

DOC # 818742
02/22/2013 11:27AM Deputy: SG
OFFICIAL RECORD
Requested By:
First American National De
Douglas County - NV
Karen Ellison - Recorder
Page: 1 of 10 Fee: \$248.00
BK-213 PG-5942 RPTT: 0.00



WHEN RECORDED MAIL TO:
Cooper Castle Law Firm, LLP
5275 S. Durango Drive
Las Vegas, NV 89113

T.S. No.: 12-02-39363-NV
APN: 1022-10-002-012
Title Report No.: 6479700
Property Address: 1335 Hematite Ct., Wellington, NV 89444

NOTICE OF BREACH AND DEFAULT AND OF ELECTION TO CAUSE SALE OF REAL PROPERTY UNDER DEED OF TRUST

NOTICE IS HEREBY GIVEN THAT: THE COOPER CASTLE LAW FIRM, LLP, A MULTIJURISDICTIONAL LAW FIRM is the duly appointed Trustee under a Deed of Trust dated November 9, 2004, executed by Rondal C. Waller and Julie L. Waller, as Trustor in favor of Washington Mutual Bank, FA, a federal association, recorded on November 12, 2004 and recorded as. 0629086 of Official Records in the office of the County recorder of Douglas County, Nevada securing, among other obligations:

One note(s) for the Original sum of \$150,000.00, 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 installment of Principal, Interest, impounds and late fees which became due October 1, 2011 together with all subsequent installments of principal, interest, impounds, late fees and foreclosure fees and expenses. Any advances which may hereafter be made. All obligations and indebtedness as they become due and charges pursuant to said Note and Deed of Trust.

That by reason thereof the present Beneficiary under such deed of Trust has executed and delivered to said duly appointed Trustee a substitution of trustee and a request for Sale of the security pursuant to the 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 Trustor's 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.

(PAGE 1 of 2)



T.S. No.: 12-02-39363-NV
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To determine if reinstatement is possible and the amount, if any, to cure the default, contact:

JPMorgan Chase Bank, N.A. successor by merger to Washington Mutual Bank, FA, a federal association

C/O The Cooper Castle Law Firm, LLP
A MultiJurisdictional Law Firm
5275 S. Durango Drive
Las Vegas, Nevada 89113
(702) 435-4175 Telephone
(702) 877-7424 Facsimile

BE ADVISED THAT THE COOPER CASTLE LAW FIRM, LLP A MULTIJURISDICTIONAL LAW FIRM MAY BE ACTING AS A DEBT COLLECTOR AND IS ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION PROVIDED BY YOU WILL BE USED FOR THAT PURPOSE.

Dated: February 20, 2013

**THE COOPER CASTLE LAW FIRM, LLP
A Multi-Jurisdictional Law Firm**

By: *Matthew Dayton*
Matthew Dayton
Attorney at Law
Matthew Dayton

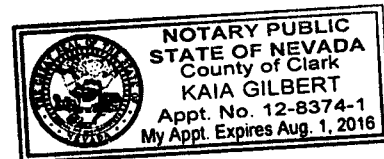
State of NEVADA } ss.
County of CLARK }

On February 20, 2013, before me, *Kara Gilbert*, Notary Public, personally appeared *Matthew Dayton* 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/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.

WITNESS my hand and official seal.

Signature *Rondal C. Waller* (Seal)

Rondal C. Waller and Julie L. Waller / 12-02-39363-NV





STATE OF NEVADA
FORECLOSURE MEDIATION PROGRAM
ELECTION/WAIVER OF MEDIATION FORM



(This Section to be Completed by Trustee)

ASSESSOR PARCEL NUMBER (APN) _____		TS # <u>12-02-39363</u>
Homeowner's Last Name _____	Homeowner's First Name _____	Loan # _____
Co-Owner's Last Name _____	Co-Owner's First Name _____	DoT Doc # _____
Property Address _____	County in which Property is located _____	Book # _____ Page # _____
Trustee _____	Beneficiary _____	Inst # _____

ATTENTION: YOU MUST ACT WITHIN THIRTY (30) DAYS. IF NO ACTION IS TAKEN, THE FORECLOSURE MAY PROCEED.

