



28769

ASPEN 04035841

**RESCISSION OF NOTICE OF DEFAULT**

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Reference is made to that certain trust deed in which ARTHUR W. MERKL and JOYCE E. MERKL,  
WILLIAM P. BRANDSNESS was trustee and  
CLOYCE E. BARNES AND SUE B. BARNES, husband and wife was beneficiary, said trust deed was  
 recorded July 29, 1980, in book/real volume No. M-80 at page 14110 ~~XXXXXX~~  
~~filed in county of Klamath, Oregon, for recording No. XXXXXXXXXXXXXXXXXX (indicate which), of the mortgage records of~~ Klamath  
County, Oregon, and conveyed to the said trustee the following real property situated in said county:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

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 December 5, 1990, in said mortgage records, in book ~~121~~ 121 Volume No. M-90 at page 24192 ~~or as the first document in the chain of title~~ (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: April 29, 1991

ASPEN TITLE & ESCROW INC.

B

Successor

~~Trustee~~

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

STATE OF OREGON.

County of \_\_\_\_\_

 $\left. \begin{array}{l} \text{ } \\ \text{ } \end{array} \right\} SS$ 

This instrument was acknowledged before me on  
19.....by.....

STATE OF OREGON.

County of     Klamath    

) ss

This instrument was acknowledged before me on April 29  
19 91, by ANDREW A. PATTERSON \_\_\_\_\_

SR Assistant Secretary

ASPEN TITLE & ESCROW, INC.

Notary Public for Oregon

(SEAL)

(SEAL)

**My commission expires:**

My commission expires:

## RESCISSION OF NOTICE OF DEFAULT

RE: Trust Deed from

Arthur W. Merkl

Joyce E. Merkl Grantor

to

Aspen Title & Escrow, Inc.

Successor	Trustee

AFTER RECORDING RETURN TO  
Aspen Title & Escrow, Inc.  
525 Main Street  
Klamath Falls, OR 97601

STATE OF OREGON.

County of \_\_\_\_\_

SS.

*I certify that the within instrument was received for record on \_\_\_\_\_, 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 at-  
tixed.

NAME

**TITLE**

By \_\_\_\_\_ Deputy

## EXHIBIT "A"

A tract of land situated in the W 1/2 NE 1/4 NW 1/4 of Section 10, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at a 1/2 inch iron pin on the Southerly right of way line of Hilyard Avenue, said pin being North 89 degrees 06' 00" West 908.60 feet and South 00 degrees 05' 16" East 30.00 feet from a 5/8 inch iron pin at the centerline intersection of said Hilyard Avenue and Altamont Drive marking the North quarter corner of said Section 10; thence South 00 degrees 05' 16" East 591.88 feet; thence North 89 degrees 06' 00" West 293.66 feet; thence North 00 degrees 05' 16" West 591.88 feet more or less, to the Southerly right of way line of Hilyard Avenue; thence South 89 degrees 06' 00" East 293.66 feet to the point of beginning.

CODE 41 MAP 3909-10BA TL 2400

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title Co. the 29th day  
of April A.D., 19 91 at 3:06 o'clock P M., and duly recorded in Vol. M91  
of Mortgages on Page 7929

FEE \$13.00

Evelyn Biehn County Clerk

By Pauline Nielsen