

DISTRICT COURT, BOULDER COUNTY, COLORADO 1777 6TH STREET, BOULDER, CO 80302	
In the Matter of the Motion of BELLCO CREDIT UNION for an Order Authorizing the Public Trustee of BOULDER County Colorado, to Sell Certain Property Under a Power of Sale Contained in a Deed of Trust.	▲ Court Use Only ▲
Attorneys: Janeway Law Firm, P.C. 9540 Maroon Circle, Suite 320 Englewood, CO 80112 Phone No: (303) 706-9990 Fax No: (303) 706-9994 Atty Reg#15592 Lynn M. Janeway (lynn@janewaylaw.com) Atty Reg#40042 David R. Doughty (david@janewaylaw.com) Atty Reg#34531 Alison L. Berry (alisonberry@janewaylaw.com) Atty Reg#34861 N. April Winecki (nawinecki@janewaylaw.com)	Case No: 24CV30557 Div: 3
NOTICE OF RESPONSE DEADLINE	

TAKE NOTICE THAT YOU MAY BE AFFECTED BY THE FORECLOSURE OF A DEED OF TRUST ON THE PROPERTY DESCRIBED BELOW:

BELLCO CREDIT UNION (“Moving Party”) has filed a Motion with this Court, as the holder of an evidence of debt pursuant to C.R.S. 38-38-100.3 (the “Evidence of Debt”), and deed of trust containing the power of sale in the original amount of \$75,000.00, executed by or on behalf of Grantor(s)/Borrower(s) JEFFREY M. WAYNIK dated DECEMBER 19, 2008 and recorded January 2, 2009 at reception number 2971369 and rerecorded on January 2, 2009 at Reception number 2971460 in the real property records of BOULDER County, Colorado (the “Deed of Trust”).

The Motion claims that Moving Party is entitled to foreclose the lien of the Deed of Trust and to have the property described therein sold by the Public Trustee pursuant to statute because the covenants of the Deed of Trust have been violated and/or Grounds for Acceleration of the Debt and invocation of the power of sale exist. The facts giving rise to the default include, but are not expressly limited to, the following: Borrower’s failure to make monthly installment payments due MAY 29, 2023, and each month thereafter, as required under the Evidence of Debt and Deed of Trust.

The Motion requests an order authorizing the Public Trustee to sell this property at foreclosure:
SEE ATTACHED LEGAL DESCRIPTION

Purported Address: 4433 RIDGE ROAD, NEDERLAND, CO 80466

Any interested person who disputes, on grounds within the scope of the hearing provided for in section (d), the Moving Party’s right to an order authorizing sale may file and serve a response to the motion, as provided in section (c). The response must describe the facts the respondent relies on in objecting to the issuance of an order authorizing sale, and may include copies of documents which support the respondent’s position.



The response shall be filed with the Clerk of this Court, at BOULDER COUNTY DISTRICT COURT, 1777 6th Street, Boulder, CO 80302 and served on Janeway Law Firm, P.C., 9540 Maroon Circle, Suite 320, Englewood, CO 80112, fax: (303) 706-9994, not later than JULY 24, 2024. The response shall include contact information for the respondent including, name, mailing address, telephone number, and, if applicable, an e-mail address. Service of the response on the moving party shall be made in accordance with C.R.C.P. 5(b).

If a response is filed stating grounds for opposition to the motion within the scope of this Rule as provided for in section (d), the court shall set the matter for hearing at a later date. The clerk shall clear available dates with the parties and counsel, if practical, and shall give notice to counsel and any self-represented parties who have appeared in the matter in accordance with the rules applicable to e-filing, no less than 14 days prior to the new hearing date.

IF NO RESPONSE IS FILED BY JULY 24, 2024, AND IF THE COURT IS SATISFIED THAT VENUE IS PROPER AND THE MOVING PARTY IS ENTITLED TO AN ORDER AUTHORIZING SALE, THE COURT SHALL FORTHWITH ENTER AN ORDER AUTHORIZING SALE.

If this case is not filed in the county where your property or a substantial part of your property is located, you have the right to ask the Court to move the case to that county. If you file a response and the court sets a hearing date, your request to move the case must be filed with the Court at least 7 days before the date of the hearing unless the request was included in your response.

