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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA, )  
 )  
 ) Plaintiff, )  
 )  
 ) v. )  
 )  
 ) MARK N. KINSEY and JODI M. )  
 ) KINSEY, Husband and Wife; )  
 ) WASHINGTON STATE )  
 ) DEPARTMENT OF SOCIAL AND )  
 ) HEALTH SERVICES; and MARIA )  
 ) TURLEY, )  
 ) Defendants. )

Case No. 1:14-cv-3080-TOR  
  
JUDGMENT AND DECREE  
OF FORECLOSURE

This action came on for hearing before the Court on Plaintiff’s Application for Judgment and Decree of Foreclosure (ECF No. 26). The issues have been heard and a decision has been rendered.

IT IS ORDERED, ADJUDGED, AND DECREED as follows:

1. Plaintiff is awarded judgment against Defendants MARK N. KINSEY and JODI M. KINSEY in the amount of \$423,074.71 (\$366,686.71 principal and \$56,388.00 interest accrued through 7/30/2015); and interest accruing thereafter at the daily rate of \$28.4615 to the date of judgment; plus interest from the date of judgment at the legal rate until paid in full, for costs of suit, including any filing fee allowed pursuant to 28 U.S.C. § 2412(a)(2) and other proper relief.

2. The debts upon which this judgment is based is secured and perfected by the following:

1 a. a real estate mortgage recorded September 11, 2002, under  
2 Auditor's File No. 7291948, Official Records of Yakima County, Washington;

3 b. a real estate mortgage recorded May 12, 2003, under Auditor's  
4 File No. 7333555, Official Records of Yakima County, Washington;

5 c. a real estate mortgage recorded on May 10, 2004, under Auditor's  
6 File No. 7398960, Official Records of Yakima County, Washington;

7 d. a real estate mortgage recorded July 24, 2006, under Auditor's  
8 File No. 7518823, Official Records of Yakima County, Washington; and

9 e. security agreements perfected by the filing of a financing  
10 statement on March 18, 2002, as Instrument No. 2002-077-1071-3; a continuation  
11 statement filed January 12, 2007, as Instrument No 2007-012-1130-3; and an  
12 additional continuation statement filed September 28, 2011, as Instrument No. 2011-  
13 271-7710-5, Official Records of Washington State Department of Licensing.

14 3. The foregoing real estate mortgages and security agreements cover the  
15 following described property situated in Yakima County, State of Washington:

16 a. REAL PROPERTY. See Exhibit A attached hereto and incorporated  
17 herein by reference.

18 b. PERSONAL PROPERTY. The mortgages contain a security  
19 agreement covering the following-described farm equipment (except small tools and  
20 inventory) now owned, and any and all crops, annual and perennial, planted,  
21 growing or grown or harvested, located in the State of Washington:

22 Blade (Ditcher) - Servis E3WM, S/N 21372

23 Blade - Landpride 6' /3 pt

24 Blade, Ford 8'

25 Cultivator - Squash / 8'

3 Ditchers

Loader - JD 158, S/N EO158016803W

1 Front Loader - Kubota LA854/L4240/4740/504, S/N B0574  
2 2 Manure Spreaders - NH 130, S/N 200075/200077  
3 Beater - Rinleri T311 A/6'  
4 Rotovator - Northwest 6'  
5 Tractor, MF 240, S/N P36322  
6 Tractor, MF 240, S/N P36355  
7 Tractor, Ford NH 5640 - 1996  
8 Tractor, JD 2240, S/N 267434L  
9 Tractor, Ford 8N, S/N 4024-J28  
10 Tractor, Farmall 100, S/N 1107093-6D11  
11 Tractor, JD 2510, S/N 067406T  
12 Tractor (cab) - Kubota L4240 HSTC01 4 wd, S/N 50759  
13 Tractor (w/foldable RO) - Kubota L3400DT 1F 4wd, S/N 80487  
14 Tractor (w/foldable RO) - Kubota L280DT 1F 4wd, S/N 80489  
15 Tractor (cab) - Kubota L5240 HSTC-1 4wd, S/N 50448  
16 Rodweeder - Asparagus  
17 Weeder (Finger) - 5 row  
18 1972 Ford F600 Truck, VIN #F61DVN60361  
19 1973 Ford F600 Truck, VIN #F60KCR12741  
20 1975 Ford F600 Truck, VIN #F61DVV82206  
21 1978 Chevrolet C60 Truck, VIN #CCE628V151477  
22 1952 Chevrolet 6400 Truck, VIN #KEA765459  
23 1951 Chevrolet 6600 Truck, VIN #JEA466519  
24 1950 Chevrolet 2-ton Truck, VIN #HAC1105438

