclaims any responsibility for any error in the description of the physical address or legal description of the Property. The Trustee's mailing address and the address of the Trustee's office is c/o Ray Quinney & Nebeker, 36 South State Street, Suite 1400, Salt Lake City, UT 84111. The Trustee may be contacted at (801) 532-1500, between the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

DATED this 19<sup>th</sup> day of March, 2025.



Michael R. Johnson (Utah State Bar No. 7070)  
 Ray Quinney & Nebeker P.C.  
 Successor Trustee  
 36 South State Street, Suite 1400  
 Salt Lake City, Utah 84111  
 (801) 532-1500

STATE OF UTAH )  
                  )ss:  
COUNTY OF UTAH )

The foregoing instrument was duly acknowledged before me this 19<sup>th</sup> day of March, 2025, by Michael R. Johnson, in his capacity as Successor Trustee under the Trust Deed identified above.

  
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NOTARY PUBLIC

