

DOC # 808683
09/06/2012 02:08PM Deputy: GB
OFFICIAL RECORD
Requested By:
First American National De
Douglas County - NV
Karen Ellison - Recorder
Page: 1 of 7 Fee: \$220.00
BK-912 PG-967 RPTT: 0.00



APN: 1220-15-511-020
First American Title Ins Co.
WHEN RECORDED MAIL TO:
Sables, LLC
c/o Law Offices of Les Zieve
18377 Beach Blvd., Suite 210
Huntington Beach, California 92648

The undersigned hereby affirms that there is no Social Security number contained in this document.

TS No. : 12-20362 6920728 Loan No.: 3714110036

NOTICE OF BREACH AND DEFAULT AND OF ELECTION TO SELL THE REAL PROPERTY UNDER DEED OF TRUST

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 thirty-five (35) days from the date this Notice of Default may be recorded. 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 **\$9,193.76** as of **9/5/2012** and will increase until your account becomes current. Included with this Notice of Default, please see **"Exhibit A"** - Nevada HUD Approved Housing Counseling Agency Contacts for a listing of local housing counseling agencies approved by the United States Department of Housing and Urban Development (HUD).

NOTICE IS HEREBY GIVEN THAT: SABLES, LLC, a Nevada limited liability company is original trustee, the duly appointed Trustee under a under a Deed of Trust dated 11/22/2004, executed by **RICHARD K. RYAN AND CHERYL J. RYAN, HUSBAND AND WIFE.,** as trustor in favor of **PROVIDENT FUNDING ASSOCIATES, L.P. as Lender, Mortgage Electronic Registration Systems, Inc.,** recorded 12/2/2004, under instrument no. **0630910**, in book 1204, page **01041**, of Official Records in the office of the County recorder of **Douglas, County, Nevada** securing, among other obligations.

Property Address: 945 FAIRWAY DRIVE, GARDNERVILLE, NV 89410

One note(s) for the Original sum of **\$262,500.00**, that the beneficial interest under such Deed of Trust and the obligations secured hereby 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 or that payment has not been made of:

The monthly installment of principal and interest which became due on 5/1/2012, late charges, and all subsequent monthly installments of principal and interest.

You are responsible to pay all payments and charges due under the terms and conditions of the loan documents which come due subsequent to the date of this notice, including, but not limited to, foreclosure trustee fees and costs, advances and late charges.



Furthermore, as a condition to bring your account in good standing, you must provide the undersigned with written proof that you are not in default on any senior encumbrance and provide proof of insurance.

Nothing in this notice of default should be construed as a waiver of any fees owing to the beneficiary under the deed of trust, pursuant to the terms and provisions of the loan documents.

T.S. No.: 12-20362

Loan No.: 3714110036

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 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.

NOTICE

You may have the right to cure the default hereon and reinstate the one obligation secured by such Deed of Trust above described. Section 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 recording and mailing of this Notice to Trustor or Trustors' successor in interest, 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 other defense of Trustor to acceleration and Sale.

To determine if reinstatement is possible and the amount, if any, to cure the default, contact:

Residential Funding Company, LLC; RFC; 2005-WH3
c/o Provident Funding Associates, L.P.
c/o SABLES, LLC, a Nevada limited liability company
3753 Howard Hughes Parkway, Suite 200
Las Vegas, NV 89169
Beneficiary Phone: 1-800-696-8199
Trustee Phone: (702) 664-1774

Included with this Notice of Default:

Contact information for which the grantor may use to reach a person with authority to negotiate a loan modification on behalf of the lender:

Loss Mitigation Department
1-800-696-8199

Additionally included with this Notice of Default, please see **"Exhibit A"** - Nevada HUD Approved Housing Counseling Agency Contacts for a listing of local housing counseling agencies approved by the United States Department of Housing and Urban Development (HUD).

If you have any questions, you should contact a lawyer or the governmental agency that 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.

WE ARE ASSISTING THE BENEFICIARY TO COLLECT A DEBT AND ANY INFORMATION WE OBTAIN WILL BE USED FOR THE PURPOSE BY EITHER OURSELVES OR THE BENEFICIARY, WHETHER RECEIVED ORALLY OR IN WRITING. YOU, MAY DISPUTE THE DEBT OR A PORTION THEREOF UPON WRITTEN REQUEST WITHIN THIRTY (30) DAYS. THEREAFTER WE WILL OBTAIN AND FORWARD TO YOU WRITTEN VERIFICATION THEREOF. SHOULD YOU NOT DO SO THE DEBT WILL BE CONSIDERED VALID. IN ADDITION, YOU MAY REQUEST THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR IF DIFFERENT FROM THE CURRENT ONE.

