

**Return Address:**

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Doc # 2005156818  
Page 1 of 13  
Date: 04/04/2005 04:01P  
Filed by: BLACK HELTERLINE LLP  
Filed & Recorded in Official Records  
of SKAMANIA COUNTY  
J. MICHAEL GARVISON  
AUDITOR  
Fee: \$31.00

*Document Title(s) or transactions contained herein:*

**Affidavit of Foreign Judgment Creditor**

*GRANTOR(S) (Last name, first name, middle initial)*

**DEBTOR: Carson Mineral Hot Springs, LLC**

☐ Additional names on page \_\_\_\_\_ of document.

*GRANTEE(S) (Last name, first name, middle initial)*

**CREDITOR: Rec Man, Inc.**

☐ Additional names on page \_\_\_\_\_ of document

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

**All in Section 21, Township 3 North, Range 8 East, of the Willamette Meridian**

☒ Complete legal on page 10-11 of document

*REFERENCE NUMBER(S) of Documents assigned or released:*

N/A

☐ Additional numbers on page \_\_\_\_\_ of document

*ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBER*

**03-08-21-0-0-0200-00; 03-08-21-0-0-0202-00; 03-08-21-0-0-0301-00;  
03-08-21-0-0-0500-00; and 03-08-21-3-0-2500-00**

☐ Property Tax Parcel ID is not yet assigned

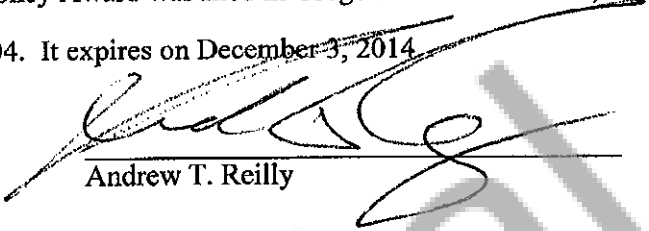
☐ Additional parcel numbers on page \_\_\_\_\_ of document

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.



Carson Mineral Hot Springs LLC  
1 St. Martin Springs Road  
Carson, WA 98610

3. The General Judgment and Money Award was filed in Oregon on November 26,  
2004 and entered on December 3, 2004. It expires on December 3, 2014.

  
Andrew T. Reilly

SUBSCRIBED AND SWORN to before me this 21<sup>st</sup> day of December, 2004, by  
the above-named Andrew T. Reilly.



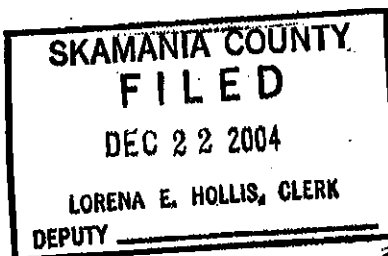
  
Notary Public for Oregon

My commission expires 5/7/2008

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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR MULTNOMAH COUNTY  
EXEMPLIFICATION CERTIFICATE

STATE OF OREGON )  
Multnomah County )



Case Title: REC MAN, INC.,

v  
CARSON MINERAL HOT SPRINGS,  
LLC,

Case # 041011114

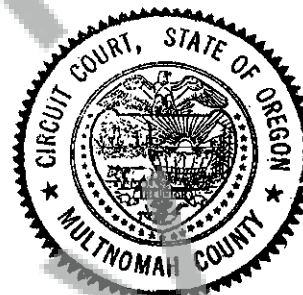
Ska Co. 04-2-20183-0

I, Dale R. Koch, Presiding Judge of the Circuit Court of the State of Oregon for the County of Multnomah, a court of record of general jurisdiction and having an official seal, DO HEREBY CERTIFY that Douglas M. Bray, whose name appears on the following certificate of attestation is now and was at the time of the signing and sealing of the following certificate, Clerk of the Circuit Court for the said County and State, and that full faith and credit are due to all his official acts as such, and that said attestation is executed by his authorized deputy in due form of law.

IN TESTIMONY WHEREOF I have hereunto set my hand and official character this 14th day of December  
2004.

Dale R. Koch

Dale R. Koch  
Presiding Judge of the Circuit Court



STATE OF OREGON )  
Multnomah County )

I, Douglas M. Bray, Court Administrator and Clerk of the Circuit Court of the State of Oregon for Multnomah County, a court of record of general jurisdiction and having an official seal, as legal keeper and custodian of the records and seals thereof, do hereby certify that the foregoing copy of: GENERAL JUDGMENT AND  
MONEY AWARD

has been compared with the original by me and that it is a true and correct transcript therefrom and of the whole of such original as the same appears of record and on file in my office and in my custody.

