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BOOK 190 PAGE 713

Return Address

Roger D. Knapp  
430 NE Everett Street  
Camas, WA 98607

FILED  
SKAMIA  
BY *Roger D. Knapp*  
JUN 25 3 28 PM '99  
*Q. Lowry*  
GARY H. OLSON

REAL ESTATE EXCISE TAX

NA

FEB 04 1999

PAID NA

*JW*

SKAMANIA COUNTY TREASURER

DECLARATION OF ROAD EASEMENT AND  
ROAD MAINTENANCE AGREEMENT

Grantors: Roger Malfait and Loretta L. Malfait

Grantees: None

Legal desc. (abbrev.) Section 33, T2N, R5E, W.M.

Tax Parcel ID Nos.:

Gary H. Martin, Skamania County Assessor

Date *4/1/99* Parcel # *2-S-33-200-1000*

THIS DECLARATION OF ROAD EASEMENT AND ROAD MAINTENANCE

AGREEMENT made this day by ROGER MALFAIT and LORETTA L. MALFAIT, husband and wife, owners of the real property hereinafter described:

RECITALS

1. Malfaits are the owners of certain real property described in Exhibits "A-1" and "A-2" attached hereto and by this reference incorporated herein.
2. Malfaits intend to short plat Exhibit "A-2" into two lots as described in Exhibits "B-1" and "B-2" attached hereto and by this reference incorporated herein.
3. Malfaits intend to create a road easement for the use and benefit of Lots A-1, B-1, and B-2, as described in the Exhibits attached hereto.

NOW, THEREFORE, Roger Malfait and Loretta L. Malfait, husband and wife, for themselves, their successors and assigns, declare that the property described in Exhibits "A-1" and "A-2" attached hereto and this reference incorporated herein shall be subject to the Declaration of Road Easement and Road Maintenance Agreement hereinafter set forth as follows:

Section 1. PROPERTY SUBJECT TO EASEMENT AND ROAD MAINTENANCE

AGREEMENT: The real property described in Exhibits "A-1" and "A-2" attached hereto and by this reference incorporated herein shall be subject to the terms and conditions of this Declaration of Road Easement and Road Maintenance Agreement.

Section 2. EASEMENT: There is hereby created an easement for ingress, egress and

## Declaration of Road Easement and Road Maintenance Agreement

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utilities over, under and across the real property described in Exhibit "C" attached hereto and by this reference incorporated herein.

**Section 3. OBLIGATIONS OF THE OWNERS:** The owners of the property described in Exhibits "A-1", "B-1", and "B-2" shall have an obligation to maintain the private gravel road located on the road easement described in Exhibit "C" in a good state of repair. A good state of repair shall mean that the private road shall be usable and passable under all weather conditions for motorized vehicles.

**Section 4. COSTS OF REPAIR AND MAINTENANCE:** The cost of maintaining and repairing that portion of the private road located on the real property described in Exhibit "A-1" shall be borne by the owners of the properties described in Exhibits "A-1", "B-1", and "B-2" in equal shares. The cost of maintaining that portion of the private road located on the real property described in Exhibit "B-1" shall be borne by the owners of the property described in Exhibit "B-1" and Exhibit "B-2" in equal shares. Notwithstanding the foregoing, the owner of the property described in Exhibit "B-2" shall have no obligation to share in the expense in maintaining the private road until such time as the property described in Exhibit "B-2" is occupied and used for residential purposes.

**Section 5. DECISION TO REPAIR:** All decisions to undertake repairs to the private road and the costs thereof shall be determined by a majority of the property owners, provided however, that the owner of the property described in Exhibit "A-1" shall have no vote with respect to repairs and maintenance of that portion of the private road located on the property described in Exhibit "B-1". In the event any party shall fail to abide with the decision of the majority or should fail to pay his or her pro rata share of the cost of the repair and maintenance, then the decision of the majority may be enforced in any court of competent jurisdiction in Skamania County, Washington. The prevailing party in any such action shall be entitled to recover all costs in connection therewith, including reasonable attorney's fees.

**Section 6. DURATION:** This Declaration of Road Easement and Road Maintenance Agreement shall remain in effect perpetually, or until revoked by the owners of the properties described in Exhibit "A-1", "B-1" and "B-2".

