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BOOK 253 PAGE 93

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REQUEST OF/RETURN TO:
WOODRICH & ARCHER LLP
P.O. Box 510
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OCT 24 2 03 PM '03

Amber
J. MICHAEL GARVISON

By ☒ *Amber*
Recorded On ☒
By ☒
Filed ☒
Index ☒

SCR 26184
EASEMENT DEED FOR EXISTING DRAIN FIELD

Grantor (s) ROBERT J. SEAMAN SR, A Single Man
Grantee (s) THOMAS HARTMAN SR., A Single Man
Additional Grantor(s) on page(s)
Additional Grantee(s) on page(s)
Abbreviated Legal: SE 1/4 of the SW 1/4 of S8, T 3N, R 8E
Additional Legal on page(s) 2
Assessor's Tax Parcel No's: 03 08 08 3 0 1000 00, 03 08 17 2 0 0130 00

THIS EASEMENT made and entered into this 24 day of October, 2003, by
ROBERT J. SEAMAN SR., a Single Man, (hereinafter "Grantor") and THOMAS
HARTMAN SR., A Single Man, (hereinafter "Grantee").

RECITALS

WHEREAS, Grantee is the owners of tax lot 03 08 17 2 0 0130 00, property that is
adjacent to property owned by the Grantor, tax lot 03 08 08 3 0 1000 00;

WHEREAS, Grantee's current septic system is encroaching upon Grantor's property.

WHEREAS, Grantor agrees to allow the Grantees to continue to use the existing
septic system and Grantor shall grant an easement SUBJECT TO the limitations described
below that pertain to abandonment of the existing septic system and easement therefor.

DEED

GRANTOR is the owner of the following described land, recorded under Auditor's File No.
131881, in Book 178 Page 282, Records of Skamania County, Washington and more fully

NON-EXCLUSIVE EASEMENT FOR DRAINFIELD
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described as:

West
A tract of land in the Southeast Quarter of the Southwest Quarter of Section 8, Township 3 North, Range 8 east of the Willamette Meridian in the County of Skamania, State of Washington, described as follows:

BEGINNING at the Southeast Corner of Lot 4, Section 8 Township 3 North, Range 8 East; thence West 30 feet to the initial point of tract; thence North parallel to the East line of Lot 4 a distance of 75 feet to the Northeast Corner of tract being conveyed. Thence West parallel and 75 feet from the South line of said Lot 4 to the Easterly right-of way line of the Old County Road. Thence Southeasterly along the easterly edge of said County Road to its intersection with the South line of Lot 4. Thence Easterly 205 feet, more or less, to the initial point.
Tax Parcel No. 03 08 08 3 0 1000 00.

GRANTEE is the owner of the following described land, recorded under Auditor's File No., 85896 in Book 74 Page 385, Records of Skamania County, Washington and more fully described as:

All that portion of the Northwest Quarter of the Northwest Quarter (NW ¼ NW ¼) of Section 17, Township 3 North, Range 8E.W.M., lying northeasterly of a strip of land 150 feet in width conveyed to the State of Washington for Secondary State Highway No. 8-C (Wind River Road) by deed dated October 13, 1956, and recorded November 21, 1956, at page 495 of Book 42 of Deeds, under Auditor's File No. 51438, Records of Skamania County, Washington; SUBJECT TO easements and rights of way for the existing county road known and designated as Old State Road.
Tax Parcel No. 03 08 17 2 0 0130 00

THE GRANTOR does hereby grant and establish of record a Non-exclusive Easement for the purpose of allowing the owners of Lot 03 08 17 2 0 0130 00, to continue to access, utilize and maintain the septic tank that has been installed under a thirty-foot (30') wide strip of land as described below, and as shown on the map attached hereto as Exhibit "B". Said existing drainfield may not be modified and there are to be no outbuildings or fences erected on the

easement. Said easement for an existing drain field shall be described as follows:

A 30' x 40' drain field, commencing at the Point of beginning being the Northeast corner of the North ½ of the NW ¼ of the NW ¼ of North and East of the Wind River Highway in Section 17, Township 3 North Range 8 East West meridian. Thence north 40.00 feet; thence west, 30.00 feet; thence south 40 feet to the north line of the above parcel; thence east 30 feet to the true point of beginning.

