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Skagit County Auditor

\$81.00

5/8/2015 Page

1 of

10 1:45PM

FILED FOR RECORD AT THE
REQUEST OF/RETURN TO:
Craig E. Cammock
Skagit Law Group, PLLC
P.O. Box 336 / 227 Freeway Drive, Suite B
Mount Vernon, WA 98273

Document Title: Default Judgment and Decree of Foreclosure and
Order for Delivery of Personal Property

Grantors: Gavin J. Murray and Michelle A. Murray,
husband and wife, individually, and the marital
community composed thereof;
APT Environmental Solutions, LLC, a
Washington limited liability company

Grantee: Skagit Bank, a state-chartered
commercial bank

Additional Grantor(s) on page(s)
Additional Grantee(s) on page(s)

Abbreviated Legal: Tr. A, Funk & Kellers Campbell Lake Tracks, Subdvi. #1
Additional Legal on page(s) 5

Assessor's Tax Parcel No.: 3918-000-001-0004 / P65534

UNOFFICIAL DOCUMENT

FILED
SKAGIT COUNTY CLERK
SKAGIT COUNTY, WA

2015 MAY -8 PM 1:34

1 I, MAVIS E. BETZ, Clerk of the Superior Court of
the State of Washington, for Skagit County, do
hereby certify that this is a true copy of the original
now on file in my office. Dated 5-8-2015



2 MAVIS E. BETZ, County Clerk

3 By: [Signature]
4 Deputy Clerk

5
6 SUPERIOR COURT OF WASHINGTON FOR SKAGIT COUNTY

7 SKAGIT BANK (formerly known as)
8 SKAGIT STATE BANK), a state-chartered)
9 commercial bank,)

10 Plaintiff,

11 vs.

12 GAVIN J. MURRAY and MICHELLE A.)
13 MURRAY, husband and wife, individually,)
14 and the marital community composed)
15 thereof; APT ENVIRONMENTAL)
16 SOLUTIONS, LLC, a Washington Limited)
17 Liability Company; and ALL OTHER)
PERSONS OR PARTIES UNKNOWN)
CLAIMING ANY RIGHT, TITLE,)
ESTATE, LIEN OR INTEREST IN THE)
REAL ESTATE DESCRIBED IN THE)
COMPLAINT,)

18 Defendants.

Case No.: 15-2-00369-3

DEFAULT JUDGMENT AND
DECREE OF FORECLOSURE
AND ORDER FOR DELIVERY
OF PERSONAL PROPERTY

(clerk's action required)

19 THIS MATTER having come on regularly for hearing before the undersigned
20 Judge/Commissioner of the above-entitled court, and the court being fully advised in the
21 premises, now makes the following Judgment, Decree, and Order:

22 I. JUDGMENT SUMMARY-MONETARY AND AS TO REAL PROPERTY
23 (1 of 2 Summaries)

24 Judgment Creditor:

SKAGIT BANK, a state-chartered
commercial bank

25 DEFAULT JUDGMENT AND DECREE OF
FORECLOSURE AND ORDER FOR
DELIVERY OF PERSONAL PROPERTY - 1

Skagit Law Group, PLLC
Post Office Box 336 / 227 Freeway Drive, Suite B
Mount Vernon, Washington 98273
Telephone: 360.336.1000 - Facsimile: 360.336.6690

1 Judgment Debtors:

GAVIN J. MURRAY and MICHELLE A. MURRAY, husband and wife, individually, and the marital community composed thereof, jointly and severally

2
3 Real property subject to this action:

Tract A, "FUNK & KELLERS CAMPBELL LAKE TRACTS, SUBDIVISION NO. 1," as per plat recorded in Volume 8 of Plats, pages 80 and 81, records of Skagit County, Washington.

4
5
6 Situate in the County of Skagit, State of Washington.

7 The real property is identified by Skagit County Assessor's Tax Account Number 3918-000-001-0004 and Parcel Number P65534.

