

144899

BOOK 225 PAGE 129

RETURN ADDRESS

CLARK COUNTY TITLE  
700 NE 4th Ave #201  
Camas, Wa 98607

FILED FOR RECORD  
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BY CLARK COUNTY TITLE

JUN 6 3 08 PM '02

*O'Leary*  
J. MICHAEL GARVISON

Please print neatly or type information  
Document Title(s)

Road Maintenance Agreement

Reference Numbers(s) of related documents:

Additional Reference #'s on page \_\_\_\_\_

Grantor(s) (Last, First and Middle Initial)

Henriksen, Nan

Henriksen, John E.

REAL ESTATE EXCISE TAX

Additional grantors on page \_\_\_\_\_

Grantee(s) (Last, First and Middle Initial)

The Public

PAID

JUN - 6 2002

Vicki Clelland DePatis

Additional grantees on page \_\_\_\_\_

Legal Description (abbreviated as much as possible, including section, township, range, quarter/quarter)

Lot 1 of Short Plat MILL LANE ESTATES, REC 060110  
Book 3 of 3P, Page 323

Additional legal is on page \_\_\_\_\_

Assessor's Property Tax Parcel/Account Number

02-05-35-0-0-0805-00

NO 6-6-02

Additional parcel #'s on page \_\_\_\_\_

The Auditor/Recorder will rely on the information provided on this form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

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**ROAD MAINTENANCE AGREEMENT  
FOR MILL LANE, a private road.  
(Second Supplemental)**

1. The undersigned are the owners of all lots described in the short plats known as Canyon Creek Estates and Mill Lane Estates according to the plats thereof recorded in Skamania County, Washington and has previously designated and declared Mill Lane to be a private road as defined in Skamania Code, Chapter 12.03
2. All lots in the Canyon Creek Estates short plat (except Lot 4) and in Mill Lane Estates short plat (except Lot 1) and the remainder acreage abutting on Mill Lane whether using it for primary access or not shall share equally in the maintenance of the private road. Should any lot be further divided, the new lots will pay their equal share. This agreement shall run with the land and shall be binding upon and inure to the benefit of all persons and/or entities, successors, assigns and all persons and/or entities who acquire title or ownership rights in any of the lots and shall be a part of all transfers and conveyances of the property as if set forth fully in such transfers and conveyances.
3. All lot owners (except Lot 4 Canyon Creek Estates and Lot 1 Mill Lane Estates) are responsible for the maintenance of Mill Lane and shall maintain said road in good passable condition under all traffic and weather conditions. Maintenance shall consist of, at a minimum, the annual filling of potholes, ruts, gullies etc. that make travel difficult and as a majority of the lot owners agree, grading, graveling, rocking, trenching and ditching. The costs for maintenance, repair and restoration shall be assessed equally against each lot owner along said private road regardless of lot size.
4. None of the lot owners having a right to use the road shall have a right to reimbursement for expenses incurred for maintenance and/or repairs in excess of \$150.00 in any calendar year without having first obtained the written approval of a majority of the lot owners.
5. Should the road become damaged by the activities of a lot owner (including employees, agents, contractors, family members or deliveries) that lot owner shall be responsible for repairing the damage immediately.
6. In the event any parties acquiring property interests subject to this agreement are unable to agree as to any matter covered by this agreement, including but not limited to the necessity for



road repair or maintenance, the dispute shall be decided by a single arbitrator who shall direct any settlement deemed equitable under the circumstances. The arbitrator shall be appointed by the presiding judge of the Skamania County Superior Court upon request by any party bound by this agreement. The decision of the arbitrator shall be final, binding and not subject to appeal. The decision may be enforced by any party bound by this agreement in any court of competent jurisdiction in Skamania County, Washington and the losing party shall pay all costs of the arbitration and subsequent enforcement proceedings including reasonable attorney's fees as may be set by the court.

7. The lot owners shall meet annually and decide on the amount of funds needed for the maintenance of the road by majority vote and a date by which each assessment is to be paid. A treasurer may be elected to administer and disburse the funds in accordance with the vote of the lot owners. For purposes of this road maintenance agreement, each lot shall be entitled to one vote regardless of how title may be held. However, voting rights of lot owners who are delinquent in paying assessments or complying with arbitration decisions shall be suspended until full payment and compliance.

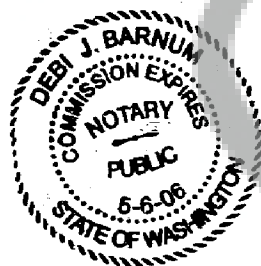
8. Any lot owner who becomes delinquent in the payment of assessments under this agreement for a period of 30 days or more shall be required to contribute a late penalty of \$5.00 per day to the road maintenance fund. Should payment not be made within 45 days any or all lot owners shall be entitled to seek any legal remedy available for the collection of said amounts. The prevailing party in any law suit shall be entitled to judgment including reasonable attorney's fees and costs.

9. If any provision of this agreement is held invalid for any reason, then the remainder of this agreement will still remain in full force and effect.

Nan M. Henriksen Owner of Mill Lane Estates lots 1,2,3,4, and remainder.  
Nan Henriksen, personal representative of the estate of Ellen M. Henriksen

John R. Henriksen Owner of Canyon Creek Lots 1,2 and 3.

On this 4th day of June 2002 personally appeared before me, Nan Henriksen, personal representative of the estate of Ellen M. Henriksen, and John R. Henriksen who signed the above as their free and voluntary acts and deed for the uses and purposes stated therein.



Debi J. Barnum  
Notary Public in and for the State of  
Washington, residing at Camas  
Commission expires: MAY 6, 2006