You have been served with a Notice of Default and Election to Sell (copy enclosed), which could result in the loss of your home. The State of Nevada Foreclosure Mediation Program provides an opportunity for homeowners, whose owner-occupied, primary residence is subject to foreclosure to meet with a lender and a neutral Mediator to discuss alternatives to foreclosure. The Mediator will be appointed by the State of Nevada Foreclosure Mediation Program Administrator. The Mediator **cannot** provide legal advice to either party; free and low cost legal advice and housing counseling is available through HUD-approved counseling agencies and legal aid organizations. Please see attached Resource Sheet. If you feel the need for legal representation, it is recommended you consult an attorney.

Property Owner's Name: _____	Co-owner's Name: _____
Mailing Address: _____	Mailing Address: _____
Phone No: _____ (Day)	Phone No: _____ (Day)
Phone No: _____ (Evening)	Phone No: _____ (Evening)
Email Address: _____	Email Address: _____

(Please list additional property owners on a separate sheet of paper)

PLEASE SELECT ONE OF THE CHOICES BELOW:

ELECTION OF MEDIATION - The undersigned hereby request[s] foreclosure mediation be scheduled to attempt to work out a resolution of the loan. (\$200.00 Money Order or Cashier's Check **must be enclosed**; Personal Checks not accepted).
You must include ALL the following with your election form:

\$200 Money Order/Cashier's Check Notice of Default

Are you in Bankruptcy? Yes No If yes, date filed? _____

Individuals are encouraged to learn about nonprofit community organizations providing free foreclosure counseling and legal assistance (not affiliated with the State of Nevada Foreclosure Mediation Program). Check this box if you **do not wish** to be contacted by a nonprofit community organization.

WAIVER OF MEDIATION - The undersigned is/are aware of the right to seek mediation but have determined that I/we do not want to proceed with mediation and hereby waive the right to do so.

The undersigned hereby certifies under the penalty of perjury that I/we are the owner[s] of the real property that is the subject of the pending foreclosure and occupy the real property as my/our primary residence.

Signature of Property Owner _____	Date _____	Signature of Property Owner _____	Date _____
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If you have chosen to seek mediation, you must send a money order or cashier's check for \$200 payable to: "State of Nevada Foreclosure Mediation Program." This payment and the forms must be returned to the Program Administrator within 30 days of receiving the Notice of Default and Election to Sell. For your use in this packet are two unstamped, pre-addressed envelopes. Send to: 201 S. Carson Street, Ste 250 Carson City NV 89701.

Please complete two copies of this form as stated above, forward the originals to the Program Administrator with the \$200 payment, Send one copy to the Trustee of the deed of trust and retain your copy for mediation.



STATE OF NEVADA
FORECLOSURE MEDIATION PROGRAM
**INSTRUCTIONS FOR THE
ELECTION/WAIVER OF MEDIATION FORM**

To the Trustee:

You must fill out the top box on the Approved Form including the Property Address, the Assessor's Parcel Number (APN), the Loan Number and TS Number, Dot Number, Book/Page and Instrument Number. Please provide the homeowner with the Election/Waiver of Mediation and the Required Documents for Foreclosure Mediation documents, as well as two preaddressed envelopes addressed to you (Trustee) and the Foreclosure Mediation Program (FMP) 201 S. Carson St, Ste 250 Carson City, NV 89701.

To the Homeowner:

You are eligible to participate in this program if you:

1. **Have a recorded Notice of Default.**
2. If you do not have an open bankruptcy filed on or after July 1, 2009.
3. If you have been discharged from Bankruptcy or the court has ordered you into the FMP.
4. If this property is your **primary, owner-occupied residential property**, and not a vacation, rental or other property where the homeowner does not live.

ELECTION/WAIVER OF MEDIATION - You must complete the Election/Waiver of Mediation Form and provide a copy of the Notice of Default to the Foreclosure Mediation Program.

- Print your name and mailing address in the spaces provided. Include your telephone numbers and your email addresses. If you have a co-owner, their name, address, phone numbers and email addresses must be included. This information will only be used for the mediation purposes.

In the designated location on the ELECTION/WAIVER OF MEDIATION form, you must select (with a check mark or "X") one of two choices. Select **ONLY** one:

1. "ELECTION OF MEDIATION" if you choose to enter into the Mediation Program; OR
2. "WAIVER OF MEDIATION" if you do not want to participate in the foreclosure Mediation Program.

