

COVER SHEET



200408170084

Skagit County Auditor

Return to:

FAIRHAVEN LEGAL ASSOCIATES, P.S.
P.O. BOX 526
BURLINGTON, WA 98233

8/17/2004 Page

1 of

4 3:01PM

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

NOTICE OF TRUSTEE'S SALE

REFERENCE NUMBER(S) OF DOCUMENTS ASSIGNED OR RELEASED: 200012290123

() ADDITIONAL REFERENCE NUMBERS ON PAGE OF DOCUMENT.

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

1. DAY, DAVID L.

2.

3.

4.

() ADDITIONAL NAMES ON PAGE OF DOCUMENT.

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

1. THE PUBLIC

2. MERCER, BRYON

3.

4.

() ADDITIONAL NAMES ON PAGE OF DOCUMENT

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

PTN N 1/2 NE 1/4, 28-35-9 E.W.M aka Lot 1 S/P 96-076

() ADDITIONAL LEGAL(S) ON PAGE OF DOCUMENT.

ASSESSOR'S PARCEL / TAX I.D. NUMBER: 350928-1-002-0004 / P44860

() TAX PARCEL NUMBER(S) FOR ADDITIONAL LEGALS(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 1st day of October, 2004, at the hour of 10 o'clock a.m. at the Skagit County Courthouse, Third and Kincaid Streets, in the City of Mt. 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:

Lot 1 of Skagit County Short Plat No. 96-076 as approved October 8, 1996, and recorded October 28, 1996, in Volume 12 of Short Plats, page 157, under Auditor's File No. 9610280001, records of Skagit County, Washington; being a portion of the North 1/2 of the Northeast 1/4 of Section 28, Township 35 North, Range 9 East, W.M.

the postal address of which is more commonly known as: 50691 Hornbeck Lane, Concrete, WA 98237

which is subject to that certain Deed of Trust dated and recorded December 29, 2000, under Auditor's File No. 200012290123, records of Skagit County Washington, from Bryon Mercer as Grantor(s) to First American Title Insurance Company, as Trustee, which Trustee has been succeeded by DAVID L. DAY to secure an obligation in favor of Barbara Troutt.

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: \$18,881.04 plus other charges, costs and fees as set forth in the Notice of Default, and for other than payment of money such as failure to keep property taxes current, and failure to provide insurance coverage on the property.

IV.

The sum owing on the obligation secured by the Deed of Trust is: Principal \$97,735.31 together with interest as provided in the note or other instrument secured from the 29th day of August, 2002, and such other costs and fees as are due under the note or other instrument secured, and as provided by statute.



200408170084

Skagit County Auditor

V.

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 1st day of October, 2004. The defaults referred to in paragraph III must be cured by the 20th day of September 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 20th day of September 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 20th day of September, 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.

VI.

A written Notice of Default was transmitted by the Beneficiary or Trustee to the Grantor or his successor in interest at the following address: 50691 Hornbeck Lane, Concrete, WA 98237 by both first class and certified mail on the 18th day of October, 2002, proof of which is in the possession of the Trustee; and the Grantor or his successor in interest was personally served on the 22nd day of October, 2002 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. Grantor filed a Chapter 13 bankruptcy on March 13, 2003; said bankruptcy was dismissed on March 10, 2004. Grantor again filed bankruptcy on April 29, 2004, and Relief From Stay was granted on August 12, 2004. The Order Granting Relief From Stay also barred the debtor/grantor from filing any proceeding under Title 11 of the U.S. Bankruptcy code for a period of 180 days from August 12, 2004.

VII.

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.

VIII.

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.

IX.

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.



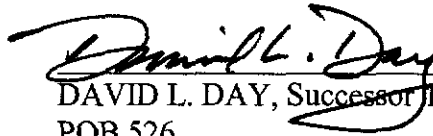
200408170084

Skagit County Auditor

X.

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.

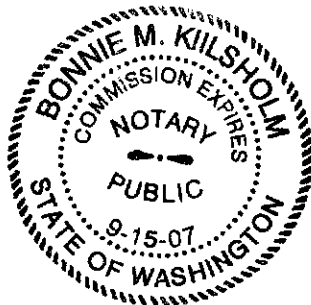
DATED this 17 day of August, 2004.



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 17 day of August, 2004.




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



200408170084
Skagit County Auditor