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Skagit County Auditor

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Document Title: Notice of Trustee's Sale
Grantor: Eisenhower and Carlson, PLLC
Grantee: Elijah J. Winn
Legal Description: PTN NW 1/4 OF NE 1/4, 17-35-6 E W.M. (AKA PTN LOTS 2 & 3, SP #1-86, AF #8701230021
Reference No.: 200904170135
Tax Parcel Nos.: 35061710020500 (aka P107765)

201407070111

AMENDED NOTICE OF TRUSTEE'S SALE

Issued Pursuant to RCW 61.24.040

I.

NOTICE IS HEREBY GIVEN that the undersigned Trustee will, on **October 17, 2014**, at the hour of **10:00 a.m.** at the Skagit County Superior Courthouse located at 205 W. Kincaid, Mount Vernon, WA 98273, 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:

See attached Exhibit A for full legal description

the postal address of which is more commonly known as 31698 State Route 20, Sedro-Woolley, WA 98284, which is subject to that certain Deed of Trust dated April 16, 2009 and recorded on April 17, 2009 with the Skagit County Auditor under Recording No. 200904170135, records of Skagit County (referred to herein as "Deed of Trust"), from Elijah J. Winn, as Grantor, to Land Title Company of Skagit County, as Trustee, to secure an obligation in favor of Columbia State Bank, successor in interest to the FDIC, as receiver for Summit Bank, as Beneficiary.

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 for which this foreclosure is made is as follows:

Failure to pay the following past due amounts which are in arrears:

1)	All outstanding principal as of June 30, 2014:	\$141,841.89
2)	All accrued interest as of June 30, 2014 (per diem of \$77.72160)	\$12,911.74
3)	Late fees:	\$4,746.53
4)	Other Charges:	\$0.00
TOTAL PAST DUE PAYMENTS:		\$159,500.16

All past due real property taxes, estimated in the amount of \$2,331.28 through tax years 2013 and the first half of 2014, to Skagit County for Tax Parcel No. 35061710020500 (aka P107765)

IV.

The sum owing on the obligation secured by the Deed of Trust is: Principal of **\$141,841.89** together with interest as provided in the Note or other instrument secured from **April 16, 2009**, 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 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 **October 17, 2014**. The defaults referred to in Paragraph III must be cured by **October 6, 2014** (11 days before the sale date) to cause a discontinuance of the sale. The sale will be discontinued and terminated if at any time before **October 6, 2014** (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 by the



Grantor any time after **October 6, 2014** (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 principal and interest secured by the Deed of Trust, plus costs, interest, late charges, fees and advances, if any, made pursuant to the terms of the obligations 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, Grantor, and/or Guarantor at the following addresses by both first class and certified mail, on **May 21, 2014**, proof of which is in the possession of the Trustee:

Elijah J. Winn
(Grantor/Borrower)
31698 State Route 20
Sedro Woolley, WA 98284

Elijah J. Winn
(Grantor/Borrower)
31698 State Route 20
Lyman, WA 98263

Elijah J. Winn
(Grantor/Borrower)
Or OCCUPANT
31698 State Route 20
Sedro Woolley, WA 98284

Sadie Sullivan
7289 Sullivan Lane
Bow, WA 98232

The written Notice of Default was also posted in a conspicuous place on the real property described in Paragraph I above on **May 23, 2014**. The Trustee has in Trustee's possession proof of such service/posting.

VII.

The Trustee, whose name and address is 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 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.



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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 proceedings under the unlawful detainer act, Chapter 59.12 RCW.

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 non-residential tenants. After the 20th day following the sale the purchaser has the right to evict occupants and non-residential tenants by summary proceedings under chapter 59.12 RCW. For residential tenant-occupied property, the purchaser shall provide a tenant with written notice in accordance with RCW 61.24.060. Residential tenant-occupied property means property comprised solely of a single-family residence, or a condominium, cooperative, or other dwelling unit in a multiplex or other building containing fewer than five residential units.

XI.

Notice to Guarantors

If this Notice is being mailed or directed to any Guarantor, said Guarantor should be advised that: (1) the Guarantor may be liable for a deficiency judgment to the extent the sale price obtained at the trustee's sale is less than the debt secured by the deed of trust; (2) the Guarantor has the same rights to reinstate the debt, cure the default, or repay the debt as is given to the grantor in order to avoid the trustee's sale; (3) the Guarantor will have no right to redeem the property after the trustee's sale; (4) subject to such longer periods as are provided in the Washington deed of trust act, chapter 61.24 RCW, any action brought to enforce a guaranty must be commenced within one year after the trustee's sale, or the last trustee's sale under any deed of trust granted to secure the same debt; and (5) in any action for a deficiency, the Guarantor will have the right to establish the fair value of the property as of the date of the trustee's sale, less prior liens and encumbrances, and to limit its liability for a deficiency to the difference between the debt and the greater of such fair value or the sale price paid at the trustee's sale, plus interest and costs.

XII.

Owner-Occupied Residential Property Notice

**THIS NOTICE IS THE FINAL STEP BEFORE THE
FORECLOSURE SALE OF YOUR HOME**

You have only 20 DAYS from the recording date on this notice to pursue mediation. DO NOT DELAY. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN

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WASHINGTON NOW to assess your situation and refer you to mediation if you are eligible and it may help you save your home. See below for safe sources of help.

SEEKING ASSISTANCE

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission:

Toll-free telephone: 1-877-894-HOME (1-877-894-4663)

Website:

http://www.dfi.wa.gov/consumers/homeownership/post_purchase_counselors_foreclosure.htm

The United States Department of Housing and Urban Development:

Toll-free telephone: 1-800-569-4287

Website:

<http://www.hud.gov/offices/hsg/sfh/hce/fc/index.cfm?webListAction=search&searchstate=WA&filterSvc=dfc>

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys :

Toll-free: 1-800-606-4819

Website:

<http://nwjustice.org/what-clear>

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Exhibit A – Legal Description

Those portions of Lots 2 and 3 of Lyman Short Plat No. 1-86, recorded in Volume 7 of Short Plats, page 163, lying in the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 17, Township 35 North, Range 6 East, W.M., described as follows:

Beginning at the Northeast corner of said Lot 2;

thence South $81^{\circ}41'58''$ West along the North line thereof, a distance of 279.45 feet;

thence South $08^{\circ}18'02''$ East, a distance of 130.00 feet to the South line of said Lot 2;

thence South $88^{\circ}24'52''$ East, a distance of 252.98 feet to the East line of said Lot 3;

thence North $01^{\circ}35'08''$ East along the East line of Lots 2 and 3, a distance of 176.05 feet to the point of beginning of this description.

(Also known as Revised Lot 2 of Lyman Short Plat No. 1-86).

TOGETHER WITH an easement for utility purposes over, under and across a 10 foot strip of land. Said 10 foot strip of land to be the Southerly 5 feet of Revised Tract 4 of Lyman Short Plat No. 1-86, and the Northerly 5 feet of Revised Tract 3 of Lyman Short Plat No. 1-86.

Situate in the County of Skagit, State of Washington.



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