



200912310082

Skagit County Auditor

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AFTER RECORDING RETURN TO:

Bishop, White & Marshall, P.S.

720 Olive Way, Suite 1301

Seattle, WA 98101

(206) 622-7527

Ref: Orkney, Rex W. and Mylroie, Nancy L., 1645.0901391

GUARDIAN NORTHWEST TITLE CO.

96437

Reference Number(s) of Documents assigned or released: 200706040220/Notice of Trustee's Sale Recorded under Auditor's File No. 200902240083

Grantor: Bishop, White & Marshall, P.S.

Grantee: Rex W. Orkney and Nancy L. Mylroie, husband and wife

Abbreviated Legal Description as Follows: Lot 570, "Survey of Shelter Bay Division No. 3, Tribal and Allotted Lands of Swinomish Indian Reservation"

Assessor's Property Tax Parcel/Account Number(s): 5100-003-570-0000 aka P84567

NOTICE: DUE TO THE ORDER ENTERED IN YOUR BANKRUPTCY, THE BENEFICIARY RETAINS A DEED OF TRUST DESCRIBED BELOW WHICH IS SUBJECT TO FORECLOSURE IN ACCORDANCE WITH THE LAWS OF THE STATE OF WASHINGTON.

NOTICE: ALTHOUGH WE ARE A DEBT COLLECTOR, THIS NOTICE IS NOT AN ATTEMPT TO COLLECT A DEBT, BUT TO RELAY INFORMATION REGARDING YOUR DEED OF TRUST. ANY INFORMATION YOU PROVIDE WILL BE USED FOR PURPOSES OF FORECLOSING THIS DEED OF TRUST DESCRIBED BELOW.

AMENDED NOTICE OF TRUSTEE'S SALE

I

NOTICE IS HEREBY GIVEN that the undersigned Bishop, White & Marshall, P.S. will on February 19, 2010 at 10:00 am at the main entrance to the Skagit County Courthouse, located at 3rd and Kincaid Street, in the City of Mt. Vernon located at Skagit County, State of Washington, sell at public auction to the highest bidder, payable, in the form of cash, or cashier's check or certified checks from federally or State chartered banks, at the time of sale, the following described real property, situated in Skagit County, State of Washington, to-wit;

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A leasehold interest in the following described property: Lot 570, "Survey of Shelter Bay Division No. 3, Tribal and Allotted Lands of Swinomish Indian Reservation," as recorded in Volume 43 of Official Records, Pages 839 to 842, inclusive, under Auditor's File No. 737014, and amendment thereto recorded in Volume 66 of Official Records, Page 462, under Auditor's File No. 753731, records of Skagit County, Washington.

which is subject to that certain Deed of Trust dated May 22, 2007, recorded June 4, 2007, under Auditor's File No. 200706040220 records of Skagit County, Washington, from Rex W. Orkney and Nancy L. Mylroie, husband and wife, as Grantor, to Land Title Company of Skagit Co., as Trustee, to secure an obligation in favor of Mortgage Electronic Registration Systems Inc. is a separate corporation that is acting solely a nominee for ResMAE Mortgage Corporation and its successors and assigns as beneficiary. The beneficial interest is now held by Mortgage Electronic Registration Systems, Inc. as a nominee for ResMae Mortgage Corporation and its successors and assigns. The sale will be made without any warranty concerning the title to, or the condition of the property.

The property will be sold subject to an existing lease with lessor Shelter Bay Company, a Washington Corporation, recorded under Skagit County Recording Number 725143. The successful purchaser at the sale will be required to assume such lease, and the sale is made without warranty as to assumability of the lease, or expenses involved in the assumption.

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 Grantor's default on the obligation secured by the Deed of Trust.

III

The default(s) for which this foreclosure is made is/are as follows:

- i) Failure to pay the following amounts, now in arrears:

**Delinquent Monthly Payments Due from 10/1/2008
through 12/1/2009:**

13 payment(s) at \$3335.61

2 payment(s) at \$3856.36

Total:

Accrued Late Charges:

Lender's NSF Charges

Lender's Other Fees

Lender's Corp Advance Balance

TOTAL DEFAULT

\$51,075.65

\$1,551.22

\$50.00

\$17.50

\$6,094.91

\$58,789.28

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ii)

Default

**Description of Action Required to
Cure and Documentation
Necessary to Show Cure**

Delinquent general taxes for 1st
& 2nd half 2009, plus interest and
penalties if any

Proof of Payoff

Claim of Lien filed by Shelter
Bay Community, Inc. for Back
Rent Assessment

Evidence/Proof must be provided that the delinquency has been brought current.

IV

The sum owing on the obligation secured by the Deed of Trust is: \$410,434.74, together with interest from September 1, 2008 as provided in the note or other instrument, and such other costs and fees as are due under the note or other instrument secured, 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 February 19, 2010. The payments, late charges, or other defaults must be cured by February 8, 2010 (11 days before the sale date) to cause a discontinuance of the sale. The sale will be discontinued and terminated if at any time on or before February 8, 2010 (11 days before the sale date) the default(s) as set forth in paragraph III, together with any subsequent payments, late charges, or other defaults, is/are cured and the Trustee's fees and costs are paid. Payment must be in cash or with cashier's or certified checks from a State or federally chartered bank. The sale may be terminated any time after February 8, 2010 (11 days before the sale date), and before the sale by the Borrower, Grantor, any Guarantor, 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 Borrower and Grantor at the following address(es):

See 'Mailing List' attached hereto and incorporated herein by this reference.

by both first class and certified mail on January 23, 2009, proof of which is in the possession of the Trustee; and the Borrower and Grantor were personally served on January 23, 2009, with said

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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 are set forth 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 their interest in the above-described property.

IX

Anyone having any objections to this 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 an interest junior to the deed of trust, including occupants who are not tenants. After the 20th day following the sale the purchaser has the right to evict occupants who are not tenants by summary proceedings under Chapter 59.12 RCW. For tenant-occupied property, the purchaser shall provide a tenant with written notice in accordance with RCW 61.24.060.

NOTICE TO ALL PERSONS AND PARTIES WHO ARE GUARANTORS OF THE OBLIGATIONS SECURED BY THIS DEED OF TRUST: (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 grantor 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 fair value of the property as of the date of the Trustee's Sale, less prior liens and encumbrances, and to limit its liability for a deficiency to the difference between the debt and the greater of such fair value or the sale price paid at the Trustee's Sale, plus interest and costs.



EFFECTIVE DATE: December 30, 2009

BISHOP, WHITE & MARSHALL, P.S., Successor
Trustee

By: _____

William L. Bishop, Jr.
720 Olive Way, Suite 1301
Seattle, WA 98101
(206) 622-7527

State of Washington)

) ss.

County of King)

On this 30th day of December, 2009, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared the above named person, to me known to be an Officer of Bishop, White & Marshall, P.S., the corporation that executed the foregoing instrument and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath states that they are authorized to execute the said instrument.

WITNESS my hand and official seal hereto affixed the day and year first above written.



Name: Angelique D. Connell
NOTARY PUBLIC in and for the State of
Washington at King County
My Appt. Exp: 9/11/12

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'Mailing List'

Rex W. Orkney
570 Klamath Dr
La Conner, WA 98257

Nancy L. Mylroie
aka Nancy Lynn Mylroie
570 Klamath Dr
La Conner, WA 98257

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