DISTRICT COURT, WELD COUNTY, COLORADO Court Address: 901 9th Avenue, P.O. Box 2038 (80632), Greeley, CO 80631	
IN THE MATTER OF THE APPLICATION OF NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER, FOR AN ORDER AUTHORIZING THE PUBLIC TRUSTEE FOR WELD COUNTY, STATE OF COLORADO, TO SELL CERTAIN REAL ESTATE CONTAINED IN A DEED OF TRUST.	▲ **COURT USE ONLY** ▲
Attorney or Party Without Attorney: Name: Ryan Bourgeois, Esq. Reg. No. 51088 Randall M. Chin, Esq. Reg. No. 31149 Anna Johnston, Esq. Reg. No. 51978 BARRETT FRAPPIER & WEISSERMAN LLP Address: 1391 Speer Boulevard, Suite 700, Denver, Colorado 80204 Phone Number: (303) 350-3711 Fax Number: (303) 813-1107 E-mail: BFW_R120@bdfgroup.com	Case Number: 2022CV30328 Div.: 4 Ctrm: Response Deadline: 06/16/2022
NOTICE OF RESPONSE DEADLINE June 16, 2022	

TO: THE PEOPLE OF THE STATE OF COLORADO, TO THE GRANTOR(S) IN THE DEED OF TRUST DESCRIBED HEREIN, AND TO THOSE PERSONS WHO APPEAR TO HAVE ACQUIRED A RECORD INTEREST IN THE REAL ESTATE THEREIN DESCRIBED, SUBSEQUENT TO THE RECORDING OF SUCH DEED OF TRUST, AND THOSE PERSONS WHOSE INTEREST IN THE REAL PROPERTY MAY BE AFFECTED, GREETINGS:

WHEREAS, PAUL J VALDEZ, Grantor (s) by a Deed of Trust dated March 18, 2019, recorded on March 25, 2019, at Reception No. 4475811, in the records of the County of WELD, Colorado, to secure to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ACTING SOLELY AS NOMINEE FOR NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER, the payment of an Evidence of Debt of even date therewith for the principal sum of $341,116.00, as provided in said Deed of Trust, conveyed to the WELD County Public Trustee, on the terms set forth in said Evidence of Debt and Deed of Trust, the following described real property ("Property") situate in said County to-wit:

ALL THE REAL PROPERTY, TOGETHER WITH IMPROVEMENTS, IF ANY, SITUATE, LYING AND BEING IN THE COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS: LOT 11, BLOCK 4, BLUE LAKE SUBDIVISION, FILING NO.1, COUNTY OF WELD, STATE OF COLORADO.

WHICH HAS THE ADDRESS OF: 1675 RODEO ST, LOCHBUIE, CO 80603

NOTICE is hereby given that NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER, Petitioner herein, has filed its Motion with this Court seeking an Order of this Court authorizing a Public Trustee's sale under the power of sale contained in said Deed of Trust on the grounds that the indebtedness secured by said Deed of Trust is in default in that among other events of default the current Mortgagor has failed to pay monthly installments of principal and/or interest, together with applicable late charges as provided in the subject Deed of Trust and Evidence of Debt.

NOTICE is also given that any interested party who: 1) disputes the existence of such default under the terms of said Deed of Trust and Evidence of Debt secured thereby, or 2) who disputes the existence of circumstances authorizing the exercise of the power of sale contained in said Deed of Trust, or who desires to raise such other grounds for the objection to the issuance of an Order Authorizing Sale which may exist pursuant to the Servicemembers Civil Relief Act, as amended, or 3) who disputes the real party in interest, or 4) otherwise diputes whether any request for loan modification bars a foreclosure sale as a matter of law, may file a response to Petitioner's Motion for Order Authorizing Sale. The response must describe the facts the respondent relies on in objecting to the issuance of an Order Authorizing Sale, and may include copies of documents which support the respondent's position. Said response must be in writing and filed with the Clerk of the District Court in and for the County of WELD, State of Colorado, at the address set forth on the next page, and shall be served upon the Petitioner pursuant to Rule 5(b) of the Colorado Rules of Civil Procedure at the office of Barrett Frappier & Weisserman, LLP, 1391 Speer Boulevard, Suite 700, Denver, Colorado 80204, telephone (303) 350-3711 by the response deadline. Response must also include contact information for the respondent including name, mailing address, telephone number and if appicable, an email address.

