

LINCOLN COUNTY, NV

2019-157107

\$35.00

Rec:\$35.00

10/01/2019 03:39 PM

BARRETT DAFFIN FRAPPIER TREDER & WEISS, LLP

OFFICIAL RECORD

AMY ELMER, RECORDER

Recording requested by:

ServiceLink

When Recorded Mail To:

**BARRETT DAFFIN FRAPPIER TREDER &
WEISS, LLP**

**4004 Belt Line Road, Suite 100
Addison, Texas 75001-4320**

APN #: 001-103-19

Property Address:

**35 MEADOW VALLEY
AKA 108 DAVIS ST
PIOCHE, NEVADA 89043**



DFF0000008427742

Space above this line for Recorder's use only

The undersigned hereby affirms that there is no social security number contained in this document (Per NRS 239B.030)

Trustee Sale No. : 00000008427742

Title Order No.: 190886480

**IMPORTANT NOTICE
NOTICE OF BREACH AND ELECTION TO SELL UNDER
DEED OF TRUST**

NOTICE IS HEREBY GIVEN THAT: BARRETT DAFFIN FRAPPIER TREDER & WEISS, LLP is the duly appointed Trustee, under a Deed of Trust dated 04/26/2007, executed by ARMENUI ZAKHARYAN, A MARRIED WOMAN AS HER SOLE AND SEPARATE PROPERTY, AND ARMEN OGANISYAN, AN UNMARRIED MAN AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP, as Trustor to secure certain obligations in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. (MERS), AS NOMINEE FOR, COUNTRYWIDE BANK, FSB, ITS SUCCESSORS AND/OR ASSIGNS under a Deed of Trust, Recorded on 05/08/2007 as Instrument No. 0128890, Book No. 231 and Page No. 0254 of Official Records in the office of the County recorder of LINCOLN County, State of Nevada securing, among other obligations, one (1) note(s) for the Original sum of \$42,900.00.

**IMPORTANT NOTICE
NOTICE OF BREACH AND ELECTION TO SELL UNDER DEED OF TRUST**

Trustec Sale No. : 0000008427742 Title Order No.: 190886480

That a breach of the obligations for which such Deed of Trust is security has occurred in that payment has not been made of:

THE INSTALLMENT OF PRINCIPAL AND INTEREST WHICH BECAME DUE ON 7/1/2018 AND ALL SUBSEQUENT INSTALLMENTS, TOGETHER WITH LATE CHARGES AS SET FORTH IN SAID NOTE AND DEED OF TRUST, ADVANCES, ASSESSMENTS, FEES, AND/OR TRUSTEE FEES, IF ANY.

NOTHING IN THIS NOTICE SHALL BE CONSTRUED AS A WAIVER OF ANY FEES OWING TO THE BENEFICIARY UNDER THE DEED OF TRUST, PURSUANT TO THE TERMS OF THE LOAN DOCUMENTS.

NOTICE

You may have the right to cure the default herein and reinstate the obligation secured by said Deed of Trust above described. Section 107.080 NRS permits certain defaults to be cured upon the payments 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 statutory period set forth in section 107.080 NRS, the right of reinstatement will terminate and the property may thereafter be sold.

Pursuant to the attached Affidavit, the present Beneficiary under such Deed of Trust 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.

HUD approved local Counseling Agency: HOUSING OF NEVADA
(877)649-1335

For information relating to the foreclosure status of the property and or to determine if a reinstatement is possible and the amount, if any, to cure the default, contact:

DITECH FINANCIAL LLC
c/o BARRETT DAFFIN FRAPPIER TREDER & WEISS, LLP
4004 Belt Line Road, Suite 100
Addison, Texas 75001-4320
(866) 795-1852

To reach a Loss Mitigation Representative who is authorized to negotiate a Loan Modification, please contact;

DITECH FINANCIAL LLC
2100 E ELLIOT RD.
BLDG 94
TEMPE, AZ 85284
800-643-0202

IMPORTANT NOTICE
NOTICE OF BREACH AND ELECTION TO SELL UNDER DEED OF TRUST

Trustee Sale No.: 0000008427742 Title Order No.: 190886480

DATE: 10/1/2019

BARRETT DAFFIN FRAPPIER TREDER & WEISS, LLP

By: Mandy Franek
Mandy Franek, Authorized Agent

If you have any questions, you should contact a lawyer or the government agency, which may have insured your loan.

