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FILED FOR RECORD
SKAMANIA CO. WASH
BY *Skamania County*
Aug 11 12 35 PM '97
P. Lavery
AUDITOR
GARY M. OLSON

FORM OF CLAIM FOR DAMAGES

TO THE BOARD OF COUNTY COMMISSIONERS of Skamania County, Washington:

PLEASE TAKE NOTICE that in accordance with Chapter 36.45 of the Revised Code of Washington, I Evan D. Hull on behalf of Dwight and Sharon Campbell hereby present you with my claim for damages against the County of Skamania, State of Washington, with the information required to be given by RCW 36.45.020 as follows:

1. That the injury for which I claim damages against the County of Skamania, State of Washington, occurred on or about the 10th day of January 19 96.
2. That the place of injury was 2652 Duncan Creek Road, Skamania, Washington
98648
3. That the location and description of the defect which caused the injury are Skamania County failed to approve short plat filed by Herbert E. Gunn even though the County had issued two building permits and one septic permit and approval to Herb Gunn and Dwight Campbell.
4. That the injury is described as follows: Dwight Campbell is unable to get title to his property that he already paid for. He cannot get a loan to finish his home. He has incurred attorney fees and costs.
5. That the amount of damages claimed is as follows: \$11,424 paid to Herbert Gunn; \$150,000 value of property.
6. That the actual residence of the claimant at the time of presenting and filing this claim is 24 Powell Blvd., North Bonneville, WA 98639
7. That the actual residence of the claimant for a period of six months immediately prior to the time that this claim accrued was 24 Powell Blvd., North Bonneville, WA 98639

DATED: August 8, 1997

Evan D. Hull, Attorney at Law
for Claimant

NOTE: Personal Property (Car, etc.) damages are to be accompanied by estimated repair costs. Additional information required by Nos 2-4 of this form may be attached on the back of this Claim for Damages.



**Skamania County
Department of Planning and
Community Development**

Skamania County Courthouse Annex
Post Office Box 790
Stevenson, Washington 98648
509 427-9458 FAX 509 427-4839

January 10, 1996

Herbert E. Gunn
2942 Duncan Creek Road
Stevenson, WA 98648

RE: Gunn's Short Plat

Dear Mr. Gunn:

This letter constitutes the Planning Department's final decision regarding your application to short plat your 12.3 acre parcel located on Duncan Creek Road, Skamania County Assessor's tax lot number 2-6-28-500, into two parcels of 6.10 acres and 6.20 acres. This letter replaces my earlier letter of November 3, 1995. However, as that November letter stated, the Planning Department cannot approve your land division. Unlike the November letter, this letter will explain why the Department cannot approve the short plat instead of relying upon Jonathan Doherty's letter of October 3, 1995.

You appealed this Department's prior denial, dated November 3, 1995, to the Skamania County Board of County Commissioners (Commissioners). Based upon my letter to the Commissioners, dated November 30, 1995, in response to your appeal, the Commissioners remanded this case to the Planning Department for further review. This letter is a result of that further review. You, or any person with party status, may also appeal this decision to the Commissioners if that appeal is submitted to the Commissioners within thirty (30) days of the date of this letter.

Your request to divide your land cannot be approved based upon the current County zoning for your property. Your property is located within the Special Management Area of the National Scenic Area and is zoned Forestry. Section 22.08.030 of the County's National Scenic Area Ordinance prohibits land divisions within the Special Management Area, copy attached as Exhibit A. This prohibition to land divisions is rooted in the National Scenic Area Act. Columbia River Gorge National Scenic Area Act §6(d)(5). As such, this Department is prohibited from authorizing any new land divisions for your property.

However, you have presented this Department with a Decree signed by Judge Kolbaba which states: "The short plat application shall be processed under the law in

Gunn's Short Plat
Page 2

effect as of February, 1995." Superior Court of Washington for Skamania County, Case No. 93 2 00146-2, Decree at 5. Since Skamania County was not a party to that suit, this Department is not bound by that Decree. Additionally, that suit cannot be used to circumvent County law that was in effect in 1985 when the parties to that law suit purportedly entered into a real estate contract. In 1985, the act of transferring, selling or leasing any fraction of an entire parcel of land, with any of the final parcels being less than 20 acres, without first short platting or subdividing the parent parcel according to County standards, was a gross misdemeanor. SCC §17.84.230(C). Basically, the oral contract that was entered into in 1985 was void because it was in violation of County law in effect at that time. Had you short platting the property in 1985 you would have been able to sell the property as two lots today. Alternatively, since the property was not short platting prior to the National Scenic Area Act, you are now bound by the rules implementing that Act.