8
9 Principal Judgment Amount:

\$135,256.24

10 Late Charges:

\$450.00

11 Interest as of March 16, 2015:

\$7,133.68

12 Interest Rate after Judgment:

~~24%~~ per annum on principal judgment from 3-16-15 until fully paid; (or if box is checked 12% per annum on principal judgment per policy of Skagit County Superior Court to not award interest in excess of 12%);

13
14
15 12% per annum on late fees, attorney's fees, costs, and other recovery amounts from date judgment is entered until fully paid

16 Attorney's Fees:

\$4,857.00

17 Costs:

\$1,428.35

18 Other Recovery Amounts:

\$6,666.15

19 Attorney for Judgment Creditors:

Craig E. Cammock of Skagit Law Group, PLLC

20 Attorney for Judgment Debtors:

None

21
22 **JUDGMENT SUMMARY- MONETARY AND AS TO PERSONAL PROPERTY**
23 **(2 of 2 Summaries)**

24 Judgment Creditor:

SKAGIT BANK, a state-chartered commercial bank

25 Judgment Debtors:

GAVIN J. MURRAY and MICHELLE A. MURRAY, husband and wife, individually, and the marital community of them composed, and

DEFAULT JUDGMENT AND DECREE OF FORECLOSURE AND ORDER FOR DELIVERY OF PERSONAL PROPERTY - 2

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APT ENVIRONMENTAL SOLUTIONS, LLC,
a Washington limited liability company,
jointly and severally

1
2 Principal Judgment Amount: \$34,352.67
3 Late Charges: \$1,016.80
4 Interest as of March 16, 2015: \$1,334.03
5 Interest Rate after Judgment: ~~24%~~ per annum on principal judgment from
6 3-16-15 until fully paid; (or if box is checked
7 12% per annum on principal judgment per
8 policy of Skagit County Superior Court to not
9 award interest in excess of 12%);
10 12% per annum on late fees, attorney's fees,
11 costs, and other recovery amounts from date
12 judgment is entered until fully paid
13 Attorney's Fees: \$4,857.00
14 Costs: \$1,428.35
15 Other Recovery Amounts: \$450.00
16 Attorney for Judgment Creditors: Craig E. Cammock of Skagit Law Group, PLLC
17 Attorney for Judgment Debtors: None

II. HEARING

14 2.1 Date. This matter came before the court on the date set forth below.

15 2.2 Appearances. Plaintiff appeared by and through its counsel, Craig E.
16 Cammock of Skagit Law Group, PLLC. Defendants, GAVIN J. MURRAY, MICHELLE A.
17 MURRAY, and APT ENVIRONMENTAL SOLUTIONS, LLC, a Washington limited
18 liability company, have not appeared in person or by counsel.

19 2.3 Purpose. To rule on the default judgment of Plaintiff.

III. ORDER OF DEFAULT

21 3.1 Default. Defendants, GAVIN J. MURRAY, MICHELLE A. MURRAY, and
22 APT ENVIRONMENTAL SOLUTIONS, LLC, a Washington limited liability company,

1 were declared to be in default, and the court heretofore entered an Order of Default against
2 said Defendants.

3 **IV. ADJUDICATION**

4 ON THE BASIS OF THE FOREGOING, IT IS ORDERED, ADJUDGED AND
5 DECREED:

6 4.1 Deed of Trust Foreclosure.

7 A. That the Plaintiff, SKAGIT BANK, is hereby awarded judgment
8 against the Defendants, GAVIN J. MURRAY and MICHELLE A. MURRAY, husband and
9 wife, individually, and the marital community of them composed, ("Defendants Murray"),
10 jointly and severally, and against the real property legally described in paragraph 4.1 C below,
11 in the principal amount of \$135,256.24, together with accrued interest thereon in the amount
12 of \$7,133.68 as of March 16, 2015, and together with interest at a rate of 24% from and after
13 March 16, 2015 until paid in full (*or if box is checked above in the Judgment Summary, 12%*
14 *per annum on principal judgment per policy of Skagit County Superior Court to not award*
15 *interest in excess of 12%*), late fees in the amount of \$450.00, together with advances for
16 appraisal costs in the amount of \$675.00 and real property taxes in the amount of \$5,991.15,
17 together with any other additional advances, together with attorney's fees in the amount of
18 \$4,857.00, and together with Plaintiff's costs and disbursements in the amount of \$1,428.35;
19 and

20 B. That Plaintiff's judgment as to late fees, other recovery amounts,
21 attorney's fees, and costs shall bear interest at the rate of 12% per annum from the date of
22 judgment until paid in full; and

1 C. That Plaintiff's Deed of Trust is hereby adjudged and decreed to be a
2 valid, first, and paramount lien upon the real property, and the whole thereof, superior to any
3 and all right, title, claim, interest, lien, or estate of the Defendants, GAVIN J. MURRAY and
4 MICHELLE A. MURRAY, husband and wife, individually, and the marital community of
5 them composed, or of anyone claiming by, through, or under them, subsequent to the
6 execution of Plaintiff's Deed of Trust, in and to the real property which is legally described as
7 follows securing the payment of the judgment:

8 Tract A, "FUNK & KELLERS CAMPBELL LAKE TRACTS,
9 SUBDIVISION NO. 1," as per plat recorded in Volume 8 of
10 Plats, pages 80 and 81, records of Skagit County, Washington.

