

APN: 125-20-310-056

WHEN RECORDED MAIL TO:

Clear Recon Corp.
4375 Jutland Drive, Suite 200
San Diego, CA 92177-0935
866-931-0036

Inst #: 20160531-0001128

Fees: \$222.00

N/C Fee: \$25.00

05/31/2016 10:08:18 AM

Receipt #: 2778270

Requestor:

SERVICELINK TITLE AGENCY IN

Recorded By: GWC Pgs: 6

DEBBIE CONWAY

CLARK COUNTY RECORDER

TS No.: 041630-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 3/21/2004, executed by BRIAN K YU, A SINGLE MAN, as trustor in favor of the beneficiary thereunder, recorded 4/2/2004, as Instrument No. 20040402-02387, of Official Records in the office of the County recorder of Clark, County, Nevada securing, among other obligations.

One Note for the Original sum of \$156,550.00, 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 11/1/2014 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, DITECH FINANCIAL LLC FKA GREEN TREE SERVICING LLC, 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.: 041630-NV

Property Address as identified in the Deed of Trust is: **6721 OLD VALLEY STREET
LAS VEGAS, NV 89149**

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:**

DITECH FINANCIAL LLC FKA GREEN TREE SERVICING LLC
3000 Bayport Drive Suite 880
Tampa, FL 33607
Phone: 800-643-0202

Loan Modification contact information: **DITECH FINANCIAL LLC FKA GREEN TREE
SERVICING LLC, Loss Mitigation Dept. 800-643-0202**

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

Dated: **MAY 26 2016**

MAY 26 2016

CLEAR RECON CORP.

By: 
Clariben Huntington, Authorized Signatory for Trustee

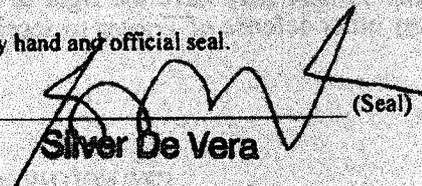
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of San Diego)ss.

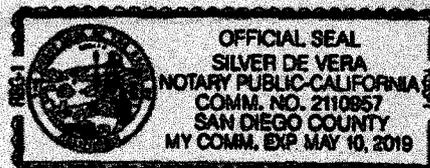
On **MAY 26 2016** before me **Silver De Vera** Notary Public, personally appeared **Clariben Huntington** who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their 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


Silver De Vera

(Seal)



NRS 107.080 Compliance Affidavit

AFFIDAVIT OF AUTHORITY TO EXERCISE THE POWER OF SALE

Property Owners:
BRIAN K YU

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

Property Address:
6721 OLD VALLEY STREET
LAS VEGAS, NV 89149

Deed of Trust Document:
Recorded 4/2/2004 as Instrument
Number 20040402-02387

STATE OF Florida)
COUNTY OF Duval) ss:

The affiant, Lakecia Walker based on 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 the 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 Ditech Financial LLC fka Green Tree Servicing LLC'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 business record, or from information transmitted by persons with personal knowledge; are kept by Ditech Financial LLC fka Green Tree Servicing LLC's in the course of regularly conducted business activity; and it is the regular practice of Ditech Financial LLC fka Green Tree Servicing LLC's to make such records. I have reviewed certain business records of Ditech Financial LLC fka Green Tree Servicing LLC's concerning the Loan, Note and Deed of Trust, referenced below, all as reflected by the records maintained by Ditech Financial LLC fka Green Tree Servicing LLC's as they have been kept by Ditech Financial LLC fka Green Tree Servicing LLC'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, 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, County, State, Zip

Full Name



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

DITECH FINANCIAL LLC FKA
GREEN TREE SERVICING LLC

3000 Bayport Drive Suite 880
Tampa, FL 33607

Full Name

Street, City, County, State, Zip

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

DITECH FINANCIAL LLC FKA
GREEN TREE SERVICING LLC

3000 Bayport Drive Suite 880
Tampa, FL 33607

Full Name

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:

DITECH FINANCIAL LLC FKA
GREEN TREE SERVICING LLC

3000 Bayport Drive Suite 880
Tampa, FL 33607

Full Name

Street, City, County, 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, its successor in interest, or the trustee is entitled to enforce the obligation or debt secured by the Deed of Trust.
4. 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 persons/entities has sent the obligor or borrower of the obligation or 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 obligation or 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 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 power of sale; and
 - 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 (800) 643-0202.
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 independently, or (1) 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 meet the standards set forth in NRS 51.135), (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 pursuant to chapter 692A of NRS:

4/2/2004

20040402-02387

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS INC.,
SOLELY AS NOMINEE FOR
COUNTRYWIDE HOME LOANS,
INC., ITS SUCCESSORS AND
ASSIGNS

Date

Recordation Number

Name of Beneficiary

1/14/2015

20150114-0000177

GREEN TREE SERVICING LLC

Date

Recordation Number

Name of Assignee

7. The beneficiary, 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: May 16, 2016

DITECH FINANCIAL LLC FKA GREEN
TREE SERVICING LLC FKA GREEN TREE
SERVICING LLC

Lakecia Walker

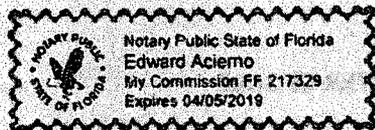
By: Lakecia Walker, Assistant Vice President

STATE OF FLORIDA)

) ss:

COUNTY OF DUVAL)

On this 19th day of May, 2016, personally appeared before me, a Notary Public, in and for said County and State, Lakecia Walker, 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.



Edward Acierno

NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE



**NEVADA DECLARATION OF COMPLIANCE
(NRS 107 §11(6))**

Borrower: Brian Yu

Mortgage Servicer: Ditech Financial LLC

Property Address: 6721 OLD VLY ST - LAS VEGAS NV 89149

T.S. no.

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

1. The mortgage servicer has contacted the Borrower to "assess the borrower's financial situation, explore options for the borrower to avoid foreclosure, advise the borrower that he or she has the right to request a subsequent meeting and provide the toll free HUD number to the borrower to find a local housing counselor". Thirty (30) days, or more, have passed since the initial contact was made.
2. Despite the exercise of the due diligence requirements the mortgage servicer has been unable to contact the borrower to "assess the borrower's financial situation, explore options for the borrower to avoid foreclosure and provide the toll free HUD number to the borrower to find a local housing counselor". Thirty (30) days, or more, have passed since these due diligence efforts were satisfied.
3. No contact was required by the mortgage servicer because:
 - a. The requirements of NRS §107 do not apply as the individual(s) do/did not meet the definition of "borrower".
 - b. The requirements of NRS §107 do not apply as the because the above-referenced loan did not meet the definition of "residential mortgage loan" OR, if the account is a "residential mortgage loan", it is NOT the most senior "residential mortgage loan" encumbering the above-referenced property.
 - c. The requirements of NRS §107 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/HIOBR Sec. 10(1) were timely sent per statute.

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.

Date: March 21, 2016

Ditech Financial LLC


By: Callie DeBoer
Referral Specialist

ATTACHMENT TO AFFIDAVIT OF AUTHORITY TO EXERCISE THE POWER OF SALE