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BOOK 175 PAGE 599

When Recorded Return to:

Richard Miller & Associates
121 S.W. Morrison, Suite 325
Portland, Oregon 97204

FILED FOR RECORD
SKAMANIA CO. WASH.
BY *Richard Miller & Assoc.*

APR 14 11 44 AM '98

G. M. Olson
AUDITOR
GARY M. OLSON

NOTICE OF CONTINUANCE
LAND CLASSIFIED AS CURRENT USE OR FOREST LAND
Chapter 84.34 And 84.33 Revised Code Of Washington

Grantor(s) S.D.S. Co., L.L.C., a Washington limited liability companyGrantee(s) Skamania CountyLegal Description E2 NE4 SW4 Section 24, T3N R7E WMSee attached Exhibit A on pages 6-12

03 07 24 0 0 0300 00

Assessor's Property Tax Parcel or Account Number See attached page 5 of parcel numbersReference Numbers of Documents Assigned or Released See attached page 5Vol. E Pg. 936

If the new owner(s) of land that is classified or designated as current use or forest land wish(es) to continue the classification or designation of this land, the new owner(s) must sign below. All new owners must sign. If the new owner(s) do(es) not desire to continue the classification or designation, all additional or compensating tax calculated pursuant to RCW 84.34.108 or RCW 84.33.120, 140 shall be due and payable by the seller or transferor at the time of sale. To determine if the land qualifies to continue classification or designation, the county assessor may be consulted.

Name of New Owner(s) S.D.S. Co., L.L.C., a Washington limited liability companyAddress P.O. Box 266Bingen, Washington 98605Phone No. 509-493-2155

Excise Tax No. _____

File No. _____

Taxing District _____

Date of Sale or Transfer 2 / 1 / 98Date of Notice / /Interest in Property: ☐ Fee Owner ☐ Contract Purchaser ☐ Other

REV 64 0047-1 (01-06-97)

To inquire about the availability of this form in an alternate format for the visually impaired or a language other than English, please call (360) 753-3217.

A. CLASSIFICATION UNDER CHAPTER 84.34 RCW. I/we request that this land retain the current use classification as ☐ Open Space Land, ☐ Farm and Agricultural Land, ☐ Timberland, and I am/we are aware of the following use classification of the land:

1. OPEN SPACE LAND MEANS EITHER:

- a) any land area so designated by an official comprehensive land use plan adopted by any city or county and zoned accordingly; or
- b) any land area, the preservation of which in its present use would: (i) conserve and enhance natural or scenic resources; (ii) protect streams or water supply; (iii) promote conservation of soils, wetlands, beaches, or tidal marshes; (iv) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space, (v) enhance recreation opportunities; (vi) preserve historic sites; (vii) preserve visual quality along highway, road, and street corridors or scenic vistas; or (viii) retain in its natural state tracts of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the legislative body granting the open space classification; or
- c) any land that meets the definition of farm and agricultural conservation land. "Farm and agricultural conservation land is either: (i) land that was previously classified as open space farm and agricultural land that no longer meets the criteria of farm and agricultural land, and that is reclassified as open space and under RCW 84.34.020.1; or (ii) land that is traditional farmland that is not classified under chapter 84.33 or 84.34 RCW, that has not been irrevocably devoted to a use inconsistent with agricultural uses, and that has a high potential for returning to commercial agriculture.

2. FARM AND AGRICULTURAL LAND MEANS EITHER:

- a) any land in contiguous ownership of twenty or more acres devoted: (i) primarily to the production of livestock or agricultural commodities, for commercial purposes; or (ii) enrolled in the federal conservation reserve program or its successor administered by the United States department of agriculture; or (iii) other similar commercial activities as may be established by rule; or
- b) any parcel of land at least five acres but less than twenty acres devoted primarily to agricultural uses and produces a gross income equal to two hundred dollars or more per acre per year for three out of the five calendar years preceding the date of application for classification under chapter 84.34 RCW; or
- c) any parcel of land that is less than five acres devoted primarily to agricultural uses and produces a gross income equal to fifteen hundred dollars or more per year for three out of the five calendar years preceding the date of application for classification under chapter 84.34 RCW; or
- d) any land on which the principal place of residence of the farm operator or owner of land or housing for employees is sited if the classified farm and agricultural land is classified pursuant to subsection (a) of this section, if the residence or housing is on or contiguous to the classified parcel, and the use of the residence or housing is integral to the use of the classified land for agricultural purposes.

