

Recorded at the Request of:  
Michael D. Bohannon, PLLC  
P. O. Box 2326  
Poulsbo, WA 98370



200806250075

Skagit County Auditor

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### AMENDED NOTICE OF TRUSTEE'S SALE

Reference Number: 200401200212  
Grantor: Kevin C. Kowalski and Rebekah S. Kowalski, husband and wife  
Grantee: Whidbey Island Bank  
Legal Description: Ptn. Tracts 35 and 38, "Plat of the Burlington Acreage Property"  
Tax Parcel Number: 3867-000-038-0309

Pursuant to the Revised Code of Washington, Chapter 61.24 RCW:

#### I

**NOTICE IS HEREBY GIVEN** that the undersigned Trustee will on **September 19, 2008, at 10:00 a.m.**, at the main entrance of the Skagit County Courthouse, located at 205 W. Kincaid Street, 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, situated in the County of Skagit, State of Washington, to wit:

That portion of Tracts 35 and 38, "PLAT OF THE BURLINGTON ACREAGE PROPERTY", as per Plat recorded in Volume I of Plats, page 49, records of Skagit County, Washington, described as follows:

Beginning at the Southeast corner of said Tract 35; thence North 0°14'00" West, 34.21 feet along the East line of said Tract 35, (called 45 feet, more or less, in previous descriptions), to an intersection with the Easterly extension of the South line of the County Road known as Fairhaven Avenue; thence North 89°58'30" West, 18.53 feet along said South line of Fairhaven Avenue to the true point of beginning; thence continue North 89°58'30" West, 100.00 feet along said South line; thence South 1°01'00" East, 100.01 feet to an intersection with the South line, or the South line extended, of that certain tract of land conveyed to James N. Ferguson and Edythe W. Ferguson, husband and wife, by instrument recorded under Auditor's File No. 883736; thence South 89°58'30" East, 100.00 feet along said South line, or South line extended to a point that is South 1°01'00" East from the true point of beginning; thence North 1°01'00" West, 100.01 feet to the true point of beginning.

TOGETHER WITH that certain personal property described as a 1980 Homet manufactured home, VIN 03950496N.

The aforescribed real property is subject to that certain Deed of Trust dated January 14, 2004, recorded January 20, 2004, under Auditor's File No. 200401200212 of Skagit County, State of Washington from Kevin C. Kowalski and Rebekah S. Kowalski as Grantors, to Land Title Company, Trustee, to secure an obligation in favor of Whidbey Island Bank who as the original

Beneficiary or due to assignment, is now the current Beneficiary. The sale will be made without any warranty concerning the title to, or the condition of, the property.

## II

No action commenced by the Beneficiary of the Deed of Trust is now pending to seek satisfaction of the obligation secured by the Deed of Trust in any Court by reason of the Borrowers or Grantors default on the obligation secured by the Deed of Trust.

## III.

The Beneficiary alleges default of the Deed of Trust for failure to pay the following amounts now in arrears and/or other defaults:

A.	Monthly payments	\$10,250.04
B.	Late charges	\$ 85.42
C.	Delinquent taxes	\$ 2,402.25
D.	Other arrearages	\$ 2,690.82
	<b>Total arrearages</b>	<b><u>\$15,428.53</u></b>
E.	Trustee's expenses	
	Trustee's or Attorney fees	\$ 1,000.00
	Title report	\$ 384.48
	Process service	\$ 390.00
	Long distance	\$ 20.00
	Recording fees	\$ 116.00
	Statutory mailings	\$ 182.00
	Photocopies	\$ 121.33
	Publication (estimate)	\$ 800.00
	<b>Total costs</b>	<b><u>\$3,013.81</u></b>

**Total Estimated Reinstatement Amount as of September 8, 2008: \$18,442.34**

Other potential defaults do not involve payment to the Beneficiary of the obligation secured by the Deed of Trust. If applicable, each of these defaults must also be cured. Listed below are categories of common defaults which are or may be applicable. Opposite each such listed default is a brief description of the action/documentation necessary to cure the default. The list does not exhaust all possible other defaults; any defaults identified by Beneficiary or Trustee that are not listed below must also be cured.

### OTHER DEFAULT

Non payment of Taxes/Assessments

Default under any senior liens

### ACTION NECESSARY TO CURE

Deliver to Trustee written proof that all taxes and assessments against the property are paid current.

Deliver to Trustee written proof that all senior liens are paid current and that no other defaults exist.



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Failure to insure property against hazard

Deliver to Trustee written proof that the property is insured against hazard as required by the Deed of Trust.

Waste

Cease and desist from committing waste, repair all damage to property and maintain property as required in Deed of Trust.

