

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Vacation of a Portion of )  
Atkins County Road No. 26 (Downing Road) )  
Near Clatskanie, Oregon ) ORDER NO. 86 - 2008  
) (Initiating/Finalizing Vacation Proceedings)  
[Initiated by Columbia County] )  
\_\_\_\_\_ )

WHEREAS, pursuant to ORS 368.341(1) the Board of Commissioners for Columbia County, Oregon, may initiate proceedings to vacate property under ORS 368.326 to 368.366, and hereby declares its intent to vacate certain property; and

WHEREAS, in May 2008, attorney Larry Derr, on behalf of his clients Donald and Theora Campbell, wrote the Board of Commissioners indicating that his clients were preparing to file a petition to vacate a portion of Atkins County Road No. 26 (Downing Road) (hereinafter "Atkins-Downing Road") near Clatskanie, Oregon, and requesting a waiver of the customary filing fee for filing a petition for vacation, a copy of said letter being attached hereto as Exhibit 1 and by this reference incorporated herein; and

WHEREAS, after hearing from staff at a regularly-scheduled meeting on June 11, 2008, that the vacation of this portion of Atkins-Downing Road would be in the best interests of the public, the Board of County Commissioners elected to initiate the vacation proceedings upon receipt of the Public Works Director's written recommendation that the vacation would be in the public interest; and

WHEREAS, the portion of Atkins-Downing Road proposed to be vacated is generally described beginning 50 feet north of the intersection of Atkins-Downing Road with John McAdams County Road P-16 (aka Alston-Mayger County Road) to its terminus at the westerly lot line of that property known as Tax Map ID No. 8N3W28-00-00800, and is more particularly described on Exhibit 2 attached hereto and by this reference incorporated herein; and

WHEREAS, a map of that portion of the right-of-way proposed to be vacated is attached hereto, as Exhibit 3 and by this reference incorporated herein; and

WHEREAS, by letter dated October 29, 2008, Mr. Derr forwarded the consents of abutting property owners Donald Campbell and Theora Campbell, Walter G. Posch, William G. Posch, Donna

D. Jackson and Zachary W. Posch, said consents being attached hereto as Exhibits 4 through 6, respectively, and incorporated herein by this reference; and

WHEREAS, the attached consents contain the acknowledged signatures of owners of 100 percent of any private property proposed to be vacated and acknowledged signatures of owners of 100 percent of property abutting any public property proposed to be vacated indicating the owners' approval of the proposed vacation; and

WHEREAS, the County has also received copies of Reciprocal Easements signed by each of the above-named abutting property owners wherein access to the property abutting the right-of-way proposed for vacation is assured, said easements being attached hereto as Exhibits 7 through 9; and

WHEREAS, the County has also received copies of Maintenance Agreements signed by each of the above-named abutting property owners wherein the private access right-of-way after vacation will be sufficiently maintained to allow continued use, said agreements being attached hereto as Exhibits 10 through 12; and

WHEREAS, the signature requirements of ORS 368.351 having been met, the Board may make a determination about the vacation without holding a hearing if the county road official, i.e., the Roadmaster, files with the Board a written report that contains his assessment that the vacation is in the public interest; and

WHEREAS, the County Roadmaster, Dave Hill, has filed a report dated November 25, 2008, with the Board indicating that it was his assessment that the vacation would be in the public interest and outlining the reasons why, a copy of the Roadmaster's report being attached hereto as Exhibit 13 and by this reference incorporated herein; and

WHEREAS, the Board finds that the petition meets the requirements of ORS 368.341 and contains the acknowledged signatures and owners' approval as required by ORS 368.351;

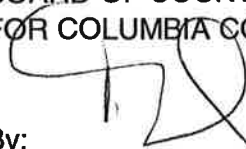
NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. Vacation of that portion of Atkins-Downing Road, as more particularly described on Exhibit 2 and as shown in Exhibit 3, is in the public interest.
2. Upon the recording of the Reciprocal Easements and Maintenance Agreements attached hereto as Exhibits 7 through 12, the property described on Exhibit 2 and depicted in Exhibit 3 shall be vacated, and shall thereafter vest in the abutting property owners as provided in ORS 368.366(1) by extension of said owners' abutting property boundaries to the centerline of the vacated platted right-of-way.
3. The vacation is being made with a specific reservation of any existing rights-of-way for utility easements.

4. This Order shall be recorded with the County Clerk deed records, a copy inserted in the appropriate road jacket, and certified copies shall be filed with the County Surveyor and the County Assessor all without costs..

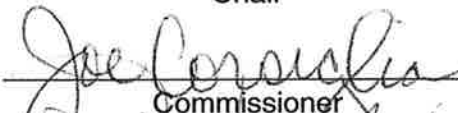
DATED this 10<sup>th</sup> day of December, 2008.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By:  \_\_\_\_\_  
Chair

APPROVED AS TO FORM:

By:  \_\_\_\_\_  
Office of County Counsel

By:  \_\_\_\_\_  
Commissioner

By:  \_\_\_\_\_  
Commissioner

S:\COUNSEL\ROADS\ATKINS\ORD INITIAT & FINAL.wpd

EXHIBIT 1

LAW OFFICES OF  
**JOSSELYN & POTTER**  
FORMERLY JOSSELYN, POTTER & ROBERTS  
425 NW 10TH AVENUE, SUITE 306  
PORTLAND, OREGON 97209  
TELEPHONE: (503) 228-1455  
FACSIMILE: (503) 228-0171

May 22, 2008

Board of County Commissioners  
Columbia County  
230 Strand Street  
St. Helens, OR 97051

Re: Vacation Fee Waiver

Dear Commissioners Bernhard, Corsiglia and Hyde:

My clients, Donald and Theora Campbell, will be submitting a petition for vacation of an unimproved portion of Atkins-Downing County Road near Rainier to comply with a condition of approval of a minor partition of their property. The vacation was suggested by County staff and is in the public interest as explained below. It was also suggested that they request the Board to waive the \$1,000 petition fee in recognition of the public interest served. The Road Department has consented to waiver of the \$500 portion of the fee attributed to the Department

A map of the proposed vacation is attached. The Campbells own Tax Lot 800 on the map. The owners of Tax Lots 699 and 700 will consent to the vacation so all of the contiguous properties will be a party to the request and no hearing will be necessary. The parties will enter into reciprocal easements and a maintenance agreement to replace the public right of way access.

Atkins-Downing Road has existed as a public road since at least the late 1800s as an extension of what is now Alston Mayger Road leading to a former landing on the Columbia River. In 1967, a prior owner of the Campbell's property obtained a vacation of the portion of Atkins-Downing Road that is on the Campbell property.

The Campbells obtained minor partition approval in Case Number 07-09 to divide their property into three parcels of 5, 10 and 11.7 acres. A copy of the preliminary partition map is also attached. The two smaller parcels will have frontage and can access Alston Mayger Road and a short section of Atkins-Downing Road. The larger parcel is down a steep hill and close to the river level. The portion of the public road reaching this parcel is too steep to be improved to public road standards but can be improved to private road standards. It is a dead end, serving no other property.

LAWRENCE R. DERR  
OF COUNSEL

Board of County Commissioners  
Columbia County  
May 22, 2008  
Page 2 of 2

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In discussions with the Road Department, the Campbells explored seeking a variance from the maximum grade standard to improve the road as a public road. The Road Department recommended instead that the Campbells seek a variance from the Zoning Ordinance requirement that every new parcel have frontage on a public road, improve the road to private standards and obtain vacation of the steep portion of the road. In this way the County would not have to maintain a below standard road or be responsible for potential nuisance activities on a dead end road leading to the river. In addition to the minor partition noted above, the Planning Commission approved V 08-10 granting a variance from the public road frontage requirement. The approvals are conditioned on the Campbells obtaining the vacation described above.

The proposed vacation retains a short section of relatively level Atkins-Downing Road where it joins Alston Mayger Road. This portion can be improved to public road standards and will assure that the two upper lots will retain sufficient frontage on the public roads.

