

17729

TRUSTEE'S NOTICE OF DEFAULT AND ELECTION TO SELL AND OF SALE

Vol. 1196 Page 13341

25077

Vol. 1196 Page 29126

Reference is made to that Trust Deed wherein DONALD L. SIMMONS and CARRIE J. SIMMONS, as tenants by the entirety, is Grantor; MOUNTAIN TITLE COMPANY OF KLAMATH COUNTY, is Trustee; and CLIFFORD W. MYNATT and VIRGINIA L. MYNATT, husband and wife, is Beneficiary, recorded in Official/Microfilm Records, Vol. M94, Page 31730, Klamath County, Oregon, covering the following-described real property in Klamath County, Oregon:

Tract 20, INDEPENDENCE TRACTS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon. EXCEPTING THEREFROM the East 100 feet thereof.

No action is pending to recover any part of the debt secured by the trust deed.

The obligation secured by the trust deed is in default because the grantor has failed to pay the following: February 10, 1996 payment in the amount of \$319.50 and all payments coming due thereafter.

The sum owing on the obligation secured by the trust deed is: \$30,420.66 full balance due and payable plus interest at the rate of 9% per annum from February 9th, 1996.

plus trustee's fees, attorney's fees, foreclosure costs and any sums advanced by beneficiary pursuant to the terms of said trust deed.

Beneficiary has and does elect to sell the property to satisfy the obligation pursuant to ORS 88.705 to 88.795.

The property will be sold as provided by law on September 16, 1996, at 10:00 o'clock a.m. based on standard of time established by ORS 187.110 at 540 Main Street, Room #301, Klamath Falls, Klamath County, Oregon.

Interested persons are notified of the right under ORS 88.753 to have this proceeding dismissed and the trust deed reinstated by payment of the entire amount then due, other than such portion as would not then be due had no default occurred, together with costs, trustee's and attorney's fees, and by curing any other default complained of in this Notice, at any time prior to five days before the date last set for sale.

This communication is an attempt to collect a debt. Any information obtained will be used for that purpose.

Dated: May 9, 19 96.

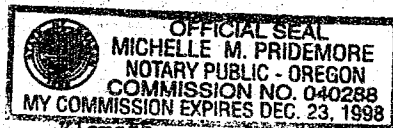
William L. Sisemore
William L. Sisemore, Successor Trustee

STATE OF OREGON, County of Klamath

The foregoing was acknowledged before me on May 9th, 19 96 by William L. Sisemore

Michelle M. Pridemore Notary Public for Oregon — My Commission Expires: Dec. 23, 19 98

Certified to be a true copy:



Attorney for Trustee

STATE OF OREGON, County of Klamath
Filed for record on May 9th, 19 96 at 3:36 o'clock Pm.
and recorded in M96 page 13341 of mortgages. Instrument No 17729

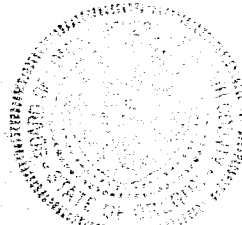
Bernetha G. Letcher, County Clerk by Shirley J. Russell, Deputy

After recording return to:

Fee \$10.00

WILLIAM L. SISEMORE
Attorney at Law
540 Main Street
Klamath Falls, OR 97601

INDEXED
7/1/96



96 SEP 16 AM 11:46

96 MAY -9 P 3:36

30

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON)
) SS
County of Klamath)

29127

I, William L. Sisemore, being first duly sworn, depose and say and certify that:

At all times hereinafter mentioned I was and now am a resident of the State of Oregon, a competent person over the age of eighteen years and not the beneficiary or beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain deed described in said notice.

I gave notice of the sale of the real property described in the attached notice of sale by mailing a copy thereof by both first class and certified mail with return receipt requested to each of the following named persons (or their legal representatives, where so indicated) at their respective last known addresses, to-wit:

NAME AND ADDRESS

Donald L. Simmons
4430 Clinton Avenue
Klamath Falls, Oregon 97603

Carrie J. Simmons
4430 Clinton Avenue
Klamath Falls, Oregon 97603

Donald L. Simmons
P.O. Box 7
Beatty, Oregon 97621

Carrie J. Simmons
P.O. Box 7
Beatty, Oregon 97621

Said persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, (c) any person, including the Department of Revenue or any other state agency, having a lien or interest subsequent to the trust deed if the lien or interest appears of record or the beneficiary has actual notice of the lien or interest, and (d) any person requesting notice, as required by ORS 86.785.

