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Skagit County Auditor

7/25/2006 Page 1 of 14 9:32AM

Return To:

Kathleen Anderson, Civil Assistant
Skagit County Sheriff's Office
600 South Third Street
Mount Vernon, WA 98273

Date: July 25, 2006

Skagit County Superior Court No: 04-2-00459-7

Document Title(s):

1. Third Amended Order of Sale

Grantor(s) -- Last Name, First Name, Middle Initial (Defendant):

1. Posey, James M.
2. Sullivan-Posey, Darla C.

Grantee(s) -- Last Name, First Name, Middle Initial (Plaintiff):

1. NORTHWEST FARM CREDIT SERVICES, FLCA

Legal Description:

NE ¼ of NE ¼, and SE ¼ of NE ¼ in S14, T35N, R3 E of WM.

Assessor's Parcel/Tax ID Number:

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

SUPERIOR COURT OF THE STATE OF WASHINGTON, COUNTY OF SKAGIT

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

Plaintiff,

vs.

**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.

Cause No.: **04-2-00459-7**

**SHERIFF'S NOTICE OF EXECUTION
UPON REAL PROPERTY**

To the Auditor of Skagit County, State of Washington, and to whom it may concern,
Greetings:

Under and by virtue of a Third Amended Order of Sale issued out of the Superior Court of the State of Washington, for the County of Skagit, on the 24th day of July 2006, by the Clerk thereof, a true copy of said order being hereto attached and made a part hereof, to me as Sheriff, directed and delivered, I do hereby levy upon and attach all of the right, title and interest of the defendants 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, in said Third Amended Order of Sale named, in and to the real estate, situated in Skagit County, State of Washington, bounded and described as follows, to-wit:



Assessor's Parcel/Tax ID Numbers: P34323 / 350314-4-001-0001
P34279 / 350314-0-011-0007
P34294 / 350314-1-002-0006
P34295 / 350314-1-002-0105
P34305 / 350314-1-008-0000
P34306 / 350314-1-008-0109
P34307 / 350314-1-009-0009

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.



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.

Also commonly known as 8539 Chuckanut Drive, Bow WA 98232.

Given under my hand this 25th day of July 2006.

Rick Grimstead, Sheriff

By: Kathleen M. Anderson
Kathleen Anderson, Civil Assistant



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SKAGIT COUNTY CLERK
SKAGIT
2006 JUN 24 AM 9:11

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06 JUN 24 AM 9:25
RICK GRIMSTEAD, SHERIFF

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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; COAST LINE 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,)

**THIRD AMENDED
ORDER OF SALE**

Defendants.)

ORIGINAL

THIRD AMENDED ORDER OF SALE - 1
POSEY.ORD/0214912

LAW OFFICES OF
WEED, GRAAFSTRA AND



200607250076
Skagit County Auditor

1 THE STATE OF WASHINGTON TO THE SHERIFF OF SKAGIT COUNTY,
2 GREETINGS:

3 WHEREAS, Northwest Farm Credit Services, FLCA recovered judgment against
4 James M. Posey, also known as Matt Posey, and Darla C. Posey, also known as Darla C.
5 Sullivan-Posey, husband and wife, and their marital community, jointly and severally, and
6 the mortgaged premises and security interest in water membership and rights in the
7 Blanchard-Edison Water Association stock certificate No. 428 for 1 membership issued to
8 James H. Posey and Betty L. Posey, as described in Exhibit A in the Superior Court of
9 Skagit County, State of Washington, on the 14th day of October, 2004, for the sum of One
10 Hundred Forty Seven Thousand, Nine Hundred Sixty Five and 91/100 dollars
11 (\$147,965.91) with interest at the rate of 9.45% per annum on the amount of \$147,965.91
12 from October 14, 2004, and on which there is now due and owing One Hundred Forty
13 Seven Thousand, Nine Hundred Sixty Five and 91/100 dollars (\$147,965.91), not
14 including post judgment interest and costs; whereas Northwest Farm Credit Services,
15 FLCA recovered an additional judgment in rem against the mortgaged premises on the 3rd
16 day of February, 2006, for the sum of Seventeen Thousand, Three Hundred Forty Seven
17 and 91/100 dollars (\$17,347.91) with interest at the rate of 9.45% per annum on the
18 amount of \$17,347.91 from February 3, 2006, and on which there is now due and owing
19 Seventeen Thousand, Three Hundred Forty Seven and 91/100 dollars (\$17,347.91) not
20 including post judgment interest and costs; and whereas Northwest Farm Credit Services,
21 FLCA recovered a second additional judgment in rem against the mortgaged premises on
22 the 14th day of July, 2006, for the sum of Twelve Thousand, Five Hundred Thirty Eight
23 and 40/100 dollars (\$12,538.40) with interest at the rate of 9.45% per annum on the
24 amount of \$12,538.40 from July 14, 2006, and on which there is now due and owing
25 Twelve Thousand, Five Hundred Thirty Eight and 40/100 dollars (\$12,538.40) not
26 including post judgment interest and costs; for a total judgment amount of \$177,852.22
27 not including post judgment interest and costs.