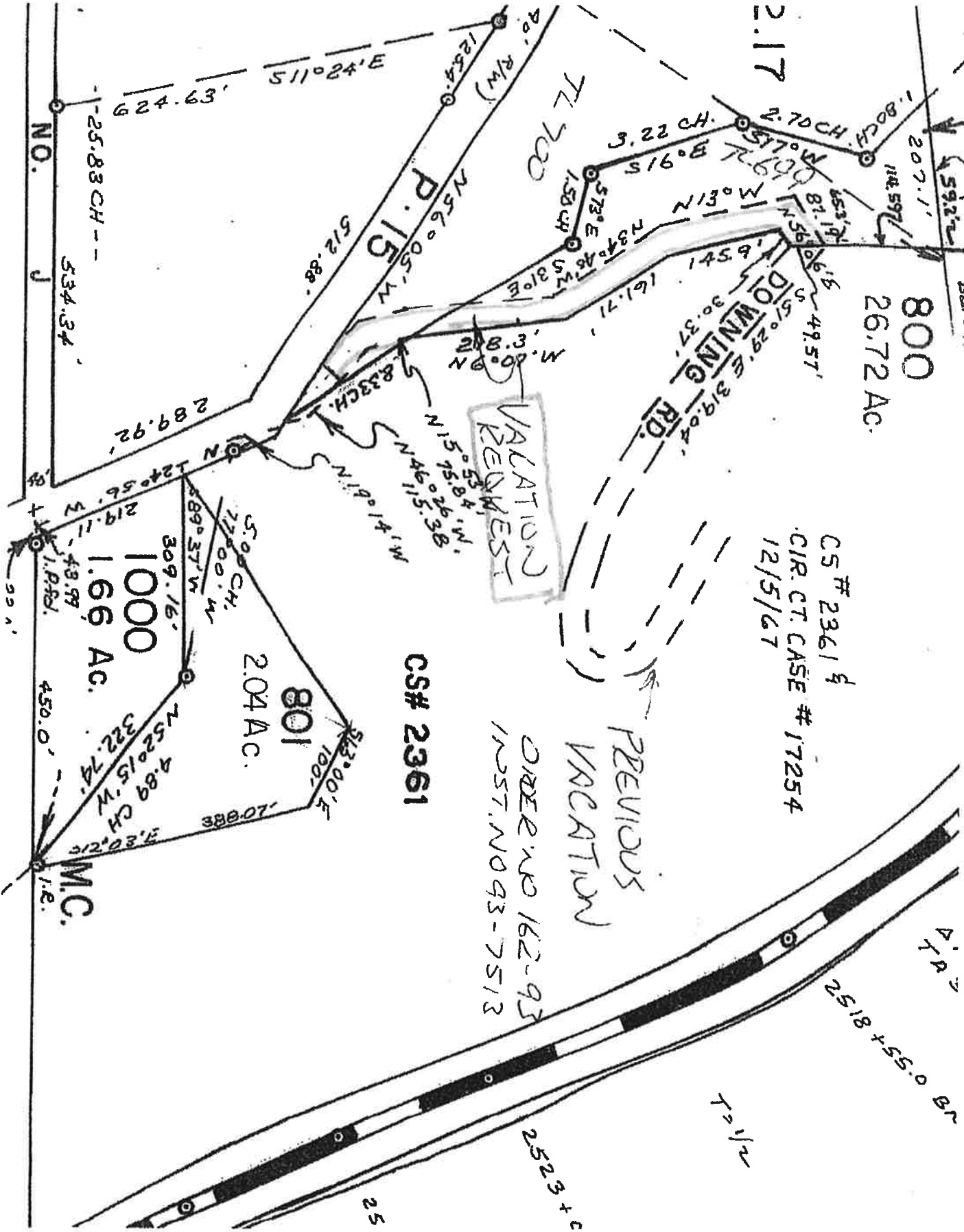
The Campbells ask for your favorable consideration of the fee waiver request. They are prepared to immediately submit the vacation petition with the required consents.

Very truly yours,

  
Lawrence R. Derr

Enclosure

cc: Donald and Theora Campbell  
David Reynolds



800  
26.72 AC.

CS # 2361 1/4  
CIR. CT. CASE # 17254  
12/5/67

PREVIOUS  
VACATION

CS# 2361

DIRE. NO 162-93  
INST. NO 93-7513

1000  
1.66 AC.

801  
2.04 AC.

M.C.

NO.

J

V.P.

2518 + 55.0 BR

T=1/2

2523 + C

25



EXHIBIT 2

April 29, 2008

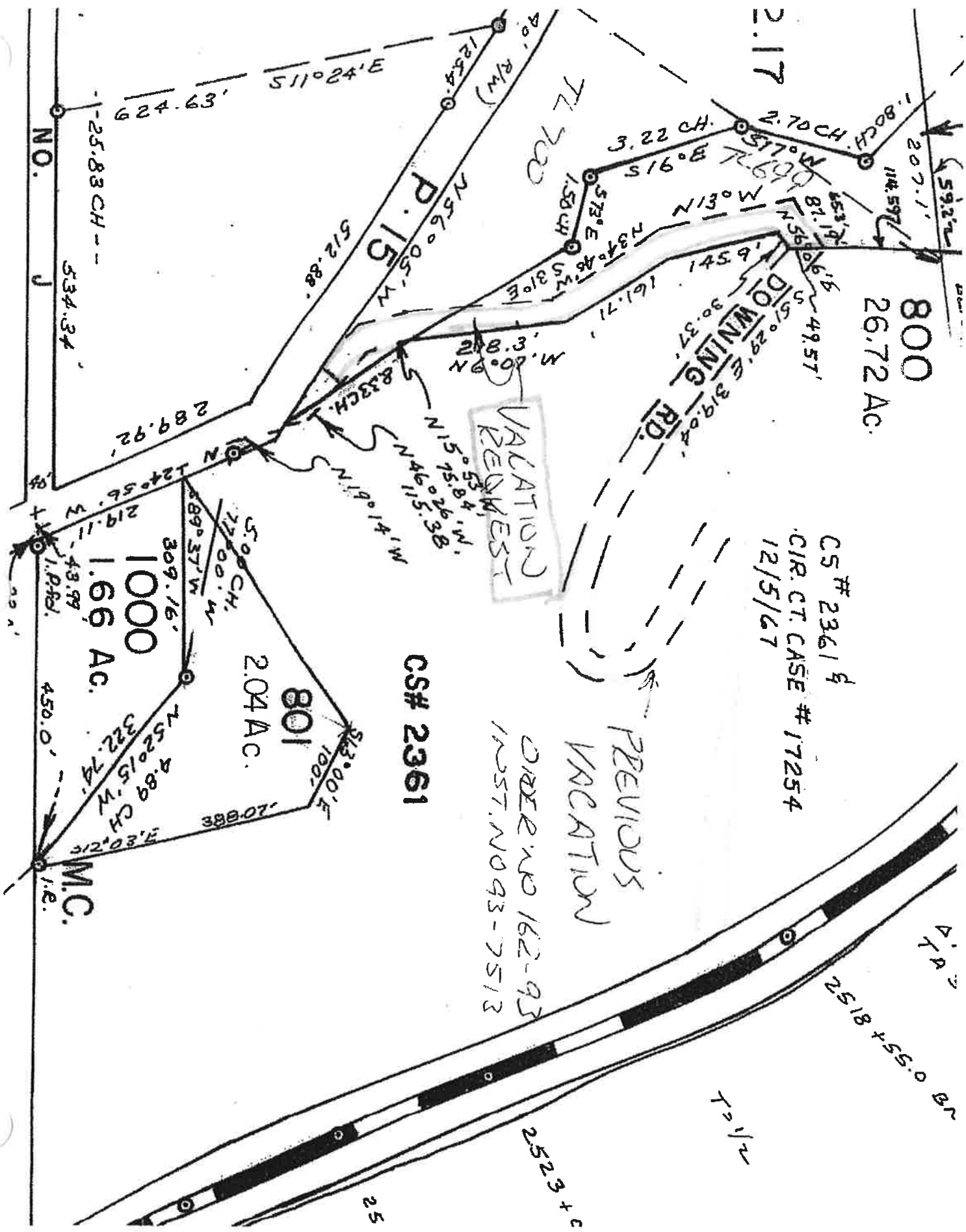
Legal Description  
Vacation of a portion of  
Atkins County Road No. 26