If this case is not filed in the County where your property or a substantial part of your property is located, you have the right to ask the Court to move the case to that county. If you file a response and the court sets a hearing date, your request to move the case must be filed with the court at least seven (7) days before the date of the hearing unless the request was included in your response.

Be advised that the Clerk of this Court has set the response deadline set forth below when and where any interested person may file a response if they so desire, with or without an attorney.

Response Deadline: **June 16, 2022**
Court Address: **District Court of WELD, County**
901 9th Avenue, P.O. Box 2038 (80632), Greeley, CO 80631

THE DEADLINE TO FILE A RESPONSE IS JUNE 16, 2022. THERE MAY OR MAY NOT BE A FILING FEE SHOULD THE RESPONDENT FILE AN ANSWER. IF NO RESPONSE IS FILED, THE COURT MAY WITHOUT ANY HEARING AUTHORIZE THE FORECLOSURE AND PUBLIC TRUSTEE'S SALE WITHOUT FURTHER NOTICE.

BARRETT FRAPPIER & WEISSERMAN, LLP
Attorney for Applicant

By: _/s/ *Anna Johnston*_____ DATED: 5/16/2022.
☐ Ryan Bourgeois, Esq. Reg. No. 51088 ☐ Randall M. Chin, Esq. Reg. No. 31149
☒ Anna Johnston, Esq. Reg. No. 51978

Attorney for Petitioner's Address:
c/o Barrett Frappier & Weisserman, LLP
1391 Speer Boulevard, Suite 700
Denver, Colorado 80204

Petitioner's Address:
c/o NATIONSTAR MORTGAGE LLC D/B/A
MR. COOPER
8950 CYPRESS WATERS BLVD.
COPPELL, TX 75019

IMPORTANT NOTICE

THE NOTICE AND MOTION IN THIS MATTER ARE BEING FILED SIMULTANEOUSLY WITH THE MAILING OF THIS NOTICE. YOU MAY OBTAIN THE COURT'S CASE/CIVIL ACTION NUMBER BY CONTACTING THE COURT OR OUR OFFICE.

This is an attempt to collect a debt. Any information obtained may be used for that purpose. If you received a bankruptcy discharge which included this debt, this notice is not intended and does not constitute an attempt to collect a debt against you personally; applicable law requires we provide you this notice and the disclosures herein. Furthermore, our client has rights to realize on the collateral securing the loan despite a discharge in bankruptcy.

IF YOU BELIEVE THAT THE LENDER OR SERVICER OF THIS MORTGAGE HAS VIOLATED THE REQUIREMENTS FOR A SINGLE POINT OF CONTACT IN SECTION 38-38-103.1, COLORADO REVISED STATUTES, OR THE PROHIBITION ON DUAL TRACKING IN SECTION 38-38-103.2, COLORADO REVISED STATUES, YOU MAY FILE A COMPLAINT WITH THE COLORADO ATTORNEY GENERAL, THE FEDERAL CONSUMER FINANCIAL PROTECTION BUREAU, OR BOTH. THE FILING OF A COMPLAINT WILL NOT STOP THE FORECLOSURE PROCESS.

Colorado Attorney General
1300 Broadway, 10th Floor
Denver, Colorado 80203
(800) 222-4444
www.coloradoattorneygeneral.gov

Federal Consumer Financial Protection Bureau
P.O. Box 4503
Iowa City, Iowa 52244
(855) 411-2372
www.consumerfinance.gov

Rule 120. Orders Authorizing Foreclosure Sale Under Power in a Deed of Trust to the Public Trustee

(a) Motion for Order Authorizing Sale. When an order of court is desired authorizing a foreclosure sale under a power of sale contained in a deed of trust to a public trustee, any person entitled to enforce the deed of trust may file a verified motion in a district court seeking such order. The motion shall be captioned: "Verified Motion for Order Authorizing a Foreclosure Sale under C.R.C.P. 120," and shall be verified by a person with knowledge of the contents of the motion who is competent to testify regarding the facts stated in the motion.

(1) Contents of Motion. The motion shall include a copy of the evidence of debt, the deed of trust containing the power of sale, and any subsequent modifications of these documents. The motion shall describe the property to be sold, shall specify the facts giving rise to the default, and may include documents relevant to the claim of a default.

