

140342

BOOK 206 PAGE 623

## RETURN ADDRESS:

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FILE FOR RECORD  
 SKAMMIA CO. WASH  
 BY Philip A. Foster

FEB 12 4 42 PM '01

G. Laury  
 AUDITOR  
 GARY M. OLSON

Please Print or Type Information.

Document Title(s) or transactions contained therein:

1. JUGEMENT

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

GRANTOR(S) (Last name, first, then first name and initials)

1. TERRY SHOELL2. SHYLIA SHOELL3. SHOELL FAMILY TRUST

4. \_\_\_\_\_

☐ Additional Names on Page \_\_\_\_\_ of Document.

GRANTEE(S) (Last name, first, then first name and initials)

1. EDWARD WIEMICEN2. DARLE WIEMICEN

3. \_\_\_\_\_

4. \_\_\_\_\_

☐ Additional Names on Page \_\_\_\_\_ of Document.

LEGAL DESCRIPTION (Abbreviated: i.e., Lot, Block, Plat or Section Township, Range, Quarter/Quarter)

LOT 3 SHORT PLAT RECORDED BK 1 PAGE 69☐ Complete Legal on Page \_\_\_\_\_ of Document.

REFERENCE NUMBER(S) Of Document assigned or released:

214☐ Additional Numbers on Page \_\_\_\_\_ of Document.

ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBER

☐ Property Tax parcel ID is not yet assigned.☒ Additional Parcel Numbers on Page 2-5-19-1311 of Document.

The Auditor/Recorder will rely on the information provided on the form. The Staff will not read  
 the document to verify the accuracy or completeness of the indexing information.

SKAMANIA COUNTY  
FILED

FEB 12 2001

LORENA E. HOLLIB, CLERK  
DEPUTY

## SUPERIOR COURT OF WASHINGTON FOR SKAMANIA COUNTY

EDWARD and BIRDIE WIEMKEN

NO. 99 2 00043 1

Plaintiff,

vs.

JUDGMENT

MR./MRS TERRY D. SHOELL,  
MS./MR. SYLVIA E. SHOELL, &  
THE SHOELL FAMILY TRUST

Defendants

JUDGMENT SUMMARY PURSUANT TO RCW 4.64.030

Plaintiff:

Attorney for Plaintiff:

Judgment Debtor(s):

EDWARD and BIRDIE WIEMKEN

PHILIP A. FOSTER

TERRY D. SHOELL, & SYLVIA E.  
SHOELL, and THE SHOELL FAMILY  
TRUST

Defendants

Attorney for Debtors:

Date of Judgment:

Principal Amount:

Interest to Judgment Date

Post-Judgment Interest Rate:

Filing Fee:

Service Fee (Summons and

Complaint):

Attorneys Fee:

COSTS-OTHER

TOTAL:

The 12 day of February, 2001.

\$ ~~12,800~~ 10,500

none

12% per annum

\$110.00

\$45.00

\$6,550 -

525 + 0 -

\$ 17,930 -

THIS MATTER having come on regularly for trial before the Court on February 12, 2001, Plaintiff appearing through PHILIP A. FOSTER, attorney at law, the Defendants appearing and having represented themselves Pro Se at trial, counsel for Defendants having

JUDGMENT - 1

PHILIP A. FOSTER  
Attorney at Law  
2011 St. Johns Blvd.  
Vancouver, Wa 98661  
360-695-1800

1 withdrawn without objection prior to trial, and the Court having examined the parties and  
 2 witnesses present, considered the evidence, and being fully advised in the premises and  
 3 having previously entered Findings of Fact and Conclusions of Law, now makes the  
 4 following Judgement:

## I.

6 Title to the real property described in Exhibit C is vested exclusively in the Plaintiffs.  
 7 The defendant shall have no right, title, or interest in same. The defendants are enjoined  
 8 from again trespassing upon the disputed box and/or from causing damage to the fence  
 9 between their property (lot 1311, described on Exhibit B, less or not including that property  
 10 described on Exhibit C) and the plaintiffs property (lot 1400, described on Exhibit A). The  
 11 property described on Exhibit C is a part of lot 1400, described on Exhibit A.

