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2017-004134-0

Recording Dist: 302 - Kenai
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JONATHAN HARMAN)
 Beneficiary,)
)
 JUDY A. MILLER)
 Trustor.)
 _____)

**TO THE HEIRS AND DEVISEES OF
JUDY A. MILLER, Deceased**

**NOTICE OF DEFAULT AND SALE
(DEED OF TRUST FORECLOSURE)**

2872884

**TO: Christopher C. Miller and William J. Miller
Judy A. Miller's Known Heirs or Devisees**

FIRST AMERICAN TITLE INSURANCE COMPANY, TITLE AGENCY OF ALASKA, LLC, as Trustee and successor-in-interest to TRANSALASKA TITLE INSURANCE AGENCY under that certain Deed of Trust dated April, 1999, executed by JUDY A. MILLER, a single woman, as Trustor, for the benefit of JONATHAN HARMAN, Beneficiary, and recorded April 19, 1999 in Book 556, at Page 641, records of the Kenai Recording District, Third Judicial District, State of Alaska, and which deed of trust conveyed unto said Trustee, in trust, certain real property described as:

AS DESCRIBED IN THE DEED OF TRUST:

A Subdivision of Lot 6, AINSWORTH ACRES, Plat 74-72, K.R.D., And That Portion of Gov't. Lot 5, Lying West of Island lake Road, Sec. 11, T07N, R12W, S.M., Kenai Peninsula Borough, Alaska.

AS PRESENTLY DESCRIBED:

Lot 2A, ENGLISH ESTATES 2011 REPLAT AND ROW VACATION, according to the official plat thereof, filed under Plat Number 2011-99, Records of the Kenai Recording District, Third Judicial District, State of Alaska.

**Assessor's Parcel No.: 01214081.
Street Address: 53291 English Ave**

And which deed of trust was given by said Trustor to secure the obligations therein contained and as contained in that certain promissory note executed by Trustor and made payable to Beneficiary in the principal face amount of \$46,500, dated April, 1999.

HEREBY GIVES NOTICE that a breach of and default in the obligations for which the Deed of Trust is security has occurred by Trustor's (1) failure to make the required payments under the Promissory Note secured by the Deed of Trust, pursuant to the terms of said promissory note; (2) failure to keep the property in good condition and repair, requiring Beneficiary to advance and expend substantial funds for maintenance and repair to protect his security in the property; and (3) failure to do all other acts from which the use of the property may be necessary, causing Beneficiary to advance and expend substantial funds for eviction of persons occupying the property.

By reason of said breach, the Beneficiary has declared all sums secured by said Deed of Trust to be immediately due and payable. There is now owed and unpaid the following (as of April 30, 2017):

Principal	\$8,690.79
Interest 10.00%, from 03/12/2012 to 4/30/17 – 1858 Days @ \$2.38/Day	4,422.04
Late charges; Not applicable	0.00
Foreclosure fees to 4/30/17	1,250.00
Foreclosure costs and sales tax to 4/30/17	475.16
Advances by Beneficiary to 4/30/17	<u>47,162.02</u>
Total amount currently due as of 4/30/17	\$62,000.01

The amount due will increase hereafter by the amount of interest incurred at 10.00% per annum after April 30, 2017 (currently \$2.38 per diem), and by future foreclosure fees and/or foreclosure costs, and by any additional sums properly advanced or expended under the terms of the Deed of Trust after April 30, 2017, with interest as therein provided.

JUDY A. MILLER, the Trustor, died on January 12, 2012. To the best of the Beneficiary's knowledge and belief, no probate case was filed, and the heirs and/or devisees of Judy A. Miller are Christopher C. Miller and William J. Miller.

WEREFORE, upon the demand of the Beneficiary, the Trustee hereby elects to sell the above-described real property at public auction to the highest and best bidder for cash and lawful money of the United States of America, payable at the time of closing of bids, to satisfy the above-mentioned indebtedness, together with any interest which may hereafter accrue, together with all sums properly advanced or expended under the terms of said Deed of Trust, and together with all necessary expenses incurred.

