

DOC# 0215545

10/06/2010

12:43PM

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- 0506 Page- 0182

APN#: 002-047-14

**RECORDING REQUESTED BY:
FIRST AMERICAN NATIONAL DEFAULT
TITLE
3 FIRST AMERICAN WAY
SANTA ANA, CA 92707**



0215545

**MAIL TAX STATEMENTS TO AND
WHEN RECORDED MAIL TO:
Fidelity National Title Insurance Company
17592 E. 17th Street, Suite 300
Tustin, CA 92780**

ORDER #3760831-DM

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

**NOTICE OF RESCISSION OF
TRUSTEE'S DEED UPON SALE**

TITLE OF DOCUMENT

*** This Notice of Rescission of Trustee's Deed Upon Sale is being recorded to resend the Trustee's Deed Upon Sale that recorded on 08-20-2009 as Instrument # 0213723, because the complete legal description was not attached.**

RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

Fidelity National Title Insurance Company
17592 E. 17th Street, Suite 300
Tustin , CA 92780

SPACE ABOVE THIS LINE FOR RECORDER'S USE

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

NOTICE OF RESCISSION OF TRUSTEE'S DEED UPON SALE

This Notice of Rescission is made this day October 5, 2010 with respect to the following:

1.) **THAT FIDELITY NATIONAL TITLE 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, 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

Legal Description Attached *Exhibit "A"*

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 4/03/2009 as instrument number BK 486 PG 152 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 8/12/2009; *Recorded on 08-20-2009 as Inst. # 0213723*

5.) **THAT THE EXPRESS PURPOSE** of this Notice of Rescission 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;

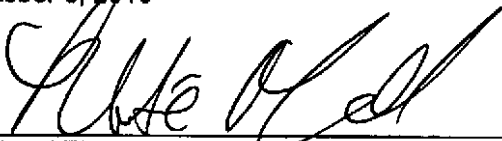
NOW THEREFORE, THE UNDERSIGNED HEREBY RESCINDS THE TRUSTEE'S SALE AND PURPORTED TRUSTEE'S DEED UPON SALE AND HEREBY ADVISES THAT THE DEED OF TRUST IS IN FULL FORCE AND EFFECT.



0215545

Book: 506 10/06/2010
Page: 183 Page: 2 of 4

Dated October 5, 2010



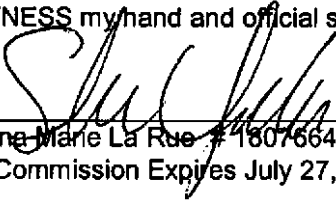
Fidelity National Title Insurance Company, Successor Trustee

State of California)ss.
County of Orange)ss

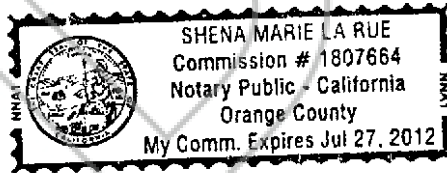
On October 5, 2010 before me, Shena Marie La Rue, Notary Public, personally appeared Lisa Bradford, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their 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.



Shena Marie La Rue # 1807664
My Commission Expires July 27, 2012



0215545

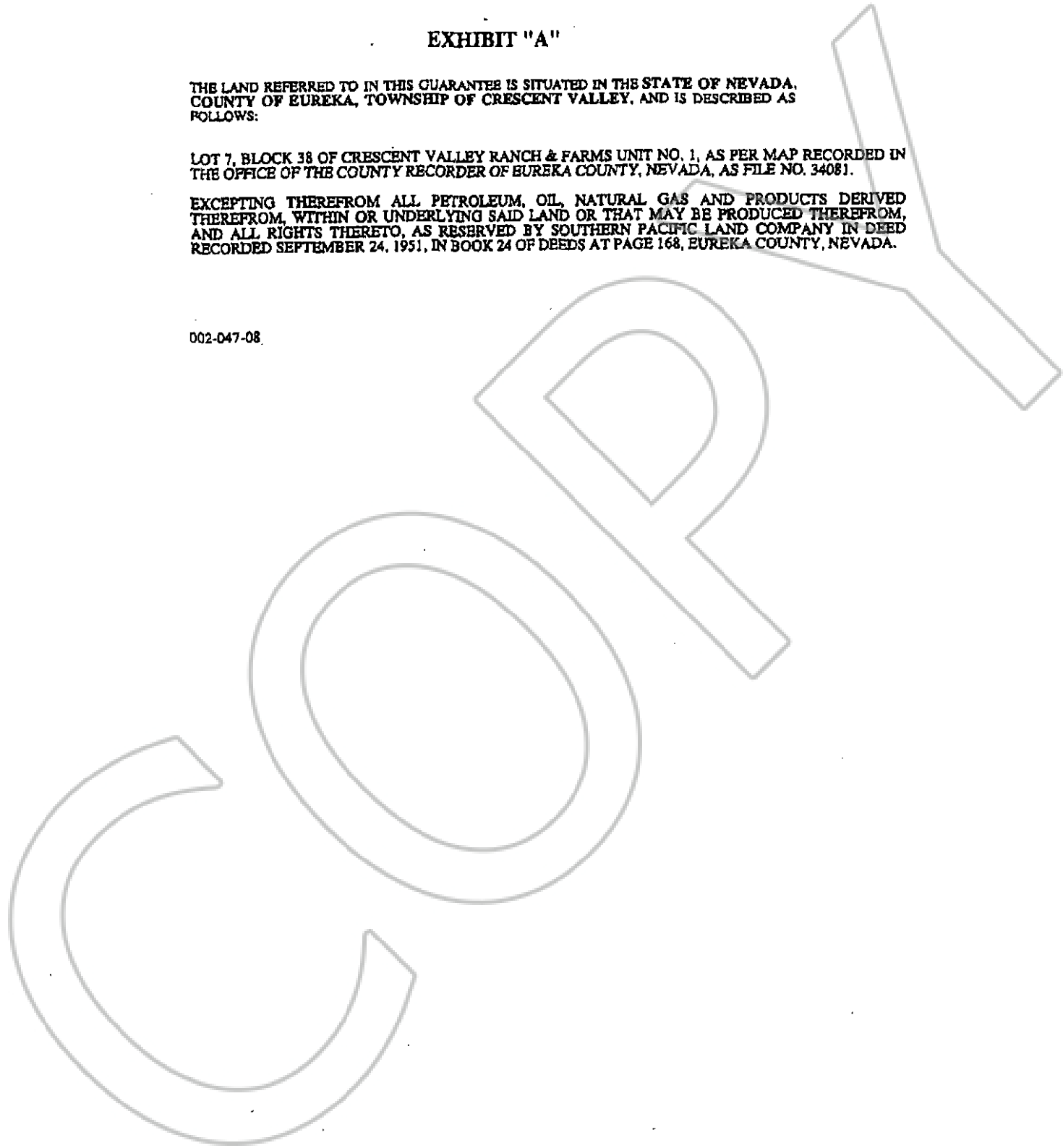
EXHIBIT "A"

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



0215545

Book: 506 10/06/2010
Page: 185 Page: 4 of 4