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Skamania County, WA

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Document Title(s)

Lien re: Klickitat Superior Court Final Judgment and Decree of Foreclosure

Reference Number(s) of related documents:

Additional Reference #'s on page ____

Grantor(s) (Last name, First name and Middle Initial)

MATTHEW M. RILEY, individually and on behalf of any marital community property

Additional grantors on page ____

Grantee(s) (Last name, First name and Middle Initial)

HM NORTHWEST CEMENT COMPANY f/k/a LEHIGH NORTHWEST CEMENT
COMPANY, a Washington corporation

Additional grantees on page ____

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

LOT 2 KERMIT BROWN SP BK 2/PG 66

Additional legal is on Exhibit A

Assessor's Property Tax Parcel/Account Number

03101500190200

Additional parcel #'s on page ____

State of Washington)
County of Klickitat)

I, Renea Campbell, County Clerk and Clerk of the Superior Court of Klickitat County, Washington, DO HEREBY CERTIFY that this instrument, consisting of 5 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 Goldendale, Washington
This date: 12/11/2023 Renea Campbell, County Clerk
By: [Signature] Deputy.

FILED

DEC 19 2023

Klickitat County Clerk

Presiding Judge Randall C. Krog
Date/Time of Hearing: December 5, 2023 at 11:00 a.m.
Moving Party, Plaintiff

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

HM NORTHWEST CEMENT COMPANY
f/k/a LEHIGH NORTHWEST CEMENT
COMPANY, a Washington corporation,

Plaintiff,

vs.

RAPID READYMIX CO., a Washington
corporation; IZAK V. RILEY, individually
and on behalf of any marital community
property; and MATTHEW M. RILEY,
individually and on behalf of any marital
community property,

Defendants.

Case No. 23-2-00117-20

FINAL JUDGMENT AND DECREE
OF FORECLOSURE

SUMMARY OF JUDGMENT

Judgment Debtors:	Rapid Readymix Co. Izak V. Riley Matthew M. Riley
Attorneys for Judgment Debtor:	Keith A. Pitt, WSBA #40429 425 NW 10 th Avenue, Suite 200 Portland, OR 97209
Judgment Creditor:	HM Northwest Cement Company f/k/a/ Lehigh Northwest Cement Company

FINAL JUDGMENT AND DECREE OF
FORECLOSURE - 1

SCHWABE, WILLIAMSON & WYATT, P.C.
Attorneys at Law
1420 5th Avenue, Suite 3400
Seattle, WA 98101-4010
Telephone: 206-422-1711

1
2 Attorneys for Judgment Creditor: Craig G. Russillo, WSBA #27998
3 Anna Helton, WSBA # 44684
4 Davis Leigh, WSBA #58825
5 Schwabe, Williamson & Wyatt, P.C.
6 1420 5th Avenue, Suite 3400
7 Seattle, WA 98101
8
9 Principal Amount of Judgment: \$ 1,280,413.13
10
11 PreJudgment Interest: \$395,349.06, through December 18, 2023, and
12 accruing thereafter at the daily rate of \$635.36 until
13 entry of judgment.
14
15 Post-Judgment Interest: To accrue at 1.5% per month
16
17 Attorney Fees and cost: \$62,132.00
18
19 TOTAL JUDGMENT TO DATE: \$ 1,737,894.19
20

21 **JUDGMENT AND DECREE OF FORECLOSURE**

22 This matter arose from a breach of a promissory note, deed of trust, and related personal
23 guaranties. Plaintiff HM Northwest Cement Company f/k/a/ Lehigh Northwest Cement
24 Company ("Plaintiff") appeared through its attorneys of record Craig Russillo, Anna Helton,
25 and Davis Leigh, and Defendants Rapid Readymix Co., Izak V. Riley, and Matthew M. Riley
26 ("Defendants") appeared through their attorney of record Keith A. Pitt.

27 The Plaintiff moved for summary judgment to resolve all matters alleged in its
28 Complaint. The Defendants did not contest the summary judgment. Accordingly, the Court
29 granted the Plaintiff's Motion for Summary Judgment and awarded the relief requests by
30 Plaintiff in its Complaint. Therefore, the Plaintiff is the prevailing party and is entitled to final
31 judgment.

