

DOC # 803409  
06/04/2012 01:39PM Deputy: AR  
OFFICIAL RECORD  
Requested By:  
LSI Title Agency Inc.  
Douglas County - NV  
Karen Ellison - Recorder  
Page: 1 of 8 Fee: \$221.00  
BK-612 PG-474 RPTT: 0.00



**RECORDING REQUESTED BY:**

**WHEN RECORDED MAIL TO:**

National Default Servicing Corporation  
7720 N. 16<sup>th</sup> Street, Suite 300  
Phoenix, AZ 85020

NDSC File No. : 12-31261-OW-NV  
Title Order No. : 120093858-NV-GTO

APN: 1318-23-411-012

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

**IF YOUR PROPERTY IS IN FORECLOSURE BECAUSE YOU ARE BEHIND IN YOUR PAYMENTS, IT MAY BE SOLD WITHOUT ANY COURT ACTION**, and you may have the 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, which is normally five business days prior to the date set for the sale of your property. No sale date may be set until three months from the date this notice of default may be recorded (which date of recordation appears on this notice).

This amount is \$19,052.70, as of 05/31/2012 and will increase until your account becomes current.

While your property is in foreclosure, you still must pay other obligations (such as insurance and taxes) required by your Note and Deed of Trust or Mortgage. If you fail to make future payments on the loan, pay taxes on the property, provide insurance on the property, or pay other obligations as required by the Note and Deed of Trust or Mortgage, the beneficiary or mortgagee may insist that you do so in order to reinstate your account in good standing. In addition, the beneficiary or mortgagee may require as a condition to reinstatement that you provide reliable written evidence that you paid all senior liens, property taxes, and hazard insurance premiums.

Upon your written request, the beneficiary or mortgagee will give you a written itemization of the entire amount you must pay. You may not have to pay the entire unpaid portion of your account, even though full payment was demanded, but you must pay all amounts in default at the time payment is made. However, you and your beneficiary or mortgagee may mutually agree in writing prior to the time the notice of sale is posted (which may not be earlier than the end of the three month period stated above) to, among other things, (1) provide additional time in which to cure the default by the transfer of the property or otherwise; or (2) establish a schedule of payments in order to cure your default; or both (1) and (2).



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Notice of Default and Election to Sell Under Deed of Trust  
NDSC File No. : 12-31261-OW-NV

**Following the expiration of the time period referred to in the first paragraph of this notice, unless the obligation being foreclosed upon or a separate written agreement between you and your creditor permits a longer period, you have only the legal right to stop the sale of your property by paying the entire amount demanded by your creditor.**

**To find out the amount you must pay, or to arrange for payment to stop the foreclosure, or if your property is in foreclosure for any other reason, contact:**

**OneWest Bank, FSB  
c/o National Default Servicing Corporation  
7720 N. 16<sup>th</sup> Street, Suite 300  
Phoenix, AZ 85020 Phone 602/264-6101 Sales Website: [www.ndscorp.com/sales/](http://www.ndscorp.com/sales/)  
HUD Approved Local Housing Counseling Agency: 800/569-4287  
Loss Mitigation Contact: Loss Mitigation Loan Resolution / 1-877-908-4357**

Property Address: 192 PINE RIDGE DRIVE , STATELINE NV 89449

**If you have any questions, you should contact a lawyer or the governmental agency which may have insured your loan. Notwithstanding the fact that your property is in foreclosure, you may offer your property for sale, provided the sale is concluded prior to the conclusion of the foreclosure. Remember, YOU MAY LOSE LEGAL RIGHTS IF YOU DO NOT TAKE PROMPT ACTION.**

**This is an attempt to collect a debt and any information obtained will be used for that purpose.**

**NOTICE IS HEREBY GIVEN THAT : NATIONAL DEFAULT SERVICING CORPORATION is either the original Trustee, the duly appointed substituted Trustee or acting as agent for the Trustee or Beneficiary under a Deed of Trust dated 09/01/2005, executed by FRED L POWER, AN UNMARRIED MAN, as Trustor, to secure certain obligations in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS NOMINEE FOR INDYMAC BANK, F.S.B., A FEDERALLY CHARTERED SAVINGS BANK, ITS SUCCESSORS AND ASSIGNS as beneficiary recorded 09/15/2005 as Instrument No. 0655140 BK 0905 PG 5286 (or Book, Page) of the Official Records of DOUGLAS County, NV. Said obligations including ONE NOTE FOR THE ORIGINAL sum of \$300,000.00.**

