

EUREKA COUNTY, NV

2020-240441

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\$287.00 Pgs=10

05/06/2020 01:04 PM

SHUMWAY VAN - UTAH

LISA HOEHNE, CLERK RECORDER

APN: 003-581-05; 003-581-07;

003-581-09; 003-581-12; 003-582-02;

003-582-04; 003-583-02; 003-584-01;

003-584-01; 003-591-02; 003-591-04;

003-591-06; 003-591-07; 003-592-01;

004-370-20; 004-370-21; 004-380-03

Recording Requested By:

SHUMWAY VAN

8985 South Eastern Avenue, Suite 100
Las Vegas, Nevada 89123

Return to:

SHUMWAY VAN

8985 South Eastern Avenue, Suite 100
Las Vegas, Nevada 89123

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

NOTICE IS HEREBY GIVEN: that Shumway Van acting as agent for PETER SPIRO is duly appointed Trustee for the beneficiary under a Deed of Trust dated August 2, 2017 executed by and between **DISARM & PROTECT, INC.** as Grantor/Trustor, to secure obligations in favor of **BRISCO FUNDING, LLC**, as Beneficiary, recorded on April 20, 2018 as book and instrument number 2018-234926 of the Official Records in the Office of the Recorder of Eureka County, Nevada, describing land therein as:

**SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF
BY REFERENCE**

The Deed of Trust secures the payment of and the performance of certain obligations, including, but not limited to, the obligations set forth in that certain Real Estate Lien Note (the "Note") for the principal sum of \$450,000.00.

A breach of, and default in, the obligations for which such Deed of Trust is security has occurred in that the Trustor has failed to perform obligations pursuant to or under the Note and/or Deed of Trust, specifically: failed to pay payments which came due, together with accrued interest, late charges and other loan charges which became due under the Terms of said Note, together with advancements of the Beneficiary and charges and expenses of the Trustee as provided for in said Deed of Trust including reasonable attorney's fees. This deficiency and breach was described in a Notice of Acceleration and Demand for Payment in Full dated **April 24, 2018**, which was mailed by certified mail return receipt requested to the Trustor listed herein. The statutory period set forth in NRS 107.080 has lapsed without Trustor curing the deficiency in performance/payment.


That by reason thereof, the 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 Trustee such Deed of Trust and all documents evidencing obligations secured thereby and has declared and does hereby declare all sums secured thereby immediately due and payable pursuant to the terms of the Note and has elected and does hereby elect to cause the trust property to be sold to satisfy the obligations secured thereby. For a specific description of said obligations, see Exhibit B.

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Neither the Trustee nor the Beneficiary make any representations or warranties to any potential purchaser of any real property sold under the power of sale associated with the Deed of Trust described in this Notice of Default and Election to Sell. This notice complies with the provisions of NRS 107.080 *et seq.*, and contains the required affidavit pursuant to NRS 107.0805 *et seq.*, attached hereto as Exhibit B.

Dated this 6th day of May, 2020.

Peter Spiro as Trustee for Beneficiary, BRISCO FUNDING, LLC
By: Garrett R. Chase, Esq. as representative of Peter Spiro



By: Garrett R. Chase, Esq.

STATE OF Nevada)
) ss:
COUNTY OF Clark)

Garrett R. Chase, being first duly sworn on oath according to law, deposes and says: I have read the foregoing Notice of Default and Election to Sell Under Deed of Trust, know the contents thereof and state that he same is true of my own personal knowledge, except those matters stated upon information and belief, and, as to those matters, I believe them to be true.


Authorized Signature of Claimant

Subscribed and sworn to before me this 6th day of May, 2020.


