

136583

BOOK 194 PAGE 295

FILED  
SKAMANIA CO, TITLE  
OCT 18 1 31 PM '99  
GARY A. OLSON

FILED FOR RECORD AT THE REQUEST OF:

Fruit Growers Supply Company  
14130 Riverside Drive  
Sherman Oaks, CA 91423

Type of Document:

Statutory Warranty Deed

Document(s) Assigned or Released:

N/A

Grantor(s):

Weyerhaeuser Company

Grantee(s):

Fruit Growers Supply Company

Abbreviated Legal Descriptions:

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Sec. 1-7N-5E:	All Fr.
Sec. 9-7N-5E:	All
Sec. 10-7N-5E:	NW¼
Sec. 11-7N-5E:	All
Sec. 12-7N-5E:	SE¼
Sec. 13-7N-5E:	All
Sec. 15-7N-5E:	N¼, N¼SW¼, SE¼
Sec. 23-7N-5E:	N¼, NE¼SW¼, SE¼

Assessor's Tax Parcel Number(s):

07 05 00 0 0 0100 00	07 05 00 0 0 1001 00
07 05 00 0 0 1000 00	07 05 00 0 0 1200 00
07 05 00 0 0 1401 00	07 05 00 0 0 1400 00
07 05 00 0 0 1700 00	07 05 00 0 0 2500 00

REAL ESTATE EXCISE TAX

20482  
OCT 18 1999

PAID 85760.00

SKAMANIA COUNTY TREASURER

Weyerhaeuser/Fruit Growers  
Skamania County WA  
Marble Mountain Block  
G98-1122, 10/12/99  
Cover Sheet, Page 1 of 1

**STATUTORY WARRANTY DEED**

THE GRANTOR, **WEYERHAEUSER COMPANY**, a Washington corporation, formerly Weyerhaeuser Timber Company, for and in consideration of Ten Dollars and other valuable consideration, in hand paid, conveys and warrants to **FRUIT GROWERS SUPPLY COMPANY**, a California corporation, GRANTEE, the real estate, situated in Skamania County, Washington, described on the attached Exhibit A, attached hereto and incorporated by reference herein, and subject to the encumbrances of title and reservations by Grantor as set forth on said Exhibit A.

Dated the 12th day of October, 1999.

**WEYERHAEUSER COMPANY**

Richard E. Hunsar  
Senior Vice President, Timberlands

Pamela M. Redmon  
Assistant Secretary

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STATE OF WASHINGTON     )  
  ) ss.  
COUNTY OF KING         )

Personally appeared before me, the undersigned authority in and for said county and state, on this 12<sup>th</sup> day of October, 1999, within my jurisdiction, the within named Richard E. Hanson and Pamela M. Redmon, who acknowledged that they are Senior Vice President, Timberlands and Assistant Secretary of WEYERHAEUSER COMPANY, a Washington corporation, and that for and on behalf of the said corporation, and as its act and deed they executed the above and foregoing instrument, after first having been duly authorized by said corporation so to do.

Lisa M. Eurum  
Notary Public  
My appointment expires: 3/28/01



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**IN SKAMANIA COUNTY, WASHINGTON****TOWNSHIP 7 NORTH, RANGE 5 EAST, W.M.**

Section 1: All Fractional

Section 9: All

Section 10: NW¼

Section 11: All

Section 12: SE¼

Section 13: All

Section 15: N½; N½SW¼; SE¼

Section 23: N½; NE½SW¼; SE¼

Gary H. Martin, Skamania County Assessor

Date 10/18/99 Parcel # 02050000 0100 00

1000  
1001  
1200  
1400  
1401  
1700  
2500

TOGETHER WITH the appurtenant right to use that portion of the existing USFS 90 Road over and across the N½NE¼, NE½NW¼ of Section 21, Township 7 North, Range 5 East, W.M., said use is subject to the terms and conditions of Agreement and Conveyance of Road System, dated November 2, 1960; Stipulations Governing Exercise of Rights of Road Use, dated February 5, 1963; Amendment No. 1 to Stipulations Governing Exercise of Rights of Road Use for Lewis River Road N90, dated May 12, 1971; and Letter from Weyerhaeuser Company to the U.S. Forest Service, dated June 29, 1971. Said road is located approximately as shown on the attached "Exhibit B" map.

