

RECORDING REQUESTED BY  
AND WHEN RECORDED RETURN TO:

LeAnne M. Bremer  
Miller Nash LLP  
500 East Broadway, Suite 400  
PO Box 694  
Vancouver, WA 98666-0694

Grantor : Alvin E. Errend and Madeline Errend, Trustees of the Alvin and Madeline  
Errend Living Trust  
Grantee : Duggan Falls Water System, a Washington non-profit corporation  
Abbreviated Legal : NW ¼ SE ¼ Section 11, T2N R5 East W.M.  
Assessor's Tax Parcel No. : 02051124020000  
Prior Excise Tax No. : NA  
Other Reference No(s). : AFN 77946; Book 67, Page 130

AMENDMENT TO EASEMENT

PARTIES:

GRANTOR: Alvin E. Errend and Madeline Errend, Trustees of the Alvin and Madeline  
Errend Living Trust  
GRANTEE: Duggan Falls Water System,  
a Washington non-profit corporation

RECITALS:

- A. Grantor owns the real property legally described in **Exhibit A** (Errend Property).
- B. The Errend Property is subject to an Easement first described in an instrument recorded on July 23, 1974 under Skamania County Auditor's Number 77946, in Book 67, page 130, records of Skamania County (Easement).
- C. The Easement, among other things, grants to Grantee the right to maintain and access water storage tanks and pipes under the Errend Property.
- D. The Easement is for the purpose of serving the property served by the Duggan Falls Water System legally described in the original grant of Easement referenced in Recital B above and in **Exhibit B**.

E. The parties, pursuant to a settlement agreement, desire to amend the Easement to clarify and confirm the respective rights and obligations of the parties.

THE PARTIES AGREE AS FOLLOWS:

1. Scope of Easement. The Easement shall consist of an area of land on the Errend Property to house no more than two water storage tanks, which may not exceed 70,000 gallons in total, in the area illustrated on Exhibit C (Tank Area). In addition to the Tank Area, the Easement shall consist of a 6 foot area around the perimeter of the Tank Area for access to and maintenance of the Tank Area and for the purpose of allowing the Grantee to install and maintain a security fence and/or security system around the Tank Area. The Easement shall also include an access road from Washougal River Road to the Tank Area across the Errend Property which consists of the first portion of what is commonly known as the Mabee Mines Road and the Upper Access Road illustrated on Exhibit C (collectively, Access Road). The Access Road shall consist of the existing road as depicted on Exhibit C. Grantee shall be entitled to use the Easement for any reasonable purpose related to the construction, installation, maintenance and repair of the water storage tanks, mains, water-monitoring lines, pipes and, security fence/system, together with the right to maintain the Access Road. However, all lines and pipes outside of the Tank Area shall be buried and run under Grantor's Property. Grantee shall not allow water from the tanks to drain onto the Grantor's Property outside the Tank Area. Grantor further grants to Grantee a temporary construction easement adjacent to the Easement over a minimum area that would allow Grantee to carry out the purposes of this Easement which shall exist only during construction or maintenance and repair. Grantee agrees to restore the area of the construction easement to the condition that existed prior to Grantee's work.
2. Notice Requirements. Grantee shall, except in cases of emergency, provide Grantor advance and reasonable notice, which shall be 24-hour's notice when possible, when it, or any of its members, owners, agents, representative, contractors or principals wish to use the Easement. Notice may be in the form of a telephone call, voice-mail message, electronic mail, letter or personal contact.
3. Locked Gate. The parties agree to equally share in the cost of maintenance of a locked gate at or near the intersection of the Access Road and Washougal River Road to prevent vehicular traffic from trespassing on the Easement. The parties further agree to allow each other access and will not unreasonably interfere with the other party's access to the Access Road and through the locked gate.
4. Conflict. Except as modified in this Amendment, the terms of the Easement remain in full force and effect. In the event of a conflict between the Easement and this Amendment, the provisions of this Amendment control.

GRANTOR:

ALVIN AND MADELINE ERREND LIVING TRUST

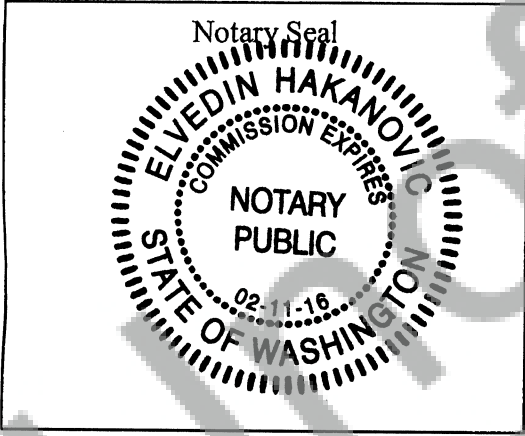
Date: 11/20/2013 Alvin E. Errend  
By: Alvin E. Errend, Trustee

Date: 11/20/2013 Madeline L. Errend  
By: Madeline Errend, Trustee

State of Washington )  
County of CLARK ) ss.

I certify that I know or have satisfactory evidence that Alvin E. and Madeline Errend are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it as the Trustees of the Alvin and Madeline Errend Living Trust to be their free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 11/20, 2013.

