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

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.

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

Evole O. Biran	Conson E. Biums
Ervle O. Bivens	Coraton-E. Bivens
STATE OF CALIFORNIA	Carazon
County of LOS Augeles) ss.	
SUBSCRIBED AND SWORN TO E BY-ERVEL O. BIVENS AND CORAZAN Ervia Corazo	
25% com	20 ////6
	Notary Public for California My Commission Expires: 5, 16,17
Boyd C. Yaden, Thustee	MCHABL J. BESCH COM 2 188760 Natery Public — Colfernia LOS ANGELES COUNTY My Comm. Express MAY 16, 1999
SUBSCRIBED AND SWORN TO E BY BOYD C. YADEN, TRUSTEE.	BEFORE ME THIS IN DAY OF Fife, 1998
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OFFICIAL SEAL W	Mart Colon
MICHAEL L. SPENCER NOTARY PUBLIC - OREGON COMMISSION EXPIRES JAN. 27, 2002 MY COMMISSION EXPIRES JAN. 27, 2002	Notary Public for Oregon
AFTER RECOEDING RETURN TO!	Michael L. Spencer 419 Main St
	419 Main A
	tclamath Falls, ore 9760)
STATE OF OREGON: COUNTY OF KLAMATH: ss.	
Filed for record at request of	the 19th da

FEE \$15.00