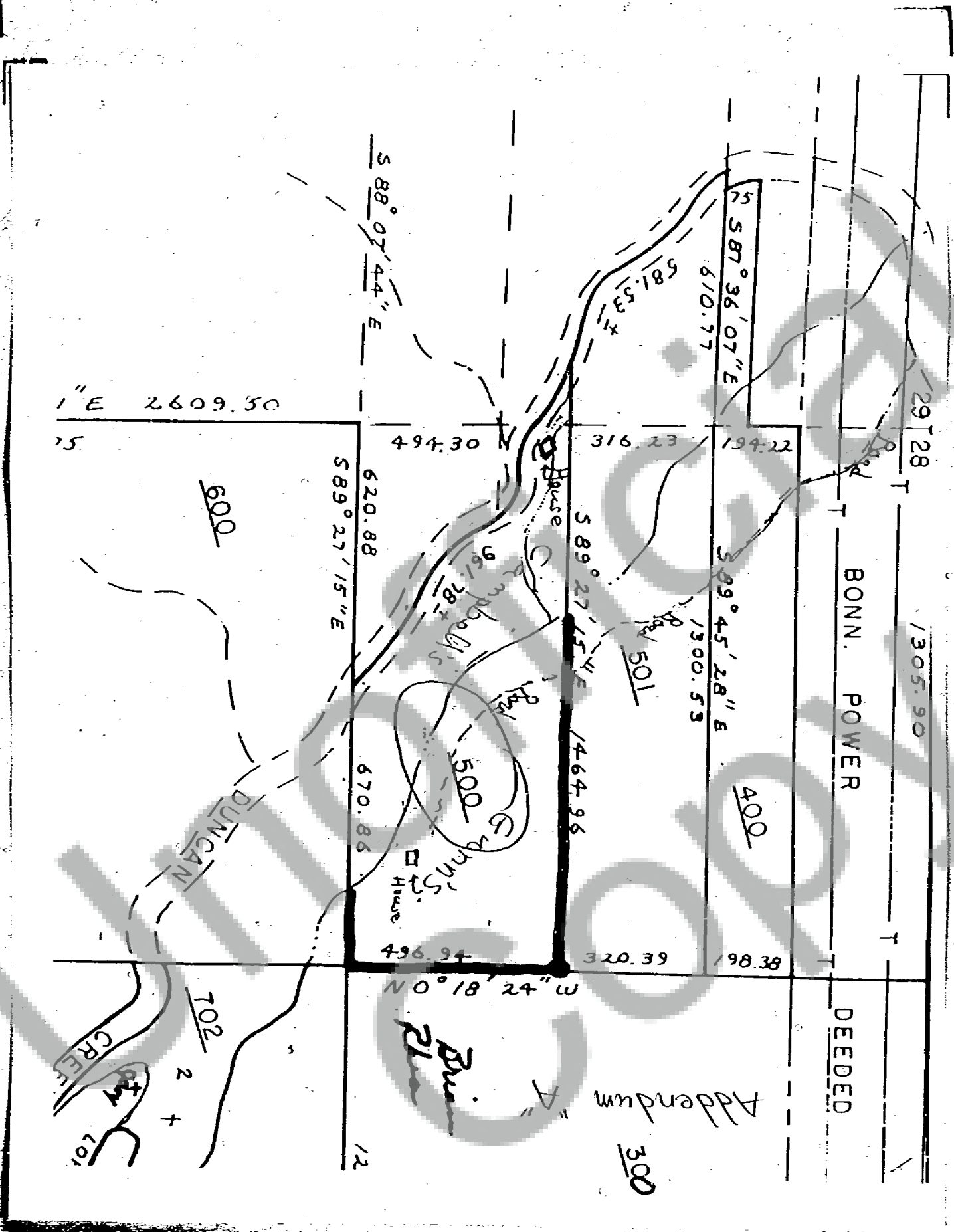
Although your property cannot be divided, you may be able to create an ownership interest in the second house that exists on your property. It is my understanding that the Campbell's have built the second house. Through the use of an ownership interest similar to that of condominium ownership, the Campbells may be able to own the structure but not the land underneath it. This would allow them to have ownership of their home without requiring a land division. Then you could grant them an exclusive easement to the five acres more or less that surrounds their house. This is only a suggestion. I am sure that there are many more options available to you.

Sincerely,

Mark J. Mazeski

Mark J. Mazeski
Planner

cc: Bradley W. Anderson, Prosecuting Attorney
Jonathan Doherty, Executive Director-Gorge Commission
Dwight Campbell, purchaser
D2AB Surveying, Inc.
Parties of Record



SKANANIA COUNTY
ORIGINAL FILED

FEB 3 1995

Lois E. Hull, Clerk

SUPERIOR COURT OF WASHINGTON FOR SKANANIA COUNTY

DWIGHT H. CAMPBELL and
SHARON J. CAMPBELL, husband
and wife,

Plaintiffs,

vs.

HERBERT E. GUNN and COLLEEN
L. GUNN, husband and wife,

Defendants.

NO. 93 2 00146-2

DECREE

This matter having come on regularly for hearing this day before the undersigned Judge of the above-entitled Court, and upon the agreement of the parties for the entry of these pleadings, the Plaintiffs, DWIGHT and SHARON CAMPBELL, appearing through their attorney of record, EVAN HULL, and Defendants, HERBERT and COLLEEN GUNN, appearing through their attorney, RICHARD A. SAUNDERS, of Whitlock & Saunders, and the Court having made and entered herein its Findings of Fact and Conclusions of Law, and being fully advised in the premises, it is now,

ORDERED as follows:

1. Plaintiffs, DWIGHT H. CAMPBELL and SHARON J. CAMPBELL, husband and wife, entered into a real estate contract as purchasers with Defendants, HERBERT E. GUNN and COLLEEN L. GUNN, as sellers. The contract was entered into between the parties on or about February, 1985 and is for the purchase of five acres, more or less,

DECREE - 1

LAW OFFICES OF
Whitlock & Saunders
405 W. 13th Street
P.O. Box 146
Vancouver, Washington 98660
(206) 699-4450

1 of property located in Skamania County, Washington, with a legal
2 description as follows:

3 That portion of the following described tract
4 lying West of the centerline of Duncan Creek:

5 A parcel of land in the Northeast Quarter of
6 the Northeast Quarter of Section 29, and in the
7 Northwest Quarter of the Northwest Quarter of
8 the Northwest Quarter of Section 28, Township 2
9 North, Range 6 East of the Willamette Meridian,
10 Skamania County, Washington described as
11 follows:

