

57 (i) person who requests a copy of any notice of default or notice of sale under  
58 Subsection 57-1-26(1)(a); and

59 (ii) person who is a party to the trust deed to whom a copy of a notice of default would  
60 be required to be mailed by Subsection 57-1-26(3).

61 (4) A substitution of trustee shall be in substantially the following form:

62 Substitution of Trustee

63 (insert name and address of new trustee)

64 is hereby appointed successor trustee under the trust deed executed by \_\_\_\_ as  
65 trustor, in which \_\_\_\_ is named beneficiary and \_\_\_\_ as trustee, and filed for record  
66 \_\_\_\_\_(month\day\year), and recorded in Book \_\_\_\_, Page \_\_\_\_, Records of \_\_\_\_  
67 County, (or filed for record \_\_\_\_\_(month\day\year), with recorder's entry No. \_\_\_\_, \_\_\_\_  
68 County), Utah.

69 (Insert legal description)

70  
71 Signature\_\_\_\_\_

72 (Certificate of Acknowledgment)

73 Section 2. Section 57-1-23.5 is enacted to read:

74 **57-1-23.5. Civil penalty for unauthorized person who exercises power of sale.**

75 (1) As used in this section, "unauthorized person" means a person who does not qualify  
76 as a trustee under Subsection 57-1-21(1)(a)(i) or (iv).

77 (2) (a) ~~§~~ **[An]** The attorney general may assess an ~~§~~ unauthorized person who  
77a exercises a power of sale ~~§~~ **[is subject to]** ~~§~~ a civil  
78 penalty in the amount of \$2,000.

79 (b) In an action to ~~§~~ **[impose]** collect ~~§~~ a civil penalty under Subsection (2)(a), the  
79a court shall  
80 require ~~§~~ **[a]** an unauthorized ~~§~~ person found to ~~§~~ **[violate Subsection (2)(a)]** have  
80a exercised a power of sale ~~§~~ to pay the plaintiff's costs and attorney fees.

80b ~~§~~ **(c) A civil penalty collected under this section shall be deposited into the General Fund.** ~~§~~

81 Section 3. Section 57-1-24.5 is enacted to read:

82 **57-1-24.5. Notice to trustor of intent not to defer notice of sale.**

83 (1) A beneficiary, or the beneficiary's authorized agent, shall deliver or send a notice to  
84 a trustor as provided in Subsection (2) if:

- 85 (a) the trust property is residential;
- 86 (b) a notice of default is filed under Section 57-1-24 with respect to the trust property;
- 87 (c) during the three-month period described in Subsection 57-1-24(3), the beneficiary