Each of the notices so mailed was certified to be a true copy of the original notice of sale by William L. Sisemore, attorney for the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon full prepaid, and was deposited by me in the United States post office at Klamath Falls, Oregon, on May 9, 1996. With respect to each person listed above, one such notice was mailed with postage thereon sufficient for first class delivery to the address indicated, and another such notice was mailed with a property form to request and obtain a return receipt and postage thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after the notice of default and election to sell described in said notice of sale was recorded.

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

William L. Sisemore
William L. Sisemore

Subscribed and sworn to before me on May 9th, 1996.



Michelle M. Pridemore
Notary Public for Oregon
My Commission Expires: 12-23-98

STATE OF OREGON)
) SS

County of Klamath) I certify that the within instrument was received for record on the
_____ day of _____, 19____, at _____ o'clock ____ M., and recorded in
book/real/volume No. _____ on page _____ of an fee/file/instrument/microfilm/reception No.
_____. Record of Mortgages of said County.

Witness my hand and seal of County affixed.

After recording, return to: _____ BY _____

_____ Deputy

29128

TRUSTEE'S AFFIDAVIT AS TO NON-OCCUPANCY

STATE OF OREGON,

County of Klamath } ss.I, William L. Sisemore

being first duly sworn, depose, say and certify that:

I am the SUCCESSOR trustee in that certain trust deed executed and delivered by Donald L. Simmons & Carrie L. Simmons, as tenants by the entirety, as grantor to Mountain Title Company of Klamath County as trustee, in which Clifford W. Mynatt & Virginia L. Mynatt, husband & wife is beneficiary, recorded on October 11, 1994, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M94, at page 31730 or as fee/file/instrument/microfilm/reception No. X.X.X.X.X (indicate which), covering the following described real property situated in said county:

Tract 20, INDEPENDENCE TRACTS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, EXCEPTING THEREFROM the East 100 feet thereof.

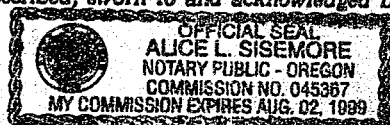
I hereby certify that on May 13, 1996, the above described real property was not occupied.

The word "trustee" as used in this affidavit means any successor-trustee to the trustee named in the trust deed first mentioned above.

William L. Sisemore
Successor Trustee

Subscribed, sworn to and acknowledged before me this 13th day of May, 1996

(SEAL)



Alice L. Sisemore
Notary Public for Oregon

My Commission expires: 8/2/99

TRUSTEE'S AFFIDAVIT
AS TO NON-OCCUPANCY

RE: Trust Deed from

Grantor

to

Trustee

AFTER RECORDING RETURN TO
WILLIAM L. SISEMORE
Attorney at Law
540 Main Street
Klamath Falls, OR 97601

(DON'T USE THIS
SPACE; RESERVED
FOR RECORDING
LABEL IN COUNTIES
WHERE USED.)

STATE OF OREGON,

County of } ss.

I certify that the within instrument was received for record on the day of , 19 , at o'clock M., and recorded in book/reel/volume No. on page or as fee/file/instrument/microfilm/reception No. , Record of Mortgages of said County.

Witness my hand and seal of County affixed.

NAME

TITLE

By Deputy

Affidavit of Publication

29129

STATE OF OREGON, COUNTY OF KLAMATH

I, Julie Hughes, Office Manager,
being first duly sworn, depose and say
that I am the principal 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 the

LEGAL #8372

TRUSTEE'S.....

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

(4) insertion(s) in the following issues:

MAY 20/27

JUNE 3/10, 1996

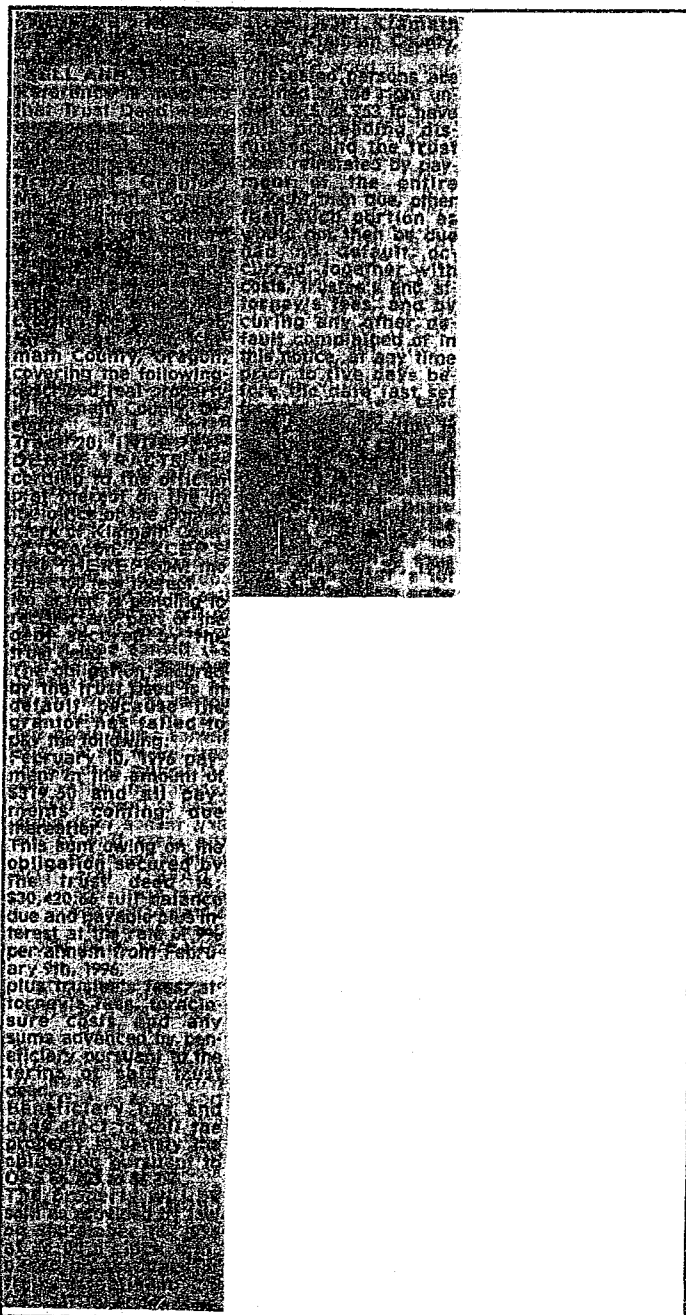
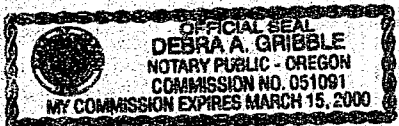
Total Cost: \$303.36

Subscribed and sworn before me this 10TH
day of JUNE 19 96

Debra A. Gribble

Notary Public of Oregon

My commission expires Mar 15 2000



JEFFERSON STATE ADJUSTERS
PROOF OF SERVICE

29130

STATE OF OREGON
COUNTY OF KLAMATH

TRUSTEE'S NOTICE OF DEFAULT

I hereby certify that I made service of the forgoing AND ELECTION TO SELL AND OF SALE
upon the within named respondent, by delivering or leaving a true copy of the said
TRUSTEE'S NOTICE OF DEFAULT
AND ELECTION TO SELL AND OF SALE as follows:

PERSONAL SERVICE

On _____, 19__ at ___ o'clock, ___ M., I delivered an original or
true copy of the _____ to _____
in person, at _____.

SUBSTITUTE SERVICE*

On _____, 19__ at ___ o'clock, ___ M., I served _____
on Defendant _____ by delivering an original or true copy to
_____ a person over the age of 14 years residing
in said party's house or usual place of abode at _____.

OFFICE SERVICE*

On _____, 19__ at ___ o'clock., ___ M., I left an original or
true copy of the _____ with _____
the person apparently in charge of the business office maintained by _____
at _____.

NON FOUND

I certify that I received the within document for service on MAY 10, 1996,
and after due and diligent search and inquiry I have been unable to locate the within
named DONALD L SIMMONS AND GARRIE J. SIMMONS in Klamath County.

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

DMD

Signature

Court Case Number

MAY 13, 1996

Date

*Where substituted or office service is used, the petitioner as soon as
reasonably possible, shall cause to be mailed a true copy of the _____
to the respondent at the respondent's dwelling house or usual place of abode,
together with a statement of the time and date at which such service was made.

8:00 AM MAY 13, 1996 WENT TO 3085 LODI ST Klamath Falls
NOBODY APPEARS TO BE LIVING AT THE ADDRESS ABOVE

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of William L Sisemore the 16th day
of September A.D., 19 96 at 11:46 o'clock AM, and duly recorded in Vol. M96
of Mortgages on Page 29126

Bernetha G Letsch, County Clerk

FEE \$30.00

By Cheryl Sussell