

APN: 1221-00-001-009

**WHEN RECORDED MAIL TO:**

Clear Recon Corp  
4375 Jutland Drive, Suite 200  
San Diego, CA 92177-0935  
Phone: (866) 931-0036

**RECORDING REQUESTED BY  
FIRST AMERICAN TITLE INSURANCE COMPANY**

**TS No.: 062600-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 7/2/2003, executed by **JOE A. SIMS, AN UNMARRIED MAN**, as trustor in favor of the beneficiary thereunder, recorded 7/29/2003, as **Instrument No. 0584696 in Book 0703 Page 14462 Deed of Trust Re-Recorded on 9/13/2016 as Instrument No. 2016-887498**, 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 **\$274,240.00**, 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 7/1/2011 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, **WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST, NOT INDIVIDUALLY BUT AS TRUSTEE FOR PRETIUM MORTGAGE ACQUISITION TRUST**, 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.: 062600-NV

Property Address as identified in the Deed of Trust is: **3048 ROBINSON ROAD  
GARDNERVILLE, NV 89410**

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

**To determine if reinstatement is possible and the amount, if any, to cure the default,  
contact: WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST,  
NOT INDIVIDUALLY BUT AS TRUSTEE FOR PRETIUM MORTGAGE ACQUISITION  
TRUST C/O RUSHMORE LOAN MANAGEMENT SERVICES, LLC**

15480 Laguna Canyon Road, Suite 100

Irvine, CA 92618

Phone: 888-504-7300

Loan Modification contact information: WILMINGTON SAVINGS FUND SOCIETY, FSB,  
D/B/A CHRISTIANA TRUST, NOT INDIVIDUALLY BUT AS TRUSTEE FOR PRETIUM  
MORTGAGE ACQUISITION TRUST C/O RUSHMORE LOAN MANAGEMENT  
SERVICES, LLC,

Loss Mitigation Dept. 888-504-7300

For Foreclosure status, contact:

Clear Recon Corp

4375 Jutland Drive

San Diego, California 92117

Phone: (866) 931-0036

Dated: 12/11/2017

**CLEAR RECON CORP**

By: *Hamsa Uchi*

Hamsa Uchi, Authorized Signatory for Trustee

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

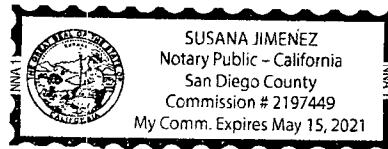
State of California}

County of San Diego}ss.

On 12-11-17 before me Susana Jimenez Notary Public, personally appeared Hamsa Uchi 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 *Susana Jimenez* (Seal)



NRS 107.080 Compliance Affidavit

APN: 1221-00-001-009

AFFIDAVIT OF AUTHORITY TO EXERCISE THE POWER OF SALE

Property Owners:
JOE A. SIMS

Trustee's Name and Current Address:
Clear Recon Corp
4375 Jutland Drive, Suite 200,
San Diego, CA, 92117

Property Address:
3048 ROBINSON ROAD
GARDNERVILLE, NV 89410

Deed of Trust Document Instrument:
Recorded on 7/29/2003, as Instrument No.
0584696, in Book 0703, Page 14462, Deed
of Trust Re-Recorded on 9/13/2016 as
Instrument No. 2016-887498,

STATE OF CALIFORNIA )
COUNTY OF ORANGE )

ss:

The affiant, GLORIA A. ROCHA, being first duly sworn upon oath, based on direct, personal knowledge, which the affiant acquired through a review of business records kept in the regular course of business of the beneficiary, the successor in interest of the beneficiary, or the servicer of the obligation or debt secured by the deed of trust, and under penalty of perjury attests that I am an authorized representative of the beneficiary or trustee, of the deed of trust described in the notice of default and election to sell to which this affidavit is attached ("Deed of Trust").