**Section 7. COVENANT RUNNING WITH THE LAND:** The easement and road

Declaration of Road Easement and Road Maintenance Agreement

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maintenance agreement set forth herein shall be covenants running with the land, and shall inure to the benefit of and be binding upon the owners of the properties described in Exhibits "A-1", "B-1" and "B-2" and their respective successors in title to such lands, including any further division of said properties.

IN WITNESS WHEREOF, the parties have set their hands this 3<sup>rd</sup> day of <sup>February</sup>~~January~~, 1999.

Roger Malfait  
Roger Malfait

Loretta L. Malfait  
Loretta L. Malfait

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF CLARK )

On this day personally appeared before me ROGER MALFAIT and LORETTA L. MALFAIT, husband and wife, to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 3<sup>rd</sup> day of <sup>February</sup>~~January~~, 1999.



Natalie J. Wood  
NOTARY PUBLIC in and for the State of  
Washington, residing at Camas.  
My commission expires: 01-01-01.



Order No. 60120

Exhibit "A"

A tract of land in the Northeast quarter, of said Section 33, Township 2 North, Range 5 East, Willamette Meridian, Skamania County, Washington, more particularly described as follows:

BEGINNING at the Northeast corner of the Northwest quarter of the Northeast quarter of said Section 33;

THENCE South  $01^{\circ}22'29''$  West, along the East line of the Northwest quarter of the Northeast quarter of said Section 33, for a distance of 800.33 feet, to the TRUE Point of Beginning;

THENCE South  $01^{\circ}22'29''$  West, along the East line of the Northwest quarter of the Northeast quarter of said Section 33, for a distance of 78.14 feet;

THENCE South  $88^{\circ}25'54''$  West, to and along the North line of that certain tract of land conveyed to Roger Malfait, et ux, by deeds recorded under Auditor's File No. Book 187 of deeds at page 886, records of Skamania County, Washington, for a distance of 25.00 feet to the Northwest corner thereof;

THENCE South  $01^{\circ}22'29''$  West, along the West line of said Malfait tract and the extension thereof, for a distance of 140.00 feet, to the Southeast corner of that certain tract of land conveyed to Roger Malfait by deed recorded under Auditor's File No. Book 187 of deeds at page 888, records of Skamania County, Washington.

THENCE North  $88^{\circ}25'54''$  East, along the Northerly right-of-way of the Washougal River Road for a distance of 25.00 feet to the East line of the Northwest quarter of the Northeast quarter of said Section 33;

THENCE North  $01^{\circ}22'29''$  East, along the East line of the Northwest quarter of the Northeast quarter of said Section 33, for a distance of 10.14 feet;

THENCE North  $88^{\circ}25'54''$  East, along the Northerly right-of-way of said Washougal River Road, for a distance of 208.00 feet;

THENCE North  $01^{\circ}22'29''$  East, parallel with and 208.00 feet from when measured at right angles to the West line of the Northeast quarter of the Northeast quarter of said Section 33, for a distance of 208.00 feet;

THENCE South  $88^{\circ}25'54''$  West, parallel with and 208.00 feet from when measured at right angles to the Northerly right-of-way of said Washougal River Road for a distance of 208.00 feet to the TRUE Point of Beginning;

EXHIBIT A  
PAGE 1 OF 2

TOGETHER WITH AND SUBJECT TO an easement for Ingress, Egress and Utilities over, under and across a strip of land 30.00 feet wide, being 15.00 feet left and right of a centerline being located in the Northeast quarter of Section 33, Township 2 North, Range 8 East, Willamette Meridian, Skamania County, Washington, described as follows:

BEGINNING at the Northeast corner of the Northwest quarter, of the Northeast quarter of said Section 33;

THENCE South  $01^{\circ}22'29''$  West, along the East line of the Northwest quarter of the Northeast quarter of said Section 33, for a distance of 878.47 feet to a point 140.00 feet North of the Northerly right-of-way of Washougal River Road;

THENCE South  $88^{\circ}25'54''$  West, parallel with and 140.00 feet from when measured at right angles to the Northerly right-of-way line of said Washougal River Road, for a distance of 25.00 feet;

THENCE South  $01^{\circ}22'29''$  West, parallel with and 25.00 feet from when measured at right angles to the East line of the Northwest quarter of the Northeast quarter of said Section 33, for a distance of 61.35 feet to the TRUE Point of Beginning;

THENCE South  $40^{\circ}52'52''$  East, a distance of 21.04 feet;

THENCE South  $48^{\circ}02'35''$  East, a distance of 30.73 feet;

THENCE South  $38^{\circ}28'03''$  East, a distance of 12.98 feet;

THENCE South  $17^{\circ}49'30''$  East, a distance of 21.44 feet to the Northerly right-of-way line of Washougal River Road and the terminus of the easement.