If you believe that the lender or servicer of this mortgage has violated the requirements for a single point of contact in section 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:

**Office of the Attorney General
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 10th Floor
Denver, CO 80203
Phone (720) 508-6000
www.coloradoattorneygeneral.gov**

**Consumer Financial Protection Bureau
P.O. Box 4503
Iowa City, Iowa 52244
Phone (855) 411-2372.
www.consumerfinance.gov**

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

Notice issued: JUNE 26, 2024
JANEWAY LAW FIRM, P.C.
Attorneys for Moving Party



Lynn M. Janeway #15592
David R. Doughty #40042
Alison L. Berry #34531
N. April Winecki #34861
9540 Maroon Circle, Suite 320
Englewood, CO 80112
Phone: (303) 706-9990 Fax: (303) 706-9994
File: 23-029428/Waynik

Mailing Address of Moving Party: P.O. BOX 6541, GREENWOOD VILLAGE, CO 80155
The notice and motion are being filed contemporaneously with the service of this notice. You may obtain the court's case/civil action number by contacting the court or our office.

THIS FIRM IS DEEMED TO BE A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. IF YOU ARE IN BANKRUPTCY OR THIS DEBT HAS BEEN DISCHARGED IN BANKRUPTCY, THE COLLECTION ACTION DESCRIBED IN THIS NOTICE SHALL BE AGAINST THE REAL PROPERTY THAT SECURES THE DEBT AND NOT AGAINST YOU PERSONALLY.

PT # 24-28456

A copy of C.R.C.P. 120 is attached to this Notice

LEGAL DESCRIPTION

COMMENCING AT A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 1 SOUTH, RANGE 72 WEST OF THE SIXTH PRINCIPAL MERIDIAN, WHERE SAID WEST LINE INTERSECTS LINE 1-4 OF CRACKER JACK MINING CLAIM, SURVEY NO. 19548, AS RECORDED MARCH 21, 1916 IN BOOK 385 AT PAGE 65 OF THE RECORDS OF THE CLERK AND RECORDER OF BOULDER COUNTY, COLORADO.

THENCE IN A SOUTHEASTERLY DIRECTION TO A POINT ON LINE 1-2 OF THE BLUE BELL LODE MINING CLAIM, SURVEY NO. 19549 AS RECORDED MARCH 21, 1916 IN BOOK 385 AT PAGE 66 OF THE RECORDS IN THE OFFICE OF THE CLERK AND RECORDER, BOULDER COUNTY, COLORADO AND WHICH POINT BEARS NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 26.70 FEET FROM CORNER NO. 2 OF SAID BLUE BELL LODE MINING CLAIM;

THENCE SOUTH 85 DEGREES 40 MINUTES 30 SECONDS EAST, 142.05 FEET;

THENCE SOUTH 44 DEGREES 12 MINUTES 54 SECONDS EAST, 98.27 FEET;

THENCE SOUTH 84 DEGREES 41 MINUTES 06 SECONDS EAST, 149.69 FEET;

THENCE SOUTH 83 DEGREES 01 MINUTES 12 SECONDS EAST, 72.39 FEET;

THENCE SOUTH 64 DEGREES 02 MINUTES 42 SECONDS EAST, 122.85 FEET;

THENCE SOUTH 53 DEGREES 39 MINUTES 42 SECONDS EAST, 96.70 FEET;

THENCE SOUTH 38 DEGREES 07 MINUTES 12 SECONDS EAST, 116.94 FEET;

THENCE SOUTH 34 DEGREES 16 MINUTES 42 SECONDS EAST, 117.83 FEET;

THENCE SOUTH 33 DEGREES 31 MINUTES 42 SECONDS EAST, 73.64 FEET;

THENCE SOUTH 04 DEGREES 28 MINUTES 42 SECONDS EAST, 173.65 FEET;

THENCE SOUTH 06 DEGREES 39 MINUTES 54 SECONDS WEST, 105.80 FEET;

THENCE SOUTH 04 DEGREES 18 MINUTES 06 SECONDS EAST, 116.22 FEET;

THENCE SOUTH 13 DEGREES 14 MINUTES 24 SECONDS WEST, 158.90 FEET;

THENCE NORTH 59 DEGREES 21 MINUTES 24 SECONDS EAST, 173.84 FEET;

THENCE NORTH 49 DEGREES 20 MINUTES 18 SECONDS EAST, 138.90 FEET;

THENCE NORTH 21 DEGREES 56 MINUTES 18 SECONDS EAST, 105.57 FEET;

THENCE NORTH 43 DEGREES 20 MINUTES 06 SECONDS EAST, 90.23 FEET;

THENCE NORTH 52 DEGREES 19 MINUTES 36 SECONDS EAST, 136.29 FEET;

THENCE NORTH 58 DEGREES 47 MINUTES 06 SECONDS EAST, 124.45 FEET;