Notary Public
My commission expires: 6-1-2020

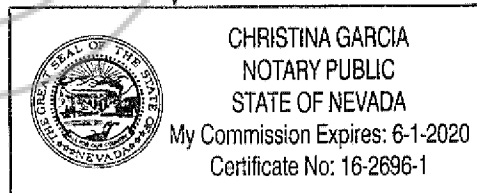


EXHIBIT A

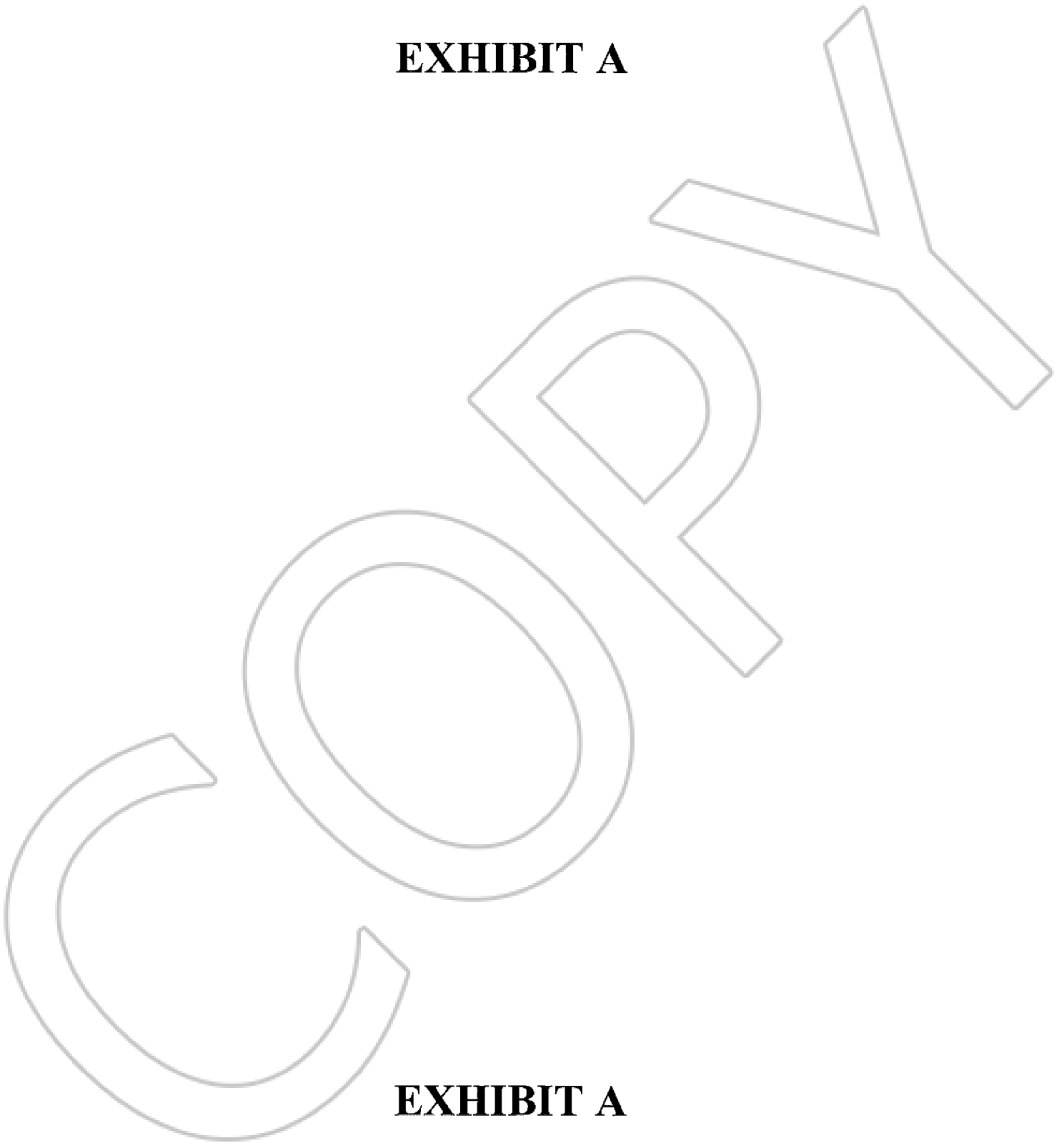


EXHIBIT A

EXHIBIT A LEGAL DESCRIPTION

PARCEL A:

PARCEL 1:

LOTS 3, 6, 7, 9 AND 10 OF BLOCK 1 OF THE TOWNSITE OF PALISADE ACCORDING TO THE MAP THEREOF FILED IN THE OFFICE OF THE COUNTY RECORDER OF EUREKA COUNTY, NEVADA, AS FILE NUMBER 13737.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PORTION OF SAID LAND:

COMMENCING AT THE NORTHEAST CORNER OF LOT 9 IN BLOCK NUMBER ONE (1) OF SAID TOWNSITE OF PALISADE, THENCE WEST ALONG THE NORTH SIDE LINE OF SAID LOT 9, A DISTANCE OF 95 FEET; THENCE SOUTH PARALLEL WITH THE EAST END LINE OF SAID LOT 9 TO THE SOUTH SIDE LINE OF SAID LOT 9 TO THE SOUTHEAST CORNER OF SAID LOT 9; THENCE NORTH ALONG THE EAST END LINE OF SAID LOT 9 TO THE NORTHEAST CORNER OF SAID LOT 9, THE PLACE OF BEGINNING.

