

WHEN RECORDED RETURN TO:  
Jeffrey P. Gilbert  
Waterway Executive Center  
8490 Mukilteo Speedway, Suite 212  
Mukilteo, Wa. 98275



201111100099  
Skagit County Auditor

11/10/2011 Page 1 of 5 2:42PM

### TRUSTEE'S DEED

Grantor: Jeffrey P. Gilbert, Successor Trustee

Grantee: Whidbey Island Bank

Legal Description:

PTN LOTS 1 & 2, SP #90-45 BEING A PTN. NE 1/4 SW 1/4, AND PTN GOV. LOT 3, ALL IN 5-34-2 E W.M.

Assessor's Tax Parcel ID#: 340205-0-040-0005, 340205-0-040-0500

Related Document: Notice of Trustee's Sale Recording No. 201107210107

Original Grantor: HSJJ CO, L.L.C.

THE GRANTOR, Jeffrey P. Gilbert, as present Trustee under that Deed of Trust, as hereinafter particularly described, in consideration of the premises and payment, recited below, hereby grants and conveys, without warranty, to Whidbey Island Bank, GRANTEE, that real and personal property situated in the County of Skagit, State of Washington, described as follows:

#### PARCEL A:

Lot 1 of Boundary Line Adjustment recorded August 29, 2005, under Auditor's File No. 200508290248 and Survey recorded under Auditor's File No. 200508290249, records of Skagit County, Washington, and described as follows:

Lot 1, Skagit County Short Plat No. 90-45, recorded January 24, 1991, in Volume 9 of Short Plats, page 308, under Auditor's File No. 9101240033, records of Skagit County, Washington; being a portion of the Northeast 1/4 of the Southwest 1/4 and Government Lot 3, Section 5, Township 34 North, Range 2 East, W.M.;

EXCEPT those portions thereof lying South of the South line and its Westerly extension, of the most Northerly portion of said Lot 1.

Situate in the City of Anacortes, County of Skagit, State of Washington.

#### PARCEL B:

Lot 2, of Boundary Line Adjustment recorded August 29, 2005, under Auditor's File No. 200508290248 and Survey recorded under Auditor's File No. 200508290249, records of Skagit County, Washington, and described as follows:

Lot 2, Skagit County Short Plat No. 90-45, recorded January 24, 1991, in Volume 9 of Short Plats, Page 308, under Auditor's File No. 9101240033, records of Skagit County, Washington; being a portion of the Northeast 1/4 of the Southwest 1/4 and Government Lot 3, Section 5, Township 34 North, Range 2 East, W.M.;

EXCEPT all those portions thereof lying West of the West line and its Northerly extension of Lot 5 of said Skagit County Short Plat No. 90-45;

SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

2011 3430

- 1 -

NOV 10 2011

Amount Paid \$  
By Skagit Co. Treasurer  
Mdm Deputy

AND TOGETHER WITH all that portion of Lot 1, Skagit County Short Plat No. 90-45, recorded January 24, 1991, in Volume 9 of Short Plats, page 308, under Auditor's File No. 9101240033, records of Skagit County, Washington; being a portion of the Northeast 1/4 of the Southwest 1/4 and Government Lot 3, Section 5, Township 34 North, Range 2 East W.M., lying South of the South line and its Westerly extension, of the most Northerly portion of said Lot 1, and lying East of the West line and its Northerly extension of Lot 5 of said Skagit County Short Plat No. 90-45.

Situate in the City of Anacortes, County of Skagit, State of Washington.

PARCEL C:

An easement for ingress, egress and utilities over, under and across the following described tract of land:

All those portions of Lots 1, 2, 3 and 4, Skagit County Short Plat No. 90-45, recorded January 24, 1991, in Volume 9 of Short Plats, page 308, under Auditor's File No. 9101240033, records of Skagit County, Washington; being a portion of the Northeast 1/4 of the Southwest 1/4 and Government Lot 3, Section 5, Township 34 North, Range 2 East W.M., being more particularly described as follows:

Beginning at the Southeast corner of said Lot 4;  
thence North 87°33'28" West along the South line thereof and along the South line of said Lot 1, a distance of 284.94 feet;  
thence North 01°37' 58" East parallel with the East line of the most Southerly portion of said Lot 1, a distance of 100.09 feet to the beginning of a curve to the left, said curve having a radius of 225.00 feet;  
thence Northerly, following said curve to the left through a central angle of 52°00'00", an arc distance of 204.20 feet to the end of said curve;  
thence North 50°22'02" West, a distance of 93.21 feet to the beginning of a curve to the right, said curve having a radius of 125.00 feet;  
thence Northerly following said curve to the right through a central angle of 52°00'00", an arc distance of 113.45 feet to a point on the East line of the most Northerly portion of said Lot 4;  
thence North 01°37'58" East along the East line of said portion of Lot 4, a distance of 105.27 feet to the Northeast corner of said portion of Lot 4, said point lying on the Southerly line of a portion of Lot 2, said Skagit County Short Plat No. 90-45, said point also being the beginning of a curve to the left, said curve having a radius of 140.00 feet;  
thence Northerly, following said curve to the left through a central angle of 08°16'17", an arc distance of 20.21 feet to a point on the South line of the most Northerly portion of Lot 3, said Skagit County Short Plat No. 90.45;  
thence continuing Northerly following said curve to the left through a central angle of 85°49'37", an arc distance of 209.71 feet to a point on the West line of said Lot 3;  
thence North 01°37'58" East along said West line, a distance of 60.11 feet to its intersection with a curve to the right, the center of which bears South 01°14'05" East and is 200.00 feet distant;  
thence Southerly following said curve to the right through a central angle of 83°27'17", an arc distance of 291.31 feet to its intersection with said South line of the most Northerly portion of Lot 3;  
thence continuing Southerly, following said curve to the right through a central angle of 05°45'31", an arc distance of 20.10 feet to a point on said Southerly line of a portion of Lot 2;  
thence continuing Southerly, following said curve to the right through a central angle of 03°39'15", an arc distance of 12.76 feet to the end of said curve;  
thence South 01°37'58" West, a distance of 105.27 feet to the beginning of a



curve to the left, said curve having a radius of 65.00 feet;  
thence Southerly, following said curve to the left through a central angle of 52°00'00", an arc distance of 58.99 feet to the end of said curve;  
thence South 50°22' 02" East, a distance of 93.21 feet to the beginning of a curve to the right, said curve having a radius of 285.00 feet;  
thence Southerly, following said curve to right through a central angle of 52°00'00", an arc distance of 258.66 feet to the end of said curve;  
thence South 01°37'58" West, a distance of 61.35 feet to the beginning of a curve to the left, said curve having a radius of 30.00 feet;  
thence Southerly and Easterly, following said curve to the left through a central angle of 89°11'26", an arc distance of 46.70 feet to the end of said curve, said point lying on a line parallel with and 10.00 feet North of, as measured at right angles to, the South line of said Lot 4;  
thence South 87°33'28 "East along said parallel line, a distance of 169.99 feet to the beginning of a curve to the left, said curve having a radius of 25.00 feet;  
thence Easterly and Northerly following said curve to the left through a central angle of 90°49'00", an arc distance of 39.63 feet to the East line of said Lot 4;  
thence South 01°37'58" West along said East line, a distance of 35.36 feet to the point of beginning;

EXCEPT any portion thereof lying within Lots 1, 2 and 3 of Boundary Line Adjustment recorded August 29, 2005, under Auditor's File No. 200508290248 and Survey recorded under Auditor's File No. 200508290249, records of Skagit County, Washington.

Situate in the City of Anacortes, County of Skagit, State of Washington.

All furniture, fixtures, equipment and inventory located thereon.

#### RECITALS:

1. THIS CONVEYANCE is made pursuant to the powers, including the power of sale, conferred upon said Trustee by that certain Deed of Trust between HSJJ Co, L.L.C., a Washington limited liability company, as Grantor, to Reconveyance Professionals Inc., as Trustee and City Bank, as Beneficiary, dated June 6, 2007, recorded June 8, 2007, as No. 200706080119, records of Skagit County, Washington, the beneficial interest in which was assigned Whidbey Island Bank, under an Assignment recorded under Auditor's File No. 201106100061.