12 Beginning at a point where the centerline of
13 the Duncan Creek County Road intersects the
14 South line of the Northwest Quarter of the
15 Northwest Quarter of Section 28, which point is
16 South 89° 27' 15" East 620.88 feet from the
17 Southwest corner thereof; thence South 89° 27'
18 15" East along said South line 670.86 feet to
19 the Southeast corner of said Northwest Quarter
20 of the Northwest Quarter; thence North 0° 18'
21 24" East along the East line of said Northwest
22 Quarter of the Northwest Quarter of the
23 Northwest Quarter a distance of 496.04 feet;
24 thence North 89° 27' 15" West parallel with the
25 South line of said Northwest Quarter of the
26 Northwest Quarter 1,464.96 feet to the
centerline of the Duncan Creek County Road;
thence along the arc of a 235 feet radius curve
to the right (the incoming tangent of which is
South 72° 44' 54" East) for an arc distance of
113.40 feet; thence along the arc of a 183 foot
radius curve to the left for an arc distance of
147.24 feet; thence along the arc of a 150 feet
radius curve to the right for an arc distance
of 166.72 feet; thence along the arc of a 300
feet radius curve to the left for an arc
distance of 269.09 feet; thence along the arc
of a 810 foot radius curve to the right for an
arc distance of 264.60 feet; thence along the
arc of a 250 foot radius curve to the left for
an arc distance of 62.24 feet to the point of
beginning.

SUBJECT TO: a twenty foot easement from Duncan
Creek County Road to the center of Duncan Creek
to provide ingress and egress in favor of the
following described tract lying East of the

centerline of Duncan Creek:

A parcel of land in the Northeast Quarter of the Northeast Quarter of Section 29, and in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 28, Township 2 North, Range 6 East of the Willamette Meridian, Skamania County, Washington described as follows:

Beginning at a point where the centerline of the Duncan Creek County Road intersects the South line of the Northwest Quarter of the Northwest Quarter of Section 28, which point is South $89^{\circ} 27' 15''$ East 620.88 feet from the Southwest corner thereof; thence South $89^{\circ} 27' 15''$ East along said South line 670.86 feet to the Southeast corner of said Northwest Quarter of the Northwest Quarter; thence North $0^{\circ} 18' 24''$ East along the East line of said Northwest Quarter of the Northwest Quarter of the Northwest Quarter a distance of 496.04 feet; thence North $89^{\circ} 27' 15''$ West parallel with the South line of said Northwest Quarter of the Northwest Quarter 1,464.96 feet to the centerline of the Duncan Creek County Road; thence along the arc of a 235 feet radius curve to the right (the incoming tangent of which is South $72^{\circ} 44' 54''$ East) for an arc distance of 113.40 feet; thence along the arc of a 183 foot radius curve to the left for an arc distance of 147.24 feet; thence along the arc of a 150 feet radius curve to the right for an arc distance of 166.72 feet; thence along the arc of a 300 feet radius curve to the left for an arc distance of 209.09 feet; thence along the arc of a 810 foot radius curve to the right for an arc distance of 264.60 feet; thence along the arc of a 250 foot radius curve to the left for an arc distance of 62.24 feet to the point of beginning.

The purchase price of the real property was for \$8,750.00, together with the purchase of personal property valued at \$2,684.00 for a total purchase price of \$11,434.00 and included a twenty foot easement for ingress and egress as set forth above.

2. The real estate contract was never reduced to writing, but

1 shall be given full force and effect as of February, 1985, due to
2 the full performance by the Plaintiffs and all other reasons more
3 fully enunciated in the Findings of Fact and Conclusions of Law
4 previously filed with the Court. The Statute of Frauds does not
5 invalidate the real estate contract for reasons set forth in the
6 Findings of Fact and Conclusions of Law previously filed.

7 3. The Court decrees that the real estate contract between
8 the parties was entered into in February, 1985 and shall be given
9 full force and effect.

10 4. The Defendants may apply to Skamania County, Washington,
11 to short plat into two parcels the property described as follows:

12 A parcel of land in the Northeast Quarter of
13 the Northeast Quarter of Section 29, and in the
14 Northwest Quarter of the Northwest Quarter of
15 the Northwest Quarter of Section 28, Township 2
16 North, Range 6 East of the Willamette Meridian,
17 Skamania County, Washington described as
18 follows:

19 Beginning at a point where the centerline of
20 the Duncan Creek County Road intersects the
21 South line of the Northwest Quarter of the
22 Northwest Quarter of Section 28, which point is
23 South 89° 27' 15" East 620.88 feet from the
24 Southwest corner thereof; thence South 89° 27'
25 15" East along said South line 670.86 feet to
26 the Southeast corner of said Northwest Quarter
of the Northwest Quarter; thence North 0° 18'
24" East along the East line of said Northwest
Quarter of the Northwest Quarter of the
Northwest Quarter a distance of 496.04 feet;
thence North 89° 27' 15" West parallel with the
South line of said Northwest Quarter of the
Northwest Quarter 1,464.96 feet to the
centerline of the Duncan Creek County Road;
thence along the arc of a 235 feet radius curve
to the right (the incoming tangent of which is
South 72° 44' 54" East) for an arc distance of
113.40 feet; thence along the arc of a 183 foot
radius curve to the left for an arc distance of

1 147.24 feet; thence along the arc of a 150 feet
2 radius curve to the right for an arc distance
3 of 166.72 feet; thence along the arc of a 300
4 feet radius curve to the left for an arc
5 distance of 209.09 feet; thence along the arc
6 of a 810 foot radius curve to the right for an
7 arc distance of 264.60 feet; thence along the
8 arc of a 250 foot radius curve to the left for
9 an arc distance of 62.24 feet to the point of
10 beginning.

