

1 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
2 IN AND FOR COWLITZ COUNTY

3 NATIONAL BANK OF WASHINGTON,
4 TACOMA, WASHINGTON, a National
Banking Association,

No. 24919

5 Plaintiff,

6 vs.

LIS PENDENS

7 TED MADDUX and SYLVIA MADDUX,
8 his wife; T. & S. TIE MILLS, INC.,
9 a Washington corporation; WILLIAM
O. McKAY COMPANY, INC., a Washington
10 corporation; NORMAN C. ROSS and JANE
DOE ROSS, his wife, STATE OF WASHINGTON;
and UNITED STATES OF AMERICA,

11 Defendants.

12
13
14 NOTICE IS HEREBY GIVEN that an action has been
15 commenced and is now pending in the above entitled court and
16 cause affecting title to the following described real property
17 situate and being in Cowlitz and Skamania Counties, State of
18 Washington, to-wit:

19 A. Cowlitz County properties:

20 Parcel No. 1

21 The Northwest quarter of the Northwest quarter
(NW¼ NW¼) of Section 3, Township 5 North, Range
22 1 East of Willamette Meridian.

23 Parcel No. 2

24 That part of Section 33, Township 6 North, Range
25 1 East of the Willamette Meridian, more particularly
described as follows: Beginning at the Southeast
26 corner of said Section 33; thence North along the
Eastern boundary line of Section 33 approximately
27 760 feet to the County Road; thence Westerly along
the right of way of said County Road to a point
28 where said County Road intersects the Southern boundary
line of said Section 33; thence East along said Southern
boundary line to point of beginning.

29 (Lis Pendens -1)



METZGER, BLAIR & GARDNER
TACOMA BUILDING
TACOMA

1 Parcel No. 3

2 That parcel of land more particularly described
3 as follows: Beginning at the Southwesterly corner
4 of Section 34, Township 6 North, Range 1 East of
5 Willamette Meridian; thence North approximately
6 750 feet to the County Road known as the Paanen Road;
7 thence East along the South boundary of said road to
8 its juncture with the County Road known as the Little
9 Kalama Road; thence South along the West boundary
10 of said Little Kalama Road to the South boundary
11 line of Section 34; thence West along said South
12 boundary line of said Section 34 to the point of
13 beginning;

14 EXCEPTING THEREFROM: Beginning at a point 384 feet
15 East of the Southwest corner of the Southwest
16 quarter of Section 34, Township 6 North, Range 1
17 East of the Willamette Meridian, running North
18 81.5 feet; thence East 280 feet to the West side
19 of the Little Kalama Highway; thence South 81.5 feet;
20 thence West 280 feet to the point of beginning.

21 Parcel No. 4

22 Beginning at a point 384 feet East of the Southwest
23 corner of the Southwest quarter of Section 34,
24 Township 6 North, Range 1 East of Willamette Meridian,
25 running North 81.5 feet; thence East 280 feet to
26 the West side of the Little Kalama Highway; thence
27 South 81.5 feet; thence West 280 feet to point of
28 beginning.

29 Parcel No. 5

30 The Northeast quarter of the Northeast quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
31 and the Northwest quarter of the Northeast quarter (NW $\frac{1}{4}$
32 NE $\frac{1}{4}$), EXCEPT the West 778 feet; all in Section 4,
33 Township 5 North, Range 1 East of Willamette
34 Meridian,

35 ALSO EXCEPT: A parcel of land 50 feet by 120 feet,
36 described as follows: Commencing at the Southeast
37 corner of the Northeast quarter of the Northeast
38 quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 4, Township 5 North,
39 Range 1 East of Willamette Meridian; thence West
40 along the South line of the Northeast quarter of the
41 Northeast quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 4, Township 5
42 North, Range 1 East of Willamette Meridian for a
43 distance of 412 feet for a point of beginning; thence
44 North 50 feet; thence West 120 feet; thence South
45 50 feet; thence East 120 feet to the point of
46 beginning.

47 Parcel No. 6

48 That portion of the following described tract of
49 land in the William C. Powell Donation Land Claim
50 in Township 5 North, Range 1 East, Willamette
51 Meridian which lies North of the Lewis River County
52 Road, to-wit: Beginning at a stake 18.93 chains

1 West of the corner of Sections 2, 3, 10 and 11
2 in Township 5 North, Range 1 East, Willamette
3 Meridian, running thence South to the North Fork
4 of Lewis River; thence down the North bank of
5 the North fork of Lewis River to the Creek known
6 as "Spring Creek"; thence up said creek to where
7 it forks; thence North 55½° West 75 links to a
8 stake and Houghton's line; thence North along
9 said line to Ranselar Webster's Southwest corner;
10 thence East 74 rods to said Ranselar Webster's South-
11 east corner; thence South to Section line; thence
12 East to the point of beginning. EXCEPT those portions
13 thereof conveyed to the State of Washington by deeds
14 recorded under Auditor's File Nos. 367787, 383972
15 and 470688.

