



201303180053

Skagit County Auditor

3/18/2013 Page

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6 9:27AM

**Filed for Record at Request of:**

John A. Shultz  
Shultz Law Offices  
160 Cascade Place, Suite 211  
Burlington, WA 98233

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**TRUSTEE'S DEED**

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The GRANTOR, John A. Shultz of Shultz Law Offices, 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 Columbia State Bank, Padilla Financial LLC, Mountain Pacific Bank, and Padilla Bay LLC, as GRANTEE and as tenants in common in their respective percentage interests (21.4%, 30%, 33.4%, and 15.2%, respectively), and in accordance with the terms of that certain Amendment to Loan Participation Agreements, dated July 20, 2010, that real property, situated in the County of Skagit, State of Washington, described as follows:

P16584...

PARCEL "G":

THE NORTHEAST ¼ OF THE NORTHWEST ¼, ALL IN SECTION 9  
TOWNSHIP 33 NORTH, RANGE 4 EAST, W.M.,

EXCEPT MINERAL RIGHTS RESERVED IN DEED EXECUTED BY  
ENGLISH LUMBER COMPANY, RECORDED FEBRUARY 8, 1938 UNDER  
AUDITOR'S FILE NO. 299010, IN VOLUME 174 OF DEEDS, PAGE 60.

AND ALSO EXCEPT THE RIGHTS OF SKAGIT COUNTY AS  
ESTABLISHED BY DOCUMENTS RECORDED JULY 14, 1939 AND  
AUGUST 4, 1939 AS AUDITOR'S FILE NOS. 315059 AND 315687,  
RESPECTIVELY.

AND ALSO EXCEPT LOTS 4, 7, 21, 22, 23, 24 AND TRACT B, SARATOGA  
PASSAGE VIEW C.A.R.D., PL 06-0107, APPROVED APRIL 14, 2009,

RECORDED JUNE 10, 2009, UNDER AUDITOR'S FILE NO. 200906100089  
AND AS PER "AFFIDAVIT OF MINOR CORRECTION OF SURVEY:  
RECORDED AUGUST 28, 2009 UNDER AUDITOR'S FILE NO.  
200908280052, RECORDS OF SKAGIT COUNTY, WASHINGTON.

SITUATED IN SKAGIT COUNTY, WASHINGTON.

**PARCEL "T":**

TRACT 2, SKAGIT COUNTY SHORT PLAT NO. 151-79, APPROVED  
NOVEMBER 18, 1980, RECORDED NOVEMBER 18, 1980 IN VOLUME 5 OF  
SHORT PLATS, PAGE 2, UNDER AUDITOR'S FILE NO. 8011180061, AND  
BEING A PORTION OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF  
SECTION 4, TOWNSHIP 33 NORTH, RANGE 4 EAST, W.M.,

TOGETHER WITH THAT CERTAIN NON-EXCLUSIVE EASEMENT FOR  
INGRESS, EGRESS AND UTILITIES OVER, ACROSS AND UNDER A 30  
FOOT WIDE STRIP OF LAND AS ESTABLISHED BY DOCUMENT  
RECORDED AS AUDITOR'S FILE NO. 200107160009,

ALSO TOGETHER WITH THOSE CERTAIN NON-EXCLUSIVE  
EASEMENTS FOR INGRESS, EGRESS AND UTILITIES OVER, ACROSS  
AND UNDER THOSE CERTAIN STRIPS OF LAND AS ESTABLISHED BY  
DOCUMENT RECORDED AS AUDITOR'S FILE NO. 200107160010 AS  
MODIFIED BY DOCUMENTS RECORDED AS AUDITOR'S FILE NOS.  
200207120068 AND 200210290135,

ALSO TOGETHER WITH THAT CERTAIN NON-EXCLUSIVE EASEMENT  
FOR INGRESS, EGRESS AND UTILITIES OVER, ACROSS AND UNDER  
THAT CERTAIN STRIP OF LAND AS ESTABLISHED BY DOCUMENT  
RECORDED AS AUDITOR'S FILE NO. 200210290136

SITUATED IN SKAGIT COUNTY, WASHINGTON.

