



200411090101
Skagit County Auditor

11/9/2004 Page 1 of 12 12:39PM

Return Address:

George E. Benson
Keithly, Weed, Graafstra & Benson, P.S., Inc.
21 Avenue A
Snohomish, WA 98290

Document Title: Judgment and Decree of Foreclosure

Reference Number of Related Document: Mortgage Filing No. 9506070076

Grantor: James M. Posey and Darla C. Posey

Grantee: Northwest Farm Credit Services, FLCA, a corporation
(assignee)

Legal Description: a ptn of E 1/2 of NE 1/4 & of NE 1/4 of SE 1/4
& of SW 1/4 of NE 1/4, 14-35-3 E W.M.

(Full legal description found on Exhibit A)

Assessor's Property Tax Parcel Numbers:

350314-4-001-0001	P34323
350314-0-011-0007	P34279
350314-1-002-0006	P34294
350314-1-002-0105	P34295
350314-1-008-0000	P34305
350314-1-008-0109	P34306
350314-1-009-0009	P34307

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SKAGIT

NORTHWEST FARM CREDIT SERVICES,)
FLCA, a corporation,)

Plaintiff,)

vs.)

NO. 04-2-00459-7

JAMES M. POSEY, also known as MATT)
POSEY, and DARLA C. POSEY, also known)
as DARLA C. SULLIVAN-POSEY, husband)
and wife, and their marital community; LYLE)
E. BLANK and KAROLYN L. BLANK,)
husband and wife, and their marital community;)
ERROL HANSON FUNDING, INC., a)
corporation; LAND TITLE COMPANY OF)
SKAGIT COUNTY, a corporation;)
RAYMOND DOYAL HOOVER and JANE)
DOE HOOVER, husband and wife, and their)
marital community; COASTLINE TRACTOR;)
PACIFICO PAPERS, INC., a corporation;)
BURL FOX and JANE DOE FOX, husband)
and wife, and their marital community;)
CREDIT UNION RECOVERY SERVICES;)
WILBUR ELLIS COMPANY; and)
OCCUPANTS NUMBERS 1 through 20,)

Defendants.)

**JUDGMENT AND DECREE
OF FORECLOSURE**



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ORIGINAL

JUDGMENT SUMMARY

1		
2	1. Judgment Creditor:	Northwest Farm Credit Services, FLCA
3	2. Judgment Debtors:	James M. Posey, also known as Matt Posey,
4		and Darla C. Posey, also known as Darla C.
5		Sullivan-Posey, husband and wife, and their
6		<i>marital community</i> , jointly and severally
7	3. Principal Judgment Amount:	\$133,769.18
8	4. Interest to Date of Judgment:	(Included in Principal Judgment)
9	5. Other Recovery Amounts:	
10	Advances: Litigation G'tee: \$665.00	
11	LSI Insurance: \$1,234.44	
12	Water Ass. Chgs.: \$296.99	
13	Total Advances:	\$2,196.43
14	6. Reasonable attorneys fees:	\$12,068.00
15	7. Statutory Costs:	\$932.30
16	8. Less Credit for Stock Retirement:	(\$1,000.00)
17	9. TOTAL JUDGMENT AMOUNT:	\$147,965.91
18	10. Total Judgment Amount shall bear	
19	interest at 9.45% per annum	
20	11. Attorney for Judgment Creditor:	George E. Benson
21		Keithly, Weed, Graafstra & Benson,
22		Inc., P.S.
23		21 Avenue A
24		Snohomish, WA 98290

JUDGMENT

THIS MATTER having come on regularly before this court on October 14, 2004 upon plaintiff's Motion for Summary Judgment for money judgment and for decree of foreclosure of real estate mortgage and security interest in water membership and rights in the Blanchard-Edison Water Association stock certificate No. 428 for 1 membership; and the court having reviewed plaintiff's Complaint to Foreclose Real Estate Mortgage and Security Interest in Water Membership, Motion for Summary Judgment, Affidavit in Support of Plaintiff's Foreclosure Decree, Memorandum in Support of Summary Judgment, Affidavit Re: Attorneys Fees and Statement of Costs, and the records and files herein; and the Court having ordered that summary judgment be granted and having entered Findings of Fact and Conclusions of Law in this matter, and being advised in the premises, and

JUDGMENT AND DECREE OF FORECLOSURE - 2
POSEY.JUD/02149

LAW OFFICES OF
KEITHLY, WEED, GRAAFSTRA,
AND BENSON, INC., P.S.
21 AVENUE A
SNOHOMISH, WA 98290-2962
(360) 568-3119; FAX (360) 568-4437



