

Doc # 2007164995
Page 1 of 5
Date: 02/12/2007 03:43P
Filed by: TOM ASPITARTE
Filed & Recorded in Official Records
of SKAMANIA COUNTY
SKAMANIA COUNTY AUDITOR
J MICHAEL GARVISON
Fee: \$36.00

WHEN RECORDED RETURN TO:

Tom ASPITARTE & Rae Hansen
182 BLUE HERON RD
WASHOUGAL, WA. 98671

DOCUMENT TITLE(S)

DECLARATION OF FORFEITURE OF PURCHASER'S RIGHTS

REFERENCE NUMBER(S) of Documents assigned or released:

2004155786

☐ Additional numbers on page _____ of document.

GRANTOR(S):

RAE A. HANSEN + THOMAS L. ASPITARTE

☐ Additional names on page _____ of document.

GRANTEE(S):

ADAM W. DAVIS

☐ Additional names on page _____ of document.

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

LOT 2 OF SHORT PLATS IN BUCK 2 PAGE 134

☒ Complete legal on page 1 of document.

TAX PARCEL NUMBER(S):

02-05-34-00-0103-00

☐ Additional parcel numbers on page _____ of document.

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

REAL ESTATE EXCISE TAX

26772

FEB 12 2007

PAID

exempt
Vilke Chellam

SKAMANIA COUNTY TREASURER

When recorded return to:
Tom Aspitarte and Rae Hansen
182 Blue Heron Rd.
Washougal, WA. 98671
January 25, 2007

DECLARATION OF FORFEITURE OF PURCHASER'S RIGHTS

Adam W. Davis
1262 Wantland Rd.
Washougal, WA 98671

Skamania County Assessor
Date 2-12-07 Parcel# 020534000/0300
110

Dear Mr. Davis:

This is a legal notice to inform you that your rights as the purchaser of property located at 1262 Wantland Rd. Washougal, WA 98671 (hereafter "the Property") are terminated due to non-payment of the monthly contracted amount and other breaches of contract.

All your rights under the Real Estate Contract dated December 29, 2004, escrow number 131121 filed by Stewart Title Co. in Skamania County, Washington (hereafter "the Contract") are cancelled and all right, title and interest in the Property by you or by any and all persons claiming an interest in all or any portion of the Property through you are terminated.

The Property is located at 1262 Wantland Rd. Washougal, WA and consists of a 3-bedroom 3-story house and three out-buildings on an approximate 5-acre parcel which includes well, septic, propane and electric utilities. The legal description is:

Lot 2 of SHORT PLATS, recorded in Book "2" of SHORT PLATS, page 134, records of Skamania County, Washington

TOGETHER WITH that certain road easement as described in Book 74 of deeds, page 570, records of Skamania County, Washington

ALSO TOGETHER WITH an easement for ingress, egress and utilities as described in Book 134 of Deeds, page 993 and 994, records of Skamania County, Washington.

Assessor's Property Tax Parcel/Account Number: 02-05-34-00-0103-00

Aspitarte, Declaration of Forfeiture of Purchaser's Rights, January 25, 2007 page 2
This default is based upon your failure to remit the monthly contract amount due in the amount of \$1803.97 per month starting with the payment due on September 1, 2006. No payments have been received for subsequent months.

Additionally, a notice was received from your insurance company that homeowner's coverage on the Property was cancelled by you. Per the Contract you are required to continuously insure the Property structures in an amount not less than the balance owed on the Contract, which as of September 20, 2006 was \$254,150.02. As provided for in the Contract, we have purchased fire and extended coverage insurance on the Property in the amount of \$350,000 for a cost of \$505.

A notice of late payment was sent to you on September 20, 2006 by regular mail and by registered mail, return receipt requested. This notice was never accepted by you and has been returned to us as undelivered by the U.S. Post Office. We have received no communication from you regarding your failure to comply with the Contract.

A Notice of Intent to Forfeit Purchaser's Rights was recorded on October 18, 2006 in Skamania County. This Notice was mailed to you via regular mail and registered mail with return receipt requested, posted by each entry door on the Property, and attempted to be served to you using a professional process server service.

