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BOOK 184 PAGE 729

FILED
SEAL
CLACK COUNTY TITLE

DEC 18 1 04 PM '98

O'Leary
AND
GARY H. OLSON

WHEN RECORDED MAIL TO:

USDA Forest Service
Columbia River Gorge NSA
902 Wasco Avenue, Suite 200
Hood River, OR 97031

GIP #212-R/CRGNSA

WARRANTY DEED

JOSEPH A. BIRKENFELD, a married person, as his separate estate, as to an undivided half interest, and WILLIAM J. BIRKENFELD AND MARY LEE BIRKENFELD, TRUSTEES OF THE WILLIAM J. BIRKENFELD AND MARY LEE BIRKENFELD CHARITABLE REMAINDER UNITRUST, created by agreement dated May 7, 1996, as to the remainder, all of Carson, Washington, hereinafter referred to as the Grantors, for the true and actual consideration of TWELVE MILLION, SEVEN HUNDRED THIRTY EIGHT THOUSAND, SEVEN HUNDRED EIGHTY EIGHT DOLLARS (\$12,738,788), paid by Grantee pursuant to the General Exchange Act of March 20, 1922 (42 Stat. 465, as amended; 16 U.S.C. 485, 486), the Act of October 21, 1976 (90 Stat. 2743; 43 U.S.C. 1715, 1716, 1717, as amended), and the Columbia River Gorge National Scenic Area Act of November 17, 1986 (P.L. 99-663), the receipt of which is hereby acknowledged, does hereby convey and warrant unto the United States of America, Grantee, and its assigns, all of the following described real property situate in the County of Skamania, State of Washington.

Willamette Meridian Gary H. Martin, Skamania County Assessor

Date 12-18-98 Parcel # 2-7-1700
3-7-3700
3-7-5000

T. 3 N., R. 7 E.sec. 28, lot 4, and SW $\frac{1}{4}$ SE $\frac{1}{4}$.

(Tax Lot #03-07-00-0-3900-00)

sec. 30, lots 2 and 3, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;

sec. 31, all.

(part of Tax Lot #03-07-00-0-0-1700-00)

sec. 33, lots 1 and 2, W $\frac{1}{2}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ NW $\frac{1}{4}$.

(Tax Lot #03-07-00-0-5000-00)

REAL ESTATE EXCISE TAX
1998

DEC 18 1998

The tracts described contain 1,415.93 official acres, more or less.

Sup. Taxes ☒
Assessed ☒
Exempt ☒
Filed ☒
Date ☒

PAID Exempt
in Parcel Report
SKAMANIA COUNTY TREASURER

RESERVING UNTO the Grantors, their heirs and assigns, from the lands so granted, one non-exclusive road right-of-way easement for ingress and egress, over and across the following described lands, and more particularly shown on Exhibit A attached hereto and made a part thereof:

T. 3 N., R. 7 E., W.M.,

sec. 30, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$;
sec. 31, lots 2, 3, and 4, W $\frac{1}{2}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ NW $\frac{1}{4}$.

Said road right-of-way easement, identified as Road #CG-2020, is 40 feet in width, being 20 feet in width on each side of the centerline, as shown on Exhibit A referenced above, with such reasonable rights of temporary use of lands immediately adjacent to said right-of-way as may be necessary for maintenance and/or repair of said road.

Reservations of said roads are limited only to those rights which the Grantors may own, and are subject to all outstanding easements for roads and right-of-ways recorded at the time of these reservations.

The rights reserved are limited to the Grantors, their heirs and assigns. These rights are reserved by the Grantors in order to conduct forest practices on adjacent or nearby lands that will remain vested in the Grantors, subject to such traffic control regulations and rules as the UNITED STATES OF AMERICA may reasonably impose upon or require of other users of the road. The above reservations are made subject to the Secretary of Agriculture's Rules and Regulations 36 CFR 212.7(a), 36 CFR 251.18 and 36 CFR 261.12, and attached hereto as Exhibits B-1, B-2, and B-3, and these terms, provisions, and conditions thereof are applicable to the Grantors, their heirs and assigns.

SUBJECT TO:

A.) Road/Mineral Rights Access Reservation (outstanding mineral rights have been extinguished, recorded August 5, 1997, at Book 167, Page 906) and its terms and conditions, in favor of Greenleaf Lumber Company, dated October 14, 1925, and recorded on April 13, 1926, at Book U, Page 582, Skamania County Deed Records (affects land in sec. 30, lots 2 and 3, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$, and in sec. 31, all).

