

WTC 891324

2011-007135

Klamath County, Oregon



00103215201100071350250258

06/10/2011 03:25:49 PM

Fee: \$177.00

## RECORDING COVER SHEET

THIS COVER SHEET HAS BEEN PREPARED  
BY THE PERSON REPRESENTING THE  
ATTACHED INSTRUMENT FOR RECORDING.  
ANY ERRORS IN THIS COVER SHEET DO NOT  
AFFECT THE TRANSACTION(S) CONTAINED  
IN THE INSTRUMENT ITSELF.

### After Recording, Return To:

Anderson & Monson, P.C.  
10700 Sw Beaverton-Hillsdale Hwy  
Suite 460  
Beaverton, OR 97005

### 1. Name(s) of the Transaction(s):

Affidavit of Mailing  
Affidavit of Posting  
Affidavit of Compliance  
Affidavit of Service: non military service  
Affidavit of publication

### 2. Direct Party (Grantor)

Brenda L. Punzel  
David A. Punzel

### 3. Indirect Party (Grantee):

### 4. True and Actual Consideration Paid:

### 5. Legal Description:

See attached

1727m

Anderson & Monson, P.C.  
10700 SW Beaverton-Hillsdale Hwy.  
Suite 460  
Beaverton, Oregon 97005

STATE OF OREGON                         )  
  ) ss.  
County of Washington                 )

I am a resident of the State of Oregon, a competent person over the age of eighteen years and not the Beneficiary, or Beneficiary's successor in interest, named in the attached Trustee's Notice of Sale.

I mailed a true copy of the attached Trustee's Notice of Sale attached hereto by both first class and certified mail with return receipt requested, to each of the following named persons (or their legal representatives, where so indicated) at their respective last known addresses, to-wit:

<u>NAME</u>	<u>ADDRESS</u>
David A. Punzel	149133 Kurtz Road La Pine, Oregon 97739
David A. Punzel	PO Box 2744 La Pine, Oregon 97739
Brenda L. Punzel	149133 Kurtz Road La Pine, Oregon 97739
Brenda L. Punzel	PO Box 2744 La Pine, Oregon 97739
Occupants	149133 Kurtz Road La Pine, Oregon 97739
Rex K. Daines	Attorney for David and Brenda Punzel PO Box 12829 Salem, Oregon 97309

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

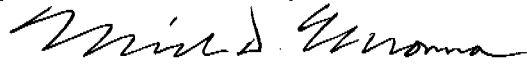
Fred Long

Chapter 13 Trustee for David and  
Brenda Punzel  
PO Box 467  
Eugene, Oregon 97440

Each copy was contained in a sealed envelope, with postage prepaid, and was deposited in the United States post office at Beaverton, Oregon, on February 9, 2011. Each of the notices was mailed after the Notice of Default and Election to Sell was recorded.

The above-named include (a) the Grantor in the Trust Deed, (b) any successor in interest to the Grantor whose interest appears of record or of whose interest the Trustee or the Beneficiary has actual notice, (c) any person including the Department of Revenue or any other state agency, having a lien or interest subsequent to the Trust Deed if the lien or interest appears of record or the Beneficiary has actual notice of the lien or interest, and (d) any person requesting notice, as required by ORS 86.785.

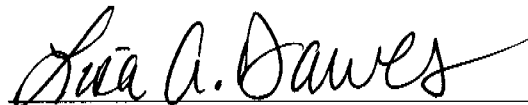
As used herein, the singular includes the plural, Trustee includes Successor Trustee, and person includes corporation and any other legal or commercial entity.



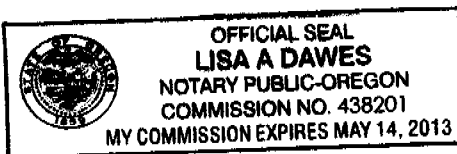
Miles D. Monson

STATE OF OREGON            )  
  ) ss.  
County of Washington    )

SUBSCRIBED AND SWORN TO before me this 9th day of February, 2011, by Miles D. Monson, Trustee.



NOTARY PUBLIC FOR OREGON



5

**SECOND AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE**

STATE OF OREGON                     )  
  ) ss.  
County of Washington             )

I, Miles D. Monson, first duly sworn, depose and say:

I am a resident of the State of Oregon, a competent person over the age of eighteen years and not the Beneficiary, or Beneficiary's successor in interest, named in the attached Trustee's Notice of Sale.

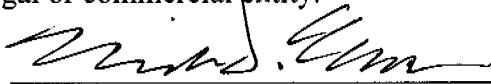
I mailed a true copy of the attached Trustee's Notice of Sale attached hereto by both first class and certified mail with return receipt requested, to each of the following named persons (or their legal representatives, where so indicated) at their respective last known addresses, to-wit:

<u>NAME</u>	<u>ADDRESS</u>
David A. Punzel	3725 NW 173rd Place Beaverton, Oregon 97006
Brenda L. Punzel	3725 NW 173rd Place Beaverton, Oregon 97006

Each copy was contained in a sealed envelope, with postage prepaid, and was deposited in the United States post office at Beaverton, Oregon, on February 23, 2011. Each of the notices was mailed after the Notice of Default and Election to Sell was recorded.