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1 | plaintiff appearing and being represented by George E. Benson, and good cause appearing;
2 | now therefore, it is hereby

3 | ORDERED, ADJUDGED and DECREED as follows:

4 | 1. Plaintiff is hereby awarded judgment against James M. Posey, also known
5 | as Matt Posey, and Darla C. Posey, also known as Darla C. Sullivan-Posey, husband and
6 | wife, and their marital community, jointly and severally, as follows:

7 | Principal Judgment Amount: \$133,769.18
8 | Interest to Date of Judgment: (Included in Principal Judgment)
9 | Other Recovery Amounts:
10 | Advances: Litigation Guarantee: \$665.00
11 | LSI Insurance: \$1,234.44
12 | Water Association
13 | charges: \$296.99
14 | Total Advances: \$2,196.43
15 | Reasonable attorneys fees: \$12,068.00
16 | Statutory Costs: \$932.30
17 | Less credit for stock retirement: (\$ 1,000.00)
18 | Total Judgment: \$147,965.91

19 | Said judgment shall accrue interest at the contractual rate of 9.45% per annum from
20 | October 14, 2004. Said judgment is with deficiency against defendants James M. Posey,
21 | also known as Matt Posey, and Darla C. Posey, also known as Darla C. Sullivan-Posey,
22 | husband and wife, and their marital community, and each of them jointly and severally

23 | 2. The plaintiff's mortgage lien covering real estate in Skagit County,
24 | Washington, and security interest in water membership and rights in the Blanchard-Edison
25 | Water Association stock certificate No. 428 for 1 membership issued to James H. Posey
26 | and Betty L. Posey, as described in Exhibit A attached hereto and by this reference made
27 | a part hereof, and which mortgage was recorded in the office of the Skagit County Auditor
on June 7, 1995, as Recording Number 9506070076, records of Skagit County,

JUDGMENT AND DECREE OF FORECLOSURE - 3
POSEY.JUD/0214912

LAW OFFICES OF
KEITHLY, WEED, GRAAFSTRA,
AND BENSON, INC., P.S.
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Skagit County Auditor

1 Washington, and which security interest in water membership of the Blanchard-Edison
2 Water Association as evidenced by Certificate of Water Membership dated August 8, 1995,
3 and the same is hereby adjudged and decreed to be a first and paramount lien upon the real
4 estate and water membership as described in Exhibit A and the whole thereof as security
5 for the plaintiff's judgment herein above set forth, and that the mortgage and security
6 interest in water membership be and is hereby foreclosed and the property and water
7 membership therein described on Exhibit A hereto, are hereby ordered to be sold by the
8 Sheriff of Skagit County, Washington, in one sale in the manner provided by law, and the
9 proceeds therefrom shall be applied to the payment of the judgment and interest, attorneys
10 fees and costs, and increased costs and interest, including but not limited to payment of real
11 estate taxes and Water Association charges by plaintiff after entry of judgment.

12 3. All right, title claim or interest of the defendants James M. Posey, also
13 known as Matt Posey, and Darla C. Posey, also known as Darla C. Sullivan-Posey, husband
14 and wife, Coast Line Tractor, whose true name is Tri-County Equipment and Rentals, Inc.,
15 a corporation, d/b/a Coast Line Tractor, Pacifico Papers, Inc., a corporation, Lyle E.
16 Blank and Karolyn L. Blank, husband and wife, Burl Fox, a single man, Wilbur Ellis
17 Company, Errol Hanson Funding, Inc., a corporation, Land Title Company of Skagit
18 County, a corporation, Raymond Doyal Hoover and Jane Doe Hoover, husband and wife,
19 Credit Union Recovery Services, and Occupant Nos. 1 and 2, whose names are Betty
20 Johnson and Richard Johnson, Occupants Nos. 3 and 4, whose names are Robert M.
21 Gaddis and Jane Doe Gaddis, Occupant No. 5, whose name is G & J Electric, Inc., and
22 Occupants Nos. 6 and 7, whose names are Dean Gilbert and Jane Doe Gilbert, or any of
23 them, and of all persons claiming by, through or under them, or any of them, subsequent
24 to the execution of the mortgage, in and to the real estate, or subsequent to the execution
25 of the Certificate of Water Membership herein described or any part thereof, is declared
26 to be inferior and subordinate to plaintiff's mortgage lien and security interest in water
27 membership, and the same are hereby forever foreclosed, except only for the statutory right
of redemption allowed by law.

