



201102110108
Skagit County Auditor

2/11/2011 Page 1 of 6 11:35AM

AFTER RECORDING MAIL TO:

JACOB COHEN
Post Office Box 889
Oak Harbor, WA 98277

Document Title(s):

1. **Declaration of Trustee Jacob Cohen re: Invalidity of Trustee's Deed
Recorded under Skagit County Auditor's File No. 201011150231
on November 15, 2010**

Reference No. of Documents assigned or released:

**Trustee's Deed recorded under Skagit County Auditor's
File No. 201011150231 on November 15, 2010**

Grantor(s): (Last name first, then first and initial)

1. **Jacob Cohen, Successor Trustee**

☐ Additional names on page ____ of document.

Grantee(s): (Last name first, then first and initial)

1. **Richard B. Johnson**
2. **General Public**

☐ Additional names on page ____ of document.

Abbreviated Legal Description as follows:

**Lot 1 BLA survey 200708140131 in Lots 1&2, Blk 5, Everetts 2nd
Add; Tr C of S/P SW-01-79; and ptns NE ¼ of NE ¼ of 13-35-4
EWM**

☒ Complete legal on page 3-5 of document.

Tax Parcel No: **350413-1-008-0000; 350413-1-009-0009; 350413-1-001-0300;
350413-1-010-0204; 4061-005-002-0100**

DECLARATION OF TRUSTEE JACOB COHEN
RE: INVALIDITY OF TRUSTEE'S DEED RECORDED UNDER SKAGIT COUNTY
AUDITOR'S FILE NO. 201011150231 ON NOVEMBER 15, 2010

PURSUANT TO RCW 9A.72.085, I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOLLOWING IS TRUE AND CORRECT:

I, Jacob Cohen, Attorney at Law and Successor Trustee under that certain Deed of Trust between Richard B. Johnson, as Grantor, and Valley High Investments, Inc., as Beneficiary, dated August 1, 2007, and recorded under Auditor's File No. 200708020165, records of Skagit County, Washington with regard to the real property in Skagit County, Washington and more particularly described in Exhibit A attached hereto make this declaration to confirm and give notice of the invalidity of the Trustee's Deed recorded under Skagit County Auditor's File No. 201011150231 on November 15, 2010.

In my capacity as the foresaid Successor Trustee, I conducted the Trustee's Sale on the above-described real property at the Skagit County Courthouse on November 12, 2010 in accordance with the Notice of Trustee's Sale recorded under Skagit County Auditor's File No. 201007290072 on July 29, 2010. At the Trustee's Sale, the highest bidder was the Beneficiary Valley High Investments, Inc. I thereafter prepared the Trustee's Sale Deed and forwarded it by United States Mail on November 12, 2010 to the Skagit County Auditor for recording, and the Skagit County Auditor recorded the aforescribed Deed on November 15, 2010.

On Sunday, November 14, 2010, upon opening my mail, I reviewed a Notice from the United States Bankruptcy Court for the Western District of Washington for a Chapter 11 Bankruptcy filing for Richard B. Johnson involving the above-described real property which was the subject of the above-described Deed of Trust. The Notice informed me that the Chapter 11 Bankruptcy case had been filed on November 5, 2010, however, neither the bankrupt Richard B. Johnson nor the bankrupt's attorney, gave me any telephonic notice, electronic notice or any other form of notice of the filing of the bankruptcy prior to the Successor Trustee conducting the Trustee's Sale on November 12, 2010. If I had been given such notice, I would have continued the Trustee's Sale scheduled on November 12, 2010. I conducted the Trustee's Sale and recorded the Trustee's



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Deed in good faith since I had no notice of the filing of the aforescribed bankruptcy. The filing of the said bankruptcy creates an automatic stay of any proceedings against the debtor Richard B. Johnson, and under federal bankruptcy law, because of the fact that the bankruptcy stay became effective before the Trustee's Sale on November 12, 2010, the Trustee's Sale on November 12, 2010 is void and invalid, and the recording of the aforescribed Trustee's Sale Deed is also void and invalid.

SIGNED at Oak Harbor, Washington, this 8th day of February, 2011.



JACOB COHEN, Successor-Trustee



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EXHIBIT "A"

PARCEL "A": P36417

Tract "C", City of Sedro Woolley Short Plat No. SW-01-79, approved May 2, 1979, and recorded May 4, 1979, in Volume 3 of Short Plats, page 112, under Auditor's File No. 7905040019, records of Skagit County, Washington, being a portion of the South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 13, Township 35 North, Range 4 East, W.M.

Situate in the County of Skagit, State of Washington.

PARCEL "B": P36414

The South 20 rods of the North 40 rods of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ in Section 13, Township 35 North, Range 4 East, W.M.;

EXCEPT road;

AND EXCEPT that portion, if any, not lying within the South $\frac{1}{2}$ of the North $\frac{1}{2}$ of said Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$.

Situate in the County of Skagit, State of Washington.