The above-named include the Grantor in the Trust Deed and any successor in interest to the Grantor whose interest appears of record or of whose interest the Trustee or the Beneficiary has actual notice.

As used herein, the singular includes the plural, Trustee includes Successor Trustee, and person includes corporation and any other legal or commercial entity.

  
\_\_\_\_\_  
Miles D. Monson

STATE OF OREGON                     )  
  ) ss.  
County of Washington             )

SUBSCRIBED AND SWORN TO before me this 23<sup>rd</sup> day of February, 2011, by Miles D. Monson, Trustee.



  
\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON

## AFFIDAVIT OF POSTING

STATE OF OREGON

County of Deschutes

ss.

I, Robert Donahou, hereby certify and swear that at all times herein mentioned I was and now am a competent person 18 years of age or older and a resident of the state wherein the service hereinafter set forth was made; that I am not the beneficiary or trustee named in the original trustee's Notice of Sale attached hereto, not the successor of either, nor an officer, director, employee of or attorney for the beneficiary, trustee, or successor of either, corporate or otherwise.

I made service of the attached original Trustee's Notice of Sale; Notice to Residential Tenants upon the individuals and/or entities named below, by delivering a copy of the aforementioned documents, upon an OCCUPANT at the following "Property Address":

149133 Kurtz Rd.  
La Pine, OR 97739

As follows:

On 02/13/2011 at 3:22 PM, I attempted personal service at the Property Address. I received no answer at the front door and no one appeared to be home. At that time, I POSTED such true copy conspicuously on the front door, pursuant to ORS 86.750 (1)(b)(A).

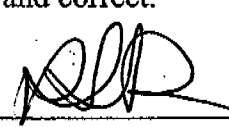
On 02/16/2011 at 8:15 AM, I returned to the Property Address and, again, received no answer at the front door. At that time, I POSTED another such copy conspicuously on the front door, pursuant to ORS 86.750 (1)(b)(B).

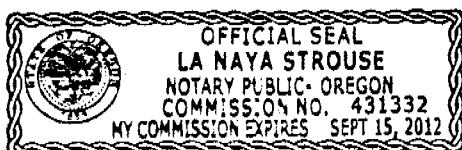
On 02/20/2011 at 8:35 AM, I returned to the Property Address and, again, received no answer at the front door. This attempt in person at the Property Address satisfies the third attempt requirement under ORS 86.750(1)(b)(C).

I declare under the penalty of perjury that the above statement is true and correct.

SUBSCRIBED AND SWORN BEFORE ME  
this 28 day of February, 20 11  
by Robert Donahou.

La Naya Strouse  
Notary Public for Oregon

X   
Robert Donahou  
Nationwide Process Service, Inc.  
420 Century Tower  
1201 SW 12th Avenue  
Portland, OR 97205  
(503) 241-0636



## AFFIDAVIT OF MAILING

STATE OF OREGON               )  
County of Multnomah          ) ss.

I, Sarah-Ruth Tasko, being first duly sworn, depose and say that I am employed by Nationwide Process Service, Inc. On February 23, 2011, I mailed true copies of the Trustee's Notice of Sale; Notice to Residential Tenants by First Class Mail, postage pre-paid, to the occupant.

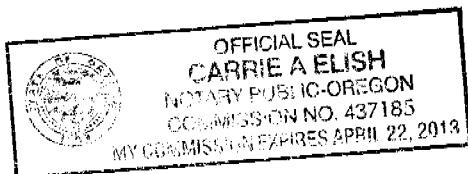
Two separate envelopes were addressed as follows: OCCUPANT  
149133 Kurtz Road  
La Pine, OR 97739

OCCUPANT  
P.O. Box 2744  
La Pine, OR 97739

Sarah-Ruth Tasko

256990

SUBSCRIBED AND SWORN to before me this 24<sup>th</sup> day of February, 2011, by Sarah-Ruth Tasko.



Notary Public ~~for~~ Oregon

### **TRUSTEE'S NOTICE OF SALE**

The trust deed to be foreclosed pursuant to Oregon law is referred to as follows (the "Trust Deed"):

Grantor:	Brenda L. Punzel and David A. Punzel
Trustee:	Chicago Title Insurance
Beneficiary:	Rivermark Community Credit Union
Date:	April 19, 2007
Recording Date:	April 24, 2007
Recording Reference:	2007-007404
County of Recording:	Klamath County

The Trustee is now Miles D. Monson and the mailing address of the Trustee is: Miles D. Monson, "TRUSTEE", Anderson & Monson, P.C., 10700 SW Beaverton Hillsdale Hwy., Suite 460, Beaverton, OR 97005.

