



201110190057

Skagit County Auditor

AFTER RECORDING MAIL TO:

10/19/2011 Page 1 of 9 3:33PM

JACOB COHEN  
Post Office Box 889  
Oak Harbor, WA 98277

LAND TITLE OF SKAGIT COUNTY

136625-0

Document Title(s):

1. **Notice of Trustee's Sale**

Reference No. of Documents assigned or released:

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 2<sup>nd</sup>  
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

**NOTICE OF TRUSTEE'S SALE**

**PURSUANT TO THE REVISED CODE OF WASHINGTON  
CHAPTER 61.24 ET SEQ.**

**I.**

**NOTICE IS HEREBY GIVEN** that the undersigned Trustee will on the 16th day of December, 2011, at the hour of 10:00 o'clock a.m. at front door of the Skagit County Courthouse, at the intersection of Third Street and Kincaid Street, in the City of Mount Vernon, Skagit County, 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:

See Exhibit A attached hereto.

which is subject to that certain Deed of Trust dated August 1, 2007, under Auditor's File No. 200708020165, recorded August 2, 2007, records of Skagit County, Washington, from Richard B. Johnson, as Grantor, to Land Title Company, as Trustee, to secure an obligation in favor of Valley High Investments, Inc., as Beneficiary, the beneficial interest in which was assigned by n/a under an Assignment recorded under Auditor's File No. n/a. Jacob Cohen was appointed as successor trustee by Instrument recorded on September 23, 2009 under Skagit County Auditor's File No. 200909230024.

**THE ABOVE DESCRIBED PROPERTY IS BEING SOLD IN AN "AS IS" CONDITION, AND THE TRUSTEE MAKES NO REPRESENTATIONS OR WARRANTIES AS TO THE CONDITION OF THE PROPERTY.**

**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.



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### III.

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

A. Failure to pay when due the following amounts which are now in arrears: Promissory Note in the amount of \$818,942.15 which was due and payable in full on August 1, 2010 was not paid in full on the said due date, and as a result, there is presently owing on the said promissory note for both principal, interest and additional costs the sum of \$1,330,105.03 as of September 7, 2011, together with per diem interest thereafter of \$655.94 per day.

B. Other: Default other than failure to make monthly payments:

Failure to pay the following real property taxes on the following parcels of real property:

	<u>Account No.</u>	<u>Year</u>	<u>Amount Billed</u>	<u>Amount Paid</u>	<u>Balance Owing</u>
1.	350413-1-010-0204	2010	\$ 9,889.94	\$ 0.00	\$9,9889.94
		2011	\$10,548.59	\$ 0.00	\$10,548.59
2.	Property ID No. P36417				
	350413-1-009-0009	2010	\$8,382.27	\$ 0.00	\$8,382.27
		2011	\$8,964.59	\$ 0.00	\$8,964.59
3.	Property ID No. P36414				
	4061-005-002-0100	2008	\$ 593.64	\$ 0.00	\$ 593.64
		2009	\$ 661.05	\$ 0.00	\$ 661.05
		2010	\$708.50	\$ 0.00	\$ 708.50
		2011	\$ 664.07	\$ 0.00	\$ 664.07
4.	Property ID No. P126642				
	350413-1-008-0000	2010	\$7,989.69	\$ 0.00	\$7,989.69
		2011	\$8,545.85	\$ 0.00	\$8,545.85



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5. Property ID No. 36413

350413-1-001-0300	2008	\$ 493.84	\$ 0.00	\$ 493.84
	2009	\$1,342.33	\$ 0.00	\$1,342.33
	2010	\$1,470.43	\$0.00	\$1,470.43
	2011	\$1,573.08	\$0.00	\$1,573.08

Property ID No. P126554

All of the above amounts are subject to interest and penalties until paid in full.

IV.

The sum owing on the obligation secured by the deed of trust is: the entire principal balance together with accrued interest, costs and fees advanced by Lendor as provided in the promissory note or the recorded deed of trust securing the payment said promissory note, together such other costs and fees as are due under note and the recorded deed trust, 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 16th day of December, 2011. The default(s) referred to in paragraph III must be cured by the 5th day of December, 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 the 5<sup>th</sup> day of December, 2011 (11 days before the sale date) the default(s) as set forth in paragraph III is/are cured and the trustee's fees and costs are paid. The sale may be terminated any time after the 5th day of December, 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 and at the following addresses:

Richard B. Johnson  
5763 Honeysuckle Lane  
Marblemount, WA 98267



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Jane Doe Johnson  
5763 Honeysuckle Lane  
Marblemount, WA 98267

**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.**

**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 the unlawful detainer act, chapter 59.12 RCW.

**XI.**

**FAIR DEBT COLLECTION PRACTICES ACT NOTICE:** The undersigned is attempting to collect a debt and any information obtained will be used for that purpose.



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XII.

**DISMISSAL OF GRANTOR'S BANKRUPTCY**

The Grantor Richard B. Johnson filed a Chapter 11 Bankruptcy in the United States Bankruptcy Court for the Western District of Washington at Seattle under Cause No. 10-23379. An order dismissing the said Chapter 11 Bankruptcy was entered by the United States Bankruptcy Court on October 6, 2011. As a result of the dismissal in the aforesaid bankruptcy, this Notice of Trustees' Sale is given pursuant to RCW 61.24.130 (4).

DATED this 18 day of October, 2011.



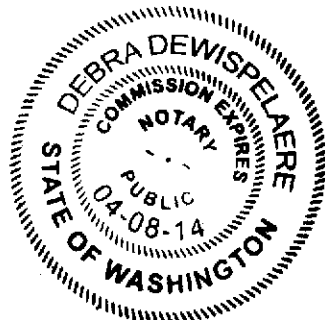
**JACOB COHEN**, Successor Trustee  
520 East Whidbey Avenue, Suite 201

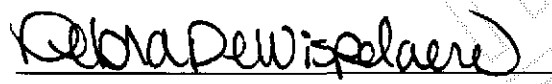
Post Office Box 889  
Oak Harbor, WA 98277  
Telephone: 360-675-9088

STATE OF WASHINGTON )  
 ) ss  
COUNTY OF ISLAND )

On this day personally appeared before me **JACOB COHEN**, 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 18<sup>th</sup> day of October, 2011.



  
**NOTARY PUBLIC** in and for the State of  
Washington, residing at Oak Harbor  
My Commission Expires: 4/8/14



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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  $\frac{1}{4}$  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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