4. The interests of all Defendants are inferior to the interest of Plaintiff.

5. The real estate mortgages and security agreements, which constitute first and prior liens upon the property and farm equipment described above, are hereby foreclosed. Defendants MARK N. KINSEY and JODI M. KINSEY and all persons claiming by, through or under them are forever barred and foreclosed from asserting any right, title, or interest in and to said property, except for the statutory rights of redemption provided by law. The property is hereby ordered sold in the

1 manner provided by law with the proceeds of such sale to be applied to the expenses  
2 thereof, and then in satisfaction of the sums adjudged to be due Plaintiff herein.

3 6. Any party to this suit may become a purchaser at such sale. If Plaintiff  
4 bids at the sale, it is entitled to credit bid all or part of its judgment at such sale.

5 7. Plaintiff shall not have a deficiency judgment in the event the sum  
6 received from the sale is insufficient to pay the judgment in full.

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8 DATED August 12, 2015.



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A handwritten signature in blue ink that reads "Thomas O. Rice".

THOMAS O. RICE  
United States District Judge

**EXHIBIT A**

**BORROWER:** MARK N. KINSEY AND JODI M. KINSEY

**LEGAL DESCRIPTION:** Parcel #1: Lot 2 of SHORT PLAT No. 81-35, recorded under Auditor's File Number 2612383, records of Yakima County, Washington, TOGETHER WITH all appurtenances thereunto belonging, and subject to water, water rights and matters pertaining thereto, easements, restrictions, reservations and rights of way appearing in the chain of title, AND FURTHER SUBJECT TO that certain Oil and Gas Lease and the terms and conditions thereof, executed by Fredrick R. Merz and Lellavene Merz, husband and wife as Lessor, and Wm. James Stark as Lessee, for a term of 10 years, dated February 4, 1982 and recorded March 16, 1982 in Volume 1096 of Official Records under Auditor's File Number 2642120.

Assessor's Parcel #: 221023-12404

**PARCEL #2-B:** The South 1707 feet of the West half of the Southwest quarter of Section 18, Township 10 North, Range 22 East, W.M.;

EXCEPT the West 25 feet thereof for county road right of way;

EXCEPT beginning at the Southeast corner of said subdivision; thence West 291.5 feet; thence North 14' 00" East 301 feet; thence North 26' 30" East 500 feet; thence South 738 feet to beginning;

AND EXCEPT that portion thereof described as follows:

*M.N.K. - 7-20-04*  
*JMK*



FARM SERVICE AGENCY

MTG

\$39.00

7518823

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Yakima Co, WA

**EXHIBIT A**

Beginning at the Southwest corner of said subdivision; thence North 0° 00' 00" East (reference bearing) along the West line of said subdivision 345.00 feet; thence South 87° 42' 40" East 382.52 feet; thence South 89° 55' 35" East 374.62 feet; thence South 22° 32' 00" West 353.20 feet to the South line of said subdivision; thence South 89° 43' 22" West 621.49 feet to the point of beginning;

SUBJECT TO road right of way along the South side thereof;

SUBJECT TO and together with all easements, rights of way, restrictions and obligations of record.

SUBJECT TO easements, rights of way, reservations and restrictive covenants appearing in the chain of title or otherwise apparent, laws, contracts and proceedings relative to water, water rights and drainage, and to taxes, assessments and charges falling due against the premises subsequent to the date hereof, and further subject to pending litigation for the determination of rights to use surface waters of the Yakima River Drainage Basin.

Assessor's Parcel #: 221018-33002

LEGAL DESCRIPTION: PARCEL #3: Lot 1 of Short Plat filed in Book 92 of Short Plats, page 56, under Auditor's File Number 2964359, records of Yakima County, Washington.

Assessor's Parcel #: 221015-12401

Subject to all valid outstanding easements, rights-of-way, mineral leases, mineral reservations, and mineral conveyances of record.

Fixtures include all irrigation equipment, now owned and used, in whole or in part, to irrigate the mortgaged property, together with all similar goods which may be acquired at any time, any additions, replacements, substitutions and accessions. The irrigation system includes, but is not limited to, the following items:

*m.w.k. 7-20-04*  
*[Signature]*

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FARM SERVICE AGENCY MTG \$39.00