

DOC# 0213184

03/18/2009

10:34AM

Official Record

Recording Requested By
FIRST AMERICAN NATIONAL D

Eureka County - NV

Mike Rebaleati - Recorder

Fee: \$42.00

Page: 001 of 004

RPTT: \$0.00

Recorded By FS

Book- 0486 Page- 0078

APN#: 002-047-08

**RECORDING REQUESTED BY:
FIRST AMERICAN TITLE INSURANCE COMPANY
AS AN ACCOMMODATION ONLY**

WHEN RECORDED MAIL TO:

Default Resolution Network
17911 Von Karman Ave, Suite 275
Irvine, CA 92614



0213184

3760831-DM

**The Undersigned Hereby Affirms That There Is No Social Security Number
Contained In This Document.**

**AFFIDAVIT OF ERRONEOUS RECORDING OF
TRUSTEE'S DEED UPON SALE**

TITLE OF DOCUMENT

Apn#: 002-047-08
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FIRST AMERICAN TITLE COMPANY
AS AN ACCOMMODATION ONLY

WHEN RECORDED MAIL TO:

DEFAULT RESOLUTION NETWORK
17911 Von Karman Ave, Suite 275
Irvine, CA 92614

3760831-DM

TS No: 08-00251-6 - Loan No: 24412924-3

AFFIDAVIT OF ERRONEOUS RECORDING OF TRUSTEE'S DEED UPON SALE

This Affidavit is made this day March 10, 2009 with respect to the following:

- 1.) **THAT FIDELITY NATIONAL TITLE INSURANCE COMPANY** is the duly appointed Trustee under that certain Deed of Trust dated August 15, 1996 and recorded October 9, 1996 in Book 301 at Page 233-239, Instrument No. 164700, wherein RON C. SMITH AND CALIENE SMITH are named as Trustors, MICHAEL SPENCE is named as trustee, and GREEN TREE FINANCIAL CORPORATION, is named as beneficiary;
- 2.) **THAT THE DEED OF TRUST** encumbers real property located in the County of Eureka, State of Nevada, described as follows:
APN: 002-047-08 - *See Exhibit "A" attached*
- 3.) **THAT BY VIRTUE OF** a default under the terms of the Deed of Trust, the beneficiary did declare a default, as set forth in a Notice of Default recorded June 11, 2008 as instrument number BK 473 PG 268 in the office of the Recorder of Eureka County, State of Nevada
- 4.) **THAT THE TRUSTEE** has been informed by the Beneficiary that the beneficiary desires to rescind the Trustee's Deed recorded upon the foreclosure sale which was conducted in error due to a failure to communicate timely, notice of conditions which would have warranted a cancellation of the foreclosure which did occur on 10/16/2008;



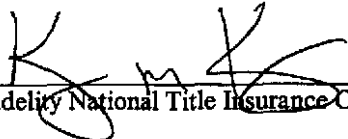
0213184

Book: 0486 03/18/2009
Page: 0079 Page: 002 of 004

5.) **THAT THE EXPRESS PURPOSE** of this Affidavit of Erroneous Recording of Trustee's Deed Upon Sale is to return the priority and existence of all title and lien holders to the status quo-ante as existed prior to the trustee's sale;

NOW THEREFORE, THE UNDERSIGNED HEREBY RESCINDS THE TRUSTEE'S SALE AND PURPORTED TRUSTEE'S DEED UPON SALE AND HEREBY ADVISES THAT THE DEED OF TRUST IS IN FULL FORCE AND EFFECT.

Dated March 10, 2009


Fidelity National Title Insurance Company, Successor Trustee - Kraig M. Kirtley

State of California


} SS.

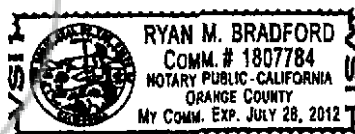
County of Orange

On March 10, 2009 before me, Ryan M. Bradford, the undersigned, a Notary Public in and for said State, personally appeared Kraig M. Kirtley, who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


Notary Public in and for said County and State



Comm. Exp. July 28, 2012

EXHIBIT "A"

THE LAND REFERRED TO IN THIS GUARANTEE IS SITUATED IN THE STATE OF NEVADA,
COUNTY OF EUREKA, TOWNSHIP OF CRESCENT VALLEY, AND IS DESCRIBED AS
FOLLOWS:

LOT 7, BLOCK 38 OF CRESCENT VALLEY RANCH & FARMS UNIT NO. 1, AS PER MAP RECORDED IN
THE OFFICE OF THE COUNTY RECORDER OF EUREKA COUNTY, NEVADA, AS FILE NO. 34081.

EXCEPTING THEREFROM ALL PETROLEUM, OIL, NATURAL GAS AND PRODUCTS DERIVED
THEREFROM, WITHIN OR UNDERLYING SAID LAND OR THAT MAY BE PRODUCED THEREFROM,
AND ALL RIGHTS THERETO, AS RESERVED BY SOUTHERN PACIFIC LAND COMPANY IN DEED
RECORDED SEPTEMBER 24, 1951, IN BOOK 24 OF DEEDS AT PAGE 168, EUREKA COUNTY, NEVADA.

002-047-08