## II.

13 Judgment is entered in favor of Plaintiffs and against Defendants TERRY and  
 14 SYLVIA SHOELL in the sum of \$ 10,500- for cutting the plaintiffs trees,  
 15 \$ 0- for emotional distress damages occasioned by the timber trespass and  
 16 fence cutting, and \$ 0- for costs of repairing the fence; together with  
 17 reasonable attorney's fees in the sum of \$ 6,550-, and costs and disbursements in  
 18 the sum of \$ 725 + 0- para 5,5,

## III.

20 TERRY and SYLVIA SHOELL are severally liable for all damages, and TERRY and  
 21 SYLVIA SHOELL and THE SHOELL FAMILY TRUST are jointly and severally liable for  
 22 the fence cutting damages awarded herein. THE SHOELL FAMILY TRUST is also jointly  
 23 and severally liable for statutory attorneys fees of \$125.00 and costs of \$155.00.

## IV.

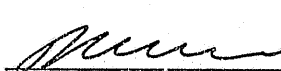
25 TERRY and SYLVIA SHOELL should be restrained and enjoined from coming upon  
 26 the property described on Exhibit C, and additionally from cutting, altering, tearing down,  
 27 passing through, or otherwise damaging or compromising any fence constructed by plaintiffs  
 28

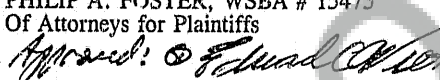

1 that is located where the fence had been located prior to the removal of same, along the  
2 northern border of lot 1400.

3  
4 DONE IN OPEN COURT this 12<sup>th</sup> day of February, 2001.

5  
6   
7 JUDGE REYNOLDS

8 Presented by:

9  
10   
11 PHILIP A. FOSTER, WSBA # 15475  
12 Of Attorneys for Plaintiffs

13 Approved:    
14 Consent as to entry, notice of  
15 presentment waived, and approved as  
16 to form and content this  
17 12<sup>th</sup> day of February, 2001.

18   
19 TERRY and SYLVIA SHOELL

20 Consent as to entry, notice of  
21 presentment waived, and approved as  
22 to form and content this  
23      day of February, 2001.

24 JUNIUS SHOELL, FOR THE SHOELL FAMILY TRUST

25 Attachments:

- 26 Exhibit A = lot 1400, plaintiff's property  
27 Exhibit B = lot 1311, defendant's property  
28 Exhibit C = the disputed box, plaintiff's property  
Exhibit D = map of the properties



REAL ESTATE CONTRACT

BOOK 206 PAGE 627

Book 80, Page 33

THIS REAL ESTATE CONTRACT made this day by and between E.A. PRICE and ROBERTA M. PRICE, his wife, hereinafter called "Sellers", and EDWARD C. WIEMKEN and BIRDIE WIEMKEN, as joint tenants as to an undivided one-half interest, and DAVID WIEMKEN, an unmarried man, as to an undivided one-half interest, hereinafter called "Purchasers",

WITNESSETH:

1. DESCRIPTION OF REAL ESTATE CONTRACTED TO BE SOLD: The Sellers agree to sell to the Purchasers, and the Purchasers agree to buy of the Sellers, the following described real estate in Skamania County, Washington:

The South half of the Southwest Quarter of Section 19, and the North half of the North half of the North half of the Northwest quarter of Section 30, Township 2 North, Range 5 E.W.M.

EXCEPT a strip of land 300 feet in width acquired by the United States of America for the Bonneville Power Administration's electric power transmission lines.

EXCEPT that portion of the Southwest quarter of Section 19, Township 2 North, Range 5 E.W.M., described as follows:

BEGINNING at a point on East line of said Southwest quarter of Section 19, that is North 613 feet from the Southeast corner thereof; thence West 400 feet; thence North 200 feet; thence East 400 feet; thence South 200 feet, to a point of beginning.

ALSO EXCEPT a tract of land located in Sections 19 and 30, Township 2 North, Range 5 E.W.M., described as follows:

BEGINNING at the section corner common to Sections 19 and 30 aforesaid; thence North 375 feet along the West line of the said Section 19; thence in a southeasterly direction to intersection with the south line of the said Section 19 at a point 605 feet Easterly to the point of beginning; thence Westerly along said South line 605 feet to the point of beginning;

AND

ALL that portion of the West 605 feet of the Northwest quarter of the Northwest quarter of said Section 30, lying Northerly of the 300 foot strip of land acquired by the United States of America in Condemnation Proceedings, for the Bonneville Power Administration's electric power transmission lines.

