

SKAMANIA COUNTY
ATTN: CIVIL DEPARTMENT
PO BOX 790
STEVENSON, WA 98648
CAUSE#: 08-2-00030-5

Document Title(s): (or transactions contained therein)

1. Order of Sale
2. Judgment and Decree of Foreclosure
3. Notice of Execution of Real Property
- 4.

Grantor(s): (Last name first, then first name and initials)

1. Settler, Randy A.

- 2.
- 3.
- 4.

5. Additional names on page _____ of document.

Grantee(s): (Last names first, then first name and initials)

1. Confederated Tribes and Bands of the Yakima Nation

- 2.
- 3.
- 4.

5. Additional names on page _____ of document.

Legal Description: (abbreviated: i.e. lot, block, plat, or section, township, range)

All that portion of the East Half of Government Lot 4 in Section 29,
Township 3 North,
Range 8 East of the Willamette Meridian, in the County of Skamania,
State of
Washington, lying Southerly of the Southerly right of way line of the
State Highway and Northerly of the Northerly right of way line of the
Spokane Portland and Seattle Railway
Company.

EXCEPT that portion lying Easterly of the line 290 feet Westerly from
and parallel to the
East line of the said Government Lot 4.

Additional legal description is on page _____ of document.

**Assessor's Property Tax Parcel or Account Number at the time of
recording: 03082900110000**

Reference Number(s) of Documents assigned or released.

Additional references on page _____ of document.

NOTICE OF EXECUTION OF
REAL PROPERTY

CONFEDERATED TRIBES AND
BANDS OF THE YAKAMA NATION

Plaintiff(s)

vs.

RANDY A. SETTLER, a single person and
PARTY OR PARTIES IN POSSESSION OF
48012 STATE HWY 14, CARSON, WA

Defendant(s)

CAUSE NO. 08-2-00030-5
AUDITOR'S FILE # 2008170962

STATE OF WASHINGTON,

County of Skamania

ss.

NOTICE IS HEREBY GIVEN that under and by virtue of a Writ of Execution or Order of Sale issued out of the Superior Court of the State of Washington, for the County of Skamania, of which the annexed Order is a true copy, I have this day levied on all the rights, title, claim and interest of Randy A. Settler, defendant(s) or either of them, of, in, and to the following described real estate, standing on the records of Skamania County in the name(s) of: Randy A. Settler and particularly described as follows:

PROPERTY ADDRESS

48012 State Hwy 14, Carson, WA 98610

LEGAL DESCRIPTION

All that portion of the East Half of Government Lot 4 in Section 29, Township 3 North, Range 8 East of the Willamette Meridian, in the County of Skamania, State of Washington lying Southerly of the Southerly right of way line of the State Highway and Northerly of the Northerly right of way line of the Spokane Portland and Seattle Railway Company.

EXCEPT that portion lying Easterly of the line 290 feet Westerly from and parallel to the East line of the said Government Lot 4.

DAVID S. BROWN, SHERIFF
SKAMANIA COUNTY, WASHINGTON

By Marlea McKenzie
Marlea McKenzie
Chief Civil Deputy
PO Box 790
Stevenson Washington
(509)427-9490

Joshua J. Busey
Carlson Boyd & Bailey PLLC
230 S. 2nd St., Suite 202
Yakima, Washington 98901

Phone: (509) 834-6611
Facsimile: (509) 834-6610
E-Mail: jbusey@cbblawfirm.com

Attorneys for Confederated Tribes
and Bands of the Yakama Nation

SKAMANIA COUNTY
ORIGINAL FILED

AUG 25 2008

Sharon K. Vance, Clerk

IN THE SUPERIOR COURT OF WASHINGTON
SKAMANIA COUNTY

CONFEDERATED TRIBES AND BANDS
OF THE YAKAMA NATION,

Plaintiff

vs.

RANDY A. SETTLER, a single person, and
PARTY OR PARTIES IN POSSESSION OF
48012 STATE HWY 14, CARSON, WA.

Defendants.

NO. 08-2-00030-5

ORDER OF SALE

THE STATE OF WASHINGTON to the Sheriff of Skamania County, Greetings:

WHEREAS, in the above-entitled Court, on July 30, 2008, Plaintiff recovered a judgment against Defendants in the following amounts: (a) the principal sum of \$116,729.89; (b) prejudgment interest through July 11, 2008 in the amount of \$6,946.23; (c) costs incurred in the collection of the obligations and in this litigation in the sum of \$940.13; and the sum of \$2,890.00 for attorneys' fees to Carlson Boyd & Bailey PLLC for a total sum of \$127,506.25.

CARLSON BOYD & BAILEY PLLC

230 S. 2ND ST., SUITE 202
YAKIMA, WASHINGTON 98901
PHONE (509) 834-6611

1 Interest on all amounts due under the judgment accrue at the rate of twelve
2 percent (12%) per annum from the date of entry of the judgment.

