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## RESCISSION OF NOTICE OF DEFAULT

RE: Trust Deed from

Richard &amp; Karen Van Donk

To

Grantor

Josephine-Crater Title  
Companies, Inc.

Trustee

After recording, return to (Name, Address, Zip):

SPACE RESERVED  
FOR  
RECORDER'S USE

MTC 536X54

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57622

STATE OF OREGON,

County of \_\_\_\_\_ } ss.

I certify that the within instrument was received for record on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and recorded in book/reel/volume No. \_\_\_\_\_ on page \_\_\_\_\_ and/or as fee/file/instrument/microfilm/reception No. \_\_\_\_\_, Records of said County.

Witness my hand and seal of County affixed.

NAME

TITLE

By \_\_\_\_\_, Deputy.

Reference is made to that certain trust deed in which Richard Van Donk & Karen Van Donk, Husband & Wife, Josephine-Crater Title Companies, Inc. was trustee and Ron H. Miller & Jackie L. Miller, Trustees of the Miller Family\*\*\* was beneficiary. The trust deed was recorded on April 30, 1999, in book/reel/volume No. M99 at page 16433 and/or as fee/file/instrument/microfilm/reception No. \_\_\_\_\_ (indicate which), Records of Klamath County, Oregon, and conveyed to the trustee the following real property situated in that county:

(See Exhibit "A" attached hereto and incorporated herein by this reference)

\*\*\*Trust dated July 25, 1999.

A notice of grantor's default under the 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 the trust deed was recorded on April 12, 2001, in those Records, in book/reel/volume No. M01 at page 15416 and/or as fee/file/instrument/microfilm/reception No. XXXXXXXXXXXXXXXX (indicate which). Thereafter, by reason of the default being cured as permitted by ORS 86.753, the default described in the notice of default has been removed, paid and overcome so that the trust deed should be reinstated.

NOW, THEREFORE, notice is hereby given that the undersigned trustee does hereby rescind, cancel and withdraw the notice of default and election to sell. The trust deed and all obligations secured thereby are hereby reinstated and shall be and remain in force and effect the same as if no acceleration had occurred and as if the notice of default had not been given. It is understood, however, that this rescission shall not be construed as waiving or affecting any breach or default - past, present or future - under the 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. It is and shall be deemed to be only an election without prejudice, not to cause a sale to be made pursuant to the 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, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

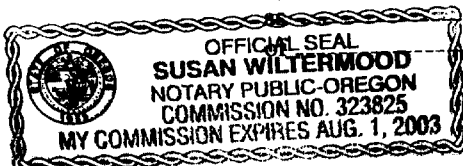
Dated November 5, 2001 xx

Trustee

STATE OF OREGON, County of Josephine ) ss.

This instrument was acknowledged before me on November 5, 2001, xx  
by Michael J. Bird

This instrument was acknowledged before me on \_\_\_\_\_, 19\_\_\_\_,  
by \_\_\_\_\_



Susan Wiltermood  
Notary Public for Oregon  
My commission expires 8-01-03

## EXHIBIT 'A'

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

Lot 1 in Block 7 Chemult, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, and also beginning at the Southeast corner of Lot 1 Block 7, Chemult; thence South 70°41' West 150 feet; thence North 19°20' West 52.6 feet, more or less, to the Southwest corner of said Lot 1, thence East along the Southerly line of said Lot 1, 159 feet to the point of beginning, being a portion of the SW ¼ of the SW ¼ of Section 21, Township 27 South, Range 8 East of the Willamette Meridian.

Beginning at an axle on the Westerly right of way line of the Dalles-California Highway which marks the Southeast corner of Lot 1 Block 7 of Chemult, Oregon, and running thence South 19°14' East along the Westerly right of way line of the Dalles California Highway a distance of 50 feet to an iron pin; thence South 70°36' West a distance of 150 feet to a point; thence North 19°24' West a distance of 50 feet to an iron pin; thence North 70°36' East a distance of 150 feet, more or less, to the point of beginning, in the SW ¼ of the SW ¼ of Section 21, Township 27 South, Range 8 East of the Willamette Meridian.

State of Oregon, County of Klamath  
Recorded 11/09/01 11:06 a. m.  
In Vol. M01 Page 57622  
Linda Smith,  
County Clerk Fee\$ 26<sup>00</sup>