**PARCEL "K":**

THE NORTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 9, TOWNSHIP  
33 NORTH, RANGE 4 EAST, W.M.,

EXCEPT COUNTY ROAD AND DITCH RIGHTS-OF-WAY; AND

EXCEPT THE RIGHTS OF SKAGIT COUNTY ESTABLISHED BY  
DOCUMENTS RECORDED JULY 14, 1939 AND AUGUST 4, 1939 AS  
AUDITOR'S FILE NOS. 315059 AND 315687, RESPECTIVELY,



ALSO EXCEPTING THAT PART THEREOF DESCRIBED AS FOLLOWS:  
BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTHEAST ¼ OF  
THE NORTHWEST ¼; THENCE WEST 636 FEET; THENCE NORTH 280.5  
FEET; THENCE EAST 5 RODS; THENCE NORTH 40 FEET; THENCE EAST  
553.5 FEET; THENCE SOUTH TO THE POINT OF BEGINNING;

ALSO EXCEPT THE NORTH 40 FEET OF THE WEST 980 FEET THEREOF  
SOLD ON CONTRACT TO DIKING DISTRICT NO. 3 OF SKAGIT COUNTY  
BY CONTRACT DATED JULY 21, 1950, RECORDED SEPTEMBER 5, 1950,  
UNDER AUDITOR'S FILE NO. 450482;

ALSO EXCEPT THAT PORTION THEREOF CONVEYED TO ROBERT H.  
BENSON, BY DEED RECORDED FEBRUARY 7, 2005 AS AUDITOR'S FILE  
NO. 200502070149.

SITUATED IN SKAGIT COUNTY, WASHINGTON.

PARCEL "L":

THAT PORTION OF THE NORTHWEST ¼ OF THE NORTHWEST ¼ OF  
SECTION 9, TOWNSHIP 33 NORTH, RANGE 4 EAST, W.M., DESCRIBED  
AS FOLLOWS:

BEGIN AT A POINT ON THE EAST LINE OF SAID SUBDIVISION AT A  
POINT LYING 420.5 FEET NORTH OF THE SOUTHEAST CORNER OF  
SAID SUBDIVISION; THENCE CONTINUE NORTH ALONG SAID EAST  
LINE A DISTANCE OF 208.7 FEET; THENCE WEST AT A RIGHT ANGLE  
TO SAID EAST LINE A DISTANCE OF 208.7 FEET; THENCE SOUTH  
PARALLEL WITH SAID EAST LINE A DISTANCE OF 208.7 FEET;  
THENCE EAST AT RIGHT ANGLES TO SAID EAST LINE A DISTANCE OF  
208.7 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH A NON-EXCLUSIVE 20 FOOT WIDE EASEMENT FOR  
INGRESS AND EGRESS CENTERED UPON AN EXISTING DRIVEWAY  
RUNNING NORTH FROM THE ABOVE DESCRIBED MAIN TRACT TO  
THE SOUTHERLY END OF THAT CERTAIN STRIP OF LAND CONVEYED  
TO THE PACIFIC NICKEL COMPANY BY DEED DATED JANUARY 31,  
1939 AND RECORDED AUGUST 1, 1939 IN VOLUME 177 OF DEEDS,  
PAGE 466 AS AUDITOR'S FILE NO. 315564.

SITUATED IN SKAGIT COUNTY, WASHINGTON.

PARCEL "Q":

LOTS 8, 9, 10, 11, 12, 13, 18 & 19, SARATOGA PASSAGE VIEW C.A.R.D.,



PL 06-0107, APPROVED APRIL 14, 2009, RECORDED JUNE 10, 2009,  
UNDER AUDITOR'S FILE NO. 200906100089 AND AS PER "AFFIDAVIT  
OF MINOR CORRECTION OF SURVEY: RECORDED AUGUST 28, 2009  
UNDER AUDITOR'S FILE NO. 200908280052, RECORDS OF SKAGIT  
COUNTY, WASHINGTON LYING WITHIN THE FOLLOWING DESCRIBED  
PARCEL:

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF  
SECTION 9, TOWNSHIP 33 NORTH, RANGE 4 EAST, W.M.

SITUATED IN SKAGIT COUNTY WASHINGTON.

