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OFFICIAL RECORD

Requested By:

MICHELLE JANINE FAMILY

GABLER

Douglas County - NV

Karen Ellison - Recorder

Page: 1 Of 17 Fee: 55.00

BK-0111 PG- 4283 RPTT: 0.00



Parcel Number: 1320-32-078

Recording Requested By:

Michelle-Janine: family Gabler

✓ care of 1558 1<sup>st</sup> Street

Minden, Nevada (89423)

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**AFFIDAVIT OF TRUTH / DEMAND TO CEASE AND DECIST FORECLOSURE  
ACTIVITIES PRIOR TO VALIDATION OF CLAIM OF DEBT**

Date: January 18, 2011

Certified Mail Number 7010 1870 0000 1545 1044

MICHELLE J GABLER  
1558 1st STREET  
MINDEN, NV 89423

AMERIQUEST MORTGAGE COMPANY,  
DEUTSCHE BANK NATIONAL TRUST COMPANY, acting as TRUSTEE FOR  
AMERIQUEST MORTGAGE SECURITIES, INC.,  
AMERIQUEST MORTGAGE SECURITIES, INC.,  
AMERICAN HOME MORTGAGE SERVICING INC.,  
TOWN AND COUNTRY TITLE SERVICES, INC.,  
POWER DEFAULT SERVICES, INC.,  
TD SERVICE COMPANY,  
LSI TITLE AGENCY INC., In Care of  
T.D. SERVICE COMPANY  
P.O. BOX 11988  
SANTA ANA, CA 92711-1988

Ref: Alleged debt claim / Substitution of Trustee / alleged loan 4001505611/GABLER

**AFFIDAVIT OF TRUTH AND NOTICE AND DEMAND TO CEASE AND DESIST  
ALL FORECLOSURE ACTIVITIES PRIOR TO VALIDATION OF CLAIM OF DEBT  
NOTICE TO AGENT IS NOTICE TO PRINCIPAL  
NOTICE TO PRINCIPAL IS NOTICE TO AGENT  
APPLICABLE TO ALL SUCCESSORS AND ASSIGNS**

The statement and answers given may be used in any court of competent jurisdiction.

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**\*\*\*\*\*SILENCE IS ACQUIESCENCE\*\*\*\*\***

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**AFFIDAVIT OF TRUTH**

WHEREAS. The Public Record is highest form of evidence, I, Michelle-Janine: family Gabler, Authorized Representative for MICHELLE J GABLER, and any and all variations in the spelling thereof, hereby make this Special Appearance, by Nunc Pro Tunc Affidavit as Principal Party, proceeding Sui Juris, at Law, creating public record with this Affidavit by Verified Declaration in the jurisdiction of Nevada state and the united States of America.

I, Michelle-Janine: family Gabler am currently, and at all times mentioned herein have been, a single woman living and working at 1558 1<sup>st</sup> Street, Minden, Nevada (89423), County of Douglas, "The property" identified as Parcel ID Number: 1320-12-111-078, of which MICHELLE J GABLER is rightful owner.

## PLAIN STATEMENT OF FACTS

1. **Fact:** I, Michelle-Janine: family Gabler, Authorized Representative for MICHELLE J GABLER, have not seen or been presented with any admissible evidence that demonstrates that any of the following entities: AMERIQUEST MORTGAGE COMPANY, doing business in the state of Nevada, ever "loaned" anything to MICHELLE J GABLER, but without disclosure, did exchange one form of security for another; that AMERIQUEST MORTGAGE COMPANY, has never been a *real party of interest*, or had a bona-fide claim against MICHELLE J GABLER, and believe no such claim ever existed;
2. **Fact,** I, Michelle-Janine: family Gabler, Authorized Representative for MICHELLE J GABLER, have seen and/or been presented with admissible evidence that demonstrates once DEED OF TRUST / PROMISSORY NOTE, was executed, March 4, 2005, AMERIQUEST MORTGAGE COMPANY, referred to as "Lender", and LENDER'S FIRST CHOICE, (provider of title insurance and settlement services to mortgage lenders nationwide), with knowledge and consent of each other, by Breach of Trust, did immediately receive several times said amount of Mortgage/Affidavit in Commerce; and, by failure to disclose, AMERIQUEST MORTGAGE COMPANY led me, Michelle-Janine: family Gabler, Authorized Representative for MICHELLE J GABLER, and MICHELLE J GABLER, Trustor and Creator of the agreement, to believe US \$190,000.00, was still owed;

**In fact,** based on "Borrowers Covenant" in said DEED OF TRUST the house was owned free and clear, but by failure to disclose, and creative wording, AMERIQUEST MORTGAGE COMPANY did secure and claim itself as "Beneficiary" of the instrument to its financial advantage;

**In fact,** MICHELLE J GABLER never received compensation for said Mortgage, and is owed the sum of US \$190,000.00 plus interest and beneficial proceeds, to this day.

2. **Fact:** I, Michelle-Janine: family Gabler, Authorized Representative for MICHELLE J GABLER, have not seen or been presented with any admissible evidence that demonstrates that any one of the following entities: AMERIQUEST MORTGAGE COMPANY, DEUTSCHE BANK NATIONAL TRUST COMPANY, acting as TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES, INC., AMERIQUEST MORTGAGE SECURITIES, INC., AMERICAN HOME MORTGAGE SERVICING INC., TOWN AND COUNTRY TITLE SERVICES, INC., POWER DEFAULT SERVICES, INC., TD SERVICE COMPANY, or LSI TITLE AGENCY INC., "a division of Lender Processing Services (NYSE:LPS), the nation's leading provider of integrated data, servicing and technology solutions to mortgage lenders. LSI is the largest centralized provider of appraisal, title and closing services to first mortgage and home equity lenders as well as to mortgage servicers and investors.", unknown entities doing business in the state of Nevada, with knowledge and consent of each other has acted in any way other than "Fraud" as defined in Black's Law Dictionary, 5<sup>th</sup> edition: "...by words or by conduct, by false or misleading allegations, or by concealment of that which should have been disclosed, which deceives and is intended to

deceive another so that he shall act upon it to his legal injury..." without full disclosure, for financial gain. Non-disclosure voids any contract.