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. I have personal knowledge of Rushmore Loan Management Services, LLC (hereinafter "Current Servicer") procedures for creating and maintaining business records. Such business records are made at or near the time of the occurrence of the matters set forth therein by persons with personal knowledge of the information in the business record, or from information transmitted by persons with personal knowledge; are kept by Current Beneficiary in the course of regularly conducted business activity; and it is the regular practice of Current Beneficiary to make such records. I have reviewed certain business records of Current Beneficiary concerning the Loan, Note and Deed of Trust, referenced below, all as reflected by the records maintained by Current Beneficiary as they have been kept by Current Beneficiary in the course of regularly conducted business activity, and it was the regular practice of that business activity to make or maintain such records at or near the time by, or from information transmitted by, persons with knowledge. The information in this affidavit is based on those business records, which meet the standards set forth in NRS 51.135.

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

CLEAR RECON CORP

4375 Jutland Drive, Suite 200,  
San Diego, CA, 92117  
Street, City, State, Zip

The full name and business address of the current holder of the note secured by the Deed of Trust is:

WELLS FARGO BANK, N.A.

751 KASOTA AVENUE SUITE MDC  
MINNEAPOLIS, MN 55414  
Street, City, State, Zip

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

WILMINGTON SAVINGS FUND  
SOCIETY, FSB, D/B/A CHRISTIANA  
TRUST, NOT INDIVIDUALLY BUT AS  
TRUSTEE FOR PRETIUM MORTGAGE  
ACQUISITION TRUST

c/o Rushmore Loan Management Services,  
LLC  
15480 Laguna Canyon Road, Suite 100  
Irvine, CA 92618  
Street, City, State, Zip

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

RUSHMORE LOAN MANAGEMENT  
SERVICES, LLC

15480 Laguna Canyon Road, Suite 100  
Irvine, CA 92618  
Street, City, State, Zip

3. The beneficiary, successor in interest of the beneficiary, or trustee of the Deed of Trust, has actual or constructive possession of the note secured by the Deed of Trust or the beneficiary or its successor in interest or the trustee is entitled to enforce the obligation or debt secured by the Deed of Trust.
4. 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 the obligor or borrower of the obligation or debt secured by the deed of trust a written statement of:
- 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;
  - The amount in default;
  - The principal amount of the obligation or debt secured by the deed of trust;
  - The amount of accrued interest and late charges;
  - A good faith estimate of all fees imposed;

- f. Contact information for obtaining the most current amounts due and 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.
5. The obligor or borrower can call to receive the most current amounts due and a recitation of the updated information contained in this Affidavit at 1-888-504-7300.
6. The following is information regarding the instrument(s) that conveyed the interest of each beneficiary, and is based on the direct, personal knowledge of the affiant, which the affiant acquired by (1) 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 meet the standards set forth in NRS 51.135), (2) by information contained in the records of the recorder of the county in which the property is located, (3) was obtained by a review of the title guaranty or title insurance issued by a title insurer or title agent authorized to do business in Nevada pursuant to chapter 692A of NRS, or (4) is possessed directly:

<b>Assign From:</b>	<b>Assign To:</b>	<b>Recorded On Date:</b>	<b>Instrument Number:</b>
BANK OF AMERICA, N.A.	PRETIUM MORTGAGE CREDIT PARTNERS I LOAN ACQUISITION, LP	9/14/2015	2015-869531
PRETIUM MORTGAGE CREDIT PARTNERS I LOAN ACQUISITION, LP	WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST, NOT INDIVIDUALLY BUT AS TRUSTEE FOR PRETIUM MORTGAGE ACQUISITION TRUST	9/14/2015	2015-869532

7. The beneficiary or its successor in interest or the servicer of the obligation or debt secured by the deed of trust has instructed the trustee to exercise the power of sale with respect to the property.
8. Following is the true and correct signature of the affiant:

Dated this 5 day of Dec, 2017.