A portion of Atkins County Road No. 26 situated in the Southeast quarter of Section 28, Township 8 North, Range 3 West, Willamette Meridian, Columbia County, Oregon and being 20.00 feet on each side of the following described centerline:

Beginning at the point of intersection of the Downing Log chute and the centerline of Atkins County Road No. 26 (Downing Road on map), said point being the point of beginning of the Atkins County Road Vacation as recorded in Instrument No. 93-7513, Clerk's Records of Columbia County, Oregon; thence Southerly to a point which is which is 50.00 feet Northerly from the intersection of said centerline of Atkins County Road with the Northeasterly right of way line of John McAdams County Road No. P-15 and the end of this vacation.

The Northerly end of the above described vacation shall be co terminus with the beginning of said Atkins County Road No. 26 vacation. The Southerly end of the above described vacation shall terminate perpendicular to the centerline of Atkins County Road No. 26.





800  
26.72 AC.

CS # 2361 4  
CIR. CT. CASE # 17254  
12/5/67

PREVIOUS  
VACATION

DIRE. NO 162-93  
INST. NO 93-7513

CS# 2361

801  
2.04 AC.

1000  
1.66 AC.

NO. J  
534.34  
25.83 CH

M.C.  
1.E.

VIA

2518 + 55.0 BR

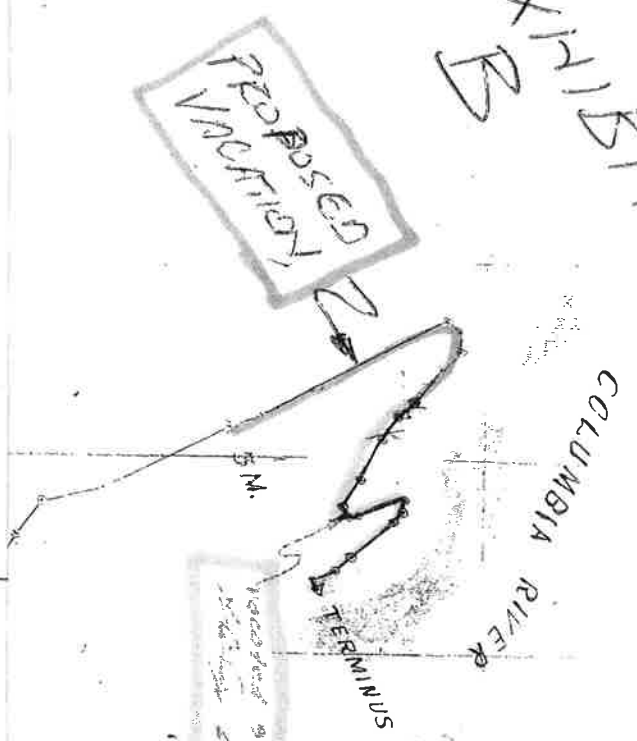
T = 1/2

2523 + C

25

# Map of Road Survey No. 26

EXHIBIT  
B



RECORDED 9-1-93 Inst. # 23-7515  
of the High & Low Surveyors

Beginning at the corner to dook  
9-10-15 of 1607 12.12.5 of dook's terminus  
along at the N.E. corner of R. Downings  
what was the Redman's place  
Surveyed on the 26-27 by S.S. G.  
Chapman & W. W. S. S. S.  
Fred W. Chapman is the Surveyor and  
the N.E. corner  
Scale 20 chains to 1 inch.

BEGINNING PT.

Does not certify that the above  
is a true and correct map of road  
survey No. 26, made to a scale of 20  
chains to 1 inch, from the original notes  
taken by myself in actual surveying work  
in 1893 for this survey.

John A. Williams  
Surveyor  
Oregon

CONSENT OF ABUTTING PROPERTY OWNER(S)

(Each co-owner of abutting property must sign)

- 1. Name(s) of abutting property owner(s): DONALD CAMPBELL AND THEORA CAMPBELL
- 2. Mailing address of abutting property owner(s): PO BOX 1115, RAINIER OREGON 97048
- 3. Legal description of abutting [YOUR] property (attach additional sheets if necessary; your deed or title report can be attached in lieu of writing legal description): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Tax Account No. 5328-000-00800

- 4. Legal description of property proposed for vacation (attach additional sheets if necessary): BEGINNING AT THE PORTION OF ATKINS COUNTY ROAD NO. 26 THAT WAS VACATED BY ORDER NO. 162-93 (COMMISSIONER JOURNAL 41, P 81) THENCE SOUTHERLY TO ITS INTERSECTION WITH ALSTON MAYBER ROAD ALL IN SECTION 28, T 8N, R 3W, WM
- 5. I/We am/are the owner(s) of the above-described property abutting the property proposed to be vacated and consent to the proposed vacation.

Donald Campbell 11-12-07  
 (Property Owner's Signature) Date

Theora Campbell 11-12-07  
 (Co-Property Owner's Signature [if any]) Date

STATE OF OREGON )  
 ) ss.  
 County of Yamhill Columbia )

The foregoing instrument was acknowledged before me this 12<sup>TH</sup> day of NOVEMBER, 2007, by DONALD CAMPBELL AND THEORA CAMPBELL



C. Arthur Bradley  
 Notary Public for Oregon  
 My Commission Expires: Aug 4, 2008

EXHIBIT A

### BARGAIN AND SALE DEED

KNOW ALL BY THESE PRESENTS that DONALD CAMPBELL Hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto DONALD CAMPBELL AND THEORA CAMPBELL, husband and wife Hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in COLUMBIA County, State of Oregon, described as follows, to-wit:

AS ATTACHED HERETO AS EXHIBIT "A" AND BY THIS <sup>REFERENCE</sup> (REFERENE) INCORPORATED HEREIN

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.  
The true and actual consideration paid for this transfer, stated in terms of dollars is \$0.00  
However, the actual consideration consists of or includes other property of value given or promised which is part of the  the whole (indicate which) consideration.

IN WITNESS WHEREOF, the grantor has executed the instrument on SEPTEMBER 1, 2004  
If grantor is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

Donald Campbell  
DONALD CAMPBELL

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATION. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930

FIRST AMERICAN TITLE COMPANY ORDER NO. 20400794

STATE OF OREGON, COUNTY OF COLUMBIA). SS.

This foregoing instrument was acknowledged Before me this 1<sup>st</sup> day of SEPTEMBER, 2004.

By DONALD CAMPBELL

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_) SS.

