

UTC 910910

after Recording.  
Jeffrey W. FOXX

P.O. Box 4218

Medford, OR 97501-0158

2012-000434

Klamath County, Oregon



00112596201200004340220221

01/18/2012 02:27:06 PM

Fee: \$152.00

AFFIDAVIT REGARDING NOTICE OF SALE & OTHER NOTICES:  
MAILING; SERVICE; SERVICE AND POSTING; PUBLICATION

Regarding the following Trust Deed:

Parties: Grantor: Donald E. Riesch and Margaret N. Riesch.  
Grantor address: 4900 Bliss Road, Bonanza, OR 97623  
Original Trustee: Aspen Title & Escrow, Inc., an Oregon corporation  
Successor Trustee: Jeffrey W. Foxx, Attorney.  
Original Beneficiary: Becky F. Pratt, Trustee of the Becky F. Pratt Revocable Living Trust.  
Beneficiary/"Grantee" address: 2808 SW G Street, Grants Pass, OR 97526

Recording: The Trust Deed was recorded April 8, 2008, as Instrument #2008-005146, Klamath County, Oregon, Deed Records.

Property: Legal Description:  
All of the SE 1/4 of the SE 1/4 of Section 14, Township 38 South, Range 11 1/2 East of the Willamette Meridian, Klamath County, Oregon, lying Southeast of the Lakeview Highway.  
ALSO all of the NE 1/4 of the NE 1/4 of Section 23, Township 38 South, Range 11 1/2 East of the Willamette Meridian, Klamath County, Oregon, lying Southeast of the Lakeview Highway.  
[otherwise commonly known as: 4900 Bliss Road, Bonanza, Klamath County, OR]

STATE OF OREGON )  
) ss.  
County of Jackson )

I, JEFFREY W. FOXX, being first duly sworn, pursuant to ORS 86.750, depose and say:

1. That I am the successor trustee under the above referenced Trust Deed.
2. That pursuant to ORS 86.735, on August 26, 2011, I caused a Notice of Default/ Election to Sell to be recorded in the Klamath County, Oregon, Deed Records as Document #2011-009793 regarding the above referenced Trust Deed and Property.
3. On or about April 2, 2010, the debtor and Trust Deed grantor Margaret N. Riesch died, a photocopy of a certified copy of her death certificate is attached hereto as Exhibit "A"; thereafter, Donald E. Riesch was the sole owner of the subject Real Property and improvements and the sole debtor against whom enforcement of the note and trust deed was possible.
4. That pursuant to ORS 86.740, on September 20, 2011, I caused a copy of the Notice of Default/ Election to Sell/Trustee's Notice of Sale ("Notice of Sale") to be served by both regular and certified mail on each of the following:
  - 4.1 the grantor, Donald E. Riesch at
    - 4.1.1 the Property, 4900 Bliss Road, Bonanza, OR 97623, as well as;
    - 4.1.2 to his last previous known mailing address, 223417 Cherrywood Lane, Chiloquin, OR 97624;
    - 4.1.3 Each said mailing by regular and certified mail to the grantor contained a copy of the Notice of Sale, as well as, additional notices, including:
      - 4.1.3.1 what is referred to herein below as the "Plain Language" Notice of Foreclosure;
      - 4.1.3.2 what is referred to herein below as the "Notice to Tenants";
      - 4.1.3.3 what is referred to herein below as the "Fair Debt Collection Notice";
      - 4.1.3.4 what is referred to herein below as the "Service Members Relief Notice"; and
  - 4.2 Upon each of the following junior lienholder(s) of record at that time, to wit: Brandy R. Hubble and Justin L. Hubble, 8990 Gale Road, Bonanza, OR 97623, as well as;
    - 4.2.1 to 9990 Gale Road, Bonanza, OR 97623, an address for them discovered through an internet search;
    - 4.2.2 to P.O. Box #132, Bonanza, OR 97623, as it was their last known mailing address; and
    - 4.2.3 to the Property, 4900 Bliss Road, Bonanza, OR 97623, as it was their last previous known

AFFIDAVIT REGARDING NOTICE OF SALE & OTHER NOTICES:  
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Page 1 of 3.

(not including Exhs. A, B, C, D, E, F, G, H, J & K).

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address of record.

4.2.4 Each said mailing by regular and certified mail to the Lienholder contained a copy of the Notice of Sale, as well as, additional notices, including:

- 4.2.3.1 what is referred to herein below as the "Plain Language" Notice of Foreclosure;
- 4.2.3.2 what is referred to herein below as the "Notice to Tenants";
- 4.2.3.3 what is referred to herein below as the "Fair Debt Collection Notice";
- 4.2.3.4 what is referred to herein below as the "Service Members Relief Notice"; and

4.3 Any and all Occupants at the Property, to the Property, 4900 Bliss Road, Bonanza, OR 97623;

4.3.1 Said mailing by regular and certified mail to Occupants contained a copy of the Notice of Sale, as well as, additional notices, including:

- 4.3.3.1 what is referred to herein below as the "Plain Language" Notice of Foreclosure;
- 4.3.3.2 what is referred to herein below as the "Notice to Tenants";
- 4.3.3.3 what is referred to herein below as the "Fair Debt Collection Notice";
- 4.3.3.4 what is referred to herein below as the "Service Members Relief Notice";

4.4 Copies of further proof of such mailing is attached hereto as Exhibit "B".

5. That pursuant to ORS 86.750(1), I caused to be served in the manner in which a summons is served pursuant to ORCP 7 D(2) and 7 D(3) a copy of the Notice of Sale on each of the following:

5.1 on September 21, 2011, any and all occupants of the property located at 4900 Bliss Road, Bonanza, OR 97623. A copy of proof of such service upon such occupants is attached hereto as Exhibit "C";

5.1.1 the process server served upon such occupants a copy of the Notice of Sale (together with a copy of the letter to the respective addressee, as shown on Exhibit "B"), together with additional notices, including:

- 5.1.1.1 what is referred to herein below as the "Plain Language" Notice of Foreclosure;
- 5.1.1.2 what is referred to herein below as the "Notice to Tenants"; and
- 5.1.1.3 what is referred to herein below as the "Fair Debt Collection Notice";
- 5.1.1.4 what is referred to herein below as the "Service Members Relief Notice"; and

5.2 on September 23, 2011, grantor Donald E. Reisch at 1135 Pine Street, Klamath Falls, OR 97601 (as we believed him to be the occupant of the Property). A copy of proof of such service upon Donald E. Reisch is attached hereto as Exhibit "D".

5.2.1 the process server served upon Donald E. Reisch a copy of the Notice of Sale (together with a copy of the letter to the respective addressee, as shown on Exhibit "B"), together with additional notices, including:

- 5.2.1.1 what is referred to herein below as the "Plain Language" Notice of Foreclosure;
- 5.2.1.2 what is referred to herein below as the "Notice to Tenants";
- 5.2.1.3 what is referred to herein below as the "Fair Debt Collection Notice"; and
- 5.2.1.4 what is referred to herein below as the "Service Members Relief Notice".

5.3 on September 23, 2011, lienholder Brandy R. Davis at 8990 Gale Road, Bonanza, OR 97623 (as we were concerned that she may be an occupant of the Property). A copy of proof of such service upon Brandy R. Davis is attached hereto as Exhibit "E".

5.3.1 the process server served upon Brandy R. Davis a copy of the Notice of Sale (together with a copy of the letter to the respective addressee, as shown on Exhibit "B"), together with additional notices, including:

- 5.3.1.1 what is referred to herein below as the "Plain Language" Notice of Foreclosure;
- 5.3.1.2 what is referred to herein below as the "Notice to Tenants";
- 5.3.1.3 what is referred to herein below as the "Fair Debt Collection Notice"; and
- 5.3.1.4 what is referred to herein below as the "Service Members Relief Notice".

5.3.2 Brandy R. Davis contacted me by telephone the day she was so served and notified me that her former husband, lienholder Justin L. Hubble had died.