PARCEL 2:

ALL THOSE CERTAIN LOTS, PIECES ON PARCEL SITUATE IN THE TOWN OF PALISADE AS SHOWN ON "MAP OF PALISADE" SURVEY DATED DECEMBER 1908, MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

BLOCK A: LOTS 1 THROUGH 7

BLOCK B: LOTS 1 THROUGH 5

BLOCK C: LOTS 1 AND 2

BLOCK D: LOT 1 THROUGH 6

BLOCK E: LOTS 1 THROUGH 6

LOTS 8 THROUGH 16

LOTS 18 THROUGH 29

BLOCK F: LOTS 1 THROUGH 7

LOTS 10 THROUGH 27

BLOCK G: LOTS 1 THROUGH 34

PARCEL 3:

TOWNSHIP 32 NORTH, RANGE 51 EAST, MDB&M

SECTION 36, EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THAT CERTAIN 400 FOOT WIDE STRIP OF LAND LYING ALONG THE EXISTING RAILWAY LINES AS RESERVED BY THE CENTRAL PACIFIC RAILWAY COMPANY IN DOCUMENT RECORDED JANUARY 7, 1931, IN BOOK 21, PAGE 26, DEED RECORDS, EUREKA COUNTY, NEVADA.

PARCEL 4

TOWNSHIP 32 NORTH, RANGE 51 EAST, MDB&M

SECTION 36: NORTHWEST QUARTER OF THE SOUTHWEST QUARTER; SOUTHWEST QUARTER OF THE NORTHWEST QUARTER
EXCEPTING THEREFROM ALL LANDS LYING WITHIN THE BOUNDARIES OF THE TOWN OF PALISADE.

FURTHER EXCEPTING THEREFROM THAT PORTION OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 32 NORTH, RANGE 51 EAST, MDB&M. LYING WITHIN THAT CERTAIN 400 FOOT WIDE STRIP OF LAND BEING A RIGHT OF WAY GRANTED BY THE UNITED STATES OF AMERICA TO THE CENTRAL PACIFIC RAILWAY COMPANY PURSUANT TO AN ACT OF CONGRESS DATED JULY 1, 1862 LYING ALONG THE EXISTING RAILWAY LINE AS RESERVED BY THE CENTRAL PACIFIC RAILWAY COMPANY IN DOCUMENT RECORDED JANUARY 7, 1931 IN BOOK 21, PAGE 26, DEED RECORDS, EUREKA COUNTY, NEVADA AND AS SHOWN ON RECORD

OF SURVEY OF THE TOWN OF PALISADE, NEVADA, FOR JOHN G. AND FRANK R. SEXTON RECORDED JANUARY 9, 2007 AS DOCUMENT NO. 207725, OFFICIAL RECORDS, EUREKA COUNTY, NEVADA, SAID STRIP OF LAND BEING SHOWN ON SAID RECORD OF SURVEY AS A STRIP OF LAND LYING 200 FEET ON EACH SIDE OF THE "CENTERLINE OF OLD S.P.R.R. RT. OF WAY" AND THAT STRIP OF LAND SHOWN ON THE ABOVE DESCRIBED RECORD OF SURVEY BEING 200 FEET IN WIDTH LYING 100 FEET ON EACH SIDE OF CENTERLINE OF THE EXISTING NEV. S.P.R.R. RIGHT OF WAY BEING DESIGNATED ON BUREAU OF LAND MANAGEMENT RECORDS AS: NEV. 043256.

FURTHER EXCEPTING THEREFROM THAT PORTION OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 32 NORTH, RANGE 51 EAST, MDB&M LYING WITHIN THE RIGHT OF WAY GRANTED BY THE UNITED STATES OF AMERICA TO THE WESTERN PACIFIC RAILWAY COMPANY (MERGED INTO UP ON 06/16/1987) PURSUANT TO AN ACT OF CONGRESS DATED MARCH 3, 1875, AS EVIDENCED BY MAP FILING ON JUNE 15, 1910, WITH THE U.S. SURVEYOR GENERAL'S OFFICE.