16 Parcel No. 7

17 The South one-half of Southwest quarter (S½ SW¼)
18 of Section 34, Township 6 North, Range 1 East of
19 Willamette Meridian; EXCEPT right of way;
20 ALSO EXCEPT tract conveyed by deed recorded in
21 volume 416 at page 360, under auditor's file
22 No. 292783;

23 ALSO EXCEPT tract conveyed by deed recorded in
24 Volume 518, page 124, under auditor's file No.
25 384394.

26 TOGETHER WITH all the right, title and interest
27 of the mortgagors in and to that certain executory
28 real estate contract dated July 8, 1957, between
29 Armas J. Fields, therein called the seller, and
30 the Mortgagor herein, Ted Maddux, therein called
the purchaser, wherein and whereby the seller
therein agreed to sell and the purchaser therein
agreed to purchase said property, together with
other property, upon the terms and conditions in
said contract stated, which contract was filed for
record in the office of the Auditor of Cowlitz
County, Washington, on the 15th day of May, 1958,
and there recorded in Volume 611 of Deeds, at
page 578.

Parcel No. 8

The Northwest quarter of the Southwest quarter
(NW¼ SW¼) and the South 10 acres of the Northeast
quarter of the Southwest quarter (NE¼ SW¼) all in
Section 34, Township 6 North, Range 1 East of
Willamette Meridian;

EXCEPTING a strip of land for roadway granted to
Cowlitz County by Deed from Charles Fields and
Johanna Fields, dated January 6, 1945 and recorded
in Volume 188, page 410, under auditor's file
No. 112056.

TOGETHER WITH all the right, title and interest
of the Mortgagors in and to that certain executory
real estate contract dated July 8, 1957, between
Armas J. Fields, therein called the seller, and

(Lis Pendens -3)

1 the Mortgagor herein, Ted Maddux, therein called
2 the purchaser, wherein and whereby the seller
3 therein agreed to sell and the purchaser therein
4 agreed to purchase said property, together with
5 other property, upon the terms and conditions
6 in said contract stated, which contract was
7 filed for record in the office of the Auditor of
8 Cowlitz County, Washington, on the 15th day of
9 May, 1958, and recorded in Volume 611 of Deeds
10 at page 578.

11 Property in Skamania County: (Parcel No. 14)

12 That certain agreement entitled "Permit Agreement"
13 bearing date April 25, 1958, by and between
14 Pacific Power & Light Company, a corporation,
15 and the Mortgagor, Ted Maddux, wherein and where-
16 by the said Pacific Power & Light Company granted
17 permission to the said Ted Maddux to use the
18 following described premises situate in Skamania
19 County, Washington, to-wit:

20 That part of Pacific Power & Light
21 Company's real property located in
22 Lot four (4), Section 29, Township
23 7 North, Range 5, East of the Willamette
24 Meridian, more particularly shown, out-
25 lined in red, on the sketch attached to
26 said Permit Agreement, marked Exhibit
27 "A" of said mortgage and by reference
28 made a part thereof

29 (which premises are now in the possession of
30 and occupied by the Mortgagors herein) for a term
expiring April 30, 1960, and any and all extensions
or renewals thereof or substitutions therefor,
together with all interest of any one or more of
the Mortgagors herein in and to said premises under
and by virtue of said Permit Agreement or of any
extension or renewal thereof or substitutions
therefor.

That the parties to said action and the court in which
the same is pending are all as particularly set forth in the
caption hereof, to which reference is hereby made.

The purpose of said action, as set forth in the First
Cause of Action contained in plaintiff's complaint, is to
recover judgment against the defendants T. & S. Tie Mills, Inc.,
and Ted Maddux and Sylvia Maddux, his wife, and the marital
community thereby composed, for the amount due upon a certain
promissory note made, executed and delivered by the defendants

(Lis Pendens -4)