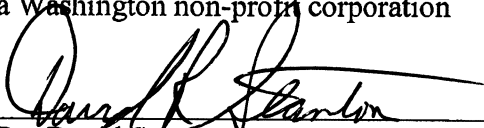


Elvedin Hakanovic  
Notary Public for Washington  
Elvedin Hakanovic  
Name of Notary  
My appointment expires: 02/11/2016

GRANTEE:

DUGGAN FALLS WATER SYSTEM,  
a Washington non-profit corporation

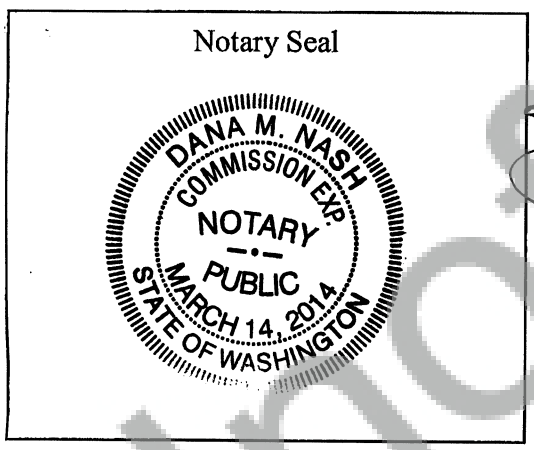
Date: 11/27/13

  
By: David Stanton  
Its: President

State of Washington       )  
  ) ss.  
County of Skamania       )

I certify that I know or have satisfactory evidence that David Stanton is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the President of Duggan Falls Water System to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: November 27, 2013.



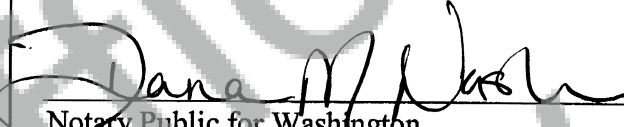
  
Notary Public for Washington  
Dana M. Nash  
Name of Notary  
My appointment expires: 3/14/14

EXHIBIT A  
ERREND PROPERTY (SERVIENT ESTATE)

The following described real property in Skamania County:

All that portion of the Northwest Quarter of the Southeast Quarter (NW¼ SE¼) of Section 11, Township 2 North, Range 5 E. W. M. lying easterly of the following described line: Beginning at the intersection of the center line of the Mabes Mines Road with the south line of the NW¼ of the SE¼ of the said Section 11; thence in a northerly direction following the center line of said road to its intersection with the center line of County Road No. 1106 designated as the Washougal River Road; thence following the center line of the Washougal River Road northerly to its intersection with the north line of the NW¼ of the SE¼ of the said Section 11.

EXHIBIT B  
DUGGAN FALLS SUBDIVISION PROPERTY (DOMINANT ESTATE)

All property in the Hiway on Washougal Plat, recorded in Book A of Plats, page 151, records of Skamania County, Washington.

All property in the Hiway II Plat, recorded in Book B of Plats, page 4, records of Skamania County, Washington.

All property in the Whispering Hills River Estates Plat, recorded in Book A of Plats, page 130, records of Skamania County, Washington.

EXHIBIT C

ILLUSTRATION OF COUNTY ROAD, ACCESS ROAD AND  
TANK AREA

Unofficial  
Copy

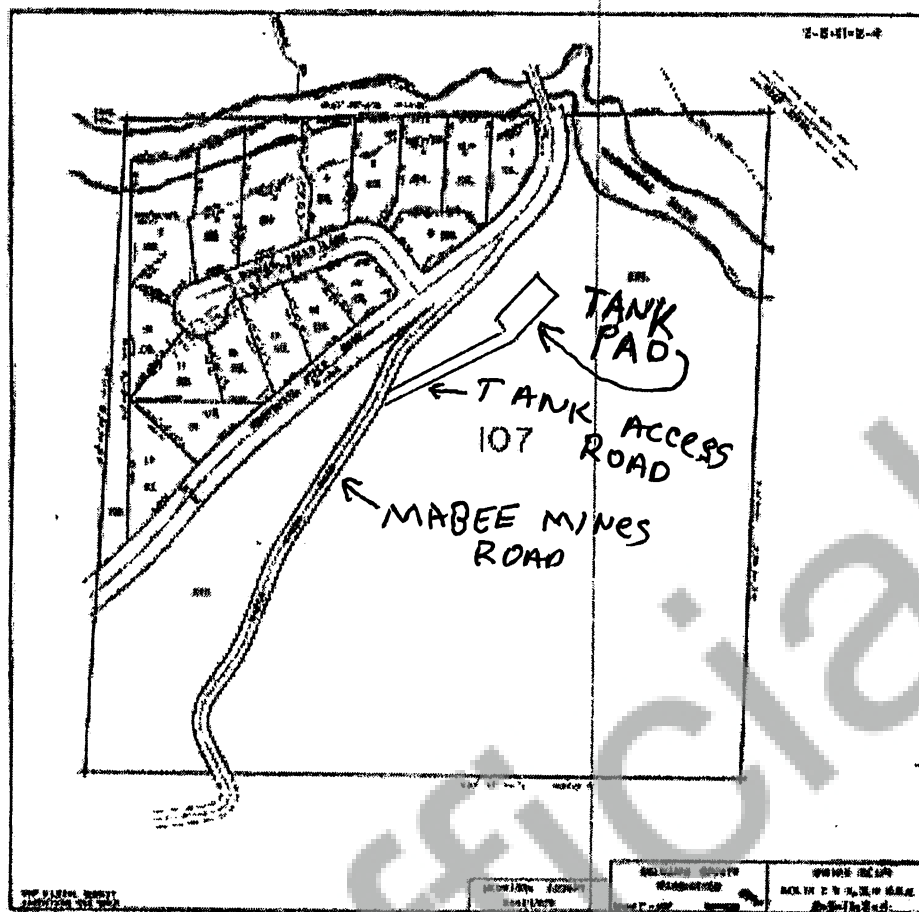
AMENDMENT TO EASEMENT 7

733490-0001/VANDocs:50155349.4









NW ¼ SE ¼ Section 11, T2N R5 East W.M.

Tax parcel No: 0205112402000