11 Situate in the County of Skagit, State of Washington.

12 The Real Property is identified by Skagit County Assessor's Tax Account Number
13 3918-000-001-0004 and Parcel Number P65534; and

14 D. That the Plaintiff's Deed of Trust is hereby foreclosed and said real
15 property shall be sold by the Sheriff of Skagit County, Washington, in the manner provided
16 by law for foreclosures and in accordance with the practice of this court; and

17 E. That the proceeds of such sale shall be applied toward the payment of
18 the judgment, interest, attorneys' fees, costs, and increased costs and interest; and

19 F. That Plaintiff is permitted to become bidder and purchaser at such
20 sale and may credit bid all or any portion of the amount owed to Plaintiff without requirement
21 of depositing cash or other funds in the amount of such credit bid; and

22 G. That none of the Defendants or any person claiming by, through, or
23 under them is entitled to possession of the premises after the sale and that the purchaser at
24

1 such sale shall be adjudged entitled to the sole and exclusive possession thereof, together with
2 rents, issues, and profits arising therefrom; and

3 H. That the purchaser at such sale shall be forthwith let into immediate
4 possession of the real property identified in paragraph 4.1 C. above; and

5 I. In the event Plaintiff is the purchaser at said sale, and in the event
6 Plaintiff is entitled to possession of said premises and the same is not surrendered to Plaintiff,
7 a Writ of Restitution shall be issued forthwith, and the Sheriff of Skagit County, Washington,
8 shall deliver possession of said premises (including fixtures) to Plaintiff; and

9 J. That Plaintiff has not waived its right to a deficiency judgment and
10 that Plaintiff be awarded a deficiency judgment to the extent that its judgment and costs of
11 sale exceed the proceeds of the sheriff's sale in addition to supplemental judgment(s)
12 awarding such additional costs and attorneys' fees as are incurred after the date of this
13 judgment; and

14 K. That all right, title, estate, claim, lien, or interest of the Defendants,
15 or any of them, and all of the persons claiming by, through, or under them, or any of them,
16 subsequent to the execution of the Plaintiff's Deed of Trust in and to the above described real
17 estate, or any part thereof, is inferior and subordinate to Plaintiff's real property Deed of Trust
18 lien and is hereby forever foreclosed (except only for the statutory right of redemption
19 allowed by law; and

20 L. That any and all persons acquiring any right, title, estate, claim, lien,
21 or interest in and to the real property above described, or any part thereof, and any and all
22 persons claiming any right, title, estate, claim, lien, or interest in and to the real property
23 above described, or any part thereof, subsequent to the recording of the Plaintiff's Deed of
24 Trust on the 28th day of September, 2010, which is foreclosed herein, be, and they hereby are,

1 forever foreclosed of any such right, title, estate, claim, lien, or other interest as against
2 Plaintiff in this action.

3 4.2 Personal Property.

4 A. That the Plaintiff, SKAGIT BANK, is hereby awarded judgment
5 against the Defendants, GAVIN J. MURRAY and MICHELLE A. MURRAY, husband and
6 wife, individually, and the marital community of them composed, and APT
7 ENVIRONMENTAL SOLUTIONS, LLC, a Washington limited liability company, jointly
8 and severally, in the principal amount of \$34,352.67, together with accrued interest thereon in
9 the amount of \$1,334.03 as of March 16, 2015, and together with interest at a rate of 24%
10 from and after March 16, 2015 until paid in full (*or if box is checked above in the Judgment*
11 *Summary, 12% per annum on principal judgment per policy of Skagit County Superior Court*
12 *to not award interest in excess of 12%*), late fees in the amount of \$600.64 as to loan ending
13 #8978, and \$416.16 as to loan ending #9216, together with advances for appraisal costs in the
14 amount of \$450.00, together with any other additional advances, together with attorney's fees
15 in the amount of \$4,857.00, and together with Plaintiff's costs and disbursements in the
16 amount of \$1,428.35; and

17 B. That Plaintiff's judgment against the Defendants as to principal shall
18 bear interest at the rate of 24% per annum from and after March 16, 2015 until paid in full (*or*
19 *if box is checked above in the Judgment Summary, 12% per annum on principal judgment per*
20 *policy of Skagit County Superior Court to not award interest in excess of 12%*), and, further,
21 that Plaintiff's judgment as to late fees, other recovery amounts, attorney's fees, and costs
22 shall bear interest at the rate of 12% per annum from the date of judgment until paid in full,
23 and

