



200607170211

Skagit County Auditor

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9 2:03PM

Return Address:

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

Document Title: Order Terminating Stay Under Section 362(d) of the Bankruptcy Code; Granting In Rem Relief; and Authorizing Foreclosure

Reference Number of Related Document: Mortgage Filing No. 9506070076; and Judgment and Decree of Foreclosure, Filing No. 200411090101

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 to Order)

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 |

that the [redacted] going to [redacted] correct copy of an instrument filed with the court. Dated this 16th day of June 2006

Thomas T. Glover
 JUDGE, UNITED STATES BANKRUPTCY COURT
 D. Washington

George E. Benson
 A Designated Employee

George E. Benson
 Weed, Graafstra & Benson, P.S., Inc.
 21 Avenue A
 Snohomish, WA 98290
 (360) 568-3119

Thomas T. Glover
 Location: Seattle
 Hearing Date: May 18, 2006
 Hearing Time: 9:30 AM

UNITED STATES BANKRUPTCY COURT
 FOR THE WESTERN DISTRICT OF WASHINGTON
 AT SEATTLE

In re:) Case No. 06-10853-TTG
)
)
 JAMES M. POSEY, aka MATT POSEY, and) **ORDER TERMINATING STAY**
 DARLA C. SULLIVAN-POSEY,) **UNDER SECTION 362(d) OF**
) **THE BANKRUPTCY CODE;**
) **GRANTING IN REM RELIEF;**
 Debtors.) **AND AUTHORIZING**
) **FORECLOSURE**

ORDER

THIS MATTER came on for hearing before the Court upon the motion of creditor Northwest Farm Credit Services, FLCA ("NWFC"), for an order pursuant to 11 U.S.C. Section 362(d) for:

(1) termination of the automatic stay of 11 U.S.C. Section 362(a); (2) in rem relief pursuant to 11 U.S.C. Section 362(d)(4); and (3) authorization to proceed with the foreclosure of its mortgage and Sheriff's Sale of property, and the exercise of all other

ORDER TERMINATING STAY UNDER SECTION 362(d) OF THE BANKRUPTCY CODE; GRANTING IN REM RELIEF; AND AUTHORIZING FORECLOSURE - 1
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1 remedies provided therein and under State law. NWFCS appeared by and through its
2 attorney George E. Benson.

3 The Court having reviewed the Notice of Motion and Motion for Termination of
4 Stay Under Section 362(d) of the Bankruptcy Code; for In Rem Relief; and for
5 Authorization to Proceed with Foreclosure; the Memorandum in Support of Motion for
6 Termination of Stay; for In Rem Relief; and for Authorization to Proceed With
7 Foreclosure; the Affidavit of David W. Poor in Support of Motion for Termination of Stay;
8 for In Rem Relief; and for Authorization to Proceed With Foreclosure; the Debtors'
9 Response to Relief From Stay Motion Filed by Northwest Farm Credit Services and
10 Debtor's Declaration with Attachments; NWFCS' Reply to Debtors' Response to Motion
11 for Termination of Stay; the records and files herein; the records and files in the prior
12 Chapter 7 Bankruptcy case of the debtors filed under Case No. 05-17090-TTG; and the
13 records and files in the prior Chapter 13 case of the debtors filed under Case No. 05-30635-
14 TTG; and the Court being fully advised in the premises; and the Court finding that the
15 filing of the petition in this case was part of a scheme to hinder, delay and defraud NWFCS
16 in its attempts to foreclose on the debtor's real property and water membership and rights
17 by multiple bankruptcy filings; it is hereby

18 *effective June 15, 2006 at 5:00 PM*
19 ORDERED, ADJUDGED and DECREED that the automatic stay of 11 U.S.C.
20 Section 362(a) is hereby terminated for the purpose of:

21 (1) allowing NWFCS to continue its judicial foreclosure of the debtors farm
22 property and water rights and proceed to Sheriff's Sale on *date after June 15, 2006*
23 ~~May 19, 2006~~, or thereafter, and
24 to exercise all of the other remedies provided relating to the real property and water
25 membership and rights located at 8539 Chuckanut Drive, Bow, Washington 98232, legally
26 described in Exhibit A attached hereto, and including the water rights certificate described
27 in Exhibit A hereto;

