

David Berry
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Filed & Recorded in Official Records
of SKAMANIA COUNTY
J. MICHAEL GARVISON
AUDITOR
Fee: \$21.00

ROAD MAINTENANCE AGREEMENT

Berry-Brundidge Short Plat as recorded under File No. 2005157544

Grantors: David Berry, Steven Berry, Kenneth and Carolyn Brundidge

Grantees: Berry-Brundidge Short Plat

Section 29 Township 2 North Range 5 E. W.M.

Assessor's Tax Parcel No. 02-05-29-0-0-0100-00

The landowner's agree to provide for the maintenance of all private roads common to the above-described real property as follows:

A. TYPE AND FREQUENCY OF MAINTENANCE.

That all roads designated a private road as defined in the Skamania County Code Chapter 12.03 shall be maintained in satisfactory and usable condition as is practical. Said maintenance shall consist of, at minimum, the annual filling of all potholes, ruts, gullies, etc., that restrict travel on said road, rocking or graveling and grading of the road as the landowners unanimously desire, and the provision of trenching along the sides of the said road to provide for surface water to run off, where necessary and deemed appropriate all landowners.

B. METHOD OF ASSESSING COSTS.

That all four owners of Lots 1-2-3-4 will share equally for maintenance of the access road up to Lot 1 and Lot 3. Owners of Lot 1 and Lot 3 will be responsible for the maintenance of the access road off Lot 1 and Lot 3.

C. METHOD OF COLLECTION.

The landowners shall establish a fund for the maintenance of the road. Each landowner shall contribute to this fund on such dates as the landowners may from time to time unanimously decide upon, but in any event, no less than annually. The landowners may designate a treasurer among them to administer such funds.

D. DISBURSEMENT OF FUNDS.

Upon agreement of a majority of the landowners to perform on a private road, funds for road maintenance shall be disbursed within thirty (30) days of billing to any provider of road maintenance service or materials by the landowner designated as Treasurer.

E. NON-PAYMENT OF COSTS-REMEDIES.

Any landowner who becomes delinquent in the payment of funds under this agreement for a period of thirty (30) days or more shall contribute a late penalty of \$1.00 per day to the road maintenance fund for each day of delinquency. After ten (10) days written notice to the landowner, any or all the other landowners shall be entitled to seek any remedy available at law including a suit for money owed. The prevailing party in such a lawsuit shall be entitled to a judgment against the non-prevailing party for all attorney's fees and costs expended in such action.

The prevailing party shall also be entitled to attorney's fees or costs incurred as a result of any action undertaken in the collection of money owed, either before or after suit is filed.

F. APPURTENANCE TO THE LAND.

This agreement shall be binding on all heirs, successors, or assigns of any landowner and shall be appurtenant to the parcels of land herein described.

G. SEVERABILITY.

If any provision of this agreement is held invalid for any reason, the remainder of this agreement is not affected.

David L. Berry Landowner
David Berry

Steven R. Berry Landowner
Steven Berry

Kenneth Brundidge Landowner
Kenneth Brundidge

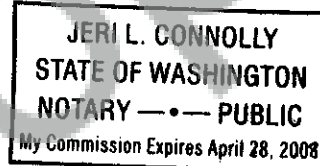
Carolyn K Brundidge Landowner
Carolyn Brundidge

STATE OF WASHINGTON
COUNTY OF SKAMANIA

On this day personally appeared before me _____,
to me known as the individual(s)
described in and who executed the within and foregoing instrument and acknowledged
that they signed the same as their free and voluntary act and deed, for the uses and
purposes therein stated.

Given under my hand and official
seal this 25th day of March,
2005.

Given under my hand and official
seal this 23rd day of March,
2005.



Joyce D. Bost
NOTARY PUBLIC in and for the
State of Oregon, residing at
Multnomah County
My commission expires Feb. 23, 2009

Jeri L. Connolly
NOTARY PUBLIC in and for the
State of Washington, residing at
Skamania County
My commission expires 4-28-08