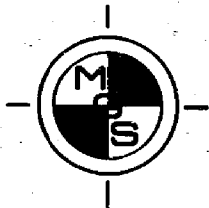
TOGETHER WITH AND SUBJECT TO easements and restrictions of record.

TOGETHER WITH the 1965 mobile home, Vehicle Identification No. 215546, situate on said property.

TOGETHER WITH AND SUBJECT TO an easement as described in Exhibit "B" attached hereto.

EXHIBIT A  
PAGE 2 OF 2





**MINISTER-GLAESER  
SURVEYING INC.**

(360) 694-3313  
FAX (360) 694-8410  
2200 E. EVERGREEN  
VANCOUVER, WA 98661

May 18, 1998

Exhibit "A"

**BOUNDARY LINE ADJUSTED TAX LOT 200:**

A tract of land in the Northwest quarter, of the Northeast quarter of Section 33, Township 2 North, Range 5 East, Willamette Meridian, Skamania County, Washington, described as follows:

Beginning at the Northeast corner of the Northwest quarter, of the Northeast quarter of said Section 33;

Thence South  $01^{\circ}22'29''$  West, along the East line of the Northwest quarter, of the Northeast quarter of said Section 33, for a distance of 878.47 feet to a point 140.00 feet North of the Northerly right-of-way of Washougal River Road;

Thence South  $88^{\circ}25'54''$  West, parallel with and 140.00 feet from when measured at right angles to the Northerly right-of-way line of said Washougal River Road, for a distance of 25.00 feet;

Thence South  $01^{\circ}22'29''$  West, parallel with and 25.00 feet from when measured at right angles to the East line of the Northwest quarter, of the Northeast quarter of said Section 33, for a distance of 140.00 feet to the Northerly right-of-way of said Washougal River Road;

Thence South  $88^{\circ}25'54''$  West, along the Northerly right-of-way of said Washougal River Road, for a distance of 226.49 feet;

Thence along the arc of a 1930.59 foot radius curve to the left, through a central angle of  $01^{\circ}48'35''$ , for an arc distance of 60.98 feet;

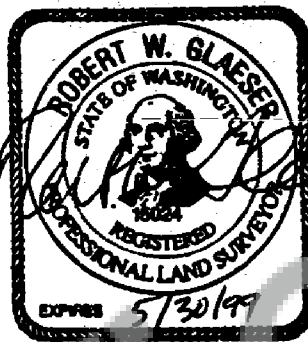
Thence North  $01^{\circ}22'29''$  East, parallel with and 312.00 feet from when measured at right angles to the East line of the Northwest quarter, of the Northeast quarter of said Section 33, for a distance of 1033.58 feet to the North line of the Northeast quarter of said Section 33;

EXHIBIT A-2  
PAGE 1 OF 2

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Thence South  $88^{\circ}58'29''$  East, along the North line of the Northeast quarter of said Section 33, for a distance of 312.01 feet to the Point of Beginning.

Together with and subject to easements and restrictions of record.

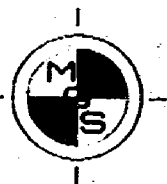


5/18/98

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Combined

EXHIBIT A-2  
PAGE 2 OF 2



**MINISTER-GLAESER  
SURVEYING INC.**

(360) 694-3313  
FAX (360) 694-8410  
2200 E. EVERGREEN  
VANCOUVER, WA 98661

April 20, 1999

## Exhibit "A"

A tract of land in a portion of the Northwest quarter of the Northeast quarter of Section 33, Township 2 North, Range 5 East, Willamette Meridian, Skamania County, Washington, more particularly described as follows:

Beginning at the Northeast corner of the Northwest quarter of the Northeast quarter of said Section 33;