This foregoing instrument was acknowledged Before me this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

By \_\_\_\_\_  
And By \_\_\_\_\_  
Of \_\_\_\_\_  
A corporation, on behalf of the corporation

Notary Public for Oregon  
My Commission Expires: June 8, 2008

Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_



SEAL

SEAL

Title Order No:  
Escrow No:  
AFTER RECORDING RETURN TO:  
DONALD CAMPBELL AND THEORA CAMPBELL  
25680 NW MORELAND ROAD  
NORTH PLAINS, OR 97133

UNTIL A CHANGE IS REQUESTED, TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING ADDRESS:  
SAME AS ABOVE

#### THIS SPACE RESERVED FOR RECORDER'S USE

COLUMBIA COUNTY, OREGON 2004-011498  
DEED-D  
Cnt=1 Sin=8 HUSERB 08/02/2004 02:00:59 PM  
\$10.00 \$11.00 \$10.00 Total: \$31.00

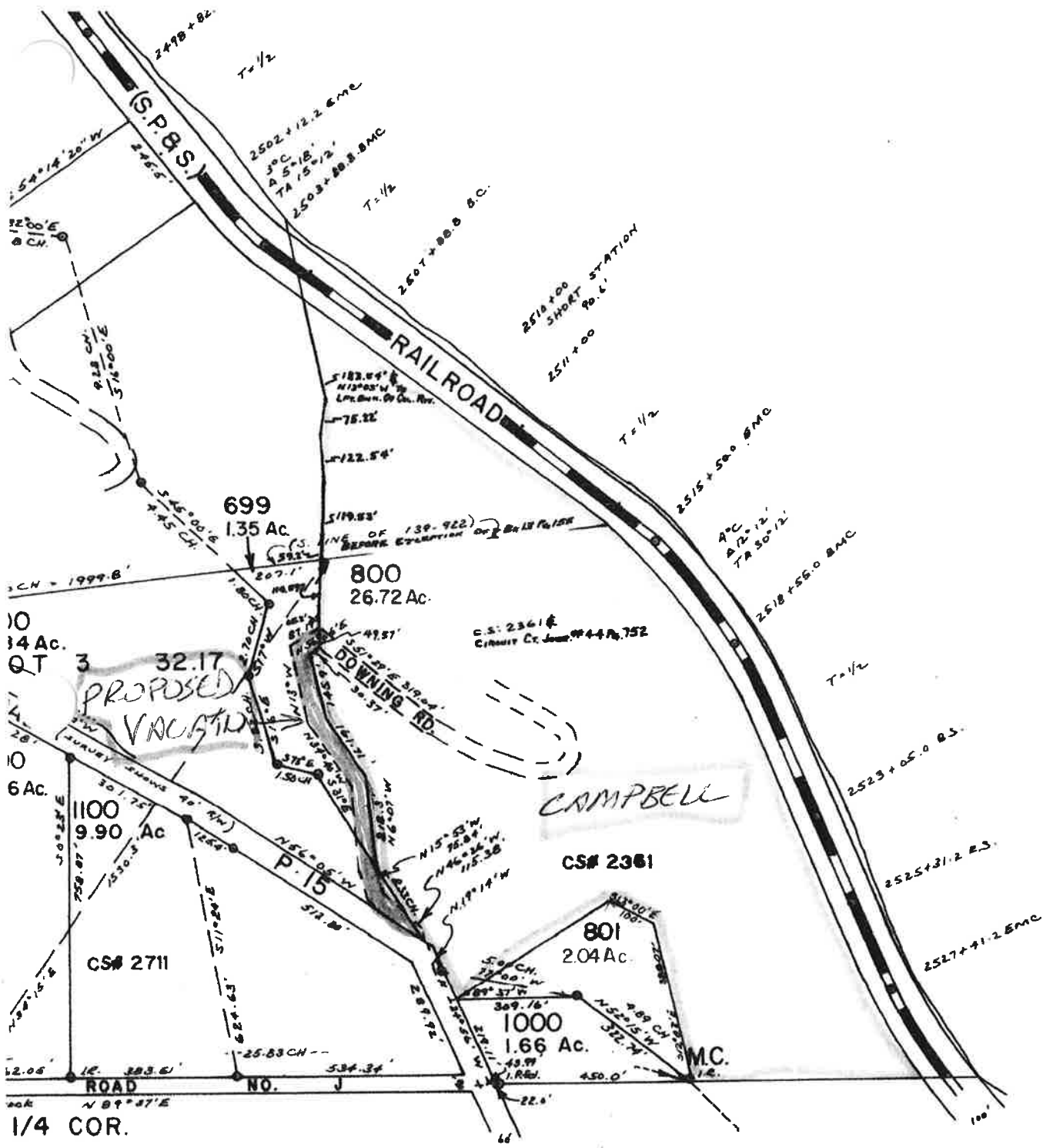


I, Elizabeth E. Huser, County Clerk for Columbia County, Oregon certify that the instrument identified herein was recorded in the Clerk records.  
Elizabeth E. Huser - County Clerk

~~XXXXXXXXXX~~  
LEGAL DESCRIPTION

A tract of land situate in Section 28, Township 8 North, Range 3 West, of the Willamette Meridian, more particularly described as follows:

BEGINNING at a point on the Section line which is North 89° 37' 00" East 1254.9 feet from the South quarter corner of Section 28, Township 8 North, Range 3 West of the Willamette Meridian, Columbia County, Oregon;  
Thence South 89° 37' 00" West along the Section line a distance of 22.00 feet to the Easterly right of way line of the County Road;  
Thence North 24° 56' 00" West along said right of way a distance of 219.11 feet to the TRUE POINT OF BEGINNING;  
Thence North 24° 56' 00" West 90.71 feet to the Easterly right of way line of Downing Road;  
Thence following said Downing Road right of way North 19° 14' 00" West a distance of 93.55 feet;  
Thence North 46° 26' 00" West a distance of 115.38 feet;  
Thence North 15° 53' 00" West a distance of 75.84 feet;  
Thence North 06° 07' 00" West a distance of 218.3 feet;  
Thence North 34° 40' 00" West a distance of 161.71 feet;  
Thence North 13° 00' 00" West a distance of 145.9 feet;  
Thence North 56° 06' 00" East a distance of 30.37 feet;  
Thence crossing said Downing Road North 02° 18' 00" East a distance of 49.57 feet to a point in the centerline of the Old Downing Log Chute;  
Thence following said centerline North 09° 30' 00" East a distance of 65.3 feet;  
Thence North 04° 11' 00" East a distance of 173.79 feet;  
Thence North 01° 17' 00" East a distance of 119.53 feet;  
Thence North 05° 08' 00" West a distance of 122.44 feet;  
Thence North 08° 37' 00" East a distance of 75.22 feet;  
Thence North 13° 03' 00" West a distance of 183.54 feet to the Southwesterly right of way line of the Spokane, Portland and Seattle Railway;  
Thence continuing said North 13° 03' 00" West to the left bank of the Columbia River;  
Thence following said left bank Southeasterly up said River to its intersection with the South line of Section 28 aforesaid;  
Thence South 89° 37' 00" West along said Section line to a point 472 feet East of intersection of said and the Section line and the County Road;  
Thence North 52° 15' 00" West a distance of 322.74 feet;  
Thence North 89° 37' 00" East a distance of 309.16 feet to the TRUE POINT OF BEGINNING;  
EXCEPTING THEREFROM tract described to Gordon D. Leever et ux by deed recorded July 16, 1987 in Book 270, Page 104, Deed Records of Columbia County, Oregon.



8 3 33

8 3 28

CONSENT OF ABUTTING PROPERTY OWNER(S)  
(Each co-owner of abutting property must sign)

1. Name(s) of abutting property owner(s): Walter G. Posch, William G. Posch, Donna D. Jackson and Zachary W. Posch
2. Mailing address of abutting property owner(s): c/o Walter Posch, 79003 Alston Mayger Rd, Rainier, OR 97048
3. Legal Description of abutting [YOUR] property (attach additional sheets if necessary; your deed or title report can be attached in lieu of writing legal description): See attached Exhibit A
4. Legal description of property proposed for vacation (attach additional sheets if necessary): See attached Exhibit B
5. I/We am/are the owner(s) of the above-described property abutting the property proposed to be vacated and consent to the proposed vacation.

Dated 10, 20, 2008

Walter G. Posch  
Walter G. Posch by Miriam R. Posch POA

William G. Posch  
William G. Posch

Donna D. Jackson

Zachary W. Posch  
Zachary W. Posch

State of Oregon )  
                                  )  
County of Columbia )

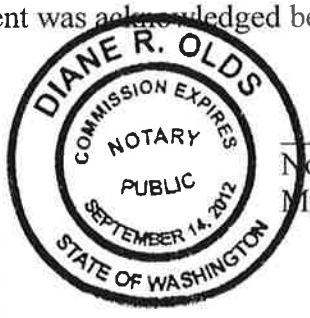
The foregoing instrument was acknowledged before me this 20 day of October, 2008 by Miriam R. Posch pursuant to Power of Attorney for Walter G. Posch.



