

AGREEMENT

PARTIES: Ervle O. Bivens and Corazon E. Bivens (Bivens)
Boyd C. Yaden, Bankruptcy Trustee for the Consolidated
Bankruptcy Cases known as Thena, Inc. (Trustee)

WHEREAS, Bivens has a trust deed covering property located in Klamath County, Oregon with a common address of 1170 Eagle Court, Klamath Falls, Oregon and having a legal description of Lot 13, Block 6, FIRST ADDITION TO LYNNEWOOD, TRACT NO. 1140, in the City of Klamath Falls, County of Klamath, State of Oregon; and

WHEREAS, the Trustee claims an interest in that property for the Bankruptcy Estate of Thena, Inc.; and

WHEREAS, payments have not been made as required on the trust deed and Bivens desires to foreclose the Trust Deed;

NOW, THEREFORE IT IS HEREBY AGREED that:

1. The Trustee will stipulate to relief from the automatic stay imposed by 11 U. S. C. §362 to allow Bivens to foreclose the trust deed;
2. Bivens will proceed to foreclose the trust deed by sale;
3. Should the property sell at auction to any party other than Bivens, any sums received in excess of the amount owing to Bivens, including costs and attorney fees, shall be paid to the U. S. Bankruptcy Court to be held pending a determination as to the interest of the Trustee in those funds.
4. If the property is purchased by Bivens at the sale for the amount owed, including costs and attorney fees, then Bivens agrees to immediately list the property for sale for a sum at least \$30,000.00 over the amount bid at the sale and, if the property is sold, pay to the Trustee any amounts over and above the amount bid

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by Bivens at the trustee sale, up to \$25,000.00. Any amounts in excess of \$25,000.00 shall be the property of Bivens.

5. This agreement shall be executed in duplicate and one original shall be recorded in the office of the Klamath County Clerk.

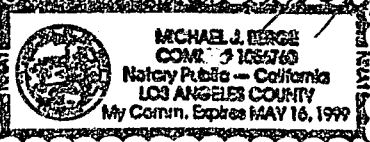
Ervle O. Bivens
Ervle O. Bivens

Corazon E. Bivens
Corazon E. Bivens
Corazon
CB

STATE OF CALIFORNIA)
County of Los Angeles) ss.

SUBSCRIBED AND SWORN TO BEFORE ME THIS 16th DAY OF June, 1997
BY ERVLE O. BIVENS AND CORAZON E. BIVENS.
Ervle Corazon
EB

Boyd C. Yaden
Boyd C. Yaden, Trustee

Michael J. Berge
Notary Public for California
My Commission Expires: 5/16/99


SUBSCRIBED AND SWORN TO BEFORE ME THIS 18th DAY OF Feb, 1998
BY BOYD C. YADEN, TRUSTEE.



Michael L. Spencer
Notary Public for Oregon

AFTER RECORDING RETURN TO: Michael L. Spencer
419 Main St
Klamath Falls, OR 97601

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of February the 19th day
of February A.D., 19 98 at 1:20 o'clock p M., and duly recorded in Vol. M9R
of Deeds on Page 5371

FEE \$15.00
By Bernetha G. Letsph, County Clerk
Kathleen Ross