Thence South  $01^{\circ}22'29''$  West, along the East line of the Northwest quarter of the Northeast quarter of said Section 33, for a distance of 658.29 feet, said point being the TRUE POINT OF BEGINNING;

Thence South  $01^{\circ}22'29''$  West, along the East line of the Northwest quarter, of the Northeast quarter of said Section 33, for a distance of 220.18 feet;

Thence South  $88^{\circ}25'54''$  West, parallel with and 140.00 feet from when measured at right angle to the Northerly right-of-way line of the Washougal River Road, for a distance of 25.00 feet;

Thence South  $01^{\circ}22'29''$  West, parallel with and 25.00 feet from when measured at right angle to the East line of the Northwest quarter of the Northeast quarter of said Section 33, for a distance of 140.00 feet to the Northerly right-of-way line of said Washougal River Road,

Thence South  $88^{\circ}25'54''$  West, along the Northerly right-of-way line of said Washougal River Road, for a distance of 226.49 feet;

Thence along the arc of a 1930.39 foot radius curve to the left through a central angle of  $01^{\circ}48'35''$  for an arc distance of 60.98 feet,

EXHIBIT B  
PAGE 1 OF 6



Thence North  $01^{\circ}22'29''$  East, parallel with and 312.00 feet from when measured at right angle to the East line of the Northwest quarter of the Northeast quarter of said Section 33, for a distance of 361.15 feet;

Thence North  $88^{\circ}25'54''$  East, 312.41 feet to the TRUE POINT OF BEGINNING;

Together with an easement for ingress, egress, and utilities over, under and across a strip of land 30.00 feet wide, being 15.00 feet left and right of a centerline being located in the Northwest quarter, of the Northeast quarter of Section 33, Township 2 North, Range 5 East, Willamette Meridian, Skamania County, Washington, described as follows:

Beginning at the Northeast corner of the Northwest quarter, of the Northeast quarter of said Section 33;

Thence South  $01^{\circ}22'29''$  West, along the East line of the Northwest quarter, of the Northeast quarter of said Section 33, for a distance of 878.47 feet to a point 140.00 feet North of the Northerly right-of-way of Washougal River Road;

Thence South  $88^{\circ}25'54''$  West, parallel with and 140.00 feet from when measured at right angles to the Northerly right-of-way line of said Washougal River Road, for a distance of 25.00 feet;

Thence South  $01^{\circ}22'29''$  West, parallel with and 25.00 feet from when measured at right angles to the East line of the Northwest quarter, of the Northeast quarter of said Section 33, for a distance of 61.35 feet to the TRUE POINT OF BEGINNING;

Thence South  $40^{\circ}52'52''$  East, a distance of 21.04 feet;

Thence South  $48^{\circ}02'35''$  East, a distance of 30.73 feet;

Thence South  $38^{\circ}28'03''$  East, a distance of 12.98 feet;

Thence South  $17^{\circ}49'30''$  East, a distance of 21.44 feet to the Northerly right-of-way line of Washougal River Road and the terminus of the easement.

Also subject to an easement for ingress, egress, and utilities over, under, and across a strip of land 30.00 feet wide, being 15.00 feet left and right of a centerline being located in the Northwest quarter, of the Northeast quarter of Section 33, Township 2 North, Range 5 East, Willamette Meridian, Skamania County, Washington, described as follows:

Beginning at the Northeast corner of the Northwest quarter, of the Northeast quarter of said Section 33;

EXHIBIT 8  
PAGE 2 OF 6

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Thence South  $01^{\circ}22'29''$  West, along the East line of the Northwest quarter, of the Northeast quarter of said Section 33, for a distance of 878.47 feet to a point 140.00 feet North of the Northerly right-of-way of Washougal River Road;

Thence South  $88^{\circ}25'54''$  West, parallel with and 140.00 feet from when measured at right angles to the Northerly right-of-way line of said Washougal River Road, for a distance of 25.00 feet;

Thence South  $01^{\circ}22'29''$  West, parallel with and 25.00 feet from when measured at right angles to the East line of the Northwest quarter, of the Northeast quarter of said Section 33, for a distance of 61.35 feet to the TRUE POINT OF BEGINNING;

Thence North  $40^{\circ}52'52''$  West, 4.81 feet;

Thence North  $29^{\circ}34'45''$  West, 32.56 feet;