Maree A. Colton  
Notary Public for Oregon WA  
My Commission expires: 1-5-2011

State of Washington )  
County of Columbia )

The foregoing instrument was acknowledged before me this 8 day of October, 2008 by William G. Posch.



Diane R. Olds  
Notary Public for Oregon  
My Commission expires: 9/14/12

State of Montana )  
County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2008 by Donna D. Jackson.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission expires: \_\_\_\_\_

State of Washington )  
County of Columbia )

The foregoing instrument was acknowledged before me this 8 day of October, 2008 by Zachary W. Posch.



Diane R. Olds  
Notary Public for Oregon Washington  
My Commission expires: 9/14/12



28 8-3 (17) Tz 700

BOOK 189 PAGE 126

## DEED

KNOW ALL MEN BY THESE PRESENTS, That we, Glenn H. Osborn and Norma J. Osborn, husband and wife, hereinafter called the GRANTORS, for the consideration hereinafter stated, to GRANTEES paid by George E. Posch and Ethel Lozetta Posch, husband and wife, hereinafter called the GRANTEEES, do hereby grant, bargain, sell and convey unto the said GRANTEEES and their heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Columbia and State of Oregon, described as follows, to-wit:

That portion of the following described tract lying North and East of road:

Beginning at the quarter section corner on the South boundary of Section 28 in Township 8 North, Range 3 West of the Willamette Meridian, Columbia County, Oregon; running thence West on Section line 20 chains to the Southwest corner of the Southeast quarter of the Southwest quarter of said Section 28; thence North on sixteenth section line 15 chains; thence (variation North 21° 30' East) North 43° East 30.30 chains to the U. S. Meander line on the Westerly bank of the Columbia River; thence upstream following the said meander line South 45° East 1.80 chains; South 17° West 2.70 chains; South 16° East 1.22 chains; South 73° East 1.50 chains; South 31° East 8.33 chains; South 77° East 5.00 chains; South 52 1/4° East 4.89 chains to the meander corner on the line between Sections 28 and 33; thence West on section line 25.83 chains to the place of beginning; excepting therefrom the following:

(1) The tract of land conveyed to John Holderf by John T. Wilson and wife by deed recorded June 12, 1902, in Book 2, page 231 of Deed Records of Columbia County, Oregon.

(2) Rights of way for 99 years conveyed to John E. Carlson by John T. Wilson and wife by agreement recorded June 2, 1910, in Book 13, page 418 of Deed Records of Columbia County, Oregon.

(3) The 40 foot strip for road conveyed to Columbia County by Ida Anderson and husband by deed recorded February 14, 1911, in Book 14, page 426 of Deed Records of Columbia County, Oregon.

(4) 100 foot strip for railroad right of way as described in deed from William J. Sanborn and wife to Astoria and Columbia River Railroad Company, recorded November 5, 1895, in Book Q, page 178 of Deed Records of Columbia County, Oregon.

(5) The tract of land conveyed to Eleanor M. Bondshadler by deed recorded June 29, 1966 in Book 152, page 117 of Deed Records of Columbia County, Oregon.

(6) The tract of land conveyed to John A. Mustola et ux by deed recorded August 11, 1966 in Book 162, page 492 of Deed Records of Columbia County, Oregon.

(7) That portion of land set over to Charles A. Bondshadler et ux as described in decree dated December 5, 1967 in Suit No. 17254 in State Circuit Court.

## SUBJECT TO:

1. Rights of the public in roads and highways.
2. "A right of way for a wagon road over and across above described tract retained by grantors," as excepted from deed from William J. Sanborn and wife to John T. Wilson, recorded in Book Z, page 205 of Deed Records of Columbia County, Oregon.
3. Perpetual right of way for electric transmission line granted by Fritz Anderson and wife, to Inland Power and Light Company by deed recorded May 19, 1931, in Book 53, page 21, of Deed Records, Columbia County, Oregon, reference to which is hereby made.

## ALSO SUBJECT TO:

Mortgage, including the terms and provisions thereof, executed by Glenn H. Osborn and Norma J. Osborn, husband and wife, to First Federal Savings and Loan Association of Longview, a Federal Corporation, dated June 11, 1962, recorded June 12, 1962, in Book 90, page 123, Mortgage Records of Columbia County, Oregon, given to secure the payment of a note for \$8,500.00, with interest thereon.

GRANTEES assume said mortgage and agree to pay the same off according to the tenor thereof.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$11,000.00; of which \$1,500.00 is in money and approximately \$7,500.00 is an assumption of the above mortgage. Sellers warrant that the balance owing on said mortgage is approximately \$7,500.00.

TO HAVE AND TO HOLD the same unto the said GRANTEES and their heirs, successors and assigns forever.

And said GRANTORS hereby covenant to and with said GRANTEES and their heirs, successors and assigns, that GRANTORS are lawfully seized in fee simple of the above granted premises, free from all encumbrances, except as noted hereinbefore, and that GRANTORS will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whatsoever, except those claiming under the above described encumbrances.

WITNESS GRANTORS' hands this 29th day of April, 1968.

Glenn H. Osborn  
Norma J. Osborn

STATE OF OREGON }  
County of Columbia } 33

BOOK 169 PAGE 128

April 29, 1968. Personally appeared the within named  
Glenn H. Osborn and Norma J. Osborn, husband and wife, and acknowl-  
edged the foregoing instrument to be their voluntary act and deed,  
Before me:



*H. W. Clifford*  
Notary Public for Oregon.

My Commission expires H. W. CLIFFORD  
My Commission Expires March 31, 1970

2372

STATE OF OREGON  
COLUMBIA COUNTY  
RECORDED OR FILED

MAY 3 2 23 PM '68

BOOK 169 PAGE 128

KOY & WILSON CO CLK

BY *[Signature]*

DEED  
Page Three

QUITCLAIM DEED

COLUMBIA COUNTY, a political subdivision of the State of Oregon, Grantor, releases and quitclaims to GEORGE POSCH, ETHEL L. POSCH and ZACHARY WILLIAM POSCH, Grantees, all right, title and interest in and to the following described real property:

Tax Account No. 03-06 8328-000-00699

A parcel of land as depicted on County Survey #2361 in Section 28, T8N, R3W, W.M., Columbia County, Oregon and more particularly described as follows:

Beginning at the South 1/4 corner of Section 28, T8N, R3W, etc; thence N89 degrees 37'E 1254.9'; Thence S89 degrees 37'W 22.0'; Thence N24 degrees 56'W 309.82'; Thence N19 degrees 14'W 93.55'; Thence N46 degrees 26'W 115.38'; Thence N15 degrees 53'W 75.84'; Thence N6 degrees 07'W 26.0' to the true point of beginning, Sd point also being the most Northerly point of intersection between the Easterly R/W line of Downing Rd & the "U.S. Meander Line on the West Bank of the Columbia River"; Thence following Sd Meander line N31 degrees 00'W 341.78'; N73 degrees W 99'; Thence N 16 degrees W 212.52'; Thence N17 degrees E 178.2'; Thence N45 degrees W 118.8'; Thence leaving said Meander N83 degrees E 207.1' to a point in the center of the Old-Downing Log Chute that is N34 degrees 15'E 1530.3'+ from Sd South 1/4 corner; Thence along Sd center S4 degrees 11'W a distance of 114.59'; Thence S9 degrees 30' W 65.3' to the most Northerly point on the R/W of Sd. Downing Road; Thence leaving Sd chute center S2 degrees 18'W a distance of 49.57' to the Southerly R/W of Sd. Downing Road; Thence following Sd. R/W S56 degrees 06'W 30.37'; Thence S13 degrees E 145.9'; Thence S34 degrees 40'E 161.71'; Thence S6 degrees 07'E 192.3' to the true point of beginning.

