



201205290199

Skagit County Auditor

5/29/2012 Page

1 of

8 12:41PM

Document Title:

Notice of Trustee Sale

Reference Number:

200903270010

Grantor(s):☐ additional grantor names on page ____

1. PEAK FORECLOSURE SERVICES OF WASHINGTON, INC
- 2.

Grantee(s):☐ additional grantee names on page ____

1. BRIAN MCGARRN
2. NENA SANDERS

Abbreviated legal description:☐ full legal on page(s) ____

LOT 4 HOLLYDAVE ACRES

Assessor Parcel / Tax ID Number:☐ additional tax parcel number(s) on page ____

3927.000.004.0000

I, RAFAEL ESTRADA, am hereby requesting an emergency non-standard recording for an additional fee provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document. Recording fee is \$62.00 for the first page, \$1.00 per page thereafter per document. In addition to the standard fee, an emergency recording fee of \$50.00 is assessed. This statement is to become part of the recorded document.

Signed

Dated

5-29-12

RAFAEL ESTRADA

When recorded, mail to:

ASSET FORECLOSURE SERVICES, INC.

5900 Canoga Avenue, Suite 220
Woodland Hills, CA 91367

Trustee's Sale No: WA-USB-12012316

Loan No. 6800221153

NOTICE OF TRUSTEE'S SALE

Pursuant to R.C.W. Chapter 61.24, et seq.

I

NOTICE IS HEREBY GIVEN that the undersigned Trustee, **PEAK FORECLOSURE SERVICES OF WASHINGTON, INC.**, will on **September 7, 2012**, at the hour of **10:00 AM**, at **THE MAIN ENTRANCE TO THE SKAGIT COUNTY COURTHOUSE BLDG., 3RD & KINCAID, MT. VERNON, WA**, sell at public auction to the highest and best bidder, payable at the time of sale, the following described real and personal property (hereafter referred to collectively as the "Property"), situated in the County of SKAGIT, State of Washington:

LOT 4, "HOLLYDALE ACRES", AS PER PLAT RECORDED IN VOLUME 6 OF PLATS, PAGE 42, RECORDS OF SKAGIT COUNTY, WASHINGTON.

Tax Parcel No: 3927-000-004-0000, commonly known as 2901 HOLLYDALE ACRES LANE, MOUNT VERNON, WA.

The Property is subject to that certain Deed of Trust dated 3/19/2009, recorded 3/27/2009, under Auditor's/Recorder's No. 200903270010, records of SKAGIT County, Washington, from BRUCE MCGARRY AND NENA SANDERS, HUSBAND AND WIFE, as Grantor, to GUARDIAN NORTHWEST TITLE & ESCROW, as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., as Beneficiary, the beneficial interest in which is presently held by U.S. BANK NATIONAL ASSOCIATION.

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

FAILURE TO PAY THE MONTHLY PAYMENT WHICH BECAME DUE ON 5/1/2011, AND ALL SUBSEQUENT MONTHLY PAYMENTS, PLUS LATE CHARGES AND OTHER COSTS AND FEES AS SET FORTH.

Other potential defaults do not involve payment to the Beneficiary. If applicable, each of these defaults must also be cured. Listed below are categories of common defaults which do not involve payment of money to the

NOTS



201205290199

Skagit County Auditor

Beneficiary. Opposite of each such listed default is a brief description of the action/documentation necessary to cure the default. The list does not exhaust all possible other defaults; any defaults identified by Beneficiary or Trustee that are not listed below must also be cured.

OTHER DEFAULT

ACTION NECESSARY TO CURE

Nonpayment of Taxes/Assessments

Deliver to Trustee written proof that all taxes and assessments against the property are paid current

Default under any senior lien

Deliver to Trustee written proof that all senior liens are paid current and that no other defaults exist

Failure to insure property against hazard

Deliver to Trustee written proof that the property is insured against hazard as required by the Deed of Trust

Waste

Cease and desist from committing waste, repair all damage to property and maintain property as required in Deed of Trust

Unauthorized sale of property (Due on sale)

Revert title to permitted vestee

IV

The sum owing on the obligation secured by the Deed of Trust is: Principal \$222,440.23, together with interest as provided in the note or other instrument secured, 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 expenses 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 September 7, 2012. The default(s) referred to in paragraph III must be cured by August 27, 2012 (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 August 27, 2012, (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 at any time after August 27, 2012, (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:

