

<p>DISTRICT COURT, COUNTY OF BOULDER Court Address: Boulder Couty District Court 1777 6th Street Boulder, CO 80302</p>	<p>DATE FILED September 17, 2024 3:25 PM</p>
<p>In the Matter of the Application of Orange Capital, LLC for An Order Authorizing Paul Weissmann, the Public Trustee of the County of Boulder, State of Colorado, To Sell Certain Real Property Under a Power of Sale Contained in a Deed of Trust.</p>	<p>▲ COURT USE ONLY ▲</p>
<p><i>Attorneys for Petitioner:</i> Address: R. Scott Fitzke, #35293 Fitzke Law, LLC 4 West Dry Creek Circle, Ste. 100 Littleton, CO 80120 Phone #: (303) 285-4470 Fax #: (303) 285-4470 E-mail: scott@fitzkelaw.net Atty Reg No : 35293</p>	<p>Case No. 2024CV30775 Div. 2</p>
<p>NOTICE OF RULE 120 RESPONSE DEADLINE DATE: OCTOBER 10, 2024</p>	

THE PEOPLE OF THE STATE OF COLORADO, TO THE GRANTORS IN THE DEED OF TRUST DESCRIBED HEREIN, AND TO THOSE PERSONS WHO APPEAR TO HAVE ACQUIRED A RECORD INTEREST IN THE REAL ESTATE THEREIN DESCRIBED, SUBSEQUENT TO THE RECORDING OF SUCH DEED OF TRUST, GREETINGS:

TAKE NOTICE, that you may be affected by the foreclosure of a Deed of Trust on the real property described herein. Applicant has filed a Motion with this Court claiming to be the owner of a promissory note dated June 17, 2022, in the original amount of Four Hundred Seventy Thousand and No/100 Dollars (U.S. \$470,000.00), and a Deed of Trust securing said Promissory Note, dated June 17, 2022, and signed by Jose A Gonzales as Member of Glez Management, LLC and by Hector Yuri Martinez as Member of DHE Properties, LLC, Grantors. Said Deed of Trust to the Public Trustee of the County of Boulder, Colorado, was recorded on June 28, 2022, reception number 03969321, in the records of the Clerk and Recorder of said County.

The Motion claims that Applicant has a right to foreclose the Deed of Trust because of failure to make payment(s) due under the Promissory Note and other events of default. The Motion requests a Court Order authorizing the Public Trustee to sell the real property described as follows:

**TRACT 1042-L & TRACT 1042-N 34-1N-69 BOOK 1226
PAGE 310 BCR**

More correctly described as:

A portion of the Southeast $\frac{1}{4}$ of Section 34, Township 1 North, Range 69 West, of the 6th P.M., described as follows: Beginning at a point 300 feet North and 390 feet West of the Southeast corner of said Section 34, said point being the Northeast corner of that Tract described in Deed recorded October 21, 1950 in Book 872 at Page 548; thence South along the East line of said Tract described in Deed recorded October 21, 1950 in Book 872 at Page 548 and parallel with the East line of said Section 34, 130 feet; thence East parallel with the South line of said Section 34, 65 feet; thence North parallel with the East line of said Section 34, 130 feet; thence West 65 feet to the Point of Beginning, County of Boulder, State of Colorado.

also known by street and number as: **309 W Oak St, Lafayette, CO 80026**

NOTICE IS ALSO GIVEN that any interested party who disputes, (A) the existence of a default under the terms of the deed of trust and evidence of debt secured thereby described in the motion; or (B) who disputes the existence of circumstances authorizing exercise of the power of sale contained in said deed of trust, or (C) who desires to raise such other grounds for the Objection to the issuance of an Order Authorizing Sale which may exist pursuant to the requirements of the Servicemembers Civil Relief Act, 50 U.S.C. § 3931, as amended; or (D) who disputes whether the moving party is the real party in interest; or (D) whether the status of any request for a loan modification agreement bars a foreclosure sale as a matter of law, must file a response to Petitioner's Motion for Order Authorizing Sale, setting forth the facts the respondent relies on in objecting to the issuance of an order authorizing sale, and which may include copies of documents which support the respondent's position. The response must be in writing and filed with the Clerk of the District Court for the County of Boulder, State of Colorado, at the following address: Clerk of the District Court, Boulder County Combined Court, 1777 6th Street, Boulder, CO 80302, and a copy of the response shall be served upon the Petitioner pursuant to Rule 5(b) of the Colorado Rules of Civil Procedure at the office of Scott Fitzke, Fitzke Law, LLC, attorney for Applicant. 4 West Dry Creek Circle, Suite 100, Littleton, CO 80120, Telephone: 303.285.4470, by 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.