11 The short plat application shall be processed under the law in
12 effect as of February, 1985. Once the short plat is approved, the
13 parties may record a Statutory Warranty Fulfillment Deed with
14 Defendants HERBERT GUNN and COLLEEN GUNN as Grantors and Plaintiffs
15 DWIGHT CAMPBELL and SHARON CAMPBELL as Grantees of the property set
16 forth in paragraph 1.

17 DATED this 3rd day of February, 1995.

18 /s/ TED KOLBABA

19 JUDGE

20 Presented by:

21 15/
22 EVAN D. HULL, WSBA #13388
23 Attorney for Plaintiffs

24 SERVICE ACCEPTED, receipt of true
25 copy acknowledged, approved as to
26 form, notice of presentment waived,
and consent to entry granted this
3rd day of February, 1995.

15/
RICHARD A. SAUNDERS, WSBA #05837
Of Attorneys for Defendants

DECREE - 5

LAW OFFICES OF
Whitlock & Saunders
405 W 13th Street
P.O. Box 748
Vancouver, Washington 98666
(206) 899-4450

SKAMANIA COUNTY
ORIGINAL FILED

FEB 3 1995

Lorena E. Hays, Clerk

SUPERIOR COURT OF WASHINGTON FOR SKAMANIA COUNTY

DWIGHT H. CAMPBELL and
SHARON J. CAMPBELL, husband
and wife,

Plaintiffs,

vs.

HERBERT E. GUNN and COLLEEN
L. GUNN, husband and wife,

Defendants.

NO. 93 2 00146-2

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

THIS MATTER having come on regularly for hearing this day before the undersigned Judge of the above-entitled court upon the agreement of the parties for the entry of these pleadings, the Plaintiffs, DWIGHT and SHARON CAMPBELL, appearing through their attorney of record, EVAN HULL, and Defendants, HERBERT and COLLEEN GUNN, appearing through their attorney, RICHARD A. SAUNDERS, of Whitlock & Saunders, and the Court being fully advised in the premises, makes the following

FINDINGS OF FACT

1. Plaintiffs DWIGHT H. CAMPBELL and SHARON J. CAMPBELL are husband and wife. Defendants HERBERT E. GUNN and COLLEEN L. GUNN are husband and wife.

2. Plaintiffs DWIGHT H. CAMPBELL and SHARON J. CAMPBELL are

FINDINGS OF FACT AND CONCLUSIONS OF LAW - 1

LAW OFFICES OF
Whitlock & Saunders
405 W. 13th Street
P.O. Box 748
Vancouver, Washington 98660
(206) 699-4450

1 residents of the State of Washington, County of Skamania.
2 Defendants HERBERT E. GUNN and COLLEEN L. GUNN are residents of the
3 State of Washington, County of Skamania.

4 3. In July, 1984, Defendants HERBERT E. GUNN and COLLEEN L.
5 GUNN were real estate contract vendees of a 12+ acre parcel of land
6 in the County of Skamania, State of Washington, legally described as
7 follows:

8 A parcel of land in the Northeast Quarter of
9 the Northeast Quarter of Section 29, and in the
10 Northwest Quarter of the Northwest Quarter of
11 the Northwest Quarter of Section 28, Township 2
North, Range 6 East of the Willamette Meridian,
Skamania County, Washington described as
follows:

12 Beginning at a point where the centerline of
13 the Duncan Creek County Road intersects the
14 South line of the Northwest Quarter of the
15 Northwest Quarter of Section 28, which point is
16 South 89° 27' 15" East 620.88 feet from the
17 Southwest corner thereof; thence South 89° 27'
18 15" East along said South line 670.86 feet to
19 the Southeast corner of said Northwest Quarter
20 of the Northwest Quarter; thence North 0° 18'
21 24" East along the East line of said Northwest
22 Quarter of the Northwest Quarter of the
23 Northwest Quarter a distance of 496.04 feet;
24 thence North 89° 27' 15" West parallel with the
25 South line of said Northwest Quarter of the
26 Northwest Quarter 1,464.96 feet to the
centerline of the Duncan Creek County Road;
thence along the arc of a 235 feet radius curve
to the right (the incoming tangent of which is
South 72° 44' 54" East) for an arc distance of
113.40 feet; thence along the arc of a 183 foot
radius curve to the left for an arc distance of
147.24 feet; thence along the arc of a 150 feet
radius curve to the right for an arc distance
of 166.72 feet; thence along the arc of a 300
feet radius curve to the left for an arc
distance of 209.09 feet; thence along the arc
of a 810 foot radius curve to the right for an
arc distance of 264.60 feet; thence along the

1 arc of a 250 foot radius curve to the left for
2 an arc distance of 62.24 feet to the point of
beginning.

3 4. The property was zoned R-2, requiring two acre minimum
4 parcels. In February, 1985, Defendants HERBERT E. GUNN and COLLEEN
5 L. GUNN were approached by Plaintiff DWIGHT CAMPBELL about
6 purchasing five acres, more or less, of the said property.