Thence North  $27^{\circ}18'48''$  West, 27.67 feet;

Thence North  $43^{\circ}22'02''$  West, 29.98 feet;

Thence North  $47^{\circ}19'47''$  West, 34.67 feet;

Thence North  $55^{\circ}58'05''$  West, 48.42 feet;

Thence North  $49^{\circ}05'11''$  West, 31.77 feet;

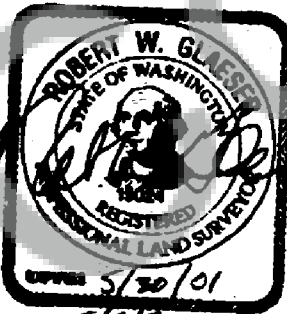
Thence North  $37^{\circ}07'34''$  West, 24.28 feet;

Thence North  $34^{\circ}29'17''$  West, 89.84 feet;

Thence North  $31^{\circ}26'59''$  West, 26.71 feet;

Thence North  $09^{\circ}22'46''$  West, 9.35 feet, to the terminus of said centerline description.

Together with and subject to easements and restrictions of record.

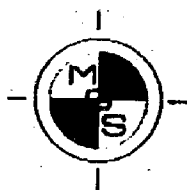


EXHIBIT

PAGE

B  
3 OF 6



**MINISTER-GLAESER  
SURVEYING INC.**

(360) 694-3313  
FAX (360) 694-8410  
2200 E. EVERGREEN  
VANCOUVER, WA 98661

April 20, 1999

Exhibit "A"

A tract of land in a portion of the Northwest quarter of the Northeast quarter of Section 33, Township 2 North, Range 5 East, Willamette Meridian, Skamania County, Washington, more particularly described as follows:

Beginning at the Northeast corner of the Northwest quarter of the Northeast quarter of said Section 33;

Thence South  $01^{\circ}22'29''$  West, along the East line of the Northwest quarter of the Northeast quarter of said Section 33, for a distance of 658.29 feet;

Thence South  $88^{\circ}25'54''$  West, 312.41 feet;

Thence North  $01^{\circ}22'29''$  East, parallel with and 312.00 from when measured at right angle to the East line of the Northwest quarter of the Northeast quarter of said Section 33, for a distance of 672.43 feet, to the North line of the Northeast quarter of said Section 33;

Thence South  $88^{\circ}58'29''$  East, along the North line of the Northeast quarter of said Section 33, for a distance of 312.01 feet, to the POINT OF BEGINNING;

Together with an easement for ingress, egress, and utilities over, under and across a strip of land 30.00 feet wide, being 15.00 feet left and right of a centerline being located in the Northwest quarter, of the Northeast quarter of Section 33, Township 2 North, Range 5 East, Willamette Meridian, Skamania County, Washington, described as follows:

Beginning at the Northeast corner of the Northwest quarter, of the Northeast quarter of said Section 33;

Thence South  $01^{\circ}22'29''$  West, along the East line of the Northwest quarter, of the Northeast quarter of said Section 33, for a distance of 878.47 feet to a point 140.00 feet North of the Northerly right-of-way of Washougal River Road;

EXHIBIT

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Thence South  $88^{\circ}25'54''$  West, parallel with and 140.00 feet from when measured at right angles to the Northerly right-of-way line of said Washougal River Road, for a distance of 25.00 feet,

Thence South  $01^{\circ}22'29''$  West, parallel with and 25.00 feet from when measured at right angles to the East line of the Northwest quarter, of the Northeast quarter of said Section 33, for a distance of 61.35 feet to the TRUE POINT OF BEGINNING;

Thence South  $40^{\circ}52'52''$  East, a distance of 21.04 feet;

Thence South  $48^{\circ}02'35''$  East, a distance of 30.73 feet;

Thence South  $38^{\circ}28'03''$  East, a distance of 12.98 feet;

Thence South  $17^{\circ}49'30''$  East, a distance of 21.44 feet to the Northerly right-of-way line of Washougal River Road and the terminus of the easement.

