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SKAMANIA COUNTY, WASH
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FEB 7 3 59 PM '97

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EASEMENT AGREEMENT

Grantor(s): JOHN E. HALVER and JANE L. HALVER, husband and wife

Grantee(s): BOYD W. FELLOWS JR. and DONNA M. FELLOWS, husband and wife

Abbreviated Legal Description:

West 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 21, Township 3 North, Range 10 East, W.M., in Skamania County, Washington.

[Additional legal descriptions are on pages 1 and 2 of document]

Assessor's Property Tax Parcel Account Number(s):

03-10-21-2-0-0300-00
03-10-21-2-0-0301-00

Reference number of related document:

Earnest Money Receipt and Agreement referenced on page 1 of document, recording no. 126561, Book 160, page 408

Gary H. Martin, Skamania County Assessor
Date 2/9/97 Parcel 03 10 21 2 0 0300 00
198 0301 00

REAL ESTATE EXCISE TAX

N/A

FEB 10 1997

N/A

PAID
James W. Smith
SKAMANIA COUNTY TREASURER

Noted
Indexed
Filed
N/A
N/A
N/A

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EASEMENT AGREEMENT

THIS AGREEMENT is made as of this 4th day of Feb., 1997, between JOHN E. HALVER and JANE L. HALVER, husband and wife ("Halver"), and BOYD W. FELLOWS JR. and DONNA M. FELLOWS, husband and wife ("Fellows").

RECITALS

A. Halver is the owner of the following-described real property ("Halver Property"):

The North ½ of the West ½ of the Northwest ¼ of the Northwest ¼ of Section 21, Township 3 North, Range 10 East, W.M., in Skamania County, Washington, also known as Skamania County Assessor's Tax Parcel No. 03-10-21-2-0-0300-00.

B. Fellows is purchasing from Kenneth L. Montgomery, as his separate estate, pursuant to an Earnest Money Receipt and Agreement dated October 15, 1996, the following-described real property ("Fellows Property"):

The South ½ of the West ½ of the Northwest ¼ of the Northwest ¼ of Section 21, Township 3 North, Range 10 East, W.M., in Skamania County, Washington, also known as Skamania County Assessor's Tax Parcel No. 03-10-21-2-0-0301-00.

The easements granted herein are to become effective upon the vesting of title to the Fellows Property in Fellows.

C. The parties desire to provide for ingress and egress to and from the Fellows Property to Scoggins Road, a public road, and for ingress and egress to and from the Halver Property to Wess Road, a public road, pursuant to the terms and conditions set forth herein.

AGREEMENT

NOW, THEREFORE, in consideration of mutual covenants herein contained, the parties agree as follows:

1. Halver hereby grants and conveys to Fellows, as owner of the Fellows Property, a perpetual non-exclusive easement twenty (20) feet in width, for ingress and egress, and for the construction, installation and maintenance of a driveway and utilities, in, over and upon the following-described portion of the Halver Property:

The East 20 feet of the West 55 feet of the following-described property:

North $\frac{1}{2}$ of the West $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 21, Township 3 North, Range 10 East, W.M., in Skamania County, Washington.

To the extent deemed necessary by Fellows, Fellows shall be responsible for construction and maintenance of an access road on the easement across the Halver Property, including improving the road surface, installing utilities, and performing maintenance to keep the road and utilities in good condition and repair. Halver shall not be responsible for any such construction or maintenance. Fellows shall not be obligated to undertake any such construction or maintenance, but shall be responsible for the costs of such construction and maintenance deemed necessary and undertaken by Fellows. Fellows, including agents and contractors, shall be entitled to enter upon the Halver Property for the purpose of such construction and maintenance.

2. Fellows hereby grants and conveys to Halver, as owner of the Halver Property, a perpetual non-exclusive easement for ingress and egress, in, over and upon the following-described portion of the Fellows Property:

The West 16 feet and the South 16 feet of the following-described property:

South $\frac{1}{2}$ of the West $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 21, Township 3 North, Range 10 East, W.M., in Skamania County, Washington.

3. The easements described herein shall run with the land for the benefit of the respective grantees, and their respective heirs, successors and assigns, and for the benefit of the respective lots owned by such grantees.

4. In the event that the existing access road running from the Fellows Property north to Scoggins Road, and crossing portions of the Halver Property and the property located west of the Halver Property, becomes a public road, then Fellows and Halver shall

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each execute and deliver to the other party any and all documentation necessary to terminate this Agreement and the easements granted herein.

5. The easements granted herein are to become effective upon the vesting of title to the Fellows Property in Fellows. If the transaction fails to close and Fellows do not acquire title to the Fellows Property, this Agreement shall be null and void.

6. This Agreement may be executed in counterparts, or with counterpart signature pages, and each counterpart or the assembled document with counterpart signature pages, as the case may be, shall each constitute an original of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

John E. Halver

Jane L. Halver

Boyd W. Fellows Jr.

Donna M. Fellows

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STATE OF WASHINGTON)
) ss.
COUNTY OF _____)

I certify that I know or have satisfactory evidence that John E. Halver and Jane L. Halver are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in this instrument.

DATED: _____

[Notary Signature]

(Type or Print Name of Notary)

NOTARY PUBLIC for the State of Washington,
residing
at _____

My appointment expires: _____

STATE OF New York)
) ss.
COUNTY OF New York)

I certify that I know or have satisfactory evidence that Boyd W. Fellows Jr. and Donna M. Fellows are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in this instrument.

DATED: 2/4/97

[Notary Signature]

(Type or Print Name of Notary)

NOTARY PUBLIC for the State of New York,
residing
at _____

My appointment expires: _____