- Fact:** I, Michelle-Janine: family Gabler, Authorized Representative for MICHELLE J GABLER, have seen and/or been presented with admissible evidence that demonstrates that AMERIQUEST MORTGAGE COMPANY, DEUTSCHE BANK NATIONAL TRUST COMPANY, acting as TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES, INC., ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2005-R6, and AMERIQUEST MORTGAGE SERVICING, INC., with knowledge and consent of each other under a "pooling and servicing" agreement as of 10/29/10, did securitize asset backed receivables 2005 R6, pass-through certificates, series 2005-R6 dated November 9, 2010, T.S. No: 8518577 NV, Unit Code: S, Loan No: 4001505611/GABLER, Investor No: 0109565820, created FALSE and SHAM pleadings and assignments.

**In fact,** AMERIQUEST MORTGAGE COMPANY, DEUTSCHE BANK NATIONAL TRUST COMPANY, acting as TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES, INC., AMERICAN HOME MORTGAGE SERVICING INC., TOWN AND COUNTRY TITLE SERVICES, INC., POWER DEFAULT SERVICES, INC., TD SERVICE COMPANY, and/or LSI TITLE AGENCY INC., with knowledge and consent of each other, have attempted to create standing for parties with no legal right, capacity or standing to foreclose, the result of which is ownership, transfer (changing hands) that was never "lawfully and/or equitably transferred, remained in their originators' possession, control, and custody, contrary to public filings with the SEC and their representations to investors."

**In Fact,** Mortgage assignment is a fraudulent, predatory mortgage and securitization practice, such lenders referred to as "pretender lenders". Assignments of mortgage/deed and their "indebtedness and/or notes," without consideration, negotiation, contract, indorsement, and even possession of the original promissory notes are fraudulently fabricated and often forged.

- Fact:** I, Michelle-Janine: family Gabler, Authorized Representative for MICHELLE J GABLER, have seen and/or been presented with admissible evidence that demonstrates AMERIQUEST MORTGAGE COMPANY, DEUTSCHE BANK NATIONAL TRUST COMPANY, acting as TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES, INC., AMERICAN HOME MORTGAGE SERVICING INC., TOWN AND COUNTRY TITLE SERVICES, INC., POWER DEFAULT SERVICES, INC., TD SERVICE COMPANY, and/or LSI TITLE AGENCY INC., unknown entities doing business in the state of Nevada, with knowledge and consent of each other, acted to securitize a Trust under a "pooling and servicing" agreement as of 10/29/10, securitizing asset backed receivables 2005 R6, pass-through certificates, series 2005-R6 dated November 9, 2010 to secure Payment of Principal alleged sum US \$190,000.000, plus Interest, Escrow Items, Prepayment Charges, and Late Charges, and certain promises and obligations set forth in said DEED OF TRUST, upon the situate commonly known as 1558 1<sup>st</sup> Street, Minden, Nevada 89423, Douglas County, Parcel ID Number: 1320-12-111-078.

**Note:** Once a loan has been securitized, it forever loses its security – once a loan becomes a stock, it can never be a loan again. What’s done can never be undone.

5. **Fact:** I, Michelle-Janine: family Gabler, Authorized Representative for MICHELLE J GABLER, have not seen or been presented with any admissible evidence that demonstrates that AMERICAN HOME MORTGAGE SERVICING INC., TOWN AND COUNTRY TITLE SERVICES, INC., POWER DEFAULT SERVICES, INC., TD SERVICE COMPANY,, and/or LSI TITLE AGENCY INC., unknown entities doing business in the state of Nevada, are anything other than "servicers" of Mortgage Loans as defined in Real Estate Settlement Procedures Act ("RESPA"), 12 D.S.C. §§ 2602(1) and 2605(i)(2)., and are only collecting consumer debts on behalf of itself or others for financial enrichment. Servicing companies have no legal authority at all to collect or foreclose, a fact they failed to disclose. Respa, (15 USCA Ch. 27 Sec. 2605) was enacted in 1974 by Congress to stop fraud that was going on against anyone involved with the act of making loans.
  
6. **Fact:** I, Michelle-Janine: family Gabler, Authorized Representative for MICHELLE J GABLER, have not seen or been presented with any admissible evidence that demonstrates that AMERIQUEST MORTGAGE COMPANY, DEUTSCHE BANK NATIONAL TRUST COMPANY, acting as TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES, INC., AMERICAN HOME MORTGAGE SERVICING INC., TOWN AND COUNTRY TITLE SERVICES, INC., POWER DEFAULT SERVICES, INC., TD SERVICE COMPANY, and/or LSI TITLE AGENCY INC., unknown entities doing business in the state of Nevada, are anything other than agents for one another, with knowledge and consent of each other.
  
