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BOOK 252 PAGE 984

FILED  
SNAL  
BY *Jack Kapp*

OCT 23 1 26 PM '03

*Amos*  
J. MICHAEL S. DIVISON

RETURN ADDRESS.

*Jack Kapp*  
PMB #120  
1604 S. Hwy 97 Suite #2  
Redmond, OR 97756

Please Print or Type Information.

Document Title(s) or transactions contained therein:

1. *Notice of Final Order*
2. *NSM-02-31*
- 3.
- 4.

GRANTOR(S) (Last name, first, then first name and initials)

1. *David Kapp*
2. *Jack Kapp*
3. *Shirley Hzure*
- 4.

☐ Additional Names on page \_\_\_\_\_ of document.

GRANTEE(S) (Last name, first, then first name and initials)

1. *Skamania County Board of Adjustment*
- 2.
- 3.
- 4.

☐ Additional Names on page \_\_\_\_\_ of document.

LEGAL DESCRIPTION (Abbreviated: I.E., Lot, Block, Plat or Section, Township, Range, Quarter/Quarters)

*Section 4, T3N, R1E*  
*See pages 4, 5, 6*

☐ Complete legal on page \_\_\_\_\_ of document.

REFERENCE NUMBER(S) Of Documents assigned or released:

*NSM-02-31*

☐ Additional numbers on page \_\_\_\_\_ of document.

ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBER

*# 03-10-10-0-0-0300-00*

☐ Property Tax Parcel ID is not yet assigned.

☐ Additional parcel #'s on page \_\_\_\_\_ of document.

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



Skamania County  
Department of Planning and  
Community Development

**Skamania County Courthouse Annex  
Post Office Box 790  
Stevenson, Washington 98648  
509 427-9458 FAX: 509 427-8288**

HOOK 252 PAGE 985

**BEFORE THE SKAMANIA COUNTY BOARD OF ADJUSTMENT**

**Friends of the Columbia Gorge Inc.,**

**Appellant,**

and

**David Kapp**

**Appellee.**

**File No. NSA-02-31**

**NOTICE OF FINAL  
ORDER ON APPEAL  
OF THE ADMINISTRATIVE  
DECISION FOR FILE  
NSA-02-31**

This matter, having come for a de novo hearing on the 6<sup>th</sup> of March, Appellants Friends of the Columbia Gorge Inc.; and Appellee David Kapp; and the Board having held a public hearing to consider this appeal of the Administrative Decision dated November 25, 2002 for NSA File No. 02-31 approving an application by David Kapp for a Land Division. The Subject real property is zoned Small Woodland (F-3) and is within the General Management Area; off Lacock Kelchner Road, Underwood; Section 10 of T3N, Range 10E, W.M. and identified as Skamania County Tax Lot #03-10-10-0-0-0300-00.

## FINDINGS OF FACT AND CONCLUSIONS

1. Based upon the representations of the appellant and the landowner applicants made through their correspondence of February 28, 2003, and based upon the entire record, particularly the November 25, 2002 staff report prepared by Associate Planner Stacey Borland, the Board hereby finds that the application by David Kapp for a land division of Skamania County Tax Lot No. 03-10-10-0-0300-00, is found to be consistent with Title 22 of the Skamania County Code and is hereby approved.

The Board further finds that Parcel 1 is entirely outside of the National Scenic Area and that each of the two resulting parcels within the National Scenic Area (Parcel 2 and Parcel 3) include at least 40 acres of non-Open Space land. The November 25, 2002 staff report by Associate Planner Stacey Borland and the Administrative Decision signed by Ms. Borland of that same date, are incorporated by reference into this approval, with one addition: the portion of the land within the National Scenic Area that is zoned Open Space in the original 230.10-acre parcel all goes with the newly created Parcel 3, referred

to as the "southern lot" in the November 25, 2002 staff report. This order of approval hereby resolves the appeal by the Friends of the Columbia Gorge, Inc. of NSA-02-31.

2. The site plan referenced in condition of approval #1 from the Administrative Decision dated November 25, 2002, for file No. NSA-02-31 shall be replaced by the 3 attached maps showing the configuration of each of the 3 lots.
3. Condition of approval #3 from the Administrative Decision dated November 25, 2002, for file No. NSA-02-31 shall be satisfied by the applicant recording the final maps.

#### DECISION

The Administrative Decision dated November 25, 2002, for file No. NSA-02-31 is upheld and modified to include the 3 attached drawings as the approved configuration for each of the 3 lots.

#### ORDER

Based upon the foregoing Findings of Fact and Conclusions,

#### IT IS HEREBY ORDERED THAT:

The Administrative Decision for NSA-02-31 is upheld as modified above.

DATED THIS 13<sup>th</sup> day of March 2003, at Stevenson, Washington.

SKAMANIA COUNTY BOARD OF ADJUSTMENT

  
Mark J. Mazeski  
Secretary to the Board of Adjustment

SKAMANIA CO. WASH  
Morse & Baatt

Feb 11 1993

115765

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DEED IN PARTIAL DISTRIBUTION OF ESTATE

JACK D. KAPP, Personal Representative of the Estate of ERMA H. KAPP, Deceased, Grantor, hereby conveys and quit claims to JACK D. KAPP, as his separate property, with respect to an undivided one-third interest, DAVID H. KAPP, as his separate property, with respect to an undivided one-third interest, and SHIRLEY ANN ASURS, as her separate property, with respect to an undivided one-third interest, Grantees, all of the right, title, and interest of the Estate of Erma H. Kapp, including after-acquired title, if any, in that real property situate in Skamania County, Washington, and more particularly described as follows:

**Parcel 1**

An undivided one-half interest in the following described real property:

The Southeast quarter of the Northwest quarter of Section 4, Township 3 North, Range 10 East, W.M., except that portion within 200 feet of the centerline of the White Salmon River.