6. That pursuant to ORS 86.737, I caused notice of the sale of the Property by a "Plain Language" Notice of Foreclosure in the form attached hereto as Exhibit "F" to be served upon each of the following:

6.1 any and all occupants of the property by both regular and certified mail, as stated above in paragraph 4.3, as well as, in the manner in which a summons is served pursuant to ORCP 7 D(2) and 7 D(3), as stated above in paragraph 5.1, and referencing the respective proofs of mailing and returns of service; and

6.2 the grantor, Donald E. Reisch by both regular and certified mail, as stated and documented above in paragraph 4.1, as well as, served in the manner in which a summons is served pursuant to ORCP 7 D(2) and 7 D(3), as stated and documented above in paragraph 5.2, referencing the respective proofs of mailing and returns of service; and

6.3 on the lienholder, Brandy R. Davis and Justin L. Hubble by both regular and certified mail, as stated and documented above in paragraph 4.2, as well as, served in the manner in which a summons is served pursuant to ORCP 7 D(2) and 7 D(3), as stated and documented above in paragraph 5.3, referencing the respective proofs of mailing and returns of service.

6.4 Said Plain Language Notice of Foreclosure contained the information and was in the form prescribed by ORS 86.737 and enclosed a "Modification Request Form"; Beneficiaries' Affidavit is attached to the end of this Affidavit; the beneficiary under this trust deed is a private individual who made the loan with her own money for her own investment and said beneficiary is not in the business of making loans secured by an interest in real estate;

7. That, although we did not reasonably believe that the Property was occupied by tenants or occupants other than the debtor, however, as a precaution, pursuant to ORS 86.745(9), I caused a "Notice to Tenants" in the form attached hereto as Exhibit "G" to be served upon each of the following:

7.1 any and all occupants of the property by both regular and certified mail, as stated above in paragraph 4.3, as well as, in the manner in which a summons is served pursuant to ORCP 7 D(2) and 7 D(3), as stated above

in paragraph 5.1, and referencing the respective proofs of mailing and returns of service; and

7.2 the grantor, Donald E. Reisch by both regular and certified mail, as stated and documented above in paragraph 4.1, as well as, served in the manner in which a summons is served pursuant to ORCP 7 D(2) and 7 D(3), as stated and documented above in paragraph 5.2, referencing the respective proofs of mailing and returns of service; and

7.3 on the lienholder, Brandy R. Davis and Justin L. Hubble by both regular and certified mail, as stated and documented above in paragraph 4.2, as well as, served in the manner in which a summons is served pursuant to ORCP 7 D(2) and 7 D(3), as stated and documented above in paragraph 5.3, referencing the respective proofs of mailing and returns of service.

8. Although such notice may not have been required under the circumstances of this foreclosure, I did cause a Notice Required by the Fair Debt Collection Practices Act ("Fair Debt Collection Notice") in the form attached hereto as Exhibit "H" to be served upon each of the following:

8.1 any and all occupants of the property by both regular and certified mail, as stated above in paragraph 4.3, as well as, in the manner in which a summons is served pursuant to ORCP 7 D(2) and 7 D(3), as stated above in paragraph 5.1, and referencing the respective proofs of mailing and returns of service; and

8.2 the grantor, Donald E. Reisch by both regular and certified mail, as stated and documented above in paragraph 4.1, as well as, served in the manner in which a summons is served pursuant to ORCP 7 D(2) and 7 D(3), as stated and documented above in paragraph 5.2, referencing the respective proofs of mailing and returns of service; and

8.3 on the lienholder, Brandy R. Davis and Justin L. Hubble by both regular and certified mail, as stated and documented above in paragraph 4.2, as well as, served in the manner in which a summons is served pursuant to ORCP 7 D(2) and 7 D(3), as stated and documented above in paragraph 5.3, referencing the respective proofs of mailing and returns of service.

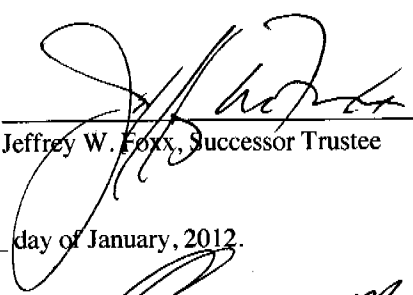
9. Although such notice may not have been required under the circumstances of this foreclosure, I did cause a Service Members Civil Relief Act Notification ("Service Members Relief Notice") in the form attached hereto as Exhibit "J" (Note: there is no Exhibit "I") to be served upon each of the following:

9.1 any and all occupants of the property by both regular and certified mail, as stated above in paragraph 4.3, as well as, in the manner in which a summons is served pursuant to ORCP 7 D(2) and 7 D(3), as stated above in paragraph 5.1, and referencing the respective proofs of mailing and returns of service; and

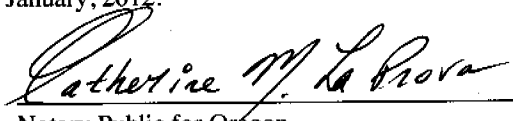
9.2 the grantor, Donald E. Reisch by both regular and certified mail, as stated and documented above in paragraph 4.1, as well as, served in the manner in which a summons is served pursuant to ORCP 7 D(2) and 7 D(3), as stated and documented above in paragraph 5.2, referencing the respective proofs of mailing and returns of service; and

9.3 on the lienholder, Brandy R. Davis and Justin L. Hubble by both regular and certified mail, as stated and documented above in paragraph 4.2, as well as, served in the manner in which a summons is served pursuant to ORCP 7 D(2) and 7 D(3), as stated and documented above in paragraph 5.3, referencing the respective proofs of mailing and returns of service.

10. That pursuant to ORS 86.750(2) I caused a Notice of Default/ Election to Sell / Trustee's Notice of Sale to be published in a newspaper of general circulation in the county(ies) in which the property was situated, as required by said statute, a copy of the affidavit of publication of said newspaper being attached hereto as Exhibit "K".

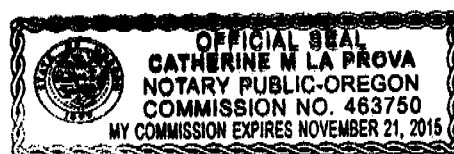
  
Jeffrey W. Fox, Successor Trustee

Subscribed and sworn to before me this 11 day of January, 2012.

  
Catherine M. La Prova

Notary Public for Oregon

My Commission Expires: Nov. 21, 2015



# CERTIFICATION OF VITAL RECORD

## OREGON DEPARTMENT OF HUMAN SERVICES CENTER FOR HEALTH STATISTICS CERTIFICATE OF DEATH

H93407

LTJ TAG NO.