7 5. For the five acres, the Plaintiffs offered the Defendants
8 \$8,750.00 plus an offer to purchase personal property consisting of
9 building materials valued at \$2,684.00, for a total of \$11,434.00,
10 with monthly payments of \$200.00 or more per month, payable on or
11 before the 25th day of each month, with the first payment due April
12 25, 1985; with interest on the unpaid balance at the rate of ten
13 percent per annum; with the full balance due no later than October
14 25, 1991. Plaintiffs would take possession immediately. A twenty
15 foot easement over the Plaintiffs property to the Defendants
16 remaining property for ingress and egress would be created. Once
17 the contract was paid in full, the Defendants would short plat the
18 property and deliver a statutory warranty fulfillment deed to the
19 Plaintiffs. The legal description of said property to be sold to
20 the Plaintiffs is as follows:

21 That portion of the following described tract
22 lying West of the centerline of Duncan Creek:

23 A parcel of land in the Northeast Quarter of
24 the Northeast Quarter of Section 29, and in the
25 Northwest Quarter of the Northwest Quarter of
26 the Northwest Quarter of Section 28, Township 2
North, Range 6 East of the Willamette Meridian,
Skamania County, Washington described as
follows:

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Beginning at a point where the centerline of the Duncan Creek County Road intersects the South line of the Northwest Quarter of the Northwest Quarter of Section 28, which point is South 89° 27' 15" East 620.88 feet from the Southwest corner thereof; thence South 89° 27' 15" East along said South line 670.86 feet to the Southeast corner of said Northwest Quarter of the Northwest Quarter; thence North 0° 18' 24" East along the East line of said Northwest Quarter of the Northwest Quarter of the Northwest Quarter a distance of 496.04 feet; thence North 89° 27' 15" West parallel with the South line of said Northwest Quarter of the Northwest Quarter 1,464.96 feet to the centerline of the Duncan Creek County Road; thence along the arc of a 235 feet radius curve to the right (the incoming tangent of which is South 72° 44' 54" East) for an arc distance of 113.40 feet; thence along the arc of a 183 foot radius curve to the left for an arc distance of 147.24 feet; thence along the arc of a 150 feet radius curve to the right for an arc distance of 166.72 feet; thence along the arc of a 300 feet radius curve to the left for an arc distance of 209.09 feet; thence along the arc of a 810 foot radius curve to the right for an arc distance of 264.60 feet; thence along the arc of a 250 foot radius curve to the left for an arc distance of 62.24 feet to the point of beginning.

SUBJECT TO: a twenty foot easement from Duncan Creek County Road to the center of Duncan Creek to provide ingress and egress in favor of the following described tract lying East of the centerline of Duncan Creek:

A parcel of land in the Northeast Quarter of the Northeast Quarter of Section 29, and in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 28, Township 2 North, Range 6 East of the Willamette Meridian, Skamania County, Washington described as follows:

Beginning at a point where the centerline of the Duncan Creek County Road intersects the South line of the Northwest Quarter of the Northwest Quarter of Section 28, which point is South 89° 27' 15" East 620.88 feet from the

1 paragraph 5. A copy of said building permit is attached marked
2 Exhibit "B".

3 10. A building permit was issued to Defendant H.E. GUNN by
4 Skamania County on October 14, 1986 for construction of a residence
5 on the remaining 7+ acres not sold to the Plaintiffs. The
6 Defendants have continuously resided on the remaining 7+ acres since
7 1985 and have constructed a residence on the property. A copy of
8 said building permit is attached marked Exhibit "C".

9 11. Improvements were made by Defendants in 1984 on the
10 property set forth in paragraph 5, consisting of clearing the land,
11 excavating and pouring a partial foundation. Immediately after
12 taking possession, the Plaintiffs undertook additional improvements
13 on their property. A septic system was installed and approved by
14 Skamania County on June 26, 1986. The application and approval of
15 the septic system lists Plaintiff DWIGHT CAMPBELL as owner or
16 builder. A copy of the septic approval is attached, marked Exhibit
17 "D".

18 12. The Plaintiffs lived in a trailer powered by an electric
19 generator until their house was completed enough to move in.

20 13. Skamania County did not require an occupancy permit so
21 none was requested or issued when the Plaintiffs moved inside the
22 constructed structure.

23 14. Payments of \$200.00 were made by the Plaintiffs and
24 accepted by the Defendants each month from April, 1985 to March,
25 1986 and from April, 1987 to January 31, 1990. From April, 1986 to
26 March 1987, the Plaintiffs made and the Defendants accepted payments

1 of \$400.00 per month. On January 31, 1990, the final payment was
2 made by the Plaintiffs. The Plaintiffs have paid their prorata
3 share of taxes owing from 1985 to 1993.

4 15. During the time span of 1985 to 1990, the parties
5 discussed on numerous occasions reducing the real estate contract to
6 writing. This was never done partly due to confusion of the parties
7 caused by the Columbia River Gorge National Scenic Area Act being
8 adopted on November 15, 1986 and the adoption of interim rules on
9 June 30, 1987 and the Comprehensive Management Plan being adopted on
10 October 15, 1991. The Defendants are desirous of delivering a
11 warranty deed to the Plaintiffs but no deed was executed prior to
12 the Columbia River Gorge National Scenic Area Act being adopted.

13 16. The parties never signed either a real estate contract nor
14 was a deed to the property executed in favor of the Plaintiffs.

15 17. The property set forth in paragraph 5 lies within the
16 Special Management area of the Columbia River Gorge National Scenic
17 Area Act. Within that area, no divisions of property are allowed
18 with acreage less than 40 acres that were not transferred prior to
19 the Columbia River Gorge National Scenic Area being passed.

20 From the foregoing Findings of Fact, the Court makes the
21 following

22 CONCLUSIONS OF LAW

23 1. The Court has jurisdiction over the parties and subject
24 matter of this case.

25 2. On or about February, 1985, the Plaintiffs, DWIGHT H.
26 CAMPBELL and SHARON CAMPBELL, husband and wife, orally offered to

1 purchase five acres, more or less, of land from the Defendants,
2 HERBERT E. GUNN and COLLEEN L. GUNN, husband and wife.

3 3. The Defendants, HERBERT and COLLEEN GUNN, orally accepted
4 said offer on or about February, 1985.

5 4. The consideration for this contract consisted of the
6 Plaintiffs taking possession of the property and making the first
7 payment on the 25th day of April, 1985, in the amount of \$200.00.
8 The contract was formed in February, 1985.

