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22823

Aspen 35401 Vol. m90 Page 23252  
RESCISSION OF NOTICE OF DEFAULT

Reference is made to that certain trust deed in which Gary T. Whittle was grantor, Transamerica Title Insurance Company was trustee and Equitable Savings and Loan Association was beneficiary, said trust deed was recorded February 22, 1978, in book ~~13498~~ volume No. M-78 at page 3321 ~~reception No. 22923~~ (indicate which), of the mortgage records of Klamath County, Oregon, and conveyed to the said trustee the following real property situated in said county:

The South 80 feet of Lots 604 and 605, Block 103, MILLS ADDITION TO THE CITY OF KLAMATH FALLS, in the County of Klamath, State of Oregon.

Property Address: 830 East Main Street, Klamath Falls, Oregon 97601

A notice of grantor's default under said trust deed, containing the beneficiary's or trustee's election to sell all or part of the above described real property to satisfy grantor's obligations secured by said trust deed was recorded on July 9, 1990, in said mortgage records, in book ~~13498~~ volume No. M90 at page 13498 ~~reception No. 22923~~ (indicate which); thereafter by reason of the default being cured as permitted by the provisions of Section 86.753, Oregon Revised Statutes, the default described in said notice of default has been removed, paid and overcome so that said trust deed should be reinstated.

NOW, THEREFORE, notice hereby is given that the undersigned trustee does hereby rescind, cancel and withdraw said notice of default and election to sell; said trust deed and all obligations secured thereby hereby are reinstated and shall be and remain in force and effect the same as if no acceleration had occurred and as if said notice of default had not been given; it being understood, however, that this rescission shall not be construed as waiving or affecting any breach or default — past, present or future — under said trust deed or as impairing any right or remedy thereunder, or as modifying or altering in any respect any of the terms, covenants, conditions or obligations thereof, but is and shall be deemed to be only an election without prejudice, not to cause a sale to be made pursuant to said notice so recorded.

IN WITNESS WHEREOF, the undersigned trustee has executed this document; if the undersigned is a corporation, it has caused its name to be signed and seal affixed by an officer duly authorized thereto by order of its Board of Directors.

DATED: November 15, 1990.

David E. Fennell

Trustee

(If the signer of the above is a corporation, use the form of acknowledgment opposite and affix seal.)

STATE OF ~~WASHINGTON~~ Washington }  
County of King } ss.

This instrument was acknowledged before me on November 15, 1990, by David E. Fennell

STATE OF OREGON, }  
County of } ss.

This instrument was acknowledged before me on 19, by as of

Notary Public for Oregon

(SEAL)

BEARBARA J. WILSON  
NOTARY PUBLIC  
My commission expires: 7/1/92

RESCISSION OF NOTICE OF DEFAULT

RE: Trust Deed from Whittle/Lunde Grantor  
to Fennell Trustee

AFTER RECORDING RETURN TO  
Kim Poust  
PRESTON THORGRIMSON SHIDLER GATES & ELLIS  
5400 Columbia Center, 701 5th Avenue  
Seattle, Washington 98104

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

STATE OF OREGON, }  
County of Klamath } ss.

I certify that the within instrument was received for record on Nov. 20th, 1990, at 3:29 o'clock P.M., and recorded in book/reel/volume No. M90 on page 23252 or as fee/file/instrument/microfilm/reception No. 22923, Record of Mortgages of said County.

Witness my hand and seal of County affixed.

Evelyn Biehn, County Clerk

NAME

TITLE

By Debra L. Mullender Deputy

Fee \$8.00