

When Recorded Mail to:  
Phil Frink & Associates, Inc.  
401 Ryland Street Ste 202  
Reno, NV 89502

DOC # 729957  
09/12/2008 03:19PM Deputy: DW  
OFFICIAL RECORD  
Requested By:  
WESTERN TITLE INC RIDGE  
Douglas County - NV  
Karen Ellison - Recorder  
Page: 1 of 2 Fee: 15.00  
BK-908 PG-2839 RPTT: 0.00



APN: 1318-23-401-004

(Space Above For Recorder's Use Only)

## NOTICE OF DEFAULT AND ELECTION TO SELL UNDER DEED OF TRUST

### NOTICE IS HEREBY GIVEN:

THAT Phil Frink & Associates, Inc., a Nevada corporation, is duly appointed Trustee, under a Deed of Trust, Dated April 20, 2004 and Executed by Chad Smittkamp and Jean Merkelbach, husband and wife as joint tenants as Trustor, to secure certain obligations in favor of Colonial Bank, N.A. as Beneficiary, recorded April 22, 2007, in Book 0404, at Page 10620, as Document No. 0610905, of Official Records of Douglas County, State of Nevada, including one note in the amount of \$3,300,000.00.

That the beneficial interest under such Deed of Trust and the obligation secured thereby are presently held by the undersigned; that a breach of, and default in, the obligations for which such Deed of Trust is security has occurred in that payment has not been made of:

Non-payment of the July 20, 2008 installment in the amount of \$21,749.62. Late charges in the amount of \$150.00 owing for each installment more than 10 days late from July 20, 2008. ALSO TOGETHER with any attorney fees, advances and ensuing charges and subsequent installments and late charges which may become due during the term of this default.

That by reason thereof, the present beneficiary under such Deed of Trust, has executed and delivered to said duly appointed Trustee, a written Declaration of Default and Demand for Sale, and has deposited with said Trustee, such Deed of Trust and all documents evidencing obligations secured thereby, and has declared and does hereby declare all sums secured thereby immediately due and payable and has elected and does hereby elect to cause the trust property to be sold to satisfy the obligations secured thereby.

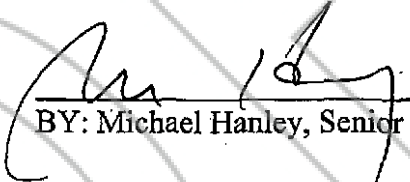
**NOTICE**

**YOU MAY HAVE THE RIGHT TO CURE THE DEFAULT HEREIN AND REINSTATE THE OBLIGATION SECURED BY SUCH DEED OF TRUST ABOVE DESCRIBED. SECTION 107.080 NEVADA REVISED STATUTES PERMITS CERTAIN DEFAULTS TO BE CURED UPON THE PAYMENT OF THE AMOUNTS REQUIRED BY THAT SECTION WITHOUT REQUIRING PAYMENT OF THAT PORTION OF PRINCIPAL AND INTEREST WHICH WOULD NOT BE DUE HAD NO DEFAULT OCCURRED. WHERE REINSTATEMENT IS POSSIBLE, IF THE DEFAULT IS NOT CURED WITHIN 35 DAYS FOLLOWING THE RECORDING AND MAILING TO TRUSTOR OR TRUSTOR'S SUCCESSOR IN INTEREST OF THIS NOTICE, THE RIGHT OF REINSTATEMENT WILL TERMINATE AND THE PROPERTY MAY THEREAFTER BE SOLD.**

To determine if reinstatement is possible, and for the amount necessary to cure the default, contact Phillip E. Frink at (775) 324-2567.

DATED: September 5, 2008

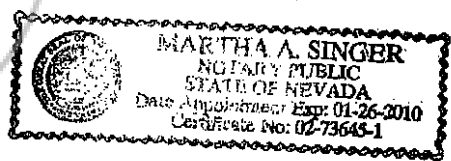
Colonial Bank, N.A.

  
BY: Michael Hanley, Senior Vice President

STATE OF NEVADA        )  
                                  ) SS  
COUNTY OF CLARK     )

This instrument was acknowledged before me on Sept 8, 2008  
by Michael Hanley as Senior Vice President of Colonial Bank.

  
NOTARY PUBLIC



Phil Frink                    10744  
Trustee Sale Officer       Foreclosure No.