

MUTUAL DEED IN LIEU OF PARTITION

THIS MUTUAL DEED IN LIEU OF PARTITION made this day by and between JOHN MERCATOR JESSUP and MARY MARGE JESSUP, husband and wife, and ALFRED TURLAY JESSUP and RAOMA M. JESSUP, husband and wife,

WITNESSETH:

WHEREAS, by Warranty Deed dated March 12, 1963, Mary Jessup conveyed to John Mercator Jessup and Alfred Turlay Jessup, the following described real estate in Skamania County, Washington, to-wit:

The West half of the Northwest Quarter, and Government Lots Four (4), Five (5) and Six (6) of Section Twenty-six (26), Township Three (3) North, Range Nine (9) East of the Willamette Meridian.
 EXCEPT right of way acquired by the Spokane, Portland and Seattle Railway Company;
 AND EXCEPT easements and rights of way for public roads over and across the above described real property;
 AND EXCEPT an easement and right of way for an access road granted to the United States of America by deed dated February 28, 1950, and recorded at page 183 of Book 33 of Deeds, records of Skamania County, Washington;
 AND SUBJECT TO a lease dated December 9, 1950, recorded at page 9 of Book 4 of Agreements & Leases, records of Skamania County, Washington, granting log dumping and storage rights to Patrick C. Hogan and Nina Mae Grasseeth, co-partners doing business as Hogan & Grasseeth, and expiring March 1, 1973;
 AND EXCEPT a tract of land and certain easements and rights of way granted to the United States of America by deed dated February 14, 1951, and recorded at page 402 of Book 33 of Deeds, records of Skamania County, Washington;
 AND EXCEPT a tract of land granted to the United States of America by deed dated May 29, 1951, and recorded at page 498 of Book 33 of Deeds, records of Skamania County, Washington;
 AND EXCEPT tracts of land and certain easements and rights of way granted to the United States of America by deed dated April 18, 1952, and recorded at page 153 of Book 35 of deeds, records of Skamania County, Washington;
 AND SUBJECT TO flowage easement granted to the United States of America to overflow the above described real property with the back waters formed by the Bonneville Dam;
 AND SUBJECT TO easements and rights of way for electric power transmission lines.

The real estate so described is hereinafter referred to as the "subject real estate".

WHEREAS, the said Mary Jessup reserved to herself a life estate in said real estate, said life estate having terminated

by the death of the said Mary Jessup; and

WHEREAS, the said John Mercator Jessup and Alfred Turley Jessup are now tenants in common of the above described real estate; and

WHEREAS, the said John Mercator Jessup and Alfred Turley Jessup desire to partition said real estate between them to the extent hereinafter provided; and

WHEREAS, the wives of John Mercator Jessup and Alfred Turley Jessup respectively, have joined in this Mutual Deed in lieu of Partition in order to convey any community interest they may respectively have in said subject real estate.

NOW, THEREFORE, in consideration of the mutual conveyances set forth below, the parties hereto agree as follows:

Section 1. John Mercator Jessup, joined by Mary Marge Jessup, his wife, convey and quit claim to Alfred Turley Jessup, the following described real estate in Skamania County, Washington, to-wit:

All that portion of the subject real estate as described above which lies easterly of the County Road known as the Cook-Underwood Road and westerly of the private road constructed and maintained on the easement granted by Mary Jessup to the United States of America by deed dated February 28, 1950, and recorded at page 183 of Book 33 of Deeds, records of Skamania County, Washington. EXCEPT such portions thereof as have heretofore been conveyed to the United States of America.

The purpose and intent of this conveyance is to terminate the tenancy in common heretofore existing between the Grantor, John M. Jessup and the Grantee, Alfred Turley Jessup, in the real estate so described and to vest such real estate in the said Alfred Turley Jessup.

Section 2. Alfred Turley Jessup, joined by Raoma J. Jessup, his wife, convey and quit claim to John Mercator Jessup, the following described real estate in Skamania County, Washington, to-wit:

All that portion of the subject real estate as described above which lies westerly of the County Road known as the Cook-Underwood Road. EXCEPT such portions thereof as have heretofore been conveyed to the United States of America. TOGETHER with a permanent and perpetual easement and right of way to travel over and across that portion of the subject real estate which lies easterly of the County Road known as the Cook-Underwood Road upon such private roadways as are now or may hereafter be established.

Section 3. The parties hereto agree that they shall continue to own as tenants in common that portion of the subject real estate which lies easterly or to the riverside of the private road constructed and maintained on the easement granted by Mary Jessup to the United States of America by deed dated February 28, 1950, and recorded at page 183 of Book 33 of Deeds, records of Skamania County, Washington.

The parties also agree that they shall continue to own as tenants in common the right to draw water from a certain water supply line crossing the subject real estate as maintained by the United States of America, as such rights are created and described in Paragraph 3, (b), of that certain Deed dated February 14, 1951 and recorded at page 402 of Book 33 of Deeds, records of Skamania County, Washington.

IN WITNESS WHEREOF, the parties hereto have set their hands this 28 day of February, 1978.

John Mercator Jessup
John Mercator Jessup

Alfred Turley Jessup
Alfred Turley Jessup

Mary Marge Jessup
Mary Marge Jessup

Raona M. Jessup
Raona M. Jessup

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STATE OF WASHINGTON)
COUNTY OF Spokane) ss.

On this day personally appeared before me JOHN MERCATOR JESSUP and MARY MARGE JESSUP, husband and wife, to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 14th day of February, 1978.

John Mercator Jessup
Notary Public in and for the State of
Washington, Residing at Spokane, WA

STATE OF WASHINGTON)
COUNTY OF Kia) ss.

On this day personally appeared before me ALFRED TURLAY JESSUP and RAOMA M. JESSUP, husband and wife, to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 25th day of February, 1978.

Alfred Turley Jessup
Notary Public in and for the State
of Washington, Residing at Spokane, WA