

## DEED RECORD No. 32

SKAMANIA COUNTY, WASHINGTON

#39896

State of Washington to Harry R. MacKellar

DEED-GRANTED LANDS sold subsequent to June 7, 1911.

STATE OF WASHINGTON

IN CONSIDERATION OF Four Hundred and no/100 Dollars, the receipt of which is hereby acknowledged, the State of Washington does hereby grant, bargain, sell and convey unto Harry R. MacKellar his heirs and assigns, the following described School lands, situated in Skamania County, Washington, to-wit:

NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of section 16, township 1 north, range 5 east, W.M., containing 40 acres, more or less, according to the government survey thereof.  
Subject to easement for right of way for railroad heretofore granted under application No. 882.  
Subject to easement for right of way for State Road heretofore granted under State Road Plat No. 247.

The above described lands are sold subject to all the provisions of Chapter 109 of the Session Laws of 1911, to which reference is hereby made, and which shall be as binding upon the grantee and any successor in interest of said grantee as though set out at length herein.

"The grantor hereby expressly saves, excepts and reserves out of the grant hereby made, unto itself, its successors and assigns forever, all oils, gases, coal, ores, minerals and fossils of every name, kind or description, and which may be in or upon said lands above described, or any part thereof, and the right to explore the same for such oil, gases, coal, ores, minerals and fossils; and it also hereby expressly saves and reserves out of the grant hereby made, unto itself, its successors and assigns forever the right to enter by itself, its agents, attorneys and servants upon said lands or any part or parts thereof, at any and all times, for the purpose of opening, developing and working mines thereon, and taking out and removing therefrom all such oils, gases, coal, ores, minerals and fossils, and to that end it further expressly reserves out of the grant hereby made, unto itself, its successors and assigns forever, the right by its or their agents, servants and attorneys at any and all times to erect, construct, maintain and use all such buildings, machinery, roads and railroads, sink such shafts, remove such soil, and to remain on said lands or any part thereof for the business of mining and to occupy as much of said lands as may be necessary or convenient for the successful prosecution of such mining business hereby expressly reserving to itself, its successors and assigns, as aforesaid, generally all rights and powers in, to and over said lands, whether herein expressed or not, reasonably necessary or convenient to render beneficial and efficient the complete enjoyment of the property and rights hereby expressly reserved": PROVIDED, That no rights shall be exercised under this reservation by the State, its successors or assigns, until provision has been made by the State, its successors or assigns to pay to the owner of the land upon which the rights herein reserved to the State, its successors or assigns or sought to be exercised, full payment for all damages sustained by said owner, by reason of entering upon said land.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Harry R. MacKellar, his heirs and assigns forever.

WITNESS the Seal of the State, affixed this 26th day of October, 1948

(State seal affixed)

Mon C. Wallgren  
Governor

Attest:

Ray J. Yeoman  
Assistant Secretary of State.

State Record of Deeds, Volume 9, Page 364  
App. No. 20094  
Contract No. \_\_\_\_\_

\$0.55 USIR and \$50 State Stamps affixed, cancelled "9/30/49 HRM".  
Filed for record September 30, 1949 at 2-15 p.m. by Harry R. MacKellar.

*John C. Wachtel*  
Skamania County Auditor