The Trust Deed covers the following described real property in the County of Klamath and State of Oregon, ("the Property"):

The South Half of the North Half of the Southeast Quarter of the Southeast Quarter of Section 16, Township 23 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon.

The default for which foreclosure is made is:

The Grantor's failure to pay when due the following sums: Monthly installments of \$2,270.10 beginning April 1, 2010 through the installment due October 1, 2010, plus late charges of \$421.05.

The sum owing on the obligation that the Trust Deed secures (the "Obligation") is:

\$376,700.05, plus interest of \$13,762.66 through October 20, 2010, plus interest on the principal sum of \$376,700.05 together with interest at an adjustable rate of interest, which is currently at the rate of 5.75 percent per annum from October 21, 2010 until paid, together with Trustee's fees, attorney's fees, foreclosure costs and any sums advanced by the Beneficiary pursuant to the Trust Deed.

The Property will be sold to satisfy the Obligation.

**The date, time and place of the sale is:**

**Date: JUNE 21, 2011**

**Time: 1:00 P.M.**

**Place: KLAMATH COUNTY COURTHOUSE, 316 MAIN STREET, MAIN STREET FRONT STEPS, IN THE CITY OF KLAMATH FALLS, COUNTY OF KLAMATH AND STATE OF OREGON.**

---

## **NOTICE TO RESIDENTIAL TENANTS**

The property in which you are living is in foreclosure. A foreclosure sale is scheduled for JUNE 21, 2011. Unless the lender who is foreclosing on this property is paid, the foreclosure will go through and someone new will own this property.

The following information applies to you only if you occupy and rent this property as a residential dwelling under a legitimate rental agreement. The information does not apply to you if you own this property or if you are not a residential tenant.

If the foreclosure goes through, the business or individual who buys this property at the foreclosure sale has the right to require you to move out. The buyer must first give you an eviction notice in writing that specifies the date by which you must move out. The buyer may not give you this notice until after the foreclosure sale happens. If you do not leave before the move-out date, the buyer can have the sheriff remove you from the property after a court hearing. You will receive notice of the court hearing.

### **FEDERAL LAW REQUIRES YOU TO BE NOTIFIED**

**IF YOU ARE OCCUPYING AND RENTING THIS PROPERTY AS A RESIDENTIAL DWELLING UNDER A LEGITIMATE RENTAL AGREEMENT, FEDERAL LAW REQUIRES THE BUYER TO GIVE YOU NOTICE IN WRITING A CERTAIN NUMBER OF DAYS BEFORE THE BUYER CAN REQUIRE YOU TO MOVE OUT. THE FEDERAL LAW THAT REQUIRES THE BUYER TO GIVE YOU THIS NOTICE IS EFFECTIVE UNTIL DECEMBER 31, 2012.** Under federal law, the buyer must give you at least 90 days' notice in writing before requiring you to move out. If you are renting this property under a fixed-term lease (for example, a six-month or one-year lease), you may stay until the end of your lease term. If the buyer wants to move in and use this property as the buyer's primary residence, the buyer can give you written notice and require you to move out after 90 days, even if you have a fixed-term lease with more than 90 days left.

### **STATE LAW NOTIFICATION REQUIREMENTS**

**IF THE FEDERAL LAW DOES NOT APPLY, STATE LAW STILL REQUIRES THE BUYER TO GIVE YOU NOTICE IN WRITING BEFORE REQUIRING YOU TO MOVE OUT IF YOU ARE OCCUPYING AND RENTING THE PROPERTY AS A TENANT IN GOOD FAITH. EVEN IF THE FEDERAL LAW REQUIREMENT IS NO LONGER EFFECTIVE AFTER DECEMBER 31, 2012, THE REQUIREMENT UNDER STATE LAW STILL APPLIES TO YOUR SITUATION.** Under state law, if you have a fixed-term lease (for example, a six-month or one-year lease), the buyer must give you at least 60 days' notice in writing before requiring you to move out. If the buyer wants to move in and use this property as the buyer's primary residence, the buyer can give you written notice and require you to move out after 30 days, even if you have a fixed-term lease with more than 30 days left. If you are renting under a month-to-month or week-to-week rental agreement, the buyer must give you at least 30 days' notice in writing before requiring you to move out.

**IMPORTANT:** For the buyer to be required to give you notice under state law, you must prove to the business or individual who is handling the foreclosure sale that you are occupying and renting this property as a residential dwelling under a legitimate rental agreement. The name and address of the business or individual who is handling the foreclosure sale is



shown on this notice under the heading "TRUSTEE." You must mail or deliver your proof not later than May 22, 2011 (30 days before the date first set for the foreclosure sale). Your proof must be in writing and should be a copy of your rental agreement or lease. If you do not have a written rental agreement or lease, you can provide other proof, such as receipts for rent you paid.

