

88 _____, _____ County), Utah.

89 (Insert legal description)

90 Signature_____

91 (Certificate of Acknowledgment)"

92 (5) (a) A trustee of a trust deed may, in accordance with this Subsection (5), resign as
93 trustee by filing for record in the office of the recorder of each county in which the trust
94 property is located, a resignation of trustee.

95 (b) A trustee's resignation under this Subsection (5) takes effect upon the recording of a
96 resignation of trustee.

97 (c) A resignation of trustee shall be in substantially the following form:

98 "Resignation of Trustee

99 _____([Insert] insert name and address of resigned trustee)

100 hereby resigns as trustee under the trust deed executed by (insert name of trustor) as trustor, in
101 which (insert name of the beneficiary) is named beneficiary and (insert name of trustee) as
102 trustee, and filed for record (insert the month, day, and year the trust deed was recorded), and
103 recorded in Book ____, Page ____, Records of _____ County, [~~f~~]Utah or with
104 recorder's entry no.____, _____ County[~~}]~~, Utah.

105 (Insert legal description)

106 Signature _____

107 (Certificate of acknowledgment)"

108 (d) (i) Within three days after the day on which a trustee resigns under this Subsection
109 (5), the trustee shall [~~deliver~~] provide written notice of the trustee's resignation to each party in
110 any legal action pending against the trustee that is related to or arises from the trustee's
111 performance of a duty of a trustee.

112 (ii) ~~H~~→ [~~(A)~~] ←~~H~~ Except as provided in Subsection (5)(d)(iv), within 10 days after
112a the day on

113 which a party [~~receives~~] is provided a notice described in Subsection (5)(d)(i), the party may
114 move the court to substitute the beneficiary of the trust deed as defendant in the action in the
115 place of the trustee until a successor trustee is appointed. [~~When a successor trustee is~~
116 ~~appointed, the]~~

117 ~~H~~→ [~~(B)~~ If a court substitutes a beneficiary of a trust deed as a defendant in an action under
118 Subsection (5)(d)(ii)(A), the court shall, once a successor trustee is appointed, substitute aⓈ

119 ~~Successor trustee [shall be substituted] as a defendant in the action in place of the beneficiary.~~ ←H

120 (iii) Except as provided in Subsection (5)(d)(iv), if, after the expiration of the time
121 described in Subsection (5)(d)(ii)(A), a party does not move the court to substitute the
122 beneficiary or the successor trustee in place of the trustee as defendant, the court shall dismiss
123 with prejudice all claims against the withdrawn trustee.

124 (iv) Subsection (5)(d)(ii) and (5)(d)(iii) do not apply to a cause of action against a
125 trustee that alleges negligent or intentional misconduct by the withdrawn trustee.

126 (e) (i) The withdrawal of a trustee of a trust deed under this section does not affect the
127 validity or the priority of the trust deed.

128 (ii) After a trustee withdraws under this part, only a qualified successor trustee
129 appointed by the beneficiary under Section 57-1-22 may exercise trustee powers, including the
130 power of sale.

131 Section 2. Section **57-1-22.1** is enacted to read:

132 **57-1-22.1. Effect on trustee of a legal action involving a trust.**

133 (1) A party in a legal action that involves a trust deed is not required to join the trustee
134 as a party in the action unless the legal action pertains to a breach of the trustee's obligations
135 under this chapter or under the trust deed.

136 (2) A trustee of a trust deed is required to act pursuant to a court order against the trust
137 deed beneficiary to the extent the order requires an action that the trustee is authorized to take
138 under this chapter or under the trust deed.

139 (3) If a party in a legal action that involves a trust deed joins the trustee in an action
140 that does not pertain to the trustee's obligations under this chapter or under the trust deed, the
141 court shall dismiss the action against the trustee and award the trustee reasonable attorney fees
142 arising from the trustee being joined in the legal action.

143 Section 3. Section **57-1-26** is amended to read:

144 **57-1-26. Requests for copies of notice of default and notice of sale -- Mailing by**
145 **trustee or beneficiary -- Publication of notice of default -- Notice to parties of trust deed.**

146 (1) (a) Any person desiring a copy of any notice of default and of any notice of sale
147 under any trust deed shall file for record a duly acknowledged request for a copy of any notice
148 of default and notice of sale:

149 (i) in the office of the county recorder of any county in which the trust property or any