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K-44310

RESCISSION OF NOTICE OF DEFAULT

Vol. m93 Page 135

Reference is made to that certain trust deed in which Robert F. Brown was grantor, Klamath County Title Company was trustee and The Travelers Insurance Company was beneficiary, said trust deed was recorded June 22, 1989, in book/reel/volume No. M89 at page 11198 xxxxxx. (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 LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A".

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 10, 1992, in said mortgage records, in book/reel/volume No. M92 at page 15069 (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: December 30, 1992.

Dean P. Gisvold  
Dean P. Gisvold, Successor Trustee

TRXHX

STATE OF OREGON, County of Multnomah ) ss.

This instrument was acknowledged before me on December 30, 1992,

by Dean P. Gisvold

This instrument was acknowledged before me on 10,

by \_\_\_\_\_  
as \_\_\_\_\_  
of \_\_\_\_\_

B. S. Thomas

Notary Public for Oregon

My commission expires 9-13-93

# RESCISSION OF NOTICE OF DEFAULT

RE: Trust Deed from

Robert F. Brown

Grantor

to

Klamath County Title Company

Trustee

AFTER RECORDING RETURN TO

Beverly S. Thomas  
1100 SW Sixth, #1600  
Portland, OR 97204

(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 \_\_\_\_\_, 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

## DESCRIPTION OF PROPERTY

The following described real property situate in Klamath County, Oregon:

## PARCEL 1:

Township 33 South, Range 6 East of the Willamette Meridian

Section 35: SE $\frac{1}{4}$

Township 34 South, Range 6 East of the Willamette Meridian

Section 1: Lots 5 and 6, Lots 7 and 10 less that portion conveyed to Robert D. Helms et ux, by deed recorded in Volume 227 of Deeds page 92, Lots 11, 12, 13 and 20

Section 2: Lots 1, 2, 3, 6, 7, 8, 9, 10, 16, 17 and 24

EXCEPTING THEREFROM a road right of way 155 feet in width across the E $\frac{1}{2}$  of Section 35, Township 33 South, Range 6 E.W.M. as conveyed to Klamath County, Oregon by Deed recorded April 9, 1965, in Deed Volume 360 at page 541 and by Deed recorded April 19, 1965, in Volume 360 at page 656.

ALSO EXCEPTING THEREFROM a road right of way across the E $\frac{1}{2}$  of Section 35, Township 33 S.R. 6 E.W.M. and across the W $\frac{1}{2}$  of Section 36, Township 33 S.R. 6 E.W.M., as conveyed to Klamath County, Oregon by deed recorded July 14, 1965, in Deed Volume 363 at page 178.

## PARCEL 2:

Township 34 South, Range 7 $\frac{1}{2}$  East of the Willamette Meridian

A piece or parcel of land situated in Sections 5, 8, 16, 17, 20 and 21, and being more particularly described as follows:

Beginning at the intersection of the center line of Seven Mile Canal as the same is now located and constructed, with the line marking the Westerly boundary of the said Section 5, Township 34 South, Range 7 $\frac{1}{2}$  East of the Willamette Meridian, and from which point the Southeasterly corner of Section 1, Township 34 South, Range 6 East of the Willamette Meridian, as established by Norman D. Price, U. S. Cadastral Engineer, between October 31, 1930, and June 22, 1931, bears South 83°59' West, 5310.1 feet distant, and running; thence downstream along the said center line of Seven Mile Canal South 61°35 $\frac{1}{2}$ ' East 861.2 feet; thence South 31°46 $\frac{1}{2}$ ' East 2306.4 feet; thence South 34°23 $\frac{1}{2}$ ' East 1252.4 feet; thence South 32°27 $\frac{1}{2}$ ' East 2101.8 feet; thence South 41°02 $\frac{1}{2}$ ' East 8802.1 feet, more or less, to the intersection of the said center line of Seven Mile Canal, with a line which is parallel with and 70.0 feet at right angles Southeasterly from the center line of the Dixon and McQuiston Levee, as the same is now located and constructed; thence leaving the center line of

Seven Mile Canal and following the said line parallel with the said Dixon and Mcquiston Levee South  $44^{\circ}40'$  West 6437.9 feet, more or less, to its intersection with the Southerly boundary of the said Section 20, Township 34 South, Range  $7\frac{1}{2}$  East of the Willamette Meridian; thence Westerly along the Southerly boundary of said Section 20, 4905.3 feet, more or less, to the Southwesterly corner of the said Section 20, Township 34 South, Range  $7\frac{1}{2}$  East of the Willamette Meridian; thence North along the Westerly boundary of the said Sections 20, 17, 8 and 5, Township 34 South, Range  $7\frac{1}{2}$  East of the Willamette Meridian, 16,570.6 feet, more or less, to the said point of beginning.

EXCEPTING THEREFROM that portion conveyed to D'Artnery Bros., a Co-partnership, by deed recorded in Volume 331 at page 367, Deed Records of Klamath County, Oregon.

ALSO EXCEPTING THEREFROM that portion conveyed to Byron W. Bacchi, et ux., and Henry Francis Bacchi, et ux., by Deed recorded in Volume 350 at page 575, Deed Records of Klamath County, Oregon.

PARCEL 3:

Township 39 South, Range 12 East of the Willamette Meridian:

Section 6:  $E\frac{1}{2}SW\frac{1}{4}$ ,  $NW\frac{1}{4}SE\frac{1}{4}$

Section 7: Lots 1, 2, 3, 4,  $E\frac{1}{2}W\frac{1}{4}$ ,  $S\frac{1}{2}SE\frac{1}{4}$

Section 17:  $W\frac{1}{2}NW\frac{1}{4}$  and that portion of the  $NE\frac{1}{4}NW\frac{1}{4}$  West and North of the Horsefly Irrigation District Canal.

Section 18: Lot 1,  $E\frac{1}{2}NW\frac{1}{4}$ ,  $NE\frac{1}{4}$ ,  $NE\frac{1}{4}SE\frac{1}{4}$ , and all those portions of Lots 2 and 3 and the  $NE\frac{1}{4}SW\frac{1}{4}$ ,  $NW\frac{1}{4}SE\frac{1}{4}$ , and  $SE\frac{1}{4}SE\frac{1}{4}$  lying North of Lost River.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Title co the 5th day of Jan. A.D. 19 93 at 11:11 o'clock A M., and duly recorded in Vol. M93, of Mortgages on Page 135.

FEE \$15.00

Evelyn Biehn County Clerk

By Dorlene M. Henderson