ORDER TERMINATING STAY UNDER SECTION 362(d)
OF THE BANKRUPTCY CODE; GRANTING IN REM
RELIEF; AND AUTHORIZING FORECLOSURE - 2
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1 (2) allowing the Sheriff of Skagit County, Washington, to conduct a Sheriff's Sale
2 of said real property and water membership and rights and certificate described in Exhibit
3 A hereto;

4 (3) allowing NWFCs to preserve and protect its security, including but not limited
5 to the appointment of a receiver in accordance with the loan documents and Washington
6 State law;

7 (4) allowing NWFCs to move for additional judgments for its attorneys fees in this
8 action or in its State Court action, as allowed by its Judgment and Decree of Foreclosure;

9 (5) and allowing NWFCs to bid at the Sheriff's sale, move to confirm the sale and
10 to acquire possession of the property if it is the highest bidder, all in accordance with State
11 law; it is further

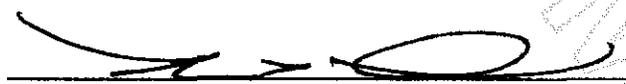
12 *effective June 15, 2006 at 5:00PM*
13 ORDERED that the relief in this case be considered in rem pursuant to 11 U.S.C.
14 Section 362(d)(4) in the event of another bankruptcy filing which purports to affect the real
15 property and water membership and rights and certificate described in Exhibit A hereto;
16 it is further

17 *effective June 15, 2006 at 5:00PM*
18 ORDERED that jurisdiction of this Court over the real property and water
19 membership and rights and certificate described in Exhibit A hereto is relinquished; and it
20 is further

21 ORDERED that there shall be no ten day stay of the Court's order, so that the
22 Skagit County Sheriff may proceed with the Sheriff's Sale which has been postponed and
23 re-scheduled for May 19, 2006.

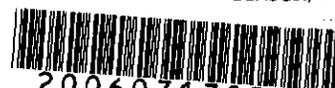
24 *+NWFCs may immediately take any and all
25 steps to proceed with arrangements for a Sheriff's
26 sale scheduled after June 15, 2006 at 5:00PM, including
27 obtaining a new order of sale, publication, notices &
service, etc.*

DONE IN OPEN COURT this 16 day of May, 2006.

21 *(*) see page 4*
22
23 
24 THOMAS T. GLOVER
25 United States Bankruptcy Judge

26 ORDER TERMINATING STAY UNDER SECTION 362(d)
27 OF THE BANKRUPTCY CODE; GRANTING IN REM
RELIEF; AND AUTHORIZING FORECLOSURE - 3
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BENSON, INC., P.S.



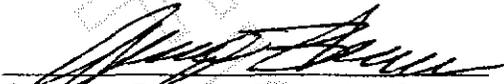
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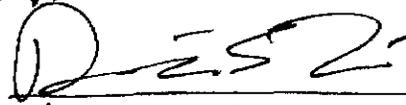
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1 ⊕ It is further ordered that this
2 case may not be dismissed except upon
3 motion w/ notice to counsel of NWFCST
4 E.F.H.I.

5 Presented by:

6
7 
8 George E. Benson, WSBA #8352
9 Weed, Graafstra & Benson, P.S., Inc.
Attorney for Creditor NWFCST

10 Approved as to form Notice of Presented hearing
11 Law Office of R. Bruce Burtin
12  WSBA #4646

13
14 Approved as to form Notice waived
15  WSBA #20599
16 Attorney for Debtors

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26 ORDER TERMINATING STAY UNDER SECTION 362(d)
OF THE BANKRUPTCY CODE; GRANTING IN REM
RELIEF; AND AUTHORIZING FORECLOSURE - 4
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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
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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.

Street Address: 8539 Chuckanut Drive, Bow, WA 98232

EXHIBIT "A" --LEGAL DESCRIPTION - 4
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