

AFTER RECORDING MAIL TO:

Name WAYNE MARTIN
Address P.O. Box 164
City / State STEVENSON, WA 98648

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

1. STIPULATED FINDINGS OF FACT
- 2.
- 3.
- 4.

Reference Number(s) of Documents assigned or released:

☐ Additional numbers on page _____ of document



**First American Title
Insurance Company**

(this space for title company use only)

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

1. MERCY PROPERTIES WASHINGTON, LLC
- 2.
- 3.
- 4.
5. ☒ Additional names on page 2 of document

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

1. MARTIN, WAYNE
- 2.
- 3.
- 4.
5. ☐ Additional names on page _____ of document

Abbreviated Legal Description as follows: (i.e. lot/block/plat or section/township/range/quarter/quarter)

Sec 1, T 2 N, R 7 E

Skamania County Assessor PTN.
Date 4/22/10 Parcel# 2-7-1-1-1000 + 801

☐ Complete legal description is on page 445 of document

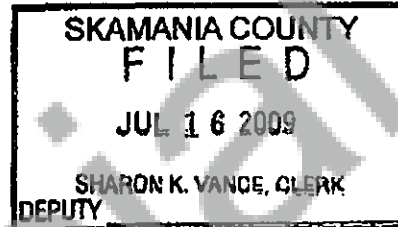
Assessor's Property Tax Parcel / Account Number(s):

02-07-01-1-0-1000-00 ✓
0801-00

WA-1

NOTE: The auditor/recorder will rely on the information on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

**SUPERIOR COURT OF WASHINGTON
COUNTY OF SKAMANIA**



In the Matter of:)

WAYNE MARTIN, a single person,)
Plaintiff,)

vs.)

MERCY PROPERTIES WASHINGTON I, LLC,)
a Washington Limited Liability Company; U.S.)
BANK NATIONAL COMPANY, a National)
Banking Association; WASHINGTON STATE)
HOUSING FINANCE COMMISSION, UNITED)
STATES OF AMERICA, acting through the)
FARMER'S HOME ADMINISTRATION;)
UNITED STATES DEPT. OF AGRICULTURE,)
ROCK CREEK TERRACE, a Limited Partnership,)
and all other persons or parties unknown claiming)
any right, title, estate, lien, or interest in the real)
estate described in this complaint,)
Defendants.)

No. 06-2-00081-3

**STIPULATED FINDINGS OF
FACT, CONCLUSIONS OF LAW
AND JUDGMENT**

THIS MATTER coming on regularly before the court this day, plaintiff appearing personally and through his attorney, and it appearing that personal service has been made upon the defendants, Mercy Properties Washington I, LLC, a Washington Limited Liability Company, U.S. Bank National Association, Washington State Housing Finance Commission, United States of America acting through Rural Development, Housing and Community Facilities Program, which services were formerly provided by the Farmer's Home Administration and under the United States Department of Agriculture, and Rock Creek Terrace, a Limited Partnership, the

defendants and the parties having reached an agreement as set forth in the CR2A agreement filed of even date and stipulating to the entry of judgment in this matter as set forth below, the court makes the following:

FINDINGS OF FACT

I.

That at all time material to this action, plaintiff Wayne Martin is now and was at all times relevant, a resident of Skamania County, Washington. That but for the United States of America acting through Rural Development, Housing and Community Facilities Program, which services were formerly provided by the Farmer's Home Administration and under the United States Department of Agriculture, the remaining defendants, each and all of them, may have had an interest in real property contiguous to the subject real property which is situate in Skamania County, Washington. That the court has jurisdiction of the parties and subject matter of this action.

II.

That plaintiff Martin is the owner in fee, and was in the actual, open, notorious, hostile or adverse, uninterrupted, exclusive possession, for more than ten years preceding the filing of this action, of the subject real property, situated in Skamania County, Washington, and particularly described as follows:

A tract of land located in Government Lot 9 of Section 1, Township 2 North, Range 7 East, Willamette Meridian, City of Stevenson, County of Skamania, State of Washington, described as follows:

Commencing at the Point of Beginning which is the Southwest corner of the parcel described in Book 245, Page 58, and monumented with a plastic survey cap inscribed "BELL DESIGN 11873" set on a 5/8 inch diameter rebar; thence Westerly along a curve concave to the North having a radius of 328.10 feet, a distance of 14.40 feet and a central angle of $02^{\circ}30'55''$ and being subtended by a chord which bears North $83^{\circ}03'34''$ West 14.40 feet; thence North $10^{\circ}01'43''$ East a distance of 89.76 feet to a plastic survey cap inscribed "BELL DESIGN 11873" set on a 5/8 inch diameter rebar; thence South $00^{\circ}50'54''$ West along the West line of said parcel, a distance of 90.14 feet to the Point of Beginning, containing 646 square feet, more or less;

