

2009-011481

Klamath County, Oregon



00071702200900114810020029

08/26/2009 03:32:30 PM

Fee: \$26.00

RECORDING REQUESTED BY

And when recorded mail to  
HOME LOAN SERVICES INC.,  
150 ALLEGHENY CENTER  
PITTSBURG, PA 15212

1st 1440586 \_\_\_\_\_ Space above this line for recorder's use \_\_\_\_\_

## RESCISSION OF NOTICE OF DEFAULT

T.S. No: D392534 OR    Unit Code: D    Loan No: 1044890581/COHARA    Investor No: 4005585225  
AP #1: R883589  
Title: 4197051

Reference is made to that certain Trust Deed in which SCOTT M COHARA, BROOKE J COHARA was Grantor, AMERITITLE was Trustee and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. IS A SEPARATE CORPORATION THAT IS ACTING SOLELY AS NOMINEE FOR FIRST FRANKLIN FINANCIAL CORP., AN OP. SUB. OF MLB&T CO., FSB was Beneficiary.

Said trust deed was Recorded on May 31, 2007 as Instr. No. 2007-009811 in Book --- Page --- of the mortgage of records of KLAMATH County; OREGON and conveyed to the said trustee the following real property situated in said county: UNIT 10573 (MCGUIRE AVENUE), TRACT 1336-FALCON HEIGHTS CONDOMINIUMS - STAGE 1 ACCORDING TO THE OFFICAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

The street or other common designation if any, of the real property described above is purported to be: 10573 MCGUIRE AVE, KLAMATH FALLS, OR 97603

The undersigned Trustee disclaims any liability for an incorrectness of the above street or other common designation.

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 obligation secured by said trust deed was Recorded on July 17, 2009, in said mortgage records, as Instr. No. 2009-9766 in Book --- Page --- ; thereafter by reason of the default being cured as permitted by the provisions of Section 86.753, Oregon Revised Statutes, the default described in said notice of default has been removed, paid and overcome so that said trust deed should be reinstated.

F26-

TD#:

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 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.

IN WITNESS WHEREOF, the undersigned trustee has hereunto set his hand and seal; if the undersigned is a corporation, it has caused its corporate name to be signed by its officers duly authorized thereunto by order of its Board of Directors.

DATED: 8-24-09

DAVID A. KUBAT, OSBA #84265

By

DAVID A. KUBAT, ATTORNEY AT LAW

STATE OF WASHINGTON     )  
COUNTY OF KING         )SS

On 8-24-09 before me, DENNIS E. ROBERTS  
personally appeared DAVID A. KUBAT, ATTORNEY AT LAW personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature

Dennis E. Roberts (Seal)

DENNIS E. ROBERTS  
STATE OF WASHINGTON  
NOTARY PUBLIC  
MY COMMISSION EXPIRES  
04-09-11