



201205020057

Skagit County Auditor

5/2/2012 Page

1 of

11 12:23PM

DPS

Document Title: Notice of Trustee Sale

Reference Number: 201001290036

Grantor(s):  additional grantor names on page \_\_\_

1. Peak Foreclosure Services of WA
- 2.

Grantee(s):  additional grantee names on page \_\_\_

1. Shauna R. Wallace
2. Brian N. Wallace

Abbreviated legal description:  full legal on page(s) \_\_\_

NW NW 8-33-4

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

330408-2-011-0106

I, RAPHAEL 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 5.2.12

When recorded, mail to:

**ASSET FORECLOSURE SERVICES, INC.**  
5900 Canoga Avenue, Suite 220  
Woodland Hills, CA 91367

Trustee's Sale No: WA-USB-12012273

Loan No. 6810009468

120105787

**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 **August 10, 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:

PTN NW 1/4 NW 1/4, 8-33-4 E W.M.

SEE ATTACHED EXHIBIT "A" FOR FULL LEGAL DESCRIPTION

Tax Parcel No: 330408-2-011-0106, commonly known as 19042 EAST STACKPOLE ROAD, MOUNT VERNON, WA.

The Property is subject to that certain Deed of Trust dated 1/22/2010, recorded 1/29/2010, under Auditor's/Recorder's No. 201001290036, records of SKAGIT County, Washington, from SHAUNA R. WALLACE AND BRIAN N. WALLACE, WIFE AND HUSBAND, as Grantor, to LAND TITLE COMPANY OF SKAGIT COUNTY, 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 11/1/2011, 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 Beneficiary. Opposite of each such listed default is a brief description of the action/documentation necessary to



201205020057  
Skagit County Auditor

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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 \$222,413.62, 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 August 10, 2012. The default(s) referred to in paragraph III must be cured by July 30, 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 July 30, 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 July 30, 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:

- BRIAN N. WALLACE, 15152 MCLEAN ROAD, MOUNT VERNON, WA, 98273
- BRIAN N. WALLACE, 19042 EAST STACKPOLE ROAD, MOUNT VERNON, WA, 98274
- SHAUNA R. WALLACE, 15152 MCLEAN ROAD, MOUNT VERNON, WA, 98273
- SHAUNA R. WALLACE, 19042 EAST STACKPOLE ROAD, MOUNT VERNON, WA, 98274

by both first class and certified mail on 03/22/2012, proof of which is in the possession of the Trustee; and on 3/22/2012, 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



201205020057

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 20<sup>th</sup> 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 20<sup>th</sup> 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: April 30, 2012.

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

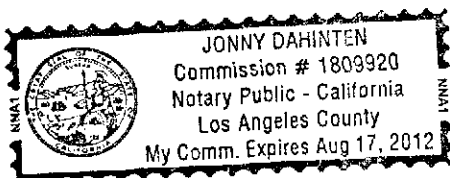
By *Lilian Solano*  
Lilian Solano, Trustee Sale Officer

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

On April 30, 2012, before me, Jonny Dahinten, 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.

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



201205020057  
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.



201205020057  
Skagit County Auditor

5/2/2012 Page

5 of 11 12:23PM

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 el 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.



201205020057  
Skagit County Auditor

NOTS

DESCRIPTION:

Exhibit "A"

PARCEL "A":

That portion of the North  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 8, Township 33 North, Range 4 East, W.M., described as follows:

Beginning at a point 536 feet North and 250 feet East of the Southwest corner of said subdivision;  
thence North parallel with the West line of said subdivision to the North line thereof;  
thence West along said North line, a distance of 110 feet;  
thence South parallel with the West line of said subdivision to a point West of the point of beginning;  
thence East 110 feet, more or less, to the point of beginning.

EXCEPT road along the North line thereof.

Situate in the County of Skagit, State of Washington.

PARCEL "B":

An exclusive use of the well with right to enter unto the property to maintain, replace or repair said well, water lines and electric service, located approximately 70 feet East and 40 feet South of the Northwest corner of the following described tract:

That portion of the North  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 8, Township 33 North, Range 4 East, W.M., described as follows:

Beginning at a point 536 feet North of the Southwest corner of said subdivision;  
thence East 250 feet;  
thence North parallel to the West line of said Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  to the North line of said subdivision;  
thence West along said North line to the Northwest corner of said subdivision;  
thence South to the point of beginning.

