

00-1091363-7567

The undersigned hereby affirms that there are no Social Security Numbers contained within this document

DOC # 746678
07/08/2009 10:37AM Deputy: GB
OFFICIAL RECORD
Requested By:
NORTHERN NEVADA TITLE CC
Douglas County - NV
Karen Ellison - Recorder
Page: 1 of 4 Fee: 67.00
BK-709 PG-1303 RPTT: 0.00



APN No.'s:

1420-297-15-021, 002, 003, 004, 006, 007, 008, 009;
1420-29-715-015, 017, 026, 028; and,
1420-29-612-003, 013, 018, 020, 023, 025, 030, 031, 032, 036, 041, 042.

RECORDING REQUESTED BY:

Alan B. Rabkin, Esq.
Of the Law Firm of Jones Vargas

WHEN RECORDED MAIL TO:

Alan B. Rabkin, Esq.
Of the Law Firm of Jones Vargas
P.O. Box 281
Reno, NV 89504
(775) 786-5000

[SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY]

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

NOTICE OF DEFAULT AND ELECTION TO SELL IS HEREBY GIVEN by Alan B. Rabkin, a licensed Nevada attorney, and the duly appointed successor trustee (the "Trustee") under that certain deed of trust (the "Deed of Trust") dated December 19, 2007, executed by **MERRILL CONSTRUCTION, INC.**, a Nevada corporation, as the Grantor or Trustor, to secure certain obligations in favor of **CARSON RIVER COMMUNITY BANK**, as the Beneficiary, and recorded on December 20, 2007 in Book 1207, Page 4413 as Document No. 0715081 in the Office of the Recorder of Douglas County, State of Nevada, describing land and improvements thereto as more fully described in said Deed of Trust and as set forth in Exhibit "A" hereto.

WHEREAS, said obligation includes a Promissory Note in the original principal sum of \$4,000,000.00 and with a current remaining principal balance all now due and owing of \$3,704,986.41 as of May 20, 2009, with an additional accrued and unpaid interest sum all now due and owing of \$30,231.81 as of July 6, 2009, and with interest presently accruing in the amount of \$643.23 per day thereafter, and with costs and legal fees incurred to this date and to be incurred prior to or at the time of sale; and,



that the beneficial interest under such Deed of Trust, and the obligations secured thereby, are each presently held by the undersigned Beneficiary.

WHEREAS, that Alan B. Rabkin, a licensed attorney within the State of Nevada, has been substituted as Trustee in place and stead of STEWART TITLE OF NEVADA, by document contemporaneously recorded herewith in the County of Douglas, State of Nevada.

WHEREAS, that a breach of periodic payments for which said Deed of Trust acts as security for has occurred for the months of May, 2009 and thereafter along with late charges, advances, taxes, costs and legal fees, including any such amount accruing after the date hereof; and, in the failure to perform any other term, covenant or condition contained within the Deed of Trust securing the Promissory Note and to be performed by Grantor or Trustor, whether such failure to perform occurred prior to or subsequent to the date hereof, together with such other penalties and advances that have been incurred or made or will be incurred or made during the period of default.

WHEREAS, if your property is in foreclosure because you are behind in payments, it may be sold without any court action; however, you may have a legal right to bring your account in good standing by paying all of your past due payments plus permitted costs and expenses within the time permitted by law for reinstatement of your account.

WHEREAS, that by reason thereof, the present Beneficiary under such Deed of Trust, has executed and delivered to Trustee, a written Declaration of Default and Demand for Sale, and has surrendered to said Trustee the above-referenced Deed of Trust, Promissory Note and all documents evidencing obligations secured thereby AND HAS DECLARED AND DOES HEREBY DECLARE A DEFAULT IN ALL SUMS SECURED THEREBY AND HAS ELECTED AND DOES HEREBY ELECT TO CAUSE THE TRUST PROPERTY TO BE SOLD NOT SOONER THAN THREE MONTHS FROM THE DATE OF RECORDATION OF THIS NOTICE OF DEFAULT AND ELECTION TO SELL AT A TIME AND ON A DATE SET FORTH ON SUCH NOTICE OF SALE TO BE ISSUED.

To obtain further information from the Beneficiary with respect to this Notice of Default and Election to Sell, you are directed to contact the servicer of the loan related to the Property, CARSON RIVER COMMUNITY BANK., Attention: Edward C. Foster, Telephone: (775) 783-3224 between the hours of 9:00 a.m. and 4:00 p.m., Monday to Friday.



DATED THIS 7th day of July, 2009.

By: Alan B. Rabkin, Esq.,

Title: Attorney At Law/Successor Trustee

STATE OF NEVADA)
) ss.
COUNTY OF WASHOE)

On July ~~7th~~, 2009, before the undersigned Notary Public, personally appeared ALAN B. RABKIN, as Trustee personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she executed the same.

Seal or Stamp:

Barbara Copeland
Notary Public

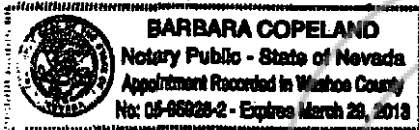




Exhibit "A"

LEGAL DESCRIPTION

Lot 280 in Block A; Lot 313 in Block B; Lots 290, 295, 297 & 300 in Block C; Lots 302, 307, 308 & 309 in Block D; Lots 333 & 335 in Block E; Lots 342, 344 & 347 in Block F; and Lots 351, 352, 354, 355, 356, 358, 359, 360 & 361 in Block G, as shown in the Final Map #PD99-02-08 of SARATOGA SPRINGS ESTATES UNIT 8, A PLANNED DEVELOPMENT, filed in the Office of the Douglas County Recorder on October 18, 2004, as Document No. 626992.