7. **Fact:** I, Michelle-Janine: family Gabler, Authorized Representative for MICHELLE J GABLER, have not seen or been presented with any admissible evidence that demonstrates that AMERIQUEST MORTGAGE COMPANY, DEUTSCHE BANK NATIONAL TRUST COMPANY, acting as TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES, INC., AMERICAN HOME MORTGAGE SERVICING INC., TOWN AND COUNTRY TITLE SERVICES, INC., POWER DEFAULT SERVICES, INC., TD SERVICE COMPANY, and/or LSI TITLE AGENCY INC., unknown entities doing business in the state of Nevada, with knowledge and consent of each other, are engaged in anything other than purchasing and taking assignments of consumer credit transactions described in the Federal Truth in Lending Act ("TILA"), 15 D.S.C. §§ 1601, *et seq.*,

**NOTICE AND DEMAND TO CEASE AND DESIST COLLECTION/FORECLOSURE  
ACTIVITIES PRIOR TO LAWFUL VALIDATION OF PURPORTED DEBT**

Pursuant to the Truth in Lending laws of the United States Code, Title 15 § 1601 *et. seq.* and the Fair Debt Collection Practices Act laws of the United States Code § 1692 *et. seq.*

**TRUTH IN LENDING DISCLOSURE STATEMENT**

This notice is my, required by law, demand to "**CEASE AND DESIST**" collection and foreclosure

activities by AMERIQUEST MORTGAGE COMPANY, DEUTSCHE BANK NATIONAL TRUST COMPANY, acting as TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES, INC., AMERIQUEST MORTGAGE SECURITIES, INC., AMERICAN HOME MORTGAGE SERVICING, INC., TOWN AND COUNTRY TITLE SERVICES, INC., POWER DEFAULT SERVICES, INC., TD SERVICE COMPANY, and/or LSI TITLE AGENCY INC., prior to validation of purported debt and you must validate enclosed claim of alleged debt point by point. Be advised that verification is defined (Black's Law Dictionary, 6th Edition) as follows: "Confirmation of correctness. truth. or authenticity. by affidavit. oath or deposition". Affidavit of truth of matter stated and object of verification is to assure good faith in averments or statements of party.

Elizabeth Boulton, Vice President, and/or Michelle Halyard, Vice President, of "American Home Mortgage Servicing, Inc., the corporation that executed and whose name is subscribed to the within instrument as Attorney-In-fact, of DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES, INC., ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2005-R6", must provide verification that an actual debt exists by producing the following:

- (1) The name and address of organization alleging debt;
- (2) The name and address of person/persons in organization alleging a claim of a debt;
- (3) The name of the actual creditor even if that is MICHELLE J GABLER;
- (4) The origin of the funds used to create this alleged claim of debt;
- (5) The proper and lawful amount claimed due;
- (6) The actual records of the organization showing time and place of deposit and distribution of funds used to create this alleged claim of debt;
- (7) The actual records of the organization showing that an actual loan was made from the organizations own funds that resulted in alleged claim of a debt;
- (8) The actual records of the organization with a live signature on any CONTRACT, and all document/instrument(s) used to allege the existence of a loan of funds or debt from the organization to MICHELLE J GABLER or anyone else by a similar name;
- (9) The actual records of the organization showing that honest and complete disclosure of facts relating to the alleged loan was made by the organization in compliance with Truth in Lending laws of the United States Code, Title 15 § 1601 et. seq. and Regulation Z, including but not limited to an exchange of detriment (implied contract, unconscionable, adhesion or otherwise):
  - a. True, correct, complete and not misleading copies of all assignments, negotiations, transfer of rights, novation and the like, and CUSIP numbers, that unambiguously delineate that

AMERIQUEST MORTGAGE COMPANY, DEUTSCHE BANK NATIONAL TRUST COMPANY, TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES, INC., AMERIQUEST MORTGAGE SECURITIES, INC., AMERICAN HOME MORTGAGE SERVICING INC., POWER DEFAULT SERVICES, INC., TD SERVICE COMPANY, and/or LSI TITLE AGENCY INC., is current owner, assignee, holder, holder in due course, entitlement holder, which absolutely evidences Alleged Creditor's full and complete disclosure, including but not limited to any and all implied and/or expressed written contracts, and/or any and all consent with any such agreement if a novation;

b. All relative commercial instruments, contracts, whether implied or express, which contain exchange of consideration, and which contains verified bona fide signature of MICHELLE J GABLER;

c. Provide any absolute evidence of an equal exchange of a benefit for valuable consideration;

d. Produce any absolute evidence of any series of external acts giving the objective semblance of agreement (objective theory);

e. Produce any and all documentary evidence between MICHELLE J GABLER and AMERIQUEST MORTGAGE COMPANY, DEUTSCHE BANK NATIONAL TRUST COMPANY, acting as TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES, INC., AMERIQUEST MORTGAGE SECURITIES, INC., AMERICAN HOME MORTGAGE SERVICING INC., TOWN AND COUNTRY TITLE SERVICES, INC., POWER DEFAULT SERVICES, INC., TD SERVICE COMPANY, LSI TITLE AGENCY INC., and/or any other debt collector and/or Alleged Creditor, that AMERIQUEST MORTGAGE COMPANY, DEUTSCHE BANK NATIONAL TRUST COMPANY, acting as TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES, INC., AMERIQUEST MORTGAGE SECURITIES, INC., AMERICAN HOME MORTGAGE SERVICING INC., TOWN AND COUNTRY TITLE SERVICES, INC., POWER DEFAULT SERVICES, INC., TD SERVICE COMPANY, LSI TITLE AGENCY INC., rely upon for making a presumptive claim;

f. Produce all relative commercial instruments and/or notices, declarations, publications, which clearly and unambiguously delineate that MICHELLE J GABLER, was fully and completely apprised of all rights, duties, obligations, liabilities, costs, fees, in advance or subsequent to the alleged incurrence of alleged debt, and where there has been full disclosure of all relevant terms and conditions;

