

DISTRICT COURT, WELD COUNTY, COLORADO 901 9 TH AVENUE GREELEY, CO 80631	DATE FILED October 18, 2024 4:26 PM
IN THE MATTER OF THE MOTION OF DISCOVER BANK FOR AN ORDER AUTHORIZING THE PUBLIC TRUSTEE OF THE COUNTY OF WELD, STATE OF COLORADO, TO SELL CERTAIN REAL ESTATE UNDER A POWER OF SALE CONTAINED IN A DEED OF TRUST	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
Attorneys for Petitioner: Deanne R. Stodden, Esq., #33214 MESSNER REEVES LLP 1550 Wewatta Street, Suite 710 Denver, Colorado 80202 Phone: (303) 623-4806 Fax: (303) 623-0552 email: foreclosure@messner.com	Case Number: 24CV30963 Div.: 3 Response Deadline: 11/12/2024
NOTICE OF RESPONSE DEADLINE	

THE PEOPLE OF THE STATE OF COLORADO, TO THE GRANTOR(S) 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:

Notice is hereby given that Discover Bank has filed a Motion with this Court, claiming to be the holder of a Note the original amount of \$50,000.00, dated January 27, 2020 (the "Note") and a Deed of Trust securing said Note to the Public Trustee of the County of Weld, Colorado, dated January 27, 2020, executed by Scott Allen Cogburn and Crystal Caitlin Curry and recorded January 31, 2020, at Reception No. 4562823 of the records of the Clerk and Recorder of the County of Weld, Colorado.

The Motion claims that Petitioner is entitled to foreclose the lien of the Deed of Trust because the covenants of said Deed of Trust have been violated as follows: Defaults have been made under said Deed of Trust which include, but are not limited to, the failure to make timely payments required under said Deed of Trust and the Evidence of Debt secured thereby, and, therefore, Petitioner has elected to accelerate the entire indebtedness.

The Motion requests a Court Order authorizing the Public Trustee to sell the following real property in Weld County, Colorado:

THE FOLLOWING LANDS AND PROPERTY, TOGETHER WITH ALL IMPROVEMENTS LOCATED THEREON, LYING IN WELD COUNTY, CO TO WIT:

GR 1WT 12-16, LOT 16, BLOCK 12, WESTMOOR ACRES, 1ST FILING, COUNTY OF WELD, STATE OF COLORADO.

THIS BEING THE SAME PROPERTY CONVEYED TO SCOTT ALLEN COGBURN, DATED 7/15/2009 AND RECORDED ON 7/28/2009 IN INSTRUMENT NO. 3639002, IN THE WELD COUNTY RECORDERS OFFICE.

also known by street and number as 4400 West 4th Street Road, Greeley, CO 80634.

If you dispute the default or if you dispute that Petitioner is the real party in interest or if you believe that the status of any request for a loan modification agreement bars a foreclosure sale as a matter of law or if you dispute other facts claimed by Petitioner to justify its right to an order authorizing sale, or if you are entitled to protection under the Servicemembers' Civil Relief Act of 2003 (50 U.S.C. § 3901 *et seq.*), as amended, you must file and serve a response to the Motion, describing the facts upon which you rely upon in objecting to the issuance of an order authorizing sale. You may attach copies of any documents which support your position. Your response shall include your contact information including your name, mailing address, telephone number, and, if applicable, an email address. Any response must be filed with the Clerk of this Court, at the Office of the Clerk of the Weld County District Court, 901 9th Avenue, Greeley, CO 80631, on or before **November 12, 2024 at the close of business**, and a copy of the response must also be mailed or delivered on or before the same date to the office of Deanne R. Stodden, Messner Reeves LLP, 1550 Wewatta Street, Suite 710, Denver, CO 80202.

If a response is filed stating grounds for opposing the motion within the scope of Rule 120 as provided for in section (d), the Court will 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.

Any person who files a response may be required to pay a docket fee in the amount specified by law (currently \$192.00) at the time of the filings.

NOTE: 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 HEARING UNLESS THE REQUEST WAS INCLUDED WITH YOUR RESPONSE.

IF YOU BELIEVE 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, (720-508-6000), THE FEDERAL CONSUMER FINANCIAL PROTECTION BUREAU (855-411-2372), OR BOTH. THE FILING OF A COMPLAINT WILL NOT STOP THE FORECLOSURE PROCESS.

Dated: October 18, 2024.

MESSNER REEVES LLP
1550 Wewatta Street, Suite 710
Denver, Colorado 80202

By: /s/Deanne R. Stodden
Deanne R. Stodden, Esq., #33214

Petitioner's Mailing Address:

Discover Bank
12 Reads Way
New Castle, DE 19720

Petitioner's Sub-Servicing Agent Name and Mailing Address:

1 Corporate Drive
Suite 360
Lake Zurich, IL 60047-8945

Telephone Number of Representative authorized to address loss mitigation requests:

1-866-397-5370

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

NOTE: PURSUANT TO THE FAIR DEBT COLLECTION PRACTICES ACT, YOU ARE ADVISED THAT MESSNER REEVES LLP MAY BE ACTING AS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT, AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

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