### **ABOUT YOUR SECURITY DEPOSIT**

Under state law, you may apply your security deposit and any rent you paid in advance against the current rent you owe your landlord. To do this, you must notify your landlord in writing that you want to subtract the amount of your security deposit or prepaid rent from your rent payment. You may do this only for the rent you owe your current landlord. If you do this, you must do so before the foreclosure sale. The business or individual who buys this property at the foreclosure sale is not responsible to you for any deposit or prepaid rent you paid to your landlord.

### **ABOUT YOUR TENANCY AFTER THE FORECLOSURE SALE**

The business or individual who buys this property at the foreclosure sale may be willing to allow you to stay as a tenant instead of requiring you to move out. You should contact the buyer to discuss that possibility if you would like to stay. Under state law, if the buyer accepts rent from you, signs a new residential rental agreement with you or does not notify you in writing within 30 days after the date of the foreclosure sale that you must move out, the buyer becomes your new landlord and must maintain the property. Otherwise, the buyer is not your landlord and is not responsible for maintaining the property on your behalf and you must move out by the date the buyer specifies in a notice to you.

**YOU SHOULD CONTINUE TO PAY RENT TO YOUR LANDLORD UNTIL THE PROPERTY IS SOLD TO ANOTHER BUSINESS OR INDIVIDUAL OR UNTIL A COURT OR A LENDER TELLS YOU OTHERWISE. IF YOU DO NOT PAY RENT, YOU CAN BE EVICTED. AS EXPLAINED ABOVE, YOU MAY BE ABLE TO APPLY A DEPOSIT YOU MADE OR PREPAID RENT YOU PAID AGAINST YOUR CURRENT RENT OBLIGATION. BE SURE TO KEEP PROOF OF ANY PAYMENTS YOU MAKE AND OF ANY NOTICE YOU GIVE OR RECEIVE CONCERNING THE APPLICATION OF YOUR DEPOSIT OR YOUR PREPAID RENT.**

**IT IS UNLAWFUL FOR ANY PERSON TO TRY TO FORCE YOU TO LEAVE YOUR HOME WITHOUT FIRST GOING TO COURT TO EVICT YOU. FOR MORE INFORMATION ABOUT YOUR RIGHTS, YOU MAY WISH TO CONSULT A LAWYER.** If you believe you need legal assistance, contact the Oregon State Bar and ask for the lawyer referral service. Contact information for the Oregon State Bar is included with this notice. If you do not have enough money to pay a lawyer and are otherwise eligible, you may be able to receive legal assistance for free. Information about whom to contact for free legal assistance is included with this notice.

There are government agencies and nonprofit organizations that can give you information about foreclosure and help you decide what to do. For the name and phone number of an organization near you, please call the statewide phone contact number at 1-800-SAFENET (1-800-723-3638). You may also wish to talk to a lawyer. If you need help finding a lawyer, you may call the Oregon State Bar's Lawyer Referral Service at (503) 684-3763 or toll-free in Oregon at (800) 452-7636 or you may visit its Website at: <http://www.osbar.org>. Legal assistance may be available if you have a low income and meet federal poverty guidelines. For

more information and a directory of legal aid programs that provide legal help to individuals at no charge, go to <http://www.oregonlawhelp.org> and/or to <http://www.osbar.org/public/ris/lowcostlegalhelp/legalaid.html>

---

**RIGHT TO CURE**

The right exists under ORS 86.753 to have this foreclosure proceeding dismissed and the Trust Deed reinstated by doing all of the following at any time that is not later than five days before the date last set for the sale:

(1) Paying to the Beneficiary the entire amount then due (other than such portion as would not then be due, had no default occurred);

(2) Curing any other default complained of herein that is capable of being cured by tendering the performance required under the Trust Deed; and

(3) Paying all costs and expenses actually incurred in enforcing the Obligation and Trust Deed, together with Trustee's and attorney's fees not exceeding the amounts provided by ORS 86.753.

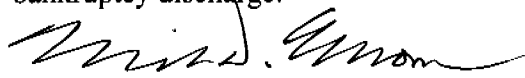
In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes the plural, the word "Grantor" includes any successor in interest to the Grantor as well as any other person owing an obligation, the performance of which is secured by the Trust Deed, and the words "Trustee" and "Beneficiary" include their respective successors in interest, if any.

**We are a debt collector attempting to collect a debt and any information we obtain will be used to collect the debt.**

Cashier's checks for the foreclosure sale must be made payable to Miles D. Monson, Trustee.