(10) The actual records of the organization showing any and all document(s)/instrument(s) containing MICHELLE J GABLER'S signature or my autograph/signature, or the likeness of MICHELLE J GABLER'S signature or my autograph/signature, were not negotiated or pledged by the organization against MICHELLE J GABLER'S credit, or my credit to create the funds used for the appearance of a debt and resulting in this alleged claim of debt;

Elizabeth Boulton, Vice President of AMERICAN HOME MORTGAGE SERVICING, INC., and/or Michelle Halyard, Vice President of AMERICAN HOME MORTGAGE SECURITIES,

INC., in sworn testimony to, Notary, Lubica V. Simon, dated November 9, 2010, "known to me to be the persons who executed the within instrument on behalf of American Home Mortgage Servicing, Inc., the corporation that executed and whose name is subscribed to the within instrument as Attorney-In-fact, of DEUTSCHE BANK NATIONAL TRUST COMPANY, acting as TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES, INC., ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2005-R6", swearing under penalty of perjury, to validation of debt must describe:

- 1) Her/their job description on a daily basis;
- 2) If she/they are the regular keeper of those books and records and are familiar with how they are kept and their contents;
- 3) How long she/they have been in their position;
- 4) When she/they first came in contact with the alleged claim of debt;
- 5) How frequently she/they work with the files and information she/they are presenting to verify/validate the alleged claim of debt;
- 6) If she/they are the person(s)/employee(s) who regularly work with the alleged claim of debt;
- 7) Does she/they have personal knowledge about the alleged debt and/or any alleged *claim of debt*;
- 8) Reveal the true owner of the note and holder in due course of alleged claim of debt;
- 9) Attest to the default status of a "loan" or date of default;
- 10) Delineate the chain of title to the promissory note;
- 11) Produce discoverable evidence and testify in support of organizations allegations;
- 12) Show the proper parties that can lawfully receive and approve modifications, short pays, settlements, accord and satisfaction, and other alterations of terms and conditions;
- 13) Provide name of proper party or nonparty from whom MICHELLE J GABLER can seek discoverable evidence and testimony in furtherance of defenses and counterclaims.

15 U.S.C. § 1692 (e) states, "verification is required of an alleged amount due." "false. deceptive. and misleading representation, in connection with the collection of any debt." includes a false representation of the character or legal status of any debt and further makes a threat to take any action that cannot legally be taken a deceptive practice.



**Note:** The term “verification” is defined in Black’s Law Dictionary 6th Edition: “Confirmation of correctness, truth, or authenticity, by affidavit, oath, or deposition. Affidavit of truth of matter states an object of verification is to assure good faith in averments or statements of party.”

The term “verify” defined in Black’s Law Dictionary 6th Edition: “To confirm or substantiate by oath or affidavit. Particularly used of making formal oath to accounts, petitions, pleadings, and other papers.” The word “verified,” when used in a statute, ordinarily imports a verity attested by the sanctity of an oath. It is frequently used interchangeably with “sworn.” “To prove to be true; to confirm or establish the truth or truthfulness; to check or test the accuracy or exactness of; to confirm or establish the authenticity of; to authenticate; to maintain; to affirm; to support; to second; back as friend.” (cite omitted)

Pursuant to 15 U.S.C. § 1692 (g) (4) Validation of Debts, if you have evidence to validate your claim that the attached recorded document does not constitute fraudulent misrepresentation and that MICHELLE J GABLER owes this alleged debt, this is a demand that, within ten (10) days from the date of this NOTICE you provide such verification/validation and supporting evidence, Signed and certified under penalty of perjury to substantiate your claim. Until the requirements of the Fair Debt Collection Practices Act have been complied with and your claim is verified/ validated, you do not have my consent to continue any collection/foreclosure activities.

This is a constructive notice that, absent the validation of claim within ten (10) days from the date of this **NOTICE**, AMERIQUEST MORTGAGE COMPANY, DEUTSCHE BANK NATIONAL TRUST COMPANY, acting as TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES, INC., AMERIQUEST MORTGAGE SECURITIES, INC., AMERICAN HOME MORTGAGE SERVICING INC., TOWN AND COUNTRY TITLE SERVICES, INC., POWER DEFAULT SERVICES, INC., TD SERVICE COMPANY, LSI TITLE AGENCY INC., must **"CEASE AND DESIST"** any and all collection/foreclosure activity, and make full reconveyance of the property to MICHELLE J GABLER, rightful owner.

Elizabeth Boulton, Vice President of AMERICAN HOME MORTGAGE SERVICING, INC., and/or Michelle Halyard, Vice President of AMERICAN HOME MORTGAGE SECURITIES, INC., DEUTSCHE BANK NATIONAL TRUST COMPANY, acting as TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES, INC., AMERIQUEST MORTGAGE COMPANY, AMERIQUEST MORTGAGE SECURITIES, INC., AMERICAN HOME MORTGAGE SERVICING INC., TOWN AND COUNTRY TITLE SERVICES, INC., POWER DEFAULT SERVICES, INC., TD SERVICE COMPANY, LSI TITLE AGENCY INC., and/or any other debt collector and/or Alleged Creditor, that AMERIQUEST MORTGAGE COMPANY, DEUTSCHE BANK NATIONAL TRUST COMPANY, acting as TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES, INC., AMERIQUEST MORTGAGE SECURITIES, INC., AMERICAN HOME MORTGAGE SERVICING INC., TOWN AND COUNTRY TITLE SERVICES, INC., POWER DEFAULT SERVICES, INC., TD SERVICE COMPANY, LSI TITLE AGENCY INC., are further prohibited from contacting me by telephone, or in person, or at home, and/or contacting any other third party. Each and every attempted contact, in violation of this act, will constitute harassment, defamation of character, and domestic terrorism, and will subject your agency and/or attorney and any and all agents in his/her individual capacities, who

take part in such harassment, defamation, and domestic terrorism to liability for actual damages, as well as statutory damages up to \$1,000 for each and every violation, and a further liability for legal fees to be paid to any counsel that I may retain.

