

DISTRICT COURT, BOULDER COUNTY, COLORADO
Court Address: 1777 6th Street
Boulder, CO 80302

IN THE MATTER OF THE MOTION OF RBS CITIZENS, NA,
FOR AN ORDER AUTHORIZING THE PUBLIC TRUSTEE OF
BOULDER COUNTY, STATE OF COLORADO, TO SELL
CERTAIN REAL ESTATE PURSUANT TO A POWER OF
SALE CONTAINED IN A DEED OF TRUST.

Attorney or Party Without Attorney: *RBS Citizens, NA*
Susan J. Hendrick, Atty Reg. No. 33196
Klatt, Augustine, Sayer, Treinen & Rastede, P.C.
9745 E. Hampden Ave., Ste. 400
Denver, Colorado 80231
Phone Number: (303)-353-2965
FAX Number: (303)-632-8183
E-mail: shendrick@klatt-law.com

Case Number:

16CV31121

Div.: 3 Ctrm:

NOTICE OF HEARING SET FOR NOVEMBER 1, 2016 AT 8:30AM

MOVANT, RBS Citizens, NA, by and through its counsel, Klatt, Augustine, Sayer, Treinen & Rastede, P.C., for its Notice of Hearing Set for November 1, 2016 at 8:30AM asserts as follows:

1. On December 19, 2001, Roderick John McIntyre and Megan M. McIntyre executed a promissory note ("Note") in the amount of \$318,750.00 for the benefit of GreenPoint Mortgage Funding, Inc. Roderick John McIntyre and Megan M. McIntyre were liable under the terms of the Note. However, Roderick John McIntyre and Megan M. McIntyre filed for Chapter 7 bankruptcy in 2004, and received a standard discharge in 2016. Notwithstanding the Chapter 7 bankruptcy discharging the personal liability as to Roderick John McIntyre and Megan M. McIntyre only, the lien encumbering the subject real property as described below remains enforceable against the subject property as a remedy for non-payment.

2. On December 19, 2001, Roderick John McIntyre and Megan M. McIntyre executed a deed of trust ("Deed of Trust") for the benefit of Mortgage Electronic Registration Systems, Inc., acting solely as nominee for GreenPoint Mortgage Funding, Inc., to secure the indebtedness under the Note

by encumbering certain real property legally described as:

LOT 1, BLOCK 10, GUNBARREL NORTH, COUNTY OF BOULDER, STATE OF COLORADO, which is commonly known as: 5486 Mesa Top Court, Boulder, CO 80301 (the "Property").

The Deed of Trust was duly recorded on December 28, 2001, at reception number 2237201, in the official records of Boulder County, State of Colorado.

3. Subsequent to the execution of the Note and Deed of Trust, Roderick John McIntyre and Megan M. McIntyre defaulted under the terms of the same by failing to make the required monthly payments.

4. Movant is entitled to and does seek the sale of the Property as described above.

5. AN INITIAL HEARING ON PETITIONER'S VERIFIED RULE 120(A) MOTION FOR ORDER AUTHORIZING SALE HAS BEEN SET FOR **TUESDAY, NOVEMBER 1, 2016, AT 8:30AM AT THE BOULDER COUNTY DISTRICT COURT LOCATED AT 1777 6TH STREET, BOULDER, CO 80302.**

6. **You have the right to file a response not less than seven (7) days prior to the hearing, which is on or before Tuesday, October 25, 2016, pursuant to Colo. R. Civ. P. 120(c) with the District Court Clerk of the Boulder County District Court located at 1777 6th Street, Boulder, CO 80302, and to pay the required non-refundable fee.**

7. Any interested person who disputes the grounds within the scope of the hearing provided in Rule 120(d) of the Colorado Rules of Civil Procedure, may file a response, verified by the oath of such person, setting forth the facts upon which he or she relies and attaching copies of all documents which support his or her position. Colo. R. Civ. P. 120(c).

8. Pursuant to Rule 5 of the Colorado rules of Civil Procedure, if you file a response, you must serve a copy of the response on counsel for RBS Citizens, NA at the address listed in paragraph 12. Colo. R. Civ. P. 5.

9. "If this case is not filed in the county where your property is located, you have the right to ask the court to move the case to that county. Your request may be made as part of your response or any paper you file with the court at least 7 days before the hearing." *See*, Colo. R. Civ. P. 120(c).

10. Unless the court shall order otherwise, any person filing a response to the motion shall pay, at the time of filing such response, a non-refundable docket fee in the amount specified by law for

a defendant or respondent in a civil action under section 13-32-101(1)(2), Colo. Rev. Stat. Colo. R. Civ. P. 120(h).

11. Pursuant to Colo. R. Civ. P. 120(e), if no response has been filed with the court at least seven (7) days before the hearing, the court shall examine the motion, and if satisfied venue is proper and the moving party is entitled to an order authorizing sale upon the facts stated therein, the court shall dispense with the hearing and forthwith enter an order authorizing sale. Colo. R. Civ. P. 120(e).

12. Movant's return address is: RBS Citizens, NA, c/o Klatt, Augustine, Sayer, Treinen & Rastede, P.C., 9745 E. Hampden Ave., Suite 400, Denver, CO 80231.

13. PLEASE BE ADVISED THAT PURSUANT TO COLO. REV. STAT. § 6-1-1107, WHICH IS KNOWN AS THE COLORADO FORECLOSURE PROTECTION ACT, IT IS ILLEGAL FOR ANY PERSON ACTING AS A FORECLOSURE CONSULTANT TO CHARGE AN UP-FRONT FEE OR DEPOSIT TO THE BORROWER FOR SERVICES RELATED TO THE FORECLOSURE. *See*, Colo. Rev. Stat. § 6-1-1101 *et. seq.*

14. **EFFECTIVE JANUARY 1, 2015: IF YOU BELIEVE THAT THE LENDER OR SERVICER OF THIS MORTGAGE HAS VIOLATED THE REQUIREMENTS FOR A SINGLE POINT OF CONTACT IN COLO. REV. STAT. § 38-38-103.1, COLORADO REVISED STATUTES, OR THE PROHIBITION ON DUAL TRACKING IN SECTION 38-38-103.2 COLORADO REVISED STATUTES, YOU MAY FILE A COMPLAINT WITH THE COLORADO ATTORNEY GENERAL, THE FEDERAL CONSUMER FINANCIAL PROTECTION BUREAU, OR BOTH AT:**

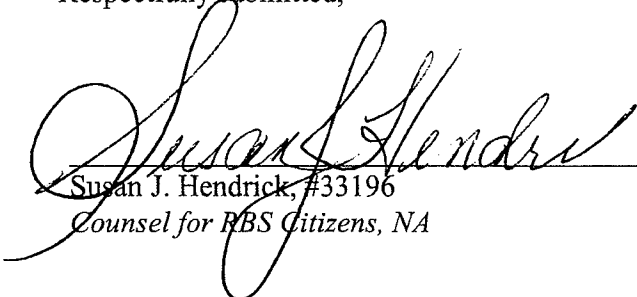
Colorado Attorney General
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 10th Floor
Denver, Colorado 80203
www.coloradoattorneygeneral.gov

Consumer Financial Protection Bureau
PO Box 4503
Iowa City, IA 52244
Fax: 855-237-2392
Online: <http://www.consumerfinance.gov/complaint/>

THE FILING OF A COMPLAINT WILL NOT STOP THE FORECLOSURE PROCESS.

Dated this 6th day of October, 2016.

Respectfully submitted,



Susan J. Hendrick, #33196
Counsel for RBS Citizens, NA