B.) Transmission Line Easement, and its terms and conditions, in favor of the United States of America (BPA), dated June 17, 1953, and recorded July 1, 1953, at Book 37, Page 12, Auditor's #45673, and re-recorded July 28, 1977, at Book 73, Page 119, Auditor's #84513, Skamania County Deed Records (affects land in sec. 30, SE $\frac{1}{4}$ SE $\frac{1}{4}$, and in sec. 31, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$).

C.) Access Road Easement, and its terms and conditions, in favor of the United States of America (BPA), dated April 14, 1954, and recorded May 6, 1955, Book 39, Page 377, Auditor's #48627, Skamania County Deed Records (affects land in sec. 30, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$, and in sec. 31, W $\frac{1}{2}$).

D.) Access Easement/Right-of-Way, and its terms and conditions, in favor of the State of Washington, acting by and through the Department of Natural Resources, dated February

18, 1970, and recorded March 6, 1970, at Book 61, Page 547, Auditor's #71882, Skamania County Deed Records (affects land in sec. 30, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$, and in sec. 31, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$).

E.) The interest, if any, of the United States of America created by existing Pacific Crest Trail crossing Govt. lot 3, of sect. 30, T. 3 N., R. 7 E., for which no recorded permit or easement exists.

F.) Road Construction Reservation, in favor of Skamania County, Washington, found in Deed dated April 12, 1949, and recorded April 12, 1949, at Book 32, Page 335, Auditor's #39064, Skamania County Deed Records (affects land in sec. 33, lots 1 and 2, and W $\frac{1}{2}$ NE $\frac{1}{4}$).

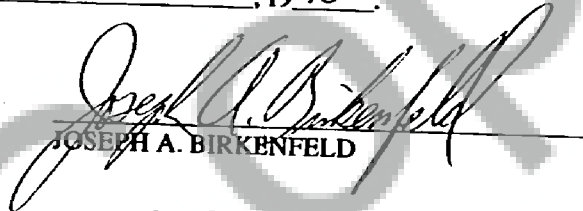
G.) Supplemental Access Easement/Right-of-Way, and its terms and conditions, in favor of the State of Washington, acting by and through the Department of Natural Resources, dated January 12, 1976, and recorded January 14, 1976, at Book 70, Page 285, Auditor's #81615, Skamania County Deed Records (affects land in sec. 28, S $\frac{1}{2}$ Lot 4, and S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, and in sec. 33, lots 1 and 2, W $\frac{1}{2}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$ NW $\frac{1}{4}$).

H.) Pacific Crest Trail Easement, and its terms and conditions, in favor of the United States of America, dated September 21, 1982, and recorded November 1, 1982, at Book 81, Page 690, Auditor's #94949, Skamania County Deed Records (affects land in sec. 31, W $\frac{1}{2}$ and SE $\frac{1}{4}$).

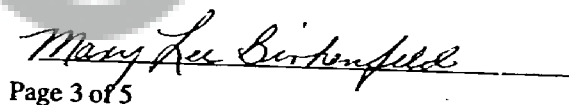
I.) Access Easement/Right-of-Way, and its terms and conditions, in favor of Birkenfeld Enterprises, LLC, dated December 1, 1998, and recorded December 1, 1998, at Book 183, Page 810, Auditor's #133560, Skamania County Deed Records (affects land in sec. 30, NE $\frac{1}{4}$).

The acquiring agency is the Forest Service, U.S. Department of Agriculture.

Dated this 18th day of DECEMBER, 1998.


JOSEPH A. BIRKENFELD


WILLIAM J. BIRKENFELD, Trustee


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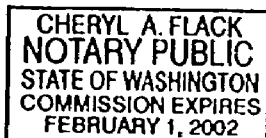
MARY LEE BIRKENFELD, Trustee
ACKNOWLEDGMENT

STATE OF WASHINGTON)

County of CLARK) ss.

On this 18th day of Dec, 1998, before me the undersigned, a Notary Public in and for the State of Washington, personally appeared Joseph A. Birkenfeld, known/proved to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Cheryl A. Flack
Name (printed) CHERYL A. FLACK
Notary Public for the State of WASHINGTON
Residing at Battle Ground
My Commission expires 2/1/2002

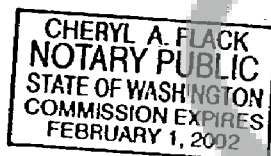
ACKNOWLEDGMENT

STATE OF WASHINGTON)

County of CLARK) ss.