3 WHEREAS, the said judgment is a foreclosure against the defendants
4 herein of that certain deed of trust on real property, including the fixtures and
5 improvements thereon and all water rights appurtenant thereto, situated in
6 Skamania County, State of Washington. A legal description of the Skamania
7 County real property is attached as Exhibit 1 and is fully incorporated by this
8 reference.
9

10
11 THEREFORE, in the name of the State of Washington, you are hereby
12 commanded that you proceed to seize and sell forthwith and without appraise-
13 ment, the above-described property, in the manner provided by law, or so much
14 thereof as may be necessary to satisfy the judgment, costs, attorneys' fees and
15 interest. You are to advertise the sale as provided by law in the *Skamania*
16 *County Pioneer*, a newspaper of general circulation within Skamania County.
17

18 HEREIN FAIL NOT, but due return make hereof within sixty (60) days,
19 showing how you have executed the same.
20

21 /s/ E. THOMPSON REYNOLDS

22 WITNESS THE HONORABLE _____
23 Judge of the Superior Court and the seal of said Court
24 affixed this 25th day of August, 2008.
25

26
27 Sharon K Vana
28 Superior Court Clerk

29
30 By: Paula M Sen
31 Deputy Clerk
32
33

34 X:\YAKAMA NATION CREDIT
HYPERLINKED\Sale\Order of sale.doc

ENTERPRISE-20818\Settler,

Randy-2008020\Pleadings

CARLSON BOYD & BAILEY PLLC

230 S. 2ND ST., SUITE 202
YAKIMA, WASHINGTON 98901
PHONE (509) 834-6611

Exhibit 1
Legal Description

All that portion of the East Half of Government Lot 4 in Section 29, Township 3 North, Range 8 East of the Willamette Meridian, in the County of Skamania, State of Washington, lying Southerly of the Southerly right of way line of the State Highway and Northerly of the Northerly right of way line of the Spokane Portland and Seattle Railway Company.

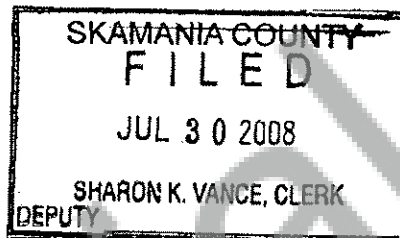
EXCEPT that portion lying Easterly of the line 290 feet Westerly from and parallel to the East line of the said Government Lot 4.

X:\YAKAMA NATION CREDIT ENTERPRISE-20818\Settler, Randy-2008020\Pleadings
HYPERLINKED\Sale\Exhibit 1 - Legal Description.doc

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Attorneys for Confederated Tribes
and Bands of the Yakama Nation



IN THE SUPERIOR COURT OF WASHINGTON
SKAMANIA COUNTY

CONFEDERATED TRIBES AND BANDS)
OF THE YAKAMA NATION,)

Plaintiff)

vs.)

RANDY A. SETTLER, a single person, and)
PARTY OR PARTIES IN POSSESSION OF)
48012 STATE HWY 14, CARSON, WA.)

Defendants.)

NO. 08-2-00030-5
08-9-00136-6
JUDGMENT AND
DECREE OF
FORECLOSURE

THIS MATTER having come on regularly for hearing before the
undersigned judge of the above-entitled court, and the court being fully advised
in the premises, now makes the following judgment:

I. JUDGMENT SUMMARY

- 1.1 Judgment Creditor: Confederated Tribes and Bands of the
Yakama Nation
- 1.2 Judgment Debtors: 1. Randy A. Settler, a single person;

2. Party or parties in possession of
48012 State Hwy 14, Carson,
Washington 98948; and

3. All other persons or parties unknown
claiming any right, title, estate, lien
or interest in the real estate
described in the First Amended
Complaint herein.

1.3 Principal Judgment Amount: \$116,729.89

1.4 Interest to July 31, 2008: \$ 6,946.23

1.5 Attorney Fees: \$ 2,890.00

1.6 Legal Expenses: \$ 940.13

1.7 Other recovery amounts: \$ N/A

1.8 Principal Judgment amount
shall bear interest at: 12%

1.9 Attorney Fees, costs and
other recovery amounts shall
bear interest at: 12%

1.10 Attorneys for Judgment
Creditor: Joshua J. Busey of Carlson
Boyd & Bailey PLLC

1.11 Attorney for Judgment
Debtors: N/A

1.13 Redemption Period: No Redemption Period

1.14 Is deficiency allowed: No

II. HEARING

2.1 Appearances: Plaintiff appeared by and through its co-counsel of
record, Joshua J. Busey of Carlson Boyd & Bailey PLLC. Defendants did not

1 appear or otherwise answer in the First Amended Complaint or Plaintiff's
2 Motion for an Order of Default.

3 2.2 Purpose: To rule on plaintiff's Motion for an Order of Default.

