



201707240172

Skagit County Auditor

\$81.00

7/24/2017 Page

1 of

8 12:53PM

Filed for Record at Request of:

Shultz Law Offices  
127 E Fairhaven Avenue  
Burlington, WA 98233

REFERENCE NUMBER OF RELATED DOCUMENT:

200612290183 and 200704040005

GRANTOR:

Shultz Law Offices

GRANTEE:

Victor L. Benson, Linda C. Benson,  
and Victor L. Benson, as Successor

ABBREVIATED LEGAL DESCRIPTION:

Trustee of The Benson Family Trust  
Portions of Sections 4, 8, 9, and 10 in  
Township 33, Range 4 (additional on  
pages 2-5)

ASSESSOR'S TAX PARCEL NUMBER:

P16593, P128561, P130345, P130346,  
P130348, P130349, P130351,  
P130356, P130357, P16313, P99591,  
P16587, P16584, P16590, P126339,  
P16589, P16591, P126340, P130331,  
P130332, P130333, P130334,  
P130335, P130336, P130341,  
P130342, 4986-000-026-2000, 4986-  
000-026-1000, 4986-000-002-0000,  
4986-000-003-0000, 4986-000-005-  
0000, 4986-000-006-0000, 4986-000-  
020-0000, 4986-000-025-0000, 4986-  
000-999-0002, 4986-000-026-2600,  
4986-000-026-2700, 4986-000-026-  
2300, 4986-000-001-0000, 4986-000-  
026-1700, 4986-000-026-1800,  
330409-2-006-0008, 4986-000-026-  
1600, 4986-000-026-1900, 4986-000-  
008-0000, 4986-000-009-0000, 4986-  
000-010-0000, 4986-000-011-0000,  
4986-000-012-0000, 4986-000-013-  
0000, 4986-000-018-0000, AND  
4986-000-019-0000

NOTICE OF TRUSTEE'S SALE

I.

NOTICE IS HEREBY GIVEN that the undersigned Trustee will, on November 3, 2017, at the hour of 10:00 a.m., 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, sell at public auction to the highest and best bidder, payable at the time of sale, the following described real property situated in Skagit County, State of Washington, to-wit:

PARCEL "G":

THE NORTHEAST  $\frac{1}{4}$  OF THE NORTHWEST  $\frac{1}{4}$ ; AND THE SOUTHEAST  $\frac{1}{4}$  OF THE NORTHEAST  $\frac{1}{4}$ ; AND THE SOUTHEAST  $\frac{1}{4}$  OF THE NORTHWEST  $\frac{1}{4}$  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.

ALSO EXCEPT THE FOLLOWING DESCRIBED PORTION OF SAID SOUTHEAST  $\frac{1}{4}$  OF THE NORTHWEST  $\frac{1}{4}$ ; BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTHEAST  $\frac{1}{4}$  OF THE NORTHWEST  $\frac{1}{4}$  OF SECTION 9, TOWNSHIP 33 NORTH, RANGE 4 EAST, W.M.; THENCE RUNNING EASTERLY ALONG THE NORTH LINE OF THE DESCRIBED SECTION, 400 FEET TO A POINT; THENCE RUNNING SOUTHERLY PARALLEL TO THE WEST LINE OF SAID SECTION, A DISTANCE OF 100 FEET, SAID POINT BEING THE POINT OF BEGINNING; THENCE EASTERLY, 208 FEET; THENCE SOUTHERLY, 208 FEET; THENCE WESTERLY, 208 FEET; THENCE NORTHERLY TO THE POINT OF BEGINNING.

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 "I":

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  $\frac{1}{4}$  OF THE SOUTHWEST  $\frac{1}{4}$  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. 200210290135

SITUATED IN SKAGIT COUNTY, WASHINGTON.

PARCEL "K":

THE NORTHWEST  $\frac{1}{4}$  OF THE NORTHWEST  $\frac{1}{4}$  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 NORTHWEST  $\frac{1}{4}$  OF THE NORTHWEST  $\frac{1}{4}$ ; 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":

UNRECORDED  
THAT PORTION OF THE NORTHWEST  $\frac{1}{4}$  OF THE NORTHWEST  $\frac{1}{4}$  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 "M":

THE NORTH  $\frac{1}{2}$  OF THE SOUTHWEST  $\frac{1}{4}$  OF THE NORTHWEST  $\frac{1}{4}$  OF SECTION 9,  
TOWNSHIP 33 NORTH, RANGE 4 EAST, W.M.,

EXCEPT RIGHTS-OF-WAY, IF ANY, OF DIKING DISTRICT NO. 3 AND SKAGIT  
COUNTY.

SITUATED IN SKAGIT COUNTY, WASHINGTON.

PARCEL "N":

THE SOUTH  $\frac{1}{2}$  OF THE SOUTHWEST  $\frac{1}{4}$  OF THE NORTHWEST  $\frac{1}{4}$  OF SECTION 9,  
TOWNSHIP 33 NORTH, RANGE 4 EAST, W.M.,

EXCEPT RIGHTS-OF-WAY, IF ANY, OF DIKING DISTRICT NO. 3 AND SKAGIT  
COUNTY; ALSO EXCEPT THE FOLLOWING DESCRIBED PORTION THEREOF:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION; THENCE NORTH  
100 FEET; THENCE WEST 28 RODS; THENCE SOUTH 83.5 FEET; THENCE WEST TO  
THE RIGHT-OF-WAY OF THE DIKE OF THE GRANTEE; THENCE SOUTH ONE ROD;  
THENCE EAST TO THE PLACE OF BEGINNING.

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.

PARCEL "R":

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.