STATE FILE NUMBER

1. Legal Name (Last, First, Middle, Last, Suffix) <b>Margaret Nan RIESCH</b>				2. Death Date (mm/dd/yyyy) <b>April 2, 2010</b>	
3. Sex (M/F) <b>F</b>	4a. Age - Last birthday <b>65</b>	4b. Under 1 Year <b>0</b>	4c. Under 1 Day <b>0</b>	5. Social Security Number <b>556-72-1780</b>	6. County of Death <b>Klamath</b>
7. Birthdate (mm/dd/yyyy) <b>Feb 20, 1947</b>	8a. Birthplace (city/town or County) <b>Dalhousie</b>	8b. (State or Foreign Country) <b>Texas</b>	9. Decedent's Education <b>11th Grade</b>		
10. Was Decedent of Hispanic Origin? (Yes or No, if yes, specify) <b>No</b>			11. Decedent's Race(s) <b>White</b>		12. Was Decedent Ever in U.S. Armed Forces? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
13. Residence: Number and Street (e.g., 241 3rd Street, Apt. 2) <b>A900 Bliss Road</b>			14. City/Town <b>Bonanza</b>		15. Inside City Limits? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown
16. Residence County <b>Klamath</b>		17. State or Foreign Country <b>Oregon</b>		18. Zip Code + 4 <b>97623-9726</b>	
19. Marital Status at Time of Death <b>Married</b>			20. Spouse's Name (if married or widowed, give name prior to first marriage) <b>Eugene RIESCH</b>		
21. Usual Occupation (indicate type of work done during most of working life. DO NOT USE "RETIRED.") <b>Housewife</b>			22. Kind of Business/Industry (do not use company name) <b>Own Home</b>		
23. Father's Name (give name, last, first, middle) <b>Paul D. Arnold</b>			24. Mother's Name (give name, last, first, middle) <b>Andrew Jean RAYAN</b>		
25. Informant's Name <b>Donald E. RIESCH</b>		26. Telephone Number <b>541-891-6312</b>		27. Relationship to Decedent <b>Husband</b>	
28. Place of Death <b>Decedent's Residence</b>		29. Mailing Address (Number & Street, City/Town, State, Zip + 4) <b>A900 Bliss Road, Bonanza, OR 97623-9726</b>			
30. Location of Death (give street) <b>4900 Bliss Road</b>		31. State <b>OR</b>		32. Zip Code + 4 <b>97623-9726</b>	
33. Method of Disposition <b>Donation/Cremation</b>		34. Place of Disposition (name of cemetery, crematorium, or other place) <b>Portland Cremation Center, LLC, Suite A, Portland, OR 97210-5389</b>		35. Location of Disposition (city/town, state, zip + 4) <b>6420 South Sixth Street, Klamath Falls, Oregon 97603-1194</b>	
36. Name and Complete Address of Funeral Home (Number & Street, City/Town, State, Zip + 4) <b>Davenport's Chapel of the Good Shepherd</b>		37. Date of Disposition (mm/dd/yyyy) <b>To be decided</b>			
38. Registrar's Signature <i>[Signature]</i>		39. Date of Death <b>APR 08 2010</b>		40. Death File Number <b>61</b>	
41. Record Amendment					
42. Was case referred to Medical Examiner? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
43. Cause of Death (Do not include any conditions that directly caused the death. DO NOT ENTER TERMINAL EVENTS such as cardiac arrest, respiratory arrest, or ventilator malfunction without showing the disease. DO NOT ABBREVIATE.)					
44. Enter the chain of events, diseases, injuries, or complications that directly caused the death. DO NOT ENTER TERMINAL EVENTS such as cardiac arrest, respiratory arrest, or ventilator malfunction without showing the disease. DO NOT ABBREVIATE.		45. Approximate Interval Onset to Death		46. Final disease or condition resulting in death	
47. Enter the UNDERLYING CAUSE LAST (disease or injury that initiated the events resulting in death).		48. Enter the UNDERLYING CAUSE LAST (disease or injury that initiated the events resulting in death).		49. Enter the UNDERLYING CAUSE LAST (disease or injury that initiated the events resulting in death).	
50. Other significant conditions contributing to death, but not resulting in the underlying cause listed above.					
51. Manner of Death <input checked="" type="checkbox"/> Natural <input type="checkbox"/> Homicide <input type="checkbox"/> Suicide <input type="checkbox"/> Undetermined <input type="checkbox"/> Pending		52. If Female: <input type="checkbox"/> Not pregnant, when next year <input type="checkbox"/> Pregnant at time of death <input type="checkbox"/> Not pregnant, but pregnant within 42 days before death		53. Did tobacco use contribute to death? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown	
54. Date of Injury (mm/dd/yyyy) <b>04/04/2010</b>		55. Time of Injury <b>04:00</b>		56. Place of Injury (e.g., Decedent's home, construction site, restaurant, wooded area) <b>Home</b>	
57. Location of Injury (Number & Street, City/Town, State, Zip + 4) <b>4900 Bliss Road, Bonanza, OR 97623-9726</b>		58. Describe how injury occurred.		59. Injury at Work? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown	
60. Name and Address of Coroner (Number & Street, City/Town, State, Zip + 4) <b>Christopher Baumann, MD, 2801 Deggett Avenue, Klamath Falls, Oregon 97601-1106</b>		61. If transportation injury, specify: <input type="checkbox"/> Driver/Operator <input type="checkbox"/> Passenger <input type="checkbox"/> Pedestrian <input type="checkbox"/> Other (Specify)		62. Name and Title of Attending Physician or Other than Coroner <b>Christopher Baumann, MD</b>	
63. Title of Coroner <b>Medical Doctor</b>		64. License Number <b>MD#LL#18621</b>		65. Date Signed (mm/dd/yyyy) <b>04/04/2010</b>	
66. Medical Examiner - To the best of my knowledge, death occurred at the time, date, and place, and due to the cause(s) and manner stated.		67. Medical Examiner - On the basis of examination, either in person, in my opinion, death occurred at the time, date, and place, and due to the cause(s) and manner stated.			
68. Record Amendment					

ORIGINAL - VITAL RECORDS COPY

THIS IS A TRUE AND EXACT REPRODUCTION OF THE DOCUMENT OFFICIALLY REGISTERED AT THE OFFICE OF THE KLAMATH COUNTY REGISTRAR.

APR 08 2010

DATE ISSUED:

THIS COPY IS NOT VALID WITHOUT ORANGE STATE SEAL AND BORDER

*[Signature]*  
LISA C. AREA  
COUNTY REGISTRAR  
KLAMATH COUNTY, OREGON

EXHIBIT

tabbles

A  
PAGE 1 OF 1

WC 91090

Jeffrey FOXX  
P.O. Box 4218

Medford, OR 97501-0158

2011-009793

Klamath County, Oregon



00106591201100097930010018

08/28/2011 03:28:13 PM

Fee: \$37.00

### TRUSTEE'S NOTICE OF DEFAULT/ ELECTION TO SELL

The Trustee under the terms of the Trust Deed described herein, at the direction of the Beneficiary, hereby elects to sell the property described in the Trust Deed to satisfy obligations secured thereby. Pursuant to ORS 86.735, 740, and 745, the following information is provided:

1. PARTIES: Grantor: Donald E. Riesch and Margaret N. Riesch. Original Trustee: Aspen Title & Escrow, Inc., an Oregon corporation. Successor Trustee: Jeffrey W. Foxx, attorney. Beneficiary: Becky F. Pratt, Trustee of the Becky F. Pratt Revocable Living Trust.

#### 2. LEGAL DESCRIPTION:

All of the SE ¼ of the SE ¼ of Section 14, Township 38 South, Range 11 ½ East of the Willamette Meridian, Klamath County, Oregon, lying Southeast of the Lakeview Highway.

ALSO all of the NE ¼ of the NE ¼ of Section 23, Township 38 South, Range 11 ½ East of the Willamette Meridian, Klamath County, Oregon, lying Southeast of the Lakeview Highway.  
[otherwise commonly known as: 4900 Bliss Road, Bonanza, Klamath County, OR]

3. RECORDING: The Trust Deed was recorded April 8, 2008, as Instrument #2008-005146, Klamath County, Oregon, Deed Records.

4. DEFAULT: Grantor is in default on the Trust Deed and Promissory Note secured thereby and Beneficiary seeks to foreclose the Trust Deed for failure to pay or perform each of the following: failure to pay monthly payments which came due 10/8/10, and thereafter; failure to make the balance of \$158.10 of the payment that came due 9/8/10; failure to pay late fees, failure to pay taxes; attorney fees and costs incurred in enforcement of the note and trust deed.

5. AMOUNT DUE: The remaining unpaid principal balance on the Note secured by the Trust Deed referred to herein is \$55,000.00, with interest thereon of 11.5% per annum from October 8, 2010, until paid, plus an additional \$158.10 in unpaid interest accrued prior to October 8, 2010; past due and owing are each of the following: monthly note payments of \$535.08 each, which came due 10/8/10, and on the 8th of each month thereafter, until sale or cure, plus an additional \$158.10 of the payment that came due September 8, 2010, failure to pay late fees of \$26.35 per month for each payment more than 10 days late from October, 2010, through August, 2011, and thereafter, until sale or cure, failure to pay real property taxes in an amount not less than \$1,194.43, plus interest and penalties, trustee's fees, attorney fees, costs of foreclosure, and any sums advanced by the beneficiary pursuant to the terms of the Note and/or Trust Deed.

6. ELECTION TO SELL: The Beneficiary and Trustee hereby elect to sell the property to satisfy the obligations secured by the Trust Deed. A Trustee's Notice of Default and Election to Sell has been recorded in the Deed Records of Deschutes County, Oregon.

7. TIME OF SALE: Date: January 23, 2012. Time: 10:00 a.m. Place: Front steps, Klamath County Courthouse, 316 Main Street, Klamath Falls, Klamath County, Oregon.

8. RIGHT TO REINSTATE: Those identified in ORS 86.753 have the right at any time prior to five days before the Trustee conducts the sale, to have this foreclosure dismissed and the Trust Deed reinstated by payment to the Beneficiary of the entire amount then due, other than such portion of the principal as would not then be due had no default occurred, by curing any other default complained of in this notice, and by paying all costs and expenses actually incurred in enforcing the obligation and Trust Deed, together with the trustee's and attorney's fees not exceeding the amount(s) provided by law.