T.S. No.: 12-20362

Loan No.: 3714110036

Dated: 9/5/2012

SABLES, LLC, a Nevada limited liability company, as
Trustee

Sara Simonini, Trustee Sale Officer

State of California
County of Orange

On 9/5/2012, before me, Christine O'Brien, Notary Public personally appeared Sara Simonini who 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/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Christine O'Brien





EXHIBIT A

Nevada HUD Approved Housing Counseling Agency Contacts

<p>CONSUMER CREDIT COUNSELING SERVICE OF SOUTHERN NEVADA 800-451-4505 841 E 2ND Carson City, NV 89701</p> <p>NEVADA LEGAL SERVICES, INC. 702-386-0404 841-A East Second Street Carson City, NV 89701</p> <p>CONSUMER CREDIT COUNSELING SERVICE OF SOUTHERN NEVADA 702-364-0344 2920 N. Green Valley Pkwy Henderson, NV 89014</p> <p>SPRINGBOARD - HENDERSON 800-947-3752 1489 West Warm Springs Rd, #213 Henderson, NV 89102</p> <p>ACORN HOUSING, LAS VEGAS, NV 702-384-3022 953 E. Sahara Ave., #226 Las Vegas, NV 89104</p> <p>CCCS OF SOUTHERN NEVADA 702-364-0344 800-451-4505 2650 S. Jones Blvd Las Vegas, NV 89146-0000</p> <p>COMMUNITY SERVICES OF NEVADA (CSN) 702-307-1710 3320 Sunrise Ave, # 108 Las Vegas, NV 89101-0000</p>	<p>CONSUMER CREDIT COUNSELING SERVICE OF SOUTHERN NEVADA 702-364-0344 800-451-4505 Nellis Air Force Base, NV Las Vegas, NV 89119</p> <p>HOUSING FOR NEVADA 702-270-0300 877-649-1335 285 E. Warm Springs Rd, #100 Las Vegas, NV 89119</p> <p>NACA (NEIGHBORHOOD ASSISTANCE CORPORATION OF AMERICA) LAS VEGAS, NV 702-362-6199 888-297-5568 5765 S. Rainbow Blvd.#102 Las Vegas, NV 89118</p> <p>NEVADA LEGAL SERVICES, INC. 702-386-0404 530 South Sixth Street Las Vegas, NV 89101</p> <p>NID-HCA OF LAS VEGAS 702-228-1975 1333 North Buffalo Dr, #190 Las Vegas, NV 89128</p> <p>REBUILDING ALL GOALS EFFICIENTLY 702-333-1038 6375 W. Charlestone Blvd., Suite WCL/L20 Las Vegas, NV 89146</p> <p>SPRINGBOARD - LAS VEGAS 800-947-3752 2300 West Sahara Av, #800 Las Vegas, NV 89102</p>	<p>WOMEN'S DEVELOPMENT CENTER 702-796-7770 4020 Pecos McLeod Las Vegas, NV 89121</p> <p>CONSUMER CREDIT COUNSELING SERVICE OF SOUTHERN NEVADA 702-364-0344 2290 McDaniel N. Las Vegas, NV 89030</p> <p>NEIGHBORHOOD HOUSING SERVICES OF SOUTHERN NEVADA 702-649-0998-231 1849 Civic Center Dr North Las Vegas, NV 89030</p> <p>CONSUMER CREDIT COUNSELING SERVICE OF SOUTHERN NEVADA 775-337-6363 800-451-4505 Consumer Credit Affiliates 3100 Mill Street Ste. 111 Reno, NV 89502</p> <p>NEVADA LEGAL SERVICES, INC. 702-386-0404 204 Marsh Ave, 3rd Floor Reno, NV 89509</p> <p>WASHOE COUNTY DEPT OF SENIOR SERVICES - SENIOR LAW PROJECT 775-328-2592 1155 E Ninth St Reno, NV 89512-2827</p>
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Nevada HUD Approved Housing Counseling Agency Listing



