

2009-015428

Klamath County, Oregon

Randall & Barbara A. Simonson, Grantors  
5469 Winterfield Way  
Klamath Falls, OR 97603



12/07/2009 03:20:24 PM

Fee: \$42.00

**After recording return to:**

John W. Weil, Successor Trustee  
1001 SW 5th Ave, Suite 2150  
Portland, OR 97204

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**NOTICE OF DEFAULT AND ELECTION TO SELL**

Reference is made to the deed of trust under which Randall Simonson and Barbara A. Simonson, as grantor, Tim Williams is the trustee, and 21st Mortgage Corporation is the beneficiary, which was dated June 27, 2008 and recorded July 2, 2008 in Book 2008, Page 9665 in the Official Records of Klamath County, Oregon. Said deed of trust cover the following described real property situated in the above-mentioned county and state, to-wit:

Lot 35, tract 1456 - Summerfield Residential Community, according to the plat thereof on file in the office of the County Clerk, Klamath County, Oregon.

The undersigned hereby certifies that no assignments of the trust deed by the trustee or by the beneficiary and no appointments of a successor trustee have been made, except as recorded in the records of the county or counties in which the above-described real property is situated. Further, no action has been instituted to recover the debt, or any part thereof, now remaining secured by the trust deed, or, if such action has been instituted, such action has been dismissed except as permitted by ORS 86.735(4).

There is a default by grantor, or grantor's successor in interest, performance of which is secured by the trust deed, with respect to provisions therein which authorize sale in the event of default of such provision. The default for which foreclosure is made is grantor's failure to pay when due the following sums:

Failure to make monthly payments of **\$1,260.76** each due on the 1st day of March 2009 through December 1, 2009.

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

**\$103,512.57**; plus interest at the rate of 11.78% per annum; plus attorney and trustee's fees and costs.

Notice is hereby given that the beneficiary and trustee, by reason of the default, have elected and do hereby elect to foreclose the trust deed by advertisement and sale pursuant to ORS 86.705 to 86.795, and to cause to be sold at public auction to the highest bidder for cash the interest in the described property which grantors have, or have the power to convey, at the time of the execution by grantors of the trust deed, together with any interest grantor or grantors' successor interest acquired after the execution of the trust deed, to satisfy the obligations secured by the trust deed and the expenses of the sale, including the compensations of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

The sale will be held at **11:00 A.M.**, in accord with the standard of time established by ORS 187.110, on **Friday, July 16, 2010** at the following place: the **Klamath County Courthouse, 316 Main Street, Klamath Falls, OR 97601.**

Other than as shown of record, neither the beneficiary nor the trustee has any actual notice of any person having or claiming to have any lien upon or interest in the real property hereinabove described

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subsequent to the interest of the trustee in the trust deed, or of any successor in interest to grantors or of any lessee or other person in possession of or occupying the property.

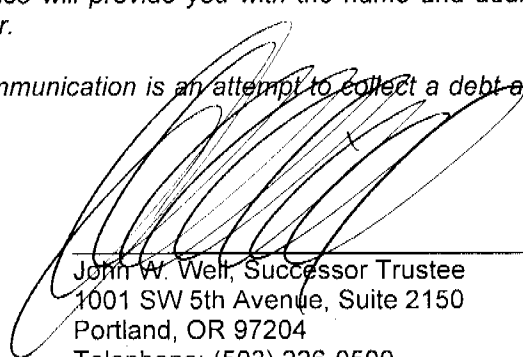
Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion 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 the 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 fees not exceeding the amounts provided by 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 the trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any

*The total amount due on the debt is \$103,512.57. Unless you notify this office in writing within 30 days after receiving this communication that you dispute the validity of the debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this communication that you dispute the validity of the debt or any portion thereof, this office will obtain a verification of debt and mail you a copy of the verification. If you request this office in writing within 30 days from receiving this communication this office will provide you with the name and address of the original creditor, if different from the current creditor.*

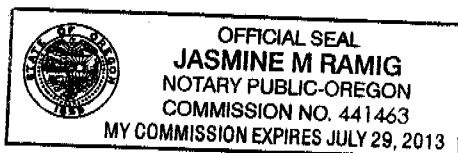
We are a debt collector. This communication is an attempt to collect a debt and any information obtained will be used for that purpose.

DATED: December 3, 2009.

  
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John W. Weil, Successor Trustee  
1001 SW 5th Avenue, Suite 2150  
Portland, OR 97204  
Telephone: (503) 226-0500

STATE OF OREGON) ) ss.  
County of Multnomah )

This instrument was acknowledged before me by John W. Weil on December 3, 2009.



  
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Notary Public for Oregon