

138593

BOOK 200 PAGE 782.

SKAMANIA CO. TITLE

JUL 14 3 35 PM '00

OLORY

GARY L. COLLINS

Filed for Record at request of:

CHRISTOPHER R. LANZ

Attorney at Law

P.O. Box 848

Stevenson, WA 98648

SCR 23403

Rescission of Access Road/Future Public Road Agreement

THIS RECISSION made and entered into this 14 day of July, 2000 by and between ROBERT W. BARNES; BLANCHE A. BARNES; GERALD ALLEN BARNES; NELTA A. PAASCH; GARY L. COLLINS and FIRST INDEPENDENT BANK, lienholder; and WIND MOUNTAIN DEVELOPMENT LLC, and its members, to wit: EDWARD ALAN BAMBAUER, HEIDI ANN BAMBAUER, PHILIP HOWARD BARNES, and GERALD ALLEN BARNES;

WITNESSETH:

WHEREAS, the parties mutually agree that the certain AGREEMENT FOR ACCESS ROAD AND FOR FUTURE DEDICATION OF A PUBLIC ROAD that was recorded at Book 76, Page 822, Auditor's File No. 88954, Records of Skamania County, State of Washington, be declared void and of no effect,

it is NOW THEREFORE mutually agreed that said Agreement is by these presents rescinded, and of no effect, and;

it is FURTHER AGREED, that the parties hereto shall hold each other mutually harmless from the performance of, or the failure to perform, any obligations thereunder.

Legal Description: This Rescission applies to the parcels of real property more particularly described on Attachments A, B and C appended hereto. *pages 4, 546*
Portion of Government Lot 3 in Section 26, T3N, R8EWM

Tax Lots No.: 03 08 26 0 0 0300 00; 03 08 26 0 0 0302; and 03 08 26 0 0 0500 00

IN WITNESS WHEREOF the parties have signed and sealed this Agreement the day and year first above written.

Robert W Barnes
ROBERT W. BARNES

Blanche A Barnes
BLANCHE A. BARNES

Gary L. Collins
GARY L. COLLINS

Nelta A Paasch
NELTA A. PAASCH

First Independent Bank, lienholder,

Donna Rush Vice President
DONNA RUSH, Vice President

Wind Mountain Development, LLC

Edward A. Bambauer
EDWARD A. BAMBAUER, Member

Philip Howard Barnes
PHILIP HOWARD BARNES, Member

Wind Mountain Development, LLC

Heidi A. Bambauer
HEIDI A. BAMBAUER, Member

Gerald A. Barnes
GERALD A. BARNES, Member

STATE OF WASHINGTON)
) ss.
County of Skamania)

I certify that I know or have satisfactory evidence that ROBERT W. BARNES and BLANCHIE A. BARNES signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

SUBSCRIBED AND SWORN to before me this 7 day of July, 2000.

Notary Public
State of Washington
JAMES R COPELAND, JR
MY COMMISSION EXPIRES
September 13, 2003

James R. Copeland, Jr.
Notary Public for the State of Washington
Residing at Stevenson
My commission expires 9-13-2003

STATE OF WASHINGTON)
) ss.
County of Skamania)

I certify that I know or have satisfactory evidence that NELTA A. PAASCH signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

SUBSCRIBED AND SWORN to before me this 7 day of July, 2000.

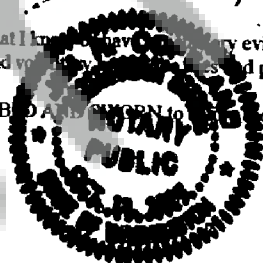
Notary Public
State of Washington
JAMES R COPELAND, JR
MY COMMISSION EXPIRES
September 13, 2003

James R. Copeland, Jr.
Notary Public for the State of Washington
Residing at Stevenson
My commission expires 9-13-03

STATE OF WASHINGTON)
) ss.
County of Skamania)

I certify that I know or have satisfactory evidence that GARY L. COLLINS signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

SUBSCRIBED AND SWORN to before me this 7 day of July, 2000.

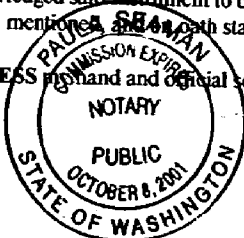


James R. Copeland, Jr.
Notary Public for the State of Washington
Residing at Washington, WA
My commission expires 10-13-2003

STATE OF WASHINGTON)
) ss.
County of Skamania)

On this 14th day of July, 2000, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared DONNA N. RUSH, to me known to be a Vice-President of FIRST INDEPENDENT BANK, the Washington Bank that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said bank, for the uses and purposes therein mentioned. She stated that she is authorized to execute the said instrument.

WITNESS my hand and official seal hereto affixed the day and year first above written.



Paula Seaman
Notary Public for the State of Washington
Residing at Stevenson
My commission expires 10-8-2001

STATE OF ARIZONA)
: ss.
County of Maricopa)

I certify that I know or have satisfactory evidence that EDWARD A. HAMBACHER signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

SUBSCRIBED AND SWORN to before me this 10 day of JULY, 2000.



[Signature]
Notary Public for the State of Arizona
Residing at 825 W. WARNER RD.
My commission expires 5-1-04

STATE OF ARIZONA)
: ss.
County of Maricopa)

I certify that I know or have satisfactory evidence that HEDDI A. HAMBACHER signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

SUBSCRIBED AND SWORN to before me this 10 day of JULY, 2000.