Questions may be directed to Jeffrey W. Foxx, Attorney at Law, P.O. Box #4218, Medford, OR 97501-0158; (541) 773-2008.

DATED: August 24<sup>th</sup>, 2011.

Jeffrey W. Foxx, Successor Trustee

I, Becky F. Pratt, Trustee of the Trust beneficiary of the Trust Deed referenced herein above, say that the statements in this document are true to the best of my knowledge.

Becky F. Pratt, Trustee

STATE OF OREGON ) ss.

County of Jackson )

Jeffrey W. Foxx, as Successor Trustee, being first duly sworn, signed the herein document on this 24<sup>th</sup> day of August, 2011, declaring it to be in his representative capacity as a voluntary act.



Chris Melton

Notary Public for Oregon

My Commission Expires: 11-9-2013

EXHIBIT

B

PAGE 1 OF 7

37.00

JEFFREY W. FOXX  
ATTORNEY AT LAW  
301A CRATER LAKE AVENUE  
P.O. BOX 4218  
MEDFORD, OREGON 97501-0158

Telephone: (541) 773-2008  
Facsimile: (541) 773-5117

Our File No. 2426

September 20, 2011

SENT BY: REGULAR, FIRST CLASS MAIL &  
CERTIFIED MAIL, RETURN RECEIPT  
REQUESTED

Donald E. Riesch  
4900 Bliss Road  
Bonanza, Oregon 97623

Donald E. Riesch  
23417 Cherrywood Lane  
Chiloquin, OR 97624

Re: Notice of Default / Election to Sell / Trustee's Notice of Sale

Dear Mr. Riesch:

Pursuant to ORS 86.740, enclosed please find a Trustee's Notice of Default / Election to Sell / Trustee's Notice of Sale, the original of which was recorded in the County Deed records. The sale is to satisfy the defaults under the promissory note and trust deed secured against the real property, as described in said notice.

Although the original note and trust deed documents also list your spouse, Maragaret N. Riesch, as an additional debtor, it is my understanding from recorded documents that she passed away in April, 2010. Please accept my condolences and those of the trust deed beneficiary for your loss.

I also enclose an additional "plain language" notice ("Notice: You Are In Danger Of Losing Your Property If You Do Not Take Action Immediately"), in the event such a notice is applicable by law to your situation. In addition, I enclose the following additional notices, which may or may not apply to your situation or circumstances, all of which are incorporated into the Trustee's Notice of Sale:

- Notice to Tenants;
- Fair Debt Collection Practices Act; and
- Service Members Civil Relief Act Notification.

Thank you for your time and attention in this matter.

Sincerely,

  
Jeffrey W. Foxx

Encl.

cc: Becky F. Pratt, Trustee

Exh. B-2

7008 1830 0002 5253 9793

U.S. Postal Service<sup>TM</sup>  
**CERTIFIED MAIL<sup>TM</sup> RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)  
For delivery information visit our website at [www.usps.com](http://www.usps.com).

**CHILQUEN OR 97624**

Postage	\$	\$0.64
Certified Fee		\$2.85
Return Receipt Fee (Endorsement Required)		\$2.30
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$5.79

0516  
MEDFORD OR 97501  
SEP 20 2011  
Postmark Here  
USPS  
09/20/2011

Sent To: *Donald E Ruesch*  
Street, Apt. No., or PO Box No. *23417 Chuyana Ln*  
City, State, ZIP+4 *Chiloquen, OR 97624*

PS Form 3800, August 2006 See Reverse for Instructions

7008 1830 0002 5253 9786

U.S. Postal Service<sup>TM</sup>  
**CERTIFIED MAIL<sup>TM</sup> RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)  
For delivery information visit our website at [www.usps.com](http://www.usps.com).

**BONANZA OR 97623**

Postage	\$	\$0.64
Certified Fee		\$2.85
Return Receipt Fee (Endorsement Required)		\$2.30
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$5.79

0516  
01  
MEDFORD OR 97501  
SEP 20 2011  
Postmark Here  
USPS  
09/20/2011

Sent To: *Donald E. Ruesch*  
Street, Apt. No., or PO Box No. *4900 Bliss Rd*  
City, State, ZIP+4 *Bonanza OR 97623*

PS Form 3800, August 2006 See Reverse for Instructions

JEFFREY W. FOXX  
ATTORNEY AT LAW  
301A CRATER LAKE AVENUE  
P.O. BOX 4218  
MEDFORD, OREGON 97501-0158

Telephone: (541) 773-2008  
Facsimile: (541) 773-5117

Our File No. 2426

September 20, 2011

**SENT BY:** REGULAR, FIRST CLASS MAIL &  
CERTIFIED MAIL, RETURN RECEIPT  
REQUESTED

Brandy R. Hubble  
Justin L. Hubble  
8990 Gale Road  
Bonanza, OR 97623

Brandy R. Hubble  
Justin L. Hubble  
4900 Bliss Road  
Bonanza, OR 97623

Re: Notice of Default / Election to Sell / Trustee's Notice of Sale

Dear Ms. Hubble, heirs of Mr. Hubble and To Whom It May Concern:

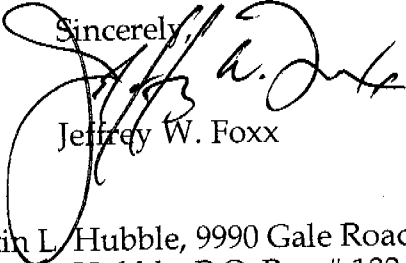
Pursuant to ORS 86.740, enclosed please find a Trustee's Notice of Default and Election to Sell, the original of which was recorded in the County Deed records. The sale is to satisfy the defaults under the promissory note and trust deed secured against the real property, as described in said notice.

Although your original note and trust deed documents also list your spouse, Justin L. Hubble, as an additional lienholder, it is my understanding that he passed away in 2010. Please accept my condolences and those of Ms. Pratt for your loss. We, however, have no other address to which to forward notices to his other heirs, if any.

The enclosed documents also include a "plain language" notice ("Notice: You Are In Danger Of Losing Your Property If You Do Not Take Action Immediately"), a Notice to Tenants, a Fair Debt Collection Practices Act notice and a Service Members Civil Relief Act Notification, but those documents are intended for the debtor under the note and trust deed.

Thank you for your time and attention in this matter.

Sincerely,

  
Jeffrey W. Foxx

Encl.

cc: Brandy R. Hubble, Justin L. Hubble, 9990 Gale Road, Bonanza, OR 97623<sup>1</sup>  
Brandy R. Hubble, Justin L. Hubble, P.O. Box # 132, Bonanza, OR 97623<sup>2</sup>  
Becky F. Pratt, Trustee

<sup>1</sup> SENT BY: REGULAR, FIRST CLASS MAIL & CERTIFIED MAIL, RETURN RECEIPT REQUESTED  
<sup>2</sup> SENT BY: REGULAR, FIRST CLASS MAIL & CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Exh. B-4



7008 1830 0002 5253 9816

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

BONANZA OR 97623

Postage	\$	\$0.64
Certified Fee		\$2.85
Return Receipt Fee (Endorsement Required)		\$2.30
Restricted Delivery Fee (Endorsement Required)		\$0.00
<b>Total Postage &amp; Fees</b>	<b>\$</b>	<b>\$5.79</b>

09/20/2011

Sent To: *Brandon R. Hubble Justin L. Hubble*  
 Street, Apt. No. or PO Box No.: *9990 Gale Rd*  
 City, State, ZIP+4: *Bonanza OR 97623*

PS Form 3800, August 2006 See Reverse for Instructions



7008 1830 0002 5253 0232

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

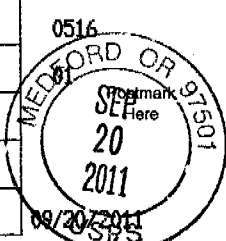
BONANZA OR 97623

Postage	\$	\$0.64
Certified Fee		\$2.85
Return Receipt Fee (Endorsement Required)		\$2.30
Restricted Delivery Fee (Endorsement Required)		\$0.00
<b>Total Postage &amp; Fees</b>	<b>\$</b>	<b>\$5.79</b>

09/20/2011

Sent To: *Brandon R. Hubble Justin L. Hubble*  
 Street, Apt. No. or PO Box No.: *9990 Gale Rd*  
 City, State, ZIP+4: *Bonanza OR 97623*