THENCE NORTH 43 DEGREES 39 MINUTES 12 SECONDS EAST, 132.24 FEET ;
THENCE NORTH 27 DEGREES 24 MINUTES 42 SECONDS EAST, 98.47 FEET ;
THENCE NORTH 47 DEGREES 21 MINUTES 06 SECONDS EAST, 157.05 FEET ;
THENCE NORTH 49 DEGREES 27 MINUTES 24 SECONDS EAST, 149.82 FEET TO THE TRUE POINT OF
BEGINNING ;
THENCE NORTH 52 DEGREES 42 MINUTES 00 SECONDS WEST, 279.10 FEET ;
THENCE NORTH 57 DEGREES 32 MINUTES 24 SECONDS WEST, 197.80 FEET ;
THENCE NORTH 15 DEGREES 26 MINUTES 18 SECONDS WEST, 165.14 FEET ;
THENCE NORTH 05 DEGREES 22 MINUTES 18 SECONDS WEST, 158.20 FEET ;
THENCE NORTH 10 DEGREES 48 MINUTES 06 SECONDS EAST, 229.40 FEET ;
THENCE NORTH 14 DEGREES 33 MINUTES 24 SECONDS WEST, 115.97 FEET ;
THENCE NORTH 30 DEGREES 16 MINUTES 36 SECONDS EAST, 123.76 FEET ;
THENCE NORTH 65 DEGREES 11 MINUTES 36 SECONDS EAST, 169.12 FEET ;
THENCE NORTH 78 DEGREES 14 MINUTES 30 SECONDS EAST, 117.83 FEET ;
THENCE NORTH 45 DEGREES 16 MINUTES 42 SECONDS EAST, 174.60 FEET ;
THENCE NORTH 71 DEGREES 54 MINUTES 48 SECONDS EAST, 132.41 FEET ;
THENCE NORTH 63 DEGREES 13 MINUTES 24 SECONDS EAST, 131.21 FEET ;
THENCE NORTH 16 DEGREES 58 MINUTES 00 SECONDS EAST, 63.97 FEET ;
THENCE NORTH 60 DEGREES 08 MINUTES 54 SECONDS EAST, 55.13 FEET ;
THENCE SOUTH 72 DEGREES 39 MINUTES 12 SECONDS EAST, 159.39 FEET ;
THENCE NORTH 83 DEGREES 30 MINUTES 18 SECONDS EAST, 132.13 FEET ;
THENCE NORTH 73 DEGREES 51 MINUTES 54 SECONDS EAST, 246.14 FEET ;
THENCE SOUTH 55 DEGREES 58 MINUTES 06 SECONDS EAST, 54.96 FEET ;
THENCE SOUTH 24 DEGREES 18 MINUTES 00 SECONDS EAST, 126.44 FEET ;
THENCE SOUTH 43 DEGREES 31 MINUTES 48 SECONDS EAST, 72.41 FEET ;
THENCE SOUTH 10 DEGREES 16 MINUTES 18 SECONDS EAST, 122.67 FEET ;

THENCE SOUTH 06 DEGREES 58 MINUTES 48 SECONDS EAST, 86.36 FEET;

THENCE SOUTH 64 DEGREES 07 MINUTES 12 SECONDS EAST, 140.40 FEET ;

THENCE SOUTH 61 DEGREES 39 MINUTES 06 SECONDS EAST, 130.30 FEET ;

THENCE SOUTH 55 DEGREES 11 MINUTES 36 SECONDS EAST, 275.70 FEET;

THENCE SOUTH 62 DEGREES 05 MINUTES 20 SECONDS WEST, 1,695.04 FEET TO THE TRUE POINT OF BEGINNING.

INCULDING A 60 FEET ACCESS RIGHT OF WAY TO A DEEDED ROAD KNOWN AS RIDGE ROAD WHEREIN THE SAID 60 FEET ACCESS RIGHT OF WAY CENTERLINE IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF THE ABOVE DESCRIBED TRACT, SAID POINT BEING NORTH 62 DEGREES 05 MINUTES 20 SECONDS EAST, 1005.37 FEET FROM TH TRUE POINT OF BEGINNING ;

THENCE SOUTH 14 DEGREES 46 MINUTES 40 SECONDS EAST, 219.28 FEET ;

THENCE SOUTHERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 155 FEET AND WHOSE CHORD BEARS SOUTH 06 DEGREES 47 MINUTES 15 SECONDS WEST, 113.94 FEET ;

THENCE SOUTH 28 DEGREES 21 MINUTES 10 SECONDS WEST, 74.73 FEET ;

THENCE SOUTHERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 285 FEET AND WHOSE CHORD BEARS SOUTH 20 DEGREES 30 MINUTES 40 SECONDS WEST, 77.77 FEET ;

THENCE SOUTH 12 DEGREES 40 MINUTES 10 SECONDS WEST, 102.86 FEET ;

THENCE SOUTHERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 190 FEET AND WHOSE CHORD BEARS SOUTH 00 DEGREES 18 MINUTES 50 SECONDS WEST, 81.31 FEET ;

THENCE SOUTH 12 DEGREES 02 MINUTES 30 SECONDS EAST, 200 FEET MORE OR LESS TO THE CENTERLINE OF SAID RIDGE ROAD AS IT NOW EXISTS ON THE GROUND.