EXCEPT roads,

AND EXCEPT the East 110 feet thereof.

Situate in the County of Skagit, State of Washington.



201205020057  
Skagit County Auditor

**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: 6810009468

Property Address: 19042 East Stackpole Road, Mount Vernon, WA 98274

Borrower: Wallace

**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 of 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



201205020057  
Skagit County Auditor



Loan Number:6810009468

Property Address:19042 East Stackpole Road, Mount Vernon, WA 98274

Borrower:Wallace

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: 4-20-12

Erica Payne  
(Erica Payne/Officer)

Page 2 of 2



201205020057  
Skagit County Auditor

5/2/2012 Page

9 of 11 12:23PM

## KENTUCKY

Kentucky law does not expressly recognize the execution of the jurat as a notarial act. Kentucky law also does not specifically address the issue of whether affidavits need to be notarized in a particular form. Furthermore, although Chapters 423.130-423.200 of the Kentucky Revised Statutes set forth rules and procedures relating to the acknowledgment form of notarization, the jurat form is not expressly defined or recognized by Kentucky law. However, the fact that Kentucky law is silent on this issue does not preclude USB from adopting or appropriating the procedures entailed in the jurat form of notarization. Chapter 423.160 provides templates for the acknowledgment form, but expressly states that the use of other forms may not be inconsistent with, or violate, what is required under Kentucky law; the statute notes that "*the authorization of the forms in this section does not preclude the use of other forms.*"

Notarizing an affidavit in acknowledgment form is incongruous with the fact that the validity of an affidavit is predicated, in part, on the administration of an oath or affirmation. Likewise, notarizing an affidavit in jurat form is at odds with the fact that this particular form is not expressly defined or recognized under Kentucky law. Under these circumstances, USB has adopted a notary protocol in Kentucky that not only complies with, but surpasses what Kentucky law requires with respect to the notarization of affidavits, which consists of a hybrid approach that incorporates the requirements of both the acknowledgment and jurat forms.

In order to properly notarize an affidavit, the notary must:

1. Confirm that the affiant personally appeared before the notary on the date indicated and in the county indicated;
2. Make a proper identification of the affiant on the basis of either personal knowledge or an inspection of some form of government-issued identification belonging to the affiant (e.g. valid Kentucky driver's license, valid U.S. passport);
3. Verify that the affiant signs the affidavit in the presence of the notary;
4. Administer an oath or affirmation;
5. Receive the acknowledgment of the affiant that the affidavit was executed of the affiant's voluntary, free will;
6. Receive the acknowledgment of the affiant that he or she holds the position or title set forth in the affidavit, that he or she signed the affidavit on behalf of USB by proper authority, and that the affidavit was the act of USB for the purpose therein stated;
7. Complete a written certificate of the notarial act that must be included on or attached to the affidavit; (*This written certificate should be modeled after the template set forth in Chapter 423.160(2), but should include the phrase*



*"subscribed and sworn to." Therefore, the modified version of this template should take the form shown below.);*

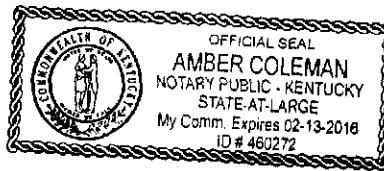
State of Kentucky  
County of Daviess

The foregoing instrument was acknowledged, subscribed, and sworn to before me this April 20, 2012 (date), by Amber Coleman (name(s) and title(s) of authorized affiant(s)) of U.S. Bank National Association, a federally chartered banking association, on behalf of U.S. Bank National Association.

Amber Coleman  
(signature of notary)

State @ large  
(title or rank)

460272  
(Serial Number, if any)



8. Documenting the notarial act in a journal or in any other manner is not required under Kentucky law, but USB has adopted a best practices approach that will require that the notary document the notarial act in an active, sequential journal, and include (i) the date, time and type of notarization, (ii) the character of the affidavit (whether it was sworn to or affirmed), (iii) the signature of the affiant whose signature was notarized and (iv) a statement as to whether the identity of the affiant was based on "satisfactory evidence" and if so, the source of that "satisfactory evidence." (e.g., valid Kentucky driver's license, valid U.S. passport).



201205020057  
Skagit County Auditor

5/2/2012 Page 11 of 11 12:23PM