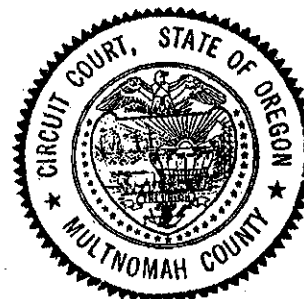
I FURTHER CERTIFY that the Honorable Dale R. Koch is now and was at the time of signing the foregoing certificate of attestation, on of the duly commissioned and qualified judges of the Circuit Court of the State of Oregon for Multnomah County, and that full faith and credit are due to all his official acts as such, and that his attestation hereto annexed is in due form.

IN TESTIMONY WHEREOF, I have hereunto set my hand by my duly authorized deputy and affixed the seal of the Court this  
14th day of December, 2004.

Douglas M. Bray

Douglas M. Bray  
Circuit Court Administrator

By [Signature]



FILED  
04 NOV 26 PM 3:43  
CLERK OF THE COURT  
FOR MULTNOMAH COUNTY

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

REC MAN, INC.,

Plaintiff,

v.

CARSON MINERAL HOT SPRINGS,  
LLC,

Defendant.

Case No. 041011114

**GENERAL JUDGMENT AND  
MONEY AWARD**

ENTERED  
DEC - 3 2004  
IN REGISTER BY CMB

This matter came on regularly for a binding arbitration through the American Arbitration Association Construction Arbitration Tribunal on October 12, 2004. Plaintiff, Rec Man, Inc., appeared by and through its attorney, Brooke M. Burns. Defendant, Carson Mineral Hot Springs, LLC, appeared pro se by and through its representative, Terry Kim.

Ms. Burns and Mr. Kim introduced testimony and other evidence in support of their respective cases and rested. The arbitrator returned an award in favor of plaintiff on October 20, 2004. A copy of the Arbitration Award is attached hereto as Exhibit A. The court confirmed the Arbitration Award on November 17, 2004.

The matter now coming on for judgment on the Arbitration Award.

.....

1 IT IS HEREBY ORDERED AND ADJUDGED:

2 That judgment is entered in favor of plaintiff and against defendant as follows:

3 1. Plaintiff is awarded \$ 16,522.25 on its claims against defendant, together  
4 with pre-judgment interest at a rate of nine percent (9%) per annum from the date  
5 of the Arbitration Award until paid.  
6

7 2. Plaintiff's claim for lost profits is denied.

8 3. Plaintiff is awarded attorney fees in the amount of \$7,730.50 and costs of  
9 \$508.65

10 4. The administrative fees of the American Arbitration Association (the  
11 "Association") totaling \$1,050.00 and the Arbitrator's compensation totaling \$900  
12 are borne by plaintiff and defendant equally. Therefore, defendant shall pay  
13 plaintiff \$525 to reimburse plaintiff for its share of the Arbitrator's compensation  
14 and expenses previously advanced by plaintiff to the Association.  
15

16 MONEY AWARD

17 • Judgment Creditor:

Name: Rec Man, Inc.  
Address: 5014 NE 26<sup>th</sup> St.  
Portland, OR 97211

18 • Attorneys for Judgment Creditor:

Name: James M. Baumgartner  
OSB No. 86148  
Brooke M. Burns  
OSB No. 00220  
Address: 805 SW Broadway  
19<sup>th</sup> Floor  
Portland, OR 97205  
Phone: (503) 224-5560

1 • Judgment Debtor:  
2 Date of Birth:  
3 Tax Identification Number:  
4 Driver's License No.:

Carson Mineral Hot Springs, LLC  
N/A  
Unknown  
N/A

5 • Attorney for Judgment Debtor:

Name: None  
OSB #: N/A  
Address: N/A  
Phone: N/A

372 St. Martin  
Spring Road  
Carson, WA 98601

6 • Other persons or public bodies who are  
7 entitled to any portion of a payment made on this  
8 judgment:

None known

9 • Principal amount of judgment:

\$16,522.25

10 • Prejudgment interest on principal amount  
11 of judgment from October 20, 2004:

\$ 118.03

12 • Interest at the rate of 9% per annum on the  
13 total judgment (\$25,404.43) from date of entry of  
14 judgment until fully paid:

\$ 0

15 • Attorney fees awarded:

\$ 7,730.50

16 • Costs awarded:

\$ 508.65

17 • Prejudgment interest on attorney fees and costs:

\$ 0

18 • Association fees:

\$ 525.00

19 DATED this 26<sup>th</sup> day of November, 2004.

20 Dee R. Koch /cm  
21 Circuit Court Judge

22 SUBMITTED BY:

23 Brooke M. Burns  
24 Brooke M. Burns, OSB No. 00220  
25 Black Helterline LLP  
26 (503) 224-5560  
Of Attorneys for Rec Man, Inc.  
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**AMERICAN ARBITRATION ASSOCIATION**  
**CONSTRUCTION ARBITRATION TRIBUNAL**  
**ARBITRATION AWARD**

**IN THE MATTER OF THE ARBITRATION**  
**RE:**

**REC MAN, INC.,**

**Case No. 75-110-E-00286-04 KRLI**

**Claimant,**

**and**

**CARSON MINERAL HOT SPRINGS, LLC,**

**Respondent.**

I, THE UNDERSIGNED ARBITRATOR, having been designated in accordance with the arbitration agreement entered into by Rec Man, Inc. ("Rec Man") and Carson Mineral Hot Springs, LLC ("Carson") and dated as of July 29, 1997, having been duly sworn and having duly read the proofs and allegations of the parties, hereby render this Arbitration Award as follows:

**Findings of Fact:**

1. On or about July 29, 1997, Rec Man and Carson entered into a written agreement entitled Carson Mineral Hot Springs Golf Course Owner - Architect Agreement ("Agreement"). *Rec Man's Exhibit 1.*
2. On or about July 5, 2001, Rec Man and Carson entered into a written agreement entitled Agreement to Settle Account of Phase 3 Services ("Settlement Agreement"). *Rec Man's Exhibit 2.*
3. Under paragraph 1 of the Settlement Agreement, Carson agreed to pay Rec Man the sum of \$30,000 by July 31, 2001, for Phase 3 services performed by Rec Man pursuant to the Agreement. Carson has satisfied this obligation.
4. Paragraph 2 of the Settlement Agreement required Carson to pay Rec Man the additional sum of \$10,000 "upon start of construction." Paragraph 4 of the Settlement Agreement states the Agreement "remains in full force and effect."

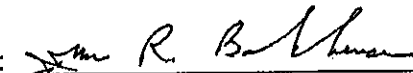


5. Section 7.2 of the Agreement states: "Prevailing party in any arbitration shall be awarded reasonable attorney fees and costs."
6. From approximately October 7, 2003 until approximately January 26, 2004, Rec Man performed additional golf course design services for Carson pursuant to the Agreement in the amount of \$6,522.25.
7. Later in 2004, Carson decided to retain Robbins & Associates, a North Carolina golf course design firm, to provide design services for Carson's golf course in Carson, Washington. Actual construction on Carson's golf course commenced in 2004.
8. Carson is in default under the Agreement and Settlement Agreement by its failure to pay Rec Man (a) \$10,000 due under paragraph 2 of the Settlement Agreement and (b) \$6,522.25 due under the terms of the Agreement for design services. The total amount due and owing from Carson to Rec Man is the sum of \$16,522.25.

**Conclusions and Final Arbitration Award:**

1. Claimant Rec Man is awarded the sum of \$16,522.25 on its claims against Respondent Carson, together with interest thereon at the rate of nine percent per annum from the date of this award until paid. Rec Man's additional claim for lost profits under the Agreement is denied.
2. As the prevailing party, Claimant is awarded a reasonable attorney fee in the amount of \$7,730.50 and costs in the amount of \$508.65.
3. The administrative fees of the American Arbitration Association ("Association") totaling \$1,050.00 shall be borne by Claimant and Respondent equally. The compensation of the Arbitrator totaling \$900.00 shall be borne by Claimant and Respondent equally. Therefore, Respondent shall pay to Claimant the additional sum of \$525.00 to reimburse Claimant for its share of arbitrator compensation and expenses previously advanced to the Association.
4. This Award is in full settlement of all claims submitted to the Arbitration.

SIGNED: \_\_\_\_\_

  
John R. Bakkensen, Arbitrator

DATED: October 2<sup>o</sup>, 2004

**MONEY AWARD:**

**INFORMATION REQUIRED BY ORS 36.685 AND ORS 18.042:**

**Judgment Creditor:**

Rec Man, Inc.  
5014 N.E. 36<sup>th</sup> Street  
Portland, Oregon 97211  
Telephone: (503) 962-5252

**Attorney for Judgment Creditor:**

Mr. James B. Baumgartner  
Ms. Brooke M. Burns  
Black Helterline LLP  
805 SW Broadway, Suite 1900  
Portland, Oregon 97205-3359  
Telephone: (503) 224-5560

**Judgment Debtor:**

Carson Mineral Hot Springs, LLC  
372 St. Martin Spring Road  
Carson, Washington 98601  
Telephone: Unknown

**Attorney for Judgment Debtor:**

None

**Principal Amount of Award:**

\$16,522.25

**Interest on Award:**

Nine percent per annum on the  
principal amount from the date  
of the award until paid.