COUNTY OF BOULDER, STATE OF COLORADO.

Rule 120. Orders Authorizing Foreclosure Sale Under Power in a Deed of Trust to the Public Trustee

(a) Motion for Order Authorizing Sale. When an order of court is desired authorizing a foreclosure sale under a power of sale contained in a deed of trust to a public trustee, any person entitled to enforce the deed of trust may file a verified motion in a district court seeking such order. The motion shall be captioned: "Verified Motion for Order Authorizing a Foreclosure Sale under C.R.C.P. 120," and shall be verified by a person with knowledge of the contents of the motion who is competent to testify regarding the facts stated in the motion.

(1) Contents of Motion. The motion shall include a copy of the evidence of debt, the deed of trust containing the power of sale, and any subsequent modifications of these documents. The motion shall describe the property to be sold, shall specify the facts giving rise to the default, and may include documents relevant to the claim of a default.

(A) When the property to be sold is personal property, the motion shall state the names and last known addresses, as shown by the records of the moving party, of all persons known or believed by the moving party to have an interest in such property which may be materially affected or extinguished by such sale.

(B) When the property to be sold is real property and the power of sale is contained in a deed of trust to a public trustee, the motion shall state the name and last known address, as shown by the real property records of the clerk and recorder of the county where the property or any portion thereof is located and the records of the moving party, of:

(i) the grantor of the deed of trust;

(ii) the current record owner of the property to be sold;

(iii) all persons known or believed by the moving party to be personally liable for the debt secured by the deed of trust;

(iv) those persons who appear to have an interest in such real property that is evidenced by a document recorded after the recording of the deed of trust and before the recording of the notice of election and demand for sale; and

(v) those persons whose interest in the real property may otherwise be affected by the foreclosure.

(C) In describing and giving notice to persons who appear to have acquired a record interest in real property, the address of each such person shall be the address that is given in the recorded instrument evidencing such person's interest. If such recorded instrument does not give an address or if only the county and state are given as the address of such person, no address need be stated for such person in the motion.

(2) Setting of Response Deadline; Hearing Date. On receipt of the motion, the clerk shall set a deadline by which any response to the motion must be filed. The deadline shall be not less than 21 nor more than 35 days after the filing of the motion. For purposes of any statutory reference to the date of a hearing under C.R.C.P. 120, the response deadline set by the clerk shall be regarded as the scheduled hearing date unless a later hearing date is set by the court pursuant to section (c)(2) below.

(b) Notice of Response Deadline; Service of Notice. The moving party shall issue a notice stating:

(1) a description of the deed of trust containing the power of sale, the property sought to be sold at foreclosure, and the facts asserted in the motion to support the claim of a default;

(2) the right of any interested person to file and serve a response as provided in section (c), including the addresses at which such response must be filed and served and the deadline set by the clerk for filing a response;

(3) the following advisement: "If this case is not filed in the county where your property or a substantial part of your property is located, you have the right to ask the court to move the case to that county. If you file a response and the court sets a hearing date, your request to move the case must be filed with the court at least 7 days before the date of the hearing unless the request was included in your response."; and

(4) the mailing address of the moving party and, if different, the name and address of any authorized servicer for the loan secured by the deed of trust. If the moving party or authorized servicer, if different, is not authorized to modify the evidence of the debt, the notice shall state in addition the name, mailing address, and telephone number of a representative authorized to address loss mitigation requests. A copy of C.R.C.P. 120 shall be included with or attached to the notice. The notice shall be served by the moving party not less than 14 days prior to the response deadline set by the clerk, by:

(A) mailing a true copy of the notice to each person named in the motion (other than any person for whom no address is stated) at that person's address or addresses stated in the motion;

(B) filing a copy with the clerk for posting by the clerk in the courthouse in which the motion is pending; and

(C) if the property to be sold is a residential property as defined by statute, by posting a true copy of the notice in a conspicuous place on the subject property as required by statute. Proof of mailing and delivery of the notice to the clerk for posting in the courthouse, and proof of posting of the notice on the residential property, shall be set forth in the certificate of the moving party or moving party's agent. For the purpose of this section, posting by the clerk may be electronic on the court's public website so long as the electronic address for the posting is displayed conspicuously at the courthouse.