Agricultural land also includes (i) land on which appurtenances necessary for the production, preparation, or sale of commercial agricultural products are situated when the appurtenances are used in conjunction with the land(s) producing agricultural products, (ii) land incidentally used for an activity or enterprise that is compatible with commercial agricultural purposes as long as the incidental use does not exceed twenty percent of the classified land, and (iii) any noncontiguous parcel of land from one to five acres in size that constitutes an integral part of the commercial agricultural operations of a classified parcel of farm and agricultural land.

3. **TIMBER LAND MEANS** any land in contiguous ownership of five or more acres devoted primarily to the growing and harvesting of forest crops for commercial purposes and not classified as reforestation land pursuant to Chapter 84.28 RCW. Timber land means the land only.

I/we declare that I am/we are aware of the liability of withdrawal or removal of this land from classification to the following extent:

1. If the owner has filed the proper notice of request to withdraw the classified land and the land has been classified for a minimum of ten years he/she shall pay an amount equal to the difference between the tax computed on the basis of "current use" and the tax computed on the basis of true and fair value plus interest at the same statutory rate charged on delinquent property taxes. The additional tax and interest shall be paid for the preceding seven years.
2. If land is removed from classification because of a change to a non-conforming use, land is removed prior to the minimum ten year period, or land is removed because the owner(s) failed to comply with the ten year notice of withdrawal he/she shall be liable to pay the additional tax and interest described in 1 above plus a penalty of twenty percent of the additional tax and interest. The additional tax, interest, and penalty shall be paid for the preceding seven years.
3. The additional tax, interest, and/or penalty shall not be imposed if the withdrawal or removal from classification resulted solely from:
 - a) transfer to a government entity in exchange for other land located within the state of Washington;
 - b) a taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of this power, said entity having manifested its intent in writing or by other official action;
 - c) a natural disaster such as a flood, windstorm, earthquake, or other calamity rather than by virtue of the act of the landowner changing the use of the classified land;
 - d) official action by an agency of the state of Washington or by the county or city within which the land is located that disallows the present classified use of the land;
 - e) transfer of land to a church when the land would qualify for exemption pursuant to RCW 84.36.020;
 - f) acquisition of property interests by a state or federal agency, county, city, town, metropolitan park district, metropolitan municipal corporation, nonprofit historic preservation corporation as defined in RCW 64.04.130, or nonprofit nature conservancy corporation or association as defined in RCW 84.34.250; or
 - g) removal of classified farm and agricultural land on which the principal residence of the farm operator or owner or housing for employees.

(B) **CLASSIFICATION UNDER CHAPTER 84.33 RCW.** I/we request that this land retain its ☒ classification or ☐ designation as forest land and I am/we are aware of the following definition of forest land:

FOREST LAND means and is synonymous with timberland and means all land in contiguous ownership of at least twenty acres that is primarily devoted to and used for growing and harvesting timber. Forest land means the land only.

- a) **CLASSIFIED FOREST LAND** is land whose highest and best use is the growing and harvesting of timber.
- b) **DESIGNATED FOREST LAND** is land that is primarily devoted to and used for growing and harvesting timber but whose value for other purposes may be greater than its value for use as forest land.

I/we declare that I am/we are aware of the liability of removal of this land from classification or designation and upon removal a compensating tax shall be imposed that shall be equal to the difference between the amount of tax last levied on the land as forest land and an amount equal to the new assessed valuation of the land multiplied by the millage rate of the last levy extended against the land, multiplied by a number, not greater than ten, equal to the number of years the land was classified or designated as forest land.

The compensating tax shall not be imposed if the removal of classification or designation resulted solely from:

- transfer to a government entity in exchange for other forest land located within the state of Washington;
- a taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of this power;
- a donation of fee title, development rights, or the right to harvest timber, to a government agency or organization qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections or the sale or transfer of fee title to a governmental entity or a nonprofit nature conservancy corporation, as defined in RCW 64.04.130, exclusively for the protection and conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage plan as defined in Chapter 79.70 RCW; or
- the sale or transfer of fee title to the parks and recreation commission for park and recreation purposes.