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 SEVEN (7) DAYS

BEFORE THE DATE OF THE HEARING UNLESS THE REQUEST WAS INCLUDED IN YOUR RESPONSE.

Be advised that the Clerk of Court has set the Response Deadline set forth below when and where any interested party may file a response if they so desire, with or without an attorney.

Response Deadline October 10, 2024

Court Address: Boulder County Combined Court, 1777 6th Street, Boulder, CO 80302

THE DEADLINE TO FILE A RESPONSE IS OCTOBER 10, 2024. IF NO RESPONSE IS FILED BY THE RESPONSE DATE SET FORTH ABOVE, THE COURT MAY WITHOUT ANY HEARING AUTHORIZE THE FORECLOSURE AND PUBLIC TRUSTEE SALE WITHOUT FURTHER NOTICE.

Return Address of the Moving Party:
Orange Capital, LLC
8480 E. Orchard Road, Ste 1100
Greenwood Village, CO 80111

Orange Capital, LLC
c/o Fitzke Law, LLC
4 West Dry Creek Circle, Ste. 100
Littleton, CO 80120

IMPORTANT NOTICE

THE NOTICE AND MOTION IN THIS MATTER ARE BEING FILED SIMULTANEOUSLY WITH THE MAILING AND POSTING OF THIS NOTICE. YOU MAY OBTAIN THE COURT'S CASE/CIVIL ACTION NUMBER BY CONTACTING THE COURT OR OUR OFFICE.

PURSUANT TO THE FAIR DEBT COLLECTION PRACTICES ACT, YOU ARE NOTIFIED THAT THIS IS AN ATTEMPT TO COLLECT A DEBT AND THAT FITZKE LAW, LLC, IS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT, AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. IF YOU RECEIVED A BANKRUPTCY DISCHARGE WHICH INCLUDED THIS DEBT, THIS NOTICE IS NOT INTENDED AND DOES NOT CONSTITUTE AN ATTEMPT TO COLLECT A DEBT AGAINST YOU PERSONALLY; APPLICABLE LAW REQUIRES THAT WE PROVIDE YOU THIS NOTICE AND THE DISCLOSURES HEREIN. FURTHERMORE, OUR CLIENT HAS THE RIGHT TO REALIZE ON THE COLLATERAL SECURING THE LOAN DESPITE A DISCHARGE IN BANKRUPTCY.

IF YOU BELIEVE THAT THE LENDER OR SERVICER OF THIS MORTGAGE HAS VIOLATED THE REQUIREMENTS FOR A SINGLE POINT OF CONTACT IN C.R.S. §38-38-103.1, OR THE PROHIBITION OF DUAL TRACKING IN C.R.S. §38-38-103.2, YOU MAY FILE A COMPLAINT WITH THE COLORADO ATTORNEY GENERAL, THE FEDERAL CONSUMER FINANCIAL PROTECTION BUREAU, OR BOTH. THE FILING OF A COMPLAINT WILL NOT STOP THE FORECLOSURE PROCESS.

Colorado Attorney General
1300 Broadway, 10th Floor
Denver, CO 80203
800.222.4444

www.coloradoattorneygeneral.gov

Federal Consumer Financial Protection Bureau
P.O. Box 4503
Iowa City, IA 52244
855.411.2372

www.consumerfinance.gov

A copy of Colorado Rules of Civil Procedure, Rule 120, is enclosed herewith.

Dated: September 17, 2024

Respectfully submitted,

FITZKE LAW, LLC

By: /s/ R. Scott Fitzke
R. Scott Fitzke, #35293
4 West Dry Creek Circle, Ste. 100
Littleton, CO 80120
Tel: (303) 285-4470

This foregoing document was filed electronically per C.R.C.P. 121 § 1-26. The original signed pleading is on file and available for inspection at the offices of Fitzke Law, LLC.