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FILED FOR RECORD
SKAMANIA CO. WASH
BY *John R. Kiepenke*

ROAD MAINTENANCE AGREEMENT

APR 27 11 47 AM '89

E. Mesford
AUDITOR

AGREEMENT, made this 25th day of April, 1989, by and between ELEANOR SZYDLO aka ODILE E. SZYDLO, a widow, of Skamania County, Washington (hereinafter "First Party"), and ARMAND E. LARIVE, executor of the Estate of David G. Larive, Deceased, of Pullman, Washington (hereinafter "Second Party").

WHEREAS, First Party has conveyed unto Second Party this date an easement for right-of-way over that portion of a certain existing private roadway commonly known as "Sweeney Road" which crosses real property owned by First Party and more particularly described in Exhibit A attached hereto and incorporated herein by reference, between State Road 14 and the northerly line of real property owned by Second Party, more particularly described in Exhibit B attached hereto and incorporated herein by reference; and

WHEREAS, said easement and right-of-way is nonexclusive and will be used in common by the parties hereto; and

WHEREAS, the parties desire to enter into an agreement whereunder they shall bear the costs of maintaining that portion of said Sweeney Road used by them in common; and

WHEREAS, the parties desire to maintain said roadway as a private drive,

NOW, THEREFORE, the parties agree as follows:

1. The parties shall share equally the costs and expenses of maintaining the above-described roadway easement in its present width, clear of obstructions and in as good repair as exists upon this date; provided that nothing herein shall be construed as an agreement governing snow removal from said roadway.

2. All construction, maintenance and repair performed on said roadway shall be done in a proper, substantial and workmanlike manner and any and all construction, maintenance and repair performed on said roadway shall be undertaken by one party hereto only after express consent of the other party.

3. This agreement shall run with the land, and the rights, duties and obligations hereunder shall inure to the benefit of, and constitute a burden on, the heirs, successors and assigns of the parties hereto.

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4. The parties agree that it will be in their best interests to retain and maintain said roadway as a private road.

5. This Road Maintenance Agreement may be amended or cancelled by agreement between the parties as evidenced by a writing signed by each and duly recorded.

In witness whereof, the parties hereto have signed this agreement the dater first above written.

FIRST PARTY:

Eleanor Szydlo
ELEANOR SZYDLO aka ODILE E.
SZYDLO

SECOND PARTY:

Armand E. Larive
ARMAND E. LARIVE, Executor
of the Estate of David G.
Larive, Deceased.

STATE OF WASHINGTON)

) ss.

County of Skamania)

On this day personally appeared before me ELEANOR SZYDLO, aka ODILE E. SZYDLO, a widow, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that she signed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.

Armand E. Larive
Notary Public in and for the
State of Washington, residing
at STEVENSON

Commission expires JANUARY 22, 1991

STATE OF WASHINGTON)

) ss.

County of Skamania)

On this day personally appeared before me ARMAND E. LARIVE, Executor of the Estate of David G. Larive, Deceased, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

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Given under my hand and seal this 25th day of April, 1989.

Anne Jean Erickson
Notary Public in and for the
State of Washington, residing
at Bellevue, WA

Commission expires 3/22/1990

Unofficial Copy

EXHIBIT "A"

Real Property situated in the County of Skamania, State of Washington:

Beginning at a point 1,800 feet south of the quarter corner common to Sections 30 and 31, Township 3 North, Range 8 E.W.M.; thence north $55^{\circ}30'$ east 1,007 feet to the northeast corner of a tract of land conveyed to C. M. Youmans by deed recorded at page 11 of Book R of Deeds, records of Skamania County, Washington, said point being the initial point of the tract hereby described; thence south to the meander line of the Columbia River; thence following the meander line of the Columbia River upstream to a point 200 feet east of Smith Creek; thence northerly following a line parallel to and 200 feet distant, measured easterly at a right angle, from the center of the channel of Smith Creek to intersection with the southerly right of way line of Primary State Highway No. 8; thence following the southerly right of way line of said highway in a westerly and southerly direction to a point on the easterly boundary thereof which is south $55^{\circ}30'$ west from the initial point; thence north $55^{\circ}30'$ east to the initial point: EXCEPT all mineral and mineral deposits therein and thereon; AND EXCEPT the right of way acquired by the Spokane, Portland and Seattle Railway Company; AND SUBJECT TO easements of record;

AND SUBJECT TO the acts and omissions of the grantee as purchaser under a real estate contract dated June 15, 1960 in fulfillment of which this conveyance is made.

AS AMENDED by conveyance from David G. Larive to Eleanor Szydlo, for purposes of a boundary line adjustment only, by deed recorded May 19, 1986 at pages 220 and 221 of Book 101 of Deeds, under Auditor's File No. 101156, records of Skamania County, Washington.

EXHIBIT "B"

A trace of land located in Government Lot 5 of Section 31, Township 3 North, Range 8 East, W.M., more particularly described as follows:

Beginning at a point which is 1,800 feet south of quarter corner between sections 30 and 31, Township 3 North, Range 8 East, W.M.; thence following the meanderings of the county road as the same was laid out and established on October 11, 1909, to a point 1,007 feet distant from and north 55°30' east of the point of beginning; thence south 799 feet to a point on a rock ledge (witness an iron stake near a fir tree 2 feet in diameter north 40° west 3 feet distant); thence south 60°30' west 370 feet along the edge of the rock ledge; thence south 300 feet; thence south 75°30' west 520 feet; thence north 840 feet to the point of beginning;

EXCEPT all that portion thereof lying adjacent to property owned by Eleanor Szydlo and northerly of the center of the Burlington-Northern Railroad Easement and easterly of Sweeney Road conveyed by David G. Larive to Eleanor Szydlo, for purposes of a boundary line adjustment only, by deed recorded May 19, 1986 at pages 220 and 221 of Book 101 of Deeds, under Auditor's File No. 101156, records of Skamania County, Washington;

AND EXCEPT a tract of land reserved by J. Allen Gilbert, a widower, by deed dated December 17, 1936, and recorded October 18, 1937, at page 447 of Book Z of Deeds, under Auditor's File No. 24817, records of Skamania County, Washington;

AND EXCEPT a tract of land conveyed by J. Allen Gilbert, a widower, to Lynn Finster and Rose Finster, husband and wife, by deed dated December 28, 1934, and recorded January 4, 1935, at page 81 of Book Y of Deeds, under Auditor's File No. 20231.

AND EXCEPT right of way acquired by the Spokane, Portland and Seattle Railway Company.

SUBJECT TO:

Minerals and mineral rights including an easement for an access road for removal of the same, and an easement and right of way along an existing road to the southerly line of the right of way of the Spokane, Portland and

Seattle Railway Company terminating at the easterly line of the real estate under search, reserved by John F. Sweeney and Mary E. Sweeney, husband and wife, and Columbia Gold and Copper Mining Company, a corporation, in deed dated October 11, 1909, and recorded October 14, 1909, at page 65 of Book M of Deeds, records of Skamania County, Washington.

The effect, if any, of an agreement for joint water use and water pipeline maintenance recorded under Auditor's File No. 18787, records of Skamania County, Washington.

An easement and right of way for an access road and water rights reserved in deed recorded under Auditor's File No. 24817, records of Skamania County, Washington.

A flowage easement granted to the United States of America to overflow the real estate under search as recorded under Auditor's File No. 25005, records of Skamania County, Washington.

A supplemental flowage easement to overflow the real estate under search as recorded under Auditor's File No. 60602, records of Skamania County, Washington.

Easements and rights of way for Primary State Highway No. 8.