Bankruptcy Information: The personal liability of the grantors to pay the debt owed to Beneficiary may be discharged in the grantors' chapter 13 bankruptcy, however, the Trust Deed lien against the real property described above remains in existence and is in full force and effect. Beneficiary will not seek to enforce any debt obligation as a personal liability of the grantors once a discharge order is entered in their chapter 13 bankruptcy case. Beneficiary is merely foreclosing its lien which will not be affected by any bankruptcy discharge.

DATED: February 9, 2011.



Miles D. Monson

Trustee

10700 SW Beaverton-Hillsdale Hwy. #460

Beaverton, Oregon 97005

(503) 646-9230

STATE OF OREGON            )  
                                      ) ss.  
County of Washington        )

I, Miles D. Monson, certify that I am the Trustee and that the foregoing is a complete and exact copy of the original Trustee's Notice of Sale.

---

Trustee

clients\169\360\punzel.sale.notice

**AFTER RECORDING RETURN TO:**

Anderson & Monson, P.C.  
10700 SW Beaverton-Hillsdale Hwy.  
Suite 460  
Beaverton, Oregon 97005

**AFFIDAVIT OF MAILING NOTICE REQUIRED UNDER ORS 86.737**

STATE OF OREGON                     )  
  ) ss.  
County of Washington             )

I, Miles D. Monson, first duly sworn, depose and say:

I am a resident of the State of Oregon, a competent person over the age of eighteen years and not the Beneficiary, or Beneficiary's successor in interest, named in the attached Notice Required Under ORS 86.737 ("Statutory Notice").

I mailed a true copy of the Statutory Notice attached hereto by both first class and certified mail with return receipt requested, to each of the following named persons (or their legal representatives, where so indicated) at their respective last known addresses, to-wit:

<u>NAME</u>	<u>ADDRESS</u>
David A. Punzel	149133 Kurtz Road La Pine, Oregon 97739
David A. Punzel	PO Box 2744 La Pine, Oregon 97739
Brenda L. Punzel	149133 Kurtz Road La Pine, Oregon 97739
Brenda L. Punzel	PO Box 2744 La Pine, Oregon 97739
Occupants	149133 Kurtz Road La Pine, Oregon 97739
Rex K. Daines	Attorney for David and Brenda Punzel PO Box 12829 Salem, Oregon 97309

Each true copy of the Statutory Notice was: (a) contained in a sealed envelope, with postage prepaid, and was deposited in the United States post office at Beaverton, Oregon, on February 9, 2011; and (b) mailed on or before the date the notice of sale was served or mailed pursuant to ORS 86.740; and (c) accompanied by a request for a loan modification in the form attached hereto.

The above-named include the Grantor in the Trust Deed and any successor in interest to the Grantor whose interest appears of record or of whose interest the Trustee or the Beneficiary has actual notice.

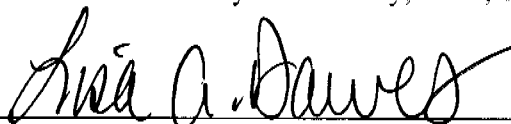
As used herein, the singular includes the plural, Trustee includes Successor Trustee, and person includes corporation and any other legal or commercial entity.



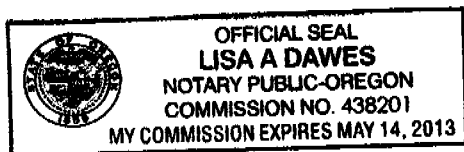
Miles D. Monson

STATE OF OREGON            )  
  ) ss.  
County of Washington        )

SUBSCRIBED AND SWORN TO before me this 9th day of February, 2011, by Miles D. Monson, Trustee.



NOTARY PUBLIC FOR OREGON



SECOND AFFIDAVIT OF MAILING NOTICE REQUIRED UNDER ORS 86.737

STATE OF OREGON                     )  
  ) ss.  
County of Washington             )

I, Miles D. Monson, first duly sworn, depose and say:

I am a resident of the State of Oregon, a competent person over the age of eighteen years and not the Beneficiary, or Beneficiary's successor in interest, named in the attached Notice Required Under ORS 86.737 ("Statutory Notice").

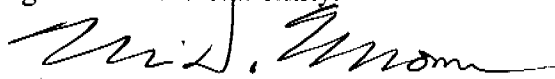
I mailed a true copy of the Statutory Notice attached hereto by both first class and certified mail with return receipt requested, to each of the following named persons (or their legal representatives, where so indicated) at their respective last known addresses, to-wit:

<u>NAME</u>	<u>ADDRESS</u>
David A. Punzel	3725 NW 173rd Place Beaverton, Oregon 97006
Brenda L. Punzel	3725 NW 173rd Place Beaverton, Oregon 97006

Each true copy of the Statutory Notice was: (a) contained in a sealed envelope, with postage prepaid, and was deposited in the United States post office at Beaverton, Oregon, on February 23, 2011; and (b) mailed on or before the date the notice of sale was served or mailed pursuant to ORS 86.740; and (c) accompanied by a request for a loan modification in the form attached hereto.