(c) Response Stating Objection to Motion for Order Authorizing Sale; Filing and Service.

(1) Any interested person who disputes, on grounds within the scope of the hearing provided for in section (d), the moving party's right to an order authorizing sale may file and serve a response to the motion. The response must describe the facts the respondent relies on in objecting to the issuance of an order authorizing sale, and may include copies of documents which support the respondent's position. The response shall be filed and served not later than the response deadline set by the clerk. The response shall include contact information for the respondent including name, mailing address, telephone number, and, if applicable, an e-mail address. Service of the response on the moving party shall be made in accordance with C.R.C.P. 5(b).

(2) If a response is filed stating grounds for opposition to the motion within the scope of this Rule as provided for in section (d), the court shall set the matter for hearing at a later date. The clerk shall clear available hearing dates with the parties and counsel, if practical, and shall give notice to counsel and any self-represented parties who have appeared in the matter, in accordance with the rules applicable to e-filing, no less than 14 days prior to the new hearing date.

(d) Scope of Issues at the Hearing; Order Authorizing Foreclosure Sale; Effect of Order.

The court shall examine the motion and any responses.

(1) If the matter is set for hearing, the scope of inquiry at the hearing shall not extend beyond

(A) the existence of a default authorizing exercise of a power of sale under the terms of the deed of trust described in the motion;

(B) consideration by the court of the requirements of the Servicemembers Civil Relief Act, 50 U.S.C. §3931, as amended;

(C) whether the moving party is the real party in interest; and

(D) whether the status of any request for a loan modification agreement bars a foreclosure sale as a matter of law.

The court shall determine whether there is a reasonable probability that a default justifying the sale has occurred, whether an order authorizing sale is otherwise proper under the Servicemembers Civil Relief Act, whether the moving party is the real party in interest, and, if each of those matters is determined in favor of the moving party, whether evidence presented in support of defenses raised by the respondent and within the scope of this Rule prevents the court from finding that there is a reasonable probability that the moving party is entitled to an order authorizing a foreclosure sale. The court shall grant or deny the motion in accordance with such determination. For good cause shown, the court may continue a hearing.

(2) If no response has been filed by the response deadline set by the clerk, and if the court is satisfied that venue is proper and the moving party is entitled to an order authorizing sale, the court shall forthwith enter an order authorizing sale.

(3) Any order authorizing sale shall recite the date the hearing was completed, if a hearing was held, or, if no response was filed and no hearing was held, shall recite the response deadline set by the clerk as the date a hearing was scheduled, but that no hearing occurred.

(4) An order granting or denying a motion filed under this Rule shall not constitute an appealable order or final judgment. The granting of a motion authorizing a foreclosure shall be without prejudice to the right of any person aggrieved to seek injunctive or other relief in any court of competent jurisdiction, and the denial of any such motion shall be without prejudice to any other right or remedy of the moving party.

(e) The court shall not require the appointment of an attorney to represent any interested person as a condition of granting such motion, unless it appears from the motion or other papers filed with the court that there is a reasonable probability that the interested person is in the military service.

(f) **Venue.** For the purposes of this section, a consumer obligation is any obligation

(1) as to which the obligor is a natural person, and

(2) is incurred primarily for a personal, family, or household purpose.

Any proceeding under this Rule involving a consumer obligation shall be brought in and heard in the county in which such consumer signed the obligation or in which the property or a substantial part of the property is located. Any proceeding under this Rule that does not involve a consumer obligation or an instrument securing a consumer obligation may be brought and heard in any county.

However, in any proceeding under this Rule, if a response is timely filed, and if in the response or in any other writing filed with the court, the responding party requests a change of venue to the county in which the encumbered property or a substantial part thereof is situated, the court shall order transfer of the proceeding to such county.

(g) **Return of Sale.** The court shall require a return of sale to be made to the court. If it appears from the return that the sale was conducted in conformity with the order authorizing the sale, the court shall enter an order approving the sale. This order is not appealable and shall not have preclusive effect in any other action or proceeding.

(h) **Docket Fee.** A docket fee in the amount specified by law shall be paid by the person filing the motion. Unless the court shall otherwise order, any person filing a response to the motion shall pay, at the time of the filing of such response, a docket fee in the amount specified by law for a defendant or respondent in a civil action under section 13-32-101(1)(d), C.R.S.