2. Said Deed of Trust was executed to secure, together with other undertakings, the payment of one Promissory Note(s) in the sum of \$4,418,978.29, with interest thereon, according to the terms thereof, in favor of City Bank, and to secure any other sums of money which might become due and payable under the terms of said Deed of Trust.

3. The described Deed of Trust provides that the real property conveyed therein is not used principally for agricultural or farming purposes.

4. Default having occurred in the obligations secured and/or covenants of the Grantor as set forth in the "Notice of Trustee's Sale" described below, which by the terms of the Deed of Trust made operative the power to sell, the 30-day advance "Notice of Default" was transmitted to the Grantor or his successor in interest, and a copy of said Notice was posted or served in accordance with law.

5. Whidbey Island Bank, being then the holder of the indebtedness secured by said Deed of Trust, delivered to said Trustee a written request directing said Trustee to sell the described property in accordance with law and terms of said Deed of Trust.



6. The defaults specified in the "Notice of Default" not having been cured, the Trustee, in compliance with the terms of said Deed of Trust, executed and on July 21, 2011, recorded in the office of the Auditor of Skagit County, Washington, a "Notice of Trustee's Sale" of said property as No. 201107210107.

7. The Trustee, in its aforesaid "Notice of Trustee's Sale" fixed the place of sale as Kincaid Street Entrance, Skagit County Courthouse, 205 W. Kincaid St., Mt. Vernon, Skagit County, State of Washington, a public place, on November 4, 2011, at 10:00 o'clock a.m., and in accordance with law, caused copies of the statutory "Notice of Trustee's Sale" to be transmitted by mail to all persons entitled thereto and either posted or served prior to ninety (90) days before the sale; further, the Trustee caused a copy of said "Notice of Trustee's Sale" to be published once between the 32nd and 28th day before the sale, and once between the 11th and 7th day before the date of sale in a legal newspaper in each county in which the property or any part thereof is situated; and further, included with this Notice, which was transmitted or served to or upon the Grantor or his Successor in interest, a "Notice of Foreclosure" in substantially the statutory form, to which copies of the Grantor's Note and Deed of Trust and Notice of Trustee's Sale were attached.

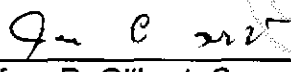
8. During foreclosure, no action commenced by the beneficiary of the Deed of Trust, or the beneficiary's successor, was pending to seek satisfaction of an obligation secured by the Deed of Trust in any court by reason of the Grantor's default on the obligation secured.

9. All legal requirements and all provisions of said Deed of Trust have been complied with, as to acts to be performed and notices to be given, as provided in Chapter 61.24 RCW.

10. The defaults specified in the "Notice of Trustee's Sale" not having been cured ten days prior to the date of Trustee's Sale and said obligation secured by said Deed of Trust remaining unpaid, on November 4, 2011, the date of sale, which was not less than one hundred ninety (190) days) from the date of default in the obligation secured, the Trustee then and there sold at public auction to said Grantee, the highest bidder therefor, the property hereinabove described, for the sum of \$2,500,000.00.

This conveyance is made without representations or warranties of any kind, expressed or implied. By recording this Trustee's Deed, Grantee understands, acknowledges and agrees that the Property was purchased in the context of a foreclosure, that the trustee made no representations to Grantee concerning the Property and that the trustee owed no duty to make disclosures to Grantee concerning the Property, Grantee relying solely upon his/her/their/its own due diligence investigation before electing to bid for the Property.


DATED this 9 day of November, 2011.

  
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Jeffrey P. Gilbert, Successor Trustee

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF SNOHOMISH )

This is to certify that on this 9<sup>th</sup> day of November, 2011, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Jeffrey P. Gilbert, to me known to be the individual described herein and who executed the within and foregoing instrument, and acknowledged to me that he signed and sealed the same as his free and voluntary act and deed for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in this certificate first above written.

  
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NOTARY PUBLIC in and for the State of  
Washington, residing at Edmonds  
My commission expires: 8/10/15