The above-named include the Grantor in the Trust Deed and any successor in interest to the Grantor whose interest appears of record or of whose interest the Trustee or the Beneficiary has actual notice.

As used herein, the singular includes the plural, Trustee includes Successor Trustee, and person includes corporation and any other legal or commercial entity.

  
\_\_\_\_\_  
Miles D. Monson

STATE OF OREGON                     )  
  ) ss.  
County of Washington             )

SUBSCRIBED AND SWORN TO before me this 23rd day of February, 2011, by Miles D. Monson, Trustee.



  
\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON

**NOTICE:**  
**YOU ARE IN DANGER OF LOSING YOUR PROPERTY**  
**IF YOU DO NOT TAKE ACTION IMMEDIATELY**

**This notice is about your mortgage loan on property at:**

Street address: 149133 KURTZ ROAD  
City: LA PINE State: OREGON ZIP: 97739

Your lender has decided to sell this property because the money due on your mortgage loan has not been paid on time or because you have failed to fulfill some other obligation to your lender. This is sometimes called "foreclosure."

The amount you would have had to pay as of October 22, 2010 to bring your mortgage loan current was \$16,311.75. The amount you must now pay to bring your loan current may have increased since that date.

By law, your lender has to provide you with details about the amount you owe, if you ask. You may call 877-646-9230 to find out the exact amount you must pay to bring your mortgage loan current and to get other details about the amount you owe.

You may also get these details by sending a request by certified mail to: Anderson & Monson, P.C., 10700 SW Beaverton-Hillsdale Hwy., Suite 460, Beaverton, Oregon 97005.

**THIS IS WHEN AND WHERE YOUR PROPERTY WILL BE SOLD**  
**IF YOU DO NOT TAKE ACTION**

**Date and time:** JUNE 21, 2011 **AT** 1:00 P.M.

**Place:** KLAMATH COUNTY COURTHOUSE, 316 MAIN STREET,  
MAIN STREET FRONT STEPS, IN THE CITY OF KLAMATH  
FALLS, COUNTY OF KLAMATH AND STATE OF OREGON.

### **THIS IS WHAT YOU CAN DO TO STOP THE SALE:**

1. You can pay the amount past due or correct any other default, up to five days before the sale.
2. You can refinance or otherwise pay off the loan in full anytime before the sale.
3. You can request that your lender give you more time or change the terms of your loan.
4. You can sell your home, provided the sale price is enough to pay what you owe.

There are government agencies and nonprofit organizations that can give you information about foreclosure and help you decide what to do. For the name and telephone number of an organization near you, please call the statewide telephone contact number at **800-SAFENET (800-723-3638)**. You may also wish to talk to a lawyer. If you need help finding a lawyer, you may call the Oregon State Bar's Lawyer Referral Service at **503-684-3763** or toll-free in Oregon at **800-452-7636** or you may visit its website at: <http://www.osbar.org>. Legal assistance may be available if you have a low income and meet federal poverty guidelines. For more information and a directory of legal aid programs, go to <http://www.oregonlawhelp.org>.

Your lender may be willing to modify your loan to reduce the interest rate, reduce the monthly payments or both. You can get information about possible loan modification programs by contacting your lender at (800) 626-6600. If you can't reach your lender, you may contact the trustee at the telephone number at the bottom of this notice. If you have already entered into a loan modification with your lender, it is possible that you will not be able to modify your loan again unless your circumstances have changed. Your lender is not obligated to modify your loan.

You may request to meet with your lender to discuss options for modifying your loan. During discussions with your lender, you may have the assistance of a lawyer, a housing counselor or another person of your choosing. To receive a referral to a housing counselor or other assistance available in your community, call this toll-free consumer mortgage foreclosure information number: **800-SAFENET (800-723-3638)**. Many lenders participate in new federal loan modification programs. You can obtain more information about these programs at: <http://www.makinghomeaffordable.gov/>.



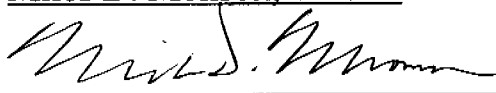
**IF YOU WANT TO APPLY TO MODIFY YOUR LOAN, YOU MUST FILL OUT AND MAIL BACK THE ENCLOSED "MODIFICATION REQUEST FORM." YOUR LENDER MUST RECEIVE THE FORM BY MARCH 11, 2011, WHICH IS 30 DAYS AFTER THE DATE SHOWN BELOW.**

**WARNING:** You may get offers from people who tell you they can help you keep your property. You should be careful about those offers. Make sure you understand any papers you are asked to sign. If you have any questions, talk to a lawyer or one of the organizations mentioned above before signing.

DATED: February 9, 2011.