The true consideration for this conveyance is \$1,800.00.

This conveyance is subject to the following exceptions, reservations and conditions:

1. This property is conveyed AS-IS without covenants or warranties, subject to any municipal liens, easements and encumbrances of record.

2. All rights to any county, public, forest or C.C.C. roads, are hereby reserved for the benefit of Columbia County, Oregon.

3. All rights to any minerals, mineral rights, ore, metals, metallic clay, oil, gas or hydrocarbon substances in, on or under said property, if any, including the use of such water from springs, creeks, lakes or wells to be drilled or dug upon the premises as may be necessary or convenient for such exploration or mining operations, are specifically excepted, reserved and retained for the benefit of Columbia County, Oregon, together with the right of ingress and egress thereto for the purpose of exercising the rights hereby excepted, reserved and retained.

QUITCLAIM DEED - 1.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

DATED this 4th day of April, 1990.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: Jack R. Peterson  
Chairman

By: Max W. Dillard  
Commissioner

By: Michael J. Sykes  
Commissioner

STATE OF OREGON }  
County of Columbia } ss.

THIS INSTRUMENT was acknowledged before me on April 4, 1990 by Jack R. Peterson, Max W. "Sandy" Dillard and Michael J. Sykes as Commissioners of Columbia County, Oregon on behalf of which the instrument was executed.

(SEAL)

Cherie Harker  
Notary Public for Oregon  
My Commission Expires: 12-14-91

I hereby certify that the within instrument was received for record and recorded in the County of Columbia, State of Oregon.

1882 50 APR 13 11:44

Instrument # 90-1587  
Pages 3

ELIZABETH HUSER, County Clerk

By: Elizabeth Huser Deputy

Receipt # Pres 500

000000

QUITCLAIM DEED - 2.

Exhibit B

April 29, 2008

Legal Description  
Vacation of a portion of  
Atkins County Road No. 26

A portion of Atkins County Road No. 26 situated in the Southeast quarter of Section 28, Township 8 North, Range 3 West, Willamette Meridian, Columbia County, Oregon and being 20.00 feet on each side of the following described centerline:

Beginning at the point of intersection of the Downing Log chute and the centerline of Atkins County Road No. 26 (Downing Road on map), said point being the point of beginning of the Atkins County Road Vacation as recorded in Instrument No. 93-7513, Clerk's Records of Columbia County, Oregon; thence Southerly to a point which is which is 50.00 feet Northerly from the intersection of said centerline of Atkins County Road with the Northeasterly right of way line of John McAdams County Road No. P-15 and the end of this vacation.

The Northerly end of the above described vacation shall be co terminus with the beginning of said Atkins County Road No. 26 vacation. The Southerly end of the above described vacation shall terminate perpendicular to the centerline of Atkins County Road No. 26.

EXHIBIT 6

CONSENT OF ABUTTING PROPERTY OWNER(S)  
(Each co-owner of abutting property must sign)

1. Name(s) of abutting property owner(s): Walter G. Posch, William G. Posch, Donna D. Jackson and Zachary W. Posch
2. Mailing address of abutting property owner(s): c/o Walter Posch, 79003 Alston Mayger Rd, Rainier, OR 97048
3. Legal Description of abutting [YOUR] property (attach additional sheets if necessary; your deed or title report can be attached in lieu of writing legal description): See attached Exhibit A
4. Legal description of property proposed for vacation (attach additional sheets if necessary): See attached Exhibit B
5. I/We am/are the owner(s) of the above-described property abutting the property proposed to be vacated and consent to the proposed vacation.

Dated 9/09, 2008

\_\_\_\_\_  
Walter G. Posch by Miriam R. Posch POA

\_\_\_\_\_  
William G. Posch

Donna D. Jackson  
Donna D. Jackson

\_\_\_\_\_  
Zachary W. Posch

State of Oregon            )  
  )  
County of Columbia        )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2008 by Miriam R. Posch pursuant to Power of Attorney for Walter G. Posch.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission expires: \_\_\_\_\_

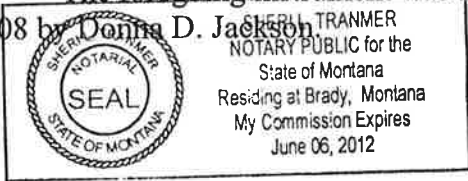
State of Oregon )  
 )  
County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2008 by William G. Posch.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission expires: \_\_\_\_\_

State of Montana )  
 )  
County of Pondera )

The foregoing instrument was acknowledged before me this 9 day of Sept,  
2008 by Donna D. Jackson



Sheril Tranmer  
Notary Public for ~~Oregon~~ Montana  
My Commission expires: 6-6-2012

State of Oregon )  
 )  
County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2008 by Zachary W. Posch.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission expires: \_\_\_\_\_



28 8-3 (17) TL 700

Box 189 No. 126

## DEED

KNOW ALL MEN BY THESE PRESENTS, That we, Glenn H. Osborn and Norma J. Osborn, husband and wife, hereinafter called the GRANTORS, for the consideration hereinafter stated, to GRANTEES paid by George E. Pasch and Ethel Lozetta Pasch, husband and wife, hereinafter called the GRANTEES, do hereby grant, bargain, sell and convey unto the said GRANTEES and their heirs, successors and assigns; that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Columbia and State of Oregon, described as follows, to-wit:

That portion of the following described tract lying North and East of road:  
Beginning at the quarter section corner on the South boundary of Section 28 in Township 6 North, Range 3 West of the Willamette Meridian, Columbia County, Oregon; running thence West on Section line 20 chains to the Southwest corner of the Southeast quarter of the Southwest quarter of said Section 28; thence North on sixteenth section line 15 chains; thence (variation North 21° 30' East) North 83° East 30.30 chains to the U. S. Meander line on the westerly bank of the Columbia River; thence upstream following the said meander line South 45° East 1.80 chains; South 17° West 2.70 chains; South 16° East 3.22 chains; South 73° East 1.50 chains; South 31° East 8.33 chains; South 77° East 5.00 chains; South 52 1/4° East 4.89 chains to the meander corner on the line between Sections 28 and 33; thence West on section line 25.83 chains to the place of beginning; excepting therefrom the following:

- (1) The tract of land conveyed to John Holdorf by John T. Wilson and wife by deed recorded June 12, 1902, in Book 2, page 231 of Deed Records of Columbia County, Oregon.
- (2) Rights of way for 99 years conveyed to John E. Carlson by John T. Wilson and wife by agreement recorded June 2, 1910, in Book 13, page 438 of Deed Records of Columbia County, Oregon.
- (3) The 40 foot strip for road conveyed to Columbia County by Ida Anderson and husband by deed recorded February 14, 1911, in Book 14, page 426 of Deed Records of Columbia County, Oregon.
- (4) 100 foot strip for railroad right of way as described in deed from William J. Sanborn and wife to Astoria and Columbia River Railroad Company, recorded November 5, 1895, in Book Q, page 178 of Deed Records of Columbia County, Oregon.
- (5) The tract of land conveyed to Eleanor H. Bondshadler by deed recorded June 29, 1966 in Book 162, page 117 of Deed Records of Columbia County, Oregon.
- (6) The tract of land conveyed to John A. Mustola et ux by deed recorded August 11, 1966 in Book 162, page 492 of Deed Records of Columbia County, Oregon.
- (7) That portion of land set over to Charles A. Bondshadler et ux as described in decree dated December 5, 1967 in Suit No. 17254 in State Circuit Court.

## SUBJECT TO:

1. Rights of the public in roads and highways.
2. "A right of way for a wagon road over and across above described tract retained by grantors," as excepted from deed from William J. Osborn and wife to John T. Wilson, recorded in Book Z, page 205 of Deed Records of Columbia County, Oregon.
3. Perpetual right of way for electric transmission line granted by Fritz Anderson and wife, to Inland Power and Light Company by deed recorded May 19, 1931, in Book 53, page 21, of Deed Records, Columbia County, Oregon, reference to which is hereby made.