**RESERVATION(S):**

(1) To the extent not heretofore conveyed, excepted or reserved, the Grantor hereby expressly saves, excepts and reserves out of the grant hereby made, unto itself, its successors and assigns, forever, all geothermal resources including, without limitation, geothermal steam and heat; and all metals, ores, and minerals of any nature whatsoever in or upon said land including, but not limited to, coal, lignite, peat, oil and gas, including coal seam gas; together with the right to enter upon said land for the purpose of exploring the same for such geothermal resources, metals, ores, and minerals, and drilling, opening, developing, and working mines and wells thereon and taking out and removing therefrom, including by surface mining methods, all such geothermal resources, metals, ores, and

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minerals, and to occupy and make use of so much of the surface of said land as may be reasonably necessary for said purposes ("Grantor's Mineral Reservation"); *Provided*, however, that Grantor's Mineral Reservation shall be subject to the following:

- (a) Grantor shall pay Grantee and Grantee's heirs, representatives, successors and assigns (each singly a "Grantee Party" and all collectively "Grantee Parties"), just and reasonable compensation for any (i) injury, loss, or damage to the surface of said land, or to the crops, trees, timber, water wells, or improvements or other property thereon caused by the exercise of Grantor's Mineral Reservation and (ii) use or occupancy of said land, including, without limitation, any roads or other rights of way resulting from the exercise of Grantor's Mineral Reservation; *Provided*, however, that the exercise of Grantor's Mineral Reservation shall not be postponed or delayed pending reasonable efforts to agree upon or have determined such just and reasonable compensation; and *Provided further*, that any disputes concerning such just and reasonable compensation shall be resolved by arbitration under the Rules of the American Arbitration Association (or such other third party dispute resolution organization that the parties may mutually select if the American Arbitration Association no longer exists).
- (b) Grantee Parties shall have all right, title, and interest in or to any and all gravel, cinder, or rocks commonly used or useable for the purpose of building, maintaining, or improving roads or other rights of way, or otherwise facilitating the Grantee Parties' timber operations, including, without limitation, the rights to explore for, excavate, process, store, and transport any such gravel, cinder, or rocks.
- (c) Grantor shall at all times comply with all applicable local, state, or federal laws (whether statutory, common or otherwise), rules, regulations, or ordinances, and obtain all required governmental or third-party permits, licenses, consents, or approvals, in connection with Grantor's exercise of the Grantor's Mineral Reservation, including, without limitation, those pertaining to surface or subterranean mining; environmental or natural species protection or preservation; hazardous substance generation, containment, remediation, or removal; or land reclamation.
- (d) Grantor shall indemnify, hold harmless, and defend (with counsel reasonably acceptable to the Grantee Parties) the Grantee Parties from and against any and all claims, losses, liabilities, lawsuits, costs, or expenses (including, without limitation, reasonable attorneys' fees) arising out of or in connection with (i) any breach by the Grantor of its obligations hereunder,

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or (ii) any injury or damage to persons or property resulting, directly or indirectly, from the exercise of the Grantor's Mineral Reservation.

(2) Grantor hereby reserves unto itself, its successors and assigns, a perpetual nonexclusive easement to reconstruct, maintain and use that portion of the existing USFS 90 Road, said road being located on a right of way sixty-six (66) feet in width, over and across the S $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 23, Township 7 North, Range 5 East, W.M. Said use is subject to the terms and conditions of Agreement and Conveyance of Road System, dated November 2, 1960; Stipulations Governing Exercise of Rights of Road Use, dated February 5, 1963; Amendment No. 1 to Stipulations Governing Exercise of Rights of Road Use for Lewis River Road N90, dated May 12, 1971; and Letter from Weyerhaeuser Company to the U.S. Forest Service, dated June 29, 1971. Said road is located approximately as shown on the attached "Exhibit C" map.

**SUBJECT TO:**

- (1) Rights reserved in federal patents or state deeds, mineral or fossil rights reservations, building or use restrictions general to the area, existing easements not inconsistent with Grantee's intended use, and building or zoning regulations or provisions shall not be deemed encumbrances or defects.
- (2) Ancestral rights, if any, of descendants of aboriginal inhabitants to occupy, use and possess any portion of the premises, as reserved by treaties, understandings, practice, statutes, or judicial decisions; for food gathering, shelter, religious ceremonies, social and economic gatherings, battlefields and burial sites.
- (3) All matters of public record, to any easement or right of way for any public or private roads, railroads or utilities heretofore existing on said lands.
- (4) May be designated, for tax purposes, as Forest Land. Compensating tax, if any is due, will be the responsibility of the Grantee upon change of use as forest land.
- (5) All planning, zoning, health and other governmental regulations, if any, affecting subject property.

