

APN: 1220-16-610-099

**WHEN RECORDED MAIL TO:**

Clear Recon Corp.

4375 Jutland Drive Suite 200

San Diego, California 92117

13521012

TS No.: 007344-NV

The undersigned hereby affirms that there is no Social Security number contained in this document. (N.R.S. 239B.030)

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

**NOTICE IS HEREBY GIVEN THAT: CLEAR RECON CORP.** is the duly appointed Trustee under a Deed of Trust dated 6/24/2009, executed by **JOSEPH B. BIRDWELL AND LYDIA BIRDWELL, HUSBAND AND WIFE**, as trustor in favor of the beneficiary thereunder, recorded 6/29/2009, as Instrument No. 746240, in Book 609, Page 9145, of Official Records in the office of the County recorder of Douglas, County, Nevada securing, among other obligations.

One Note for the Original sum of **\$228,750.00**, 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:

**Installment of Principal and Interest plus impounds and/or advances which became due on 4/1/2013 plus late charges, and all subsequent installments of principal, interest, balloon payments, plus impounds and/or advances and late charges that become payable.**

That by reason thereof, U.S. BANK NATIONAL ASSOCIATION, 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 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.

T.S. No.: 007344-NV

Property Address as identified in the Deed of Trust is: **1339 SOUTH RIVERVIEW DRIVE  
GARDNERVILLE, NV 89460**

HUD Approved local counseling agency: Housing for Nevada  
1 (702) 270-0300

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


U.S. BANK NATIONAL ASSOCIATION  
4801 FREDERICA STREET  
OWENSBORO, KY 42301  
Phone: 855-698-7627

Loan Modification contact information: U.S. BANK NATIONAL ASSOCIATION, Loss  
Mitigation Dept. Phone: 855-698-7627

For Foreclosure status, contact:  
Clear Recon Corp.  
4375 Jutland Drive Suite 200  
San Diego, California 92117  
Phone: 858-750-7600

Dated: 11/21/14

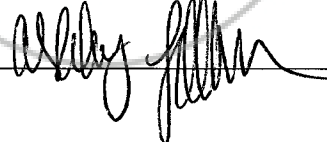
**CLEAR RECON CORP.**

By:   
**Edward Jamir, Authorized Signatory for Trustee**

State of California }  
County of San Diego}ss.

On NOV 21 2014 before me ASHLEY JOHNSON Notary Public, personally  
appeared Edward Jamir 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.

Signature  (Seal)



T.S. No: 007344-NV  
APN: 1220-16-610-099

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

Property Owners:  
Joseph B. Birdwell  
Lydia Birdwell

Trustee Address:  
4375 Jutland Drive, Suite 200  
San Diego, CA 92117

Property Address:  
1339 South Riverview Drive  
Gardnerville, NV 89460

Deed of Trust Document Instrument Number:  
746240 Book: 609 Page: 9145  
Recorded Date: 06/29/2009

The affiant, Stephanie Anne Smith, Vice President, being first duly sworn upon oath, based on personal knowledge which the affiant acquired through a review of business records kept in the regular course of business of the beneficiary, its successor in interest, or the servicer of the obligation or debt secured by the above-referenced deed of trust (hereinafter "Deed of Trust") in accordance with the standards set forth in Nevada Revised Statutes § 51.135, and under penalty of perjury, attests that I am an authorized representative of the beneficiary, its successor in interest, or the servicer of the obligation or debt secured by the Deed of Trust, which is described in the Notice of Default and Election to Sell to which this affidavit is attached.

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 full name and business address of the current trustee or the current trustee's personal representative or assignee is:

