DISTRICT COURT, COUNTY OF WELD, COLORADO Court Address: 901 9th Avenue, P.O. Box 2038 (Zip 80632) Greeley, CO 80631	
Applicant: Lakeview Loan Servicing, LLC vs. Respondent(s): Joseph A Abate, Patricia M Abate	**▲ COURT USE ONLY ▲**
Attorneys for Applicant: Holly Shilliday Attorney Reg No. 24423 Ilene Dell'Acqua Attorney Reg No. 31755 Donna Bakalor Attorney Reg No. 38854 Steven Bellanti Attorney Reg No. 48306 Elizabeth Frawley Attorney Reg No. 54438 McCarthy & Holthus, LLP 7700 E. Arapahoe Road, Suite 230 Centennial, CO 80112 Telephone: 877-369-6122 Facsimile: 866-894-7369	Case Number: 26CV31346 Division: 3 Response Deadline 12/10/2026
NOTICE OF RULE 120 MOTION FOR ORDER AUTHORIZING SALE RESPONSE DEADLINE– December 10, 2026	

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, GREETINGS:

Notice is hereby given that Lakeview Loan Servicing, LLC, has filed a Motion with this Court, claiming to be the holder of a Promissory Note the original amount of $512,221.00, dated 11/19/2024 (the "Note"), and a Deed of Trust securing said Note to the Public Trustee of the County of Weld, Colorado, dated 11/19/2024, executed by Joseph A Abate and Patricia M Abate and recorded 11/25/2024, at reception number 4996602 of the records of the Clerk and Recorder of the County of Weld, Colorado (the “Deed of Trust”).

The Motion claims that Applicant is entitled to foreclose the lien of the Deed of Trust because the covenants of said Deed of Trust have been violated as follows: Defaults have been

made under said Deed of Trust which include, but are not limited to, the failure to timely make payments required under said Deed of Trust and the Note secured thereby, and, therefore, Applicant has elected to accelerate the entire indebtedness.

The Motion requests a Court Order authorizing the Public Trustee to sell the following real property in Weld County, Colorado,

> LOT 8, BLOCK 1, HIDDEN VALLEY FARM SUBDIVISION FOURTH FILING, COUNTY OF WELD, STATE OF COLORADO.

also known by street and number as 1279 Baker Pass St, Severance, CO 80550.

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 and renamed the Servicemembers Civil Relief Act (U.S.C. §501, et. seq.), you must make a written response to the Motion, stating the facts upon which you rely. You may attach copies of documents which support your position. Any interested party may file and serve a response with the Clerk of this Court, at the Office of the Clerk of the Weld County District Court, 901 9th Avenue, P.O. Box 2038 (Zip 80632), Greeley, CO, 80631, not later than December 10, 2026 and shall be served upon Applicant by the same date pursuant to Rule 5(b) of the Colorado Rules of Civil Procedure at the office of McCarthy & Holthus, LLP, 7700 E. Arapahoe Road, Suite 230, Centennial, CO 80112.

Any person who files a response may be required to pay a docket fee of $222.00 at the time of the filing.

If a response is timely filed, the Court will review the response at which time the motion will be granted, denied or set for a hearing. IF NO RESPONSE IS FILED BY December 10, 2026 THE COURT MAY, WITHOUT A HEARING AND WITHOUT FURTHER NOTICE, AUTHORIZE THE FORECLOSURE AND A PUBLIC TRUSTEE'S SALE.

NOTE: 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 DAYS BEFORE THE DATE OF THE HEARING UNLESS THE REQUEST WAS INCLUDED IN YOUR RESPONSE.

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:
Office of the Attorney General
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 10th Floor
Denver, CO 80203
800-222-4444 (if outside of Denver but in Colorado); or
720-508-6006 (in Denver and out of state)
attorney.general@coag.gov

CONSUMER FINANCIAL PROTECTION BUREAU:
Consumer Financial Protection Bureau
P.O. Box 4503
Iowa City, Iowa 52244
(855) 411-2372; 8 a.m. – 8 p.m. Eastern, Monday–Friday
info@consumerfinance.gov

THE FILING OF A COMPLAINT WILL NOT STOP THE FORECLOSURE PROCESS.

Dated: November 12, 2026

McCarthy & Holthus, LLP

By: /s/Steven Bellanti
_ Holly Shilliday Attorney Reg No. 24423
_ Ilene Dell'Acqua Attorney Reg No. 31755
_ Donna Bakalor Attorney Reg No. 38854
x Steven Bellanti Attorney Reg No. 48306
_ Elizabeth Frawley Attorney Reg No. 54438
7700 E. Arapahoe Road, Suite 230
Centennial, CO 80112
Telephone: (877) 369-6122
Attorney for Applicant

NOTE: MCCARTHY & HOLTHUS, LLP MAY BE CONSIDERED A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

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.

TO THE EXTENT YOUR OBLIGATION HAS BEEN DISCHARGED OR IS SUBJECT TO THE AUTOMATIC STAY IN A BANKRUPTCY PROCEEDING, THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE A DEMAND FOR PAYMENT OR AN ATTEMPT TO COLLECT INDEBTEDNESS AS YOUR PERSONAL OBLIGATION. IF YOU ARE REPRESENTED BY AN ATTORNEY, PLEASE PROVIDE US WITH THE ATTORNEY'S NAME, ADDRESS AND TELEPHONE NUMBER.

Address of Applicant

Lakeview Loan Servicing, LLC
c/o LoanCare, LLC
3637 Sentara Way
Virginia Beach, VA 23452

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.