FURTHER EXCEPTING THEREFROM THAT PORTION OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 32 NORTH, RANGE 51 EAST, MDB&M LYING WITHIN THE PROPERTY DESCRIBED IN THE DEED DATED OCTOBER 17, 1908, FROM THE EUREKA AND PALISADE RAILWAY TO THE WESTERN PACIFIC RAILWAY COMPANY, WHICH WAS RECORDED OCTOBER 28, 1908, BOOK 16, PAGE 56, DEED RECORDS, EUREKA COUNTY, NEVADA. EXCEPTING FROM THE ABOVE DESCRIBED STRIPS OF LAND THAT PORTION OF THE 400 FOOT STRIP OF LAND DESCRIBED ABOVE LYING WITHIN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 36 WHICH LIES EASTERLY OF A LINE 200 FEET DISTANT WESTERLY AND PARALLEL TO THE CENTERLINE OF THE EXISTING S.P.R.R. AS SHOWN ON SAID RECORD OF SURVEY.

FURTHER EXCEPTING THEREFROM THOSE CERTAIN LANDS KNOWN AS THE "CEMETERY LOT" CONVEYED TO EUREKA COUNTY, NEVADA, BY DEED RECORDED AUGUST 23, 1996, IN BOOK 300, PAGE 117, AS INSTRUMENT NO. 164408, OFFICIAL RECORDS, EUREKA COUNTY, NEVADA.

PARCEL 5:

TOWNSHIP 32 NORTH, RANGE 51 EAST, MDB&M

SECTION 36: ALL RIGHT, TITLE AND INTEREST OF UNION PACIFIC RAILROAD COMPANY IN AND TO THAT PORTION OF THE 400 FOOT STRIP LAND AS RESERVED BY THE CENTRAL PACIFIC RAILWAY COMPANY IN DOCUMENT RECORDED JANUARY 7, 1931 IN BOOK 21, PAGE 26, DEED RECORDS AS MORE FULLY DESCRIBED IN PARCEL II OF LANDS TO BE VESTED IN UNION PACIFIC RAILROAD COMPANY AS SET FORTH IN DECREE QUIETING TITLE RECORDED MARCH 9, 2010 IN BOOK 498, PAGE 316 AS INSTRUMENT NO. 214756, OFFICIAL RECORDS OF EUREKA COUNTY, NEVADA, SAID PORTION TO BE ALL THAT PART OF SAID RIGHT OF WAY LYING WESTERLY OF A LINE 200 FEET DISTANT AND PARALLEL TO THE CENTERLINE OF THE EXISTING S.P.R.R. AS SHOWN ON THE ABOVE DESCRIBED RECORD OF SURVEY.

