DISTRICT COURT, MONTEZUMA COUNTY, **COLORADO** Court Address: 865 North Park Street DATE FILED: July 2, 2024 11:09 AM Cortez, CO 81321 Telephone: (970) 565-1111 In the Matter of the Application of HOUSING SOLUTIONS FOR THE SOUTHWEST, INC., for an **COURT USE ONLY** Order Authorizing the Public Trustee of the County of Montezuma, State of Colorado, to Sell Certain Property Under a Power of Sale Contained in a Deed of Trust. Attorney or Party Without Attorney (Name and Address): Josh W. Mack, Reg. #37858 Case Number: Goldman, Nicholson & Mack, P.C. 679 E. 2nd Avenue, Suite C P.O. Box 2270 Durango, CO 81302 Phone Number: (970) 259-8747 Division Courtroom E-mail: mack@gnm-law.com FAX Number: (970) 259-8790 NOTICE OF RESPONSE DEADLINE – JULY 23, 2024

TAKE NOTICE THAT YOU MAY BE AFFECTED BY THE FORECLOSURE OF A DEED OF TRUST ON THE PROPERTY DESCRIBED BELOW:

HOUSING SOLUTIONS FOR THE SOUTHWEST, INC. ("Applicant") has filed a Motion with this Court, claiming to be the owner and holder of a Promissory Note in the original principal amount of \$51,874.24 executed by the Grantor BENJAMIN GILCREASE and JACKIE GILCREASE for the benefit of HOUSING SOLUTIONS FOR THE SOUTHWEST, INC., dated May 21, 2013 (the "Evidence of Debt"). The Evidence of Debt is secured by a Deed of Trust executed by BENJAMIN GILCREASE and JACKIE GILCREASE, for the benefit of HOUSING SOLUTIONS FOR THE SOUTHWEST, INC., dated May 21, 2013, and recorded April 18, 2014, at Reception No. 594082 in the real property records of the County of Montezuma, Colorado (the "County Records") securing the Note (the "Deed of Trust").

The Motion claims that Applicant has the right to foreclose the lien of the Deed of Trust because the covenants of the Deed of Trust have been violated as follows: <u>Defaults have occurred under the Deed of Trust, including, but not limited to, the failure to timely make payments as required under the Deed of Trust and the Evidence of Debt secured thereby, and, therefore, <u>Applicant has elected to accelerate the entire indebtedness.</u></u>

The Motion requests a Court Order authorizing the Public Trustee to sell the property

situate in the County Montezuma, State of Colorado, more particularly described as follows:

Lots 20 and 21, Block 7, Smith Addition to the City of Cortez, CO as per the Plat of Record in the office of the Clerk and Recorder, County of Montezuma, State of Colorado.

also known by street and number as: 323 N. Washington

If you dispute the default or other facts claimed by Applicant to justify this foreclosure, or if you are entitled to protection against the foreclosure under the Servicemembers Civil Relief Act of 2003, as amended, you must make a typewritten response to the Motion, stating under oath the facts upon which you rely and attaching copies of all documents which support your position. This response must be filed with the Clerk of this Court, at 865 North Park Street, Cortez, CO 81321on or before **JULY 23, 2024 BY 05:00 P.M.** and a copy of the response must also be mailed or delivered on or before the same date to Goldman, Nicholson & Mack, P.C., P.O. Box 2270, Durango, CO 81301, Attention: Josh W. Mack.

Any person who files a response may be required to pay a fee of \$192.00 at the time of the filing.

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.

The mailing address of the moving party is 295 Girard Street, Durango, CO 81303. The name, mailing address and telephone number of the person authorized to address loss mitigation requests is: Elizabeth Salkind, Executive Director of HOUSING SOLUTIONS FOR THE SOUTHWEST, INC., 295 Girard Street, Durango, CO 81303; (970)259-1086.

A copy of C.R.C.P. 120 is attached to this Notice.

IF NO RESPONSE IS FILED ON OR BEFORE JULY 23, 2024, BY 05:00 P.M. THE COURT MAY AUTHORIZE THE FORECLOSURE AND PUBLIC TRUSTEE'S SALE WITHOUT FURTHER NOTICE.

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 Statutes, you may file a complaint with the Colorado attorney general, the federal Consumer Financial Protection Bureau, or both at: Colorado Attorney General, 1300 Broadway, 10th Floor, Denver, CO 80203, (720) 508-6000, http://www.stopfraudcolorado.gov/about-consumer-protection/complaint-forms/mortgage-complaint-form; Consumer Financial Protection Bureau, P.O. Box 2900, Clinton, IA 5233-2900, (855) 411-2372, https://www.consumerfinance.gov/complaint/. The filing of a complaint will not stop the foreclosure process.

DATED this 2nd day of July, 2024.

Goldman, Nicholson & Mack, P.C.

/s/ Josh W. Mack

Josh W. Mack, Reg. #37858 Post Office Box 2270 Durango, Colorado 81302 (970) 259-8747 Attorney for HOUSING SOLUTIONS FOR THE SOUTHWEST, INC.

This communication concerns a debt which Goldman, Nicholson & Mack, P.C., acting as a debt collector, is attempting to collect. Any information obtained will be used for that purpose.