32 Consistent with the Order Granting Plaintiff's Motion for Summary Judgment, the
33 Court now enters judgment and decrees as follows:

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FINAL JUDGMENT AND DECREE OF
FORECLOSURE - 2

SCHWABE, WILLIAMSON & WYATT, P.C.
Attorneys at Law
1420 5th Avenue, Suite 3400
Seattle, WA 98101-4010
Telephone: 206-622-1711

1 1. On Plaintiff's First Cause of Action, Plaintiff is awarded a money judgment
2 against Defendant Rapid ReadyMix Co. in the principal amount of \$1,280,413.13, plus
3 \$395,349.06 in interest through December 18, 2023, and accruing thereafter at the rate of 1.5%
4 per month (\$635.36 per day) until fully paid;

5 2. Plaintiff's Second Cause of Action is dismissed as moot;

6 3. On Plaintiff's Third Cause of Action, Plaintiff is awarded a money judgment
7 against Defendants Izak Riley and Matthew Riley, jointly and severally, in the principal
8 amount of \$1,280,413.13, plus \$395,349.06 in interest through December 18, 2023, and
9 accruing thereafter at the rate of 1.5% per month (\$635.36 per day) until fully paid;

10 4. On Plaintiff's Fourth Cause of Action, that:

11 a. The Deed of Trust executed in favor of Plaintiff covering certain real
12 property with the abbreviated legal description "East ½, Lot 2, Sec. 29, T 3 N, Range 11 EWM,
13 Klickitat County, Washington" as more fully set forth in Exhibit 1 attached hereto (the
14 "Property") is valid and the paramount lien on the Property described therein, superior to any
15 and all right, title, interest, lien, or estate of the Defendants or of anyone claiming by, through,
16 or under them in and to the Property securing payment of judgment;

17 b. The Deed of Trust is foreclosed and the Property may be sold by the
18 Sheriff of Klickitat County, Washington, in the manner provided by law for foreclosures and
19 in accordance with the practice of this Court;

20 c. That the proceeds of such sale be applied toward the payment of the
21 judgment rendered herein against the Defendants in favor of Plaintiff, together with any costs
22 and increased costs of sale;

23 d. That Plaintiff be permitted to be a bidder and purchaser at such sale;

24 e. That the purchaser at such sale be forthwith let into possession of the
25 Property;

26
FINAL JUDGMENT AND DECREE OF
FORECLOSURE - 3

SCHWABE, WILLIAMSON & WYATT, P.C.
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Telephone: 206-622-1711

1 f. The Defendants and/or any other person claiming by, through, or under
2 them, are not entitled to possession of the Property after such sale, and the purchaser at such
3 sale shall have the sole and exclusive possession thereof, together with rents, issues, and profits
4 arising therefrom;

5 g. Except for any statutory right of redemption, the Defendants and any
6 and all persons claiming by, through, or under them are forever barred and foreclosed from
7 any and all right, title, interest, lien, or estate in and to the Property or any part thereof;

8 h. Plaintiff is awarded an equitable lien upon the Property and is
9 subrogated to the interests of prior lien holders to the extent of payments made during the
10 redemption period, to protect its interests under the Deed of Trust;

11 i. Plaintiff is entitled to a deficiency judgment against the Defendants to
12 the extent the resulting judgment and costs of sale exceed the proceeds of the Sheriff's sale
13 and that the period of redemption be 12 months from the date of the Sheriff's sale;

14 5. Pursuant to the promissory notes and personal guaranties, and the Court having
15 found Plaintiff to be the substantially prevailing party, Plaintiff is awarded its attorneys' fees
16 and costs in the amount of \$62,132.00, plus all future attorney fees and costs incurred to collect
17 the amounts awarded hereunder, to be determined by supplemental judgment; and

18 6. The Clerk is hereby directed to enter this Final Judgment.

19
20 Dated this 19 day of December, 2023.

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22 
23 THE HONORABLE RANDALL C. KROG

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FINAL JUDGMENT AND DECREE OF
FORECLOSURE - 4

PDX\139348\271739\CGR\40883643.3

SCHWABE, WILLIAMSON & WYATT, P.C.
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Telephone: 206-822-1711

1 Respectfully submitted,

2 SCHWABE, WILLIAMSON & WYATT, P.C.

3
4 By: /s/ Craig Russillo

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Email: ahelton@schwabe.com

6 Davis Leigh, WSBA #58825

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8 Seattle, WA 98101-4010

Telephone: 206-622-1711

9 Facsimile: 206-292-0460

Attorneys for Plaintiff

10
11 Approved as to form and content:

12 SAPIENT LAW

13
14 By: /s/ Keith A. Pitt (per email authorization)

Keith A. Pitt, WSBA #40429

15 425 NW 10th Avenue, Suite 200

Portland OR 97209

16 Telephone: 503-417-7777

Facsimile: 503-417-4250

17 *Attorneys for Defendants*

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26
FINAL JUDGMENT AND DECREE OF
FORECLOSURE - 5

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Exhibit A

Lot 2 of the Revised Kermit Brown Short Plat, recorded in Book "2" of Short Plats, Page 76, records of Skamania County, Washington.

Tax Parcel ID No. 03-10-15-0-0-1902-00

Unofficial
Copy