

UK 84891

2009-016291

Klamath County, Oregon

After recording, return to:

Timothy L. Jackle
Foster Denman, LLP
P.O. Box 1667
Medford, OR 97501



00077390200900162910020021

12/31/2009 11:29:13 AM

Fee: \$42.00

RESCISSION OF NOTICE OF DEFAULT

Reference is made to that certain Trust Deed in which THE AUTUMN ONE FAMILY LIMITED PARTNERSHIP, an Oregon limited partnership, as to an undivided 1/2 interest, and RANDALL D. SIMONSON, doing business as COMMERCIAL REDEVELOPMENT CO., an Oregon assumed business name, as to an undivided 1/2 interest, was Grantor, AMERITITLE, was Trustee, and BANK OF THE CASCADES, was Beneficiary, said Trust Deed was recorded May 15, 2006, as Instrument No. M06-09745 in the Official Records of Klamath County, Oregon, and conveyed to the said Trustee the following real property situated in said county:

Parcel 2 of Land Partition 18-06 being a replat of Parcel 3 of Land Partition 34-04, situated in the NW1/4 NW1/4 of Section 10, Township 39 South, Range 9 East of the Willamette Meridian, filed August 16, 2006 in the office of the County Clerk of Klamath County, Oregon.

SOUTH PHOENIX ENTERPRISES, LLC, an Oregon limited liability company, is the successor in interest to BANK OF THE CASCADES and is the present Beneficiary under said Trust Deed by virtue of that Assignment of Note and Trust Deed by Beneficiary, recorded April 6, 2009, as Instrument No. 2009-004760 in the Official Records of Klamath County, Oregon.

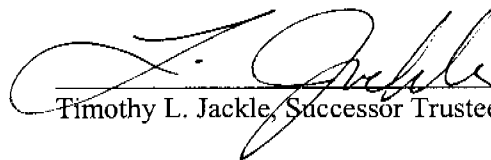
A notice of Grantor's default under said Trust Deed, containing the Beneficiary's or Trustee's election to sell all or part of the above described real property to satisfy Grantor's obligations secured by said Trust Deed was recorded on June 24, 2009, as Instrument No. 2009-008770, in the Official Records of Klamath County, Oregon; 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.

NOW, THEREFORE, notice hereby is given that the undersigned Successor 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.

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IN WITNESS WHEREOF, the undersigned Successor Trustee has hereunto set his 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.

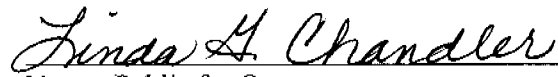
DATED: December 18, 2009


Timothy L. Jackle, Successor Trustee

STATE OF OREGON)
) ss.
County of Jackson)

This instrument was acknowledged before me on December 18, 2009, by TIMOTHY L. JACKLE.




Linda G. Chandler
Notary Public for Oregon