We have been informed by the Skamania County Assessor's office that you have not paid property taxes on the Property since April 2005. We paid \$3160.71 in back taxes including penalties and interest on October 18, 2006.

The Property has been abandoned by you since at least October 18, 2006. We visited the Property after filing the Notice of Intent to Forfeit Purchaser's Rights and found that you had been engaged in illegal activity, a marijuana growing operation both outside and inside the house.

We contacted the Skamania County Sheriff's office who obtained a search warrant to investigate. They have issued a felony warrant for your arrest.

The condition of the Property is significantly degraded from original condition at the time of sale. It will require an estimated \$42,000 to repair.

The total amount currently owed:

| | |
|---|-------------|
| September 1, 2006 payment including 5% late fee | \$ 1,904.17 |
| October 1, 2006 payment including 5% late fee | \$ 1,904.17 |
| November 1, 2006 payment including 5% late fee | \$ 1,904.17 |
| December 1, 2006 payment including 5% late fee | \$ 1,904.17 |
| January 1, 2007 payment including 5% late fee | \$ 1,904.17 |
| February 1, 2007 payment including 5% late fee | \$ 1,904.17 |

Aspitarte, Declaration of Forfeiture of Purchaser's Rights, January 25, 2007 page 3

Insurance premium plus 5% late fee \$ 535.00
Expenses incurred due to non-compliance of contract. Estimated to-date:

| | |
|-----------------------------|-------------|
| Postage | \$ 72.00 |
| Mileage charges for filings | \$ 136.00 |
| Missed work for filings | \$ 800.00 |
| Process service fee | \$ 255.00 |
| Attorney fees | \$ 750.00 |
| Unpaid property taxes | \$ 3,160.71 |
| Property damage | \$42,000.00 |

| | |
|-------|-------------|
| Total | \$59,133.73 |
|-------|-------------|

This notice of forfeiture of purchaser's rights is being recorded in Skamania County, Washington.

All your right, title, and interest in the Property as the purchaser and all right, title and interest of all persons claiming through you, the purchaser, or whose interests are otherwise subordinate to our, the seller's, interest in the Property are hereby terminated. Your rights under the Contract are canceled and all sums previously paid under the Contract belong to and are being retained by us, the seller. You, the purchaser, also have forfeited to us, the seller, all your rights in all improvements made to the Property and in un-harvested crops and timber thereon.

You and all other persons occupying the Property are required to surrender possession of the Property, improvements, and un-harvested crops and timber to the seller ten days after this declaration of forfeiture is recorded, no later than February 7, 2007.

This forfeiture has been conducted in compliance with all requirements of Washington State Law, RCW 61.30, in all material respects and all applicable provisions of the Contract.

You have the right to commence a court action to set the forfeiture aside by filing and serving the summons and complaint within sixty days after the date the declaration of forfeiture is recorded if we, the seller, did not have the right to forfeit the Contract or failed to comply with RCW 61.30 in any material respect.

Direct any correspondence to: Tom Aspitarte and Rae Hansen
360-837-8084 182 Blue Heron Rd.
Washougal, WA 98671

Sincerely,

 

Rae A. Hansen

Thomas L Aspitarte

Cc: Adam W. Davis 13037 S.E. Gladstone Ct. Portland. OR 97236

INDIVIDUAL ACKNOWLEDGMENT

STATE OF WASHINGTON,

County of Clark } ss.

I certify that I know or have satisfactory evidence that Thomas L Aspitarke & Rae A Hansen is/are the person(s) who appeared before me, and said person(s) acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

Dated this 25th day of January, 2007.

NOTARY PUBLIC
KACEY L. SOUKI
STATE OF WASHINGTON
My Commission Expires Dec. 15, 2009

Print Name

Kacey L Souki

Notary Public in and for the State of

Washington

My appointment expires:

12/15/09

FOR Declaration OF Forfeiture



Individual Acknowledgement

©Washington Legal Blank, Inc., Issaquah, WA Form No. 64 3/98

MATERIAL MAY NOT BE REPRODUCED IN WHOLE OR IN PART IN ANY FORM WHATSOEVER.