

RECORDING REQUESTED BY

First American Title

AND WHEN RECORDED MAIL TO

ROBERT E. WEISS INCORPORATED
ATTN: FORECLOSURE DEPT
920 VILLAGE OAKS DRIVE
COVINA, CA 91724

BOOK 382 PAGE 48-50
OFFICIAL RECORDS
RECORDED AT THE REQUEST OF
Just American Title
2004 MAY 24 PM 2:02

EUREKA COUNTY, NEVADA
M.N. REBALEATI, RECORDER
FILE NO. 187880
FEES 16⁰⁰

APN 001-066-02
Title Order No. 2275160100

Trustee Sale No. C-6384
Reference No. 3000540504

**NOTICE OF DEFAULT AND ELECTION TO SELL
UNDER DEED OF TRUST**

IMPORTANT NOTICE

IF YOUR PROPERTY IS IN FORECLOSURE BECAUSE YOU ARE BEHIND IN YOUR PAYMENTS, IT MAY BE SOLD WITHOUT ANY COURT ACTION, and you may have the legal right to bring your account in good standing by paying all of your past due payments plus permitted costs and expenses within the time permitted by law for reinstatement of your account, which is normally thirty-five days from the date this Notice of Default may be recorded. No sale date may be set until three months from the date this Notice of Default may be recorded (which date of recordation appears on this notice). This amount is \$8,152.69 as of 05/20/04 and will increase until your account becomes current. You may not have to pay the entire unpaid portion of your account, even though full payment was demanded, but you must pay the amount stated above. However, you and your beneficiary or mortgagee may mutually agree in writing prior to the time the Notice of Sale is posted (which may not be earlier than the end of the three-month period stated above) to, among other things, (1) provide additional time in which to cure the default by transfer of the property or otherwise; or (2) establish a schedule of payments in order to cure the default; or both (1) and (2). Following the expiration of the time period referred to in the first paragraph of this notice, unless the obligation being foreclosed upon or a separate written agreement between you and your creditor permits a longer period, you have only the legal right to stop the sale of your property by paying the entire amount demanded by your creditor. To find out the amount you must pay, or to arrange for payment to stop the foreclosure, or if your property is in foreclosure for any other reason, contact:

THE BANK OF NEW YORK TRUSTEE, C/O
INDYMAC BANK, C/O ROBERT E. WEISS INCORPORATED,
ATTN: FORECLOSURE DEPT, COVINA, CA 91724
(626) 967-4302

(NVNOTD1A)

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If you have any questions, you should contact a lawyer or the governmental agency which may have insured your loan. Notwithstanding the fact that your property is in foreclosure, you may offer your property for sale, provided the sale is concluded prior to the conclusion of the foreclosure. **Remember, YOU MAY LOSE LEGAL RIGHTS IF YOU DO NOT TAKE PROMPT ACTION. NOTICE IS HEREBY GIVEN THAT:**

ROBERT E. WEISS INCORPORATED

is duly authorized Agent for the Trustee, or duly appointed Trustee, or as duly designated Trustee under a Deed of Trust dated 06/05/97, executed by ALLYN J NILES AND MARY L NILES, HUSBAND AND WIFE

as Trustor, to secure obligations in favor of
CAPITOL COMMERCE MORTGAGE CO.

as Beneficiary recorded on 06/19/97 as instrument no. 166940
in book 308 page 586 of Official Records in the Office of
the Recorder of EUREKA County, Nevada, as more fully
described on said Deed of Trust. Including 1 note(s) for the sum of
\$67,500.00; that the beneficial interest under said Deed of Trust
and the obligations secured thereby are presently held by the beneficiary;
that a breach of, and default in, the obligations for which said Deed of Trust
is security has occurred in that the payment has not been made of:

FAILURE TO PAY MONTHLY PRINCIPAL AND INTEREST
INSTALLMENTS DUE 07/01/03 AND ALL SUBSEQUENT
INSTALLMENTS TOGETHER WITH LATE CHARGES AND ADVANCES

That by reason thereof, the present beneficiary under such Deed of Trust, has executed and delivered to said Trustee, a written Declaration and Demand for Sale, and has deposited with said duly appointed Trustee, such Deed of Trust and all documents evidencing the 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.

DATE: 05/20/04

ROBERT E. WEISS INCORPORATED, ATTORNEY AND AGENT FOR
INDYMAC BANK FSB, ATTY IN FACT FOR BANK OF NEW YORK, TRUSTEE

BY: 

CRIS A KLINGERMANN, ESQ.

(NVNOTD1B)

Trustee Sale No. C-6384

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STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

On May 20, 2004 before me, Vicki Hilton, a Notary Public in and for said county, personally appeared Cris A Klingerman, Esq., Atty. and Agent personally known to me (or 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. WITNESS my hand and official seal.

Vicki Hilton
Notary Public in and for said County and State



(NVNOTD1C)