

COVER SHEET

Return To:

Fairhaven Legal Associates, P.S.
P.O. Box 526
Burlington, Washington 98233



200407090112
Skagit County Auditor

7/9/2004 Page 1 of 4 2:53PM

DOCUMENT TITLE(S) (or transactions contained herein):

NOTICE OF TRUSTEE'S SALE

REFERENCE NUMBER(S) of Documents Assigned or Released:

199907300177

GRANTOR(S) (Last name, first name and initials):

- 1) DAY, DAVID L.
- 2)

Additional Names on Page _____ of Document

GRANTEE(S) (last name, first name and initials):

- 1) THE PUBLIC
- 2) WHITAKER, JAMES MICHAEL
- 3.) WHITAKER, SO UN

Additional Names on Page _____ of Document

LEGAL DESCRIPTION (abbreviated: i.e., lot, block, plat or quarter, section, township, and range):

Tr. 1, SP No. 91-21 in 13-34-9 E.W.M

Additional Legal(s) on Page _____ of Document

ASSESSORS PARCEL / TAX ID NUMBER:

P95739/340913-4-001-0106

Tax Parcel Number(s) for additional Legal(s) on Page _____ of Document

NOTICE OF TRUSTEE'S SALE

RCW 61.24.040

I.

NOTICE IS HEREBY GIVEN that the undersigned Trustee will on the 15th day of October, 2004, at the hour of 10:00 o'clock a.m. at the Skagit County Courthouse, Third and Kincaid Streets, in the City of Mount Vernon, State of Washington, sell at public auction to the highest and best bidder, payable at the time of sale, the following described real property, situate in the County of Skagit, State of Washington, to-wit:

Tract 1, Skagit County Short Plat No. 91-21, approved June 12, 1991, and recorded June 13, 1991, in Volume 9 of Short Plats, page 375, under Auditor's File No. 9106130031, records of Skagit County, Washington; being a portion of Government Lot 5, Section 13, Township 34 North, Range 9 Situate in the County of Skagit, State of Washington. 340913-4-001-0106 / P95739

which is subject to that certain Deed of Trust dated July 21, 1999, recorded July 30, 1999, under Auditor's File No. 199907300177, records of Skagit County Washington, from JAMES MICHAEL WHITAKER and SON WHITAKER, husband and wife as Grantor(s) to FIRST AMERICAN TITLE COMPANY, as Trustee, which Trustee has been succeeded by DAVID L. DAY to secure an obligation in favor of HUGH T. JOHNSON and JEAN JOHNSON, husband and wife.

II.

No action is now pending to seek satisfaction of the obligation in any Court by reason of the Grantor's default on the obligation secured by said Deed of Trust.

III.

The default for which this foreclosure is made is as follows:

Failure to pay when due the following amounts which are now in arrears: \$4,014.88 plus other charges, costs and fees as set forth in the Notice of Default, and for other than payment of money such as nonpayment of taxes and failure to insure.

IV.

The sum owing on the obligation secured by the Deed of Trust is: Principal \$55,855.07, together with interest as provided in the underlying Note and such other costs and fees as are due under the Note and Deed of Trust and as are provided by statute.



200407090112

Skagit County Auditor

Skagit County Auditor

200407090112



Anyone having any objection to the sale on any grounds whatsoever will be afforded an opportunity to be heard as to those objections if they bring a lawsuit to restrain the sale pursuant to RCW 61.24.130. Failure to bring such a lawsuit may result in a waiver of any proper grounds for invalidating the Trustee's Sale.

IX.

The effect of the sale will be to deprive the Grantor and all those who hold by, through or under him of all their interest in the above-described property.

VIII.

The Trustee whose name and address is set forth below will provide in writing to anyone requesting it, a statement of all costs and fees due at any time prior to the sale.

VII.

A written Notice of Default was transmitted by the Beneficiary or Trustee to the Grantor or his successor in interest at the following address: James M. and So Un Whitaker, 17607 Muirfield Court, Arlington, WA 98223; James M. and So Un Whitaker, 1718 2nd Street, Marysville, WA 98270-5127; Occupants, 53782 Concrete Sauk Valley Road, Concrete, WA 98237, by both first class and certified mail on the 15th day of April, 2004, proof of which is in the possession of the Trustee; and the Grantor or his successor in interest was personally served on the 23rd day of April, 2004 with said written notice of default or the written notice of default was posted in a conspicuous place on the real property described in paragraph I above, and the Trustee has possession of proof of such service or posting.

VI.

The above-described real property will be sold to satisfy the expense of sale and the obligation secured by said Deed of Trust as provided by statute. Said sale will be made without warranty, express or implied, regarding title, possession, or encumbrances on the 15th day of October, 2004. The defaults referred to in paragraph III must be cured by the 4th day of October, 2004 (11 days before the sale date) to cause a discontinuance of the sale. The sale will be discontinued and terminated if at any time before the 4th day of October, 2004 (11 days before the sale date), the default as set forth in paragraph III is cured and the Trustee's fees and costs are paid. The sale may be terminated by the Grantor anytime after the 4th day of October, 2004 (11 days before the sale date), and before the sale by the Grantor or his successor in interest or the holder of any recorded junior lien or encumbrance paying the entire principal and interest secured by the Deed of Trust, plus costs, fees, and advances, if any, made pursuant to the terms of the obligation and/or Deed of Trust, and curing all other defaults.

V.

X. NOTICE TO OCCUPANTS OR TENANTS

The purchaser at the trustee's sale is entitled to possession of the property on the 20th day following the sale, as against the grantor under the deed of trust (the owner) and anyone having an interest junior to the deed of trust, including occupants and tenants. After the 20th day following the sale the purchaser has the right to evict occupants and tenants by summary proceedings under the unlawful detainer act, chapter 59.12 RCW.

XI
THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION
OBTAINED WILL BE USED FOR THAT PURPOSE.

DATED this 7 day of July, 2004.

David L. Day
DAVID L. DAY, Successor Trustee
POB 526
Burlington, WA 98233
(360) 755-0611

STATE OF WASHINGTON)
) ss:)
) COUNTY OF SKAGIT)

On this day personally appeared before me DAVID L. DAY to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 7 day of July, 2004.



Bonnie M. Kilsch
NOTARY PUBLIC for Washington
My Commission Expires: 9-15-07

