



201102100079

Skagit County Auditor

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RETURN TO:

138388-**S**

JOHN W. HICKS
SCHACHT & HICKS
PO BOX 1165
MOUNT VERNON WA 98273

DOCUMENT TITLE: NOTICE OF TRUSTEE'S SALE

GRANTOR: HICKS, JOHN W., Trustee

GRANTEE: THE PUBLIC
FOLEY, TOM J.

ABBREVIATED LEGAL DESCRIPTION: ptn W 1/2 of SW 1/4, 27-35-4 E W.M.

ADDITIONAL LEGAL DESCRIPTION ON EXHIBIT "A" OF DOCUMENT.

ASSESSOR'S TAX PARCEL NUMBER: P37757

AF# 200507220067

NOTICE OF TRUSTEE'S SALE

I.

NOTICE IS HEREBY GIVEN that the undersigned Trustee will on the 27th day of May, 2011, at the hour of 10 o'clock, a.m., at the Skagit County Superior Courthouse, main floor lobby, 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:

That certain tract of land described on EXHIBIT "A" attached hereby and by reference made a part hereof.

which is subject to that certain Deed of Trust dated July 14, 2005, and recorded July 22, 2005, under Auditor's File No. 200507220067, records of Skagit County, Washington, from TOM J. FOLEY, a married man, dealing as his sole and separate property, as Grantor, to JOHN W. HICKS, Successor Trustee, to secure an obligation in favor of DAVID A. WELTS, a single person, as his separate estate, as beneficiary, the beneficial interest in which was assigned by The ESTATE OF DAVID A. WELTS, under an Assignment recorded under Auditor's File No. 201101210060.

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:



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

Failure to make payments timely and failure to pay all sums due and owing in full on or before 7/15/2010. The principal balance owing as of March 15, 2010, was \$397,864.56, with interest at the default rate of 18% to 2/6/10 of \$63,179.62 and late charges of \$1,948.87 for a total due of \$462,993.05.

Federal tax liens in the amount of \$60,875.77 have attached to the property.

Real estate taxes payable to Skagit County Treasurer for the years 2008, 2009 and 2010, in the total amount of \$16,492.69, plus interest and penalties are due and owing.

IV.

The sum owing on the obligation secured by the Deed of Trust is: Principal \$397,864.56, together with interest as provided in the note or other instrument secured from the 15th day of March, 2010, 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 the 27th day of May, 2011. The defaults referred to in Paragraph III must be cured by the 16th day of May, 2011, (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 the 16th day of May, 2011, (11 days before the sale date) 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 the 16th day of May, 2011, (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 addresses:

TOM J. FOLEY
PO BOX 2197
PORT ANGELES WA 98362

by both first class and certified mail on the 28th day of December, 2010, proof of which is in the possession of the Trustee and 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 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 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.

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

XI.

The Trustee makes no representations or warranties concerning what interest in the real property described above is being sold. The Deed of Trust lien foreclosed may not be a first lien position, or there may be other prior encumbrances of title. The Trustee is not required to provide title information concerning this property. Any person interested in this foreclosure is encouraged to make his or her own investigation concerning the ownership of the property, and the position on title of the deed of trust being foreclosed. Any person interested in the foreclosure is also encouraged to consult an attorney, as the Trustee will not provide legal advice concerning the foreclosure. The Trustee does not provide information concerning the location of the debtors nor concerning the condition of the property. No representation or warranties are made concerning the physical condition of the property, or whether there are any environmental or hazardous waste liabilities or problems connected with the property. Any person desiring title



PARCEL "A":

A tract of land in the West ½ of the Northwest ¼ of the Southwest ¼ of Section 27, Township 35 North, Range 4 East, W.M., described as follows:

Beginning at a point on the South line of said subdivision, 389.44 feet East of the Southwest corner thereof; thence North 14°22'30" West 272.92 feet, more or less, to the Southeast right of way line of the former Puget Sound and Baker River Railway Co. railroad; thence Southwest along the Southeast line of said railroad company right of way to the South line of the above said subdivision; thence South 89°47'30" East along said subdivision line to the point of beginning.

Situate in the County of Skagit, State of Washington.

PARCEL "B":

That portion of the Southwest ¼ of the Southwest ¼ of Section 27, Township 35 North, Range 4 East, W.M., lying North and West of the State Highway which extends over and across said Southwest ¼ of the Southwest ¼ and adjoins the North line of the Great Northern Railway right of way,

EXCEPT the County road,

AND EXCEPT the following described tract:

Beginning at a point on the North line of said subdivision, 489.14 feet East to the Northwest corner thereof, said point being the point of intersection of said subdivision line with the North right of way line of the County road through said subdivision; thence South 60°23'30" West along the North line of the County right of way 100 feet; thence North 14°22'30" West, 51.38 feet to the North line of said subdivision; thence South 89°49'30" East along the North line of said subdivision 99.7 feet to the point of beginning,

ALSO EXCEPT that portion conveyed to Dujardin Development Company by deed recorded September 5, 1991, under Auditor's File No. 9109050063, and re-recorded March 12, 1992, under Auditor's File No. 9203120084.

Situate in the County of Skagit, State of Washington.

EXHIBIT "A"



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