AND

A tract of land located in Government Lot 9 of Section 1, Township 2 North, Range 7 East, Willamette Meridian, City of Stevenson, County of Skamania, State of Washington, described as follows:

Beginning at a Point North $00^{\circ}50'54''$ East, a distance 157.11 feet from the Southwest corner of the parcel described in Book 245, Page 58, said point being at the intersection

6.S. 4/22/10

LAW OFFICE OF ANTHONY H. CONNORS
1000 East Jewett Blvd., P.O. Box 1116
White Salmon, Washington 98672
509/493-2921 FAX 509/493-1345

of the West line of said parcel and an existing fence line; thence along said fence line North 01°46'56" West, a distance of 54.32 feet to the beginning of a rock wall; thence along the top of said rock wall North 01°34'11" West, a distance of 71.22 feet to the corner of a North and East oriented board fence; thence South 89°44'21" East along said East oriented board fence, a distance of 5.5 feet to the West line of said parcel; thence South 00°50'54" West along said West line of parcel, a distance of 125.47 feet to the Point of Beginning; containing 352 square feet, more or less. *C.S. 4/22/10*

III.

That, pursuant to the agreement set forth in the CR2A agreement, the plaintiff has granted an easement to defendant Mercy Properties Washington I, LLC, which easement runs with the land.

From the foregoing findings of fact the court makes the following conclusions of law:

CONCLUSIONS OF LAW

I.

That, but for the easement above specified, and but for the United States of America acting through Rural Development, Housing and Community Facilities Program, which services were formerly provided by the Farmer's Home Administration and under the United States Department of Agriculture, all and each of the remaining defendants, and all persons or parties claiming any right, title, estate, lien, or interest in the subject real property, or any part thereof, and all persons claiming under those remaining defendants, or any of them, be and they hereby are forever barred from having or asserting any right, title, estate, lien, or interest in the subject property as above described, or any part thereof, adverse to plaintiff.

Based on the above findings, JUDGMENT is entered as follows:

1. The defendants, Mercy Properties Washington I, LLC, a Washington Limited Liability Company, U.S. Bank National Association, Washington State Housing Finance Commission, and Rock Creek Terrace, a Limited Partnership, are forever barred from having or asserting any right, title, estate, lien, or interest adverse to plaintiff but for the above referenced easement and such easement exception applying to Mercy Properties Washington I, LLC and its successors only, in or to the following described real properties:

A tract of land located in Government Lot 9 of Section 1, Township 2 North, Range 7 East, Willamette Meridian, City of Stevenson, County of Skamania, State of Washington,

LAW OFFICE OF ANTHONY H. CONNORS
1000 East Jewett Blvd., P.O. Box 1116
White Salmon, Washington 98672
509/493-2921 FAX 509/493-1345

described as follows:

Commencing at the Point of Beginning which is the Southwest corner of the parcel described in Book 245, Page 58, and monumented with a plastic survey cap inscribed "BELL DESIGN 11873" set on a 5/8 inch diameter rebar; thence Westerly along a curve concave to the North having a radius of 328.10 feet, a distance of 14.40 feet and a central angle of 02°30'55" and being subtended by a chord which bears North 83°03'34" West 14.40 feet; thence North 10°01'43" East a distance of 89.76 feet to a plastic survey cap inscribed "BELL DESIGN 11873" set on a 5/8 inch diameter rebar; thence South 00°50'54" West along the West line of said parcel, a distance of 90.14 feet to the Point of Beginning, containing 646 square feet, more or less;

AND

A tract of land located in Government Lot 9 of Section 1, Township 2 North, Range 7 East, Willamette Meridian, City of Stevenson, County of Skamania, State of Washington, described as follows: Beginning at a Point North 00°50'54" East, a distance 157.11 feet from the Southwest corner of the parcel described in Book 245, Page 58, said point being at the intersection of the West line of said parcel and an existing fence line; thence along said fence line North 01°46'56" West, a distance of 54.32 feet to the beginning of a rock wall; thence along the top of said rock wall North 01°34'11" West, a distance of 71.22 feet to the corner of a North and East oriented board fence; thence South 89°44'21" East along said East oriented board fence, a distance of 5.5 feet to the West line of said parcel; thence South 00°50'54" West along said West line of parcel, a distance of 125.47 feet to the Point of Beginning; containing 352 square feet, more or less.

and that the same is hereby quieted, established, and confirmed in the plaintiff.