## ALSO SUBJECT TO:

Mortgage, including the terms and provisions thereof, executed by Glenn H. Osborn and Norma J. Osborn, husband and wife, to First Federal Savings and Loan Association of Longview, a Federal Corporation, dated June 11, 1962, recorded June 12, 1962, in Book 90, page 123, Mortgage Records of Columbia County, Oregon, given to secure the payment of a note for \$8,500.00, with interest thereon.

GRANTEES assumes said mortgage and agrees to pay the same off according to the tenor thereof.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$11,000.00, of which \$1,500.00 is in money and approximately \$7,500.00 is an assumption of the above mortgage. Sellers warrant that the balance owing on said mortgage is approximately \$7,500.00.

TO HAVE AND TO HOLD the same unto the said GRANTEES and their heirs, successors and assigns forever.

And said GRANTORS hereby covenant to and with said GRANTEES and their heirs, successors and assigns, that GRANTORS are lawfully seized in fee simple of the above granted premises, free from all encumbrances, except as noted hereinbefore, and that GRANTORS will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whatsoever, except those claiming under the above described encumbrances.

WITNESS GRANTORS' hands this 29th day of April, 1960.

Glenn H. Osborn  
Norma J. Osborn

STATE OF OREGON  
County of Columbia

BOOK 169 PAGE 128

April 29, 1960. Personally appeared the within named  
Glenn H. Osborn and Norma J. Osborn, husband and wife, and acknowl-  
edged the foregoing instrument to be their voluntary act and deed.  
Before me:



*H. W. Clifford*  
Notary Public for Oregon  
My Commission expires H. W. CLIFFORD  
My Commission Expires March 31, 1970

2372

STATE OF OREGON  
COLUMBIA COUNTY  
RECORDED OR FILED

MAY 3 2 23 PM '60  
BOOK 169 PAGE 128  
ROY J. NELSON CO CLK

DRED  
Page Three

QUITCLAIM DEED

COLUMBIA COUNTY, a political subdivision of the State of Oregon, Grantor, releases and quitclaims to GEORGE POSCH, ETHEL L. POSCH and ZACHARY WILLIAM POSCH, Grantees, all right, title and interest in and to the following described real property:

Tax Account No. 03-06 8328-000-00699

A parcel of land as depicted on County Survey #2361 in Section 28, T8N, R3W, W.H., Columbia County, Oregon and more particularly described as follows:

Beginning at the South 1/4 corner of Section 28, T8N, R3W, etc; thence N89 degrees 37'E 1254.9'; Thence S89 degrees 37'W 22.0'; Thence N24 degrees 56'W 309.82'; Thence N19 degrees 14'W 93.55'; Thence N46 degrees 26'W 115.38'; Thence N15 degrees 53'W 75.84'; Thence N6 degrees 07'W 26.0' to the true point of beginning, Sd point also being the most Northerly point of intersection between the Easterly R/W line of Downing Rd & the "U.S. Meander Line on the West Bank of the Columbia River"; Thence following Sd Meander line N31 degrees 00'W 341.78'; N73 degrees W 99'; Thence N 16 degrees W 212.52'; Thence N17 degrees E 178.2'; Thence N45 degrees W 118.8'; Thence leaving said Meander N83 degrees E 207.1' to a point in the center of the Old Downing Log Chute that is N34 degrees 15'E 1530.3'+ from Sd South 1/4 corner; Thence along Sd center S4 degrees 11'W a distance of 114.59'; Thence S9 degrees 30' W 65.3' to the most Northerly point on the R/W of Sd. Downing Road; Thence leaving Sd chute center S2 degrees 18'W a distance of 49.57' to the Southerly R/W of Sd. Downing Road; Thence following Sd. R/W S56 degrees 06'W 30.37'; Thence S13 degrees E 145.9'; Thence S34 degrees 40'E 161.71'; Thence S6 degrees 07'E 192.3' to the true point of beginning.

The true consideration for this conveyance is \$1,800.00.

This conveyance is subject to the following exceptions, reservations, and conditions:

1. This property is conveyed AS-IS without covenants or warranties, subject to any municipal liens, easements and encumbrances of record.
2. All rights to any county, public, forest or C.C.C. roads, are hereby reserved for the benefit of Columbia County, Oregon.
3. All rights to any minerals, mineral rights, ore, metals, metallic clay, oil, gas or hydrocarbon substances in, on or under said property, if any, including the use of such water from springs, creeks, lakes or wells to be drilled or dug upon the premises as may be necessary or convenient for such exploration or mining operations, are specifically excepted, reserved and retained for the benefit of Columbia County, Oregon, together with the right of ingress and egress thereto for the purpose of exercising the rights hereby excepted, reserved and retained.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

DATED this 4th day of April, 1990.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: Jack R. Peterson  
Chairman  
By: Max W. Dillard  
Commissioner  
By: Michael J. Sykes  
Commissioner

STATE OF OREGON )  
County of Columbia ) ss.

THIS INSTRUMENT was acknowledged before me on April 4, 1990 by Jack R. Peterson, Max W. "Sandy" Dillard and Michael J. Sykes as Commissioners of Columbia County, Oregon on behalf of which the instrument was executed.

(SEAL)

Cherie Hayler  
Notary Public for Oregon  
My Commission Expires 12-14-91

I hereby certify that the within instrument was received for record and recorded in the County of Columbia, State of Oregon.

1882 90 APR 13 11:44

Instrument # 90-1882  
Pages 3

ELIZABETH HUSSEY, County Clerk  
By: Sally Hussey, Deputy

Receipt # Free \$ 5.00

SSSSSS

QUITCLAIM DEED - 2 -

Exhibit B

April 29, 2008

Legal Description  
Vacation of a portion of  
Atkins County Road No. 26

A portion of Atkins County Road No. 26 situated in the Southeast quarter of Section 28, Township 8 North, Range 3 West, Willamette Meridian, Columbia County, Oregon and being 20.00 feet on each side of the following described centerline:

Beginning at the point of intersection of the Downing Log chute and the centerline of Atkins County Road No. 26 (Downing Road on map), said point being the point of beginning of the Atkins County Road Vacation as recorded in Instrument No. 93-7513, Clerk's Records of Columbia County, Oregon; thence Southerly to a point which is which is 50.00 feet Northerly from the intersection of said centerline of Atkins County Road with the Northeasterly right of way line of John McAdams County Road No. P-15 and the end of this vacation.

The Northerly end of the above described vacation shall be co terminus with the beginning of said Atkins County Road No. 26 vacation. The Southerly end of the above described vacation shall terminate perpendicular to the centerline of Atkins County Road No. 26.

EXHIBIT 7

RECIPROCAL EASEMENTS

Walter G. Posch, William G. Posch, Donna D. Jackson and Zachary W. Posch ("Posch") and Donald Campbell and Theora Campbell ("Campbell") grant the following easements.

1. Posch grants a perpetual, non-exclusive easement for road and utility purposes over that portion of the property described in Exhibit A that is owned by Posch and Campbell grants a perpetual, non-exclusive easement for road and utility purposes over that portion of the property described in Exhibit A that is owned by Campbell.
2. The road and utility easements are appurtenant to and are granted for the use and benefit of the property owned by Posch described in Exhibit B and the property owned by Campbell described in Exhibit C.
3. This document may be executed in counterparts, each of which shall be deemed to be an original and all of which together shall be deemed one and the same instrument.

