

120812

NOTICE OF INTENT TO FORFEIT

Pursuant to Revised Code of Washington
Chapter 61.30.060 and .070

To: Mrs. Barbara J. (Blair) Heath
17544 S.E. Tibbets
Portland, Oregon 97236

Mr. Phillip J. Heath
17544 SE Tibbets
Portland, Oregon 97236

Mr. Willis G. Blair
7211 SE Powell Blvd.
Portland, OR 97206

FILED FOR RECORD
SKAMANIA CO. WASH
BY D. Craig Mikkelsen

SEP 22 2 34 PM '94

P. Laury
AUDITOR
GARY H. OLSON

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

A. Seller: Virginia L. Coleman (formerly Haines) and Ivan L. Haines
(deceased)
P.O. Box 1733
Fairbanks, Alaska 99707

Agent: D. Craig Mikkelsen
Attorney at Law
160 N.W. Third Avenue
Canby, Oregon 97013
Telephone (503) 266-8760

B. Description of Contract: Real Estate Contract, dated October 15, 1976, executed by Virginia L. Haines (now Coleman) and Ivan L. Haines (deceased), husband and wife, as Sellers, and Willis G. Blair and Barbara J. Blair, as Purchasers, which contract was recorded under Auditor's No. 83256, in Book 71, Page 995, of the Deed and Mortgage Records of Skamania County, Washington, on December 1, 1976.

C. Legal Description of the Property:

A parcel of land in Skamania County, Washington, more particularly described as follows:

Registered	✓
Indexed	✓
Filed	✓
Filed	
Filed	

Beginning at the Southwest corner of the NW 1/4 of Section 6, Township 1 North, Range 6 East of the W.M., thence North along the West line of said Section 6, 660 feet, more or less, to the North line of the South 1/2 of the South 1/2 of said NW 1/4; thence East along said North line 660 feet, more or less, to a point on the East line of the West 1/2 of the West 1/2 of said NW 1/4; thence South along said East line 660 feet, more or less, to the South line of the NW 1/4; thence West along said South line 660 feet, more or less, to the point of beginning;

EXCEPT that portion thereof sold to Michael L. and Joan A. Gardner, husband and wife, by instrument dated 6-15-72 and recorded 7-21-72 under Auditor's File No. 75010;

EXCEPT that portion thereof contracted to be conveyed to Albert D. Elkins and Andrea J. Elkins by instrument dated 9-1-71 and recorded 10-6-71 under Auditor's File no. 74011;

EXCEPT that portion thereof contracted to be conveyed to James Edward Filbin by instrument dated 9-18-71 and recorded 10-6-71 under Auditor's File No. 74012.

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 of which are given in (G) and (H) below:

Principal and interest since November 15, 1992, and taxes due as of April 30, 1994.

E. Failure to cure all of the defaults listed in paragraphs (G) and (H) below on or before December 30, 1994, will result in 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, or whose interest are subordinate to the seller's interest, shall be terminated;

2. The purchaser's rights under the Contract shall be cancelled;

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;

4. All of the purchaser's rights in all improvements made to the property, to all unharvested crops and timber on the property shall belong to the seller;

5. The purchaser and all persons occupying the property whose interest are forfeited shall be required to surrender possession of the property, improvements and unharvested crops and timber to the seller ten (10) days after recording of the Declaration of Forfeiture, which is on or after January 10, 1995.

G. The following is a statement of payments of money in default and, where indicated, reasonable estimates thereof and for any defaults not involving the failure to pay money, the actions required to cure the default:

Monetary delinquencies:

<u>Item</u>	<u>Amount</u>
Monthly real estate contract payments due as of September 15, 1994:	\$719.67
Real property taxes as of September 1, 1994:	\$141.32

H. The following is an itemized statement of all other payments, charges, fees and costs required to cure the defaults and, where indicated, reasonable estimates thereof:

<u>Item</u>	<u>Amount</u>
1. Title Report	\$ 197.95
2. Service of Notice of Intent to Forfeit	10.00 (est.)
3. Copying, postage	10.00 (est.)
4. Recording Fees	20.00 (est.)
5. Attorney's fees	1,500.00 (est.)
TOTAL:	\$1,737.95 (est.)

The total amount necessary to cure the monetary default is the sum of the amounts in (G) and (H), which is \$2,598.94 (est.) 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 the default is cured. Monies and other documents required to cure the default may be tendered to D. Craig Mikkelsen, Attorney at Law, 160 N.W. Third Avenue, Canby, Oregon 97013.

I. Any person to whom this notice is given has the right to contest the forfeiture or to seek an extension of time to cure the default if the default does not involve a failure to pay money, or both, by filing and serving a summons and complaint before the Declaration of Forfeiture is recorded, which is on or after January 10, 1995. **NO EXTENSION IS AVAILABLE FOR DEFAULTS WHICH ARE A FAILURE TO PAY MONEY.**

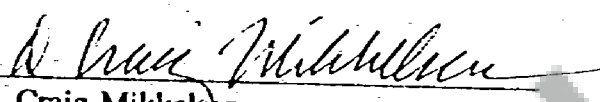
J. Any person to whom this notice is given may have the right to request a court to order a public sale of the property, and such public sale will be ordered only if the court finds that the fair market value of the property substantially exceeds the debt owed under the contract and any other liens having 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

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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 compliant before the Declaration of Forfeiture is recorded, which is on or after January 10, 1994.

K. The seller is not required to give any person any other notice of default before the Declaration of Forfeiture is given.

DATED this 21st day of September, 1994.


D. Craig Mikkelsen
Agent for Sellers
160 N.W. Third Avenue
Canby, Oregon 97013
Telephone (503) 266-8760