PS Form 3800, August 2006 See Reverse for Instructions



7008 1830 0002 5253 9809

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

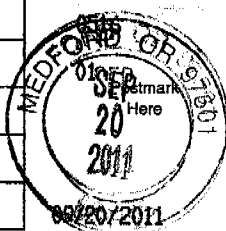
BONANZA OR 97623

Postage	\$	\$0.64
Certified Fee		\$2.85
Return Receipt Fee (Endorsement Required)		\$0.00
Restricted Delivery Fee (Endorsement Required)		\$0.00
<b>Total Postage &amp; Fees</b>	<b>\$</b>	<b>\$3.49</b>

09/20/2011

Sent To: *Brandon R. Hubble Justin L. Hubble*  
 Street, Apt. No. or PO Box No.: *P.O. Box 132*  
 City, State, ZIP+4: *Bonanza OR 97623*

PS Form 3800, August 2006 See Reverse for Instructions



7008 1830 0002 5253 9825

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

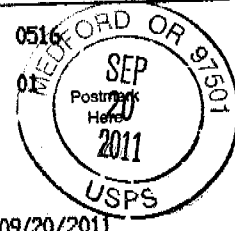
BONANZA OR 97623

Postage	\$	\$0.64
Certified Fee		\$2.85
Return Receipt Fee (Endorsement Required)		\$2.30
Restricted Delivery Fee (Endorsement Required)		\$0.00
<b>Total Postage &amp; Fees</b>	<b>\$</b>	<b>\$5.79</b>

09/20/2011

Sent To: *Brandon R. Hubble Justin L. Hubble*  
 Street, Apt. No. or PO Box No.: *9990 Bliss Rd*  
 City, State, ZIP+4: *Bonanza OR 97623*

PS Form 3800, August 2006 See Reverse for Instructions



Exh B-5

JEFFREY W. FOXX  
ATTORNEY AT LAW  
301A CRATER LAKE AVENUE  
P.O. BOX 4218  
MEDFORD, OREGON 97501-0158

Telephone: (541) 773-2008  
Facsimile: (541) 773-5117

Our File No. 2426

September 20, 2011

Occupant(s)  
4900 Bliss Road  
Bonanza, Oregon 97623

**SENT BY:** REGULAR, FIRST CLASS MAIL &  
CERTIFIED MAIL, RETURN RECEIPT  
REQUESTED

Re: Trustee's Notice and Amended Notice of Default and Election to Sell

Dear Occupant(s):

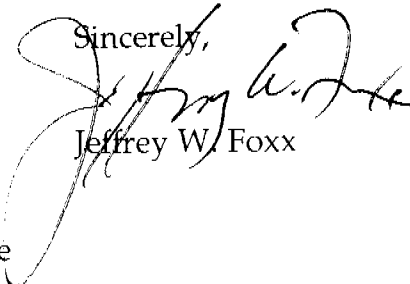
Pursuant to ORS 86.750, enclosed please find a Trustee's Notice of Default / Election to Sell / Trustee's Notice of Sale, the original of which was recorded in the County Deed records. The sale is to satisfy the defaults under the promissory note and trust deed secured against the real property, as described in said notice.

In addition, I enclose an additional Notice to Tenants, which is incorporated into the Trustee's Notice of Sale.

The documents also include a "plain language" notice ("Notice: You Are In Danger Of Losing Your Property If You Do Not Take Action Immediately"), a Fair Debt Collection Practices Act notice and a Service Members Civil Relief Act Notification. Some of these documents are more appropriately for the debtor under the note and trust deed, but notice copies are hereby provided.

Thank you for your time and attention in this matter.

Sincerely,

  
Jeffrey W. Foxx

Encl.

cc: Becky F. Pratt, Trustee

Exh. B-6

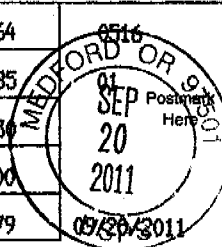
U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

BUNAWA OR 97623

**OFFICIAL USE**

Postage	\$	\$0.64
Certified Fee		\$2.85
Return Receipt Fee (Endorsement Required)		\$2.30
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$5.79



2426  
 Sent to  
 Street, Apt. No.,  
 or PO Box No. 49W Bliss Rd  
 City, State, ZIP+4 Bonanza OR 97623  
 PS Form 3800, August 2006 See Reverse for Instructions

7008 1830 0002 5253 9762

2486  
**PROOF OF SERVICE  
JEFFERSON STATE ADJUSTERS**

**RECEIVED**

OCT 4 - 2011

STATE OF: Oregon  
COUNTY OF: Klamath

I hereby certify that I served the foregoing individuals or other legal entities to be served, named below, by delivering or leaving true copies or original, certified to be such by the Attorney for the Plaintiff/Defendant, as follows: **TRUSTEE'S NOTICE OF SALE**

FOR THE WITHIN NAMED: Occupants of **4900 Bliss Rd. Bonanza, OR 97623**

☐ **PERSONALLY SERVED:** Original or True Copy to within named, personally and in person to \_\_ at the address below.

☐ **SUBSTITUTE SERVICE:** By delivering an Original or True Copy to \_\_, a person over the age of 14 who resides at the place of abode of the within named at said abode shown below for:

☒ **OTHER METHOD:** By posting the above-mentioned documents to the Main Entrance of the address below.

1<sup>st</sup> Attempt: September 21, 2011 3:25 PM Posted

2<sup>nd</sup> Attempt: September 26, 2011 4:00 PM Posted

3<sup>rd</sup> Attempt: September 29, 2011 3:13 PM Posted

☐ **NON-OCCUPANCY:** I certify that I received the within document(s) for service on \_\_ and after personal inspection, I found the above described real property to be unoccupied.

☒ **SUBSTITUTE SERVICE MAILER:** That on the day of October 3, 2011, I mailed a copy of the Trustee's Notice of Sale addressed to **All Known Occupants** at the address stated in the Trustee's Notice of Sale with a statement of the date, time, and place at which substitute service was made.

Signed

Jhelsee Chambers

**4900 Bliss Rd. Bonanza, OR 97623**

**ADDRESS OF SERVICE**

I further certify that I am a competent person 18 years of age or older and a resident of the state of service of the State of Oregon and that I am not a party to nor an officer, director, or employee of nor attorney for any party, Corporation or otherwise, that the person, firm or corporation served by me is the identical person, firm, or Corporation named in the action.

September 21, 2011

3:25 PM

**DATE OF SERVICE**

**TIME OF SERVICE**

☐ or non occupancy

By: [Signature]

Subscribed and sworn to before on this 3<sup>rd</sup> day of October, 2011.



Margaret A. Nielsen  
Notary Public for Oregon

**EXHIBIT**

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PAGE 1 OF 1

**PROOF OF SERVICE**  
**JEFFERSON STATE ADJUSTERS**

STATE OF OREGON

COUNTY OF Klamath

COURT CASE NO. \_\_\_\_\_

I hereby certify that I served the foregoing individuals or other legal entities to be served, named below, by delivery or leaving true copies or original, certified to be such by the Attorney for the Plaintiff/Defendant, as follows:

- |   |  |                                   |   |
|---|--|-----------------------------------|---|
| <input type="checkbox"/> Small Claim  | <input type="checkbox"/> Order             | <input type="checkbox"/> Subpoena | <input type="checkbox"/> Order to Show Cause            |
| <input type="checkbox"/> Summons  | <input type="checkbox"/> Motion            | <input type="checkbox"/> Notice   | <input type="checkbox"/> Trustee's Notice of Sale       |
| <input type="checkbox"/> Complaint  | <input type="checkbox"/> Affidavit         | <input type="checkbox"/> Petition | <input type="checkbox"/> Writ of Garnishment            |
| <input type="checkbox"/> Answer   | <input type="checkbox"/> Restraining Order | <input type="checkbox"/> Letter   | <input type="checkbox"/> Writ of Continuing Garnishment |
| <input checked="" type="checkbox"/> <b>Notice of Default / Election to Sell / Trustees Notice of Sale</b> |  |                                   |   |

For the within named: Donald E Riesch

☒ **PERSONAL SERVED:** Original or True Copy to within named, personally and in person to: Donald E Riesch at the address below.

☐ **SUBSTITUTE SERVICE:** By delivering an Original or True Copy to \_\_\_\_\_, a person over the age of 14 who resides at the place of abode of the within named at said abode shown below for: \_\_\_\_\_

☐ **OFFICE SERVICE:** At the office which he/she maintains for the conduct of business as shown at the address below, by leaving such True Copy or Original with \_\_\_\_\_, the person who is apparently in charge.

