

DISTRICT COURT, COUNTY OF MONTEZUMA STATE OF COLORADO 865 N. Park Street Cortez, CO 81321 (970) 565-1111	<p style="text-align: right; color: blue;">DATE FILED March 27, 2025 3:06 PM</p>
IN THE MATTER OF THE APPLICATION OF LARRY N. PHILLIPS AND DIANE M. PHILLIPS, FOR AN ORDER AUTHORIZING THE PUBLIC TRUSTEE OF THE COUNTY OF MONTEZUMA, STATE OF COLORADO, TO SELL CERTAIN REAL PROPERTY UNDER A POWER OF SALE CONTAINED IN A DEED OF TRUST.	
<b>Attorneys for Applicant:</b> Keenen D. Lovett, #47178 Kelly R. McCabe, #10259 Bryson C. McCabe, #50873 KELLY R. McCABE, P.C. 22 E. Main St., P.O. Box 1296 Cortez, CO 81321 Telephone: (970) 565-7209 Facsimile: (970) 565-6355	<hr/> <p style="text-align: center;"><b>^COURT USE ONLY^</b></p> <p>Case Number:</p> <p>Div.: <span style="margin-left: 100px;">Ctrm.:</span></p>
<b>NOTICE OF RESPONSE DEADLINE</b>	

TAKE NOTICE THAT YOU MAY BE AFFECTED BY THE FORECLOSURE OF A DEED OF TRUST AND MODIFICATIONS OF SAID DEED OF TRUST ON THE REAL PROPERTY DESCRIBED BELOW.

Larry N. Phillips and Diane M. Phillips has filed a Motion with this Court, claiming to be the owner of a Promissory Note in the original amount of \$618,800.00 which is secured by Deed of Trust dated September 17, 2018, and recorded September 17, 2018, as Reception No. 619217 of the records of the Clerk and Recorder of Montezuma County, Colorado and modified on October 16, 2023 and recorded October 23, 2023 at Reception Number 653266 of the records of the Clerk and Recorder of Montezuma County Colorado.

The Motion claims that Applicant has the right to foreclose the Deed of Trust because the maker of said Promissory Note has failed to make payment according to its terms and said Note is presently in default.

The Motion requests a court order authorizing the Public Trustee to sell the following real property in the County of Montezuma, Colorado, to-wit:

A tract of land in the S1/2SW1/4 of Section 29, Township 37 North, Range 16 West, N.M.P.M., being more particularly described as follows:

BEGINNING at the Southwest Corner of said Section 29;  
Thence North 00° 04' 08" East a distance of 1347.17 feet along the West line of said Section 29 to the North line of the S1/2SW1/4 of said Section 29;  
Thence South 89° 07' 12" East a distance of 1342.02 feet along the North line of the S1/2SW1/4 of said Section 29 to the West right of way line of U.S. Highway 491;  
Thence South 21° 14' 00" East a distance of 1456.58 feet along the West right of way line of U.S. Highway 491 to the South line of said Section 29;  
Thence North 89° 02' 47" West a distance of 1871.26 feet along the South line of said Section 29 to the point of beginning.

The Loan has been modified by a Modification Agreement.

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 include contact information for the respondent including name, mailing address, telephone number, and if applicable, an e-mail address.

The Response must be filed with the Clerk of this Court at 865 North Park Street, Suite 100, Cortez, CO 81321, no later than April 28, 2025, at 08:30 AM. A copy of the Response must also be mailed or delivered by the same date to Kelly R. McCabe, P.C., 22 E. Main Street, Cortez, Colorado 81321.

If a response is filed, 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.

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 a lender or servicer has violated the requirements for a single point of contact in C.R.S. § 38-38-103.1 or the prohibition on dual tracking in C.R.S. § 38-38-103.2, the borrower may file a complaint with the Colorado Attorney General's office at the Ralph L. Carr Colorado Judicial Center, 1300 Broadway, 7th floor, Denver, Colorado 80203 and the Consumer Financial Protection Bureau at P.O. Box 4503, Iowa City, Iowa 52244, or both. The filing of a complaint will not stop the foreclosure process.

IF NO RESPONSE IS FILED BY APRIL 28 2025, THE COURT MAY, WITHOUT ANY HEARING, AUTHORIZE THE FORECLOSURE AND PUBLIC TRUSTEE'S SALE WITHOUT FURTHER NOTICE.

**THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

KELLY R. McCABE, P.C.

By: /s/ Keenen D. Lovett

Keenen D. Lovett #47178

Kelly R. McCabe #10259

Bryson C. McCabe #50873

Attorneys for Applicant

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