On this 18th day of Dec, 1998, before me the undersigned, a Notary Public in and for the State of Washington, personally appeared William J. Birkenfeld, known/proved to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Cheryl A. Flack
Name (printed) CHERYL A. FLACK
Notary Public for the State of WASHINGTON
Residing at Battle Ground
My Commission expires 2/1/2002

ACKNOWLEDGMENT

STATE OF WASHINGTON

County of CLARK) ss.
)

On this 18th day of Dec, 1998, before me the undersigned, a Notary Public in and for the State of Washington, personally appeared Mary Lee Birkenfeld, known/proved to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

CHERYL A. FLACK
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION EXPIRES
FEBRUARY 1, 2002

Cheryl A. Flack
Name (printed) CHERYL A. FLACK
Notary Public for the State of WASHINGTON
Residing at Battle Ground
My Commission expires 2/1/2002

Certified correct as to consideration,
conditions, and descriptions

Dee K. Peters

12/18/98

**BIRKENFELD RIGHT-OF-WAY RESERVATION
CENTERLINE DESCRIPTION**

ROAD #CG-2020 EASEMENT RESERVATION

Beginning at the junction of Road #CG-2020 and Road #CG-2028, Sta. 0+00, a point on the centerline of the existing road which is S. 34°58' E., 2,198 ft. from the North quarter corner of sec. 30, Township 3 North, Range 7 East, W.M., thence along the centerline of existing Road #CG-2020, the following courses:

S. 13°47' W., 212 ft.,
S. 53°07' W., 116 ft.,
S. 84°02' W., 148 ft.,
S. 40°46' W., 296 ft.,
S. 18°27' W., 98 ft.,
S. 8°46' W., 102 ft.,
S. 45°00' W., 33 ft.,
N. 84°46' W., 141 ft.,
N. 58°34' W., 198 ft.,
S. 89°31' W., 302 ft.,
N. 75°16' W., 281 ft.,
S. 87°33' W., 354 ft.,
S. 76°43' W., 68 ft.,
S. 36°51' W., 77 ft.,
S. 2°31' W., 178 ft.,
S. 50°43' W., 110 ft.,
S. 55°48' W., 234 ft.,
S. 24°27' W., 187 ft.,
S. 16°39' W., 703 ft.,
S. 2°52' E., 94 ft.,
S. 17°01' E., 169 ft.,
S. 60°46' E., 222 ft.,
S. 4°13' W., 380 ft.,
S. 54°16' E., 534 ft.,
S. 16°28' E., 264 ft.,
S. 28°05' E., 395 ft.,
S. 8°55' E., 423 ft.,
S. 10°02' E., 369 ft.,
S. 1°14' E., 1,161 ft.,
S. 17°02' E., 397 ft.,
S. 22°51' E., 319 ft.,
N. 86°38' W., 264 ft.,
S. 90°00' W., 488 ft.,
N. 81°16' W., 305 ft.,
N. 83°18' W., 265 ft.,
N. 69°15' W., 292 ft.,
N. 54°32' W., 168 ft.,
N. 75°57' W., 64 ft.,
S. 45°00' W., 88 ft.,
S. 12°49' W., 174 ft.,
S. 3°30' W., 185 ft.,
S. 10°32' W., 150 ft.,
S. 28°19' E., 114 ft.,

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S. 51°21' W., 99 ft.,
S. 59°32' E., 153 ft.,
S. 00°00' E., 62 ft.,
S. 73°19' W., 81 ft.,
N. 74°00' W., 129 ft.,
S. 76°27' W., 169 ft.,
S. 51°05' W., 117 ft.,
S. 26°34' W., 190 ft.,
S. 17°08' W., 105 ft.,
S. 29°45' E., 312 ft.,
S. 27°35' E., 377 ft.,
S. 32°46' E., 164 ft.,
S. 68°12' E., 167 ft.,
S. 41°38' W., 186 ft.,
S. 18°27' W., 269 ft.,
S. 16°10' W., 124 ft.,
S. 85°52' W., 46 ft.,
N. 31°14' W., 230 ft.,
N. 32°40' W., 189 ft.,
N. 65°47' W., 78 ft.,
S. 80°23' W., 70 ft.,
S. 61°02' W., 163 ft.,
S. 49°23' W., 242 ft.,
S. 58°02' W., 73 ft.,
N. 86°27' W., 124 ft.,
S. 36°38' E., 39 ft.,
S. 59°54' E., 107 ft.,
N. 86°55' W., 147 ft.,
S. 32°05' E., 31 ft.,
S. 69°01' E., 230 ft.,
S. 9°33' E., 47 ft.,
S. 68°13' W., 167 ft.,
S. 61°56' W., 132 ft.,
S. 89°26' W., 71 ft., to Sta. 160+08 on the centerline of the existing Road #CG-2020, at the west line of sec. 31, Township 3 North, Range 7 East, W.M., which is S. 16°06' W., 10,860 ft., from the North quarter corner of sec. 30, and the end of the easement reservation. The total area of this easement, being 40 ft. in width, 20 ft. each side of the existing centerline, is 14.70 acres.