1 C. Plaintiff is hereby awarded all of the interest of Defendants, GAVIN J.
2 MURRAY and MICHELLE A. MURRAY, and APT ENVIRONMENTAL SOLUTIONS,
3 LLC, in the 1983 GMC J8C (VIN 1GDP8C1Y1DV531029), 1998 Ford E450 (VIN
4 1FDXE40F6WHC05601), 2001 Ford E450 (VIN 1FDXE45F81HA88332, 1992 Ford F150
5 (VIN 1FTEX15Y5NKB09779), 1989 Ford FSD (VIN 2FDLF47MXKCA48625); and

6 D. The Department of Licensing is hereby ordered to issue titles to said
7 trucks/vehicles showing Skagit Bank as the legal owner and registered owner, if requested by
8 Skagit Bank; and

9 E. The Defendants are hereby ordered to immediately surrender
10 possession of the trucks/vehicles and all personal property subject to a security interest in
11 favor of Plaintiff, including, but not limited to the following: a 1983 GMC J8C (VIN
12 1GDP8C1Y1DV531029), 1998 Ford E450 (VIN 1FDXE40F6WHC05601), 2001 Ford E450
13 (VIN 1FDXE45F81HA88332), 1992 Ford F150 (VIN 1FTEX15Y5NKB09779), 1989 Ford
14 FSD (VIN 2FDLF47MXKCA48625) to Skagit Bank. Skagit Bank may immediately proceed
15 with repossession of the 1983 GMC J8C (VIN 1GDP8C1Y1DV531029), 1998 Ford E450
16 (VIN 1FDXE40F6WHC05601), 2001 Ford E450 (VIN 1FDXE45F81HA88332, 1992 Ford
17 F150 (VIN 1FTEX15Y5NKB09779), 1989 Ford FSD (VIN 2FDLF47MXKCA48625) if the
18 Defendants do not immediately deliver possession of the trucks/vehicles to Skagit Bank; and

19 F. The Sheriff is hereby directed to take possession of and deliver
20 possession to the Plaintiff of the personal property securing the Notes and Security
21 Agreements, including, but not limited to the 1983 GMC J8C (VIN 1GDP8C1Y1DV531029),
22 1998 Ford E450 (VIN 1FDXE40F6WHC05601), 2001 Ford E450 (VIN
23 1FDXE45F81HA88332), 1992 Ford F150 (VIN 1FTEX15Y5NKB09779), 1989 Ford FSD
24 (VIN 2FDLF47MXKCA48625), in the event that the Plaintiff is unable to locate and

25
DEFAULT JUDGMENT AND DECREE OF
FORECLOSURE AND ORDER FOR
DELIVERY OF PERSONAL PROPERTY - 8

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1 repossess the vehicles. Plaintiff shall be entitled to such further orders are necessary to direct
2 the Sheriff to proceed and such orders shall be entered at such time as Plaintiff requests; and

3 G. That the Sheriff of Skagit County, Washington is hereby allowed to
4 break and enter any premises owned by the Defendants, including but not limited to the
5 Defendants' residences and any other outbuildings and other structures of GAVIN J.
6 MURRAY and MICHELLE A. MURRAY, the Judgment Debtors herein, located at 2215 35th
7 Court, Anacortes, Skagit County, Washington and 6330 Mountain View Lane, Anacortes,
8 Skagit County, Washington, and execute upon the personal property identified in paragraphs
9 4.2C, 4.2E, and 4.2F above, as requested in any Writ of Execution as may hereafter be issued
10 in this case; and

11 H. That Plaintiff be awarded a judgment against the Defendants, jointly
12 and severally, for such monetary amount as may be adjudged owing by way of deficiency
13 following disposition of such property; and

14 I. That the Defendants, and each of them, be forever barred from having
15 or asserting any right, title, estate, lien or interest in or to the personal property herein
16 described adverse to Plaintiff.

17 DONE IN OPEN COURT this 8th day of May, 2015.

18
19 
20 JUDGE/COMMISSIONER

21 Presented by:

22 SKAGIT LAW GROUP, PLLC

23 By 

24 CRAIG E. CAMMOCK, WSBA #24185
Attorney for Plaintiff

25 DEFAULT JUDGMENT AND DECREE OF
FORECLOSURE AND ORDER FOR
DELIVERY OF PERSONAL PROPERTY - 9

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