

58808

98 MAY 27 P3:21

Vol. 1798 Page 17955

After Recording Return to:
SHAPIRO & KREISMAN
522 S.W. Fifth Ave., #300
Portland, Oregon 97204
Lender Loan #: 1485746-6
S&K #97-12637

ATC #04046642

AFFIDAVIT OF INCORRECT RECORDING OF TRUSTEE'S DEED

STATE OF OREGON)
) SS.
COUNTY OF MULTNOMAH)

I, Kelly D. Sutherland, am the Managing Associate for Shapiro & Kreisman,

Kelly D. Sutherland, Shapiro & Kreisman, is the Successor Trustee under that certain Deed of Trust between Wayne D. Silverthorne and A. Luan Silverthorne, as tenants by the entirety as grantor to Aspen Title & Escrow, Inc. as Trustee, and North American Mortgage Company as beneficiary, dated November 9, 1995, and recorded November 21, 1995 as Book M-95, at page 31936, Document/Instrument/Recorder's Fee 9476, the official records of Klamath County, Oregon, covering that real property described as follows;

The Easterly rectangular one-half of Lots 5 and 6, Block 29, HILLSIDE ADDITION TO THE CITY OF KLAMATH FALLS, in the County of Klamath, State of Oregon.

Under the terms of the Deed, a default having occurred under the Deed of Trust, this office in capacity as Successor Trustee proceeded to foreclose the Deed of Trust by recording a Notice of Default in the office of the Klamath County Recorder, on August 25, 1997, in Book No. M-97, at Page 27807, Recorder's Fee No. 44110. Kelly D. Sutherland, successor trustee held the sale on January 14, 1998, at the main entrance of the Klamath County Courthouse located at 317 South 7th Street in the City of Klamath Falls, a public place, at 11:00 AM, in accordance with the law. At the Trustee Sale, HomeSide Lending, Inc., FKA BancBoston Mortgage Corporation, the Successor Beneficiary and holder of the indebtedness secured by the Deed of Trust, was the successful bidder, entering a bid of \$65,947.61.

Following the Trustee's Sale, Kelly D. Sutherland, Successor Trustee prepared and recorded a Trustee's Deed. However, Wayne D. Silverthorne and Alyce L. Silverthorne filed a Chapter 7 Bankruptcy Case number 698-60164-aer7 on January 13, 1998, Consequently, the Trustee's Sale held on January 14, 1998 and the Trustee's Deed recorded on January 21, 1998, ac Volume M98, Page 1896 are null and void and of no effect, and the lien of that certain Deed of Trust dated November 9, 1995, and recorded November 21, 1995 as Book M-95, at page 31936, Document/Instrument/Recorder's Fee 9476, the official records of Klamath County, Oregon is hereby declared to be reinstated as a lien upon the above described real property, with full force and effect.

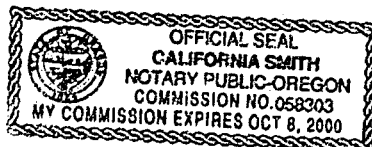
Dated this 18th day of May, 1998.

Kelly D. Sutherland
Kelly D. Sutherland
Successor Trustee

STATE OF OREGON,)
) SS.
County of Multnomah)

SUBSCRIBED AND SWORN to before me this 18th day
of May, 1998

California Smith
Notary Public for Oregon
My commission expires 10/18/00



17956

1 Kelly D. Sutherland
 SHAPIRO & KREISMAN
 2 522 S.W. 5th Avenue, Suite 300
 Portland, Oregon 97204
 3 Telephone: (503) 241-0772
 OSB #: 87357, S&K #97-12637

CLERK, U.S. BANKRUPTCY COURT
 DISTRICT OF OREGON

MAY 14 1998

LODGED _____ REC'D _____
 PAID _____ DOCKETED _____

4 Attorneys for HomeSide Lending, Inc.,
 FKA BancBoston Mortgage Corporation

UNITED STATES BANKRUPTCY COURT
 FOR THE DISTRICT OF OREGON

10 In Re: Wayne D. Silverthorne) Case No. 698-60164-aer7
 Alyce L. Silverthorne)
 11) ORDER FOR RELIEF FROM STAY
 Debtor(s))
 12)

13 This matter coming before the court on the Motion of HomeSide
 14 Lending, Inc., FKA BancBoston Mortgage Corporation filed herein on
 15 March 10, 1998, and the matter being heard before the Court on
 16 April 8, 1998, and the Trustee not claiming an interest in the
 17 subject property, with the Court ruling as follows; NOW THEREFORE;

18 IT IS HEREBY ORDERED that HomeSide Lending, Inc., FKA
 19 BancBoston Mortgage Corporation is granted relief from the
 20 automatic stay, effective January 20, 1998, so that it may
 21 foreclose upon its Deed of Trust on that certain real property

22 ///

23 ///

24 ///

25 ///

RECEIVED

MAY 18 1998

Ans'd.....

26 I CERTIFY, UNDER THE
 27 PENALTY OF PERJURY,
 THE FOREGOING IS A
 TRUE AND CORRECT COPY

SHAPIRO & KREISMAN

522 SW 5th Avenue, Suite 300
 Portland, Oregon 97204
 (503) 241-0772

28 1 - ORDER FOR RELIEF FROM STAY Dr. Fullman

owned by the Debtors and commonly known as 1423 Upham Street,
Klamath Falls, OR 97601.

DATED this _____ day of _____, 1998.

Presented By:

/s/ Albert E. Radcliffe
United States Bankruptcy Judge

Kelly D. Sutherland, OSB #87357
Of Attorney's for HomeSide Lending, Inc., FKA BancBoston Mortgage
Corporation

cc: Kelly D. Sutherland
Silverthorne, Wayne & A.
Boyd C Yaden
Eric Haws
U.S. Trustee

SHAPIRO & KREISMAN

522 SW 5th Avenue, Suite 300
Portland, Oregon 97204
(503) 241-0772

2 - ORDER FOR RELIEF FROM STAY

CERTIFICATE OF MAILING

I certify that on May 4, 1998, I served an exact and complete copy of the Ex Parte Order for Relief from Stay on the following parties by depositing it, or causing it to be deposited, in the U.S. Post Office at Portland, Oregon, in a sealed envelope with postage paid, addressed to each of the respective parties's last-known address:

Wayne D Silverthorne
Alyce L. Silverthorne
1423 Upham Street
Klamath Falls, OR 97601

Eric Haws
Attorney at Law
362 Hwy 99N
Eugene, OR 97402

Boyd C Yaden
Chapter 7 Trustee
P.O. Box 606
Klamath Falls, OR 97601

U.S. Trustee
211 E 7th Ave Ste 285
Eugene, OR 97401-2722

Marilyn W. Tillman
Marilyn W. Tillman
Legal Assistant

S&K NO: 97-12637

SHAPIRO & KREISMAN
522 SW 5th Avenue, Suite 300
Portland, Oregon 97204
(503) 241-0772

3 - ORDER FOR RELIEF FROM STAY
STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title & Escrow the 27th day
of May A.D., 19 98 at 3:21 o'clock P. M., and duly recorded in Vol. M98
of Deeds on Page 17955

FEE \$45.00

By *Bernetha G. Letsch* Bernetha G. Letsch, County Clerk

WITHDRAWN May 27, 1998
Numbering error

Document #58809
Page #17959