If you choose to enter (Election of Mediation) into the Foreclosure Mediation Program:

- You must then sign and date each form. **NOTE** that by signing the form you are certifying under penalty of perjury that you own and occupy the subject property as your primary residence.
- Using the preaddressed envelopes, one completed copy of the forms must be mailed to the Trustee of the deed of trust by certified mail, return receipt requested.
- The original of the completed form must be mailed by certified mail in the preaddressed envelope (addressed to the Foreclosure Mediation Program Administrator). If you elect mediation, you must **include \$200.00 (cashiers check or money order ONLY) along with all required forms payable to:**

**State of Nevada Foreclosure Mediation Program
201 S Carson St. Ste 250
Carson City NV 89701**

- The envelope addressed to the ADMINISTRATOR must be mailed no later than 30 days after receiving the forms and the Notice of Default from the Trustee. You will need to pay the postage for the mailings.

If you choose to forego or waive mediation, there is no need to send the \$200.00. Please **send the Election/Waiver of Mediation form to the Trustee and the Administration in the pre addressed envelopes**. If you do not mail the form to the Trustee and the Program Administrator, you will not be allowed to participate in the mediation program and a foreclosure sale may be noticed according to law. **This is your only opportunity to elect to participate in the foreclosure mediation process.**



STATE OF NEVADA FORECLOSURE MEDIATION PROGRAM

Foreclosure Mediation Resources

The following Agencies and Non-Profit Organizations to provide free resources and help. The following programs, resources, and tips will answer many questions and help you become better prepared:

Free Foreclosure Mediation Classes

Homeowners will learn about their options and various programs.

- How the Foreclosure Process Works.
- How to Prepare for Mediation.
- Loan Modifications and Short Sales, including tax consequences and deficiencies.
- Free Legal Information Manual, including forms, samples and legal information.

Las Vegas:

- Legal Aid Center of Southern Nevada. Call (702) 386-1070 for monthly class schedule. Visit www.lacsn.org for more information.
- Nevada Legal Services. Call (702) 386-0404, ext. 511 for class schedule. For more information visit www.nevadalegalservices.org.

Reno:

- Reno Senior Center, 1155 E. 9th Street. Call (775) 328-2592 for weekly class schedule. For more information visit www.washoecounty.us/seniorsrv/legal.htm.
- Nevada Legal Services, 650 Tahoe Street. Call (775) 284-3491 for monthly class schedule. For more information visit www.nevadalegalservices.org.

Rural Nevada:

- Monthly classes are held throughout the rural counties of Nevada. Call (877) 693-2163 for a schedule of times and locations.

HUD-Approved Housing Counseling Agencies

Free loan modification and foreclosure mediation counseling

- Community Services of Nevada - Las Vegas, (702) 307-1710, www.csnv.org
- Financial Guidance Center - Las Vegas, (702) 364-0344, www.cccsnevada.org
- Financial Guidance Center - Henderson, (702) 364-0344, www.cccsnevada.org
- Financial Guidance Center - Reno, (800) 451-4505, www.cccsnevada.org
- Housing for Nevada - Las Vegas, (702) 270-0300, www.housingfornevada.org
- NACA - Las Vegas, (702) 362-6199, www.naca.com
- Nevada Legal Services - Statewide, (877) 693-2163, www.nevadalegalservices.org.
- NID-HCA - Las Vegas, (702) 228-1975, www.nidonline.org
- Novadebt - Henderson, (888) 697-7980, www.novadebt.org
- Springboard - Henderson, (800) 947-3752, www.credit.org
- Women's Development Center - Las Vegas, (702) 796-7770, www.wdclv.org

Free Legal Representation

- Foreclosure Legal Information
- Low-Income Legal Representation.
- Advice and Counsel from Volunteer Attorneys.

Statewide:

- Home Again: Nevada Homeowner Relief Program. Call (855) 457-4638.

Las Vegas:

- Legal Aid Center of Southern Nevada. Call (702) 868-1147, or visit www.lacsn.org.
- Civil Law Self-Help Center, First Floor, Regional Justice Center, 200 Lewis Ave.
- Nevada Legal Services. Call (702) 386-0404, ext. 511, or visit www.nevadalegalservices.org.

Reno:

- Washoe County Senior Law Project. Call (775) 328-2592, or visit www.washoecounty.us/seniorsrv/legal.htm.
- Nevada Legal Services. Call (775) 284-3491, or visit www.nevadalegalservices.org.

Carson City:

- Nevada Legal Services. Call (775) 883-0404, or visit www.nevadalegalservices.org.

Elko:

- Nevada Legal Services. Call (775) 753-5880, or visit www.nevadalegalservices.org.

Other Legal Resources

- State Bar of Nevada Lawyer Referral Service. Call (702) 382-0504 or (800) 789-5747, or visit www.nvbar.org.

