

IN THE UTAH COURT OF APPEALS

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Wayne R. Bevan,	)	MEMORANDUM DECISION
	)	(Not For Official Publication)
Plaintiff and Appellant,	)	
	)	Case No. 20051043-CA
v.	)	
	)	
David B. Boyce; HSBC Mortgage	)	F I L E D
Services, Inc.; Wilmington	)	(February 2, 2006)
Finance; Backman-Stewart Title	)	
Services; Mortgage Electronic	)	2006 UT App 31
Registration Services; and	)	
Household Finance Corp., III,	)	
	)	
Defendants and Appellees.	)	

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Fourth District, Provo Department, 050402234  
The Honorable Gary D. Stott

Attorneys: Wayne R. Bevan, Provo, Appellant Pro Se  
            Bryan W. Cannon, Randy L. Robinson, and Drew B.  
            Quinn, Sandy, for Appellees

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Before Judges Greenwood, McHugh, and Orme.

PER CURIAM:

Wayne R. Bevan appeals the district court's order dismissing his complaint against the Appellees. This matter is before the court on Appellees' motion for summary disposition.

"The district court's determination that a plaintiff's complaint 'failed to state a claim upon which relief can be granted,' leading the court to grant the defendant's motion to dismiss under rule 12(b)(6) of the Utah Rules of Civil Procedure, is a legal conclusion that we review for correctness." Summit Water Distrib. Co. v. Summit County, 2005 UT 73, ¶12, 123 P.3d 437 (citations omitted). On appeal, Bevan argues that real estate transactions involving deeds of trust are governed by the Uniform Commercial Code as enacted by the Utah Legislature. See Utah Code Ann. §§ 70A-1-101 to 70A-11-108 (Supp. 2005). Bevan asserts several other issues; however, these issues are inherently related to Bevan's claim that the deed of trust is governed by the Uniform Commercial Code. Accordingly, if Bevan's original

claim concerning what law governs the deed of trust fails, his other claims necessarily fail as well.

The Utah Legislature has enacted a specific statutory scheme to deal with conveyances of property. See id. §§ 57-1-1 to -44 (Supp. 2005). Within this broad statutory scheme, Utah Code sections 57-1-19 through 57-1-36 deal specifically with the creation and regulation of trust deeds. See id. §§ 57-1-19 to -36. Accordingly, contrary to the arguments of Bevan, trust deeds are not regulated by the Uniform Commercial Code but instead are regulated by Utah Code sections 57-1-1 through 57-1-44. Cf. Utah Code Ann. § 70A-9a-109(4)(k) (stating that secured transaction provisions do not apply to transfers of interest or liens on real property). It is under these provisions, for example, that trust deeds may be assigned and substitute trustees named. Thus, because Bevan's causes of action were based entirely upon his adherence to the belief that trust deeds were regulated by the Uniform Commercial Code and in no way alleged that actions concerning the trust deed violated Utah Code sections 57-1-19 through 57-1-36, the district court correctly dismissed Bevan's complaint for failure to state a claim for which relief could be granted.

Affirmed.

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Pamela T. Greenwood,  
Associate Presiding Judge

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Carolyn B. McHugh, Judge

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Gregory K. Orme, Judge