Affiant Name: WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST, NOT INDIVIDUALLY BUT AS TRUSTEE FOR PRETIUM MORTGAGE ACQUISITION TRUST BY RUSHMORE LOAN MANAGEMENT SERVICES, LLC, ITS APPOINTED ATTORNEY IN FACT

Signed By: Gloria A. Rocha

Print Name: GLORIA A. ROCHA VICE PRESIDENT

STATE OF \_\_\_\_\_ )  
 ) ss:  
 COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me, a Notary Public, in and for said County and State, \_\_\_\_\_, known to me to be the persons described in and who executed the foregoing instrument in the capacity set forth therein, who acknowledged to me that he/she executed the same freely and voluntarily and for the uses and purposes therein mentioned.

\_\_\_\_\_  
 NOTARY PUBLIC IN AND FOR  
 SAID COUNTY AND STATE

**ALL-PURPOSE ACKNOWLEDGMENT**

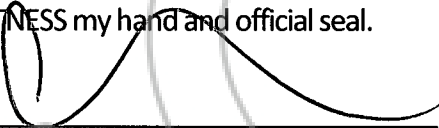
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

**State of California  
County of Orange**

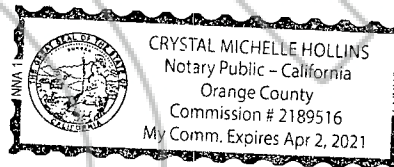
On December 5 2017 before me, Crystal Michelle Hollins Notary Public, personally appeared, Gloria A. Rocha who proved to me on basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their 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 laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

  
\_\_\_\_\_

Signature of Notary



(Seal)

**DECLARATION OF MORTGAGE SERVICER  
(NRS § 107 (SB 321/HOBR Sec. 11(6)))**

Borrower(s): JOE A  
SIMS II,

Mortgage Servicer: **Rushmore Loan Management Services LLC**

Property

Address: 3048

ROBINSON ROAD

GARDNERVILLE

NV 89410

Trustee Sale No.:

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

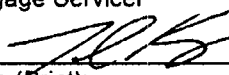
1.  The mortgage servicer has contacted the borrower to assess the borrower's financial situation, provide the toll free number to enable the borrower to find a housing counselor certified by HUD, and explore options for the borrower to avoid foreclosure as required by NRS § 107 (SB 321/HOBR Sec. 11(2)). Thirty (30) days, or more, have passed since the initial contact was made.
2.  The mortgage servicer has tried with due diligence to contact the borrower as required by NRS § 107 (SB 321/HOBR Sec. 11(5)), but has not made contact despite such due diligence. Thirty (30) days, or more, have passed since these due diligence efforts were satisfied.
3. No contact was required because:
  - a.  The mortgage servicer is exempt from the Nevada pre-foreclosure due diligence requirements set forth in NRS § 107 (SB 321/HOBR Sec. 11) pursuant to NRS § 107 (SB 321/HOBR Sec. 7.5).
  - b.  The requirements of NRS § 107 (SB 321/HOBR Sec. 11) do not apply as the individual(s) identified above do/does not meet the definition of a "borrower" set forth in NRS § 107 (SB 321/HOBR Sec. 3)
  - c.  The requirements of NRS § 107 (SB 321/HOBR Sec. 11) do not apply as the loan underlying the security interest that is the subject of this foreclosure is not a "residential mortgage loan" (as defined in NRS § 107 (SB 321/HOBR Sec. 7)), OR, if the loan is a "residential mortgage loan", it is NOT the most senior "residential mortgage loan" encumbering the above-referenced property.
  - d.  The requirements of NRS § 107 (SB 321/HOBR Sec. 11) do not apply as the default event which precipitated this foreclosure was not the failure to make a payment required by a residential mortgage loan.
4. In light of the foregoing, the mortgage servicer authorizes the trustee to submit the attached Notice of Default to be recorded as all pre-foreclosures notices required by N.R.S. § 107.080(2)(c)(3) and, if applicable, N.R.S. § 107 (SB 321/HOBR Sec. 10(1)) were timely sent per statute.

I certify 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.



Rushmore Loan Management Services, LLP  
Mortgage Servicer

Dated: 7/14/17

By:   
Name (Print): Jared Kops  
Title (Print): Vice President

**COOPY**