

DISTRICT COURT, COUNTY OF MONTEZUMA STATE OF COLORADO 865 N. Park Street Cortez, CO 81321 (970) 565-1111	DATE FILED: July 10, 2024 2:10 PM
IN THE MATTER OF THE APPLICATION OF THE DOLORES STATE BANK, FOR AN ORDER AUTHORIZING THE PUBLIC TRUSTEE OF THE COUNTY OF MONTEZUMA, STATE OF COLORADO, TO SELL CERTAIN REAL PROPERTY UNDER A POWER OF SALE CONTAINED IN A DEED OF TRUST. (Graffis)	
Attorneys for Applicant: Keenen D. Lovett, #47178 Kelly R. McCabe, #10259 KELLY R. McCABE, P.C. 22 E. Main St., P.O. Box 1296 Cortez, CO 81321 Telephone: (970) 565-7209 Facsimile: (970) 565-6355	<hr/> <p style="text-align: center;">^COURT USE ONLY^</p> <hr/> Case Number: 2024CV _____ Div.: _____ Ctrm.: _____
NOTICE OF RESPONSE DEADLINE	

TAKE NOTICE THAT YOU MAY BE AFFECTED BY THE FORECLOSURE OF A DEED OF TRUST AND MODIFICATIONS OF SAID DEED OF TRUST ON THE REAL PROPERTY DESCRIBED BELOW.

The Dolores State Bank has filed a Motion with this Court, claiming to be the owner of a Promissory Note in the original amount of \$105,813.76 which is secured by Deed of Trust dated June 22, 2012, and recorded June 25, 2012, as Reception No. 583383 of the records of the Clerk and Recorder of Montezuma County, Colorado.

The Motion claims that Applicant has the right to foreclose the Deed of Trust because the maker of said Promissory Note has failed to make payment according to its terms and said Note is presently in default.

The Motion requests a court order authorizing the Public Trustee to sell the following real property in the County of Montezuma, Colorado, to-wit:

A Tract of land in the SW1/4 of Section 15, Township 36 North, Range 16 West, N.M.P.M., being more particularly described as follows:

BEGINNING at a point 1333.0 feet South of the center of said Section 15:

Thence South a distance of 350.0 feet to a point;
" West a distance of 1011.0 feet to a point;
" Northwesterly to a point 1285.7 feet West of the point of beginning;
" East a distance of 1285.7 feet to the point of beginning.

Together with membership (Tap #10563) in the Montezuma Water Company, and Ten (10) shares of the capital stock of the Montezuma Valley Irrigation Company evidenced on Certificate Number 12778.

Also known by street and number as: 11226 Road 24.3, Cortez, CO 81321.

If you dispute the default or other facts claimed by Applicant to justify this foreclosure, or if you are entitled to protection against this foreclosure under the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, you must make a typed 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 Montezuma County Courthouse, 865 N. Park Street, Cortez, CO 81321, no later than July 29, 2024, accompanied by a filing fee of \$192.00 and a copy of the response must also be mailed or delivered by the same date to Kelly R. McCabe, P.C., 22 East Main, Cortez, CO 81321.

A hearing on the Motion is scheduled for 8:30 a.m., on August 5, 2024, in the District Courtroom of the above-designated Court at Cortez, Colorado. You may attend this hearing with or without your attorney.

If this case is not filed in the county where your property is located, you have the right to ask the court to move the case to that county. Your request may be made as part of your response or any paper you file with the court at least five days before the hearing.

IF NO RESPONSE IS FILED BY July 29, 2024, THE COURT MAY, WITHOUT ANY HEARING, AUTHORIZE THE FORECLOSURE AND PUBLIC TRUSTEE'S SALE WITHOUT FURTHER NOTICE.

THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

KELLY R. McCABE, P.C.

By: /s/ Keenen D. Lovett

Keenen D. Lovett #47178

Kelly R. McCabe #10259

Attorneys for Applicant