

COVER SHEET



200908030025
Skagit County Auditor

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

DOCUMENT TITLE(S)

Notice of Trustee's Sale

REFERENCE NUMBER(S)

200508150194; 200110120081

GRANTOR(S)

- 1) Esses, David S
- 2) Esses, Vicky L.

GRANTEE(S)

- 1) Summit Bank
- 2)

LEGAL DESCRIPTION

Lot 27, Presentin Creek Wilderness Subdivision #1 (Full Legal Description on Page of Document)

ASSESSORS PARCEL / TAX ID NUMBER:

3968-000-027-0003

NOTICE OF TRUSTEE'S SALE

RCW 61.24.040

I.

NOTICE IS HEREBY GIVEN that the undersigned Trustee will on the 6th day of November, 2009, at the hour of 10:00 o'clock 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, situate in the County of Skagit, State of Washington, to-wit:

Lot 27, Pressentin Creek Wilderness Subdivision #1.

which is subject to that certain Deed of Trust dated August 12, 2005, recorded August 15, 2005, under Auditor's File No. 200508150194, records of Skagit County Washington, from David S. Esses and Vicky L. Esses as Grantor(s) to Land Title of Skagit County, as Trustee, which Trustee has been succeeded by DAVID L. DAY to secure an obligation in favor of Summit Bank; and which is subject to that certain Deed of Trust dated October 5, 2001, recorded October 12, 2001, under Auditor's File No. 200110120081, records of Skagit County Washington, from David S. Esses and Vicky L. Esses as Grantor(s) to Land Title of Skagit County, as Trustee, which Trustee has been succeeded by DAVID L. DAY to secure an obligation in favor of State Bank of Concrete (now known as Summit Bank).

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: \$3,275.21 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..

IV.

The sums owing on the obligation secured by the Deeds of Trust are: Principal \$55,365.85 (obligation secured by Deed of Trust recorded under Skagit County Auditor's File No. 200508150194 has a principal balance of \$25,855.81; obligation secured by Deed of Trust recorded under Skagit County Auditor's File No. 200110120081 has a principal balance of \$29,510.04, for a total principal owing of \$55,365.85), together with interest as provided in the underlying Notes and such other costs and fees as are due under the Notes and Deeds of Trust and as are provided by statute.



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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 6th day of November, 2009. The defaults referred to in paragraph III must be cured by the 26th day of October, 2009 (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 26th day of October, 2009 (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 26th day of October, 2009 (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: 8987 Oak Lane, Concrete, WA 98237, by both first class and certified mail on the 12th day of June, 2009, proof of which is in the possession of the Trustee; and the Grantor or his successor in interest was personally served on the 12th day of June, 2009 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.

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.

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



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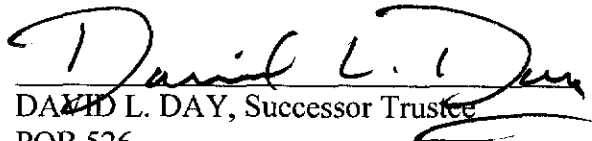
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an interest junior to the deed of trust, including occupants and tenants. After the 20th day following the sale the purchaser has the right to evict occupants and tenants by summary proceedings under the unlawful detainer act, chapter 59.12 RCW.

XI.

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

DATED this 24 day of July, 2009.

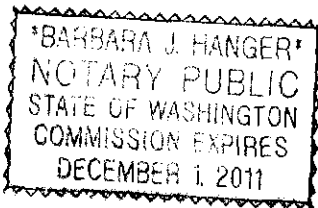



DAVID L. DAY, Successor Trustee
POB 526
Burlington, WA 98233
(360) 755-0611

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 24th day of July, 2009.




NOTARY PUBLIC for Washington.
My Commission Expires: _____