**Attorney Fees and Costs:**

Fees of \$7,730.50 and costs of  
\$508.65.

**AAA Fees**

\$525.00

Unofficial Copy

State of Washington }  
County of Skamania } SS

I, Lorena E. Hollis, County Clerk of the Superior  
Court of Skamania County, Washington, DO HEREBY  
CERTIFY that this instrument, consisting of 9  
pages, is a true and correct copy of the original  
now on file and of record in my office and, as County  
Clerk, I am the legal custodian thereof.

Signed and sealed at Stevenson, Washington  
this date March 14, 2005

LORENA E. HOLLIS, County Clerk  
By [Signature] Deputy

## LEGAL DESCRIPTION

Page 1 of 2

### Parcel I

The East Half of the Southeast Quarter, the Southeast Quarter of the Northeast Quarter and the Southwest Quarter of the Southeast Quarter, all in Section 21, Township 3 North, Range 8 East of the Willamette Meridian, in the County of Skamania, State of Washington.

EXCEPTING therefrom the following:

1. That portion conveyed to Pacific Northwest Pipeline, by instrument recorded March 20, 1956 in Book 41, Page 280, Skamania County Deed Records.
2. That portion conveyed to the State of Washington by instrument recorded January 4, 1980 in Book 78, Page 294, Skamania County Deed Records. Also recorded November 4, 1988 in Book 111, Page 779, Skamania County Deed Records.
3. Lot 1 of the R.M. Hegewald Short Plat, recorded in Book 3 of Plats, Page 49, Skamania County Records.
4. That portion conveyed to Skamania County Cemetery by instrument recorded August 9, 1984 in Book 83, Page 794, Skamania County Deed Records.

### Parcel II

Beginning at the Southwest corner of the Northwest quarter of the Southeast quarter of Section 21, Township 3 North, Range 8 East of the Willamette Meridian, in the County of Skamania, State of Washington; thence North  $01^{\circ} 05' 47''$  East, along the West line of said Northwest quarter of the Southeast quarter, a distance of 1,249.67 feet to the Northwest corner of said Northwest quarter of the Southeast quarter; thence North  $01^{\circ} 05' 47''$  East, along the West line of the Southwest quarter of the Northeast quarter of said Section 21, a distance of 450.00 feet; thence South  $88^{\circ} 30' 04''$  East a distance of 50.00 feet; thence South  $01^{\circ} 05' 47''$  West a distance of 470.15 feet; thence South  $43^{\circ} 42' 08''$  East a distance of 296.20 feet; thence South  $88^{\circ} 30' 04''$  East a distance of 369.36 feet; thence North  $01^{\circ} 30' 32''$  East a distance of 124.46 feet; thence South  $88^{\circ} 30' 04''$  East a distance of 700.00 feet to the East line of the Northwest quarter of the Southeast quarter of said Section 21, thence South  $01^{\circ} 30' 32''$  West, along the East line of said Northwest quarter of the Southeast quarter, a distance of 1,145.23 feet to the Southeast corner of said Northwest quarter of the Southeast quarter; thence North  $88^{\circ} 30' 04''$  West, along the South line of said Northwest quarter of the Southeast quarter, a distance of 1,320.72 feet to the Point of Beginning.

Except for that portion lying within the right of way of Shipherd Springs Road.

Containing 32.5 acres, more or less.

## LEGAL DESCRIPTION

Page 2 of 2

### Parcel III

The East half of the Southeast quarter of the Northwest quarter of Section 21, Township 3 North, Range 8 East of the Willamette Meridian, in the County of Skamania, State of Washington.

### Parcel IV

The East half of the Southwest quarter of Section 21, Township 3 North, Range 8 East of the Willamette Meridian, in the County of Skamania, State of Washington.

EXCEPTING therefrom that portion Platted as Hot Springs Subdivision

EXCEPT that portion conveyed to Skamania County by instrument recorded January 28, 1983, in Book 81, Page 935.

### Parcel V

A tract of land in the Southeast quarter of the Southeast quarter of Section 21, Township 3 North, Range 8 East of the Willamette Meridian, in the County of Skamania, State of Washington, described as follows:

Lot 1 of the R.M. Hegewald Short Plat, recorded in Book 3 of Short Plats, Page 49, Skamania County Records.

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