JUDGMENT AND DECREE OF FORECLOSURE - 4
POSEY.JUD/0214912



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Skagit County Auditor

LAW OFFICES OF
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AND BENSON, INC., P.S.
21 AVENUE A
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(360) 568-3119; FAX (360) 568-4437

1 4. The plaintiff be and it is hereby granted the right to become a bidder and
2 purchaser at the sheriff's sale, and when the sale has been completed, the purchaser shall
3 be entitled to immediate possession of the property subject to right of redemption.

4 5. The plaintiff shall be entitled to additional sums for plaintiff's reasonable
5 attorneys fees regarding subsequent proceedings in this matter which are incurred: 1) in
6 the response to any objections to confirmation of sale; 2) regarding any motions for upset
7 price or marshaling, or concerning any additional defenses or motions or proceeding; and
8 3) any and all reasonable attorneys fees incurred by plaintiff during the period of
9 redemption. Also, if defendants or one of them file bankruptcy after judgment, and
10 additional fees are incurred, that plaintiff also be entitled to judgment for said additional
11 fees in any bankruptcy proceedings or subsequent requisite State Court proceedings.
12 Plaintiff shall also be entitled, in the event of a bankruptcy filing by one or more defendants,
13 to judgment for additional reasonable attorneys fees incurred in said bankruptcy
14 proceedings or subsequent requisite State Court proceedings, whether or not said
15 bankruptcy is filed before or after judgment, and/or confirmation of sale.

16 6. Any and all persons acquiring any right, title, estate, lien or interest in or to
17 the real estate or water membership above described, or any part thereof, subsequent to
18 June 6, 1995, the date of plaintiff's mortgage, or subsequent to August 8, 1995, the date
19 of the Certificate of Water Membership, be and they are hereby forever foreclosed of any
20 such right, title, estate, lien or interest as against plaintiff in this action.

21 7. In the event the plaintiff is the purchaser at said sale and possession of said
22 premises and property described in Exhibit A is not surrendered to said plaintiff, a writ of
23 assistance shall be issued directing the Sheriff of Skagit County, Washington, to deliver
24 possession of said premises and property to plaintiff.
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Done in Open Court this 14 day of October, 2004.

Susa K Cool
JUDGE

Presented by:

George E. Benson
George E. Benson, WSBA #8352
Attorney for Plaintiff



200411090101
Skagit County Auditor

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EXHIBIT "A" --LEGAL DESCRIPTION

PARCEL A:

The Northeast 1/4 of the Northeast 1/4, EXCEPT the North 62 rods thereof, and part of the Southeast 1/4 of the Northeast 1/4, described as follows:
Beginning at the Northeast corner of said Southeast 1/4 of the Northeast 1/4;
thence South on the East line of said Southeast 1/4 of the Northeast 1/4, 20 rods;
thence West to the West line of said Southeast 1/4 of the Northeast 1/4;
thence North to the Northwest corner of said Southeast 1/4 of the Northeast 1/4;
thence East to the point of beginning, all in Section 14, Township 35 North, Range 3 East, W.M.;

EXCEPT the North 130 feet of the East 130 feet of the South 496 feet of the following described tract:

The Northeast 1/4 of the Northeast 1/4 and the North 20 rods of the Southeast 1/4 of the Northeast 1/4 of Section 14, Township 35 North, Range 3 East, W.M.,

ALSO EXCEPT the East 30 feet of said tract conveyed to Skagit County for road purposes by deed recorded May 5, 1898, under Auditor's File No. 28466.

Situate in the County of Skagit, State of Washington.

PARCEL B:

Also, the East 1/2 of the Southeast 1/4 of the Northeast 1/4, EXCEPT the North 330 feet thereof and the East 1/2 of the North 330 feet of the Northeast 1/4 of the Southeast 1/4 of Section 14, Township 35 North, Range 3 East, W.M., EXCEPT the East 150 feet of the North 280 feet of said portion of said Southeast 1/4 of the Northeast 1/4 lying West of the County road running along the East side of said subdivision, ALSO EXCEPT the East 30 feet of said tract conveyed to Skagit County for road purposes by deed recorded May 5, 1898, under Auditor's File No. 28466.

Situate in the County of Skagit, State of Washington.

PARCEL C:

The West 1/2 of the Southeast 1/4 of the Northeast 1/4, EXCEPT the North 330 feet thereof, and that portion of the West 1/2 of the North 330 feet of the Northeast 1/4 of the Southeast 1/4, lying Easterly of the State Highway, all in Section 14, Township 35 North, Range 3 East, W.M., EXCEPT that portion of the North 330



feet of the Northeast 1/4 of the Southeast 1/4 of Section 14, Township 35 North, Range 3 East, W.M., lying Northeasterly of the State Highway, described as follows:

Beginning at the intersection of the South line of said North 330 feet of said Northeast 1/4 of the Southeast 1/4 with the East line of said State Highway;
thence East along said South line a distance of 350 feet;
thence North 160 feet;
thence West parallel with said South line of the said North 330 feet to the East line of said State Highway;
thence Southeasterly along said Northeasterly line to the point of beginning.