The property is commonly known as P16593, P128561, P130345, P130346, P130348, P130349, P130351, P130356, P130357, P16313, P99591, P16587, P16584, P16590, P126339, P16589, P16591, P126340, P130331, P130332, P130333, P130334, P130335, P130336, P130341, P130342, 4986-000-026-2000, 4986-000-026-1000, 4986-000-002-0000, 4986-000-003-0000, 4986-000-005-0000, 4986-000-006-0000, 4986-000-020-0000, 4986-000-025-0000, 4986-000-999-0002, 4986-000-026-2600, 4986-000-026-2700, 4986-000-026-2300, 4986-000-001-0000, 4986-000-026-1700, 4986-000-026-1800, 330409-2-006-0008, 4986-000-026-1600, 4986-000-026-1900, 4986-000-008-0000, 4986-000-009-0000, 4986-000-010-0000, 4986-000-011-0000, 4986-000-012-0000, 4986-000-013-0000, 4986-000-018-0000, AND 4986-000-019-0000.

The above-described property is subject to a Deed of Trust recorded December 29, 2006, under Skagit County Auditor's File No. 200612290183, and rerecorded April 4, 2007, under Skagit County Auditor's File No. 200704040005, and modified March 3, 2010, under Skagit County Auditor's File No. 201003050069, from Victor L. Benson, Linda C. Benson, and Victor L. Benson, as Successor Trustee of The Benson Family Trust, as Grantors, to First American Title Company, as Trustee, and to 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:

A. **Defaults Other Than Payment of Money:**

N/A

B. **Failure to pay when due the following amounts which are now in arrears:**

Past Due Principal and Interest (as of July 18, 2017)	\$ 516,989.81
Late Charges/Fee Advances (as of July 18, 2017)	\$ 78,189.58
(Interest and Late Fees continue to accrue)	
Foreclosure's fees and costs	\$ <u>6,442.84</u>
<b>Total Arrears</b>	<b>\$ 601,622.23</b>

IV.

The sum owing on the obligation secured by the Deed of Trust is: Principal \$336,828.24, together with interest as provided in the Note or other instrument secured from December 29, 2006, and such other costs and fees as are due under the Note and any security instrument, and as are provided by statute.

V.

The above-described Real Property will be sold to satisfy the expenses of sale and the obligations secured by said Deed of Trust as provided by statute. Sale will be made without warranty, express or implied, regarding title, possession, encroachments or encumbrances on November 3, 2017. The defaults referred to in paragraph III must be cured by October 23, 2017 (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 October 23, 2017, the default as set forth in paragraph III is cured and the Trustee's fees and costs are paid. The sale may be terminated any time after October 23, 2017, and before the sale by the Borrower, Grantor, any Guarantor, or the Grantor's successor in interest or the holder of any recorded junior lien or encumbrance paying the entire principal balance and interest, plus costs, fees and advances, if any made pursuant to the terms of the Promissory Note and/or Deed of Trust, and by curing all other defaults.

VI.

A written Notice of Default was transmitted by the Beneficiary or Trustee to the Borrowers and Grantors or to the Grantors' successor in interest at the following addresses:

TO: Victor L. Benson  
Linda C. Benson  
19357 Kanako Lane  
Mount Vernon, WA 98273

UNOFFICIAL DOCUMENT

AND TO: Robert H Benson and Mildred G Benson, Trustees  
The Benson Family Trust, dated June 5, 2000  
19003 Kanako Lane  
Mount Vernon, WA 98273

AND TO: Victor L. Benson, Successor Trustee  
The Benson Family Trust, dated June 5, 2000  
19357 Kanako Lane  
Mount Vernon, WA 98273

by both first class and certified mail on May 16, 2017, proof of which is in the possession of the Trustee. A copy of the notice was also posted in a conspicuous place on the premises on May 22, 2017, and May 24, 2017, proof of which is in the possession of the Trustee.

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 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 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.

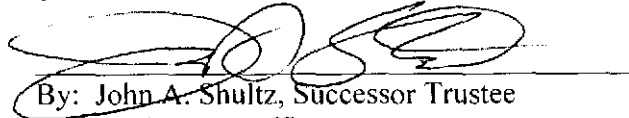
NOTICE TO OCCUPANTS OR TENANTS: The purchaser at the trustee's sale is entitled to possession of the property on the 20th day following the sale, as against the grantor under the deed of trust (the owner) and anyone having an interest junior to the deed of trust, including occupants who are not tenants. After the 20th day following the sale the purchaser has the right to evict occupants who are not tenants by summary proceedings under chapter 59.12 RCW. For tenant-occupied property, the purchaser shall provide a tenant with written notice in accordance with RCW 61.24.060.

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DATED this 24<sup>th</sup> day of July 2017.

Successor Trustee:

SHULTZ LAW OFFICES

  
By: John A. Shultz, Successor Trustee

Shultz Law Offices  
127 E. Fairhaven Avenue  
Burlington, WA 98233  
360-404-2017

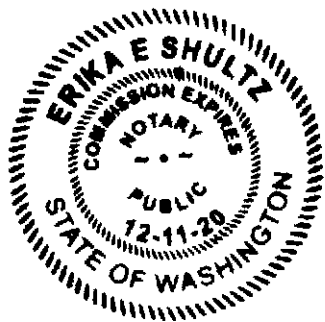
STATE OF WASHINGTON )


) 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, as Successor Trustee, for the uses and purposes therein mentioned.

DATED THIS 24<sup>th</sup> day of July, 2017.



  
Notary Public in and for the State of Washington  
Residing at: Blaine, WA  
My Commission Expires: 12/11/20