S.D.S. Co. L.L.C.
 BY: John L. Cheney, Manager
 P.O. Box 266

4/17/98
 Date

Bingen, Washington 98605
 Address

Property Owner _____ Date / /

Address _____

Property Owner _____ Date / /

Address _____

Property Owner _____ Date / /

Assessor's Tax Parcel ID Numbers

Parcel No.	Lien Location	Parcel No.	Lien Location
03 07 24 0 0 0300 00	E-936	03 10 00 0 0 0300 00	F-401
03 07 26 0 0 0400 00	F-371	03 10 00 0 0 0301 00	F-402
03 08 06 0 0 1200 00	F-386	03 10 00 0 0 060 1 00	F-17
03 08 19 0 0 0400 00	F-381	03 10 00 0 0 1000 00	F-401
03 08 20 2 0 0400 00	F-389	03 10 19 0 0 0100 00	F-403
03 08 26 0 0 0301 09	F-390	03 10 20 0 0 0200 00	F-404
03 08 29 0 0 0300 00	F-391	03 10 22 0 0 0901 00	E-992
03 08 30 0 0 0100 00	F-385	03 75 00 0 0 0200 00	F-373
03 09 00 0 0 2700 00	F-392	03 75 24 0 0 0300 00	F-375
03 09 00 0 0 3100 00	F-394	03 75 25 0 0 0200 00	F-376
03 09 10 0 0 2200 00	F-397	03 75 25 0 0 0800 00	F-377
03 09 11 3 0 1500 00	None	03 75 25 0 0 0900 00	F-378
03 09 15 0 0 0200 00	F-398	04 07 00 0 0 0500 00	F-372
03 09 15 0 0 1700 00	F-399	04 75 36 0 0 0500 00	F-379
03 10 00 0 0 0100 00	F-400	04 75 36 0 0 0501 00	F-379

GRANTOR: S.D.S. CO.
GRANTEE: S.D.S. CO., L.L.C.
WARRANTY DEED

FEBRUARY 1, 1998

EXHIBIT A

Legal Description

PARCEL 1: The East half of the Northeast Quarter of the Southwest Quarter of Section 24, Township 3 North, Range 7 East of the Willamette Meridian, in the County of Skamania, State of Washington.

PARCEL 2: The Northeast Quarter of the Northwest Quarter of the Southeast Quarter, the North half of the Northeast Quarter of the Southeast Quarter, the Southwest Quarter of the Northeast Quarter of the Southeast Quarter and the Northwest Quarter of the Southeast Quarter of the Southeast Quarter, all in Section 26, Township 3 North, Range 7 East of the Willamette Meridian, in the County of Skamania, State of Washington.

PARCEL 3: Beginning at the Southwest corner of Section 6, Township 3 North, Range 8 East of the Willamette Meridian, in the County of Skamania, State of Washington; thence North 20 chains; thence East 20 chains; thence South 20 chains; thence West 20 chains to the point of beginning.

EXCEPT that portion conveyed to State of Washington by instrument recorded in Book 43, Page 327.

ALSO EXCEPT that portion lying Northerly of highway as deeded by instrument recorded in Book 47, Page 220.

PARCEL 4: Beginning at a point of the South line of the Northeast quarter of Section 18, Township 3 North, Range 10 East of the Willamette Meridian, Skamania County, Washington. Said point bearing South 84° 36' East from the center of said section and 330 feet distant; thence North for 660 feet along the line of the Ella M. Woodward Tract; thence South 84° 36' East for 330 feet along the line of the Ella M. Woodward Tract; thence South for 660 feet to the South line of the Quarter section; thence North 84° 36' West along the South line of said Quarter section for 330 feet to the point of beginning.

PARCEL 5: The South half of the Northeast Quarter, the North half of the Southeast Quarter and the North half of the Southwest Quarter, all in Section 19, Township 3 North, Range 8 East of the Willamette Meridian, in the County of Skamania, State of Washington.