Absent such validation of your claim, you are prohibited from filing any notice of lien and/or levy or judgment and are also barred from reporting any derogatory credit information to any credit reporting agency, regarding this purported debt.

Pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 (g) (8), if you are merely an "agency" acting on someone else's behalf, this is a demand that you provide the name of the original "Principal", or "Holder in due course", for whom you are attempting to collect this alleged debt.

**NOTICE: This is a criminal investigation of the business practices of the above named organizations, agents, officers, employees and attorney's to determine violations of the United States criminal laws.** Your enclosed claim of collection of a purported debt appears to be founded upon a false record in violation of U.S.C. Title 18 § 2071 and 2073 (falsifying records) and further; uttering and possessing false obligations and counterfeit securities based upon the falsified records in violation of U.S.C. Title 18 § 471, 472, 473 and/or 513, and further: using corrupt business practices to make and possess false records and claim of obligation, not substantiated by truthful facts in violation of Federal Racketeer Influences and Corrupt Organization (RICO), U.S.C. Title 18 § 1961 et. seq. and further: using U.S. Mail to present such fraud and false instruments amounting to Mail Fraud, criminal conduct falling under Title 18 U.S.C. § 1341 - Frauds and Swindles laws, and further sending mail with false and fictitious names, a criminal conduct falling under Title 18 U.S.C. § 1842 - Fictitious Names.

**TAKE NOTICE**

Elizabeth Boulton, Vice President of AMERICAN HOME MORTGAGE SERVICING INC., and/or Michelle Halyard, Vice President, of AMERICAN HOME MORTGAGE SERVICING INC., declare AMERIQUEST MORTGAGE COMPANY, DEUTSCHE BANK NATIONAL TRUST COMPANY, acting as TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES, INC., AMERICAN HOME MORTGAGE SERVICING INC., CORPORATE ATTORNEY-IN-FACT, TOWN AND COUNTRY TITLE SERVICES, INC., POWER DEFAULT SERVICES, INC., TD SERVICE COMPANY, and/or LSI TITLE AGENCY INC.(s), failure to provide MICHELLE J GABLER with the requisite verification, validating the above referenced alleged debt within the requirements of law as codified in the Fair Debt Collection Practices Act, Fair Credit Reporting Act and corresponding laws of Nevada, signifies that Elizabeth Boulton, Vice President of AMERICAN HOME MORTGAGE SERVICING INC., and/or Michelle Halyard, Vice President, of AMERICAN HOME MORTGAGE SERVICING INC., declare AMERIQUEST MORTGAGE COMPANY, DEUTSCHE BANK NATIONAL TRUST COMPANY, acting as TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES, INC., AMERICAN HOME MORTGAGE SERVICING INC., CORPORATE ATTORNEY-IN-FACT, TOWN AND COUNTRY TITLE SERVICES, INC., POWER DEFAULT SERVICES, INC., TD SERVICE COMPANY, and/or LSI TITLE AGENCY INC. each tacitly agrees:

- a. That they have an absolute duty and obligation for preventing this Alleged Account from damnifying MICHELLE J GABLER, in any way shape or form, including but not limited to slander of credit;
- b. That neither AMERIQUEST MORTGAGE COMPANY, DEUTSCHE BANK NATIONAL TRUST COMPANY, acting as TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES, INC., AMERICAN HOME MORTGAGE SERVICING INC., CORPORATE ATTORNEY-IN-FACT, TOWN AND COUNTRY TITLE SERVICES, INC., POWER DEFAULT SERVICES, INC., TD SERVICE COMPANY, and/or LSI TITLE AGENCY INC. has any lawful, bona fide, verified claim, re the above-referenced alleged claim of debt;
- c. That AMERIQUEST MORTGAGE COMPANY, DEUTSCHE BANK NATIONAL TRUST COMPANY, acting as TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES, INC., AMERICAN HOME MORTGAGE SERVICING INC., CORPORATE ATTORNEY-IN-FACT, TOWN AND COUNTRY TITLE SERVICES, INC., POWER DEFAULT SERVICES, INC., TD SERVICE COMPANY, and/or LSI TITLE AGENCY INC. waive any and all claims of debt against MICHELLE J GABLER;
- d. That Elizabeth Boulton, Vice President of AMERICAN HOME MORTGAGE SERVICING INC., and Michelle Halyard, Vice President, of AMERICAN HOME MORTGAGE SERVICING INC., declare AMERIQUEST MORTGAGE COMPANY, DEUTSCHE BANK NATIONAL TRUST COMPANY, acting as TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES, INC., AMERICAN HOME MORTGAGE SERVICING INC., CORPORATE ATTORNEY-IN-FACT, TOWN AND COUNTRY TITLE SERVICES, INC., POWER DEFAULT SERVICES, INC., TD SERVICE COMPANY, and/or LSI TITLE AGENCY INC. will compensate MICHELLE J GABLER for all costs, fees and expenses incurred in defending against this and any and all continued collection attempts, re the above-referenced alleged account;
- e. That in the event that Elizabeth Boulton, Vice President of AMERICAN HOME MORTGAGE SERVICING INC., and/or Michelle Halyard, Vice President, of AMERICAN HOME MORTGAGE SERVICING INC., declare AMERIQUEST MORTGAGE COMPANY, DEUTSCHE BANK NATIONAL TRUST COMPANY, acting as TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES, INC., AMERICAN HOME MORTGAGE SERVICING INC., CORPORATE ATTORNEY-IN-FACT, TOWN AND COUNTRY TITLE SERVICES, INC., POWER DEFAULT SERVICES, INC., TD SERVICE COMPANY, and/or LSI TITLE AGENCY INC. fail to properly and legally verify/validate the alleged mortgage debt re: MICHELLE J GABLER, alleged Bower/Debtor, each personally and tacitly agrees to permanently remove any and all default claims and references to said account in Douglas County Records Office and any other credit reporting agency files of any type;
- f. To MICHELLE J GABLER, filing a claim against the bond or insurance contract of any responsible party, including but not limited to Elizabeth Boulton, Vice President of AMERICAN HOME MORTGAGE SERVICING INC., and Michelle Halyard, Vice President, of AMERICAN HOME MORTGAGE SERVICING INC., AMERIQUEST MORTGAGE