WHEREAS, the said judgment is a judgment of foreclosure of a certain mortgage,
deed-of-trust, security agreement or lien and fixtures and security interest in water

THIRD AMENDED ORDER OF SALE - 2
POSEY.ORD/0214912

LAW OFFICES OF
WEED, GRAAFSTRA AND



200607250076

Skagit County Auditor

1 membership and rights in the Blanchard-Edison Water Association stock certificate No.
2 428 for 1 membership issued to James H. Posey and Betty L. Posey, as described in Exhibit
3 A in which the sale or delivery is ordered of the following described property and water
4 rights, situate, lying and being in the County of Skagit, State of Washington, to-wit:

5 SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

6
7 ASSESSOR'S PARCEL NUMBERS: 350314-4-001-0001 P34323
8 350314-0-011-0007 P34279
9 350314-1-002-0006 P34294
10 350314-1-002-0105 P34295
11 350314-1-008-0000 P34305
12 350314-1-008-0109 P34306
13 350314-1-009-0009 P34307

14 AND WHEREAS, the above named judgment debtors and each of them and all
15 persons claiming by, through or under them, are forever barred and foreclosed of all right,
16 title and interest in and to the above described property, and of all rights of redemption
17 therein, except as provided by law.

18 THEREFORE, in the name of the State of Washington, you are hereby commanded
19 to levy upon, seize, take into execution and sell, or deliver possession thereof, according
20 to law, the above described property, or so much thereof as may be necessary to satisfy the
21 judgment, interest and costs, upon giving notice prescribed by law, and make return of writ
22 within sixty days from date hereof.

23 WITNESS, the Honorable SUSAN K. COOK Judge of the
24 Superior Court of the State of Washington for Skagit County, and the seal of said
25 Court, this 24 day of July, 2006.

26 **THIRD AMENDED ORDER OF SALE - 3**
27 POSEY.ORD/0214912

LAW OFFICES OF
WEED, GRAAFSTRA AND



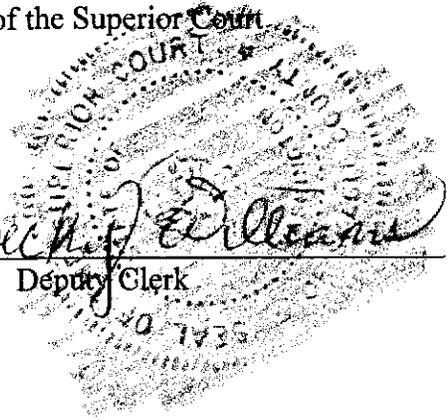
200607250076

Skagit County Auditor

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2 George E. Benson
3 Attorney for Creditor
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NANCY SCOTT
Clerk of the Superior Court

By *B. J. Williams*
Deputy Clerk



THIRD AMENDED ORDER OF SALE - 4
POSEY.ORD/0214912


200607250076
Skagit County Auditor
7/25/2006 Page 10 of 14 9:32AM
568-4437

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;
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thence Southeasterly along said Northeasterly line to the point of beginning.

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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;
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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:

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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;
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Tax Account No. 350314-4-001-0001	P34323
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All situate in the County of Skagit, Washington.

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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."

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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.