

DEED RECORD No. 33

SKAMANIA COUNTY, WASHINGTON

real property located in Skamania County, Washington, particularly described as follows,
to-wit:

Beginning at a point 708.6 feet East of the corner to sections 17, 18, 19 and 20 in Township 1 North of Range 5 East of the Willamette Meridian, and running thence south 142.4 feet; thence South 84°30' West 162 feet; thence North 73.45 feet, more or less, to the South boundary of the Evergreen Highway right of way; thence Northeasterly along the said South boundary to the point of beginning, containing approximately .45 of an acre.

TOGETHER with an easement for the use of water under the conditions hereinafter set out from a certain spring located 606 feet North and 90 feet East from the Southwest corner of Section 17 in Township 1 North of Range 5 East of the Willamette Meridian, with an easement for a 3/4" water line beginning at said spring and running thence South 38°27' East 616.2 feet; thence South 100 feet, more or less, to the South line of said section, said easement to cover a strip of land not to exceed five feet in width, of which the within described course is the counterline;

And in the exercise of the easement for water as hereinabove set out, it is agreed that the Grantees will not in any way injure or interfere with existing facilities of other users of said spring; that a line no larger than a 3/4" line shall be maintained by the Grantees over said easement; that when constructed it shall be below the plow line, and that it shall be used only for domestic purposes and the operation of a garage, but may be used for irrigation purposes provided it does not interfere with the rights of other users of said spring; and it is further understood and agreed that Mollie M. Miller, a widow, and Lee M. Miller and Della B. Miller, husband and wife, former owners of the above described property, have reserved the right to the joint use of the easement hereinabove described for the laying of water pipe or for other purposes, not detrimental thereto, together with the use of the surface of said easement unless necessary in the maintenance of the water line, and the right to move a line once established to another location if the real property covered by the easement is used for a purpose which would make it impracticable to leave the line in that location.

SUBJECT TO the following conditions which shall run with the land, viz:

That until the 10th day of September, 1955, said premises shall be used for the purpose of maintaining and operating the gasoline service station as now located thereon, for the sale at retail of only such gasoline as shall be furnished by and acquired exclusively from the Grantors, their heirs or designated agent, strictly according to the terms of a certain agreement in writing between the Grantors and Grantees, dated September 10th, 1945, and executed by the Grantees as partial consideration for the conveyance made hereby; PROVIDED, always, and this conveyance is made upon the express condition that if the Grantees, their successors or assigns shall at any time fail during the said period from date hereof until September 10th, 1955, to maintain and operate upon said premises a gasoline service station, or fail to purchase exclusively from Grantors, their heirs or designated agent, during said period, and seasonably pay for, the entire requirements of such service station business for gasoline, then the estate hereby conveyed shall revert to and re-vest in the Grantors and their heirs, and it shall be lawful for them to re-enter upon the premises hereby conveyed.

The foregoing conditions of this deed shall be binding on any mortgagor, lien holder or encumbrancer of whatsoever nature during the period stated, regardless of foreclosure.

DATED this 4th day of August 1950.

W. C. McCall

Marian McCall

STATE OF WASHINGTON)
COUNTY OF Clark) SS.

THIS IS TO CERTIFY that before me, the undersigned Notary Public, on this 4th day of August, 1950, personally appeared W. C. McCall and Marian McCall, husband and wife, to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged to me that they signed the same as their own free and voluntary acts and deeds for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and date in this certificate first above written.

(Notarial seal affixed)

D. Elwood Caples
Notary Public in and for the State of _____
residing at Vancouver therein.