

DEED RECORD W

SKAMANIA COUNTY, WASHINGTON

follows;

1. That on or about the 4th day of May 1909 the above named Walter M. Fraine and the said Dan J. Moore became the purchasers in equal interest of the following described real property in Skamania County, Washington, to-wit; An undivided $\frac{2}{3}$ interest in and to the $\frac{1}{2}$ of sec 18 tp 3 N R 10 E. W. M. and the $\frac{1}{2}$ of the SE $\frac{1}{4}$ of sec 24 tp 3 N R 9 E. W.M. the legal title thereto being taken in the name of the said Walter M. Fraine, but as trustee for the said Dan J. Moore as to an undivided one half interest.

Thereafter, to-wit on the 26th day of July 1911. the said Walter M. Fraine made, executed and delivered to the said Dan J. Moore a deed conveying to him his said interest, but by agreement between said parties said deed remained un-recorded, and a trust agreement by and between said parties declaring the above mentioned trust and defining the interest of said parties.

That by the terms of said declaration of trust it was agreed between the parties "that W. M. Fraine holds the legal title to the undivided two-thirds of the above described property as a trustee for himself and Dan J. Moore, an undivided one-third for himself and an undivided one-third for Dan J. Moore;---that upon sale of said interest the proceeds, after paying the various expenses incident to the purchase and management of said property, shall be divided equally between the parties hereto," share and share alike."

2. That subsequent to the execution and delivery of the said deed and declaration of trust a partition suit was brought in the Superior Court for Skamania County, state of Washington, in the name of the said Walter M. Fraine wherein a judgment was rendered setting off to the said Walter M. Fraine the following described portion of the above described tracts of land, to-wit;

All that part of section 18 tp 3 N R 10 E. W. M. described by metes and bounds as follows; Beginning at a point on the section line between sections 18 and 17 tp 3 N R 10 E W.M. 36 $\frac{2}{3}$ rods south of the northeast corner of the southeast quarter of said section 18, thence running west 320 rods to the township line between ranges 9 and 10 East of W.M., thence south on said township line 93 $\frac{1}{3}$ rods to the Southwest corner of section 18, thence east on the section line between sections 18 and 19 tp 3 N R 10 E. W. M. to the southeast corner of said section 18, thence north on the section line between sections 18 and 17 ninety-three and one third rods to the place of beginning, containing 186 $\frac{2}{3}$ acres more or less. Also the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ sec 24 tp 3 N R 9 E.W. M. the legal title to said property so partitioned being taken and thereafter held by the said Walter M. Fraine, but subject, nevertheless, to trust agreement above mentioned.

3. That the said Dan J. Moore filed in the above estate a claim to his interest in and to the above described real property, and to the proceeds from the sale of that portion thereof described as the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ sec 24 tp 3 N R 9 E.W.M., which said claim was in regular form and set out all the fact herein recited, together with the original deed and trust agreement herein referred to.

That said claim was approved and allowed by the administrator and Court, and the moneys derived from the said sale were pro-rated between the said estate and the said Dan J. Moore in accordance with the terms of said trust, but no disposition was made of the interest of the said Dan J. Moore in and to the remaining real property, although only an undivided one half interest was distributed to the heirs of said Walter M. Fraine.

4. That the object and purpose of said trust was to facilitate the sale and management of said real property by the said Walter M. Fraine for the benefit of the said parties, and upon his death it became the duty of the administrator of his estate to carry out the terms and provisions of said agreement by accounting for and paying to the said Dan J. Moore