2. There is no award of fees or costs; each party to bear its own fees and costs.

DATED this 16th day of July, 2009.

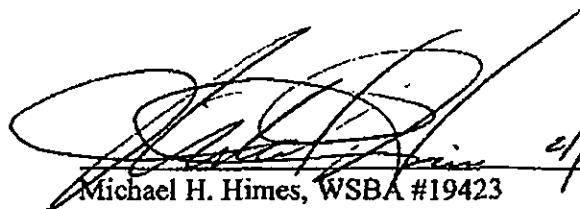
JUDGE

Presented by:

Anthony H. Connors, WSBA #20785
Attorney for Plaintiff

Approved as to form,
Notice of presentment waived:

Bradley W. Andersen, WSBA #20640
Of Attorneys for Defendant, Mercy Properties
Washington I, LLC


 4/10/09

Michael H. Himes, WSBA #19423
Of Attorneys for Defendant
US Bank National Association

Athan E Tramountanas, WSBA #29248
Of Attorneys for Defendant Washington
State Housing Finance Commission

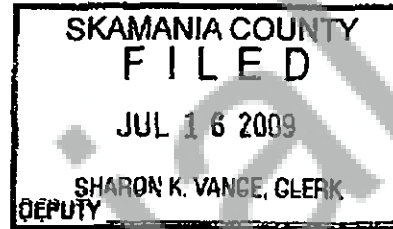
Eric S. Pollins, WSBA #22735
Of Attorneys for Rock Creek Terrace LTD

1
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3 Michael H. Himes, WSBA #19423
4 Of Attorneys for Defendant
5 US Bank National Association
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7 
8 Athan E. Tramountanas, WSBA #29248
9 Of Attorneys for Defendant Washington
10 State Housing Finance Commission
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12 Eric S. Pollins, WSBA #22735
13 Of Attorneys for Rock Creek Terrace LTD
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**SUPERIOR COURT OF WASHINGTON
COUNTY OF SKAMANIA**



In the Matter of:)
WAYNE MARTIN, a single person,)
Plaintiff,)
vs.)
MERCY PROPERTIES WASHINGTON I, LLC,)
a Washington Limited Liability Company; U.S.)
BANK NATIONAL COMPANY, a National)
Banking Association; WASHINGTON STATE)
HOUSING FINANCE COMMISSION, UNITED)
STATES OF AMERICA, acting through the)
FARMER'S HOME ADMINISTRATION;)
UNITED STATES DEPT. OF AGRICULTURE,)
ROCK CREEK TERRACE, a Limited Partnership,)
and all other persons or parties unknown claiming)
any right, title, estate, lien, or interest in the real)
estate described in this complaint,)
Defendants.)

No. 06-2-00081-3

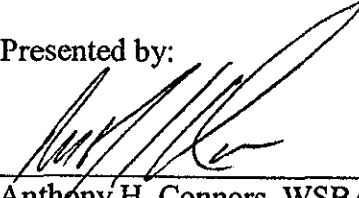
**JOINT MOTION TO DISMISS
CLAIMS AGAINST THE
UNITED STATES**

Plaintiff WAYNE MARTIN and defendant UNITED STATES of AMERICA, acting through the Rural Housing Service, United States Department of Agriculture ("United States"), by and through their respective counsel of record, hereby respectfully move that all claims asserted by Plaintiff against the United States in this matter be dismissed with prejudice and without an assessment of costs or attorney's fees to either party.

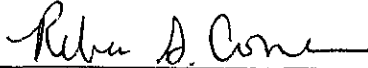
This motion is premised on the performance of the CR2A agreement filed herewith and incorporated by reference.

1
2 DATED this ____ day of _____, 2009.

3
4 Presented by:

5 
6 Anthony H. Connors, WSBA #20785
7 Attorney for Plaintiff

8 Approved as to Form; Notice of
9 Presentation Waived:

10 
11 Rebecca S. Cohen, WSBA# 31767
12 Attorney for United States of America,
13 acting through the Rural Housing Service,
14 USDA, Defendant

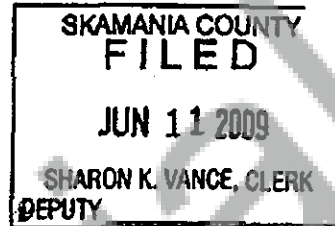
15 **ORDER OF DISMISSAL**

16
17 IT IS HEREBY ORDERED that based upon the above motion and the pleadings and
18 records on file in this matter, that all claims against the United States are hereby dismissed with
19 prejudice and without the assessment of costs or attorney's fees to either party.