SUBJECT to an easement and right-of-way for an electric power transmission line over and across the Southeast quarter of the Southwest quarter of Section 19, Township 2 North, Range 5 E.W.M., granted to Pacific Power & Light Company by Deed dated May 10, 1940, recorded May 24, 1940 at page 73 of Book 28 of Deeds, Auditor's File No. 28909, records of Skamania County, Washington.

SUBJECT to a Lease to Frederick V. Pratt and Patrick C. Allen dated January 30, 1970, recorded March 27 1978, in the office of the recording officer of Skamania County, Washington under recording No. 86000.

2. PURCHASE PRICE: Total purchase price of said property is \$202,500.00 payable as follows:

A. 1978 Payments upon Principal: Purchasers shall pay to Sellers the sum of \$27,000.00 upon principal on or before November 25, 1978, as hereinafter described. Purchasers have deposited

407 1400

EXHIBIT "A"

BOOK 123 PAGE 661

EXHIBIT A

Lot 3 of Short Plat recorded March 8, 1979, in Book 1 of Short Plats at Page 69, Auditor's File No. 83826, records of Skamania County, Washington, described as follows:

The West 493 feet of the North half of the Southwest quarter of Section 19, Township 2 North, Range 5 East of the Willamette Meridian, Skamania County, Washington.

EXCEPT the North 660 feet; and

EXCEPT the West 330 feet.

TOGETHER with a 60 foot road easement over and across the South 60 feet of the North 690 feet of the North half of the Southwest quarter of Section 19, Township 2 North, Range 5 East of the Willamette Meridian, Skamania County, Washington.

EXCEPT the West 610 feet.

ALSO TOGETHER WITH AND SUBJECT TO the 30 foot road easement as delineated over the North 30 feet of Lots 3 and 4 of the above described Short Plat.

LOT 1311

EXHIBIT "B"



**LAWSON**

Surveying & Engineering, Inc.  
John G. Lawson, PE, PLS

• Surveying • Environmental  
• Engineering • Planning

11816 N.E. 99th Street Bldg. 12, Suite 1204 Vancouver, WA 98662 (360) 256-8008 FAX (360) 256-7287

July 19, 2000

**Description of a portion of the Shoell Property  
also being a portion of Lot 3 of Short Plat  
Recorded in Book 1, Page 69**

**COMMENCING** at the Southwest corner of the North one-half of the Southwest one-quarter of Section 19, Township 2 North, Range 5 East of the Willamette Meridian, also being the Southwest corner of Lot 1 of said Short Plat;

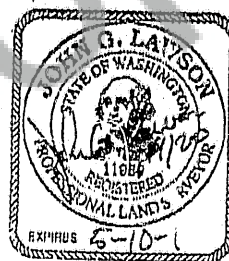
**THENCE** South  $89^{\circ}24'36''$  East, along the south line of said North one-half of the Southwest one-quarter, 330 feet to the Southwest corner of Lot 3 of said Short Plat and the **POINT OF BEGINNING**;

**THENCE** South  $89^{\circ}24'36''$  East, 165 feet to the Southeast corner of said Lot 3;

**THENCE** North  $00^{\circ}38'55''$  East; 26 feet;

**THENCE** West to a point 27 feet North  $00^{\circ}38'55''$  East of the Point of Beginning;

**THENCE** South  $00^{\circ}38'55''$  West, 37 feet to the **POINT OF BEGINNING**.



**DISPUTED DOY**

F:\Data\Doc - ment\2000\51 to 61\Shoell.doc

EXHIBIT "C"



## Fence

FENCE CORNER  
31 3' N 0.6'E  
OF CORNER

# Shoell

**Fenke**

EXHIBIT C  
DISPUTED Box

# Wiemkin

EXHIBIT **D**



State of Washington  
County of Skamania

I, Lorena E. Hollis, County Clerk of the Superior  
Court of Skamania County, Washington, DO HEREBY  
CERTIFY that the instrument consisting of 7  
page(s) and correct copy of the original  
now on file for record in my office and, as County  
Clerk, I am the legal custodian thereof.

Signed and sealed at Stevenson, Washington

Date date: 2-12-01

LORENA E. HOLLIS, County Clerk

BY m. Vance Deputy