Useful Websites

- foreclosure.nevadajudiciary.us
- foreclosurehelp.nv.gov
- homegainnevada.gov
- hud.gov
- makinghomeaffordable.gov
- nahac.org
- stopnvforeclosures.org



STATE OF NEVADA
FORECLOSURE MEDIATION PROGRAM

Possible Documents Required for Foreclosure Mediation

If you choose to participate in the State of Nevada Foreclosure Mediation Program (FMP) to seek an alternative to foreclosure, the following documents may be required to qualify you for loan modification, short sale, or other foreclosure alternatives. The Beneficiary of the Deed of Trust will provide you a complete list of documents needed for mediation after your request to participate in mediation has been assigned to a FMP mediator.

The following documents can be found at the State of Nevada Foreclosure Mediation Program website at <http://foreclosure.nevadajudiciary.us/index.php/documents-and-forms/>

- Request for Modification Affidavit (RMA)
- Uniform Borrower Assistance Form (Form 710)
- Borrower Financial Statement
- Tax Form 4506-T or 4506T-EZ
- DODD-FRANK Certification Form
- Third Party Authorization Form (if applicable)

In addition, you may be required to provide:

- Proof of Income (all borrower(s) on loan):
 - A minimum of 4 most recent pay stubs detailing year-to-date earnings, hourly and salary wages.
 - Award letters for any income benefits, pension, retirement, unemployment and two corresponding bank statement deposits.
 - If self-employed, provide a borrower signed Profit and Loss statement (P&L) for the last quarter.
 - Documentation and Letter of Explanation (LOE) for any other income.
- Household Expenses (all borrower(s) on loan).
- Signed Tax Returns including all schedules for the past two (2) years.
- Bank Statements - Checking and Savings - 3 Recent Months (all borrower(s) on loan).
- A current Utility Bill showing the homeowner name and property address (gas, electric, water, sewer).
- A signed Hardship Letter explaining the reason for your hardship and your intention regarding the property.
- Military Orders.
- An HOA bill, letter or coupon with HOA contact information and property address showing current on all HOA assessments.
- Divorce Decree and/or Separation Documentation (all borrower(s) on loan).
- Child Support/Alimony (Copy of relevant orders with proof of 4 months payments).
- Rental/Lease Agreement Information (if applicable to household income).
- Bankruptcy Filing (if currently open/in process).

Do Not Forward Copies of these documents to the Trustee or the State of Nevada Foreclosure Mediation Program at this time.

You will receive instructions from your mediator on when and where to send your documents.



State of Nevada Foreclosure Mediation Program

200 Lewis Avenue, 17th Floor
Las Vegas, NV 89101
(702) 486-9380

201 South Carson Street, Suite 250
Carson City, NV 89701
(775) 687-9816

(888) 421-3004 - Rural Nevada

foreclosure.nevadajudiciary.us

Important Information! Please Read.

You may have a right to mediation.

Foreclosure mediation is available to Nevada homeowners of owner-occupied residential property after a Notice of Default has been filed with a County Recorder (NRS 107.086).

You must act quickly.

An eligible homeowner of an owner-occupied residential property has thirty (30) days to request mediation after receipt of a Notice of Default. To participate, homeowners complete an Election/Waiver Form, sent by the homeowner's lender, and submit a non-refundable mediation fee of \$200 to the State of Nevada Foreclosure Mediation Program.

The State of Nevada provides an opportunity to meet with your lender.

Foreclosure mediation provides eligible homeowners with the option to meet face-to-face with their lender and discuss alternatives to foreclosure. Lender representatives must have the authority to negotiate and modify the terms of a loan. Mediations often result in loan modification, a short sale agreement, or other resolution.

Questions?

Contact us by telephone or visit our website, foreclosure.nevadajudiciary.us.

Homeowner Education and Legal Aid Programs

The following programs provide free legal assistance and foreclosure education to Nevada homeowners:

- ***Home Again Nevada***
(855) 457-4638
- ***Financial Guidance Center***
(800) 451-4505
- ***Nevada Legal Services***
(877) 693-2163
- ***Legal Aid Center of Southern Nevada***
(702) 868-1147
- ***Civil Law Self-Help Center***
Regional Justice Center - Las Vegas
200 Lewis Avenue, First Floor
Walk-in hours: 8:00 am-4:00 pm (M-F)

Mediation provides eligible homeowners with the option to meet face-to-face with their lender to discuss alternatives to foreclosure.



