

Recorded at the Request of:

Gary T. Jones
Jones & Smith
P.O. Box 1245
Mount Vernon, WA 98273



200902110105

Skagit County Auditor

2/11/2009 Page 1 of 5 3:30PM

NOTICE OF TRUSTEE'S SALE

Abbreviated Legal: Lots 43 and 44, "Plat of Widnor Drive", as per plat recorded in Volume 9 of Plats, page 104.
Tax Parcel No. P54923 / 3771-000-044-0009

I.

NOTICE IS HEREBY GIVEN that the undersigned Trustee will on the 15th day of May 2009, at the hour of 10:00 a.m. at 205 W. Kincaid Street on the front steps of the Skagit County Courthouse Building, 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, situated in the County of Skagit, State of Washington, to-wit:

SEE ATTACHED EXHIBIT A incorporated herein as if fully set forth.

which is subject to that certain Deed of Trust dated July 16, 2001, recorded July 24, 2001, under Auditor's File No. 200107240071, records of Skagit County, Washington, from ROBBYN NICOLSON, a single person, as Grantor, to FIRST AMERICAN TITLE COMPANY OF SKAGIT COUNTY, as Trustee, to secure an obligation in favor of RICHARD H. SMITH and PATRICIA A. SMITH, husband and wife, as Beneficiaries.

II.

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

III.

The defaults for which this foreclosure is made are as follows:

Failure to keep title free of lien claims:

- (a) Claim of Liens for Sewer/Garbage
City of Mount Vernon Payment of \$3,196.91 to City of Mount Vernon
- (b) Judgment
Evergreen Financial Services Payment of \$1,225.37 to Evergreen Financial Services
- (c) Judgment
Skagit Bonded Collectors Payment of \$3,819.58 to Skagit Bonded Collectors
- (c) Real property taxes calculated
through May 15, 2009 \$1,193.48

Failure to pay when due the following amounts which are now in arrears:

- (a) Failure to Make Balloon Payment due August 1, 2006 as follows:

<u>2006</u>	
Unpaid Principal Balance:	\$107,770.57
Unpaid Interest to 2/13/09	\$ 39,747.22
2002-2008 Homeowner's Insurance Premiums	\$ 3,635.67

IV.

The sum owing on the obligation secured by the Deed of Trust is: Principal \$107,770.57 together with interest as in the note provided from the 1st day of August 2006, Insurance, taxes after August 1, 2006 and such other costs and fees 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 the 15th day of May 2009. The defaults referred to in paragraph III must be cured by the 4th day of May 2009 (11 days before the sale date), to cause the discontinuance of the sale. The sale will be

- 2 -



200902110105
Skagit County Auditor

discontinued and terminated if, at any time on or before the 4th days of May 2009 (11 days before the sale date), the default(s) as set forth in paragraph III is/are cured and the Trustee's fees and costs are paid. The sale may be terminated at any time after the 4th day of May 2009 (11 days before the sale date), and before the sale by the Grantor or the Grantor's 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 Grantor's successor in interest, at the following address:

Robbyn Nicolson
109 Widnor Drive
Mount Vernon, WA 98274

by both first class and certified mail, return receipt requested, on the 30th day of December 2008, proof of which is in the possession of the Trustee, and the Grantor, or Grantor's successor in interest, was personally served on the premises by posting a written Notice of Default on a conspicuous place on the real property described in paragraph I above and the Trustee has possession of proof of such posting on December 30, 2008.

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.

VIII.

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

IX.

Anyone having any objection to the sale on any grounds whatsoever shall 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 waiver of any proper grounds for invalidating the Trustee's Sale.

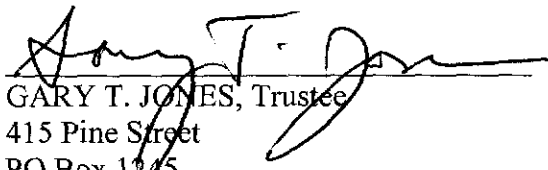
X.