PARCEL 6: The Southwest Quarter of the Northwest Quarter and the East half of the Northwest Quarter all in Section 20, Township 3 North, Range 8 East of the Willamette Meridian, in the County of Skamania, State of Washington.

EXCEPTING therefrom the following:

Beginning at the North Quarter corner of said Section 20; thence West 396 feet; thence South 792 feet; thence East 396 feet; thence North 792 feet to the point of beginning.

ALSO EXCEPT that portion conveyed to Jesse G. Renfro et. ux. by instrument recorded May 31, 1977 in Book 72, Page 758.

PARCEL 7: That portion of the Jos. Robbins D.L.C. in Sections 26 and 27, Township 3 North, Range 8 East of the Willamette Meridian, in the County of Skamania, State of Washington, lying Northerly of County Road No. 3271 designated as the Home Valley Cut-Off Road extending Easterly from its intersection with County Road No. 3036 designated as the Berge Road.

EXCEPT that portion thereof lying Northwesterly of the said Berge Road.

The North half of the Northwest Quarter, the Southeast Quarter of the Northwest Quarter, and Government Lot 1, all in Section 26, Township 3 North, Range 8 East of the Willamette Meridian, in the County of Skamania State of Washington.

EXCEPT a strip of land 300 feet in width acquired by the United States of America for the Bonneville Power Administration's Bonneville-Coulee No. 1 and No. 2 transmission lines.

ALSO EXCEPT that portion thereof lying Westerly of County Road No. 3036 designated as the Berge Road.

ALSO EXCEPT a strip of land 40 feet in width described as follows:

Beginning at the Northwest corner of the said Section 26; thence East following the North line of the said Section 26 720 feet; thence South 40 feet; thence West 720 feet to intersection with the West line of the said Section 26; thence North 40 feet to the point of beginning.

All that portion of Government Lot 2 and of the Northeast Quarter of the Southwest Quarter of Section 26, Township 3 North, Range 8 East of the Willamette Meridian, in the County of Skamania, State of Washington lying Northerly of County Road No. 3271 designated as the Home Valley Cut-Off-Road.

PARCEL 8: The West half of the Northwest Quarter of Section 29, Township 3 North, Range 8 East of the Willamette Meridian, in the County of Skamania, State of Washington.

EXCEPT the 300 foot strip of land acquired by the United States of America for the Bonneville Power Administration.

PARCEL 9: That portion of the Northeast Quarter of the Northeast Quarter of Section 30, Township 3 North, Range 8 East of the Willamette Meridian, in the County of Skamania, State of Washington, described as follows:

Beginning at the Northwest corner of the Northeast Quarter of the Northeast Quarter of the said Section 30; thence East 80 rods to the Northeast corner of the Northeast Quarter of the Northeast Quarter of the said Section 30; thence South 80 rods; thence in a Northwesterly direction to the point of beginning.

PARCEL 10: The Southeast Quarter of the Northeast Quarter of Section 12, Township 3 North, Range 9 East of the Willamette Meridian, in the County of Skamania, State of Washington.

PARCEL 11: The Northwest Quarter, the Northeast Quarter of the Southwest Quarter and the Northwest Quarter of the Southeast Quarter, all in Section 23, Township 3 North, Range 9 East of the Willamette Meridian, in the County of Skamania, State of Washington.

EXCEPT that portion conveyed to Skamania County by instrument recorded February 26, 1960 in Book 47, Page 99.

PARCEL 12: Lot 4, Block 11 (also described as the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of Section 10), the South half of Lot 1, Block 15 (also described as the South half of the Northeast Quarter of the Northwest Quarter of the Northeast Quarter of Section 15), the North half of Lot 2, Block 15 (also described as the North half of the Northwest Quarter of the Northwest Quarter of the Northeast Quarter of Section 15), the North half of Lot 1, Block 14 and the North half of Lot 2, Block 14 (also described as the North half of the North half of the Northeast Quarter of the Northwest Quarter), all in the MANZANOL ORCHARD AND LAND COMPANY TRACTS, according to the recorded plat thereof, recorded in Book A of Plats, Page 37, all in Township 3 North, Range 9 East of the Willamette Meridian, in the County of Skamania, State of Washington.

