

116228

NOTICE OF INTENT TO FORFEIT

PURSUANT TO THE REVISED CODE OF WASHINGTON

CHAPTER 61

BOOK 135 PAGE 291

TO: JOE W. BARKOWSKI
MP 2.19 R Kueffler Road
Skamania, WA 98648

LYNNETTE M. BARKOWSKI
MP 2.19 R Kueffler Road
Skamania, WA 98648

YOU ARE HEREBY NOTIFIED that the Real Estate Contract described below is in default and you are provided the following information with respect thereto:

- (a) The name, address and telephone number of the Seller and, if any, the Seller's agent or attorney giving the notice:

DALE POWERS and ANNE POWERS
husband and wife
8501 N.E. Mill Plain
Vancouver, WA 98664
(206) 694-5152

ROBERT E.L. BENNETT
Attorney at Law
1614 Washington
Vancouver, WA 98660
(206) 695-0770

- (b) Description of the Contract: Real Estate Contract dated July 10, 1991, executed by Dale Powers and Anne Powers, husband and wife, as Sellers, and Joe W. Barkowski and Lynnette M. Barkowski, husband and wife, as Purchasers, which Contract or a memorandum thereof was recorded under Auditor's File No. 111602 on July 17, 1991, records of Skamania County, Washington.

- (c) Legal description of the property:

Tract No. 13 of Columbia River Estates as more particularly shown on a survey thereof, recorded at Page 364 of Book J of Miscellaneous Records, under Auditors File No. 75655, records of Skamania County, Washington; said real property being a portion of the Northwest Quarter of the Northwest Quarter of Section 23, Township 2 North, Range 6 East of the Willamette Meridian.

TOGETHER WITH rights of way for roads "A" and "G" for the use of the public as are particularly described on aforesaid survey recorded at Page 364 of Book "J" of miscellaneous records.

SALE INCLUDES: A 1975 Kingwood Mobile Home Vehicle Identification Number K6424PK334S4735, Title Number 8912809204

- (d) Description of each default under the Contract on which the notice is based:

1. Failure to pay the following past due items, the amounts and an itemization for which are given in (g) and (h) below:

- i. Real Estate Contract Monthly Payments
ii. Annual Tax Payments

2. Other defaults: None

NOTICE OF INTENT TO FORFEIT - 1

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FILED FOR RECORD
SKAMANIA COUNTY, WASH
BY Robert Bennett

MAY 13 4 42 PM '93

P. Lowry
GARY M. OLSON

Clenda J. Kinnel, Skamania County Assessor

2-6-23-2-113
2-6-23-2-114
5-17-91

(e) Failure to cure all of the defaults listed in (g) and (h) on or before August 12, 1993, will result in the forfeiture of the Contract.

(f) The forfeiture of the Contract will result in the following:

1. All right, title and interest in the property of the Purchaser and of all persons claiming through the Purchaser given this notice shall be terminated;
2. The Purchaser's rights under the Contract shall be canceled;
3. All sums previously paid under the Contract shall belong to and be retained by the Seller or other person to whom paid and entitled thereto; and
4. All improvements made to and unharvested crops on the property shall belong to the seller; and
5. The Purchaser and all persons claiming through the Purchaser given this notice shall be required to surrender possession of the property, improvements, unharvested crops, and timber to the Seller on August 23, 1993.

(g) The following is a statement of payments of money in default (or, where indicated, an estimate thereof) and for any defaults not involving the failure to pay money the actions required to cure the default:

1. Monetary Delinquencies:

| <u>Item</u> | <u>Amount</u> |
|--|---------------|
| i. March, 1993 REC payment | \$ 550.00 |
| ii. April, 1993 REC payment | 550.00 |
| iii. March, 1993 Late Charge | 27.50 |
| iv. April, 1993 Late Charge | 27.50 |
| v. Reserve payments: September, 1991 through April, 1993 (20 months x \$66.87) | \$1,337.40 |
| TOTAL: | \$2,492.40 |

2. Action required to cure any non-monetary default: None

(h) The following is a statement of other payments, charges, fees and costs to cure the default:

| <u>Item</u> | <u>Amount</u> |
|---|---------------|
| 1. Cost of title report | \$ 294.25 |
| 2. Service/Posting of Notice of Intent to Forfeit | 40.00 |
| 3. Copying/Postage (estimated) | 10.00 |
| 4. Attorney's Fees (estimated) | 700.00 |
| 5. Recording Fees | 25.00 |
| TOTAL | \$1,069.25 |

The total amount necessary to cure the default is the sum of the amounts in (g) and (h), which is \$3,561.65, plus the amount of any payments and late charges which fall due after the date of this Notice of Intent to Forfeit and on or prior to the date of default is cured. Monies required to cure the default may be tendered to ROBERT E.L. BENNETT, Attorney at Law, at the following address 1614 Washington, Vancouver, Washington 98660.

- (i) The Purchaser or any person claiming through the Purchaser has the right to contest the forfeiture or to seek an extension of time to cure the default, or both, by commencing a court action prior to August 13, 1993.

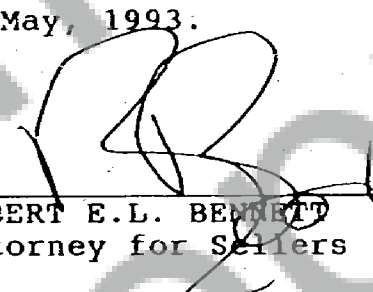
NO EXTENSION IS AVAILABLE FOR DEFAULTS WHICH ARE A FAILURE TO PAY MONEY.

- (j) The person to whom the notice is given may have the right to request a court to order a public sale of the property; that such public sale will be ordered only if the court finds that the fair market value of the property substantially exceeds the debt owed under the contract and any other liens having priority over the seller's interest in the property; that the excess, if any, of the highest bid at the sale over the debt owed under the contract will be applied to the liens eliminated by the sale and the balance, if any, paid to the purchaser; that the court will require the person who requests the sale to deposit the anticipated sale costs with the clerk of the court; and that any action to obtain an order for public sale must be commenced by filing and serving the summons and complaint before the declaration of forfeiture is recorded.

- (k) The Seller is not required to give any person any other notice of default before the declaration which completes the forfeiture is given.

EARLIER NOTICE SUPERSEDED: This Notice of Intent to Forfeit supersedes any Notice of Intent to Forfeit which was previously given under this Contract and which deals with the same defaults.

DATED this 11th day of May, 1993.

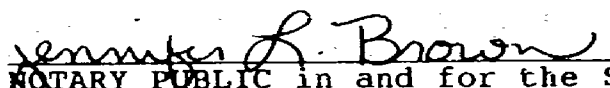

ROBERT E.L. BENNETT
Attorney for Sellers

STATE OF WASHINGTON)
 : ss.
County of Clark)

On this day personally appeared before me Robert E.L. Bennett, to me known to be the individual described in and who executed the within and foregoing instrument and acknowledged to me that he signed the same as his free and voluntary act and deed for the purposes therein mentioned.

GIVEN under my hand and official seal this 11th day of May, 1993.




JENNIFER L. BROWN
NOTARY PUBLIC in and for the State of
Washington.
My commission expires: 2-23-96