The Northeast quarter of the Southwest quarter of Section 4, Township 3 North, Range 10 East, W.M.

**Parcel 2**

An undivided one-half interest in the following described real property:

The Southwest quarter of the Southeast quarter of Section 4, Township 3 North, Range 10 East, W.M.

**Parcel 3**

An undivided one-half interest in the following described real property:

The Northeast quarter of Section 9, Township 3 North, Range 10 East, W.M.

The Northeast quarter of the Northwest quarter of Section 9, Township 3 North, Range 10 East, W.M.

015633

REAL ESTATE EXCISE TAX

DEED IN PARTIAL  
DISTRIBUTION OF ESTATE - 1

Exempt

Morse & Baatt  
Law Office  
1001 Main Street  
Port Angeles, WA 98288  
(509) 826-4700

Estimated	0
Actual	0
Interest	0
Direct	0
Indirect	0
Tax	0
State	0

Parcel 4

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An undivided one-half interest in the following described real property:

The Southwest quarter of the Southwest quarter, and that part of the North half of the Southwest quarter South of Buck Creek, Section 3, Township 3 North, Range 10 East, W.M.

Parcel 5

An undivided one-half interest in the following described real property:

A:

The East half of the Southwest quarter, Section 10, Township 3 North, Range 10 East, W.M., EXCEPT one acre in the Southeast corner previously deeded to Charles Rosenkrantz, and FURTHER EXCEPTING that prt of the Northeast quarter of the Southwest quarter lying within 300 feet of the centerline of the White Salmon River, and FURTHER EXCEPTING a 10-foot strip of land conveyed to Josephine Boersig for road purposes, and FURTHER EXCEPTING a tract conveyed to the United States for Bonneville Power lines.

B:

Beginning at the South line of the East half of the Southwest quarter of Section 10, Township 3 North, Range 10 East, W.M., at its intersection with the center of Seeb and Love Extension Road; thence North 10 feet; thence East 10 feet from and parallel to the South line of said East half of the Southwest quarter of section 10 to the West line of a one acre tract conveyed to Charles Rosenkrantz; thence South along the West line of said one acre tract to said South line of the East half of the Southwest quarter; thence West to the point of beginning. ALSO the West half of the Southeast quarter of Section 10, Township 3 North, Range 10 East, W.M., ALSO beginning at the quarter corner of Sections 10 and 15, Township 3 North, Range 10 East, W.M., thence North 88°55' West 4.14 chains; thence North 1°04' East 2.414 chains; thence South 88°56' East 4.14 chains; thence 1°04' East 2.414 chains to the initial point of beginning; EXCEPT that part of the Northwest quarter of the Southwest quarter of Section 10, Township 3 North, Range 10 East, W.M., on the Westerly side of the White Salmon River within 400 feet from the center of the River; FURTHER EXCEPTING also the tract conveyed to United States for Bonneville Power lines.

DEED IN PARTIAL  
DISTRIBUTION OF ESTATE - 2

WITNESSES  
MORSE & BRATT  
Notary Public for Oregon  
For County of Clatsop  
Tillamook, November 1928  
CITY 201-472



C:  
The following portions of the above described real property in subparagraphs A and B have been previously conveyed to others, that is, the following property:

That portion of the South half of the Southwest quarter of Section 10, Township 3 North, Range 10 East, W.M., in Skamania County, Washington, lying South of the Southerly right of way line of the Bonneville Power Administration right of way.

Also that portion of the Southwest quarter of the Southeast quarter of section 10, Township 3 North, Range 10 East, W.M., in Skamania County, Washington, lying South of the Southerly right of way line of the Bonneville Power Administration right of way.

**Parcel 6**

An 8/65th of a one-half interest in the following described real property:

The Southwest quarter of the Southeast quarter of Section 9, Township 3 North, Range 10 East, W.M.

**Parcel 7**

Lots 5 and 7, Block 2, First Addition to Underwood, Washington, records of Skamania County, Washington

**Parcel 8**

Government Lot 1, Section 29, Township 3 North, Range 10 East, W.M., Skamania County, Washington

This deed is in partial distribution of the Estate of ERMA M. Kapp, pursuant to the Last Will and Testament of said decedent. Her Last Will and Testament was admitted to probate in the Superior Court of Clark County, Washington, in Cause No. 92-4-00075-2, on February 4, 1992, at which time an Order of Solvency was entered therein. The Grantor herein is the duly appointed and acting Personal Representative of said estate.

DATED this 25<sup>th</sup> Day of January, 1993.

ESTATE OF ERMA M. KAPP, Deceased

By Jack D. Kapp  
JACK D. KAPP  
Personal Representative

DEED IN PARTIAL  
DISTRIBUTION OF ESTATE - 2

Let Clerk  
Morse & Beatty  
Supt. Assn. Bldg. Room  
121 Main Street  
P.O. Box 100  
Vernon, Washington 98858  
(509) 566-1200







