

## MORTGAGEE'S NOTICE OF SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage (the "Mortgage") given by **PAUL S. LADUKE AND EILEEN M. LADUKE**, to **LEGACY BANKS**, a Massachusetts banking corporation (the "Mortgagee") dated June 18, 2004 and recorded with the Berkshire County (Middle District) Registry of Deeds in Book 2961, Page 250, of which the undersigned is the present holder, for breach of the conditions of the Mortgage and for the purpose of foreclosing the same, there will be sold at Public Auction at 12:00 PM on the 10<sup>th</sup> day of July, 2008, at the mortgaged premises located at 1898 East Otis Road, East Otis, Massachusetts 01253, all and singular, the premises described in the Mortgage (the "Mortgaged Premises"), to wit:

"[T]he following described real property, together with all existing or subsequently erected or affixed buildings, improvements and fixtures; all easements, rights of way, and appurtenances; all water, water rights, watercourses and ditch rights (including stock in utilities with ditch or irrigation rights); and all other rights, royalties, and profits relating to the real property, including without limitation all minerals, oil, gas, geothermal and similar matters, (the "Real Property") located in BERKSHIRE County, Commonwealth of Massachusetts: SEE SCHEDULE A, which is attached to this Mortgage and made a part of this Mortgage as if fully set forth herein. The Real Property or its address is commonly known as 1898 EAST OTIS ROAD, EAST OTIS, MA 01253."

SCHEDULE A to the Mortgage reads as follows:

"Beginning at a point of intersection of the State Highway known as Route 23 and the Highway known as Cold Spring Road; thence

S. 21 degrees 04' W. in the Westerly line of said Cold Spring Road, forty three and 28/100 (43.28) feet to a point; thence

S. 43 degrees 26' W. along said Cold Spring Road forty three and 89/100 (43.89) feet to a point; thence

S. 62 degrees 40' W. along said Cold Spring Road one hundred sixty five and 55/100 (165.55) feet to the land of Hall; thence

N 29 degrees 23' W. along land of said Hall one hundred thirteen and 16/100 (113.16) feet to a fence corner; thence

In the same course along other land of Clark two hundred twenty-five (225) feet to an iron pipe; thence

In the Northeasterly direction along other land of Clark one hundred twenty-five (125) feet, more or less, to a point in a stone wall and in the Southwesterly line of the State Highway (Route 23); thence

S. 51 degrees 15' E. along the line of the State Highway (Route 23) two hundred (200) feet, more or less, to a point; thence

S. 48 degrees 39' E. along said State Highway (Route 23) one hundred sixty-two and 49/100 (162.49) feet to the place of beginning.

Also granting to the grantee, its heirs, executors and assigns the right to use, in common with others, the septic tank under the building on the premises located across Cold Spring Road, also known as Reservoir Road, which rights were reserved in a deed from Clifford W. Clark, et ux, to Andrew J. Mastroianni, et ux dated January 25, 1963 and recorded in the Berkshire Middle District Registry of Deeds in Book 757, Page 238.

Meaning and intending to mortgage and hereby mortgaging the same premises conveyed to Paul S. LaDuke and Eileen M. LaDuke by deed of William M. Emprimo to be recorded simultaneously herewith.”

The Mortgaged Premises will be sold subject to and with the benefit of all restrictions, easements, improvements, leaseholds, tenancies, occupants, outstanding tax titles, municipal or other public taxes, liens, or other claims in the nature of liens, and existing encumbrances of record having priority over the Mortgage.

**TERMS OF SALE:** TEN THOUSAND DOLLARS (\$10,000.00) will be required to be paid in cash, certified or bank check with no intervening endorsements at the time and place of sale. The foreclosure deed of the Mortgage Premises shall be delivered and the balance of the purchase price within twenty (20) days of the Public Auction. The successful bidder will be required to execute a Memorandum of Foreclosure Sale containing the above terms at the time and place of sale. Other terms, if any, to be announced at the time and place of sale.

**LEGACY BANKS**

*Andrew W. Grebe*

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By: Andrew W. Grebe  
Its: Collections Manager

Attorney for the Mortgagee:

*William E. Martin*

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William E. Martin  
**MARTIN & OLIVEIRA, LLP**  
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June 18, 2008  
June 25, 2008  
July 2, 2008