GRANTEE hereby acknowledges that GRANTEE'S clear intent to abandon the easement shall be irrevocably presumed when the drain field is no longer operational or no longer in use or in the event that Skamania County or any other governmental entity requires that the septic tank be replaced. If any of the foregoing conditions exist, the existing septic tank shall be removed and this septic easement shall terminate.

GRANTEE hereby acknowledges that the drain field shall be deemed to be no longer operational when it is damaged such that it is not practicable and/or economically feasible to continue use the drain field or when Skamania County or any other governmental agency requires that the septic tank or drainfield be replaced. When any of the above-described conditions exist, the land described in this easement for a drain field shall be deemed to be abandoned by the GRANTEE, this easement shall cease to exist, and the land granted by GRANTOR for an easement for the existing drain field shall revert back to the GRANTOR.

GRANTEE agrees to execute all necessary written acknowledgements that the easement for the existing drain field has been abandoned when any of the above described conditions exist.

GRANTEE FURTHER ACKNOWLEDGES that GRANTOR shall be entitled to recover GRANTOR'S attorneys fees if GRANTOR is required to bring any action to enforce the provisions of this easement regarding GRANTEE'S intent to abandon the easement, including any costs incurred for asserting any claims, suits or actions and including any fees on appeal.

THIS EASEMENT and the terms contained therein, including the terms that pertain

to abandonment of the easement, shall run with the land and shall be binding upon the parties to this agreement, their heirs and assigns.

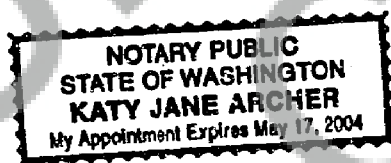
DATED this 10-22-03 day of October, 2003.

Robert J. Seaman Sr.
ROBERT J. SEAMAN SR., GRANTOR

Thomas J. Hartman Sr. AS ATTORNEY IN FACT FOR THOMAS HARTMAN SR.
THOMAS HARTMAN SR., GRANTEE
10-23-03

STATE OF WASHINGTON)
COUNTY OF SKAMANIA) ss.

I certify that I know or have satisfactory evidence that **ROBERT J. SEAMAN SR.**, is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.



Dated: Oct 22 2003

Katy Jane Archer
(Signature)

KATY JANE ARCHER
(Title) NOTARY PUBLIC

My appointment expires 5/17/04

Oregon
STATE OF WASHINGTON)
Multnomah) ss.
COUNTY OF CLATSOP)

I certify that I know or have satisfactory evidence that **THOMAS HARTMAN SR.**, is the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 10/23/03



Michelle A. Noce
(Signature)

Notary
(Title)
My appointment expires 9/17/07

STATE OF Oregon }
County of Multnomah } ss.

ACKNOWLEDGMENT - Attorney in Fact

On this 23 day of October, 19 2003, before me personally appeared Thomas Hartman Jr. to me known to be the individual who executed the foregoing instrument as Attorney in Fact for Thomas Hartman Sr. and acknowledged that (he/she) signed the same as (his/her) free and voluntary act and deed as Attorney in Fact for said principal for the uses and purposes therein mentioned, and on oath stated that the Power of Attorney authorizing the execution of this instrument has not been revoked and that said principal is now living and is not insane.

GIVEN under my hand and official seal the day and year last above written.



Michelle A. Noce
Notary Public in and for the State of Oregon
residing at _____
My appointment expires 9-17-07

STATE OF WASHINGTON, }
County of _____ } ss.

ACKNOWLEDGMENT - Self & Attorney in Fact

On this _____ day of _____, 19____, before me personally appeared _____ to me known to be the individual described in and who executed the foregoing instrument for _____ self and as Attorney in Fact for _____ and acknowledged that _____ signed and sealed the same as _____ free and voluntary act and deed for _____ self and also as _____ free and voluntary act and deed as Attorney in Fact for said principal for the uses and purposes therein mentioned, and on oath stated that the Power of Attorney authorizing the execution of this instrument has not been revoked and that the said principal is now living, and is not incompetent.

GIVEN under my hand and official seal the day and year last above written.

Notary Public in and for the State of Washington,
residing at _____

My appointment expires _____

WA-45B (11/96)

This jurat is page _____ of _____ and is attached to _____ dated _____.