**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 : FAILURE TO PAY THE INSTALLMENT OF PRINCIPAL, INTEREST AND IMPOUNDS WHICH BECAME DUE ON 11/01/2011 AND ALL SUBSEQUENT INSTALLMENTS OF PRINCIPAL, INTEREST AND IMPOUNDS, TOGETHER WITH ALL LATE CHARGES; PLUS ADVANCES MADE AND COSTS INCURRED BY THE BENEFICIARY INCLUDING FORECLOSURE FEES AND COSTS AND/OR ATTORNEY'S FEES.**



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Notice of Default and Election to Sell Under Deed of Trust  
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That by reason thereof, the present beneficiary under such Deed of Trust has executed and delivered to duly appointed Trustee a written Declaration of Default and Demand for Sale, and has deposited with said duly appointed 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.

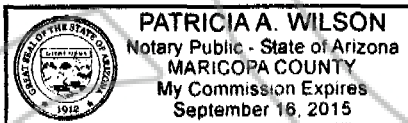
Dated : May 31, 2012  
National Default Servicing Corporation, As Agent for OneWest Bank, FSB

  
By: Julie A. Butler, Trustee Sales Supervisor

State of: Arizona  
County of: Maricopa

On 5/31, 20 12, before me, the undersigned, a Notary Public for said State, personally appeared Julie A. Butler personally known to me be (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal,



Signature Patricia A. Wilson

## AFFIDAVIT OF AUTHORITY TO EXERCISE THE POWER OF SALE

12-31201  
 Property Owners:  
FRED L. POWER

Property Address:  
192 PINE RIDGE DRIVE  
STATELINE NV 89449

Deed of Trust Document Instrument  
 Number  
0655140 BK 0905 PG 5286 09/15/05

STATE OF Texas )  
 )  
 COUNTY OF Travis ) ss:

The affiant, Monique McQueen, being first duly sworn upon oath, based on personal knowledge, and under penalty of perjury attests that I am the beneficiary or trustee, or the authorized representative of the beneficiary or trustee, of the deed of trust described in the notice of default and election to sell to which this affidavit is attached ( Deed of Trust ).

I am a Assistant Secretary at OneWest Bank, FSB ( OneWest ). In the regular performance of my job functions, I am familiar with business records maintained by OneWest for the purpose of servicing mortgage loans and I have personal knowledge of the operation of and the circumstances surrounding the preparation, maintenance, and retrieval of records in OneWest s record keeping systems. These records (which include data compilations, electronically imaged documents, and others) are made at or near the time by, or from information provided by, persons with knowledge of the activity and transactions reflected in such records, and are kept in the course of business activity conducted regularly by OneWest. It is the regular practice of OneWest s mortgage servicing business to make these records. In connection with making this affidavit, I have acquired personal knowledge of the matters stated herein by personally examining these business records.

I further attest, based on personal knowledge, and under penalty of perjury, to the following information, as required by NRS 107.080(2)(c):

1. The beneficiary, successor in interest of the beneficiary, or trustee of the Deed of Trust, has actual or constructive possession of the note secured by the Deed of Trust.



- 2. The trustee has the authority to exercise the power of sale with respect to the property encumbered by the Deed of Trust, pursuant to the instruction of the beneficiary of record and the current holder of the note secured by the Deed of Trust.
- 3. The full name and business address of the trustee or the trustee's representative or assignee is:

National Default Servicing Corporation  
Full Name

7720 N. 16th Street, Suite 300  
Phoenix AZ 85020  
Street, City, County, State, Zip

The full name and business address of the current holder of the note secured by the Deed of Trust is:

OneWest Bank, FSB  
Full Name

888 E. Walnut St, Pasadena, CA, 91101  
Street, City, County, State, Zip

The full name and business address of the current beneficiary of record of the Deed of Trust is:

OneWest Bank, FSB  
Full Name

888 E. Walnut St, Pasadena, CA, 91101  
Street, City, County, State, Zip

The full name and business address of the servicer(s) of the obligation or debt secured by the Deed of Trust is:

OneWest Bank, FSB  
Full Name

888 E. Walnut St, Pasadena, CA, 91101  
Street, City, County, State, Zip

- 4. The full name and last known business address of the current and every prior known beneficiary of the deed of trust is/are:

OneWest Bank, FSB  
Full Name

888 East Walnut Street  
Pasadena, CA 91101  
Street, City, County, State, Zip

Fannie Mae (FNMA)  
Full Name

3900 Wisconsin Avenue  
Washington, DC 20016  
Street, City, County, State, Zip

FDIC as Receiver for IndyMac Federal Bank, FSB  
Full Name

888 East Walnut Street  
Pasadena, CA 91101  
Street, City, County, State, Zip



MERS as nominee for IndyMac Federal Bank,  
FSB

Full Name

P.O. Box 2026  
Flint, MI 48501-2026

Street, City, County, State, Zip

IndyMac Federal Bank, FSB

Full Name

888 East Walnut Street  
Pasadena, CA 91101

Street, City, County, State, Zip

5. The following is information regarding the amount in default, the principal amount secured by the Deed of Trust, a good faith estimate of fees imposed and to be imposed because of the default and the costs and fees charged to the debtor in connection with the exercise of the power of sale:

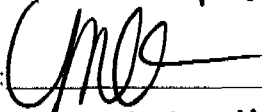
- I. The amount in default as of 05/15/2012 is \$16,588.35.
- II. The amount of fees and costs charged to the debtor in connection with the exercise of the power of sale as of 05/17/2012 is \$29.00.
- III. The unpaid principal secured by the Deed of Trust is \$275,546.77.
- IV. A good faith estimate of all fees and costs to be imposed because of the default is \$732.00.
- V. A good faith estimate of the total fees and costs to be charged to the debtor in connection with the exercise of the power of sale is \$3,030.00.



6. The following is information regarding the instrument(s) that conveyed the interest of each beneficiary:

SEE ATTCHED EXHIBIT A

Dated this 23<sup>rd</sup> day of May, 2012.

Signed By: 

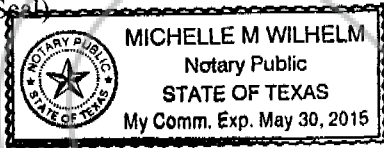
Print Name: Monique McQueen Assistant Secretary

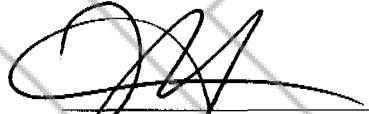
State of Texas  
County of Travis

Sworn to and subscribed before me on the \_\_\_\_\_ day of MAY 23 2012, by



(Personalized Seal)



  
Notary Public's Signature



**'Exhibit A'**

**ISSUED TO: NATIONAL DEFAULT SERVICING CORP.**

**DATED: May 16, 2012**

**TITLE ORDER#: 120093858-NV-GTO**

**TS#: 12-31261-OW-NV-GT-NV**

**PROPERTY ADDRESS: 8970 RESERVOIR ST**

**SUBJECT DEED OF TRUST:**

- DATE OF DOCUMENT : SEPTEMBER 1, 2005
- RECORDING DATE : SEPTEMBER 15, 2005
- INSTRUMENT NUMBER/ BOOK AND PAGE : 0655140, OFFICIAL RECORDS
- TRUSTOR : FRED L POWER, AN UNMARRIED MAN
- TRUSTEE : STEWART TITLE OF DOUGLAS COUNTY
- BENEFICIARY : MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., A SEPARATE CORPORATION THAT IS ACTING SOLELY AS A NOMINEE FOR LENDER AND LENDER'S SUCCESSORS AND ASSIGNS
- LENDER : INDYMAC, BANK F.S.B., A FEDERALLY CHARTERED SAVINGS BANK

**ASSIGNMENTS OF RECORD RELATING TO SUBJECT DEED OF TRUST:**

- ASSIGNOR : MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS NOMINEE FOR INDYMAC BANK, F.S.B., A FEDERALLY CHARTERED SAVINGS BANK
- ASSIGNEE : ONEWEST BANK, FSB
- DATE OF DOCUMENT : MARCH 15, 2012
- RECORDED DATE : MAY 09, 2012
- INSTRUMENT NUMBER/ BOOK AND PAGE : 802119