Also together with an easement for ingress, egress, and utilities over, under, and across a strip of land 30.00 feet wide, being 15.00 feet left and right of a centerline being located in the Northwest quarter, of the Northeast quarter of Section 33, Township 2 North, Range 5 East, Willamette Meridian, Skamania County, Washington, described as follows:

Beginning at the Northeast corner of the Northwest quarter, of the Northeast quarter of said Section 33;

Thence South  $01^{\circ}22'29''$  West, along the East line of the Northwest quarter, of the Northeast quarter of said Section 33, for a distance of 578.47 feet to a point 140.00 feet North of the Northerly right-of-way of Washougal River Road;

Thence South  $88^{\circ}25'54''$  West, parallel with and 140.00 feet from when measured at right angles to the Northerly right-of-way line of said Washougal River Road, for a distance of 25.00 feet;

Thence South  $01^{\circ}22'29''$  West, parallel with and 25.00 feet from when measured at right angles to the East line of the Northwest quarter, of the Northeast quarter of said Section 33, for a distance of 61.35 feet to the TRUE POINT OF BEGINNING;

Thence North  $40^{\circ}52'52''$  West, 4.81 feet;

Thence North  $29^{\circ}34'45''$  West, 32.56 feet;

Thence North  $27^{\circ}18'48''$  West, 27.67 feet;

Thence North  $43^{\circ}22'02''$  West, 29.98 feet;

EXHIBIT

B

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Thence North 47°19'47" West, 34.67 feet,

Thence North 55°58'05" West, 48.42 feet,

Thence North 49°05'11" West, 31.77 feet,

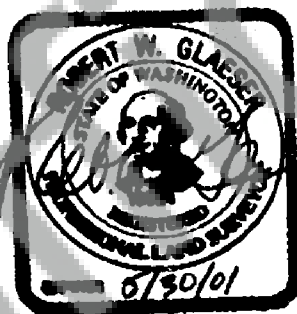
Thence North 37°07'34" West, 24.28 feet,

Thence North 34°29'17" West, 89.84 feet;

Thence North 31°26'59" West, 26.71 feet;

Thence North 09°22'46" West, 9.35 feet, to the terminus of said centerline description.

Together with and subject to easements and restrictions of record



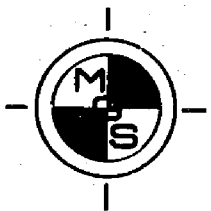
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EXHIBIT

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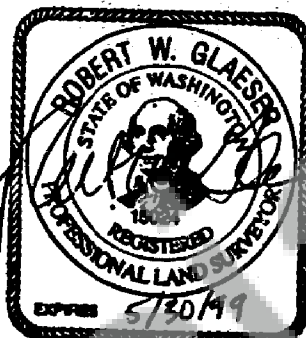
**MINISTER-GLAESER  
SURVEYING INC.**

(360) 694-3313  
FAX (360) 694-8410  
2200 E. EVERGREEN  
VANCOUVER, WA 98661

*Rd easmt*

May 18, 1998

Exhibit "B"



**EASEMENT DESCRIPTION:**

An easement for ingress, egress, and utilities over, under, and across a strip of land 30.00 feet wide, being 15.00 feet left and right of a centerline being located in the Northwest quarter, of the Northeast quarter of Section 33, Township 2 North, Range 5 East, Willamette Meridian, Skamania County, Washington, described as follows:

Beginning at the Northeast corner of the Northwest quarter, of the Northeast quarter of said Section 33;

Thence South 01°22'29" West, along the East line of the Northwest quarter, of the Northeast quarter of said Section 33, for a distance of 878.47 feet to a point 140.00 feet North of the Northerly right-of-way of Washougal River Road;

Thence South 88°25'54" West, parallel with and 140.00 feet from when measured at right angles to the Northerly right-of-way line of said Washougal River Road, for a distance of 25.00 feet;

Thence South 01°22'29" West, parallel with and 25.00 feet from when measured at right angles to the East line of the Northwest quarter, of the Northeast quarter of said Section 33, for a distance of 61.35 feet to the TRUE POINT OF BEGINNING;

Thence South 40°52'52" East, a distance of 21.04 feet;

Thence South 48°02'35" East, a distance of 30.73 feet;

Thence South 38°28'03" East, a distance of 12.98 feet;

Thence South 17°49'30" East, a distance of 21.44 feet to the Northerly right-of-way line of Washougal River Road and the terminus of the easement.

EXHIBIT C  
PAGE 1 OF 1