

Filed for Record at Request of and  
After Recording Return To:  
Robert D. Weisfield, Attorney At Law  
P. O. Box 421  
Bingen, WA 98605  
(509) 493-2772

### **EASEMENT**

WHEREAS, KEK, LLC, a Washington limited liability company (hereinafter referred to as KEK), has previously granted an Easement to SDS COMPANY, LLC, a Washington limited liability company (hereinafter referred to as SDS), recorded January 21, 2010, Auditor's File No. 2010174751, for the purpose of creating an easement for pedestrian ingress and egress over the Southeast 5 feet of Lot 8 and the Northwest 5 feet of Lot 9 of Boulder Ridge Estates Subdivision, for SDS's access to the East bank of the Wind River; and

WHEREAS, SDS hereby desires to grant to KEK, its successors and assigns, an easement for pedestrian ingress and egress over the North 580+- feet of the East 10 feet of the Northwest quarter of the Northeast quarter of Section 12, Township 3 North, Range 7 ½, of the Willamette Meridian, in the County of Skamania, State of Washington, to the East bank of the Wind River; and

WHEREAS, KEK and SDS desire to establish a common area for the use and enjoyment of themselves, their successors and assigns, over and across property owned by KEK located within Boulder Ridge Estates, recorded at Auditor's File No. 2009174613, Skamania County Subdivision Records, and property owned by SDS located in the Southwest quarter of the Southeast quarter of Section 1 and the Northwest quarter of the Northeast quarter of Section 12, Township 3 North, Range 7 ½ East, and the Southwest quarter of the Southwest quarter of Section 6, Township 3 North, Range 8 East, of the Willamette Meridian, all lying West of the Wind River Highway and East of the Wind River, in the County of Skamania, State of Washington;

NOW, THEREFORE, SDS grants to KEK, its successors and assigns, an easement for pedestrian ingress and egress over the North 580+- feet of the East 10 feet of the Northwest quarter of the Northeast quarter of Section 12, Township 3 North, Range 7 ½, of the Willamette Meridian, in the County of Skamania, State of Washington, to the East bank of the Wind River;

FURTHERMORE, for the purpose of establishing a common area between the parties' properties and along the Wind River, SDS grants to KEK over its property described

hereinabove, and KEK grants to SDS over Lots 3 and 4 of Boulder Ridge Estates, as described hereinabove, an easement for a common area over and across their properties, which area shall be 25 feet in width as measured from the average high water mark of the East bank of the Wind River as the Wind River flows along the properties described hereinabove.

The pedestrian easement and common area shall be used by lot owners and their guests for recreational purposes and enjoyment, and in a manner that shall not unreasonably disturb the peaceable enjoyment of the owners of the property over which the easement and common area cross. Said easement and common area shall be maintained by all lot owners of Boulder Ridge Estates and the owners of SDS property as described hereinabove, and as may hereafter be developed by SDS, based upon each lot owner's use of said easement and common area. No motorized vehicles shall be operated over or across the pedestrian easement and common area.

Neither the lot owners, nor the Grantor and Grantee herein, shall be liable to users of the pedestrian easement and common area for any personal injury or damages that may result from the use of this easement and common area, pursuant to RCW 4.24.210.


Grantor and Grantee expressly grant to the each other the rights to use and transfer these easements to successors in interest.

If an action is brought to enforce the terms of this Easement, the prevailing party shall be awarded their reasonable attorney's fees, including those upon appeal.

DATED: May 4, 2010.



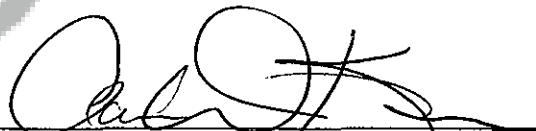
Wallace E. Stevenson, President  
SDS Company, LLC, a Washington limited  
liability company



R. Howard Kreps, Member  
KEK, LLC, a Washington limited liability  
company



Rick Estey, Member  
KEK, LLC, a Washington limited liability  
Company



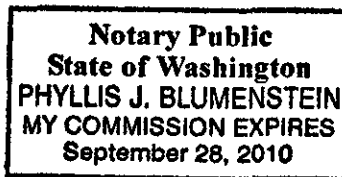
Aaron Kreps, Member  
KEK, LLC, a Washington limited liability  
company

STATE OF WASHINGTON )  
 ) §  
 COUNTY OF KLIKITAT )

On this 6<sup>th</sup> day of May, 2010, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared WALLACE E. STEVENSON, to me known to be the President of SDS COMPANY, LLC, the limited liability company that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said company, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument.

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

(Seal)

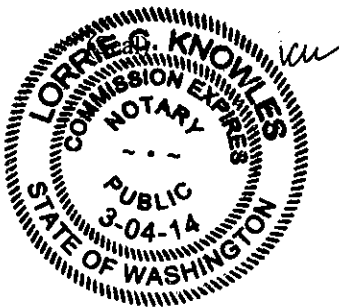


Signature: Phyllis J. Blumenstein  
 Notary Name: Phyllis J. Blumenstein  
 Notary Public in and for the State of Washington,  
 residing at White Salmon, therein.  
 My Commission Expires 9-28-10

STATE OF WASHINGTON )  
 ) §  
 COUNTY OF KLIKITAT )

On this 4<sup>th</sup> day of May, 2010, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared R. HOWARD KREPS, to me known to be a member of KEK, LLC, the limited liability company that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said company, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument.

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



Signature: Lorrice C. Knowles  
 Notary Name: Lorrice C. Knowles  
 Notary Public in and for the State of Washington,  
 residing at White Salmon, therein.  
 My commission expires: 3/4/14

STATE OF WASHINGTON                    )  
   ) §  
 COUNTY OF KLINKITAT                )

On this \_\_\_\_\_ day of May, 2010, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared RICK ESTEY, to me known to be a member of KEK, LLC, the limited liability company that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said company, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument.

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

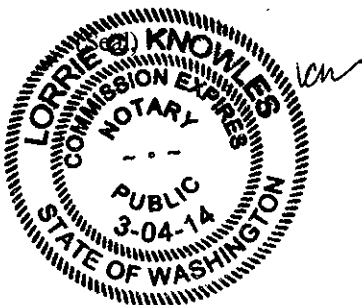
(Seal)

Signature: \_\_\_\_\_  
 Notary Name: \_\_\_\_\_  
 Notary Public in and for the State of Washington,  
 residing at \_\_\_\_\_, therein.  
 My commission expires: \_\_\_\_\_.

STATE OF WASHINGTON                    )  
   ) §  
 COUNTY OF KLINKITAT                )

On this 4<sup>th</sup> day of May, 2010, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared AARON KREPS, to me known to be a member of KEK, LLC, the limited liability company that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said company, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument.

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



Signature: Lorrie C. Knowles  
 Notary Name: Lorrie C. Knowles  
 Notary Public in and for the State of Washington,  
 residing at White Salmon, therein.  
 My commission expires: 3/4/10.