COMPANY, DEUTSCHE BANK NATIONAL TRUST COMPANY, acting as TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES, INC., AMERICAN HOME MORTGAGE SERVICING INC., CORPORATE ATTORNEY-IN-FACT, TOWN AND COUNTRY TITLE SERVICES, INC., POWER DEFAULT SERVICES, INC., TD SERVICE COMPANY, and/or LSI TITLE AGENCY INC., all principals, agents, assignees, employees of AMERIQUEST MORTGAGE COMPANY, DEUTSCHE BANK NATIONAL TRUST COMPANY, acting as TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES, INC., AMERICAN HOME MORTGAGE SERVICING INC., CORPORATE ATTORNEY-IN-FACT, TOWN AND COUNTRY TITLE SERVICES, INC., POWER DEFAULT SERVICES, INC., TD SERVICE COMPANY, and/or LSI TITLE AGENCY INC., whose acts, actions, omissions result in any type or kind of tort damages, slander of credit and the like, against MICHELLE J GABLER.

### **OFFER OF PERFORMANCE/CONDITIONS PRECEDENT**

This offer of performance is based on Conditions Precedent that must be fulfilled, and is made with sincere intent of extinguishing any alleged debt, duty, obligation, liability and the like, intended to obligate MICHELLE J GABLER.

Please complete and return "TRUTH IN LENDING DISCLOSURE STATEMENT", and a certified copy of any and all verified judgments relative to this instant matter.

MICHELLE J GABLER expects a response re this "Offer of Performance" within ten (10) days from the date of this offer. If additional time is needed, Elizabeth Boulton, Vice President of AMERICAN HOME MORTGAGE SERVICING INC., and/or Michelle Halyard, Vice President, of AMERICAN HOME MORTGAGE SERVICING INC., all principals, agents, assignees, employees of AMERIQUEST MORTGAGE COMPANY, DEUTSCHE BANK NATIONAL TRUST COMPANY, acting as TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES, INC., AMERICAN HOME MORTGAGE SERVICING INC., CORPORATE ATTORNEY-IN-FACT, TOWN AND COUNTRY TITLE SERVICES, INC., POWER DEFAULT SERVICES, INC., TD SERVICE COMPANY, and/or LSI TITLE AGENCY INC., must make a request in writing before the expiration of the above ten (10) days time, setting forth reason(s) for requesting such extension of time with good cause shown. All such request(s) for extension of time will be fully considered, either the granting thereof for good cause shown, or the denial thereof.

### **PRIVACY ACT NOTICE**

This written communication constitutes MICHELLE J GABLER'S due process notice for being heard. Absent compliance with all requirements set forth herein Elizabeth Boulton, Vice President of AMERICAN HOME MORTGAGE SERVICING INC., and/or Michelle Halyard, Vice President, of AMERICAN HOME MORTGAGE SERVICING INC., all principals, agents, assignees, employees of AMERIQUEST MORTGAGE COMPANY, DEUTSCHE BANK NATIONAL TRUST COMPANY, acting as TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES, INC., AMERICAN HOME MORTGAGE SERVICING INC., CORPORATE ATTORNEY-IN-FACT, TOWN AND COUNTRY TITLE SERVICES, INC., POWER

DEFAULT SERVICES, INC., TD SERVICE COMPANY, and LSI TITLE AGENCY INC., are barred from using any defenses of immunity from prosecution for their acts, actions and omissions, including Elizabeth Boulton, Vice President of AMERICAN HOME MORTGAGE SERVICING INC., and/or Michelle Halyard, Vice President, of AMERICAN HOME MORTGAGE SERVICING INC., all principals, agents, assignees, employees of AMERIQUEST MORTGAGE COMPANY, DEUTSCHE BANK NATIONAL TRUST COMPANY, acting as TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES, INC., AMERICAN HOME MORTGAGE SERVICING INC., CORPORATE ATTORNEY-IN-FACT, TOWN AND COUNTRY TITLE SERVICES, INC., POWER DEFAULT SERVICES, INC., TD SERVICE COMPANY, and/or LSI TITLE AGENCY INC., their principals, agents, assigns, employees and the like.

