

OFFICIAL RECORD

Requested By:
MEIER & FINE LLC

WHEN RECORDED MAIL TO:

✓ Meier & Fine, LLC
2300 West Sahara Avenue #1150
Las Vegas, Nevada 89102
TS: 1551.014

Douglas County - NV
Karen Ellison - Recorder
Page: 1 Of 5 Fee: 218.00
BK-0812 PG- 1125 RPTT: 0.00



(Space Above Line For Recorder's Use)

APN: 1418-11-410-005

NOTICE OF DEFAULT AND ELECTION TO SELL

TO WHOM IT MAY CONCERN:

WHEREAS, Trustors, ROBERT SPINNATO and KEELY L. SPINNATO, executed a deed of trust dated June 20, 2006 (the "Deed of Trust") against certain real property located at **232 Powerhouse Road, Glenbrook, Nevada in the County of Douglas**, more particularly described in **Exhibit "A"** attached hereto and incorporated herein (the "Property"), which designates FIRST AMERICAN TITLE COMPNAY OF NEVADA as original Trustee for Beneficiary, MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR INDYMAC BANK, FSB, ITS SUCCESSORS AND ASSIGNS, as security for payment of a promissory note dated June 20, 2006, in the original principal amount of \$1,499,000.00 plus interest per annum (the "Note"); and

WHEREAS, said Deed of Trust was recorded on June 29, 2006, in the Official Records of the Douglas County Recorder in Nevada as Document No. 0678386, in the Official Records of the Clark County Recorder in Nevada in Book 20090629 as Document No. 0003090; and

WHEREAS, the present beneficiary under the Deed of Trust and holder of the Note is: DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE OF THE INDYMAC INDX MORTGAGE LOAN TRUST 2006-AR23, MORTGAGE, PASS-THROUGH CERTIFICATES, SERIES 2006-AR23 UNDER THE POOLING AND SERVICING AGREEMENT DATED JULY 1, 2006 ("DBNTC") and

WHEREAS, a Substitution of Trustee under said Deed of Trust which appoints MEIER & FINE, LLC as the substituted Trustee was recorded on July 26, 2012, in the Official Records of the Douglas County Recorder in Nevada as Instrument No. 0806461; and

WHEREAS, the full name and last known business address of every prior known beneficiary under the Deed of Trust is as follows:

IndyMac Bank, FSB c/o Federal Deposit Insurance Corporation
3501 N. Fairfax Drive
Arlington, VA 22226

IndyMac Federal Bank, FSB c/o Federal Deposit Insurance Corporation
3501 N. Fairfax Drive
Arlington, VA 22226

OneWest Bank, FSB
2900 Esperanza Crossing, 3rd Floor
Austin, TX 78758-3658

WHEREAS, the business address of the successor Trustee, Meier & Fine, LLC is as follows: 2300 West Sahara Ave., Suite 1150, Las Vegas, Nevada; and

WHEREAS, said successor Trustee has the authority to exercise the power of sale with respect to the Property pursuant to the instruction of the beneficiary of record, the lender under the Note secured by the Deed of Trust and the current constructive holder of the Note as declared by the Judgment; and

WHEREAS, a breach of the obligation secured by the Deed of Trust has occurred in that default has been made as follows:

1. Borrowers, ROBERT SPINNATO and KEELY L. SPINNATO defaulted on the Note on or about January 1, 2009, by failing to make the loan payment due on that date and each payment due thereafter together with any advances that have been made or will be made on behalf of the Trustor during the period of default, including attorneys' fees and costs that have been incurred and will hereafter accrue, in accordance with the terms of the Note and Deed of Trust.

2. A total delinquency currently exists in the amount of approximately \$845,108.04 as of July 30, 2012, including late charges, foreclosure costs and attorneys' fees. As of July 30, 2012, the Note has an unpaid principal balance of approximately \$2,344,224.04 plus interest, fees, and costs. A good faith estimate of all fees imposed and to be imposed because of the default and the costs and fees charged to the Trustor in connection with the exercise of the power of sale is approximately \$5,000.00.

NOTICE IS HEREBY GIVEN that the undersigned has elected to accelerate the maturity of the Note, that is, to declare the entire unpaid balance of principal and interest under the Note to be due as a result of said default, and that the undersigned has elected to sell or cause to be sold the real property described in said Deed of Trust to satisfy all of the obligations secured thereby pursuant to the terms of the Guarantee, the Deed of Trust, and the provisions of Chapter 107 of the Nevada Revised Statutes.

NOTICE IS HEREBY GIVEN that you may have the right to cure the default hereon and reinstate the obligation secured by the Deed of Trust. NRS §107.080 permits certain defaults to be cured upon the payment of the amounts required by that statutory 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 recordation and mailing of this notice, the right of reinstatement will terminate and the property may thereafter be sold. The Trustor may have the right to bring a court action to assert the nonexistence of a default or any defense the Trustor may have to acceleration of the loan and sale of the property.

**NOTICE
YOU ARE IN DANGER OF LOOSING YOUR HOME**

YOU MAY HAVE THE RIGHT TO PARTICIPATE IN THE STATE OF NEVADA FORECLOSURE MEDIATION PROGRAM IF THE TIME TO REQUEST MEDIATION HAS NOT EXPIRED!

SEE STATE OF NEVADA FORECLOSURE MEDIATION FORM AND NOTICE PROVIDED BY THE MEDIATION ADMINSTRATOR MAILED TO BORROWER IN CONNECTION HEREWITH.

NOTICE, YOUR HOME LOAN IS BEING FORECLOSED. In not less than 60 days your home may be sold and you may be forced to move. For help, call:

State of Nevada Foreclosure Mediation Program: 702-486-9380

Consumer Credit Counseling: 702-364-0344

The Attorney General: 702-486-3420

The Division of Mortgage Lending: 702-486-0780

The Division of Financial Institutions: 702-486-4120

Legal Services: 702-386-0404

Your Lender through its servicing agent, OneWest Bank, FSB at

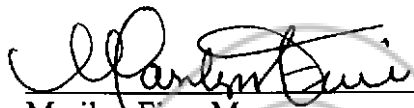
Nevada Fair Housing Center: 702-731-6095

To determine if reinstate is possible and the amount needed to cure the default, the Trustor may contact Marilyn Fine, Esq. of Meier & Fine, LLC, Telephone No. (702) 673-1000, 2300 West Sahara Avenue, Suite 1150, Las Vegas, Nevada 89102. To contact a person with authority to negotiate a loan modification on behalf of the beneficiary, the Trustor may contact: Claudia Ornelas @ 1-888-562-0520.

DATED this 3rd day of August, 2012 .

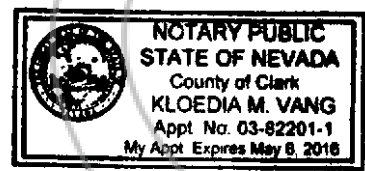
“TRUSTEE”

MEIER & FINE, LLC


Marilyn Fine, Manager

STATE OF NEVADA)
)ss:
COUNTY OF CLARK)

On this 3rd day of August, 2012, personally appeared before me, a Notary Public, Marilyn Fine, who acknowledged to me that she executed the foregoing instrument as Manager of Meier & Fine, LLC.



Notary Public

EXHIBIT "A"

LEGAL DESCRIPTION

LOT 22, AS SHOWN ON THE MAP OF GLENBROOK UNIT NO. 1, FILED IN THE OFFICE OF THE RECORDER OF DOUGLAS COUNTY, NEVADA ON JUNE 1, 1977, AS INSTRUMENT NO. 09693

