

Fairhaven Legal Associates
P O Box 526
Burlington WA 98233



200912030044
Skagit County Auditor

12/3/2009 Page 1 of 6 1:50PM

Document Title: NOTICE OF TRUSTEE SALE

Reference Number : 200809040096

Grantor(s): additional grantor names on page ____

1. Day, David L

2.

Grantee(s): additional grantee names on page ____

1. Kelly, Joseph A

3. Public

2. Kelly, Donna D

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

LT 6 BL 14, Edison Hallers Addition

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

P72993

NOTICE OF TRUSTEE'S SALE

I.

NOTICE IS HEREBY GIVEN that the undersigned Trustee will on the 12th day of March, 2010, at the hour of 10:00 o'clock a.m. at the main entrance of the Skagit County Courthouse located at 205 W. Kincaid, 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, situate in the County of Skagit, State of Washington, to-wit:

(See attached legal description)

which is subject to that certain Deed of Trust dated August 29th, 2008, recorded on September 4th, 2009, under Auditor's File No. 200809040096, records of Skagit County Washington, from Joseph A. Kelly and Donna D. Kelly as Grantor(s) to Land Title Company, as Trustee, which Trustee has been succeeded by DAVID L. DAY to secure an obligation in favor of Summit Bank, as Beneficiary, the beneficial interest in which was assigned by Joseph A. Kelly and Donna D. Kelly as Grantor(s), under an Assignment recorded under Auditor's File No. 200809040097.

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.



200912030044
Skagit County Auditor

III.

12/3/2009 Page 2 of 6 1:50PM

The default for which this foreclosure is made is/are as follows:

Failure to pay when due the following amounts which are now in arrears, plus other charges, costs and fees as set forth in the Notice of Default, and for other than payment of money such as nonpayment of taxes and failure to insure property.

IV.

The sum owing on the obligation secured by the Deed of Trust is:
Principal \$120,000.00, together with interest as provided in the Note and such other costs and fees as are due under the Note and Deed of Trust 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 the 12th day of March, 2010. The default(s) referred to in paragraph III must be cured by the 1st day of March, 2010 (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 the 1st day of March, 2010 (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 anytime after the 1st day of March, 2010 (11 days before the sale date), and before the sale by the Borrower, Grantor, any Guarantor, or his successor in interest 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 or his successor in interest at the following addresses:

Joseph and Donna Kelly
P.O. Box 309
Bow, WA 98232

- and at -

Lot 6, Block 14, with the Parcel #72993
on Mactaggart Avenue, Edison, WA

by both first class and certified mail on the 19th day of October, 2009, proof of which is in the possession of the Trustee; the Borrower and Grantor or his successor in interest was personally served on the 25th day of October, 2009 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 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 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 twentieth 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 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.



200912030044
Skagit County Auditor

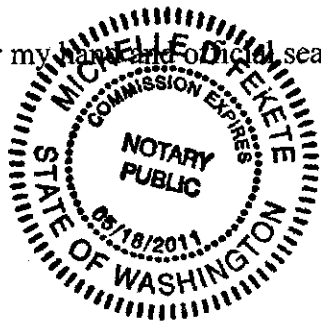
DATED this 2nd day of December, 2009.

DAVID L. DAY, Successor Trustee
POB 526
Burlington, WA 98233
(360) 755-0611

STATE OF WASHINGTON)
) ss:
COUNTY OF SKAGIT)

On this day personally appeared before me DAVID L. DAY 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 2nd day of December, 2009.


NOTARY PUBLIC for the State of Washington.

My Commission Expires: 5/18/2011



200912030044
Skagit County Auditor

Schedule "A-1"

Order No.: 134831-S
Policy No.: TSG-6304-20003

DESCRIPTION:

Lot 6, Block 14, "EDISON HALLER'S ADDITIONS," as per plat recorded in Volume 2 of Plats, page 87, records of Skagit County, Washington,

EXCEPT that portion of said Lot 6, Block 14, described as follows:

Beginning at the Southwest corner of said Lot 6;
thence Northerly along the West line of said Lot 6, North $02^{\circ}24'10''$ East, a distance of 72.42 feet to the true point of beginning;
thence continuing along said West line of said Lot 6, North $02^{\circ}24'10''$ East, a distance of 29.30 feet to the Northwest corner of said Lot 6;
thence along the North line of said Lot 6, North $88^{\circ}27'56''$ East to the Northeast corner of said Lot 6;
thence Southerly, along the East line of said Lot 6, South $02^{\circ}24'10''$ West, a distance of 33.75 feet to a point distant 49.87 feet from the Southeast corner of said Lot 6, measured along said East line;
thence North $86^{\circ}46'09''$ West, to the true point of beginning.

TOGETHER WITH a portion of Lot 4, Block 14, "EDISON HALLER'S ADDITIONS," as per plat recorded in Volume 2 of Plats, page 87, records of Skagit County, Washington, more particularly described as follows:

Beginning at the Northwest corner of said Lot 4;
thence Southerly, along the West line of said Lot 4, South $02^{\circ}24'10''$ West, a distance of 96.62 feet to the true point of beginning;
thence South $87^{\circ}35'50''$ East, a distance of 30.00 feet to a point on the East line of said Lot 4, said point being distant 91.17 feet from the Northeast corner of said Lot 4, measured along said East line;
thence Southerly, along said East line, South $02^{\circ}24'10''$ West, a distance of 59.62 feet to the Southeast corner of said Lot 4, said point also being on the Northerly margin of the public street right of way of Skagit Court;
thence along the South line of said Lot 4 and the Northerly margin of said Skagit Court, South $72^{\circ}32'16''$ West, a distance of 31.90 feet to the Southwest corner of said Lot 4;
thence leaving said North margin, along said West line of said Lot 4, North $02^{\circ}24'10''$ East, a distance of 49.87 feet to the true point of beginning.

Situate in the County of Skagit, State of Washington.



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