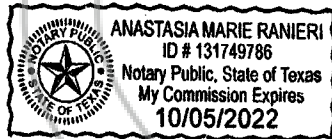
State of Texas

County of Dallas

Anastasia Marie Ranieri

Before me, Mandy Franek, on this day personally appeared Mandy Franek, known to me (or proved to me on the oath of _____ or through (description of identity card or other document)) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same of the purposes and consideration therein expressed.

Given under my hand and seal of office this 1st day of October, 1919.



Anastasia Marie Ranieri
Notary Public's Signature

Declaration of Compliance
T.S. No. 0000008427742

NEVADA DECLARATION OF COMPLIANCE
(NRS 107.510(6))

Borrower(s): ARMENUI ZAKHARYAN
ARMEN OGANISYAN

Mortgage Servicer: Ditech Financial LLC fka Green Tree Servicing LLC

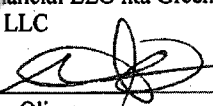
Property Address: 35 MEADOW VALLEY AKA 108 DAVIS ST, PIOCHE, NV 89043

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

- The mortgage servicer has contacted the borrower pursuant to Nevada Revised Statutes Annotated § 107.510 to "assess the borrower's financial situation and to explore options for the borrower to avoid a foreclosure sale." Thirty (30) days, or more, have passed since the initial contact was made.
- Despite the exercise of due diligence pursuant to Nevada Revised Statutes Annotated § 107.510(5), the mortgage servicer has been unable to contact the borrower "to assess the borrower's financial situation and to explore options for the borrower to avoid a foreclosure sale." Thirty (30) days, or more, have passed since these due diligence efforts were satisfied.
- No contact was required by the mortgage servicer because the individual(s) did not meet the definition of "borrower" pursuant to Nevada Revised Statutes Annotated §107.410.
- The requirements of Nev. Rev. Stat. Ann. § 107.510 do not apply because the loan is not a "residential mortgage loan" as defined by § 107.450.

I certify and represent that this mortgage servicer's declaration is accurate, complete and based upon competent and reliable evidence, including my review of the mortgage servicer's business records.

Ditech Financial LLC fka Green Tree
Servicing LLC


Date: 9/16/2019
Magdalena Olimon
Document Execution Representative

AFFIDAVIT OF AUTHORITY TO EXERCISE THE POWER OF SALE

Borrower(s):
ARMENUI ZAKHARYAN, A MARRIED WOMAN AS HER SOLE AND SEPARATE PROPERTY, AND ARMEN OGANISYAN, AN UNMARRIED MAN AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP

Trustee Name and Address:
BARRETT DAFFIN FRAPPIER TREDER & WEISS, LLP
4004 Belt Line Road, Suite 100
Addison, Texas 75001-4320

Property Address:
**35 MEADOW VALLEY
AKA 108 DAVIS ST
PIOCHE, NV 89043**

Deed of Trust Document:
INSTRUMENT NO. 0128890, BOOK NO. 231 AND PAGE NO. 0254

STATE OF ARIZONA)
) ss:
COUNTY OF MARICOPA)

The affiant, Magdalena Olimon, being first duly sworn upon oath and under penalty of perjury, attests as follows:

1. I am employed as Document Execution Representative of **DITECH FINANCIAL LLC aka GREEN TREE SERVICING LLC** ("Ditech") in this capacity I have personal knowledge of the facts and matters stated herein, and I am authorized to execute this Affidavit on behalf of Ditech in its capacity as the current beneficiary of the subject Deed of Trust ("Beneficiary") or the servicer for the current Beneficiary of the Deed of Trust. I am over the age of eighteen (18) years and am competent to testify to the matters stated in this affidavit. If called to testify at the trial of this matter, I could competently testify as to the facts contained in this affidavit.

2. In the regular and ordinary course of business, it is Ditech's practice to make, collect, and maintain business records and documents related to any loan it originates, funds, purchases and/or services, including the subject loan (collectively, "Business Records"). I have personal knowledge of Ditech's 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 record, or from information transmitted by persons with personal knowledge; are kept by Ditech's in the course of regularly conducted business activity; and it is the regular practice of Ditech's to make such records. I have reviewed certain Business Records of Ditech's concerning the Deed of Trust and accompanying Note, all as reflected by the records maintained by Ditech as they have been kept by Ditech's 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.

