

WHEN RECORDED RETURN TO:

7165 SW Fir Loop, Ste 204
Tigard, OR, 97223

DOCUMENT TITLE(S)

Judgement/Lien

REFERENCE NUMBER(S) of Documents assigned or released:

2007168439

☐ Additional numbers on page _____ of document.

GRANTOR(S):

Welkin Engineering, PC

☐ Additional names on page _____ of document.

GRANTEE(S):

Deborah Sullivan & Beacon View Terrace LLC

☐ Additional names on page _____ of document.

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

Abb. Lot -2 Sec -19-T-2-R-7
see page 7 for full

☐ Complete legal on page _____ of document.

TAX PARCEL NUMBER(S):

02071900030900

☐ 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.

FREDERIC E. CANN, WSB 15962
CANN LAWYERS
1300 SW Fifth Avenue, Suite 2750
Portland, Oregon 97201-5617
Telephone: (503) 226-6529 / (503) CANNLAW
Facsimile: (503) 228-6529
e-mail: fec@cannlawyersusa.com

Attorney for Plaintiff Welkin Engineering PC

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF SKAMANIA

WELKIN ENGINEERING PC, an
Oregon professional corporation,

Plaintiff,

v.

DEBORAH SULLIVAN and BEACON
VIEW TERRACE LLC,

Defendants.

CASE No.

COMPLAINT

1. Breach of Contract
2. Construction Lien Foreclosure
3. Quantum Meruit

Plaintiff Welkin Engineering PC ("Welkin Engineering") hereby alleges as follows:

COMMON ALLEGATIONS

1. Welkin Engineering, at all material times, was an Oregon professional corporation.
2. At all times material:
 - a) defendants owned certain property ("the Property") in the County of Skamania, State of Washington described as follows:

PAGE 1 - COMPLAINT

FREDERIC CANN / CANN LAWYERS
1300 SW Fifth Avenue, Suite 2750
Portland, Oregon 97201-5617
Telephone: (503) 226-6529 / (503) CANNLAW
Facsimile: (503) 228-6529

A tract of land in the Southeast Quarter of Section 19, Township 2 North, Range 7 East of the Willamette Meridian, in the County of Skamania, State of Washington, described as follows:

Lot 2 of the Port of Skamania Short Plat, recorded in Book 'T' of Short Plats, page 93, Skamania County Records

Assessors' Property Tax Parcel Number 02071900030900

- b) Deborah Sullivan is an individual resident in Skamania County who is the driving force behind Beacon View Estates LLC, and at all times was an actual or apparent agent for Beacon View Estates LLC.

FIRST CLAIM FOR RELIEF

(Breach of Contract)

For its first claim for relief, Welkin Engineering alleges:

3. Incorporates by reference paragraphs 1 and 2.
4. On or about April 15, 2005, defendants hired plaintiff pursuant to a contract, in which Welkin Engineering would provide the engineering services required for development of defendants' property and in which Welkin would be paid for its services.
5. From about April 15, 2005, to about September 18, 2007, Welkin Engineering provided engineering services.
6. Welkin Engineering has performed all of its obligations under the contract except for those obligations excused by the defendants' material breaches (failure to pay).
7. Despite demand, defendants have materially breached the contract by failing and refusing to pay Welkin Engineering the amount of \$17,615.07, together with interest and attorney fees to the extent provided by law or contract.
8. All conditions precedent to Welkin Engineering's action (including without

limitation, corporate status, licensing, notice) have occurred or performed.

9. Welkin Engineering is entitled to statutory interest until paid in full.

SECOND CLAIM FOR RELIEF

(Construction Lien Foreclosure)

For its second claim for relief, in addition to its first and third claims for relief, Welkin Engineering alleges:

10. Incorporates paragraphs 1 to 9.
11. On December 4, 2007, Welkin Engineering's Claim of Lien was duly executed and acknowledged pursuant to RCW 60.04.091 and on December 10, 2007, filed with the official records of Skamania County as Auditor's fee number 2007-168429. Welkin Engineering thereby claimed a lien upon the Property in the amount of \$17,615.07, for performing engineering services. The Claim of Lien was filed within 90 days from the last day on which Welkin Engineering performed engineering services for the Project. A true copy of the Claim of Lien is attached as Exhibit 1 and by this reference incorporated herein.
12. On or about December 21, Welkin Engineering supplied the defendants with a copy of the Claim of Lien by United States Certified Mail, Return Receipt Requested, as required by RCW 60.04.091.
13. Welkin Engineering thereby acquired and has a lien for \$17,615.07, together with statutory interest accruing thereon from December 10, 2007, pursuant to RCW 60.04 on the Property and improvements.
14. All Defendants claim some right, title and/or interest in the Property. The interests of each of the defendants are subject, subsequent, and inferior to Welkin Engineering's

lien.