**AFFIDAVIT OF AUTHORITY IN SUPPORT OF NOTICE OF DEFAULT AND
ELECTION TO SELL
[NRS § 107.080]**

Borrowers Identified in Deed of Trust:

Trustee Address:

Rondal C. Waller
Julie L. Waller

The Cooper Castle Law Firm, LLP
5275 S. Durango Dr.,
Las Vegas, NV 89113

Property Address:

Deed of Trust Document

1335 Hematite Ct.
Wellington, NV 89444

BK1104 PG05770 INSTR0629086

I, Joreece N. Jordan, being first duly sworn, under penalty of perjury state as follows:

1. I am a Vice President of JPMorgan Chase Bank, National Association (JPMC), the current beneficiary of the deed of trust or the authorized representative of the current beneficiary of the current beneficiary. I am over the age of 18 and competent to testify as to the matters stated herein.

2. I have access to JPMC s business files, documents and other business records, maintained in the ordinary course of regularly conducted business activity, including the business records for and relating to the servicing of mortgage loans. Unless otherwise indicated, I make this affidavit on my personal knowledge based upon my personal review of those business records as well as the public records for the loan serviced by JPMC for the property listed above.

3. The full name and business address of the trustee for the Deed of Trust (identified in the caption above) is The Cooper Castle Law Firm, LLP, located at 5275 S. Durango Drive, Las Vegas, NV 89113.

4. The full name and business address of the holder of the note secured by the Deed of Trust is JPMorgan Chase Bank, N.A., successor in interest by purchase from the Federal Deposit Insurance Corporation as Receiver of Washington Mutual Bank fka Washington Mutual Bank, F.A., located at 3415 Vision Drive, Columbus, OH. JPMorgan Chase Bank, N.A. is the note holder and the loan servicer for the loan owned by Federal National Mortgage Association.

5. The full name and business address of the current beneficiary of the Deed of Trust is JPMorgan Chase Bank, N.A., successor in interest by purchase from the Federal Deposit Insurance Corporation as Receiver of Washington Mutual Bank fka Washington Mutual Bank, F.A., located at 3415 Vision Drive, Columbus, OH.



6. The full name and business address of the servicer for the loan secured by the Deed of Trust is JPMorgan Chase Bank, N.A., successor in interest by purchase from the Federal Deposit Insurance Corporation as Receiver of Washington Mutual Bank fka Washington Mutual Bank, F.A., located at 3415 Vision Drive, Columbus, OH.

7. To the best of my knowledge and from the review of the documents of public record, the full name and business address of each prior beneficiary of the Deed of Trust, and the instrument conveying the interest of each beneficiary is/are:

- a. Washington Mutual Bank, F.A., 400 East Main Street, Stockton, CA 95290. Original Deed of Trust recorded on November 12, 2004 and record number BK1104 PG05770 INSTR0629086.

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

9. The Cooper Castle Law Firm, LLP, as trustee, has the authority to exercise the power of sale with respect to the property pursuant to the instruction of the beneficiary of record and the current holder of the note secured by the deed of trust.

10. The following information regarding the amount in default, the principal amount secured by the Deed of Trust, and good faith estimates 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. Estimates of such fees are subject to change for a variety of reasons.

a. The amount in default, as of the date of this Affidavit, is \$ 116,169.07, which consists of the following:

- i. Missed Principal and Interest Payments: \$ 136,261.88.
- ii. Escrow Advance Balance: \$ 25,421.58.
- iii. Suspense Balance Credits: \$ (10,391).

b. The unpaid principal amount of the obligation or debt secured by the deed of trust, as of the date of this Affidavit, is \$ 133,939.55

c. A good faith estimate of the amount of fees and costs that have been or are to be imposed or charged to the debtor because of the default, excluding the foreclosure sale fees and costs set forth in the next sentence, is \$ 512.06.

///



d. A good faith estimate of the foreclosure fees and costs that have been or are to be charged to the debtor in connection with the exercise of the power of sale under the deed of trust is \$ 2,525.00 based on estimates provided by legal counsel.

Dated this 18 day of January, 2013.

By: [Signature]
Name: Joreece N. Jordan **Vice President**

Printed
JPMorgan Chase Bank NA

State of Ohio
County of Franklin)ss.

Joreece N. Jordan, an officer of JPMorgan Chase Bank NA, appeared before me this 18 day of January, 2012, and after being duly sworn executed this Affidavit on its behalf. 2013 KT

[Signature]
Kenneth F. Higdon



KENNETH F. HIGDON
Notary Public, State of Ohio
My Commission Expires
March 26, 2013