In this notice, "cash" means currency of the United States, United States Post Office money orders, or cashier's checks issued by a bank having a branch in Anchorage, Alaska. Beneficiary shall have the right to bid by offset without cash in an amount not greater than the balance owed on the obligation at the time of sale including all sums expended by Beneficiary



and Trustee under the deed of trust, with interest thereon. Except for said offset bid(s), no one will be permitted to bid until the person conducting the sale for the trustee has verified that the prospective bidder has "cash" funds (as defined above) equal to their bid amount, on hand at the time of the sale.

WHEREFORE, the above-described real property will be sold at public auction inside the front door of the Kenai Courthouse, 125 Trading Bay Drive, Kenai, Alaska 99611, on September 14, 2017 at 11:30 AM.

If the default has arisen by failure to make payments required by the trust deed, the default may be cured and the sale under this section terminated if:

(1) payment of the sum then in default, other than the principal that would not then be due if default had not occurred, and attorney and other foreclosure fees and costs actually incurred by the beneficiary and trustee due to the default is made at any time before the sale date stated in the notice of default or to which the sale is postponed; and

(2) when notice of default has been recorded two or more times previously under the same trust deed and the default has been cured under AS 34.20.070(b), the trustee does not elect to refuse payment and continue the sale.

Direct inquiries to Molloy Schmidt LLC, 110 South Willow Street Suite 101, Kenai, Alaska, 99611, phone (907) 283-7373.

Dated this 12th day of June 2017.

FIRST AMERICAN TITLE INSURANCE CO.

DATE: 6/12/2017

Mary Broderick
By: MARY BRODERICK
Its: AUTHORIZED SIGNATORY



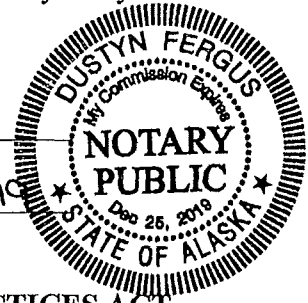
STATE OF ALASKA
THIRD JUDICIAL DISTRICT

THIS IS TO CERTIFY that on this 12th day of JUNE, 2017, before me, the undersigned Notary Public in and for the State of Alaska, duly commissioned and sworn as such, personally came Mary Broderick to me known to be the Authorized signor of FIRST AMERICAN TITLE INSURANCE COMPANY, and acknowledged to me that s/he signed the foregoing instrument as the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned and being authorized to do so.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

DATE: June 12, 2017

Dustin Ferguson
Notary Public in and for Alaska
My commission expires: 12.25.2019



NOTICE PURSUANT TO THE FAIR DEBT COLLECTION PRACTICES ACT
15 U.S.C. SECTION 1692

1. The amount of the debt is stated in the Notice of Default and Sale attached hereto ("Notice of Default") and is owed to the Beneficiary named in the Notice of Default.
2. Upon written request, the name and address of the original creditor will be provided if the debt has been assigned.
3. The debt described in the Notice of Default will be assumed to be valid unless the debtor, within thirty days after receipt of the Notice of Default, disputes the validity of the debt or some portion thereof in writing to the law firm named below.
4. If the debtor notifies the law firm in writing within thirty days of receipt of the Notice of Default that the debt or any portion of it is disputed, verification of the debt will be mailed to the debtor. However, notwithstanding the fact that the debtor may dispute or request verification of the debt or any portion thereof, the Beneficiary and the Trustee fully reserve all rights and remedies against the debtor, including but not limited to those under the pertinent loan documents and applicable law.



5. This notice and the Notice of Default constitute an attempt to collect a debt for purposes of the Fair Debt Collection Practices Act, and any information obtained in response will be used for that purpose.

6. Written requests, if any, should be addressed to: Molloy Schmidt LLC, at 110 South Willow Street, Suite 101, Kenai, Alaska 99611.

Record at: Kenai Recording District

After recording return to:

Molloy Schmidt LLC

110 South Willow Street, Suite 101

Kenai, Alaska 99611