9 5. The receipt by the Defendants under the oral contract of
10 payment of the consideration is not by itself such part performance
11 of the contract so as to order its specific enforcement, but because
12 the Defendants accepted all the payments and delivered possession of
13 the property to the Plaintiffs, together with allowing the
14 Plaintiffs to construct a residence on the property, it is such a
15 full performance of the contract as to remove it from the statute of
16 frauds and authorize specific performance.

17 6. All of the consideration of the contract has been paid and
18 valuable improvements have been made on the premises by the
19 Plaintiffs. The property taxes for the said parcel have been paid
20 by the Plaintiffs through 1993.

21 7. Therefore, there existed a contract for the purchase of
22 the following real property, located in the State of Washington,
23 County of Skamania:

24 That portion of the following described tract
25 lying West of the centerline of Duncan Creek:

26 A parcel of land in the Northeast Quarter of
the Northeast Quarter of Section 29, and in the

1 Northwest Quarter of the Northwest Quarter of
2 the Northwest Quarter of Section 28, Township 2
3 North, Range 6 East of the Willamette Meridian,
4 Skamania County, Washington described as
5 follows:

6 Beginning at a point where the centerline of
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9 Northwest Quarter of Section 28, which point is
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12 15" East along said South line 670.86 feet to
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17 Northwest Quarter a distance of 496.04 feet;
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19 South line of said Northwest Quarter of the
20 Northwest Quarter 1,464.96 feet to the
21 centerline of the Duncan Creek County Road;
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25 113.40 feet; thence along the arc of a 183 foot
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147.24 feet; thence along the arc of a 150 feet
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of 166.72 feet; thence along the arc of a 300
feet radius curve to the left for an arc
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of a 810 foot radius curve to the right for an
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SUBJECT TO: a twenty foot easement from Duncan
Creek County Road to the center of Duncan Creek
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following described tract lying East of the
centerline of Duncan Creek:

A parcel of land in the Northeast Quarter of
the Northeast Quarter of Section 29, and in the
Northwest Quarter of the Northwest Quarter of
the Northwest Quarter of Section 28, Township 2
North, Range 6 East of the Willamette Meridian,
Skamania County, Washington described as
follows:

1 Beginning at a point where the centerline of
2 the Duncan Creek County Road intersects the
3 South line of the Northwest Quarter of the
4 Northwest Quarter of Section 28, which point is
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6 Southwest corner thereof; thence South 89° 27'
7 15" East along said South line 670.86 feet to
8 the Southeast corner of said Northwest Quarter
9 of the Northwest Quarter; thence North 0° 18'
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12 Northwest Quarter a distance of 496.04 feet;
13 thence North 89° 27' 15" West parallel with the
14 South line of said Northwest Quarter of the
15 Northwest Quarter 1,464.96 feet to the
16 centerline of the Duncan Creek County Road;
17 thence along the arc of a 235 feet radius curve
18 to the right (the incoming tangent of which is
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22 147.24 feet; thence along the arc of a 150 feet
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24 of 166.72 feet; thence along the arc of a 300
25 feet radius curve to the left for an arc
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of a 810 foot radius curve to the right for an
arc distance of 264.60 feet; thence along the
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an arc distance of 62.24 feet to the point of
beginning.

8. The terms of said contract are that the Plaintiffs would purchase the land for \$8,750.00, together with personal property totalling \$2,684.00, for a total of \$11,434.00, with monthly payments of \$200.00 or more, payable to the Defendants on or about the 25th day of each and every month, beginning April 25, 1985, with interest on the unpaid balance at the rate of ten percent per annum; with the balance due no later than October 25, 1991. Plaintiffs would take possession immediately. A twenty foot easement over the Plaintiffs property to the Defendants remaining property for ingress

1 and egress would be created. When the purchase price was paid in
2 full, the Defendants would short plat the property and execute and
3 deliver a statutory warranty fulfillment deed to the Plaintiffs.

4 The Plaintiffs would be responsible for maintaining the property and
5 paying the prorata real property taxes.

6 9. The Plaintiffs fully performed their duties and
7 obligations of said contract. The purchase price was paid in full
8 and accepted by the Defendants. The property was maintained and
9 improved by the Plaintiffs and the real property taxes were paid
10 through June, 1993.

11 10. The Defendants were unable to perform their duties and
12 obligations of said contract by failing to short plat the property
13 and execute and deliver a statutory warranty fulfillment deed to the
14 Plaintiffs due to the enactment of the Columbia River Gorge National
15 Scenic Area Act and subsequent legislation. By not having a written
16 real estate contract of record, the Plaintiffs were unable to
17 perfect their interest in the land and have it divided from the
18 Defendants land before the Columbia River Gorge Commission enacted
19 the Comprehensive Management Plan or the Columbia River Gorge
20 National Scenic Area Ordinance went into effect.

21 11. This above-referenced contract for the purchase of said
22 real property was formed and performed prior to the Columbia River
23 Gorge National Scenic Area Act being adopted on November 15, 1986 or
24 interim rules being adopted on June 30, 1987 or the Columbia River
25 Gorge National Scenic Area Ordinance being adopted on December 21,
26 1993.

1 12. Skamania County issued two building permits to Defendant
2 HERBERT GUNN before the enactment of the Columbia River Gorge
3 National Scenic Act on November 15, 1986. One building permit,
4 dated July 16, 1985, was for construction of a residence on the
5 property set forth in Conclusions of Law No. 7. The other building
6 permit, dated October 14, 1986, was for construction of a residence
7 on the remaining 7+ acres. The issuance of the building permit
8 predated the Columbia River Gorge National Scenic Act. The
9 Defendants have resided continuously on the 7+ acres property since
10 1985. The Plaintiffs have resided continuously on the property set
11 forth in Conclusions of Law No. 7 since April, 1985.