EXHIBIT B

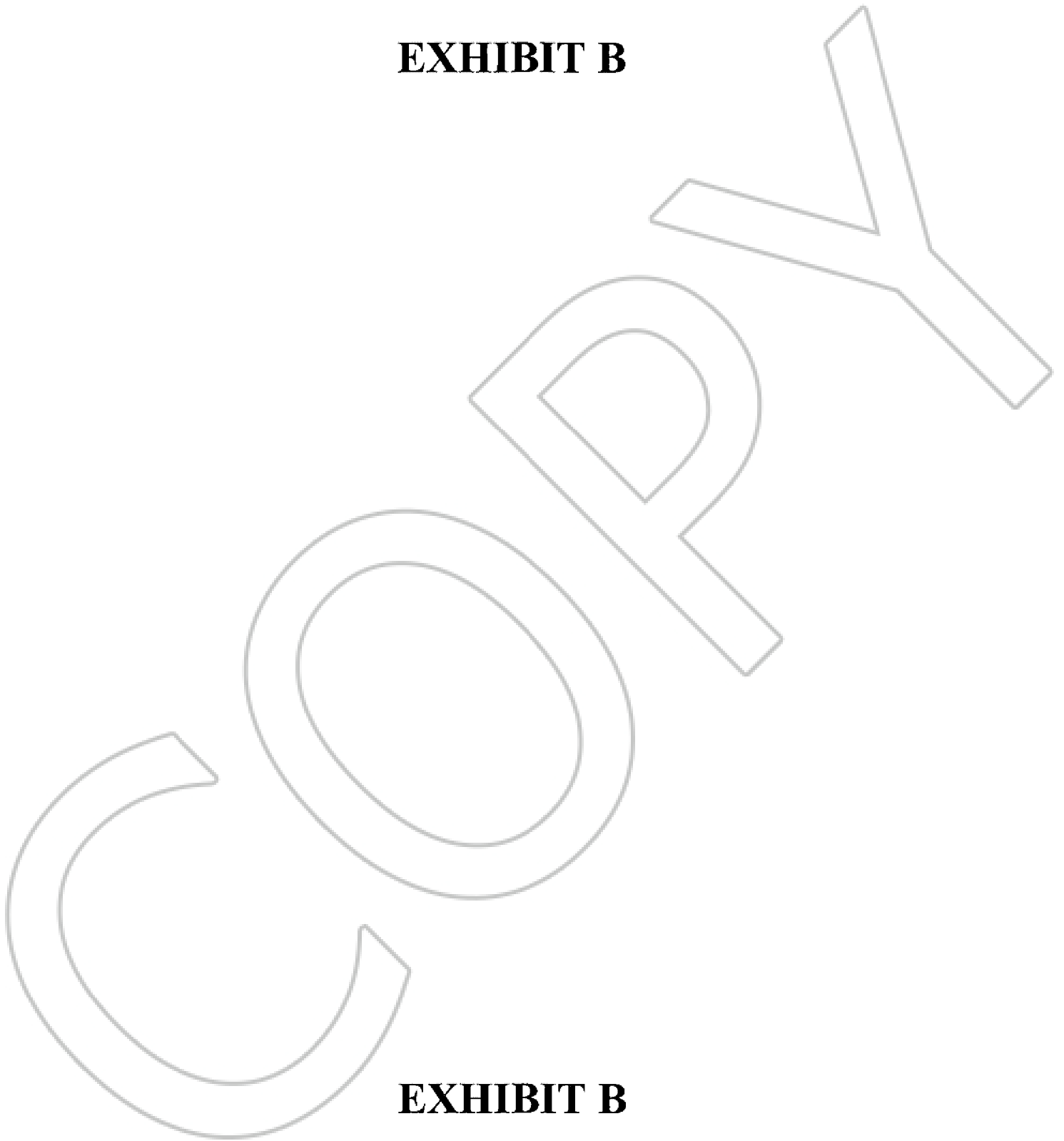


EXHIBIT B

**AFFIDAVIT OF AUTHORITY TO EXERCISE POWER OF SALE
PURSUANT TO NRS 107.0805**

Property Owner(s): BRISCO FUNDING, LLC

Property Address: APN: 003-581-05; 003-581-07; 003-581-09; 003-581-12; 003-582-02;
003-582-04; 003-583-02; 003-584-01; 003-584-01; 003-591-02; 003-591-
04; 003-591-06; 003-591-07; 003-592-01; 004-370-20; 004-370-21; 004-
380-03

See Exhibit "A" Attached Hereto for Full Legal Description

Trustee Address: Peter Spiro
c/o Shumway Van
8985 S. Eastern, Suite 100
Las Vegas, NV 89123

Deed of Trust Document Instrument Number: 2018-234926

STATE OF Nevada)
) ss:
COUNTY OF Clark)

The affiant, Garrett R. Chase, being first duly sworn on oath according to law, based on personal knowledge, and under penalty of perjury attests that I am the beneficiary or trustee, or the authorized representative of the beneficiary or trustee, of the deed of trust described in the notice of default and election to sell to which this affidavit is attached ("Deed of Trust").

I further attest, 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 or the trustee's representative or assignee is:

Garrett R. Chase, Esq.
Full Name

8985 S. Eastern, Suite 100, Las Vegas, NV 89123
Street, City, County, State, Zip

<u>Peter Spiro</u>	<u>54 Pinecliff Rd, Chappaqua, NY 10514</u>
Full Name	Street, City, County, State, Zip

<u>Peter Spiro</u>	<u>54 Pinecliff Rd, Chappaqua, NY 10514</u>
Full Name	Street, City, County, State, Zip

- | | |
|----------------------------|---|
| <u>BRISCO FUNDING, LLC</u> | <u>1 S. Greeley Ave. #1B, Chappaqua, NY 10514</u> |
| Full Name | Street, City, County, State, Zip |

- 2


6. The following is information regarding the instrument(s) that conveyed the interest of each beneficiary:

<u>April 20, 2018</u>	<u>2018-234926</u>	<u>Deed of Trust</u>
Date	Document Instrument Number	Name of Document Conveying Interest of Beneficiary

7. Following is the true and correct signature of the affiant:

Dated this 20th day of April, 2020.

Affiant Name: Garrett R. Chase

Signed By: 

Print Name: Garrett R. Chase

STATE OF Nevada)
) ss:
COUNTY OF Clark)

On this 20 day of April, 2020, personally appeared before me, a Notary Public, in and for said County and State, Garrett R. Chase, known to me to be the persons described in and who executed the foregoing instrument in the capacity set forth therein, who acknowledged to me that he/she executed the same freely and voluntarily and for the uses and purposes therein mentioned.


Notary Public

My commission expires: 6-1-2020