Situate in the County of Skagit, State of Washington.

PARCEL D:

That portion of the Southwest 1/4 of the Northeast 1/4 of Section 14, Township 35 North, Range 3 East, W.M., described as follows:
Beginning at a point on the East line of said subdivision that is 330 feet North of the Southeast corner thereof;
thence West to the East line of the State Highway;
thence Southeasterly along said East line of the highway to the East line of said subdivision;
thence North to the point of beginning.

Situate in the County of Skagit, State of Washington.

PARCEL E:

That portion of the North 330 feet of the Northeast 1/4 of the Southeast 1/4 of Section 14, Township 35 North, Range 3 East, W.M., lying Northeasterly of the State Highway, described as follows:

Beginning at the intersection of the South line of said North 330 feet of said Northeast 1/4 of the Southeast 1/4 with the East line of said State Highway;
thence East along said South line a distance of 350 feet;
thence North 160 feet;
thence West parallel with said South line of the said North 330 feet to the East line of said State Highway;
thence Southeasterly along said Northeasterly line to the point of beginning.

Situate in the County of Skagit, State of Washington.



Tax Account No. 350314-4-001-0001	P34323
Tax Account No. 350314-0-011-0007	P34279
Tax Account No. 350314-1-002-0006	P34294
Tax Account No. 350314-1-002-0105	P34295
Tax Account No. 350314-1-008-0000	P34305
Tax Account No. 350314-1-008-0109	P34306
Tax Account No. 350314-1-009-0009	P34307

All situate in the County of Skagit, Washington.

All water and water rights used upon or appurtenant to said property, however evidenced.

Together with any and all tenements, hereditaments and appurtenances thereunto belonging or used in connection therewith, and including all rents, issues, profits, buildings and improvements thereon and in all tenements, hereditaments, rights, privileges, easements, rights of way and appurtenances, (including without limitation private roads, grazing privileges, water rights, ditches and conduits and rights of way therefor, all plumbing, lighting, heating, cooling, ventilating, elevating, and irrigating apparatus and other equipment and fixtures, now or hereafter belonging to or used in connection therewith), all of which is hereinafter called the "Property."

Said property also subject to:

- A. Terms and Conditions of Special Use Permit recorded March 29, 1989 under Auditor's File No. 8903290022.
- B. Easement in favor of Blanchard Edison Water Association to install and maintain only a water line from Ershig Road to the East side of the Andy and Annette Iverson property, dated October 1, 1991 and recorded October 14, 1991 under Auditor's File No. 9110140029. Note: the exact location of this easement is not described.
- C. Agricultural Classification: The lands described herein have been classified as farm and agricultural as disclosed by notices recorded November 5, 1971 and February 4, 1972, under Auditor's File Nos. 760170 and 763805, respectively, and are subject to the provisions of RCW 84.34 which include the requirement of a continuation of restricted use in order to continue the present assessment rate. A change in use can cause an increased assessment rate for present and past years. Any sale or transfer of all or a portion of said property requires execution of a Notice of Compliance form attached to the excise tax affidavit.

EXHIBIT "A" --LEGAL DESCRIPTION - 3
POSEY.EXA/0214912



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Any sale or transfer of all or a portion of said property requires execution of a Notice of Compliance form by the new owner and submission and approval by the Skagit County Assessor is required before recording. The Assessor may take up to 15 calendar days to approve, deny or withdraw.

AND THE FOLLOWING DESCRIBED WATER MEMBERSHIP:

Water membership and rights in the Blanchard-Edison Water Association, evidenced by stock certificate No. 428 for 1 membership issued to James H. Posey and Betty L. Posey, as evidenced by document entitled Certificate of Water Membership issued on August 8, 1995.

EXHIBIT "A" --LEGAL DESCRIPTION - 4
POSEY.EXA/0214912



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Skagit County Auditor

UNOFFICIAL



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Skagit County Auditor

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State of Washington, } ss.
County of Skagit

I, Nancy K. Scott, County Clerk of Skagit County and ex-officio Clerk of the Superior Court of the State of Washington, for the County of Skagit, do hereby certify that the foregoing instrument is a true and correct copy of the original, consisting of 10 pages, now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of said Court at my office at Mount Vernon this 14 day of Oct. 20 04. Nancy K. Scott, County Clerk.

By: [Signature]
Deputy Clerk