The centerline data is based on a GPS Pathfinder PROXL survey of the existing road, corrected to the Portland base station, as surveyed in June 1998, by the U.S. Forest Service Boundary Management Zone.

Forest Land Surveyor: Donald Karsch WA PLS#28064

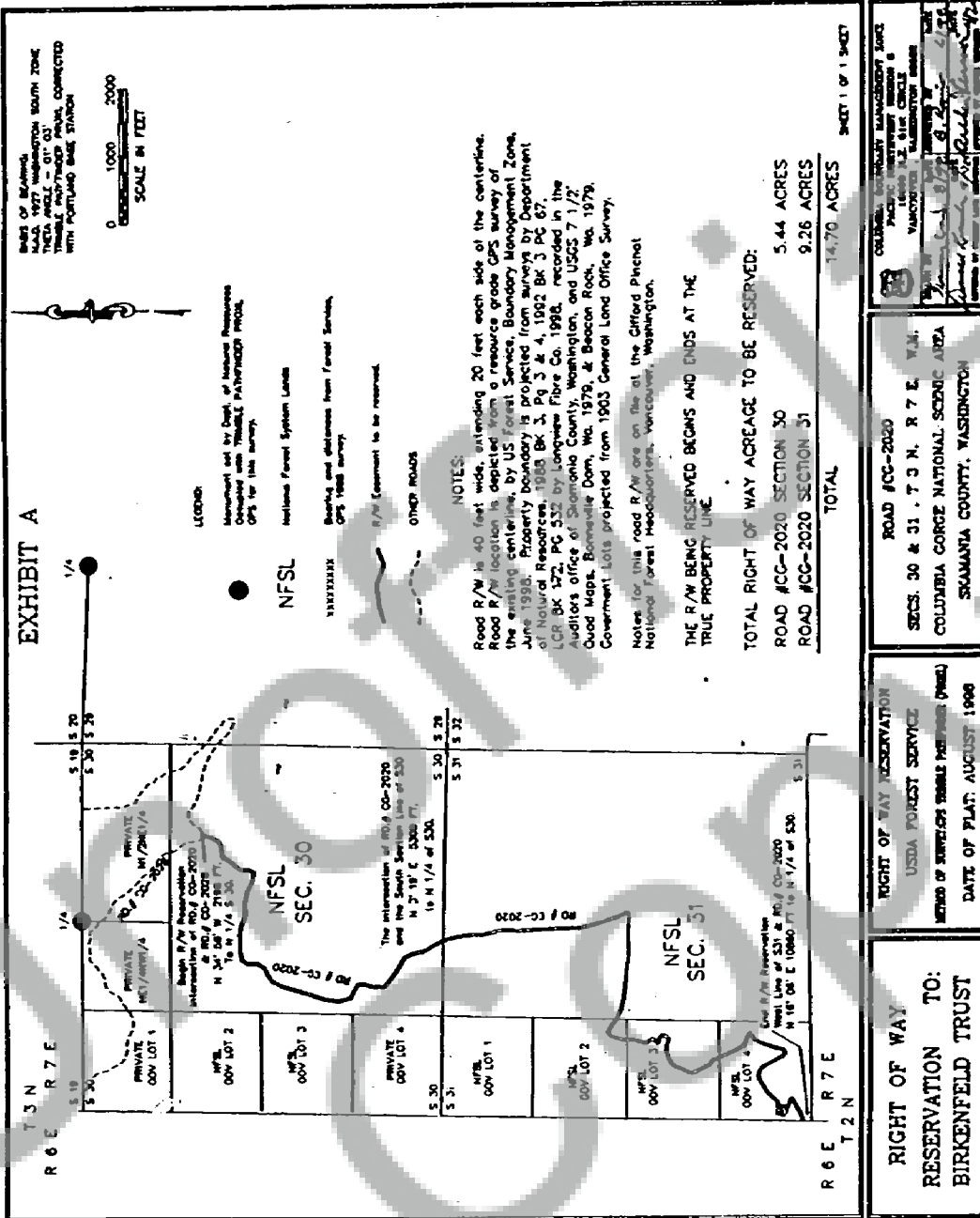


EXHIBIT B -1
UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

RULES AND REGULATIONS OF THE SECRETARY OF AGRICULTURE
GOVERNING ROAD SYSTEM MANAGEMENT FOR ROADS
RESERVED IN CONVEYANCES TO THE UNITED STATES

Code of Federal Regulations - Title 36 - Chapter II - Section 212.7(a)

TRAFFIC RULES

Rules set forth under 36 CFR part 261 and this section shall apply to all forest development roads under the jurisdiction of the Forest Service except when in conflict with written agreement.