PARCEL 13: The Southeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 11, Township 3 North, Range 9 East of the Willamette Meridian, in the County of Skamania, State of Washington.

PARCEL 14: Government Lots 1, 2 and 3 and the Southwest Quarter of the Northeast Quarter all in Section 4, Township 3 North, Range 10 East of the Willamette Meridian, in the County of Skamania, State of Washington.

PARCEL 15: The North half of the Southwest Quarter of the Southwest Quarter, Northwest Quarter of the Southwest Quarter of Section 4 all of Section 5, the Northwest Quarter of the Southwest Quarter, the East half of the Southwest Quarter and the East half in Section 6; the Northeast Quarter of the Northwest Quarter and the East half all in Section 7, all of Section 8 all in Township 3 North, Range 10 East of the Willamette Meridian, in the County of Skamania, State of Washington.

PARCEL 16: All of Section 17, Township 3 North, Range 10 East of the Willamette Meridian, in the County of Skamania, State of Washington.

EXCEPTING therefrom the following:

- A. That portion conveyed to State of Washington by instrument recorded December 12, 1947 under Auditor's File No. 37340.
- B. That portion conveyed to Lee Montgomery et. ux. by instrument recorded March 16, 1970 in Book 61, Page 595, Auditor's File No. 71947.
- C. That portion conveyed to Karl Klippel et. ux. by instrument recorded August 8, 1995 in Book 151, Page 631.
- D. The South half of the South half of the Southeast Quarter of the Southeast Quarter as described by instrument recorded in Book 74, Page 802.

PARCEL 17: The East half and the East half of the Southwest Quarter, all in Section 18, Township 3 North, Range 10 East of the Willamette Meridian, in the County of Skamania, State of Washington. EXCEPT that portion as described in Book 49, Page 181.

PARCEL 18: The West half of the Northwest Quarter, the Southeast Quarter of the Northwest Quarter, the Northwest Quarter of the Southeast Quarter and the Southwest Quarter, all in Section 9, Township 3 North, Range 10 East of the Willamette Meridian, in the County of Skamania, State of Washington.

ALSO the Northwest Quarter, the Northwest Quarter of the Southwest Quarter, the North half of the Southwest Quarter of the Northeast Quarter, the Southeast Quarter of the Southwest Quarter of the Northeast Quarter, all in Section 16, Township 3 North, Range 10 East of the Willamette Meridian, in the County of Skamania, State of Washington.

ALSO a tract of land in the Southeast Quarter of the Northeast Quarter of Section 16, Township 3 North, Range 10 East of the Willamette Meridian, in the County of Skamania, State of Washington, described as follows:

Beginning at a point 56 rods West of the Southeast corner of the Northeast Quarter of Section 16; thence North 40 rods; thence West 24 rods; thence South 40 rods; thence East 24 rods to the place of beginning.

ALSO the Northeast Quarter of the Southeast Quarter of Section 16, Township 3 North, Range 10 East of the Willamette Meridian, in the County of Skamania, State of Washington.

EXCEPTING therefrom the following:

- A. That portion conveyed to Leslie E. Donaldson et. ux. by instrument recorded September 13, 1983 in Book 82, Page 290.
- B. Lots 1 and 2 of the A.G. Malella Short Plat, recorded in Book 3 of Short Plats, Page 239 and that portion lying South of Lot 2.
- C. Lots 1 and 2 of the Reno Ziegler Short Plat, recorded in Book 2 of Short Plats, Page 55.

PARCEL 19: The Southeast Quarter of the Northeast Quarter, the North half of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter all in Section 4, Township 3 North, Range 10 East of the Willamette Meridian, in the County of Skamania, State of Washington.

PARCEL 20: The North half of the Northeast Quarter of Section 19, Township 3 North, Range 10 East of the Willamette Meridian, in the County of Skamania, State of Washington.