12 13. Had the Defendants and Plaintiffs executed a real estate
13 contract for the purchase of said property at the time the contract
14 was formed the Columbia River Gorge National Scenic Area Act and
15 supplemental legislation would not have existed and would not have
16 prevented the aforementioned real estate contract from being
17 recorded.

18 14. The Court shall enter a decree in conformity with these
19 Findings of Fact and Conclusions of Law.

20 DATED this 3rd day of February, 1995.

21
22 /s/ TED KOLBABA
23 JUDGE

24 Presented by:

25 151
26 EVAN D. HULL, WSBA #13388
Attorney for Plaintiffs

FINDINGS OF FACT AND CONCLUSIONS OF LAW - 12

LAW OFFICES OF
Whitlock & Saunders
405 W 13th Street
P.O. Box 748
Vancouver, Washington 98666
(206) 699-4450

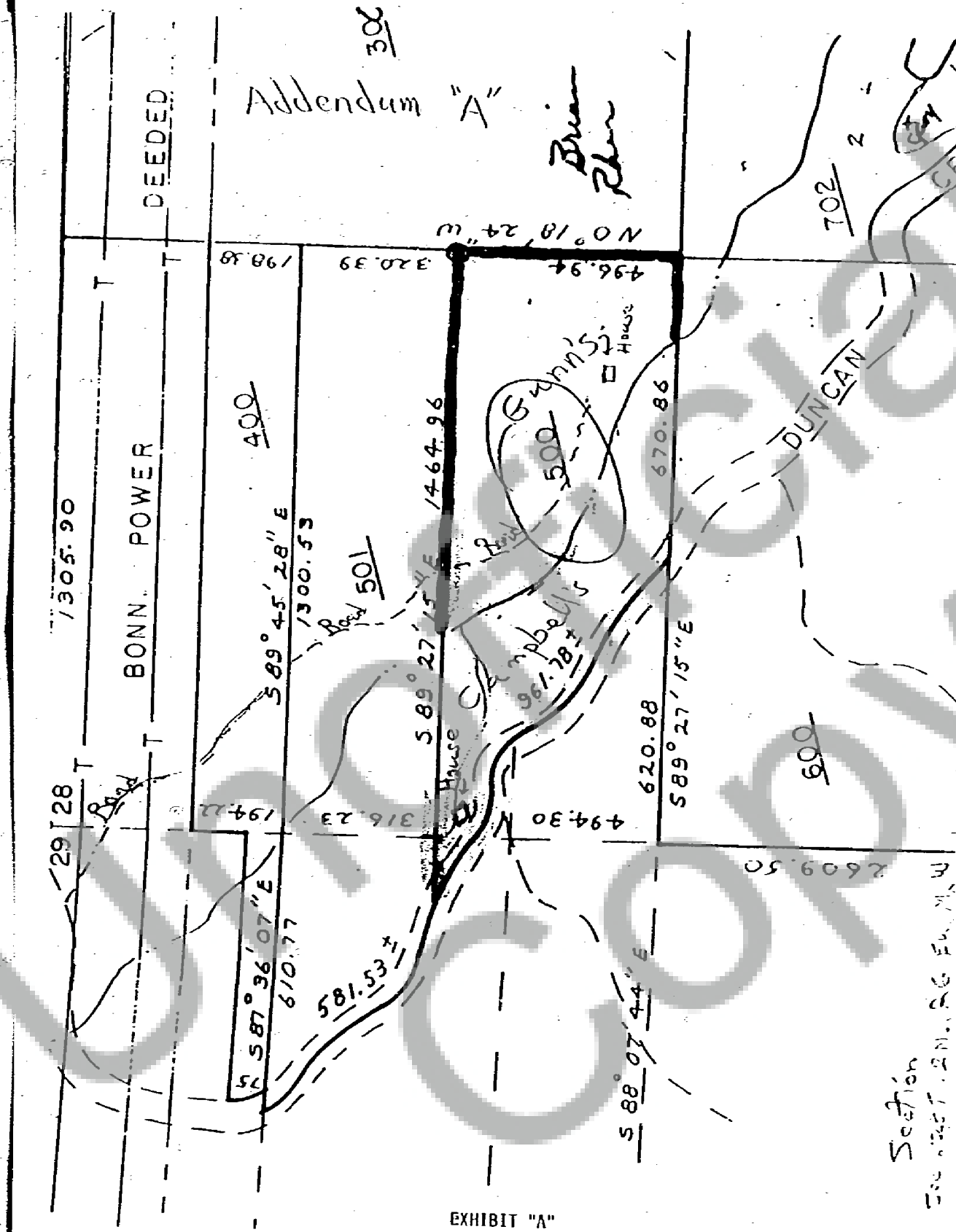
000423

1 SERVICE ACCEPTED, receipt of true
2 copy acknowledged, approved as to
3 form, notice of presentment waived,
4 and consent to entry granted this
5 3rd day of February, 1975.