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

| Full Name | Street, City, State, Zip |
|---|---|
| Barrett Daffin Frappier Treder & Weiss, LLP | 4004 Belt Line Road, Suite 100 Addison, Texas 75001-4320 |

4. The full name and business address of the entity currently entitled to enforce the note secured by the Deed of Trust is:

| Full Name | Street, City, State, Zip |
|----------------------|--|
| DITECH FINANCIAL LLC | c/o Ditech Financial LLC 3000 Bayport Drive, Suite 880 Tampa, FL 33607 |

5. The full name and business address of the current Beneficiary of record of the Deed of Trust is:

| Full Name | Street, City, State, Zip |
|----------------------|--|
| DITECH FINANCIAL LLC | c/o Ditech Financial LLC 3000 Bayport Drive, Suite 880 Tampa, FL 33607 |

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

| Full Name | Street, City, State, Zip |
|----------------------|--|
| Ditech Financial LLC | 3000 Bayport Drive, Suite 880 Tampa, FL 33607 |

7. The Beneficiary, its successor-in-interest, or the trustee of the Deed of Trust has actual or constructive possession of, or is otherwise entitled to enforce, the note secured by the Deed of Trust, or the Beneficiary, its successor in interest, or the trustee is entitled to enforce the debt secured by the Deed of Trust.

8. The Beneficiary, its successor-in-interest, the trustee, the servicer of the debt secured by the Deed of Trust, or an attorney representing any of those persons, has sent to the borrower(s) of the debt secured by the Deed of Trust a written statement of:

- a. 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 debt existing before the deficiency in performance or payment, as of the date of the statement;
- b. The amount in default;
- c. The principal amount of the 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 power of sale; and
- f. Contact information for obtaining the most current amounts due and the local or toll-free telephone number that the borrower(s) of the debt may call to receive the most current amounts due and a recitation of the information contained in this affidavit.

9. The borrower(s) may utilize the following toll-free or local telephone number to inquire about the default, obtain the most current amounts due, receive a recitation of the information contained in this Affidavit, and/or explore loss mitigation alternatives: (800) 643-0202.

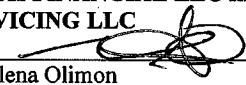
10. The following is information regarding the instrument(s) that conveyed the interest of each beneficiary, and is based on the direct, personal knowledge of the affiant, which the affiant acquired independently, or (a) by a review of the Business Records of the Beneficiary, the successor in interest of the Beneficiary or the servicer of the debt secured by the Deed of Trust, (b) by a review of information contained in the records of the recorder of the county in which the property is located, or (c) by a review of the title guaranty or title insurance issued by a title insurer or title agent authorized to do business in Nevada:

| | | |
|------------|--------------------------|---|
| 05/08/2007 | 0128890 | MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. (MERS), AS NOMINEE FOR, COUNTRYWIDE BANK, FSB, ITS SUCCESSORS AND/OR ASSIGNS |
| <hr/> Date | <hr/> Recordation Number | <hr/> Name of Beneficiary |
| 02/14/2011 | 0137834 | BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING LP |
| <hr/> Date | <hr/> Recordation Number | <hr/> Name of Assignee |
| 05/09/2012 | 0141158 | BANK OF AMERICA, N.A., SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING, LP |
| <hr/> Date | <hr/> Recordation Number | <hr/> Name of Assignee |
| 01/17/2013 | 0142517 | GREEN TREE SERVICING, LLC |
| <hr/> Date | <hr/> Recordation Number | <hr/> Name of Assignee |

11. The Beneficiary, its successor in interest or the servicer of the debt secured by the Deed of Trust has instructed the trustee to exercise the power of sale with respect to the property.

12. Following is the true and correct signature of the affiant:

**DITECH FINANCIAL LLC fka GREEN TREE
SERVICING LLC**


Magdalena Olimon
Document Execution Representative

Date: 9/16/2019

STATE OF ARIZONA }

§

COUNTY OF MARICOPA }

On this 16th day of September, 2019, before me Annette Ayiers, Notary Public, personally appeared Magdalena Olimon, who acknowledged himself/herself to be the Document Execution Representative of Ditech Financial LLC fka Green Tree Servicing LLC, a limited company, and that he/she, as such being authorized so to do, execute forgoing instrument for the purposes therein contained, by signing the name of the corporation by himself/herself as Document Execution Representative.


Notary Public