20 DONE IN OPEN COURT this 16th day of July, 2009.

21
22 
23 JUDGE/COURT COMMISSIONER

**SUPERIOR COURT OF WASHINGTON
COUNTY OF SKAMANIA**



In the Matter of :)
WAYNE MARTIN, a single person,)
Plaintiff,)
vs.)
MERCY PROPERTIES WASHINGTON I, LLC,)
a Washington Limited Liability Company; U.S.)
BANK NATIONAL COMPANY, a National)
Banking Association; WASHINGTON STATE)
HOUSING FINANCE COMMISSION, UNITED)
STATES OF AMERICA, acting through the)
FARMER'S HOME ADMINISTRATION;)
UNITED STATES DEPT. OF AGRICULTURE,)
ROCK CREEK TERRACE, a Limited Partnership,)
and all other persons or parties unknown claiming)
any right, title, estate, lien, or interest in the real)
estate described in this complaint,)
Defendants.)

No. 06 - 2 - 00081 - 3
ORDER OF DEFAULT
AGAINST ROCK CREEK
TERRACE

This matter came before the Court on plaintiff Wayne Martin's motion for an order of default against defendant. The motion was made on the ground that defendant Rock Creek Terrace had failed to answer or otherwise defend in this action.

A hearing was held on plaintiff's motion on JUNE 11, 2009. Plaintiff appeared at the hearing through his attorney of record, Anthony H. Connors.

The Court considered the pleadings filed in this action, the declaration of plaintiff's counsel

22

and the following evidence: The court's file of this matter.

Based on the arguments of counsel, the pleadings and evidence presented, the Court FINDS:

1. Defendant Rock Creek Terrace was properly served with plaintiff's summons and complaint in this action.
3. Defendant Rock Creek Terrace has not answered the plaintiff's complaint or otherwise defended in this action.
4. The time for answering the plaintiff's complaint is 20 days and more than that has passed since service on defendant Rock Creek Terrace of the summons and complaint.
5. Venue in this action is proper.

Based on the above findings, IT IS ORDERED:

1. Plaintiff's motion is granted.
2. Defendant Rock Creek Terrace is declared to be in default for failing to answer or defend in this action.

DATED this 11th day of June, 2009.


JUDGE / Court Commissioner

Approved as to form,
Notice of presentment waived:

Presented by:


Anthony H. Connors, WSB #20785
Attorney for Plaintiff

Bradley W. Andersen, WSBA #20640
Of Attorneys for Defendant, Mercy Properties
Washington I, LLC

Rebecca S. Cohen, WSBA #31767
Of Attorneys for Defendant United States
of America, acting through the Rural Housing
Service, USDA

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3 Michael H. Himes, WSBA#19423
4 Attorney for Defendant US Bank National
5 Association

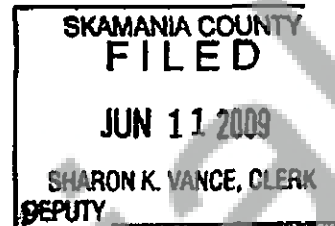
6 Athan E Tramountanas, WSBA #29248
7 Of Attorneys for Defendant Washington
8 State Housing Finance Commission

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10 Eric S. Pollins, WSBA #22735
11 Of Attorneys for Rock Creek Terrace LTD
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ORDER OF DEFAULT - Page 3

LAW OFFICE OF ANTHONY H. CONNORS
1000 East Jewett Blvd., P.O. Box 1116
White Salmon, Washington 98672
509/493-2921 FAX 509/493-1345

**SUPERIOR COURT OF WASHINGTON
COUNTY OF SKAMANIA**



In the Matter of :)
WAYNE MARTIN, a single person,)
Plaintiff,)
vs.)
MERCY PROPERTIES WASHINGTON I, LLC,)
a Washington Limited Liability Company; U.S.)
BANK NATIONAL COMPANY, a National)
Banking Association; WASHINGTON STATE)
HOUSING FINANCE COMMISSION, UNITED)
STATES OF AMERICA, acting through the)
FARMER'S HOME ADMINISTRATION;)
UNITED STATES DEPT. OF AGRICULTURE,)
ROCK CREEK TERRACE, a Limited Partnership,)
and all other persons or parties unknown claiming)
any right, title, estate, lien, or interest in the real)
estate described in this complaint,)
Defendants.)