☐ **SERVICE ON CORPORATIONS, LIMITED PARTNERSHIPS OR UNINCORPORATED ASSOCIATIONS SUBJECT TO SUIT UNDER A COMMON NAME.**

Upon (Corporation, Limited Partnership, etc.), by (a) delivering such True Copy personally and in person, to: \_\_\_\_\_ who is a/the \_\_\_\_\_ thereof, or (b) leaving such True Copy with \_\_\_\_\_, the person who is apparently in charge of the office of \_\_\_\_\_, who is a/the \_\_\_\_\_ thereof.

☐ **OTHER METHOD:** \_\_\_\_\_

☐ **NOT FOUND:** I certify that I received the within document for service on \_\_\_\_\_ and after due and diligent search and inquiry, I hereby return that I have been unable to find, the within named respondent, \_\_\_\_\_ within Klamath County.

135

Pine St

ADDRESS OF SERVICE

STREET

Klamath Falls

Oregon

UNIT / APT / SPC#

97601

CITY

STATE

ZIP

further certify that I am a competent person 18 years of age or older and a resident of the state of service or the State of Oregon and that I am not a party to nor an officer, director, or employee of nor attorney for any party, corporation or otherwise, that the person, firm or corporation served by me is the identical person, firm, or corporation named in the action.

September 23, 2011

DATE OF SERVICE

3:56 a.m. ☐ p.m. ☒

TIME OF SERVICE

SIGNATURE

**EXHIBIT**

D

PAGE 1 OF 1

PROOF OF SERVICE  
JEFFERSON STATE ADJUSTERS

EXHIBIT

tabbies

E

PAGE 1 OF 1

STATE OF OREGON  
COUNTY OF Klamath

COURT CASE NO. \_\_\_\_\_

I hereby certify that I served the foregoing individuals or other legal entities to be served, named below, by delivery or leaving true copies or original, certified to be such by the Attorney for the Plaintiff/Defendant, as follows:

- |   |  |                                   |   |
|---|--|-----------------------------------|---|
| <input type="checkbox"/> Small Claim  | <input type="checkbox"/> Order             | <input type="checkbox"/> Subpoena | <input type="checkbox"/> Order to Show Cause            |
| <input type="checkbox"/> Summons  | <input type="checkbox"/> Motion            | <input type="checkbox"/> Notice   | <input type="checkbox"/> Trustee's Notice of Sale       |
| <input type="checkbox"/> Complaint  | <input type="checkbox"/> Affidavit         | <input type="checkbox"/> Petition | <input type="checkbox"/> Writ of Garnishment            |
| <input type="checkbox"/> Answer   | <input type="checkbox"/> Restraining Order | <input type="checkbox"/> Letter   | <input type="checkbox"/> Writ of Continuing Garnishment |
| <input checked="" type="checkbox"/> <b>Notice of Default / Election to Sell / Trustees Notice of Sale</b> |  |                                   |   |

For the within named: Brandy R Hubble nka Brandy R Davis

☐ PERSONAL SERVED: Original or True Copy to within named, personally and in person to: \_\_\_\_\_ at the address below.

☒ SUBSTITUTE SERVICE: By delivering an Original or True Copy to Mike Davis, a person over the age of 14 who resides at the place of abode of the within named at said abode shown below for: Brandy R Hubble nka Brandy R Davis

☐ OFFICE SERVICE: At the office which he/she maintains for the conduct of business as shown at the address below, by leaving such True Copy or Original with \_\_\_\_\_, the person who is apparently in charge.

☐ SERVICE ON CORPORATIONS, LIMITED PARTNERSHIPS OR UNINCORPORATED ASSOCIATIONS SUBJECT TO SUIT UNDER A COMMON NAME.

Upon (Corporation, Limited Partnership, etc.), by (a) delivering such True Copy personally and in person, to: \_\_\_\_\_ who is a/the \_\_\_\_\_ thereof, or (b) leaving such True Copy with \_\_\_\_\_, the person who is apparently in charge of the office of \_\_\_\_\_, who is a/the \_\_\_\_\_ thereof.

☐ OTHER METHOD: \_\_\_\_\_

☐ NOT FOUND: I certify that I received the within document for service on \_\_\_\_\_ and after due and diligent search and inquiry, I hereby return that I have been unable to find, the within named respondent, \_\_\_\_\_ within Klamath County.

90

Gale Rd

DRESS OF SERVICE

STREET

UNIT / APT. / SPC#

manza

Oregon

97623

CITY

STATE

ZIP

I further certify that I am a competent person 18 years of age or older and a resident of the state of service or the State of Oregon and that I am not a party to nor an officer, director, or employee of nor attorney for any party, corporation or otherwise, that the person, firm or corporation served by me is the identical person, firm, or corporation named in the action.

September 21, 2011

DATE OF SERVICE

4:00 a.m. ☐ p.m. ☒

TIME OF SERVICE

Chelsee Chambers

SIGNATURE

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

This notice is about your mortgage loan on your property at 4900 Bliss Road, Bonanza, Klamath County, Oregon .

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 September 20, 2011, to bring your mortgage loan current was \$9,873.98 [including real property taxes past due and owing, but not including interest and penalties (if any) owing on such taxes]. 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 (541) 773-2008 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: Jeffrey W. Foxx, Attorney at Law, P.O. Box #4218, Medford, OR 97501-0158.

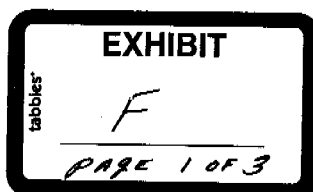
**THIS IS WHEN AND WHERE  
YOUR PROPERTY WILL BE SOLD  
IF YOU DO NOT TAKE ACTION:**

Date and time: January 23, 2012, at 10:00 a.m.  
Place: Front steps, Klamath County Courthouse, 316 Main Street,  
Klamath Falls, Klamath County, 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 800-723-3638. 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: [www.osbar.org](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 the Oregon State Bar Aid at 503-684-3763 or toll free in Oregon at 800-452-7636 or on the web at [www.oregonlawhelp.org](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 541-415-1707. 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: 800-723-3638. Many lenders participate in new federal loan modification programs. You can obtain more information about these programs at: [www.makinghomeaffordable.gov/](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  
10/21/2011, WHICH IS 30 DAYS AFTER THE DATE SHOWN BELOW.**

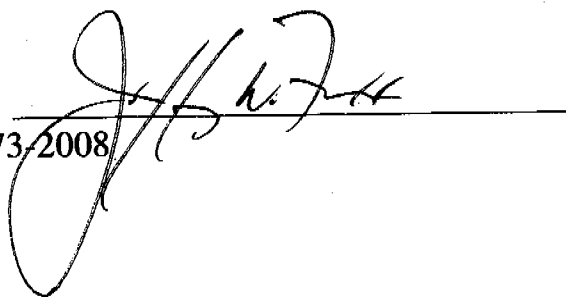
**WARNING:** You may get offers from people who tell you they can help you keep your property. You should be careful about those offers. Make sure you understand any papers you are asked to sign. If you have any questions, talk to a lawyer or one of the organizations mentioned above before signing.

DATED: September 20, 2011

Trustee name: Jeffrey W. Foxx

Trustee signature:

Trustee telephone number: 541-773-2008

A handwritten signature in black ink, appearing to read 'Jeffrey W. Foxx', is written over a horizontal line.



