

2010-013108

Klamath County, Oregon

RECORDING REQUESTED BY



00092764201000131080020024

11/09/2010 02:49:17 PM

Fee: \$42.00

And when recorded mail to  
BANK OF AMERICA  
475 CROSSPOINT PARKWAY  
P.O.BOX 9000  
GETZVILLE, NY 14068-9000

1538232

Space above this line for recorder's use

**RESCISSION OF NOTICE OF DEFAULT**



T.S. No: D508891 OR Unit Code: D Loan No: 76469477/BRIONES Investor No: 0005087424  
AP #: R514438  
Title: 4377135

Reference is made to that certain Trust Deed in which FRANCISCO BRIONES was Grantor, AMERITITLE was Trustee and FIRST FRANKLIN FINANCIAL CORPORATION was Beneficiary.

Said trust deed was Recorded on August 3, 2001 as Instr. No. --- in Book M01 Page 39117 of the mortgage of records of KLAMATH County; OREGON and conveyed to the said trustee the following real property situated in said county: TRACT 23 OF PLEASANT HOME TRACTS, ACCORDING TO THE OFFICIAL 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: 1834 WIARD STREET, 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 February 22, 2010, in said mortgage records, as Instr. No. 2010-2551 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.

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TD#: D508891

Loan#76469477

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: 11/5/10

DAVID A. KUBAT, OSBA #84265

By *DAVID A. KUBAT*  
DAVID A. KUBAT, ATTORNEY AT LAW

STATE OF WASHINGTON )  
COUNTY OF KING )SS

On 11/5/10 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