15. Welkin Engineering is entitled to its reasonable attorney fees and costs pursuant to RCW 60.04.181.

16. Welkin Engineering is entitled to a decree of foreclosure declaring its lien to be the first valid lien against the Property and improvements and preferred to all other liens and encumbrances; that the Property and improvements shall be sold to satisfy Welkin Engineering's lien, free and clear of all liens and encumbrances of defendants.

THIRD CLAIM FOR RELIEF

(Quantum Meruit)

In the alternative to its first claim for relief, Welkin Engineering alleges:

17. Incorporates paragraphs 1 to 9.

18. Between April 15, 2005, and September 17, 2007, Welkin Engineering, at the special insistence and request of the defendants, performed engineering services for use in the construction of the Project.

19. The reasonable value of the unpaid services rendered and the benefit knowingly received by the defendants was and is the sum of \$17,615.07. Despite demand, the defendants have refused to pay the \$17,615.07. Welkin Engineering is entitled to statutory interest upon such amount from December 10, 2007 until paid in full.

WHEREFORE, Welkin Engineering prays for judgment as follows:

1. On Welkin Engineering's First Claim for Relief, against the defendants in the amount of \$17,615.07, plus interest at the statutory rate from December 12, 2007 until paid in full;
2. On Welkin Engineering's Second Claim for Relief, against the defendants, and each of

PAGE 4 - COMPLAINT

FREDERIC CANN / CANN LAWYERS
1300 SW Fifth Avenue, Suite 2750
Portland, Oregon 97201-5617
Telephone: (503) 226-6529 / (503) CANNLAW
Facsimile: (503) 228-6529

- them, in the amount of \$17,615.07, plus interest at the statutory rate of interest from December 12, 2007 until paid in full, plus Welkin Engineering's reasonable cost, disbursements and attorney fees incurred herein; for a decree that Welkin Engineering's lien is a valid and subsisting lien on the Property, including all the improvements thereon, superior to the interests of the defendants and each of them, and the interests of all persons claiming by, through, or under the defendants; for a decree foreclosing the right, title and interest of the defendants and each of them, in and to the Property and improvements thereon; for an order directing the Sheriff of Skamania County, Washington, to sell the property and improvements thereon in the manner prescribed by law, free and clear of any liens or encumbrances of defendants, and directing that the proceeds therefrom, or so much as may be necessary, be applied first to the satisfaction of Welkin Engineering's judgment herein; and for an order directing that execution shall issue against the defendants enforceable against any other property of the defendants not exempt from execution, to discharge any deficiency in Welkin Engineering's judgment and costs herein which remain after the application of the proceeds of such sale; and
3. On Welkin Engineering's Third Claim for Relief, against the defendants in the amount of \$17,615.07, plus interest at the statutory rate from December 10, 2007 until paid in full;
 4. For Welkin Engineering's reasonable costs and disbursements incurred herein; and
 5. For such other and further relief as the Court deems just and equitable.

DATED this 8 day of August 2008.

CANN LAWYERS

PAGE 5 - COMPLAINT

FREDERIC CANN / CANN LAWYERS
1300 SW Fifth Avenue, Suite 2750
Portland, Oregon 97201-5617
Telephone: (503) 228-6529 / (503) CANNLAW
Facsimile: (503) 228-6529

FREDERIC E. CANN, WSBA # 15962
1300 S.W. Fifth Avenue, Suite 2750
Portland, OR 97201-5617
(503) 226-6529
of Attorneys for Plaintiff Welkin Engineering

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FREDERIC CANN / CANN LAWYERS
1300 SW Fifth Avenue, Suite 2750
Portland, Oregon 97201-5617
Telephone: (503) 226-6529 / (503) CANNLAW
Facsimile: (503) 228-6529

Doc # 2007168439
 Page 1 of 3
 Date: 12/10/2007 11:13A
 Filed by: CANN LAWYERS
 Filed & Recorded in Official Records
 of SKAMANIA COUNTY
 SKAMANIA COUNTY AUDITOR
 J MICHAEL GARVISON
 Fee: \$92.00

RETURN ADDRESS

Frederic E. Cann
 Cann Lawyers
 1300 SW Fifth Avenue, Suite 2750
 Portland, Oregon 97201-5617

Please print or type information

DOCUMENT TITLE(S) (or transactions contained therein:)

1. Claim of Lien
- 2.
- 3.

REFERENCE NUMBER(S) of Documents assigned or released:

N/A

Additional reference #s on page ____ of document

GRANTOR(S) (Last name first, then first name and initials)

1. Beacon~View~Terrace~LLC
2. Deborah~Sullivan
- 3.

Additional names on page ____ of document.