4 2.3 Order Granting Default Judgment: Defendants did not appear in
5 this action and this Court entered an Order of Default Against All Defendants
6 prior to entry of this Judgment and Decree of Foreclosure. In rendering
7 Judgment, the Court has reviewed the files and records herein as well as
8 hearing the argument of counsel.
9

10 11 12 III. ADJUDICATION

13 ORDERED, ADJUDGED AND DECREED as follows:

14 1. **Judgment**: That the Plaintiff have and recover judgment against
15 the Defendants and against the real property hereinafter described in the
16 principal sum of \$116,729.89, together with pre-judgment interest to July 11,
17 2008 amounting to \$6,946.23; costs incurred in the collection of the obligations
18 and in this litigation in the sum of \$940.13; the sum of \$2,890.00 as and for
19 attorney's fees to Carlson, Boyd & Bailey, PLLC for a total judgment in the
20 amount of \$127,506.25; and said total judgment amount, including Plaintiff's
21 costs and disbursements herein to be taxed, plus interest from the date of entry
22 of this Judgment at the rate of 12% per annum;
23

24 2. **First Lien Upon Real Property**: That the certain Deed of Trust
25 executed and delivered by the defendant, Randy Settler, a single person, dated
26 May 3, 2001 and, encumbering in favor of Plaintiff, real estate in Skamania
27 County, Washington ("Property"), described as follows:
28

29 All that portion of the East Half of Government Lot 4 in Section 29,
30 Township 3 North, Range 8 East of the Willamette Meridian, in the
31 County of Skamania, State of Washington, lying Southerly of the
32 Southerly right of way line of the State Highway and Northerly of the
33 Northerly right of way line of the Spokane Portland and Seattle Railway
34 Company.

1 EXCEPT that portion lying Easterly of the line 290 feet Westerly from
2 and parallel to the East line of the said Government Lot 4.

3 which security instrument is now owned by Plaintiff and was recorded on
4 October 19, 2001 with the Skamania County Auditor under Auditor's File No.
5 142643, respectfully, be, and the same is hereby adjudged and decreed to be a
6 valid, subsisting, first, prior and paramount lien upon the real property above
7 described, prior and superior to any and all right, title, interest, lien or estate of
8 the defendant, or any of them, or of anyone claiming by, through, or under
9 them, in and to said real property securing the payment of the Judgment
10 herein rendered. Said deed of trust shall be referred to as the "Deed of Trust";
11

12 3. **Foreclosure:** That the Deed of Trust be, and the same is hereby
13 foreclosed and the real property therein described is hereby ordered sold by the
14 Sheriff of Skamania County, Washington, in the manner provided by law for
15 mortgage and/or deed of trust foreclosures and in accordance with the practice
16 of this Court;
17

18 4. **No Redemption Period:** Based upon of the abandonment of the
19 Property by Settler and the waiver of the deficiency in the First Amended
20 Complaint by the Plaintiff, the highest bidder at the Sheriff's sale shall take
21 title to the Property free from all redemption rights upon confirmation of the
22 Sheriff's sale by this Court. The Sheriff is ordered to issue the Sheriff's deed to
23 the purchaser thereof immediately upon confirmation of the sale by the Court.
24 No deficiency judgment shall be allowed.
25

26 5. **Foreclosure of Defendants' Rights:** All right, title, claim or
27 interest of the Defendants or of anyone claiming by, through, or under them, in
28 and to said real and personal property securing the payment of the judgment
29 herein rendered, and all persons claiming by, through, or under them hereby
30 foreclosed and deemed inferior and subordinate to the Deed of Trust and
31 security interests of Plaintiff
32
33
34

6. **Plaintiff Allowed Right to Become Bidder:** That the Plaintiff is hereby granted the right to become a bidder and purchaser at the sale, and that if the Plaintiff herein is the successful bidder, it may apply the whole of or any part of the Judgment herein granted in lieu of cash to satisfy its bid.


7. **Insurance Policy:** That all right, title, and interest in and to any policy of hazard insurance on the said property shall pass to the purchaser at such Sheriff's sale at the time of such sale.

8. **Plaintiff Entitled to Recoup Post-Judgment Fees and Costs:** Plaintiff shall be entitled to its costs and attorneys' fees associated with the sale of the Property under execution, and said costs and fees shall be deemed to have been advanced under the Deed of Trust. Plaintiff's entitlement to fees shall not be deemed merged into the Judgment. The entry of this Judgment shall not affect the priority of Plaintiff's interest in the property.

DONE IN OPEN COURT this 30th day of July, 2008.


JUDGE/COURT COMMISSIONER

Presented by:


Joshua J. Busey, WSBA 34312
Carlson Boyd & Bailey PLLC
Attorneys for Plaintiff

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HYPERLINKED\Default\Judgment and Decree.doc

Judgment and Decree of Foreclosure - 5

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