Unauthorized sale of property (Due on Sale)

Revert title to permitted vestee.

#### IV

The sum owing on obligation secured by the Deed of Trust is: Principal **\$54,978.72**, 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.

#### V

The above-described real property will be sold to satisfy the expense of sale and the obligation secured by the Deed of trust as provided by statute. The sale will be made without warranty, express or implied, regarding title, possession, or encumbrances on **September 19, 2008**. The defaults referred to in Paragraph III must be cured by **September 8, 2008**, to cause a discontinuance of the sale. The sale will be discontinued and terminated if at any time on or before **September 8, 2008**, the defaults as set forth in Paragraph III are cured and the Trustee's fees and costs are paid. The sale may be terminated any time after **September 8, 2008**, and before the sale by the Borrowers, Grantors, any Guarantor, their successor in interest or the holder of any recorded junior lien or encumbrance, by 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 Borrowers or Grantors at the following addresses:

Kevin C. & Rebekah S. Kowalski  
1814 E. Fairhaven Avenue  
Burlington, WA 98233

Occupant  
1814 E. Fairhaven Avenue  
Burlington, WA 98233

Kevin C. & Rebekah S. Kowlaski  
25954 Lake Cavanaugh Road  
Mt. Vernon, WA 98274

by both first class mail and certified mail on April 23, 2008, proof of which is in the possession of the Trustee; and the Borrowers and the Grantors were personally served on April 25, 2008 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.



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## VII

The Trustee whose name and address are 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.

Michael D. Bohannon, Trustee  
19586 10<sup>th</sup> Avenue NE, Suite 300  
P. O. Box 2326  
Poulsbo, WA 98370  
(360) 779-6665

## VIII

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

## IX

Anyone having any objection to the sale on any grounds whatsoever are afforded an opportunity to be heard as to those objections if they bring a lawsuit to restrain the sale pursuant to the 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.

## X

### NOTICE TO OCCUPANTS OR TENANTS

The purchaser at the trustee's sale is entitled to possession of the property on the 20<sup>th</sup> day following the sale, as against the Grantors under the deed of trust (the owner) and anyone having an interest junior to the deed of trust, including occupants and tenants. After the 20<sup>th</sup> 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

### NOTICE TO GUARANTORS

If this Notice is being mailed or directed to any Guarantor, said Guarantor should be advised that: (1) the Guarantor may be liable for a deficiency judgment to the extent the sale price obtained at the trustee's sale is less than the debt secured by the Deed of Trust; (2) the Guarantor has the same rights to reinstate the debt, cure the default, or repay the debt as is given to the Grantors in order to avoid the trustee's sale; (3) the Guarantor will have no right to redeem the property after the trustee's sale; (4) subject to such longer periods as are provided in the Washington Deed of Trust Act, Chapter 61.24 RCW, any action brought to enforce a guaranty must be commenced within one year after the trustee's sale, or the last trustee's sale under any deed of trust granted to secure the same debt; and (5) in any action for a deficiency, the Guarantor will have the right to establish the

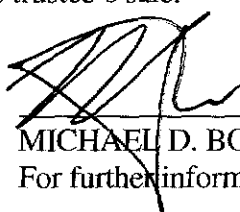


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fair value of the property as of the date of the trustee's sale.

DATED this June 23, 2008.



MICHAEL D. BOHANNON, Trustee

For further information please call (360) 779-6665

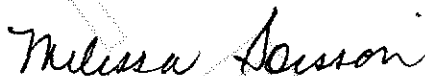
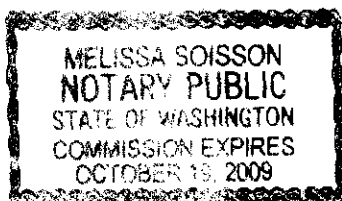
STATE OF WASHINGTON )

: ss.

County of Kitsap )

This is to certify that before me, the undersigned, a Notary Public in and for said County and State, personally appeared MICHAEL D. BOHANNON, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed 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 June 23, 2008.



NOTARY PUBLIC in and for the State of Washington

Residing at: Poulsbo, WA

My Commission Expires: 10/19/09

**THIS IS AN ATTEMPT TO COLLECT A DEBT AND INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. HOWEVER, IF YOU HAVE OR ARE IN THE PROCESS OF OBTAINING DISCHARGE OF THE DEBT FROM A BANKRUPTCY COURT, THIS DOCUMENT IS NOT AN ATTEMPT TO COLLECT A DEBT, BUT ONLY ENFORCEMENT OF LIEN RIGHTS AGAINST THE PROPERTY.**



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