

ON  
23048

96-08-12P03:59 RCVD

## TRUSTEE'S NOTICE OF SALE

Vol. m96 Page 24766

Reference is made to that certain trust deed made by Donald Simmons and Carrie Simmons, as grantor, to Mountain Title Company, as trustee, in favor of Barbara N. Penny, Gary Penny & Thomas A. Pellenwessel, as beneficiary, dated November 21, 1994, recorded December 1, 1994, in the mortgage records of Klamath County, Oregon, in ~~886/104~~ volume No. M94 at page 36678, or as fee/file/instrument/microfilm/reception No. \_\_\_\_\_ (indicate which), covering the following described real property situated in said county and state, to-wit:

The S $\frac{1}{2}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 33, Township 35 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums:

March 1, 1996 payment	\$623.58
April 1, 1996 payment	\$623.58
1995-96 Property Taxes	\$546.49

By reason of said default the beneficiary has declared all sums owing on the obligation secured by said trust deed immediately due and payable, said sums being the following, to-wit:

As of 4/10/96 - Principal	\$76,963.56
Interest	\$ 1,176.77
1995-96 Property Taxes	\$ 546.49

WHEREFORE, notice hereby is given that the undersigned trustee will on September 17, 1996, at the hour of 10:00 o'clock, A. M., in accord with the standard of time established by ORS 187.110, at 110 North 6th Street

in the City of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor had or had power to convey at the time of the execution by grantor of the said trust deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding 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) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or trust deed, and in addition to paying said sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and trust deed, together with trustee's and attorney's fees not exceeding the amounts provided by said ORS 86.753.

In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED April 25, 1996

Robert D. Boivin  
Robert D. Boivin

Successor

Trustee

State of Oregon, County of Klamath ss:

I, the undersigned, certify that I am the attorney or one of the attorneys for the above named trustee and that the foregoing is a complete and exact copy of the original trustee's notice of sale.

After Recording Return to:

Robert D. Boivin

Boivin, Jones, Unitts, Dilcosi & Oden

110 North 6th Street

Klamath Falls, OR 97601

Attorney for said Trustee

If the foregoing is a copy to be served pursuant to ORS 86.740 or ORS 86.750(1), fill in opposite the name and address of party to be served.

SERVE:

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Robert D Boivin the 12th day of August A.D., 19 96 at 3:59 o'clock PM., and duly recorded in Vol. M96 of Mortgages on Page 24766

FEE \$10.00

Bernetha G Letsch, County Clerk

By [Signature]