



201001280069

Skagit County Auditor

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After Recording, Return to:  
Vonnie McElligott  
Northwest Trustee Services, INC.  
P.O. Box 997  
Bellevue, WA 98009-0997

File No.: 7023.09656  
Grantors: Northwest Trustee Services, Inc.  
Wells Fargo Bank, N.A.  
Grantee: Matthew J. Rutherford  
Tax Parcel ID No.: 350717-0-012-0500 (P111628)

GUARDIAN NORTHWEST TITLE CO.

98904

Abbreviated Legal: Section 17, Township 35, Range 7; Ptn. E 1/2 SW (aka Lot 1, Short Plat No. 8-82)

**Notice of Trustee's Sale**

Pursuant to the Revised Code of Washington 61.24, et seq.

I.

On **April 30, 2010**, at 10:00 a.m. inside the main lobby of the Skagit County Courthouse, 205 West Kincaid Street in the City of Mount Vernon, State of Washington, the undersigned Trustee (subject to any conditions imposed by the Trustee) will sell at public auction to the highest and best bidder, payable at time of sale, the following described real property "Property", situated in the County(ies) of Skagit, State of Washington:

That portion of Lot 1, Skagit County Short Plat No. 8-82, approved April 13, 1982, and recorded April 14, 1982, in Volume 5 of Short Plats, Page 180, under Auditor's File No. 8204140062, Records of Skagit County, Washington, being a portion of the East 1/2 of the Southwest 1/4, Section 17, Township 35 North, Range 7 East, W.M., described as follows: beginning at the intersection of the North Line of Cape Horn Road with the West line of the East 30 feet of said Lot 1; thence North 00 degrees 50'08" East along said West Line, a distance of 312.18 feet; thence North 89 degrees 09'52" West, a distance of 130.36 feet; thence South 04 degrees 48'48" West, a distance of 60.59 feet; thence North 89 degrees 09'52" West, a distance of 112.68 feet to the West line of said Lot 1, thence North 00 degrees 23'22" West along the West line of Lot 1, a distance of 860.00 feet to the Northwest corner thereof; thence South 56 degrees 25'54" East along the North line thereof, a distance of 351.44 feet to the Northeast corner of said Lot 1; thence South 00 degrees 50'08" West along the East line thereof, a distance of 925.89 feet to the North line of Cape Horn Road; thence North 80 degrees 52'02" West along Cape Horn Road, a distance of 30.32 feet to the Point of Beginning.

Commonly known as: 37307 Cape Horn Road  
Sedro Woolley, WA 98284

which is subject to that certain Deed of Trust dated 03/19/02, recorded on 03/25/02, under Auditor's File No. 200203250205, records of Skagit County, Washington, from Matthew J. Rutherford, a married man, as Grantor, to First American Title Ins. Co., as Trustee, to secure an obligation "Obligation" in favor of ABN AMRO Mortgage Group, Inc., as Beneficiary, the beneficial interest in which was assigned by Mortgage Electronic Registration Systems, Inc. "MERS" to Wells Fargo Bank,

N.A., under an Assignment/Successive Assignments recorded under Auditor's File No. 201001190156.

\*The Tax Parcel ID number and Abbreviated Legal Description are provided solely to comply with the recording statutes and are not intended to supplement, amend or supersede the Property's full legal description provided herein.

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 or Borrower's default on the Obligation.

III.

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

		Amount due to reinstate by 01/28/10
Monthly Payments		\$4,746.56
Late Charges		\$197.96
Lender's Fees & Costs		\$40.00
Total Arrearage	\$4,984.52	
Trustee's Expenses (Itemization)		
Trustee's Fee		\$725.00
Title Report		\$687.07
Statutory Mailings		\$19.12
Recording Costs		\$28.00
Postings		\$70.00
Sale Costs		\$0.00
Total Costs	<u>\$1,529.19</u>	
Total Amount Due:		\$6,513.71

Other known defaults as follows:

IV.

The sum owing on the Obligation is: Principal Balance of \$137,477.57, together with interest as provided in the note or other instrument evidencing the Obligation from 09/01/09, and such other costs and fees as are due under the Obligation, and as are provided by statute.

V.

The Property will be sold to satisfy the expense of sale and the Obligation as provided by statute. The sale will be made without representation or warranty, express or implied regarding title, possession, encumbrances or condition of the Property on April 30, 2010. The default(s) referred to in paragraph III, together with any subsequent payments, late charges, advances costs and fees thereafter due, must



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be cured by 04/19/10 (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 close of the Trustee's business on 04/19/10 (11 days before the sale date), the default(s) as set forth in paragraph III, together with any subsequent payments, late charges, advances, costs and fees thereafter due, is/are cured and the Trustee's fees and costs are paid. The sale may be terminated any time after 04/19/10 (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 balance of 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.

VI.

A written notice of default was transmitted by the Beneficiary or Trustee to the Borrower and Grantor at the following address(es):

NAME AND ADDRESS

Matthew J. Rutherford  
37307 Cape Horn Road  
Sedro Woolley, WA 98284

Unknown Spouse and/or Domestic Partner  
of Matthew J. Rutherford  
37307 Cape Horn Road  
Sedro Woolley, WA 98284

Matthew J. Rutherford  
10614 41st Avenue Northeast  
Marysville, WA 98271

Unknown Spouse and/or Domestic Partner  
of Matthew J. Rutherford  
10614 41st Avenue Northeast  
Marysville, WA 98271

by both first class and either certified mail, return receipt requested on 12/28/09, proof of which is in the possession of the Trustee; and on 12/28/09 Grantor and Borrower were personally served with said written notice of default or the written notice of default was posted on 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 below, will provide in writing to anyone requesting it a statement of all foreclosure costs and trustee's 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 right, title and interest in the 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.



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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 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 20<sup>th</sup> 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.

The trustee's rules of auction may be accessed at [www.northwesttrustee.com](http://www.northwesttrustee.com) and are incorporated by this reference. You may also access sale status at [www.northwesttrustee.com](http://www.northwesttrustee.com) and [www.USA-Foreclosure.com](http://www.USA-Foreclosure.com).

EFFECTIVE: 01/28/10

Northwest Trustee Services, Inc., Trustee

By Vonnie McElligott  
Authorized Signature

P.O. BOX 997  
Bellevue, WA 98009-0997

Contact: Vonnie McElligott  
(425) 586-1900

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

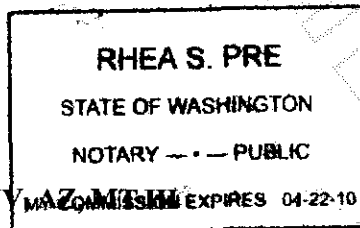
I certify that I know or have satisfactory evidence that Vonnie McElligott is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged (he/she) as the Assistant Vice President of Northwest Trustee Services, Inc. to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 1/28/10

[Signature]  
NOTARY PUBLIC in and for the State of  
Washington, residing at [Address]  
My commission expires [Date]

NORTHWEST TRUSTEE SERVICES, INC., SUCCESSOR BY MERGER TO NORTHWEST TRUSTEE SERVICES PLLC FKA NORTHWEST TRUSTEE SERVICES, LLC, P.O. Box 997, BELLEVUE, WA 98009-0997 PHONE (425) 586-1900 FAX (425) 586-1997

File No: 7023.09656  
Client: Wells Fargo Home Mortgage  
Borrower: RUTHERFORD, MATTHEW J.



SERVING WA, OR, ID, CA, NV, AZ, MT, HI EXPIRES 04-22-10

This is an attempt to collect a debt and any information obtained will be used for that purpose.



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