Affidavit of Authority
(Nevada Revised Statute §107.080)

Re: TS# 12-20362
Ln# 3714110036
Borrower Name: RICHARD K. RYAN and CHERYL J. RYAN
Property Address: 945 FAIRWAY DRIVE
GARDNERVILLE, NV 89410

I, David Polage, am the A.V.P. of **Provident Funding Associates, L.P.**, the current servicer of the loan on behalf of the beneficiary of the deed of trust described in the notice of default and election to sell to which this affidavit is attached ("Deed of Trust"). The following facts are, whenever possible, based upon and are true of my own personal knowledge. Where the following facts are not based on my personal knowledge, they are based on: (1) my personal review of documents that are of public record in the State of Nevada; and/or (2) my personal review of the business records of the beneficiary, which are within my custody and control. The business records of the beneficiary contain entries made in the ordinary course of business at or about the time the events reflected therein occurred.

1(a). The full name and business address of the current trustee of record for the Deed of Trust is **Sables LLC, a Nevada Limited Liability Company, 18377 Beach Blvd., Suite 210, Huntington Beach, CA 92648**

1(b). The full name and business address of the current holder of the Note secured by the Deed of Trust is **Residential Funding Company, LLC RFC; 2005-WH3 / 2255 North Ontario Street, Suite 400 Burbank, CA 91504**

1(c). The full name and business address of the current beneficiary for the obligation or debt secured by the Deed of Trust is **Residential Funding Company, LLC RFC; 2005-WH3 / 2255 North Ontario Street, Suite 400 Burbank, CA 91504**

1(d). The full name and business address of the current servicer for the obligation secured by the Deed of Trust is **Provident Funding Associates, L.P. 1235 N. Dutton Ave, Suite E Santa Rosa, CA 95401**

2. To the best of my knowledge, and/or from my review of the documents of public record and the business records of the current beneficiary, the full name and last known business address of each prior beneficiary of the Deed of Trust is:

2(a). Name: Mortgage Electronic Registration Systems, Inc.
Last Known Address: P.O. BOX 2026, FLINT, MI 48501-2026
Instrument: Assignment of Deed of Trust, recorded on 8/2/2012 as Instrument Number 806912, Book 812, Page 430

2(b). Name: PROVIDENT FUNDING ASSOCIATES, L.P. as Lender, Mortgage Electronic Registration Systems, Inc., as the Beneficiary
Last Known Address: 2000 S. Jones Blvd. Suite 110, Las Vegas, NV 89146 (Lender) P.O. BOX 2026, FLINT, MI 48501-2026 (Beneficiary)
Instrument: Deed of Trust, recorded on 12/2/2004 as Instrument Number 0630910, Book 1204, Page 01041

3. The current beneficiary under the Deed of Trust, the successor in interest of the beneficiary or the trustee is in actual or constructive possession of the note secured by the Deed of Trust.

4. To the best of my knowledge, and/or from my review of the documents of public record and the business records of the current beneficiary, the current trustee has authority to exercise the power of sale



with respect to the property encumbered by the Deed of Trust, pursuant to instruction from the current beneficiary of record and current holder of the note secured by the Deed of Trust.

5. To the best of my knowledge, and/or from my review of the documents of public record and the business records of the current beneficiary, 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:

5(a). The amount in default, as of the date of this Affidavit, is \$6,443.88.

5(b). The unpaid principal amount of the obligation or debt secured by the Deed of Trust is currently \$232,588.12.

5(c). As a good faith estimate, the amount of fees and costs to be imposed or charged to the debtor because of the default, excluding the foreclosure fees and costs set forth in Paragraph 5(d), below, will be \$316.36.

5(d). As a good faith estimate of the foreclosure fees and costs to be charged to the debtor in connection with the exercise of the power of sale under the Deed of Trust will be \$3,005.00.

[SIGNATURE ON FOLLOWING PAGE]



I declare under penalty of perjury of the laws of the State of Nevada that the foregoing is true and correct and that this Affidavit was executed on 8/22, 20 12.

By: **Residential Funding Company, LLC**

David Polage
(Print Name)

David Polage
(Signature)

Assistant Secretary
(Title)

State of ILLINOIS

County of COOK

On 8/22/12 before me, CRISTINA PAPECK, Notary Public, personally appeared, DAVID POLAGE, who 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/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Notary Seal]

Cristina Papeck
Signature