1 T. & S. Tie Mills, Inc., and Ted Maddux and Sylvia Maddux, his
2 wife, to plaintiff, National Bank of Washington, Tacoma, Wash-
3 ington, dated May 16, 1958, for the principal sum of
4 \$110,000.00, upon which there is now claimed to be due the
5 principal sum of \$100,991.18, with interest thereon at the
6 rate of six per cent per annum from May 15, 1959, together with
7 the sum of \$3,342.09 on account of payments made by the plaintiff
8 for insurance premiums, with interest on said sum at the rate
9 of six per cent per annum from May 15, 1959, and for such sum
10 as the court may find to be reasonable on account of attorneys'
11 fees, and for costs and disbursements, including cost of title
12 search and foreclosure report and chattel lien search in said
13 action expended or incurred by plaintiff; and further, as set
14 forth in plaintiff's Second Cause of Action in plaintiff's
15 complaint contained, to recover judgment against Defendants
16 T. & S. Tie Mills, Inc. and Ted Maddux and Sylvia Maddux, his
17 wife, and the marital community thereby composed, of the amount
18 due upon a certain promissory note made, executed and delivered
19 by defendants T. & S. Tie Mills, Inc. and Ted Maddux and Sylvia
20 Maddux, his wife, to plaintiff, National Bank of Washington,
21 Tacoma, Washington, dated September 25, 1958, for the principal
22 sum of \$50,000.00, upon which there is now claimed to be due
23 the principal sum of \$48,646.16, with interest thereon at the
24 rate of six per cent per annum from May 15, 1959, and for such
25 sums as the court may find reasonable on account of attorneys'
26 fees, and for the costs and disbursements in said action expended
27 or incurred by plaintiff.

28 By its complaint plaintiff, National Bank of Washington,
29 Tacoma, Washington, also seeks to have that certain real and
30 chattel mortgage, made, executed and delivered by defendants,

(Lis Pendens -5)

1 T. & S. Tie Mills, Inc. and Ted Maddux and Sylvia Maddux, his
2 wife, dated May 16, 1958, and filed for record in the office
3 of the Auditor of Cowlitz County, Washington on the 20th day
4 of May, 1958, under Auditor's Fee No. 487712, recorded in
5 Book 609 of Mortgages, page 749, decreed to be a valid and
6 subsisting mortgage and lien upon the real property and personal
7 property in it and hereinabove described, superior and paramount
8 to the lien, right, title, equity, estate or interest of the
9 defendants above named, and each and all of them, and of all
10 persons or parties claiming by, through or under them, or any
11 of them, to secure the payment of all sums for which plaintiff
12 may be awarded judgment upon its First Cause of Action, together
13 with costs, including title search and foreclosure expense
14 and chattel lien search and attorneys' fees.

15 By its complaint, in plaintiff's Second Cause of
16 Action, the plaintiff, National Bank of Washington, Tacoma,
17 Washington, seeks to have that certain mortgage made, executed
18 and delivered by defendants, T. & S. Tie Mills, Inc. and Ted
19 Maddux and Sylvia Maddux, his wife, delivered to plaintiff
20 National Bank of Washington, Tacoma, Washington, dated
21 September 25, 1958, recorded September 26, 1958 in the
22 office of the Auditor of Cowlitz County under Auditor's Fee
23 No. 493662, and there recorded in Book 614 of Mortgages at
24 page 615, decreed to be a valid and subsisting mortgage and
25 lien upon the property therein and in plaintiff's Second Cause
26 of Action described and referred to, superior and paramount to any
27 right, title, interest, estate, equity or lien of the defen-
28 dants above named, or any of them, or of any and all persons
29 claiming by, through or under them, or any of them, to secure
30 payment of all sums for which plaintiff may be awarded judgment

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1 on its Second Cause of Action, together with costs and attorneys'
2 fees.

3 That the complaint of National Bank of Washington,
4 Tacoma, Washington, plaintiff above named, further seeks
5 the foreclosure of said mortgages and to have the defendants
6 above named, and all persons claiming or hereafter to claim
7 by, through or under them, or any of them, forever foreclosed
8 and debarred of any and all right, title, estate, lien, interest
9 or equity of redemption in and to the above described real
10 property and the said personal property in said mortgages
described, or any part thereof, save only such statutory right
of redemption as may be provided by the statutes of the State
of Washington, and to have said mortgaged premises and property
14 sold to satisfy, so far as may be, the judgments which may be
15 awarded the plaintiff, and to put the purchaser thereof into
16 possession thereof immediately following said sales, and to
17 have deficiency judgments against defendants T. & S. Tie Mills,
18 Inc., Ted Maddux and Sylvia Maddux, his wife, and the marital
19 community thereby composed, for any sums not satisfied out
20 of the proceeds of sale, and for general and equitable relief
21 in the premises.

22 DATED at Tacoma, Washington this 17th day of August,
23 1939.

24 METZGER, BLAIR & GARDNER
25 Attorneys for Plaintiff
26 Office and P.O. Address;
27 521 Tacoma Building,
28 Tacoma 2, Washington

29 (Lis Pendens -7)
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