(A) When the property to be sold is personal property, the motion shall state the names and last known addresses, as shown by the records of the moving party, of all persons known or believed by the moving party to have an interest in such property which may be materially affected or extinguished by such sale.

(B) When the property to be sold is real property and the power of sale is contained in a deed of trust to a public trustee, the motion shall state the name and last known address, as shown by the real property records of the clerk and recorder of the county where the property or any portion thereof is located and the records of the moving party, of:

(i) the grantor of the deed of trust;
(ii) the current record owner of the property to be sold;
(iii) all persons known or believed by the moving party to be personally liable for the debt secured by the deed of trust;
(iv) those persons who appear to have an interest in such real property that is evidenced by a document recorded after the recording of the deed of trust and before the recording of the notice of election and demand for sale; and
(v) those persons whose interest in the real property may otherwise be affected by the foreclosure.

(C) In describing and giving notice to persons who appear to have acquired a record interest in real property, the address of each such person shall be the address that is given in the recorded instrument evidencing such person's interest. If such recorded instrument does not give an address or if only the county and state are given as the address of such person, no address need be stated for such person in the motion.

(2) Setting of Response Deadline; Hearing Date. On receipt of the motion, the clerk shall set a deadline by which any response to the motion must be filed. The deadline shall be not less than 21 nor more than 35 days after the filing of the motion. For purposes of any statutory reference to the date of a hearing under C.R.C.P. 120, the response deadline set by the clerk shall be regarded as the scheduled hearing date unless a later hearing date is set by the court pursuant to section (c)(2) below.

(b) Notice of Response Deadline; Service of Notice. The moving party shall issue a notice stating:

(1) a description of the deed of trust containing the power of sale, the property sought to be sold at foreclosure, and the facts asserted in the motion to support the claim of a default;

(2) the right of any interested person to file and serve a response as provided in section (c), including the addresses at which such response must be filed and served and the deadline set by the clerk for filing a response;

(3) the following advisement: "If this case is not filed in the county where your property or a substantial part of your property is located, you have the right to ask the court to move the case to that county. If you file a response and the court sets a hearing date, your request to move the case must be filed with the court at least 7 days before the date of the hearing unless the request was included in your response."; and

(4) the mailing address of the moving party and, if different, the name and address of any authorized servicer for the loan secured by the deed of trust. If the moving party or authorized servicer, if different, is not authorized to modify the evidence of the debt, the notice shall state in addition the name, mailing address, and telephone number of a representative authorized to address loss mitigation requests. A copy of C.R.C.P. 120 shall be included with or attached to the notice. The notice shall be served by the moving party not
less than 14 days prior to the response deadline set by the clerk, by:

(A) mailing a true copy of the notice to each person named in the motion (other than any person for whom no address is stated) at that person's address or addresses stated in the motion;
(B) filing a copy with the clerk for posting by the clerk in the courthouse in which the motion is pending; and
(C) if the property to be sold is a residential property as defined by statute, by posting a true copy of the notice in a conspicuous place on the subject property as required by statute. Proof of mailing and delivery of the notice to the clerk for posting in the courthouse, and proof of posting of the notice on the residential property, shall be set forth in the certificate of the moving party or moving party's agent. For the purpose of this section, posting by the clerk may be electronic on the court's public website so long as the electronic address for the posting is displayed conspicuously at the courthouse.

(c) **Response Stating Objection to Motion for Order Authorizing Sale; Filing and Service.** (1) Any interested person who disputes, on grounds within the scope of the hearing provided for in section (d), the moving party's right to an order authorizing sale may file and serve a response to the motion. The response must describe the facts the respondent relies on in objecting to the issuance of an order authorizing sale, and may include copies of documents which support the respondent's position. The response shall be filed and served not later than the response deadline set by the clerk. The response shall include contact information for the respondent including name, mailing address, telephone number, and, if applicable, an e-mail address. Service of the response on the moving party shall be made in accordance with C.R.C.P. 5(b).

(2) If a response is filed stating grounds for opposition to the motion within the scope of this Rule as provided for in section (d), the court shall set the matter for hearing at a later date. The clerk shall clear available hearing dates with the parties and counsel, if practical, and shall give notice to counsel and any self-represented parties who have appeared in the matter, in accordance with the rules applicable to e-filing, no less than 14 days prior to the new hearing date.

(d) **Scope of Issues at the Hearing; Order Authorizing Foreclosure Sale; Effect of Order.**
The court shall examine the motion and any responses.