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- (6) Any change in the boundary or legal description of the real property, or title to the estate insured, that may arise due to the shifting and changing in the course of the Lewis River.
- (7) Right of the State of Washington in and to that portion, if any, of the property herein described which lies below the line of ordinary high water of the Lewis River.
- (8) Any prohibition of or limitation of use, occupancy or improvement of the land resulting from the rights of the public or riparian owners to use any portion which is now, or has formerly been covered by water.
- (9) Matters disclosed by  
Document: Survey Map  
Date: October 4, 1982  
Recording #: Auditor's No. 95015; Book 2 of Surveys, page 83
- (10) Document: Easement Deed  
Date: September 2, 1955  
Grantee: United States of America  
Recording #: Auditor's No. 49293; Book 40, page 124
- (11) Document: Easement  
Date: December 3, 1959  
Grantee: Pacific Power & Light Company  
Recording #: Auditor's No. 56407; Book 46, page 477
- (12) Document: Easement Deed  
Date: November 13, 1957  
Grantee: United States of America
- (13) Document: Easement Deed  
Date: September 8, 1959  
Grantee: United States of America  
Recording #: Book 47, page 268
- (14) Document: Easement  
Date: August 18, 1969  
Grantee: State of Washington  
Recording #: Volume 61. Page 155

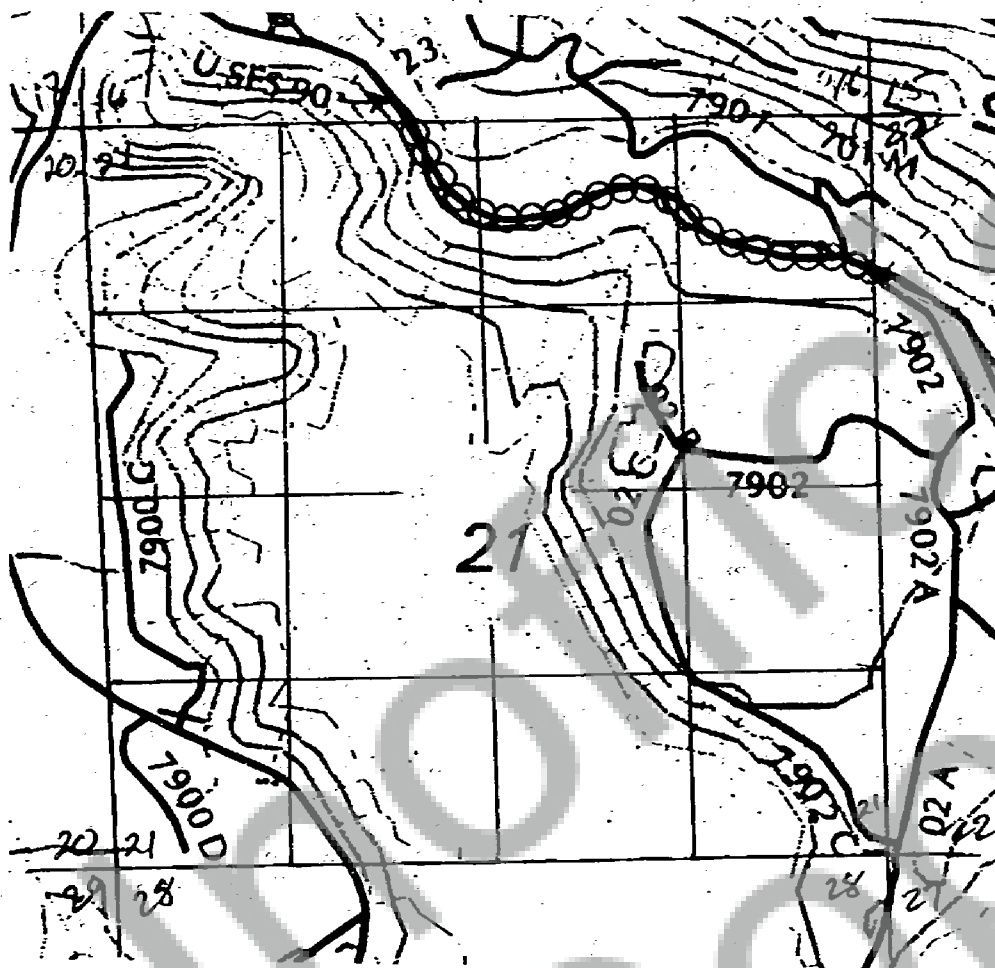
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- (15) Document: Easement Supplement  
Date: April 6, 1979  
Grantee: State of Washington  
Recording #: Auditor's No. 88328; Book 76, page 372
- (16) Document: Easement Exchange  
Date: November 24, 1975  
Parties: Longview Fibre Company and Weyerhaeuser Company  
Recording #: Auditor's No. 81860; Book 70, page 652
- (17) Document: Easement Exchange  
Date: August 31, 1999  
Parties: Plum Creek Timberlands, L.P. & Weyerhaeuser Company  
Recording #: Auditor's No. 136431; Volume 193, page 774
- (18) Document: Agreement  
Date: September 30, 1953  
Parties: Weyerhaeuser Timber Company & Harbor Plywood Corporation  
Recording #: Book 37, page 326