EXCEPT the following described tract:

Beginning at a brass hub marking the center of the said Section 19; thence north 1,320 feet to an iron pipe and the initial point of the tract hereby described; thence East 1,389.6 feet to an iron pipe; thence North 28 East 152.5 feet to an iron pipe; thence North 60 West 173.6 feet to an iron pipe; thence North 85 West 772.2 feet to an iron pipe; thence West 309 feet to an iron pipe; thence North 06 45' West 1,042 feet; thence West 107.1 feet to an iron pipe; thence South 1,320 feet to the initial point.

PARCEL 21: That portion of the West half of the Northwest quarter lying North of County road, that portion of the Southeast quarter of the Northwest quarter lying North of county road, The West half of the Northeast Quarter of the Northeast Quarter, the Southwest Quarter of the Northeast Quarter, the Southeast Quarter of the Northeast Quarter, except the South 330 feet thereof, all of the North 330 feet of the Northwest Quarter of the Southeast Quarter, all in Section 20, Township 3 North, Range 10 East of the Willamette Meridian, in the County of Skamania, State of Washington.

PARCEL 22: The Southeast Quarter of the Northwest Quarter of Section 22, Township 3 North, Range 10 East of the Willamette Meridian, in the County of Skamania, State of Washington.

ALSO that portion of Lot 2 of said Section 22 lying Northerly of the right of way of the Spokane, Portland and Seattle Railway Company right of way.

EXCEPT from said Government Lot 2 that portion thereof conveyed to the State of Washington for State Highway No. 8 (now State Highway No. 14) by instrument dated February 26, 1934, recorded May 15, 1934 in Book X of Deeds, Page 516, Auditor's File No. 19446, records of Skamania County, Washington.

PARCEL 23: The South half of the Northwest Quarter of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter all in Section 1 and the Northwest Quarter of the Northeast Quarter of Section 12, all in Township 3 North, Range 7½ East of the Willamette Meridian, in the County of Skamania, State of Washington.

PARCEL 24: Government Lots 11 and 12 in Section 24, Township 3 North, Range 7½ East of the Willamette Meridian, in the County of Skamania, State of Washington.

EXCEPT that portion conveyed to Thomas A. Smith et. ux by instrument recorded August 24, 1992 in Book 130, Page 343.

PARCEL 25: Government Lots 1 and 2 in Section 25, Township 3 North, Range 7½ East of the Willamette Meridian, in the County of Skamania, State of Washington.

EXCEPT that portion conveyed to Thomas A. Smith et. ux. by instrument recorded August 24, 1992 in Book 130, Page 343.

EXCEPT that portion conveyed to United States of America.

PARCEL 26: The East half of Government Lot 7, the West half of the Northwest Quarter of the Southeast Quarter and Government Lot 12, except the West 46 rods thereof, all in Section 25, Township 3 North, Range 7½ East of the Willamette Meridian, in the County of Skamania, State of Washington.

EXCEPT that portion thereof lying within the 300 foot strip of land acquired by the United States of America for the Bonneville-Coulee No. 1 and No. 2 transmission lines.

PARCEL 27: Government Lot 10 and the West 18.63 acres of Government Lot 11, in Section 25, Township 3 North, Range 7½ East of the Willamette Meridian, in the County of Skamania, State of Washington.

EXCEPT that portion thereof which lies within the 300 foot strip of land acquired by the United States of America for Bonneville Power Administrations electric power transmission lines.

PARCEL 28: The South half of the Northeast Quarter, the North half of the Southeast Quarter and the South half of the Northwest Quarter, all in Section 36, Township 4 North, Range 7 East of the Willamette Meridian, in the County of Skamania, State of Washington.

PARCEL 29: Government Lots 1 and 2 of Section 36, Township 4 North, Range 7½ East of the Willamette Meridian, in the County of Skamania, State of Washington.

EXCEPT a tract of land consisting of five acres, more or less, conveyed to Harvey L. Moon and Joan Moon, husband and wife, by deed dated October 8, 1969, recorded at Page 625, Book 63 of Deeds, records of Skamania County, Washington.

ALSO EXCEPT a tract consisting of five acres, more or less, sold under real estate contract dated December 15, 1965 to Walter D. Latimer and Jeanette D. Latimer, husband and wife, recorded at Page 312, Book 55 of Deeds, records of Skamania County, Washington.