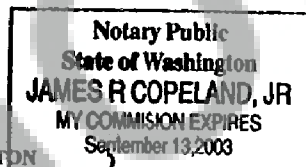


[Signature]
Notary Public for the State of Arizona
Residing at 825 W. WARNER RD.
My commission expires 5-1-04

STATE OF WASHINGTON)
: ss.
County of Skamania)

I certify that I know or have satisfactory evidence that PHILIP H. BARNES signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

SUBSCRIBED AND SWORN to before me this 7 day of July, 2000.

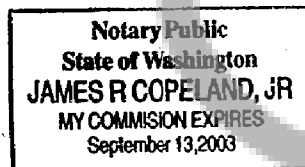


[Signature]
Notary Public for the State of Washington
Residing at Stevenson
My commission expires 9-13-03

STATE OF WASHINGTON)
: ss.
County of Skamania)

I certify that I know or have satisfactory evidence that GERALD A. BARNES signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

SUBSCRIBED AND SWORN to before me this 7 day of July, 2000.



[Signature]
Notary Public for the State of Washington
Residing at Stevenson
My commission expires 9-13-03

Attachment #A
03-08-26-0-0-0300-00

A parcel of land located in Government Lot 3 of Section 26, Township 3 North, Range 8 East of the Willamette Meridian, more particularly described as:

Beginning at a point in the center of the county road known and designated Erickson Road, No. 32260, said point lying North 60° 22' 55" East, 1,065.58 feet from the southwest corner of Section 26, Township 3 North, Range 8 East of the Willamette Meridian; thence North 00° 16' 57" West, 20.00 feet; thence North 77° 40' 41" East 291.00 feet; thence South 33° 57' 54" East, 35.00 feet to the centerline of said Erickson Road; thence westerly along the centerline of said road 319 feet more or less to the point of beginning.

Excepting existing rights-of-way.

AND, that portion of Government Lots 2 and 3 and of the East half of the Southwest quarter of Section 26, Township 3 North, Range 8 East of the Willamette Meridian more particularly described as follows:

Beginning at a point 8 chains North of the Southwest corner of the said Government Lot 3; thence East 13.5 chains; thence North 12 chains; thence East 12 chains; thence North 20 chains to the North line of the Southwest quarter of said Section 26; thence West to the Northwest corner of the said Government Lot 2; thence South 32 chains to the point of beginning.

ALSO, beginning at a point 528 feet North and 1,201 feet East of the Southwest corner of Section 26, Township 3 North, Range 8, East of the Willamette Meridian; running thence North 792 feet; thence East 112 feet; thence in a southwesterly direction to a point 396 feet North and 66 feet East of the point of beginning; thence in a Southwesterly direction to the point of beginning.

ALSO, that certain right-of-way granted to Ethel Hauser by Deed dated July 6, 1931, and recorded July 27, 1931 at Page 39 of Book X of Deeds, Records of Skamania County, Washington,

EXCEPTING, the following described tract of land.

Beginning at a point 538 feet North and 795 feet East of the Southwest corner of Section 26, Township 3 North, Range 8 East of the Willamette Meridian; running thence West 485 feet; thence North 91 feet; thence in a Southeasterly direction to the point of beginning.

ALSO EXCEPT, that portion lying northerly of county road number 3271 designated as the Home Valley Cut-Off Road.

ALSO except that portion conveyed to Skamania County by deed recorded August 22, 1980, in Book 78, Page 580, Auditor's File No. 91139, Skamania County Deed Records.

Said above-described real property is subject to a life estate reserved to NELTA A. PAASCH, as set forth on the Deed recorded in Book 117, Page 564, Records of Skamania County, Washington.

Attachment # B
03-08-26-0-0-0302-00

A tract of land in the Jos. Robbins D.L.C., and in Sections 26 and 27, Township 3 North, Range 8 East of the Willamette Meridian, in the County of Skamania, State of Washington, described as follows:

Beginning at a point on the East line of the said Robbins D.L.C., North 1,017.12 feet and East 298.07 feet from the Southwest corner of Section 26, Township 3 North, Range 8 East of the Willamette Meridian; thence North 01° 02' West following the East line of said Robbins D.L.C. 1,084.43 feet; thence South 52° 25' West 703.96 feet; thence South 01° 05' East 535 feet; thence South 78° 05' East 759.75 feet to the point of beginning.

Together with and subject to easements, restrictions, and reservations of record, if any.

Attachment #C
03-08-26-0-0-0500-00

A tract of land in Sections 26 and 27, Township 3 North, Range 8 east of the Willamette Meridian, in the County of Skamania, State of Washington, described as follows:

Beginning at the Northwest corner of Lot 4 of the ROBERT BARNES HOME VALLEY #4 SHORT PLAT recorded in Book 2 of Short Plats, Page 195, Records of Skamania County, thence East along the North line of said Short Plat to the Northeast corner of said Short Plat, which is also the Northwest corner of a tract of land conveyed to GARY L. COLLINS by instrument recorded in Book 183, Page 969; thence North $52^{\circ} 25'$ East along the said North line 703.96 feet to the East line of the ROBBINS D.L.C. line; thence North along the East line of said ROBBINS D.L.C. 1,020 feet to the South line of the HOME VALLEY ROAD; thence Westerly along said road to the Northeast corner of Lot 1 of the MAXWELL SHORT PLAT, recorded in Book 3 of Short Plats, Page 186; thence South along the East line of the said Lot 1 to the Southeast corner of said Lot; thence Southwesterly along said South line which is also the center of an unnamed creek to the North line of a tract of land conveyed to GERALD A BARNES by instrument recorded in Book 102, Page 177; thence East along said North line to the Northeast corner of said BARNES tract; thence South along the East line of said BARNES tract 250 feet; thence South 45° West 565.70 feet to the Point of Beginning.

EXCEPT that portion conveyed to GERALD A BARNES by instrument recorded in Book 186, Page 18 to 20; and