No. 06 - 2 - 00081 - 3

**DEFAULT JUDGMENT AGAINST
ROCK CREEK TERRACE,
A Limited Partnership**

This matter came before the Court on the plaintiff's motion for entry of default judgment against defendant Rock Creek Terrace, a limited partnership.

A hearing was held on Plaintiff's motion on JUN 11 2009. Plaintiff appeared through his attorney of record, Anthony H. Connors. No appearance was made by defendant in person or through an attorney.

DEFAULT JUDGMENT - Page 1

LAW OFFICE OF ANTHONY H. CONNORS
1000 East Jewett Blvd., P.O. Box 1116
White Salmon, Washington 98672
509/493-2921 FAX 509/493-1345

1 The court considered the court's file of this matter.

2 Based on that file, the Court FINDS that :

3 An order of default has been entered as to defendant Rock Creek Terrace in this matter. Rock
4 Creek Terrace should be forever barred from having or asserting any right adverse to the plaintiff
5 in the real property described below.

6 Based on the above findings, JUDGMENT is entered as follows:

7 The defendant Rock Creek Terrace is forever barred from having or asserting any right, title,
8 estate, lien, or interest adverse to plaintiff in or to the following described real properties:

9 A tract of land located in Government Lot 9 of Section 1, Township 2 North, Range
10 7 East, Willamette Meridian, City of Stevenson, County of Skamania, State of
Washington, described as follows:

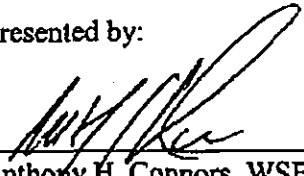
11 Commencing at the Point of Beginning which is the Southwest corner of the parcel
12 described in Book 245, Page 58, and monumented with a plastic survey cap inscribed
13 "BELL DESIGN 11873" set on a 5/8 inch diameter rebar; thence Westerly along a
14 curve concave to the North having a radius of 328.10 feet, a distance of 14.40 feet
15 and a central angle of 02°30'55" and being subtended by a chord which bears North
16 83°03'34" West 14.40 feet; thence North 10°01'43" East a distance of 89.76 feet to
a plastic survey cap inscribed "BELL DESIGN 11873" set on a 5/8 inch diameter
17 rebar; thence South 00°50'54" West along the West line of said parcel, a distance of
18 90.14 feet to the Point of Beginning, containing 646 square feet, more or less;
19 AND

20 A tract of land located in Government Lot 9 of Section 1, Township 2 North, Range
21 7 East, Willamette Meridian, City of Stevenson, County of Skamania, State of
22 Washington, described as follows: Beginning at a Point North 00°50'54" East, a
23 distance 157.11 feet from the Southwest corner of the parcel described in Book 245,
24 Page 58, said point being at the intersection of the West line of said parcel and an
existing fence line; thence along said fence line North 01°46'56" West, a distance of
25 54.32 feet to the beginning of a rock wall; thence along the top of said rock wall
26 North 01°34'11" West, a distance of 71.22 feet to the corner of a North and East
27 oriented board fence; thence South 89°44'21" East along said East oriented board
28 fence, a distance of 5.5 feet to the West line of said parcel; thence South 00°50'54"
West along said West line of parcel, a distance of 125.47 feet to the Point of
Beginning; containing 352 square feet, more or less.

DATED this 15th day of June, 2009.


Judge

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2
3 Presented by:

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5 Anthony H. Connors, WSB #20785
6 Attorney for Plaintiff

Approved as to form,
Notice of presentment waived:

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Bradley W. Andersen, WSBA #20640
Of Attorneys for Defendant, Mercy Properties
Washington I, LLC

Rebecca S. Cohen, WSBA #31767
Of Attorneys for Defendant United States of
America, acting through the Rural Housing
Service, USDA, defendant

Michael H. Himes, WSBA #19423
Attorney for Defendant US Bank National
Association

Athan E Tramountanas, WSBA #29248
Of Attorneys for Defendant Washington
State Housing Finance Commission

Eric S. Pollins, WSBA #22735
Of Attorneys for Rock Creek Terrace LTD

State of Washington } SS
County of Skamania }

I Sharon K. Vance, County Clerk of the Superior Court of Skamania County, Washington, DO HEREBY CERTIFY that this instrument, consisting of 14 page(s), 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 4/21/10 Sharon K. Vance
Sharon K. Vance County Clerk

BY _____ Deputy

