

2009-014221

Klamath County, Oregon

After recording return to:

BANK OF AMERICA  
4161 PIEDMONT PARKWAY  
GREENSBORO NC 27410-8110



00074963200900142210020024

11/04/2009 11:57:41 AM

Fee: \$42.00



(Recorder's Use)

T.S. No. 1239260-09 Loan No. XXXXXXXXXXXX5899

157 1468161

## RESCISSION OF NOTICE OF DEFAULT

Reference is made to that certain Trust Deed in which  
GARRETT R SMITH  
was Grantor,

BANK OF AMERICA, N.A.  
was Beneficiary

and said Trust Deed was recorded June 26, 2007, in book/reel Volume No. XX at page XX or as fee/file/instrument/microfilm/reception No.2007-011376 (indicate which), of the mortgage records of KLAMATH County, Oregon, and conveyed to the said trustee the following real property situated in said county:

LOT 9, BLOCK 3, FIRST ADDITION TO THE CITY OF KLAMATH FALLS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

A notice of grantor's default under said trust deed, containing the beneficiary's or trustee's election to sell the above described real property to satisfy grantor's obligations secured by said trust deed was recorded on October 01, 2009, in said mortgage records in book/ reel/volume No. XX at page XX or as fee/file/instrument/microfilm/reception No. 2009-12934 (indicate which); thereafter by reason of certain payments on said obligations made as permitted by the provisions of Section 86.760, 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.

NOW THEREFORE, notice hereby is given that CAL-WESTERN RECONVEYANCE CORPORATION 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 of 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.

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

F42-

## RESCISSION OF NOTICE OF DEFAULT

Loan No. XXXXXXXXXXXX5899

T.S. No. 1239260-09

CAL-WESTERN RECONVEYANCE CORPORATION

*myast*

**Nicole Yost, A.V.P.**

Dated: October 16, 2009

STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

On 10/29/2009 before me, C. GUNN,  
a Notary Public, personally appeared Nicole Yost, A.V.P., who 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. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing  
paragraph is true and correct.

WITNESS my hand and official seal

(Seal)

Signature

*Gr*