Clear Recon Corp.  
Full Name

4375 Jutland Drive, Suite 200  
San Diego, CA 92117  
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:

U.S. Bank National Association  
Full Name

4801 Frederica Street  
Owensboro, KY 42301  
Street, City, County, State, Zip

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

U.S. Bank National Association  
Full Name

4801 Frederica Street  
Owensboro, KY 42301  
Street, City, County, State, Zip

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

U.S. Bank National Association  
Full Name

4801 Frederica Street  
Owensboro, KY 42301  
Street, City, County, State, Zip

2. The beneficiary, its successor in interest, or the trustee of the Deed of Trust is: (a) in actual or constructive possession of the Note secured by the Deed of Trust; or (b) entitled to enforce the obligation or debt secured by the Deed of Trust because the beneficiary, its successor in interest, or the trustee is the holder of the instrument, a non-holder in possession of the instrument who has the rights of a holder, or a party not in possession of the instrument who is entitled to enforce the instrument pursuant to a court order issued under Nevada Revised Statutes § 104.3309.
3. The beneficiary, its successor in interest, the servicer of the obligation or debt secured by the Deed of Trust, the trustee, or an attorney representing any of those parties, has sent a written statement to the obligor or borrower of the obligation or debt secured by the Deed of Trust detailing:
  - a. the amount of the payment required in order to cure the deficiency in performance or payment, avoid the exercise of the power of sale, and reinstate the terms and conditions of the underlying obligation or debt existing before the deficiency in performance or payment, as of the date of the written statement;
  - b. the amount in default;
  - c. the principal amount of the obligation or debt secured by the Deed of Trust;
  - d. the amount of accrued interest and late charges;
  - e. a good faith estimate of all fees imposed in connection with the exercise of the power of sale;
  - f. contact information for obtaining the most current amounts due and a local or toll-free telephone number that the obligor or borrower of the obligation or debt could call to receive the most current amounts due and a recitation of the information contained in this affidavit.
4. The local or toll-free telephone number that the obligor or borrower of the obligation or debt may call to receive the most current amounts due and a recitation of the information contained in this affidavit is:

(855)-698-7627
5. The following information consists of the date, recordation number/other unique designation of, and the name of each assignee under each recorded assignment of the Deed of Trust, and is based on: (a) the direct personal knowledge of the affiant; (b) the personal knowledge which the affiant acquired by a review of the business records kept in the regular course of business of the beneficiary, its successor in interest, or the servicer of the obligation or debt secured by the Deed of Trust in accordance with the standards set forth in Nevada Revised Statutes § 51.135; (c) information contained in the records of the recorder of the county in which the property is located; or (d) the title guaranty or title insurance issued by



**NEVADA DECLARATION OF COMPLIANCE**  
NRS Chapter 107, as revised by SB 321 section 11 subsection 6

Borrower(s): JOSEPH B. BIRDWELL and LYDIA BIRDWELL  
Mortgage Servicer: U.S. BANK NATIONAL ASSOCIATION  
Property Address: 1339 SOUTH RIVERVIEW DRIVE  
GARDNERVILLE, NV 89460

The undersigned mortgage servicer representative declares that the mortgage servicer's business records reflect one of the following:

- The mortgage servicer contacted the borrower to assess the borrower's financial situation and to explore options for the borrower to avoid foreclosure as required by NRS Chapter 107, as revised by SB 321 section 11 subsection 2. Thirty days have passed since the initial contact was made.
- The mortgage servicer tried with due diligence but was unable to contact the borrower as required by NRS Chapter 107, as revised by SB 321 section 11 subsection 5. Thirty days have passed since these due diligence efforts were satisfied.
- The mortgage servicer was not required to comply with NRS Chapter 107, as revised by SB 321 section 11, because the individual does not meet the definition of a borrower under NRS Chapter 107 as revised by SB 321 section 3.

Executed on 10-6 2014 at Owensboro, Kentucky.

U.S. BANK NATIONAL ASSOCIATION

By:

Stephanie Anne Smith  
Stephanie Anne Smith, Vice President

ATTACHMENT TO NOTICE OF DEFAULT

CRC NVDEC 100813

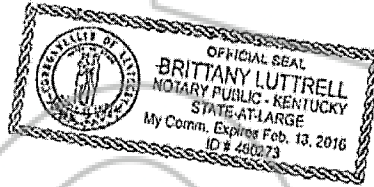
State of Kentucky  
County of Daviess

The foregoing instrument was acknowledged, subscribed, and sworn to before me this 10.6.14, by Stephanie Anne Smith as Vice President of U.S. Bank National Association, a federally chartered banking association, on behalf of U.S. Bank National Association.

(seal)

(signature of notary)

*Brittany Luttrell*  
State at Large



COOPER