

05 FEB 1 PM 1:18

Aspen: 07318

AFTER RECORDING RETURN TO:  
Shapiro & Sutherland, LLC  
12500 SE 2nd Circle, Suite 120  
Vancouver, WA 98684

Vol M05 Page 07318

State of Oregon, County of Klamath  
Recorded 02/01/05 1:18 P m  
Vol M05 Pg 7318-19  
Linda Smith, County Clerk  
Fee \$ 26 # of Pgs 2

## RESCISSION OF NOTICE OF DEFAULT

Reference is made to that certain trust deed in which Jeri L Icenbice and husband Jim Icenbice was the grantor, Ruth Dieth was trustee and Homeside Lending, Inc. was the beneficiary, said trust deed was recorded July 8, 1997, in Volume M97 at Page 21180, in the mortgage records of Klamath County, Oregon and conveyed to the said trustee the following real property:

See complete 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 June 7, 2004 in Volume M04, Page 36345, in mortgage records; thereafter by reason of the default being cured as permitted by the provisions of Section 86.753, Oregon Revised Statute, 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 is hereby 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.

Dated: 1/26/05

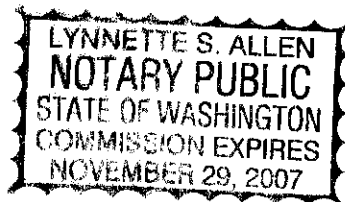
By: [Signature]  
Kelly D. Sutherland, Successor Trustee

STATE OF WASHINGTON )  
 )ss.  
COUNTY OF CLARK )

This instrument was acknowledged before me on January 26, 2005, by Kelly D. Sutherland, Successor Trustee.

Before me:

[Signature]  
Notary Public for Washington  
My Commission Expires: 11/29/07



S&S #: 04-17818  
Lender Loan #: 8458499426

26-1A

## Exhibit "A"

Beginning at a point marked by an iron pin driven in the ground in the centerline of a 60 foot roadway, from which the section corner common to Sections 2, 3, 10 and 11, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, bears South  $89^{\circ} 44 \frac{1}{2}'$  West along the centerline of said roadway 811.9 feet to a point in the West boundary of said Section 11 and North  $0^{\circ} 13 \frac{1}{2}'$  West along the section line 1662.5 feet, more or less; running thence South  $0^{\circ} 7'$  East, 331.9 feet, more or less, to a point in the Southerly boundary of said N  $\frac{1}{2}$  SW  $\frac{1}{4}$  NW  $\frac{1}{4}$ , Section 11; thence North  $89^{\circ} 42'$  East along said boundary line 67.5 feet, more or less; thence North  $0^{\circ} 7'$  West 331.85 feet, more or less, to the centerline of said roadway; thence South  $89^{\circ} 44 \frac{1}{2}'$  West along the centerline of said roadway 67.5 feet, more or less, to the point of beginning.

EXCEPTING THEREFROM that portion lying within the limits of Denver Avenue.