(1) If the matter is set for hearing, the scope of inquiry at the hearing shall not extend beyond

(A) the existence of a default authorizing exercise of a power of sale under the terms of the deed of trust described in the motion;
(B) consideration by the court of the requirements of the Servicemembers Civil Relief
Act, 50 U.S.C. § 3931, as amended;
(C) whether the moving party is the real party in interest; and
(D) whether the status of any request for a loan modification agreement bars a foreclosure sale as a matter of law.

The court shall determine whether there is a reasonable probability that a default justifying the sale has occurred, whether an order authorizing sale is otherwise proper under the Servicemembers Civil Relief Act, whether the moving party is the real party in interest, and, if each of those matters is determined in favor of the moving party, whether evidence presented in support of defenses raised by the respondent and within the scope of this Rule prevents the court from finding that there is a reasonable probability that the moving party is entitled to an order authorizing a foreclosure sale. The court shall grant or deny the motion in accordance with such determination. For good cause shown, the court may continue a hearing.

(2) If no response has been filed by the response deadline set by the clerk, and if the court is satisfied that venue is proper and the moving party is entitled to an order authorizing sale, the court shall forthwith enter an order authorizing sale.

(3) Any order authorizing sale shall recite the date the hearing was completed, if a hearing was held, or, if no response was filed and no hearing was held, shall recite the response deadline set by the clerk as the date a hearing was scheduled, but that no hearing occurred.

(4) An order granting or denying a motion filed under this Rule shall not constitute an appealable order or final judgment. The granting of a motion authorizing a foreclosure shall be without prejudice to the right of any person aggrieved to seek injunctive or other relief in any court of competent jurisdiction, and the denial of any such motion shall be without prejudice to any other right or remedy of the moving party.

(e) The court shall not require the appointment of an attorney to represent any interested person as a condition of granting such motion, unless it appears from the motion or other papers filed with the court that there is a reasonable probability that the interested person is in the military service.

(f) Venue. For the purposes of this section, a consumer obligation is any obligation

(1) as to which the obligor is a natural person, and
(2) is incurred primarily for a personal, family, or household purpose.

Any proceeding under this Rule involving a consumer obligation shall be brought in and heard in the county in which such consumer signed the obligation or in which the property or a substantial part of the property is located. Any proceeding under this Rule that does not involve a consumer obligation or an instrument securing a consumer obligation may be brought and heard in any county. However, in any proceeding under this Rule, if a response is timely filed, and if in the response or in any other writing filed with the court, the responding party requests a change of venue to the county in which the encumbered property or a substantial part thereof is situated, the court shall order transfer of the proceeding to such county.

(g) Return of Sale. The court shall require a return of sale to be made to the court. If it appears from the return that the sale was conducted in conformity with the order authorizing the sale, the court shall enter an order approving the sale. This order is not appealable and shall not have preclusive effect in any other action or proceeding.

(h) Docket Fee. A docket fee in the amount specified by law shall be paid by the person filing the motion. Unless the court shall otherwise order, any person filing a response to the motion shall pay, at the time of the filing of such response, a docket fee in the amount specified by law for a defendant or respondent in a civil action under section 13-32-101(1)(d), C.R.S.

COMMENTS

1989

[1] The 1989 amendment to C.R.C.P. 120 (Sales Under Powers) is a composite of changes necessary to update the Rule and make it more workable. The amendment was developed by a special committee made up of practitioners and judges having expertise in that area of practice, with both creditor and debtor interests represented.

[2] The changes are in three categories. There are changes that permit court clerks to perform many of the tasks that were previously required to be accomplished by the Court and thus save valuable Court time. There are changes to venue provisions of the Rule for compliance with the Federal Fair Debt Collection Practices Act. There are also a number of editorial changes to improve the language of the Rule.

[3] There was considerable debate concerning whether the Federal "Fair Debt Collection Practices Act" is applicable to a C.R.C.P. 120 proceeding. Rather than attempting to mandate compliance with that federal statute by specific rule provision, the Committee recommends that a person acting as a debt collector in a matter covered by the provisions of the Federal "Fair Debt Collection Practices Act" be aware of the potential applicability of the Act and comply with it, notwithstanding any provision of this Rule.

Amended and Adopted by the Court, En Banc, December 7, 2017, effective as stated. By the Court:
Richard L. Gabriel
Justice, Colorado Supreme Court