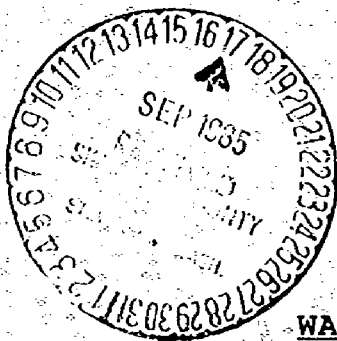


99965

BOOK 85 PAGE 66

560-2.011580

Document No. 35158

WARRANTY DEED

THE GRANTOR, BURLINGTON NORTHERN RAILROAD COMPANY, formerly known as Burlington Northern Inc., (successor in interest by merger to Northern Pacific Railway Company) a Delaware corporation qualified to do business and doing business in the State of Washington, for and in consideration of Ten Dollars (\$10.00), and other good and valuable consideration in hand paid, conveys and warrants to SWIFT CREEK ESTATES, a Washington corporation, its successors and assigns, the following described real estate, situated in the county of Skamania, State of Washington:

A tract of land in the SE1/4SE1/4, Section 27, Township 7 North, Range 6 East, W.M., the boundaries of which commence at the southeast corner of said section 27, thence N. 0deg04'20" E. 60.96 feet, more or less, along the easterly line of said section 27 to the southerly right of way boundary of the Lewis River Road, commonly called the N-90 Road, thence S. 86deg.17'00" W. 569.87 feet, more or less, along said southerly right of way boundary, thence S. 3deg.43'00" E. 25 feet, more or less, to a point on the southerly line of said section 27, thence S. 89deg.48'15" E. 566 feet, more or less, along said southerly line to the point of beginning, and containing .79 acre, more or less; and also

Those portions of Government lots 3 and 4, Section 35, Township 7 North, Range 6 East, W.M., lying Northwesterly and above the 1,000 foot elevation, U.S. Coast and Geodetic Survey datum, containing 12.45 acres, more or less.

Excepting and reserving, however, to the GRANTOR, for itself, its successors and assigns, forever:

Any and all right, title and interest held under that Certificate of Surface Water Right as recorded January 6, 1969 in Volume J of Book of Water Right Certificates, Page 228, records of Skamania County, Washington together with that Certificate of Change of Point of Diversion of Water as recorded July 31, 1969 in Book J of Miscellaneous at Page 243 records of Skamania County, Washington; and also

All right, title and interest, legal and equitable, whatsoever, in and to all geothermal heat and all ores and minerals of any nature whatsoever, including, but not limited to oil, gas, other hydrocarbons, carbon dioxide, coal, iron, gas occurring in coal formations, industrial minerals, metallic minerals, aggregates, sand and gravel, clay, uranium, rock including but not limited to rock of a unique character (collectively "Minerals"), whether surface or subsurface in, upon, under, or which may be produced from the real property hereinafter and in the attached Description of Property described (collectively called "Premises") together with the right to enter upon the premises for the purposes of prospecting and exploring for said minerals by geophysical, geochemical or other means, and for the purpose of drilling, producing, extracting, opening, developing, and processing said minerals and erecting, operating and working any pipeline, treatment, storage extraction and/or processing facilities by any procedures whatsoever, and the taking out, removing, carrying away, transporting and storing of all such

minerals, and to enter upon, occupy, make use of and consume and the right to control the entry upon, occupation, use and consumption of, so much of the surface of said premises as may be necessary for all such purposes, together with the tenements, hereditaments and appurtenances; provided that the Grantee and its heirs, representatives, successors and assigns, shall be paid just and reasonable compensation for any injury or damage to the surface of said land, to the crops or to the improvements thereon caused by the exercise of any rights herein reserved; provided, further, that the exercise of such rights by the Grantor shall not be postponed or delayed pending reasonable efforts to agree upon or have determined such just and reasonable compensation.

The above described lands contain a total of 13.24 acres, more or less, and are located as shown on Exhibit A attached hereto and made a part hereof.

The above described lands hereby conveyed are subject to an easement in the public for any public roads heretofore laid out or established and now existing over, along or across any portion of the premises; and

SUBJECT ALSO TO an Easement dated April 22, 1959 to Pacific Power and Light Company; and

SUBJECT ALSO TO the rights, if any, of cabin owners and/or former cabin site lessees maintaining cabins and/or claiming rights to property in Section 35, Township 7 North, Range 6 East, Wilamette Meridian, Skamania County, Washington either pursuant to lease between Northern Pacific Railway Company and Robert T. Curry dated June 25, 1963 and subleases thereunder or otherwise; and

SUBJECT ALSO TO all additional easements, reservations, restrictions, encumbrances and water rights, if any, of record.

IN WITNESS WHEREOF, said corporation has caused this instrument to be executed by its proper officers and its corporate seal to be hereunto affixed this 16<sup>th</sup> day of September, 1985.

BURLINGTON NORTHERN RAILROAD COMPANY

By David D. Leland  
David D. Leland  
Vice President, Timber and Land

ATTEST:

By Susanna N. Lyman  
Susanna N. Lyman  
Assistant Secretary

STATE OF WASHINGTON )  
COUNTY OF SKAMANIA )  
I HEREBY CERTIFY THAT THE WITHIN  
INSTRUMENT OF WRITING FILED BY  
RUM CREEK TIMBER CO., INC.  
1662 1985  
FIRST AND SECOND CLERKS, SEPT 23 1985  
OF SKAMANIA COUNTY  
AT 1:20 P.M. SEP 17 1985  
WAS  
D.D.

AMC  
d/la

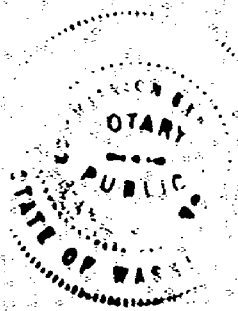


ACKNOWLEDGMENT

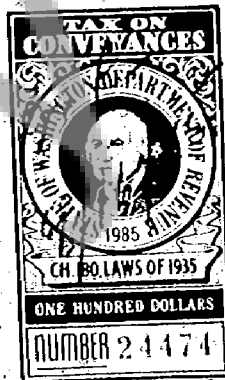
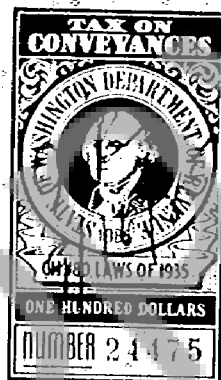
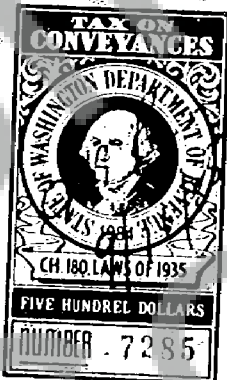
STATE OF WASHINGTON )  
 ) ss  
 COUNTY OF KING )

On this 16<sup>th</sup> day of September, 1985, before me personally appeared David D. Leland and Susanna N. Lyman, to me known to be the Vice President, Timber and Land and Assistant Secretary, respectively, of Burlington Northern Railroad Company, the corporation which executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.



Marquerite Russ  
 Notary Public for the  
 State of Washington  
 Residing at Seattle  
 My Commission Expires 3/22/88



19171

REAL ESTATE EXCISE TAX  
 SEP 17 1985

PAID 3745.00

John E. Wyman, Deputy  
 SKAMANIA COUNTY TREASURER