

ROAD MAINTENANCE DECLARATION AND CONTINUING AGREEMENT

BOOK 83 PAGE 219

97273

This agreement is entered into by the parties listed on Exhibit A.

COVENANTS;

1. The cost of maintaining and repairing the road as said easement shall be shared between the owners of land described in Exhibit A. This shall exclude snow-removal or paving.

2. None of the parties having a right to use the road shall have a right to reimbursement for expenses incurred for maintenance and/or repairs in excess of \$100.00 without having obtained the written approval for such expense from the other adult owners of the land described in Exhibit A.

3. In the event the parties are unable to agree as to any matter covered by this agreement, including specifically, but not limited to the necessity for repair work or maintenance work, the dispute shall be settled by a single arbitrator who shall direct any settlement he deems equitable under the circumstances. The arbitrator shall be appointed by the presiding judge of the Skamania County Superior Court upon request of any party having a right to use the road. The decision of the arbitrator shall be final and binding and subject to appeal. The decision may be enforced by any party having an ownership interest in the land described in Exhibit A in any court of competent jurisdiction in Skamania County, Washington, and the losing party shall pay all costs in connection therewith, including reasonable attorney fees in an amount to be set by the court.

4. The covenants contained herein shall run with the land and shall be binding on all parties having or acquiring any right, title or interest in the land described in Exhibit A and shall inure to the benefit of each owner thereof. The covenants contained herein shall be binding and effective until March 1, 2014, and they shall be extended automatically until March 1, 2024, unless the owners of 70% in area of the property described in Exhibit A sign a instrument modifying or termination thereof and record said instrument prior to Sept. 1, 2014. PROVIDED modifications may be made at any time by the owners of 80% in area of the property described in Exhibit A. Any modifications shall be evidenced by a suitable instrument filed for public record.

Dated this 5th day of March, 1984.

STATE OF WASHINGTON } ss
COUNTY OF SKAMANIA }
I HEREBY CERTIFY THAT THE WITHIN
INSTRUMENT OF WRITING FILED BY
Skam. Co. Title Co
OF Stevenson, Wa
AT 11:45 3-14-84
WAS RECORDED IN BOOK 83
219
RECORDS OF SKAMANIA COUNTY WITH
Serg M. Olson
COUNTY AUDITOR
E. Macpherson DEPUTY



[Handwritten initials]

Exhibit A

County of Skamania, State of Washington; That portion of the S.E. $\frac{1}{4}$, S.E. $\frac{1}{4}$, N.E. $\frac{1}{4}$ of Section 27, Township 4 North, Range 7 E.W.M. were particularly described as follows:

Commencing at the quarter corner on the E line of the said Section 27; thence W along the S line of the NE $\frac{1}{4}$ of the said section 27 a distance of 100 feet to the initial point of the tract hereby described; thence W along the S line of the NE $\frac{1}{4}$ of the said section 27 a distance of 100 feet; thence N 220 feet; thence E 100 feet; thence S 220 feet to the initial point.

County of Skamania, State of Washington; That portion of the SE $\frac{1}{4}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$ of Section 27, Township 4 North, Range 7 E.W.M. were particularly described as follows:

Commencing at the quarter corner on the East line of the said Section 27; thence West along the South line of the Northeast Quarter of the said Section 27 a distance of 100 feet; thence North 220 feet; thence East 100 feet to the East line of the said Section 27; thence South 220 feet to the point of beginning.

Stephen J. and Georgia M. Jacobs
husband and wife

County of Skamania, State of Washington; that portion of the S.E. $\frac{1}{4}$, of the S.E. $\frac{1}{4}$, of the N.E. $\frac{1}{4}$ of Section 27, Township 4 North, Range 7 E.W.M. were particularly described as follows:

Beginning at the quarter corner on the E line of the said Section 27, thence W along the S line of the NE $\frac{1}{4}$ of the said Section 27 a distance of 200 feet, thence N 220 feet to the initial point of the tract hereby described; thence N 100 feet; thence E 200 feet to the east line of the said Section 27; Thence south along the east line of the said Section 27 a distance of 100 feet; thence west 200 feet to the initial point.

Tennie and Doris Spears
husband and wife

County of Skamania, State of Washington; that portion of the S.E. $\frac{1}{4}$, of the S.E. $\frac{1}{4}$, of the N.E. $\frac{1}{4}$ of Section 27, Township 4 North, Range 7 E.W.M. were particularly described as follows;

Beginning at the quarter corner on the east line of the said Section 27; thence W along the S line of the NE $\frac{1}{4}$ of the said Section 27 a distance of 200 feet to the initial point of the tract hereby described; thence W along the S line of the NE $\frac{1}{4}$ of the said Section 27 a distance of 100 feet; thence N 220 feet; thence E 100 feet; thence S 220 feet to the initial point.

Kathryn D. Hilterbrant

ADDITION TO ROAD MAINTENANCE AGREEMENT

To be recorded as a covenant with the easement requiring any holder of easement rights to participate with other easement holders of a fair distribution of road maintenance costs based on percentage of easement used as a roadway with respect to total use by all other parties in easement use. This covenant to pass with future sales, new construction, or subdivision of property with use of easement.

At this time the following percentages shall apply:

- Mr. and Mrs. Stephen Jacobs - 33 1/3 %
- Mr and Mrs. Tommie Spears - 33 1/3 %
- Kathryn D. Hilterbrant - 33 1/3 %

In the event of new construction or subdivision, percentages to be renegotiated to include new parties using said easement.

Kathryn D. Hilterbrant 3-7-84
Stephen Jacobs 3-8-84
Georgia M. Jacobs 3-8-84
Doris M. Spears 3-8-84
Tommie Spears 3-8-84



Notary in and for the State of Washington Residing in North Bonneville, Wa.

Barbara Smith
Barbara Smith

March 8, 1984

I, Barbara Smith do hereby certify that on this 8th day of March 1984, personally appeared before me Stephen J. Jacobs, Georgia M.

Spears, Kathryn D. Hilterbrant, Doris M. Spears, Tommie Jacobs to me known to be the individual s described in and who executed the foregoing instrument and acknowledged that they signed and sealed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

STATE OF WASHINGTON,

County of Clark

Margaret I. Morrison

NOTARY PUBLIC CERTIFICATION (INDIVIDUAL ACKNOWLEDGMENT)

Vancouver do hereby certify that on this 7th day of March 19 84, personally appeared before me Kathryn D. Hilterbrant

to me known to be the individual described in and who executed the foregoing instrument and acknowledged that she signed and sealed the same as her free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 7th day of March 19 84

Margaret I. Morrison
Notary Public in and for the State of Washington residing at Vancouver in said County.