The subject Real Property is commonly known as Saratoga Passage View C.A.R.D. platted lots 1, 2, 3, 5, 6, 8, 9, 10, 11, 12, 13, 18, 19, 20, 25, portions of lot 26, and parcels I, K, and L, certified under that certain long plat, PL-06-0107, recorded under Auditor File Number 200906100089 (Tax parcel numbers: P16584, P130345, P130346, P130348, P130349, P130331, P130332, P130333, P130334, P130335, P130336, P130341, P130342, P130351, P130356, P128561, P16313, P99591, and P16587).

**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, and any modification thereof, between Victor L. Benson, Linda C. Benson, and Victor L. Benson, Successor Trustee of the Benson Family Trust dated June 5, 2000, as Grantors, First American Title Company, as Trustee, which Trustee has been succeeded by John A. Shultz of Shultz Law Offices, and Summit Bank, as Beneficiary, dated December 27, 2006, recorded December 29, 2006, under Auditor's File No. 200612290183, in records of Skagit County, Washington, and rerecorded April 4, 2007, under Auditor's File No. 200704040005, in records of Skagit County, Washington.
- 2) Said Deed of Trust was executed to secure, together with other undertakings, the payment of that certain Promissory Note referenced therein and in the sum of \$2,500,000.00, with interest thereon, according to the terms thereof, in favor of Summit 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 "Notice of Trustee's Sale" described below, which by the terms of the Deed of Trust made operative the power to sell, the thirty 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.

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- 5) Columbia State Bank, as successor in interest to Summit Bank, and Padilla Financial LLC, Mountain Pacific Bank, and Padilla Bay LLC, as assignees under said Deed of Trust and the Note referenced therein, 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 the law and the 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 9, 2012, recorded in the office of the Auditor of Skagit County, Washington, a "Notice of Trustee's Sale" of said property, under Auditor's File No. 201207090109.
- 7) The Trustee, in its aforesaid "Notice of Trustee's Sale," fixed the place of sale on the steps in front of the South entrance to the Skagit County Courthouse, 205 W Kincaid Street, in the City of Mount Vernon, State of Washington, a public place, at 10:00 o'clock a.m. on October 26, 2012, 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 days before the sale, further, the Trustee caused a copy of said "Notice of Trustee's Sale" to be published once between the thirty-fifth and twenty-eighth day before the sale and once between the fourteenth and seventh 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 were attached.
- 8) Thereafter by public proclamation and notice, and in accordance with law, the undersigned Trustee continued the sale from October 26, 2012 to November 30, 2012, again from November 30, 2012 to January 4, 2013, again from January 4, 2013 to February 8, 2013, and finally from February 8, 2013 to February 22, 2013, when the property hereinabove described was sold at public auction.
- 9) During foreclosure, no action was pending by Beneficiary 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.
- 10) All legal requirements and all provisions of said Deed of Trust have been complied with, as to acts to be performed and notice to be given as provided in Chapter 61.24 RCW.
- 11) The defaults specified in the "Notice of Trustee's Sale" not having been cured eleven days prior to the date of Trustee's Sale and said obligations secured by said Deed of Trust remaining unpaid, on February 22, 2013, the date of sale, which was not less than 190 days from the date of default in the obligation secured, the Trustee then and there sold at public auction to Columbia State Bank, Padilla Financial LLC, Mountain Pacific Bank, and Padilla Bay LLC, said Grantee, the highest bidder therefore, the property hereinabove described, for the sum of \$1,480,000.00, by the partial satisfaction of the obligation then secured by said

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Deed of Trust, together with fees, costs and expense as provided by statute.

DATED this 15<sup>th</sup> day of March 2013.

Shultz Law Offices


  
By: John A. Shultz, Trustee

STATE OF WASHINGTON )  
 ) ss:  
COUNTY OF SKAGIT )

On this day personally appeared before me JOHN A. SHULTZ, 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 15<sup>th</sup> day of March 2013.



  
NOTARY PUBLIC for the State of Washington  
Residing at: Bellingham  
My Commission Expires: 12/11/2016

2013881  
SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

MAR 18 2013

Amount Paid \$ 0  
Skagit Co. Treasurer  
By NA Deputy



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Skagit County Auditor