

DOUGLAS COUNTY, NV

2017-893555

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01/19/2017 10:07 AM

SERVICELINK TITLE AGENCY INC.

KAREN ELLISON, RECORDER

APN 1220-16-510-080

RECORDING REQUESTED BY:

LSI Title Company

WHEN RECORDED MAIL TO:

TRUSTEE CORPS
3571 Red Rock St., Ste B
Las Vegas, NV 89103

TS No. NV05000010-16-1S

TO No. 160163994-NV-VOO

Commonly known as: 1323 MARLETTE CIRCLE, GARDNERVILLE, NV 89460

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

NOTICE IS HEREBY GIVEN THAT: **MTC Financial Inc. dba Trustee Corps** 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 as of November 14, 2007, executed by Ryan Emmitt McLaughlin, a/k/a Ryan Emmitt McLaughlin and Jennifer Lee McLaughlin, husband and wife as joint tenants, as Trustor, to secure obligations in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. as nominee for CHEVY CHASE BANK, F.S.B. as original Beneficiary, recorded December 4, 2007 as Instrument No. 0714262 in Book 1207, on Page 0633 and that said Deed of Trust was modified by Modification Agreement recorded January 30, 2009, as Instrument Number 0736782, in Book 0109, on Page 6551, and that said Deed of Trust was also modified by Modification Agreement recorded June 24, 2011, as Instrument Number 785460, in Book 611, on Page 5125, of official records in the Office of the County Recorder of Douglas County, Nevada; and that

The Deed of Trust secures the payment of and the performance of certain obligations, including, but not limited to, the obligations set forth in that certain Promissory Note with a face amount of \$357,000.00 (together with any modifications thereto the "Note"); and that

A breach of, and default in, the obligations for which said Deed of Trust is security has occurred in that the Trustor has failed to perform obligations pursuant to or under the Note and/or Deed of Trust, specifically: Failed to pay payments which became due March 1, 2012 AND ALL SUBSEQUENT INSTALLMENTS, ALONG WITH LATE CHARGES, PLUS FORECLOSURE COSTS AND LEGAL FEES. PLUS ALL OF THE TERMS AND CONDITIONS AS PER THE DEED OF TRUST, PROMISSORY NOTE AND RELATED LOAN DOCUMENTS.

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 the statutory period set forth in Section NRS 107.080, 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:

Capital One, N.A.
c/o TRUSTEE CORPS
TS No: NV05000010-16-1S
3571 Red Rock St., Ste B
Las Vegas, NV 89103
Phone No: 949-252-8300
TDD: 800-326-6868


Dated: January 18, 2017

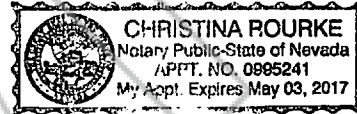
MTC Financial Inc. dba Trustee Corps, as Duly Appointed
Successor Trustee


By: Rafael Bruno, Authorized Signatory

State of NEVADA
County of CLARK

This instrument was acknowledged before me on January 18
2017, by RAFAEL BRUNO.


Notary Public Signature
Christina Rourke
Printed Name



My Commission Expires: 5/3/17

Trustee Corps may be acting as a debt collector attempting to collect a debt.
Any information obtained may be used for that purpose.

To the extent your original obligation was discharged, or is subject to an automatic stay of bankruptcy under Title 11 of the United States Code, this notice is for compliance and/or informational purposes only and does not constitute an attempt to collect a debt or to impose personal liability for such obligation. However, a secured party retains rights under its security instrument, including the right to foreclose its lien.

**AFFIDAVIT OF AUTHORITY TO EXERCISE THE
POWER OF SALE**

Property Owners:

Ryan Emmitt McLaughlin aka
Ryan Emmitt McLaughlin
Jennifer Lee McLaughlin

Trustee Address:

17100 Gillette Ave
Irvine, CA 92614

Property Address:

1323 MARLETTE CIRCLE
GARDNERVILLE, NV 89460

Deed of Trust Document:

0714262 Book 1207 Page 0633

Affiant, Lori Spisak, being first duly sworn upon oath, and under penalty of perjury, attests that the following information is based on the direct, personal knowledge or the personal knowledge which Affiant acquired by a review of the business records of the Beneficiary, the successor in interest of the Beneficiary or the servicer of the obligation or debt secured by the Deed of Trust, which business records must meet the standards set forth in NRS 51.135:

- 1) The full name and business address of the current Trustee or the current Trustee's personal representative or assignee, the current holder of the Note secured by the Deed of Trust, the current Beneficiary of record and the current servicer of the obligation or debt secured by the Deed of Trust.

Current Trustee: MTC Financial Inc. dba Trustee Corps
Address: 17100 Gillette Ave, Irvine, CA 92614

Current holder of the Note: Capital One, N.A.
Address: 7933 Preston Road, Plano, TX 75024

Current Beneficiary: Capital One, N.A.
Address: 7933 Preston Road, Plano, TX 75024

Current servicer: Capital One, N.A.
Address: 7933 Preston Road, Plano, TX 75024

- 2) The 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 or that the Beneficiary or its successor in interest or the Trustee is entitled to enforce the obligation or debt secured by the Deed of Trust.