6 RICHARD A. SAUNDERS, WSBA #06837
7 Of Attorneys for Defendants
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FINDINGS OF FACT AND CONCLUSIONS OF LAW - 13

LAW OFFICES OF
Whitcraft & Saunders
405 W. 13th Street
P.O. Box 748
Vancouver, Washington 98660
(206) 599-4450



BUILDING PERMIT APPLICATION

SKAMANIA COUNTY, WASHINGTON

APPLICANT COMPLETE NUMBERED SPACES ONLY

1467
PERMIT NUMBER
14 Oct 86
DATE

Owner <u>Robert E. Gunn</u>	Mail Address <u>255 P. Duran Ct. Rd</u>	Zip <u>Skamania Wash</u>	Phone <u>509</u>
Contractor-License # <u>10000</u>	Mail Address	Zip <u>98646</u>	Phone <u>422-864</u>
Architect <u>N/A</u>	Mail Address	Zip	Phone
Engineer <u>N/A</u>	Mail Address	Zip	Phone
6b Address			

Use of Building ☒ Single-family residence
☐ Commercial

Describe Work

Size of Building (Indicate square feet)
Total Sq. Ft.)
Basement _____ First Floor 1800 Second Floor 600
Third Floor _____ Decks 300 Garage _____

CHECK
NEW CONSTRUCTION ☒ CARPORT ☐
ADDITION ☐ GARAGE ☐
REPAIR ☐ MOBILE HOME ☐
ALTERATION ☐ REPLACE MOBILE HOME ☐

Land Use Zone
R-1 ☐ R-2 ☒
Conserv. ☐
Occupancy Group R Division 3 Fire Zone 3
Census 38 Sch. Dist. 2 Lot - Block -

Addition or Plat _____
Section 28 TWSHP 2 RUC 6
Quarter Section No. _____
Tax Lot No. 500

IMPORTANT
Set-line setbacks are 15 feet from front and rear and 5 feet from either side.
Construction is to be 45 feet from the centerline of county road or 15 feet from the edge of right-of-way, whichever is greater.

The recipient of a building permit shall have two years to begin work under the provisions of the Skamania County Code. Thereafter, the work shall proceed as provided in the Uniform Building Code as adopted and subsequently amended.

HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH, WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PREVENT ME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.

Robert E. Gunn
Signature of owner or contractor
7/23/86
Date

ROOM	SQ. FT.	X	FACTOR	TOTAL
CEMENT		X	4	=
FLOOR	<u>1800</u>	X	10	= <u>18000</u>
FLOOR	<u>600</u>	X	4	= <u>2400</u>
FLOOR		X	4	=
DECK	<u>300</u>	X	2	= <u>600</u>
AGE		X	2	=

SPECIAL APPROVALS	REQ'D	PCVD	NOT REQ'D	REV
Health Depart.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Driveway Permit	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Zoning/Land Use				
Shoreline Permit				
Environmental Impact Review				

21,000
20+4X19
20+76
96.00

EXHIBIT "C"

SD 2
CENSUS TRACT 38
LAND ZONE R-2
FIRE ZONE 3
LOT 500 BLOCK — ADDITION —
SECTION 28 T 2 N R 6 E WM
LOCATION M.P. 2.55 R DUNCAN CK. RD.
OWNER GUNN, HERBERT
CONTRACTOR SELF

SKAMANIA COUNTY, WASHINGTON
DEPARTMENT OF BUILDINGS

DATE 14 Oct 88
PERMIT FEE 96.00
VALUATION 24000
PAID BY CHECK ☒ CASH ☐

STREET
ADDRESS
STATE LICENSE NUMBER

PERMISSION IS HEREBY GRANTED TO DO THE FOLLOWING WORK: CONSTRUCT SINGLE FAMILY RESIDENCE AS SHOWN ON SUBMITTED PLOT PLAN

ALL CONSTRUCTION WILL CONFORM TO UBC 1983 AND OTHER STATE & LOCAL REQUIREMENTS

Thank You

THIS PERMIT IS ISSUED ON THE CONDITION THAT THE WORK HEREIN DESCRIBED SHALL CONFORM IN ALL RESPECTS TO THE STATEMENTS CERTIFIED TO IN THE APPLICATION AND THAT ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE ORDINANCE OF SKAMANIA COUNTY, WASHINGTON.

THIS PERMIT IS ISSUED IN ACCORDANCE WITH ORDINANCE NO. 1975-1 AND RELATED ORDINANCES.
CHIEF BUILDING INSPECTOR *[Signature]*



EXHIBIT "D"

SEPTIC TANK INSTALLATION RECORD

A MAINTENANCE RECOMMENDATION

Under normal use a septic tank should be pumped every two to four years (with garbage disposal every two years.) A regular maintenance schedule must be established to prevent accumulated solids from overflowing the tank and plugging the drainfield. A licensed septic tank pumper must be engaged to pump the tank.

Below is a sketch of your sewage disposal system as installed at 267 R. Duncan St. Rd.



Installer Howell Trucking

Date Inspected 6-26-91

Dwight Campbell
267 R. Duncan St. Rd.
Skamania, WA 98648

PUMPING RECORD

Date	Pumper

INSPECTION SHEET

Name: Lucy H. Campbell Location: 2672 Duneside Ct Rd
 Date(s) 6-26-03
 Type of system: Conventional Cap Fill Mound Repair Replacement
 Installed in approved area yes
 Tank size(s) 1250 Trench width 2'
 condition Good Amt of gravel under pipe 8
 Total No. linear ft. 200 Distribution box level yes
 No. lines 3 Cleanout installed yes
 Distance between lines 8' Tank & D Box properly cemented yes
 Amount of cover 12-15' 4" pipe from house to tank yes
 Drainfield pipe specs Level Capped
 Distance from wells to drainfield 100' to septic tank 100'
 Distance from drainfield to water, including seasonal 100'
 Distance from drainfield to slopes 25'
 Distance from house to tank 12' Proper slope not installed
 Distance from tank to distribution box 80' Proper slope yes
 Conclusion: Green tag X Yellow tag Red tag
 Reason for yellow or red tag:

AS BUILT:

EVAN D. HULL
Attorney at Law

(360) 693-7455
(360) 693-8479 FAX

1210 Daniels St.
Vancouver, WA 98660-2912