## NOTICE TO TENANTS:

If you are a tenant of this property, foreclosure could affect your rental agreement. A purchaser who buys this property at a foreclosure sale has the right to

### Loan Modification Request Form

Loan Number:							
Homeowner Name:				Co-Homeowner Name:			
Property Address:							
Mailing Address:							
Home Number:				Home Number:			
Cell Number:				Cell Number:			
Employer:				Employer:			
Employer Phone Number:				Employer Phone Number:			
No. of people in Household:							
Have you filed bankruptcy?	Yes <input type="checkbox"/> No <input type="checkbox"/>	If yes: <input type="checkbox"/> Chp 7 <input type="checkbox"/> Chp 13	Filing Date:	Attorney Name:			
				Attorney Phone:			

Monthly Income Borrower		Monthly Income Co-Borrower	
Wages/Take Home		Wages/Take Home	
Overtime		Overtime	
Commissions/Bonus		Commissions/Bonus	
Unemployment Income		Unemployment Income	
Child Support/Alimony		Child Support/Alimony	
Social Security/Disability		Social Security/Disability	
Other		Other	
<b>Total</b>		<b>Total</b>	

Monthly Expenses		Assets	
Mortgage		Type	Estimated Value
2nd Mortgage		Home	
Rent/Other Mortgage		Other Real Estate	
HOA/Fees/Dues		All Checking/Savings Accts.	
Alimony/Child Support		Stock/Bonds/Mutual Funds	
Child/Dependent/Elderly Care		IRA/Keogh Accounts	
Entertainment		Retirement, 401(k)s, etc.	
Insurance (auto, health, life)		<b>Total</b>	
Pet Expenses			
Groceries/Tolletries			
Car Expense (gas, maint, etc.)			
Automobile Loan(s), List All:			
Credit Card 1			
Credit Card 2			
Doctor/Medical Bills			
Student Loans			
Personal Loans			
<b>Utilities</b>			
Cable TV/Satellite			
Electricity			
Natural Gas/Oil			
Telephone/Cell Phone			
Water/Sewer			
Internet			
Other (please list all examples: Spending Money, Lunch Money, Tuition, Tithing, etc.)			
<b>Total</b>			

**Please remember to:**

1. Sign and date this form.
2. Include a copy of the most recent pay stub for each borrower, the most recent Bank Statement, and a copy of your last year's Federal Tax Return with all attachments if self-employed, copies of your W-2's.
3. Include a hardship letter of why you fell behind and what you would like to do to get caught up.
4. Return Completed and SIGNED

Income/Expense Summary	
Borrower Income	+
Co-Borrower Income	+
Expenses	-
<b>Net</b>	<b>=</b>

Each of the undersigned by signing below states: I certify that the financial information stated above is a true and accurate statement of my financial condition. I understand and acknowledge that any action taken by the lender with regard to my mortgage loan will be made in strict reliance upon the financial information provided. By signing below, I grant the holder of my mortgage loan or its servicer the authority to obtain a credit report to verify the accuracy of the financial information.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

*Exh. F-3*

## NOTICE TO TENANTS:

If you are a tenant of this property, foreclosure could affect your rental agreement. A purchaser who buys this property at a foreclosure sale has the right to require you to move out after giving you notice of the requirement.

If you do not have a fixed-term lease, the purchaser may require you to move out after giving you a 30-day notice on or after the date of the sale.

If you have a fixed-term lease, you may be entitled to receive after the date of the sale a 60-day notice of the purchaser's requirement that you move out.

To be entitled to either a 30-day or 60-day notice, you must give the trustee of the property written evidence of your rental agreement at least 30 days before the date first set for the sale. If you have a fixed-term lease, you must give the trustee a copy of the rental agreement. If you do not have a fixed-term lease and cannot provide a copy of the rental agreement, you may give the trustee other written evidence of the existence of the rental agreement. The date that is 30 days before the date of the sale is 12/23/11.

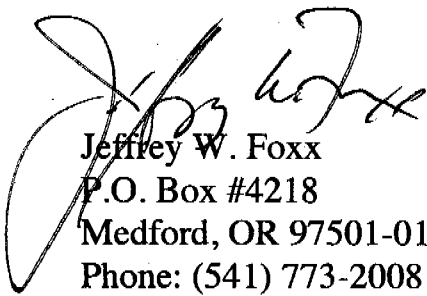
The name of the trustee and the trustee's mailing address are listed on this notice.

Federal law may grant you additional rights, including a right to a longer notice period. Consult a lawyer for more information about your rights under federal law.

You have the right to apply your security deposit and any rent you prepaid toward your current obligation under your rental agreement. If you want to do so, you must notify your landlord in writing and in advance that you intend to do so.

If you believe you need legal assistance with this matter, you may 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 have a low income and meet federal poverty guidelines, you may be eligible for free legal assistance. Contact information for where you can obtain free legal assistance is included with this notice.

Trustee:

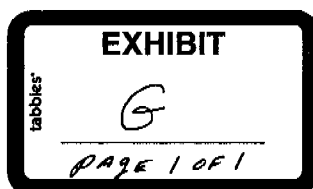
  
Jeffrey W. Foxx  
P.O. Box #4218  
Medford, OR 97501-0158  
Phone: (541) 773-2008

Oregon State Bar Referral Service:

800-452-7636

Contact for free legal assistance through SAFENET:

800-SAFENET

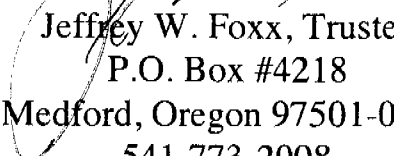


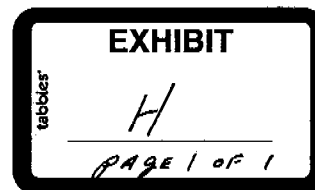
NOTICE REQUIRED BY THE  
FAIR DEBT COLLECTION PRACTICES ACT  
15 U.S.C. SECTION 1692

September 20, 2011

ATTENTION DEBTOR(S):

1. You are hereby notified that Jeffrey W. Foxx, attorney at law, as successor trustee under a trust deed is attempting to collect a debt.
2. As of the date of this Notice, you owe \$64,308.00 [including real property taxes past due and owing, but not including interest and penalties (if any) owing on such taxes]. Because of interest, and other charges that may vary from day to day, or may apply only upon payoff, the amount due on the day you pay may be greater. Hence if you pay the amount shown above, an adjustment may be necessary after we receive the check, in which event we will inform you before depositing the check for collection.
3. The original and current creditor to whom the debt is and was owed is Becky F. Pratt, Trustee of the Becky F. Pratt Revocable Living Trust.
4. The debt will be assumed to be valid by Jeffrey W. Foxx unless **WITHIN THIRTY DAYS AFTER RECEIPT OF THIS NOTICE**, you dispute the debt or some portion thereof.
5. If you notify Jeffrey W. Foxx within thirty days after the receipt of this Notice that the debt or any portion thereof is disputed, Jeffrey W. Foxx will provide a verification of the debt and a copy of the verification will be mailed to you by Jeffrey W. Foxx. In attempting to collect the debt, any information obtained will be used for that purpose.
6. If the current creditor is not the original creditor, and if you make a request to Jeffrey W. Foxx within thirty days after receipt of this Notice, the name and address of the original creditor will be mailed to you by Jeffrey W. Foxx.
7. Written and/or verbal requests may be made to and further information can be obtained from:

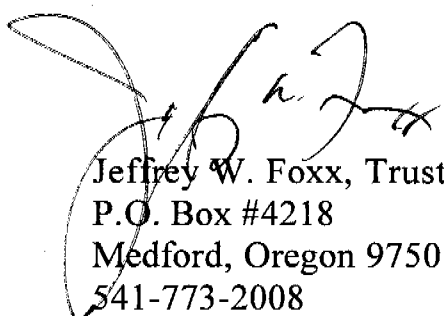
  
Jeffrey W. Foxx, Trustee  
P.O. Box #4218  
Medford, Oregon 97501-0158  
541-773-2008



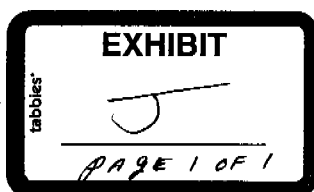
## SERVICE MEMBERS CIVIL RELIEF ACT NOTIFICATION

If you are on active duty in the armed services, or the dependent of such a person, and you believe that you are entitled to protections afforded under the Soldier's and Sailor's Relief Act, please contact the undersigned immediately. Failure to do so may result in loss of your rights, if any, under the Act. To facilitate follow-up response to this notice, please make any response in writing and describe the circumstances, which you believe cause you to be entitled to protection under the Act.

If you have any questions about the applicability of the Soldier's and Sailor's Relief Act you should contact a lawyer immediately. The undersigned is an attorney, but cannot provide you legal advice.