NOTICE TO OCCUPANTS OR TENANTS: The purchaser at the Trustee's Sale is entitled to possession of the property on the 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: 2/11/2009


GARY T. JONES, Trustee
415 Pine Street
PO Box 1245
Mount Vernon, WA 98273
360-336-6608

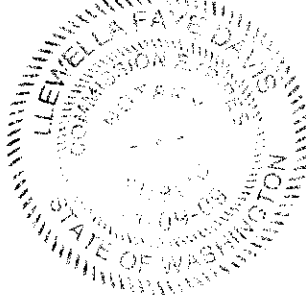
STATE OF WASHINGTON)

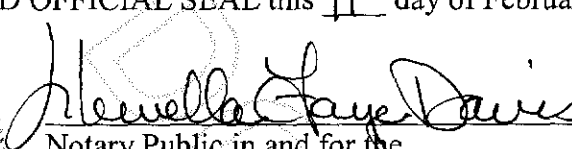
) ss.

COUNTY OF SKAGIT)

On this ____ day of February 2009, before me, the undersigned, personally appeared GARY T. JONES, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged to me 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 11th day of February 2009.




Notary Public in and for the

State of Washington

Residing at Stanwood, WA

My commission expires: 11/09/2009



200902110105
Skagit County Auditor

2/11/2009 Page 4 of 5 3:30PM

EXHIBIT A

Lots 43 and 44, "PLAT OF WIDNOR DRIVE", as per plat recorded in Volume 9 of Plats, page 104, records of Skagit County, Washington;

EXCEPT those portions of said Lots 43 and 44 described as follows:

Commencing at the Northeast corner of said Lot 44, "PLAT OF WIDNOR DRIVE"; thence South $1^{\circ}02'50''$ West 41.50 feet along the East line of said Lot 44 to the true point of beginning; thence continue South $1^{\circ}02'50''$ West 91.50 feet along the East line of Lots 44 and 43, to the Southeast corner of said Lot 43; thence North $88^{\circ}13'06''$ West 103.76 feet along the South line of said Lot 43 to the Southwesterly corner thereof; thence North $1^{\circ}02'50''$ East 21.00 feet along the Westerly line of said Lot 43; thence South $88^{\circ}13'06''$ East 83.76 feet parallel with said South line of Lot 43; thence North $1^{\circ}02'50''$ East 70.50 feet parallel with the East line of said Lots 43 and 44 to a point bearing north $88^{\circ}13'06''$ West from the true point of beginning; thence South $88^{\circ}13'06''$ East 20.00 feet parallel with the South line of said Lot 43 to the true point of beginning;

(Also known as Parcel "A" of Survey approved by City of Mount Vernon, January 18, 2001, and recorded January 31, 2001 under Auditor's File No. 200101310082.)

TOGETHER WITH AND SUBJECT TO a non-exclusive mutually beneficial easement for ingress, egress, utilities, landscaping, fencing, and personal enjoyment over, under and across those portions of Lots 42 - 44, said "PLAT OF WIDNOR DRIVE" as delineated on the face of that certain City of Mount Vernon Boundary Line Adjustment Survey, recorded January 31, 2001, under Skagit County Auditor's File No. 200101310082, more particularly described as follows:

Beginning at the Northeast corner of said Lot 44, "PLAT OF WIDNOR DRIVE"; thence South $1^{\circ}02'50''$ West 41.50 feet along the East line of said Lot 44 to the true point of beginning; thence North $88^{\circ}13'06''$ West 20.00 feet, parallel with the North line of said Lot 44; thence South $1^{\circ}02'50''$ West 70.50 feet; thence South $88^{\circ}13'06''$ East 20.00 feet to the East line of said Lot 43, "PLAT OF WIDNOR DRIVE" at a point bearing South $1^{\circ}02'50''$ West from the true point of beginning; thence North $1^{\circ}02'50''$ East 70.50 feet along East line of said Lots 43 and 44 to the true point of beginning.

Situate in Skagit County, State of Washington.

Tax Parcel No. P54923 / 3771-000-044-0009



200902110105

Skagit County Auditor