BRUCE MCGARRY, 2901 HOLLYDALE ACRES LANE, MOUNT VERNON, WA, 98273
NENA SANDERS, 2901 HOLLYDALE ACRES LANE, MOUNT VERNON, WA, 98273

by both first class and certified mail on 04/04/2012, proof of which is in the possession of the Trustee; and on 4/4/2012, the Borrower and Grantor were personally served with said written notice of default or 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's Sale will be held in accordance with Ch. 61.24 RCW and anyone wishing to bid at the sale will be required to have in his/her possession at the time the bidding commences, cash, cashier's check, or certified check in the amount of at least one dollar over the Beneficiary's opening bid. In addition, the successful bidder will be required to pay the full amount of his/her bid in cash, cashier's check, or certified check within one hour of the making of the bid. The Trustee whose name and address are set

NOTS



201205290199

Skagit County Auditor

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 of 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 same 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 and tenants. After the 20th day following the sale the purchaser has the right to evict occupants and tenants by summary proceeding under the Unlawful Detainer Act, Chapter 59.12 RCW.

Sale Information Line: 714-730-2727 or Website: <http://www.lpsasap.com>

DATED: May 24, 2012.

**PEAK FORECLOSURE SERVICES OF WASHINGTON, INC.,
AS TRUSTEE
2505 3RD Ave., Suite 100, Seattle, WA 98121**

By 
Lilian Solano, Trustee Sale Officer

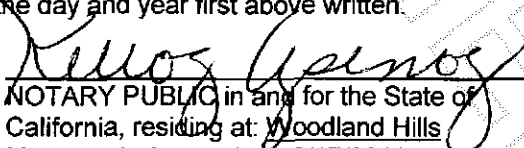
STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

On May 24, 2012, before me, Kelli J. Espinoza, the undersigned, a Notary Public in and for the State of California, duly commissioned and sworn, personally appeared Lilian Solano, to me known to be the Trustee Sale Officer of ASSET FORECLOSURE SERVICES, INC., the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he/she is authorized to execute the said instrument.

WITNESS my hand and official seal hereto affixed the day and year first above written.



3


NOTARY PUBLIC in and for the State of
California, residing at: Woodland Hills
My commission expires: 8/17/2012



201205290199
Skagit County Auditor

If you have previously been discharged through bankruptcy, you may have been released of personal liability for this loan in which case this letter is intended to exercise the note holder's rights against the real property. As required by law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit report agency if you have to fulfill the terms of your credit obligations. This debt will be presumed to be valid unless you notify this firm in writing within thirty (30) days after receipt of this notice that you dispute the validity of the debt or any portion thereof. If you dispute the validity of this debt or any portion thereof, any if you notify this form of your dispute in writing within the thirty-day period, we will provide you with verification of the debt and mail such to you at the address to which this notice was sent. Upon your written request within the thirty-day period, we will provide you the name and address of the original creditor according to our records if different than the present creditor.

THIS NOTICE IS SENT FOR THE PURPOSE OF COLLECTING A DEBT. THIS FIRM IS ATTEMPTING TO COLLECT A DEBT ON BEHALF OF THE HOLDER AND OWNER OF THE NOTE. ANY INFORMATION OBTAINED BY OR PROVIDED TO THIS FIRM OR THE CREDITOR WILL BE USED FOR THAT PURPOSE.

**Department-Certified Housing Counseling Agency
800-569-4287**

**Department of Financial Institutions
877-894-4663**

**Northwest Justice Project
800-997-8944**

**Washington Home Ownership Hotline
877-894-4663**

RESIDENT OF PROPERTY SUBJECT TO FORECLOSURE SALE

The foreclosure process has begun on this property, which may affect your rights to continue to live in this property. Ninety days or more after the date of this notice, this property may be sold at foreclosure. If you are renting this property, the new property owner may either give you a new rental agreement or provide you with a sixty-day notice to vacate the property. You may wish to contact a lawyer or your local legal aid or housing counseling agency to discuss any rights that you may have.