**BY THIS NOTICE**, Elizabeth Boulton, Vice President of AMERICAN HOME MORTGAGE SERVICING INC., and/or Michelle Halyard, Vice President, of AMERICAN HOME MORTGAGE SERVICING INC., all principals, agents, assignees, employees of AMERIQUEST MORTGAGE COMPANY, DEUTSCHE BANK NATIONAL TRUST COMPANY, acting as TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES, INC., AMERICAN HOME MORTGAGE SERVICING INC., CORPORATE ATTORNEY-IN-FACT, TOWN AND COUNTRY TITLE SERVICES, INC., POWER DEFAULT SERVICES, INC., TD SERVICE COMPANY, and/or LSI TITLE AGENCY INC., including principals, agents, assigns, employees, and the like, shall comply with the provisions of the "Privacy Act of 1974," as lawfully amended at [12 USC § 3401], the "Right to Financial Privacy Act" of 1978, as lawfully amended at [5 USC § 552a], and the "Third Party Summons Act" special procedures [26 USC § 7609], for assisting MICHELLE J GABLER in keeping inviolate certain constitutionally protected privacy rights and guarantees, and from preventing encroachment thereon.

By this notice, Elizabeth Boulton, Vice President of AMERICAN HOME MORTGAGE SERVICING INC., and/or Michelle Halyard, Vice President, of AMERICAN HOME MORTGAGE SERVICING INC., all principals, agents, assignees, employees of AMERIQUEST MORTGAGE COMPANY, DEUTSCHE BANK NATIONAL TRUST COMPANY, acting as TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES, INC., AMERICAN HOME MORTGAGE SERVICING INC., CORPORATE ATTORNEY-IN-FACT, TOWN AND COUNTRY TITLE SERVICES, INC., POWER DEFAULT SERVICES, INC., TD SERVICE COMPANY, and/or LSI TITLE AGENCY INC., including but not limited to principals, agents, assignees, employees, and the like, shall:

- 1) Comply with this demand;
- 2) Provide MICHELLE J GABLER with a copy of any express written authorization from MICHELLE J GABLER, whereby Elizabeth Boulton, Vice President of AMERICAN HOME MORTGAGE SERVICING INC., and/or Michelle Halyard, Vice President, of AMERICAN HOME MORTGAGE SERVICING INC., all principals, agents, assignees, employees of AMERIQUEST MORTGAGE COMPANY, DEUTSCHE BANK NATIONAL TRUST COMPANY, acting as TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES, INC., AMERICAN HOME MORTGAGE SERVICING INC., CORPORATE ATTORNEY-IN-FACT,

TOWN AND COUNTRY TITLE SERVICES, INC., POWER DEFAULT SERVICES, INC., TD SERVICE COMPANY, and/or LSI TITLE AGENCY INC., including but not limited to principals, agents, assignees, employees, and the like, are authorized to disclose, divulge, share, any type or kind of information with any third-party, in any manner, as well as by means of communication, any information, documentation, data, property, effects and the like re MICHELLE J GABLER.

3) Elizabeth Boulton, Vice President of AMERICAN HOME MORTGAGE SERVICING INC., and/or Michelle Halyard, Vice President, of AMERICAN HOME MORTGAGE SERVICING INC., including but not limited to principals, agents, assignees, employees, and the like, of AMERIQUEST MORTGAGE COMPANY, DEUTSCHE BANK NATIONAL TRUST COMPANY, acting as TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES, INC., AMERICAN HOME MORTGAGE SERVICING INC., CORPORATE ATTORNEY-IN-FACT, TOWN AND COUNTRY TITLE SERVICES, INC., POWER DEFAULT SERVICES, INC., TD SERVICE COMPANY, and/or LSI TITLE AGENCY INC., failure/refusal in providing said foregoing demanded authorization constitutes admission and stipulation that debt collector(s) and/or Alleged Creditor(s) are in violation of, including but not limited to "Privacy Act."

4.) Neither Elizabeth Boulton, Vice President of AMERICAN HOME MORTGAGE SERVICING INC., and/or Michelle Halyard, Vice President, of AMERICAN HOME MORTGAGE SERVICING INC., including but not limited to principals, agents, assignees, employees, and the like, of AMERIQUEST MORTGAGE COMPANY, DEUTSCHE BANK NATIONAL TRUST COMPANY, acting as TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES, INC., AMERICAN HOME MORTGAGE SERVICING INC., CORPORATE ATTORNEY-IN-FACT, TOWN AND COUNTRY TITLE SERVICES, INC., POWER DEFAULT SERVICES, INC., TD SERVICE COMPANY, and/or LSI TITLE AGENCY INC., possesses express, written authorization, nor consent, from MICHELLE J GABLER to use, reveal, disclose, divulge, share with any third party any secured information, documentation, data, property, effects, and the like re MICHELLE J GABLER.

MICHELLE J GABLER'S Private International Administrative Remedy Demand, re "Offer of Performance" is binding upon every principal, agent, assignee, assignor, employer, employee and the like, re the subject matter set forth herein and herewith, and each and every principal and agent is:

- a. Barred from providing any Credit Reporting Agency any derogatory credit information regarding the above referred debt;
- b. Prohibited from contacting any other third party regarding the above referred alleged debt, until debt collector and/or Alleged Creditor have established the existence of a bona fide, lawful, verifiable claim in substance and in fact, and until such alleged debt is verified as indicated herein and herewith.