----- End of Exhibit A -----



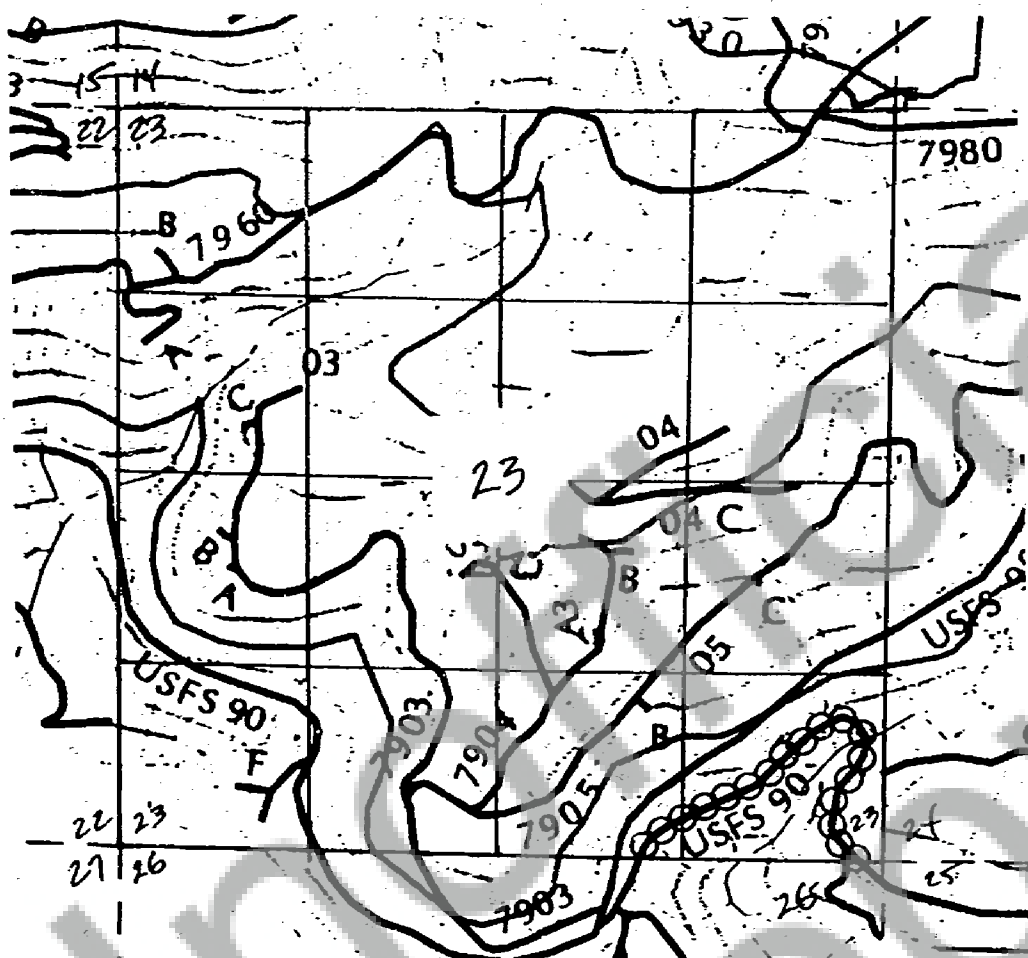
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Road Easement  
Ptns. N $\frac{1}{4}$ NE $\frac{1}{4}$  & NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 21-Township 7 North, Range 5 East,  
W.M.  
Skamania County WA

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Road Easement Reservation  
Ptns. S $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 23-Township 7 North, Range 5 East, W.M.  
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Easement Reservation Road: 

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