- 3) The Beneficiary or its successor in interest, the servicer of the obligation or debt secured by the Deed of Trust or the Trustee, or an attorney representing any of those persons, has sent to the obligor or Borrower of the obligation or debt secured by the Deed of Trust a written statement of:
- (I) The amount of payment required to make good 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 statement;
 - (II) The amount in default;
 - (III) The principal amount of the obligation or debt secured by the Deed of Trust;
 - (IV) The amount of accrued interest and late charges;
 - (V) A good faith estimate of all fees imposed in connection with the exercise of the power of sale; and
 - (VI) Contact information for obtaining the most current amounts due and the local or toll-free telephone number described in the paragraph below.
- 4) A 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 the Affidavit: (800) 201-1622.

- 5) The date and the recordation number or other unique designation of, and the name of each assignee under, each recorded assignment of the Deed of Trust:

Deed of Trust

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. as nominee for CHEVY CHASE BANK, F.S.B.

Recorded: December 4, 2007

Instrument: 0714262 Book 1207 Page 0633

Recorded Assignment(s)

Capital One, N.A.

Recorded: August 3, 2012

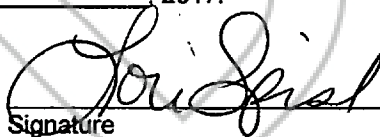
Instrument: 806922 Book 812 Page 501

Capital One, N.A.

Recorded: February 7, 2013

Instrument: 817778 Book 213 Page 1722

I declare under penalty of perjury that the foregoing is true and correct and that this Affidavit was executed on January 13 _____, 2017.


Signature

Lori Spisak
Name

Name

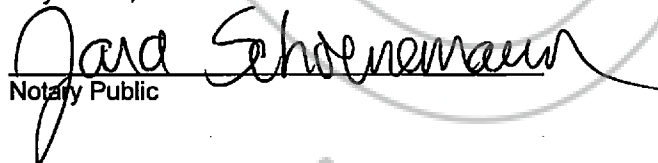
Authorized Signer
Title

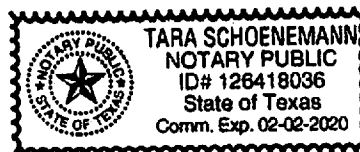
Title

State of Texas

County of Collin

Lori Spisak, an employee of Capital One, N.A., appeared before me, this 13th day of January, 2017, and after being duly sworn, executed this Affidavit on its behalf.


Notary Public



**NEVADA DECLARATION OF COMPLIANCE
NRS 107.510(6)**

Borrower(s): RYAN EMMITT MCLAUGHLIN, JENNIFER LEE MCLAUGHLIN
Property Address: 1323 MARLETTE CIRCLE, GARDNERVILLE, NV 89460
Trustee Sale Number: [REDACTED]

The undersigned, as authorized agent or employee of the mortgage servicer named below, declares:

That this Declaration is accurate, complete and supported by competent and reliable evidence which the mortgage servicer has reviewed to substantiate the borrower's default and the right to foreclose, including the borrower(s)' loan status and loan information.

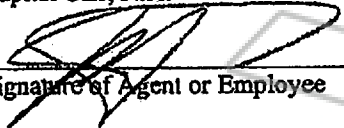
1. The mortgage servicer has contacted the borrower(s) to assess the borrower(s)' financial situation, provide the toll free number to enable the borrower(s) to find a housing counselor certified by HUD, and explore options for the borrower(s) to avoid foreclosure as required by NRS 107.510(2). Initial contact was made on _____, 201____; or
2. The mortgage servicer has tried with due diligence to contact the borrower(s) as required by NRS 107.510(5), but has not made contact despite such due diligence. The due diligence efforts were satisfied on August 12, 2014; or
3. The requirements of NRS 107.510 do not apply, because:
 - a. The mortgage servicer is exempt pursuant to NRS 107.460 by virtue of being a financial institution as defined in NRS 660.045 that has foreclosed on 100 or fewer owner-occupied real properties (as defined in NRS 107.086) in Nevada in its last annual reporting period.
 - b. The mortgage servicer is exempt pursuant to NRS 107.560(5)(b) by virtue of being in compliance with the relevant provisions of 12 C.F.R. Part 1024, commonly known as Regulation X, and 12 C.F.R. Part 1026, commonly known as Regulation Z, as those regulations are amended by the Final Servicing Rules issued by the Consumer Financial Protection Bureau in 78 Federal Register 10,696 on February 14, 2013, and all amendments thereto.
 - c. The individual(s) do not meet the definition of a "borrower" as set forth in NRS 107.410.
 - d. The loan underlying the security interest that is the subject of this foreclosure is not a "residential mortgage loan" (as defined in NRS 107.450) which is primarily for personal, family or household use and which is secured by a mortgage or deed of trust on owner-occupied housing (as defined in NRS 107.086).

In light of the foregoing, the mortgage servicer authorizes the trustee to submit a Notice of Default to be recorded, and to exercise the power of sale, as all pre-foreclosures notices required by NRS 107.080(2)(c)(3) and NRS 107.500(1) were timely sent per statute and (if applicable and the mortgage servicer is not otherwise exempt from said requirements) the mortgage servicer has complied with the requirements set forth in NRS 107.520 and NRS 107.530 regarding the acceptance and processing of foreclosure prevention alternative applications.

Trustee Sale Number: [REDACTED]

Dated: October 2, 2014

Capital One, N.A.



Signature of Agent or Employee

Joseph Lafreniere, Jr., AVP, Home Loans
Printed Name of Agent or Employee