GRANTEE(S) (Last name first, then first name and initials)

1. Welkin~Engineering~P.C.~[lien~claimant]
- 2.
- 3.

Additional names on page ____ of document.

LEGAL DESCRIPTION (abbreviated: i.e. lot, block, plat OR section, township, range, quarter/quarter section) -A tract of land in the SE quarter of section 19, Township 2 North, Range 7 East of the Willamette Meridian, in the County of Skamania, State of Washington, described as follows: Lot 2 of the Port of Skamania Short Plat, recorded in Book T of Short Plats, page 93, Skamania County Records

Additional legals on page ____ of document.

ASSESSOR'S PARCEL NUMBER

02071900030900

Additional assessor's parcel numbers on page ____ of document.

() Assessor's parcel number not yet assigned.

AFFIDAVIT: EMERGENCY NON-STANDARD RECORDING

I am requesting an emergency non-standard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document.

Signed: _____

Date 12/7/07

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 provided herein.

REVIEWED

12/21/07

Grantor Owner: Deborah Sullivan / Beacon View Terrace LLC
Grantee Claimant: Welkin Engineering PC
Legal Description: A tract of land in the Southeast Quarter of Section 19, Township 2 North, Range 7 East of the Willamette Meridian, in the County of Skamania, State of Washington, described as follows:
Lot 2 of the Port of Skamania Short Plat, recorded in Book 'T' of Short Plats, page 93, Skamania County Records
Assessors' Property Tax Parcel Number 02071900030900

CLAIM OF LIEN


Welkin Engineering PC, claimant, vs
Deborah Sullivan / Beacon View Terrace LLC, name of person indebted to claimant:

Notice is hereby given that the person named below claims a lien pursuant to 60.04 RCW. In support of this lien the following information is submitted:

1. NAME OF LIEN CLAIMANT:
Welkin Engineering PC
7165 SW Fir Loop Ste 204
Tigard, OR 97223
503-598-1866
2. DATE ON WHICH THE CLAIMANT BEGAN TO PERFORM LABOR, PROVIDE PROFESSIONAL SERVICES, SUPPLY MATERIAL OR EQUIPMENT OR THE DATE ON WHICH EMPLOYEE BENEFIT CONTRIBUTIONS BECAME DUE:
April 15, 2005
3. NAME OF PERSON INDEBTED TO THE CLAIMANT:
Deborah Sullivan / Beacon View Terrace LLC

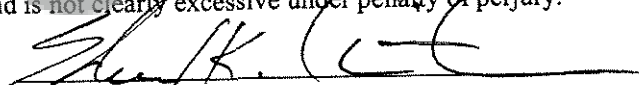
4. DESCRIPTION OF THE PROPERTY AGAINST WHICH A LIEN IS CLAIMED
(Street address, legal description or other information that will reasonably describe the property):
See above
Assessors' Property Tax Parcel Number 02071900030900
5. NAME OF THE OWNER OR REPUTED OWNER (If not known, state "unknown"):
Deborah Sullivan / Beacon View Terrace LLC
6. THE LAST DATE ON WHICH LABOR WAS PERFORMED; PROFESSIONAL SERVICES WERE FURNISHED; CONTRIBUTIONS TO AN EMPLOYEE BENEFIT PLAN WERE DUE; OR MATERIAL, OR EQUIPMENT WAS FURNISHED:
September 18, 2007
7. PRINCIPAL AMOUNT FOR WHICH THE LIEN IS CLAIMED IS:
\$17,615.07, together with interest and attorney fees to the extent provided by law
8. IF THE CLAIMANT IS THE ASSIGNEE OF THIS CLAIM SO STATE HERE:
N/A

Claimant:
Welkin Engineering PC

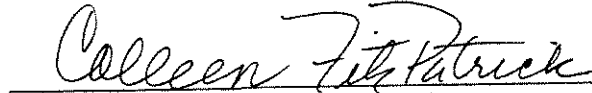

Edward K. Christensen, President
7165 SW Fir Loop Ste 204
Tigard, OR 97223
503-598-1866

State of Oregon)
) ss.
County of Washington)

Edward K. Christensen, being sworn, says: I am the President of the claimant above named; I have read or heard the foregoing claim, read and know the contents thereof, and believe the same to be true and correct and that the claim of lien is not frivolous and is made with reasonable cause, and is not clearly excessive under penalty of perjury.


Edward K. Christensen

Subscribed and sworn to before me this 4th day of December 2007


Colleen Fitzpatrick
Notary Public - State of Oregon
My Commission Expires: 3/28/2008