(1) *General.* Traffic on roads is subject to State traffic laws where applicable except when in conflict with the rules established under 36 CFR part 261.

(2) *Specific.* The following specific traffic rules shall apply unless different rules are established in 36 CFR part 261.

(i) The load, weight, length, height, and width limitations of vehicles shall be in accordance with the laws of the States wherein the road is located. Greater or lesser limits may be imposed and these greater or lesser limits shall be established as provided in 36 CFR part 261.

(ii) Roads, or segments thereof, may be restricted to use by certain classes of vehicles or types of traffic as provided in 36 CFR part 261. Classes of vehicles are defined to include, but not be limited to, distinguishable groupings such as passenger cars, buses, trucks, motorcycles, automobiles, 4-wheel drive vehicles and trailers. Types of traffic are defined to include, but not be limited to, groupings such as commercial hauling, recreation and administrative.

(iii) Roads, or segments thereof, may be closed to all vehicle use as provided in 36 CFR part 261.

(iv) Additional rules may be imposed as provided in 36 CFR part 261.

EXHIBIT B -2
UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

RULES AND REGULATIONS OF THE SECRETARY OF AGRICULTURE
GOVERNING EXERCISE OF RIGHTS-OF-WAY
RESERVED IN CONVEYANCES TO THE UNITED STATES

Code of Federal Regulations - Title 36 - Chapter II - Section 251.18

This section governs the use, occupancy and operation of rights-of-way reserved by a grantor of lands to the United States of America.

(a) Brush and refuse resulting from the exercise of the right-of-way reservation shall be disposed of to the satisfaction of the Forest Officer in charge.

(b) Timber cut and destroyed in the exercise of the right-of-way reservation shall be paid for at the rates to be prescribed by the Forest Officer in charge, which rates shall be the same stumpage prices charged in the locality in sales of National Forest timber of the same kind or species; for injury to timber, second growth, and reproduction, the amount of actual damage shall be ascertained by the Forest Supervisor according to the rules applicable in such case.

(c) All improvements built or maintained upon the right-of-way shall be kept in an orderly, safe and sanitary condition. Failure to maintain such conditions shall be cause for the termination of the reservation after 30 days' notice in writing to the occupant or user that unsatisfactory conditions exist and that the Department intends to terminate all rights under the reservation unless such conditions are

forthwith corrected to the satisfaction of the Regional Forester.

(d) Upon the abandonment of a reserved right-of-way, either by formal release, by termination, or by non-use for a period of 1 calendar year, all improvements thereon not the property of the United States shall be removed therefrom within 3 months from the date of the abandonment; otherwise, such improvements shall vest in and become the property of the United States.

(e) All reasonable precautions to prevent and suppress forest fires shall be taken by the grantor and all persons acting for or claiming under him; suitable crossings shall be constructed by grantor and/or said persons where the reserved right-of-way intersects existing roads and trails; borrow pits shall not be opened outside of the immediate graded section except under a special-use permit from the Forest Supervisor.

(f) Officers of the Forest Service shall have free ingress and egress on and over the reserved rights-of-way for all purposes necessary and incidental to the protection and administration of the National Forest.

(36 Stat. 962, as amended; 16 U.S.C. 518)

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EXHIBIT B-3
UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

RULES AND REGULATIONS OF THE SECRETARY OF AGRICULTURE
GOVERNING FOREST DEVELOPMENT ROADS AND TRAILS
RESERVED IN CONVEYANCES TO THE UNITED STATES

Code of Federal Regulations - Title 36 - Chapter II - Section 261.12

The following are prohibited:

- (a) Violating the load, weight, height, length, or width limitations prescribed by State law except by special-use authorization or written agreement or by order issued under #261.54 of this Chapter.
- (b) Failing to have a vehicle weighed at a Forest Service weighing station, if required by a sign.
- (c) Damaging and leaving in a damaged condition any such road, trail, or segment thereof.
- (d) Blocking, restricting, or otherwise interfering with the use of a road, trail, or gate.

(42 FR 2957, Jan. 14, 1977, as amended at 46 FR 33520, June 30, 1981; 49 FR 25450, June 21, 1984; 55 FR 25832, June 25, 1990.)