201205290199
Skagit County Auditor

NOTS

NOTICE REQUIRED UNDER FEDERAL LAW

Mortgage foreclosure is a complex process. Some people may approach you about saving your home. You should be careful about any such promises. There are government and non-profit agencies you may contact for helpful information about the foreclosure process. Contact your lender immediately at (800) 562-2510, call the Department of Housing and Urban Development Housing Counseling Hotline at (800) 569-4287 to find a housing counseling agency certified by the Department to assist you in avoiding foreclosure, or visit the Department's Tip for Avoiding Foreclosure website at <http://www.hud.gov/foreclosure> for additional assistance.

AVISO PREVIO ESTIPULADO EN LA LEY FEDERAL

Hipoteca es un proceso complejo. Algunas personas pueden enfocarse sobre el ahorro de su hogar. Usted debe tener cuidado con este tipo de promesas. Hay gobiernos y agencias sin fines de lucro, puede ponerse en contacto para información útil sobre proceso de ejecución hipotecaria. Póngase en contacto con su prestamista inmediatamente a (800) 562-2510, llame a la Department of Housing and Urban Development Housing Counseling Line at (800) 569-4287, para encontrar una agencia de asesoramiento de vivienda certificada por el Departamento para ayudarlo a evitar la ejecución hipoteca, o visite <http://www.hud.gov/foreclosure> de asistencia adicional.



201205290199

Skagit County Auditor

5/29/2012 Page

6 of

8 12:41PM

**FORECLOSURE LOSS MITIGATION FORM
NOTICE OF DEFAULT DECLARATION
FOR NOD'S ISSUED AFTER 7-26-09 ON OWNER OCCUPIED RESIDENTIAL
PROPERTY
BENEFICIARY DECLARATION OF COMPLIANCE WITH (OR EXCEPTION FROM)
RCW 61.24.031 AUTHORIZATION OF AGENT (FOR NOTICE OF DEFAULT)**

Loan Number: 6800221153

Property Address: 2901 Hollydale Acres Lane, Mount Vernon, WA 98273

Borrower: McGarry

Please select applicable option(s) below:

Owner Occupied: ☒ Yes ☐ No

Property is a single family residential property: ☒ Yes ☐ No

The undersigned beneficiary or authorized agent for the beneficiary hereby represents and declares under the penalty of perjury that:

1. ☐ The beneficiary or beneficiary's authorized agent has contacted the borrower under, and complied with, RCW 61.24.031 (contact provision to "assess the borrower's financial ability to pay the debt secured by the deed of trust and explore options for the borrower to avoid foreclosure") and the borrower did not request a meeting.
2. ☐ The beneficiary or beneficiary's authorized agent has contacted the borrower as required under RCW 61.24.031 and the borrower or borrower's designated representative requested a meeting. A meeting was held in compliance with RCW 61.24.031.
3. ☒ The beneficiary or beneficiary's authorized agent has exercised due diligence to contact the borrower as required in RCW 61.24.031 (5)
4. ☐ The borrower has surrendered the secured property as evidenced by either a letter confirming the surrender or by delivery of the keys to the secured property to the beneficiary, the beneficiary's authorized agent or to the trustee.
5. ☐ Under RCW 61.24.031, the beneficiary or the beneficiary's authorized agent has verified information that, on or before the date of this declaration, the borrower (s) has filed for bankruptcy, and the bankruptcy stay remains in place, or the borrower has filed for bankruptcy and the bankruptcy court has granted relief from the bankruptcy stay allowing the enforcement of the deed of trust.

Page 1 of 2



201205290199
Skagit County Auditor

5/29/2012 Page

7 of

8 12:41PM

Loan Number:6800221153

Property Address:2901 Hollydale Acres Lane, Mount Vernon, WA 98273

Borrower:McGarry

6. ☐ This loan is exempt. You are instructed that compliance with RCW 61.24.031 Section 2 is not necessary to proceed with the issuing of the notice of default.

Please execute the following as required by ESB 5810, Section 8, RCW 61.57.030 and 2008 c 153 s 2 and 2008 c 108 s 22

The undersigned beneficiary does hereby declare to Peak Foreclosure Services of Washington under penalty of perjury that:

U.S. Bank National Association is the actual holder of the promissory note or other obligation secured by the deed of trust.

Dated: 5-21-12

Erica Payne
(Erica Payne, Officer)

Page 2 of 2



201205290199
Skagit County Auditor

5/29/2012 Page

8 of

8 12:41PM