Trustee name (print): Miles D. Monson, Trustee

Trustee signature:



Trustee telephone number: 877-646-9230

## **MODIFICATION REQUEST FORM**

**This request to modify must be returned no later than MARCH 11, 2011.**

Return this form to: Rivermark Community Credit Union  
Attn: Bruce Holbrook  
PO Box 1418  
Beaverton, Oregon 97075

You must disclose current information listed below for your lender to process your request for a Loan Modification:

NAME: \_\_\_\_\_

\_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_

**(By providing an e-mail address, you authorize Lender to contact you at this e-mail address)**

ACCOUNT NO.: \_\_\_\_\_

CURRENT EMPLOYER(S):

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

- ATTACH RECENT PAY STUBS OR PROOF OF EMPLOYMENT AND INCOME
- ATTACH A CURRENT LIST OF MONTHLY INCOME AND EXPENSES
- ATTACH PROOF OF PROPERTY INSURANCE
- ATTACH ANY OTHER DOCUMENTATION OF ASSETS AND INCOME THAT YOU WANT US TO RELY UPON TO EVALUATE A LOAN MODIFICATION


STATE OF OREGON                 )  
County of Washington          ) ss.  
\_\_\_\_\_ )

At all times hereinafter mentioned, I am beneficiary or the agent of the beneficiary ("Beneficiary"), of that certain trust deed described as follows ("Trust Deed"):

The Successor Trustee served the Notice Required under Section 20,  
Chapter 19, Oregon Laws 2008, as Amended and the Modification Request Form on the Grantor  
on February 9, 2011.

Bruce Holbrook

STATE OF OREGON                 )  
County of Washington          ) ss.

 OFFICIAL SEAL  
**DUANE J SCHAEFER**  
NOTARY PUBLIC-OREGON  
COMMISSION NO. 449282  
MY COMMISSION EXPIRES JUNE 07, 2014

  
NOTARY PUBLIC FOR OREGON

**AFFIDAVIT OF SERVICE RE: NON-MILITARY SERVICE**

STATE OF OREGON            )  
                                      ) ss  
County of Washington        )

THIS IS TO CERTIFY that I am the Successor Trustee on that certain trust deed described as follows:

Grantor:                       Brenda L. Punzel and David A. Punzel  
Trustee:                       Chicago Title Insurance  
Beneficiary:                  Rivermark Community Credit Union  
Date:                          April 19, 2007  
Recording Date:               April 24, 2007  
Recording Reference:         2007-007404  
County of Recording:         Klamath County

A Notice of Default with respect to the trust deed was recorded January 31, 2011 as 2011-001144 in the mortgage records. Grantors are not on active military duty according to the United States Department of Defense Manpower Data Center. Attached as Exhibit 1, is a Military Status Report pursuant to the Servicemembers Civil Relief Act of 2003 confirming that the Grantors are not on active military duty.

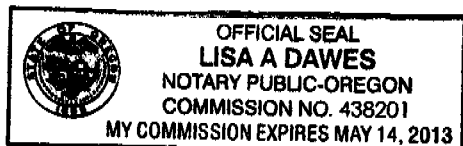
In construing this certificate, the singular includes the plural, the word "Grantor" includes any successor in interest to the Grantor, and the words "Trustee" and "Beneficiary" include their respective successors in interest, if any, named in the trust deed.



Miles D. Monson

STATE OF OREGON            )  
                                      ) ss.  
County of Washington        )

On this 9th day of June, 2011, personally appeared the above-named Miles D. Monson, Successor Trustee, and acknowledged the foregoing instrument to be his voluntary act and deed.

  
NOTARY PUBLIC FOR OREGON

clients\169\360\punzel.nonmilitary.aff

Department of Defense Manpower Data Center

Jun-09-2011 06:54:07



Military Status Report  
Pursuant to the Service Members Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
PUNZEL	DAVID A.	Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.			

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

*Mary M. Snavely-Dixon*

Mary M. Snavely-Dixon, Director  
Department of Defense - Manpower Data Center  
1600 Wilson Blvd., Suite 400  
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Service Members Civil Relief Act (50 USC App. §§ 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenselink.mil" URL <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person is on active duty and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. §521(c).

If you obtain additional information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects **active duty status** including date the individual was last on active duty, if it was within the preceding 367 days. For historical information, please contact the Service SCRA points-of-contact.

*More information on Active Duty Status*

*Ex. 1  
Pg. 1 of 4*

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d)(1) for a period of more than 30 consecutive days. In the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy TARs, Marine Corps ARs and Coast Guard RPAs. Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps) for a period of more than 30 consecutive days.

***Coverage Under the SCRA is Broader in Some Cases***

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate.

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of SCRA extend beyond the last dates of active duty.

Those who would rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a name and SSN provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.  
Report ID:731HE9IDOJ

Ex. 1  
pg. 2 of 4

Department of Defense Manpower Data Center

Jun-09-2011 06:54:45



Military Status Report  
Pursuant to the Service Members Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
PUNZEL	BRENDA L.	Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.			