Jeffrey W. Foxx, Trustee  
P.O. Box #4218  
Medford, Oregon 97501-0158  
541-773-2008



**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#13888 SALE PRATT/ RIESCH  
TRUSTEE'S NOTICE OF DEFAU

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

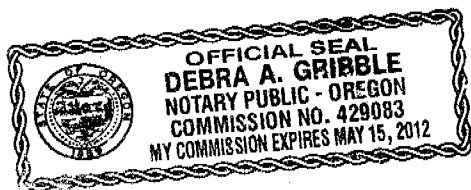
Insertion(s) in the following issues:

11/25/2011 12/02/2011 12/09/2011 12/16/2011

Total Cost: \$1090.94

*Jeanine P. Day*  
Subscribed and sworn by Jeanine P. Day before me on:  
19th day of December in the year of 2011

*Debra A. Gribble*  
Notary Public of Oregon  
My commission expires on May 15, 2012



**EXHIBIT**

tabbies

*K*

PAGE 1 OF 1

**TRUSTEE'S NOTICE OF DEFAULT/ELECTION TO SELL/  
TRUSTEE'S NOTICE OF SALE**

The Trustee under the terms of the Trust Deed described herein, at the direction of the Beneficiary, hereby elects to sell the property described in the Trust Deed to satisfy obligations secured thereby. Pursuant to ORS 86.735, 740, and 745, the following information is provided:

**1. PARTIES:** Grantor: Donald E. Riesch and Margaret N. Riesch. Original Trustee: Aspen Title & Escrow, Inc., an Oregon corporation. Successor Trustee: Jeffrey W. Foxx, attorney. Beneficiary: Becky F. Pratt, Trustee of the Becky F. Pratt Revocable Living Trust.

**2. LEGAL DESCRIPTION:**

All of the SE ¼ of the SE ¼ of Section 14, Township 38 South, Range 11 ½ East of the Willamette Meridian, Klamath County, Oregon, lying Southeast of the Lakeview Highway. ALSO all of the NE ¼ of the NE ¼ of Section 23, Township 38 South, Range 11 ½ East of the Willamette Meridian, Klamath County, Oregon, lying Southeast of the Lakeview Highway. [otherwise commonly known as: 4900 Bliss Road, Bonanza, Klamath County, OR]

**3. RECORDING:** The Trust Deed was recorded April 8, 2008, as Instrument #2008-005146, Klamath County, Oregon, Deed Records

**4. DEFAULT:** Grantor is in default on the Trust Deed and Promissory Note secured thereby and Beneficiary seeks to foreclose the Trust Deed for failure to pay or perform each of the following: failure to pay monthly payments which came due 10/8/10, and thereafter; failure to make the balance of \$158.10 of the payment that came due 9/8/10; failure to pay late fees, failure to pay taxes; attorney fees and costs incurred in enforcement of the note and trust deed.

**5. AMOUNT DUE:** The remaining unpaid principal balance on the Note secured by the Trust Deed referred to herein is \$55,000.00, with interest thereon of 11.5% per annum from October 8, 2010, until paid, plus an additional \$158.10 in unpaid interest accrued prior to October 8, 2010; past due and owing are each of the following: monthly note payments of \$535.08 each, which came due 10/8/10, and on the 8th of each month thereafter, until sale or cure, plus an additional \$158.10 of the payment that came due September 8, 2010, failure to pay late fees of \$26.35 per month for each payment more than 10 days late from October, 2010, through August, 2011, and thereafter, until sale or cure, failure to pay real property taxes in an amount not less than \$1,194.43, plus interest and penalties, trustee's fees, attorney fees, costs of foreclosure, and any sums advanced by the beneficiary pursuant to the terms of the Note and/or Trust Deed.

**6. ELECTION TO SELL:** The Beneficiary and Trustee hereby elect to sell the property to satisfy the obligations secured by the Trust Deed. A Trustee's Notice of Default and Election to Sell has been recorded in the Deed Records of Deschutes County, Oregon.

**7. TIME OF SALE:** Date: January 23, 2012. Time: 10:00 a.m. Place: Front steps, Klamath County Courthouse, 316 Main Street, Klamath Falls, Klamath County, Oregon.

**8. RIGHT TO REINSTATE:** Those identified in ORS 86.753 have the right at any time prior to five days before the Trustee conducts the sale, to have this foreclosure dismissed and the Trust Deed reinstated by payment to the Beneficiary of the entire amount then due, other than such portion of the principal as would not then be due had no default occurred, by curing any other default complained of in this notice, and by paying all costs and expenses actually incurred in enforcing the obligation and Trust Deed, together with the trustee's and attorney's fees not exceeding the amount(s) provided by law. Questions may be directed to Jeffrey W. Foxx, Attorney at Law, P.O. Box #4218, Medford, OR 97501-0158; (541) 773-2008. DATED: August 24, 2011.  
/s/ Jeffrey W. Foxx, Successor Trustee

Becky F. Pratt, Trustee of the Trust beneficiary of the Trust Deed referenced herein above, say that the statements in this document are true to the best of my knowledge.

/s/Becky F. Pratt, trustee  
STATE OF OREGON ) ss.  
County of Jackson )

Jeffrey W. Foxx, as Successor Trustee, being first duly sworn, signed the herein document on this 24th day of August, 2011, declaring it to be in his representative capacity as a voluntary act. /s/ Chris Melton, Notary Public for Oregon, My Commission Expires: 11-9-2013  
#13888 November 25, December 02, 09, 16, 2011.

AFFIDAVIT OF BENEFICIARY PURSUANT TO ORS 86.750

Regarding the following Trust Deed:

Parties: Grantor: Donald E. Riesch and Margaret N. Riesch.  
Original Trustee: Aspen Title & Escrow, Inc., an Oregon corporation  
Successor Trustee: Jeffrey W. Foxx, Attorney.  
Original Beneficiary: Becky F. Pratt, Trustee of the Becky F. Pratt Revocable Living Trust.

Recording: The Trust Deed was recorded April 8, 2008, as Instrument #2008-005146, Klamath County, Oregon, Deed Records.

Property: Legal Description:  
All of the SE 1/4 of the SE 1/4 of Section 14, Township 38 South, Range 11 1/2 East of the Willamette Meridian, Klamath County, Oregon, lying Southeast of the Lakeview Highway.  
ALSO all of the NE 1/4 of the NE 1/4 of Section 23, Township 38 South, Range 11 1/2 East of the Willamette Meridian, Klamath County, Oregon, lying Southeast of the Lakeview Highway.  
[otherwise commonly known as: 4900 Bliss Road, Bonanza, Klamath County, OR]

STATE OF OREGON     )  
                                      ) ss.  
County of Jackson     )

I, Becky F. Pratt, being first duly sworn, pursuant to ORS 86.750, depose and say:

1. That I am the Beneficiary current under the above referenced Trust Deed.  
2. That the Trustee served upon the Grantor, Donald E. Riesch a Notice in the form required by ORS 86.737, (the "Plain Language Notice of Foreclosure") on both September 20, 2011, by regular and certified mail, and on September 23, 2011, by process server in the manner in which a summons is served pursuant to ORCP 7 D(2) and 7 D(3), as is more particularly set forth in the Successor Trustee's AFFIDAVIT REGARDING NOTICE OF SALE & OTHER NOTICES: MAILING; SERVICE; SERVICE AND POSTING; PUBLICATION, which is also recorded.


3. Pursuant to ORS 86.737(6), attached to and part of the Plain Language Notice of Foreclosure served on grantor was a Loan Modification Request Form.

4. Grantor did not complete or return the Loan Modification Request Form by the date specified, or at all.

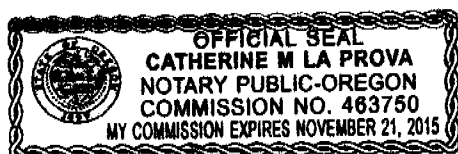
5. Grantor did not request a meeting with the Beneficiary.

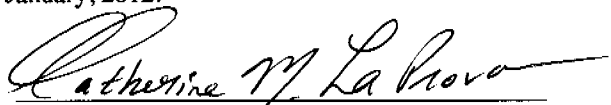
6. Grantor did not respond or otherwise comply with the requirements for consideration of a Loan Modification.

7. That paragraphs 1 through 6 herein above are sufficient to show, and all of the information herein above shows that the Beneficiary has complied with the requirements of ORS 86.750(5) and the provisions of section 3 (1) and (2), chapter 864, Oregon Laws 2009.

  
Becky F. Pratt

Subscribed and sworn to before me this 12<sup>TH</sup> day of January, 2012.



  
Catherine M. La Prova  
Notary Public for Oregon  
My Commission Expires: 11/21/2015