**Note:** "Fair Debt Collection Practices Act" [15 USC § 1692 et seq.] states in relevant part: "A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt," which includes "the false representation of the

character, or legal status of any debt,” as well as “ the threat to take any legal action that cannot be legally taken,” all of which constitute violations of law.

[15 USC § 1692e(8)] states: “Communicating or threatening to communicate to any person credit information which is known or which should be known to be false, including failure to communicate that a disputed debt is disputed, is a violation of § 1692e.”

Until the alleged debt is lawfully, completely, and with full disclosure, verified in accord with the “Fair Debt Collection Practices Act” and said verification is sent to MICHELLE J GABLER, each and every contact received by MICHELLE J GABLER, and any and all information which is not removed from the Credit Reporting Agency, constitutes harassment, slander of credit, defamation of character, creating a false public record by use of mails and wire communications, with intent to obstruct lawfully communicated information, and are subject to liability for damages, as well as statutory damages, including any and all legal costs, or fees incurred for each and every violation.

Due process of law is guaranteed for MICHELLE J GABLER at AMERIQUEST MORTGAGE COMPANY, DEUTSCHE BANK NATIONAL TRUST COMPANY, acting as TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES, INC., AMERICAN HOME MORTGAGE SERVICING INC., CORPORATE ATTORNEY-IN-FACT, TOWN AND COUNTRY TITLE SERVICES, INC., POWER DEFAULT SERVICES, INC., TD SERVICE COMPANY, and/or LSI TITLE AGENCY INC.’S, Office(s) of Risk Management and is codified in [18 USC §§ 4, 241, 241 1963] and at [15 USC § 1692 et seq.] and elsewhere.

MICHELLE J GABLER, makes this good faith Offer of Performance with sincere intent to give Elizabeth Boulton, Vice President of AMERICAN HOME MORTGAGE SERVICING INC., and/or Michelle Halyard, Vice President, of AMERICAN HOME MORTGAGE SERVICING INC., including but not limited to principals, agents, assignees, employees, and the like, of AMERIQUEST MORTGAGE COMPANY, DEUTSCHE BANK NATIONAL TRUST COMPANY, acting as TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES, INC., AMERICAN HOME MORTGAGE SERVICING INC., CORPORATE ATTORNEY-IN-FACT, TOWN AND COUNTRY TITLE SERVICES, INC., POWER DEFAULT SERVICES, INC., TD SERVICE COMPANY, and/or LSI TITLE AGENCY INC.’S, waiver of any/all alleged claims.

This response constitutes MICHELLE J GABLER’S honest effort to resolve this on-going debt claim between the parties involved. Until full disclosure is achieved, there can be no case, collection or action.

I do solemnly swear, affirm, declare, attest and depose:

- 1) That I am of lawful age and am competent to make this Affidavit;
- 2) That I have personal knowledge of the facts stated herein;
- 3) That the following listed companies have each securitized my property without permission and sold it on the open market and collected ongoing profit from it.

- 4) That AMERIQUEST MORTGAGE COMPANY, DEUTSCHE BANK NATIONAL TRUST COMPANY, and AMERIQUEST MORTGAGE SECURITIES, INC., has effectively taken from MICHELLE J GABLER, one-hundred percent (100%) discount, considering the fact that MICHELLE J GABLER was never paid.
- 5) That the funds are MICHELLE J GABLER'S, as it is MICHELLE J GABLER'S security, and each and every company listed, had no authority to create or sell it. They are therefore operating in Fraud.
- 6) Failure by the INTERNAL REVENUE SERVICE to collect funds from AMERIQUEST MORTGAGE COMPANY, DEUTSCHE BANK NATIONAL TRUST COMPANY, and AMERIQUEST MORTGAGE SECURITIES, INC. (that are engaged in criminal activity and fraud) in breach of contract, as well as aiding and abetting their fraud;
- 7) Anyone wishing to rebut this affidavit can do so in the next ten (10) days.

I declare under penalties of perjury in accordance with the laws of the United States of America (**without** the "United States") Title 28 U.S.C. § 1746(1) the forgoing is true and correct and is admitted when not rebutted, so help me God.

RESPONDENT: MICHELLE J GABLER

By: Michelle Janine Gabler  
Michelle-Janine: Gabler, Authorized Representative for  
MICHELLE J GABLER, All Rights and Defenses  
Expressly Reserved Without Prejudice

enc: NUNC PRO TUNC AT LAW  
Revocation of Power of Attorney  
Copy of recorded Substitute of Trustee, Requested by  
TD Service Company and LSI TITLE AGENCY INC.

**All Responses to be directed to:**  
Michelle-Janine: family Gabler  
Authorized Representative for MICHELLE J GABLER  
care of 1558 1st Street  
Minden, Nevada state (89423)



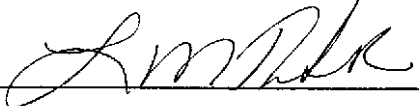
JURAT/ACKNOWLEDGMENT

County of Douglas )  
                                  ) ss.  
Nevada state )

**JURAT**

On the 20<sup>th</sup> day of January, Two Thousand Eleven, before me, LEANN M. TETER, a Notary personally appeared Michelle-Janine: family Gabler, a living, natural woman, who proved to me on the basis of satisfactory evidence to be the one whose name is subscribed to the within instrument(s) and acknowledged to me that she executed the same in her authorized capacity, and that by her autograph/signature, on the instrument the person, or the entity upon behalf of which she acted, executed the instrument.

*Witness my hand and official seal.*

 (seal)

My Commission Expires: April 15, 2011