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

*Mary M. Snavely-Dixon*

Mary M. Snavely-Dixon, Director  
Department of Defense - Manpower Data Center  
1600 Wilson Blvd., Suite 400  
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Service Members Civil Relief Act (50 USC App. §§ 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defense link.mil" URL <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person is on active duty and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. §521(c).

If you obtain additional information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects **active duty status** including date the individual was last on active duty, if it was within the preceding 367 days. For historical information, please contact the Service SCRA points-of-contact.

*More information on Active Duty Status*

Ex. 1  
Pg. 384

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d)(1) for a period of more than 30 consecutive days. In the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy TARs, Marine Corps ARs and Coast Guard RPAs. Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps) for a period of more than 30 consecutive days.

***Coverage Under the SCRA is Broader in Some Cases***

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate.

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of SCRA extend beyond the last dates of active duty.

Those who would rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a name and SSN provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.  
Report ID:BU7115L604

Ex. 1  
pg. 4 of 4



**AFFIDAVIT OF PUBLICATION  
STATE OF OREGON,  
COUNTY OF KLAMATH**

I, Jeanine P. Day, Finance Director, being duly sworn, depose and say that I am the principle clerk of the publisher of the Herald and News, a newspaper in general circulation, as defined by Chapter 193 ORS, printed and published at Klamath Falls in the aforesaid county and state; that I know from my personal knowledge that the

Legal#13292 SALE PUNZEL

TRUSTEE'S NOTICE OF SALE

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for: 4

Insertion(s) in the following issues:

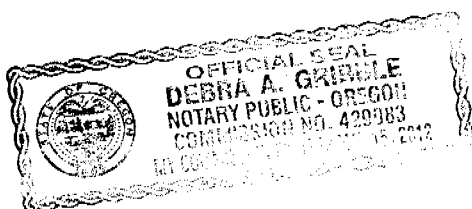
04/30/2011 05/07/2011 05/14/2011 05/21/2011

Total Cost: \$2934.74

Subscribed and sworn by Jeanine P Day before me on:  
23rd day of May in the year of 2011

Notary Public of Oregon

My commission expires on May 15, 2012



**TRUSTEE'S NOTICE OF SALE**

The trustee to be foreclosed pursuant to Oregon law is referred to as follows (the "Trust Deed"):

Grantor: Brendt L. Punzel and David A. Punzel

Trustee: Chicago Title Insurance

Beneficiary: Rivermark Community Credit Union

Date: April 11, 2007

Recording Date: April 21, 2007

Recording Reference: 2007-01404

County of Recording: Klamath County

• The Trustee is now Miles D. Monson and the mailing address of the Trustee is: Miles D. Monson, Trustee, 4500 SW Beaveron Hillsdale Hwy., Suite 450, Beaveron, OR 97005.

• The Trust Deed covers the following described real property in the County of Klamath and State of Oregon, ("the Property"):

• The South Half of the North Half of the Southeast Quarter of the Southeast Quarter of Section 16, Township 23 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon.

• The default in which foreclosure is made is:

• The Grantor's failure to pay when due the following sums: Monthly installments of \$2,270.10 beginning April 1, 2006 through the installment due October 1, 2010, plus late charges of \$421.05.

• The sum owing on the obligation that the Trust Deed secures (the "Obligation") is:

• \$376,700.05, plus interest of \$13,782.86 through October 20, 2010, plus interest on the principal sum of \$376,700.05 together with interest at an adjustable rate of interest, which is currently at the rate of 5.75 percent per annum from October 21, 2010 until paid, together with Trustee's fees, attorney's fees, foreclosure costs and any sums advanced by the Beneficiary pursuant to the Trust Deed.

• The property will be sold to satisfy the Obligation.

• The date, time and place of the sale is:

Date: JUNE 21, 2011, Time: 1:00 P.M. Place: KLAMATH COUNTY COURTHOUSE, 316 MAIN STREET, MAIN STREET FRONT STEPS, IN THE CITY OF KLAMATH FALLS, COUNTY OF KLAMATH AND STATE OF OREGON.

• The property in which you are living is in foreclosure. A foreclosure sale is scheduled for JUNE 21, 2011. Unless the lender who is foreclosing on this property is paid, the foreclosure will go through and someone new will own this property.

• The following information applies to you only if you occupy and rent this property as a residential dwelling under a legitimate rental agreement. The information does not apply to you if you own this property or if you are not a residential tenant.

**NOTICE TO RESIDENTIAL TENANTS**

• The property in which you are living is in foreclosure. A foreclosure sale is scheduled for JUNE 21, 2011. Unless the lender who is foreclosing on this property is paid, the foreclosure will go through and someone new will own this property.