PARCEL "C": P126642

Lot 1 of Boundary Line Adjustment Survey approved August 13, 2007 and recorded August 14, 2007 under Auditor's File No. 200708140131, records of Skagit County, Washington, being a portion of Lot 1 and 2, Block 5, "EVERETT'S SECOND ADDITION TO CONCRETE, SKAGIT COUNTY, WASH.," as per plat recorded in Volume 4 of Plats, page 13, records of Skagit County, Washington.

Situate in the Town of Concrete, County of Skagit, State of Washington.

PARCEL "D": P36413

The North 20 rods of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 13, Township 35 North, Range 4 East, W.M.;

EXCEPT the North 15 feet thereof reserved by the Skagit Realty Company for road purposes;

ALSO EXCEPT those portions thereof lying within the Bassett Road right of way along the East and North line thereof;

ALSO EXCEPT that certain 30 foot by 200 foot tract conveyed to Skagit County for the Bassett Road by deed recorded May 5, 1944, under Auditor's File No. 371254;

ALSO EXCEPT the right of way for State Highway No. 9 along the East line thereof.

Situate in the County of Skagit, State of Washington.



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EXHIBIT "A"

PARCEL "E":

P126554

That portion of the following described parcel lying East of Bassett Road:

The East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 13, Township 35 North, Range 4 East, W.M.,
EXCEPT that portion lying within the Bassett County Road.

TOGETHER WITH that portion of vacated Bassett County road described as follows:

Beginning at a point on the North line of said Section 13, 40.84 feet West of the Northeast corner of said East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$;
thence South $10^{\circ}24'$ West a distance of 712 feet;
thence North $76^{\circ}27'$ West 20.0 feet;
thence South $89^{\circ}45'$ West 20.6 feet;
thence North $13^{\circ}32'$ East 715 feet, more or less, to the point of beginning.

EXCEPT the following described tracts:

- 1.) Beginning at the intersection of the Northerly right of way line of Bassett Road and the West line of the East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 13, which point is 208 feet, more or less, North from the Southwest corner of said East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$;
thence North along said line 390 feet;
thence East parallel with the South line of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, 426 feet to the Westerly right of way line of above County road;
thence Southwesterly to the point of beginning.
- 2.) Beginning at the Northeast corner of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ and thence run South $10^{\circ}24'$ West a distance of 1,320.2 feet to a point on the South line of the said Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$;
thence South $89^{\circ}45'$ West along the 1/16 line, 361.7 feet to the Southwest corner of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$;
thence North $2^{\circ}45'$ West along 1/64 line, 171.95 feet to the Southerly right of way line of the County road known as the Bassett Road;
thence along right of way line North $78^{\circ}10'$ East 180.3 feet;
thence on a curve to the left, having a radius of 282.04 feet through a central angle of $64^{\circ}38'$;
thence North $13^{\circ}32'$ East 184.5 feet;
thence North $10^{\circ}24'$ East for a distance of 712 feet to a point of intersection of North line of Section 13;
thence North $88^{\circ}44'$ East a distance of 40.84 feet to the point of beginning.
- 3.) Beginning at the Southeast corner of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$;
thence North $2^{\circ}56'15''$ West along the North and South centerline of the said Northeast $\frac{1}{4}$ a distance of 440.57 feet;
thence South $89^{\circ}45'$ West parallel with the East and West centerline of the said Northeast $\frac{1}{4}$, a distance of 201.88 feet to a point in the East line of the existing County Gravel Pit;
thence South $10^{\circ}24'$ West along said East line 447.80 feet to the East and West centerline of the Northeast $\frac{1}{4}$ of said section;
thence North $89^{\circ}45'$ East along said line 305.30 feet to the point of beginning.



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EXHIBIT "A"

PARCEL "E" continued:

4.) Beginning at the Northeast corner of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 13;
thence South $88^{\circ}44'$ West 40.84 feet;
thence South $10^{\circ}24'$ West 597.0 feet along the West right of way line of the County road to the point of
beginning;
thence South $10^{\circ}24'$ West 115 feet;
thence North $76^{\circ}27'$ West 20.0 feet;
thence South $89^{\circ}45'$ West 30.0 feet;
thence North $32^{\circ}53'$ East 129.3 feet to the point of beginning.

5.) Beginning at the Northeast corner of said subdivision;
thence South $88^{\circ}44'$ West along the North line of said section for a distance of 662.15 feet;
thence South $2^{\circ}45'$ East a distance of 150 feet to the true point of beginning;
thence North $88^{\circ}44'$ East 133.16 feet;
thence South $2^{\circ}45'$ East 259.20 feet;
thence South $88^{\circ}44'$ West 133.16 feet;
thence North $2^{\circ}45'$ West 259.20 feet to the true point of beginning as conveyed to Skagit County Road
Department by deed recorded July 15, 1976, under Auditor's File No. 839091.

Situate in the County of Skagit, State of Washington.
(See Note #1)



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