

DOC# 224605

07/10/2013

11:05AM

APN: N/A

**Official Record**

**Mailing Address of Grantee or Other Person Requesting Recording:**

Wilson | Barrows | Salyer | Jones  
442 Court Street  
Elko, Nevada 89801

Requested By  
WILSON BARROWS SALYER JONES

Eureka County - NV  
Mike Rebaleati - Recorder

Page: 1 of 6 Fee: \$219.00

Recorded By FS RPTT: \$0.00

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Mail Tax Statements to: N/A

**Social Security Number Affirmation Statement:**

In accordance with NRS 239B.030, the undersigned person recording this document hereby affirms that this document does not contain personal information, including full social security number of any person;

-OR-

In accordance with NRS 239B.030, the undersigned person recording this document hereby affirms that this document does contain personal information, including full social security number of a person.

Donna L. Mitchell

Legal Secretary

Name

Title

*Donna L. Mitchell*

Signature

**Title of Document Recorded:**

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

**WILSON | BARROWS | SALYER | JONES**

442 Court Street | Elko, Nevada 89801 | 775.738.7271

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

NOTICE IS HEREBY GIVEN:

THAT STEWART R. WILSON is duly appointed Trustee under a Deed of Trust dated June 2, 2010, and executed by EVOLVING GOLD, CORP. as Trustor, to secure certain obligations in favor of ISABEL E. PETERS, MARCIA L. SCOTT and PETE MICHAEL PETERS, as Beneficiaries, recorded June 8, 2010, as Document No. 0215065, of Official Records of Eureka County, State of Nevada, including one Note in the amount of \$2,800,000.00.

That the beneficial interest under such Deed of Trust and the obligation secured thereby are presently held by ISABEL E. PETERS, MARCIA L. SCOTT and PETE MICHAEL PETERS; that a breach of, and default in, the obligations for which such Deed of Trust is security has occurred in that payment has not been made of:

Non-payment of the payment of principal due on June 2, 2013, in the amount of \$700,000.00.

That by reason thereof, the present beneficiaries under Deed of Trust, have executed and delivered to said duly appointed Trustee, a written Declaration of Default and Demand for Sale, and have deposited with said Trustee, such Deed of Trust and all documents evidencing obligations secured thereby, and have declared and do hereby declare all sums secured thereby immediately due and payable and have elected and do hereby elect to cause the trust property to be sold to satisfy the obligations secured thereby.

### NOTICE

**YOU HAVE THE RIGHT TO CURE THE DEFAULT HEREIN AND REINSTATE THE OBLIGATION SECURED BY SUCH DEED OF TRUST ABOVE DESCRIBED. SECTION 107.080 NEVADA REVISED STATUTES PERMITS CERTAIN DEFAULTS TO BE CURED UPON THE PAYMENT OF THE AMOUNTS REQUIRED BY THAT SECTION WITHOUT REQUIRING PAYMENT OF THAT PORTION OF PRINCIPAL WHICH WOULD NOT BE DUE HAD NO DEFAULT OCCURRED. UNDER THE TERMS OF THE DEED OF TRUST, IF THE DEFAULT IS NOT CURED WITHIN 90 DAYS FOLLOWING THE RECORDING AND MAILING TO TRUSTOR OR TRUSTOR'S SUCCESSOR IN INTEREST OF THIS NOTICE, THE RIGHT OF REINSTATEMENT WILL TERMINATE AND THE PROPERTY MAY THEREAFTER BE SOLD.**



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To determine if reinstatement is possible, and for the amount necessary to cure the default, contact Stewart R. Wilson at (775) 738-7271.

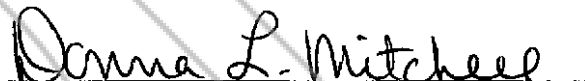
This Notice has attached as Exhibit A an NRS 107.080 Compliance Affidavit.

DATED: July 9, 2013.

  
Stewart R. Wilson, Trustee

STATE OF NEVADA,     )  
                                  ) ss.  
COUNTY OF ELKO.     )

On this 9<sup>th</sup> day of July, 2013, personally appeared before me, a notary public, Stewart R. Wilson, personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he executed the above instrument.

  
Notary Public

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**Exhibit A**  
**NRS 107.080 Compliance Affidavit**  
**(As amended June 1, 2013)**

**AFFIDAVIT OF AUTHORITY TO EXERCISE THE  
POWER OF SALE**

STATE OF NEVADA,    )  
                                  ) ss.  
COUNTY OF ELKO.    )

The Affiant, Stewart R. Wilson, being first duly sworn upon oath, based on personal knowledge and under penalty of perjury, attests that he is the Trustee of the Deed of Trust described in the Notice of Default and Election to Sell to which this Affidavit is attached.

Affiant further attests, based on personal knowledge and under penalty of perjury, to the following information as required by NRS 107.080(2)(c):

1. The full name and business address of the Trustee is Stewart R. Wilson, c/o WILSON|BARROWS|SALYER|JONES, 442 Court Street, Elko, Nevada 89801.

The full names and business addresses of the current holders of the Note secured by the Deed of Trust and current beneficiaries of record of the Deed of Trust are:

ISABEL E. PETERS - 400 #12, Jiggs, Nevada 89815  
MARCIA L. SCOTT - 152 Twin Bridges, Spring Creek, Nevada 89815  
PETE MICHAEL PETERS - 400 #12, Jiggs, Nevada 89815

2. The Trustee of the Deed of Trust has actual possession of the Note secured by the Deed of Trust.
3. The Trustee has sent to the debtor notice of the amount in default, the principal amount secured by the Deed of Trust, a good faith estimate of fees imposed and to be imposed because of the default, and the costs and fees charged to the obligor or borrower in connection with the exercise of the power of sale, as follows:



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- (I) The payment required to make good the deficiency, avoid the exercise of the power of sale and reinstate the terms and conditions of the obligation existing before the deficiency in payment is \$700,000.00.
  - (II) The amount in default is \$700,000.00.
  - (III) The unpaid principal amount of the obligation secured by the Deed of Trust is \$1,400,000.00.
  - (IV) There are no accrued interest or late charges.
  - (V) A good faith estimate of all fees imposed in connection with the exercise of the power of sale is \$2,000.00.
  - (VI) Contact information as set forth in Paragraph 4 below.
4. The local telephone number that the obligor or borrower of the obligation or debt may call to receive the most current amounts due and a recitation of this Affidavit is (775) 738-7271.
  5. The date and the recordation number, and the name of each assignee under each recorded assignment of the Deed of Trust are as follows:

Deed of Trust (EVG) dated June 2, 2010, recorded in Elko County, Nevada on June 9, 2010, as Document No. 627341 Official Records, and in Eureka County, Nevada on June 8, 2010, as Document No. 0215065, Official Records.

There are no assignments of record.

6. The foregoing information is based upon the direct personal knowledge of the Affiant, and information obtained in the records of the county or counties in which the property is located.
7. Following is the true and correct signature of the Affiant:

Dated this 26<sup>th</sup> day of June, 2013

Affiant's Name: \_\_\_\_\_

  
Stewart R. Wilson



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STATE OF NEVADA, )  
 ) ss.  
COUNTY OF ELKO. )

On this 26<sup>th</sup> day of June, 2013, personally appeared before me, a Notary Public, in and for said County and State, Stewart R. Wilson, known to me to be the person described in and who executed the foregoing instrument in the capacity set forth therein, who acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned.

*Donna L. Mitchell*

Notary Public in and for  
Said County and State

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