Dated 9-20-08, 2008

\_\_\_\_\_  
Walter G. Posch by Miriam R. Posch POA

\_\_\_\_\_  
William G. Posch

\_\_\_\_\_  
Donna D. Jackson

\_\_\_\_\_  
Zachary W. Posch

\_\_\_\_\_  
Donald Campbell

\_\_\_\_\_  
Theora Campbell

After recording this document shall be returned to the following address:

Lawrence R. Derr  
425 10th Avenue, Ste 306  
Portland, OR 97209

Tax Acc'ts: 8328-00-00700, 8328-00-00699, 8328-00-00800  
Tax Map: 8N3W28-00-00700, 8N3W28-00-00699, 8N3W28-00-00800

State of Oregon )  
 )  
County of Columbia )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2008 by Miriam R. Posch pursuant to Power of Attorney for Walter G. Posch.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission expires: \_\_\_\_\_

State of Oregon )  
 )  
County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2008 by William G. Posch.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission expires: \_\_\_\_\_

State of Montana )  
 )  
County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2008 by Donna D. Jackson.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission expires: \_\_\_\_\_

State of Oregon )  
 )  
County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2008 by Zachary W. Posch.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission expires: \_\_\_\_\_



State of Oregon )  
County of Washington )

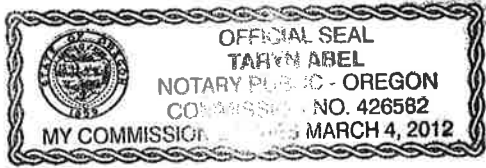
The foregoing instrument was acknowledged before me this 20 day of SEPT, 2008 by Donald Campbell.



Taryn Abel  
Notary Public for Oregon  
My Commission expires: March 4, 2012

State of Oregon )  
County of Washington )

The foregoing instrument was acknowledged before me this 20 day of SEPT, 2008 by Theora Campbell.



Taryn Abel  
Notary Public for Oregon  
My Commission expires: March 4 2012

Exhibit A

April 29, 2008

Legal Description  
Vacation of a portion of  
Atkins County Road No. 26

A portion of Atkins County Road No. 26 situated in the Southeast quarter of Section 28, Township 8 North, Range 3 West, Willamette Meridian, Columbia County, Oregon and being 20.00 feet on each side of the following described centerline:

Beginning at the point of intersection of the Downing Log chute and the centerline of Atkins County Road No. 26 (Downing Road on map), said point being the point of beginning of the Atkins County Road Vacation as recorded in Instrument No. 93-7513, Clerk's Records of Columbia County, Oregon; thence Southerly to a point which is which is 50.00 feet Northerly from the intersection of said centerline of Atkins County Road with the Northeasterly right of way line of John McAdams County Road No. P-15 and the end of this vacation.

The Northerly end of the above described vacation shall be co terminus with the beginning of said Atkins County Road No. 26 vacation. The Southerly end of the above described vacation shall terminate perpendicular to the centerline of Atkins County Road No. 26.

28 8-3 (17) T2 700

xxx 189 MC126

## DEED

KNOW ALL MEN BY THESE PRESENTS, That we, Glenn H. Osborn and Norma J. Osborn, husband and wife, hereinafter called the GRANTORS, for the consideration hereinafter stated, to GRANTEES paid by George E. Posch and Ethel Lozotta Posch, husband and wife, hereinafter called the GRANTEE, do hereby grant, bargain, sell and convey unto the said GRANTEE and their heirs, successors and assigns; that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Columbia and State of Oregon, described as follows, to-wit:

That portion of the following described tract lying North and East of road:

Beginning at the quarter section corner on the South boundary of Section 28 in Township 8 North, Range 3 West of the Willamette Meridian, Columbia County, Oregon; running thence West on Section line 20 chains to the Southwest corner of the Southeast quarter of the Southwest quarter of said Section 28; thence North on sixteenth section line 15 chains; thence (variation North 21° 30' East) North 03° East 30.30 chains to the U. S. Meander line on the Westerly bank of the Columbia River; thence upstream following the said meander line South 45° East 1.80 chains; South 17° West 2.70 chains; South 16° East 1.22 chains; South 73° East 1.50 chains; South 31° East 8.33 chains; South 77° East 5.00 chains; South 52 1/4° East 4.89 chains to the meander corner on the line between Sections 28 and 33; thence West on section line 25.83 chains to the place of beginning; excepting therefrom the following:

- (1) The tract of land conveyed to John Holdorf by John T. Wilson and wife by deed recorded June 12, 1902, in Book 2, page 231 of Deed Records of Columbia County, Oregon.
- (2) Rights of way for 99 years conveyed to John E. Carlson by John T. Wilson and wife by agreement recorded June 2, 1910, in Book 13, page 418 of Deed Records of Columbia County, Oregon.
- (3) The 40 foot strip for road conveyed to Columbia County by Ida Anderson and husband by deed recorded February 14, 1911, in Book 14, page 426 of Deed Records of Columbia County, Oregon.
- (4) 100 foot strip for railroad right of way as described in deed from William J. Sanborn and wife to Astoria and Columbia River Railroad Company, recorded November 5, 1895, in Book 9, page 178 of Deed Records of Columbia County, Oregon.
- (5) The tract of land conveyed to Eleanor H. Bondshadler by deed recorded June 29, 1966 in Book 162, page 117 of Deed Records of Columbia County, Oregon.
- (6) The tract of land conveyed to John A. Mustola et ux by deed recorded August 11, 1966 in Book 162, page 492 of Deed Records of Columbia County, Oregon.
- (7) That portion of land set over to Charles A. Bondshadler et ux as described in decree dated December 5, 1967 in Suit No. 17254 in State Circuit Court.

## SUBJECT TO:

1. Rights of the public in roads and highways.
2. "A right of way for a wagon road over and across above described tract retained by grantors," as excepted from deed from William J. Sanborn and wife to John T. Wilson, recorded in Book Z, page 205 of Deed Records of Columbia County, Oregon.
3. Perpetual right of way for electric transmission line granted by Fritz Anderson and wife, to Inland Power and Light Company by deed recorded May 19, 1931, in Book 53, page 21, of Deed Records, Columbia County, Oregon, reference to which is hereby made.

## ALSO SUBJECT TO:

Mortgage, including the terms and provisions thereof, executed by Glend H. Osborn and Norma J. Osborn, husband and wife, to First Federal Savings and Loan Association of Longview, a Federal Corporation, dated June 11, 1962, recorded June 12, 1962, in Book 90, page 123, Mortgage Records of Columbia County, Oregon, given to secure the payment of a note for \$8,500.00, with interest thereon.

GRANTEES assume said mortgage and agree to pay the same off according to the tenor thereof.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$11,000.00, of which \$1,500.00 is in money and approximately \$7,500.00 is an assumption of the above mortgage. Sellers warrant that the balance owing on said mortgage is approximately \$7,500.00.

TO HAVE AND TO HOLD the same unto the said GRANTEES and their heirs, successors and assigns forever.

And said GRANTORS hereby covenant to and with said GRANTEES and their heirs, successors and assigns, that GRANTORS are lawfully seized in fee simple of the above granted premises, free from all encumbrances, except as noted hereinbefore, and that GRANTORS will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whatsoever, except those claiming under the above described encumbrances.

WITNESS GRANTORS' hands this 29th day of April, 1968.

Glend H. Osborn  
Norma J. Osborn

STATE OF OREGON }  
County of Columbia } 33,

BOOK 169 PAGE 128

April 29, 1968. Personally appeared the within named  
Glenn H. Osborn and Norma J. Osborn, husband and wife, and acknowl-  
edged the foregoing instrument to be their voluntary act and deed,  
Before me:

*H. W. Clifton*  
Notary Public for Oregon

My Commission expires: H. W. CLIFTON  
My Commission Expires March 31, 1970



2372

STATE OF OREGON  
COLUMBIA COUNTY  
RECORDED OR FILED

MAY 3 2 23 PM '68  
BOOK 169 PAGE 128  
ROY JOHNSON CO CLK  
BY *[Signature]*



QUITCLAIM DEED

COLUMBIA COUNTY, a political subdivision of the State of Oregon, Grantor, releases and quitclaims to GEORGE POSCH, ETHEL L. POSCH and ZACHARY WILLIAM POSCH, Grantees, all right, title and interest in and to the following described real property:

Tax Account No. 03-06 8328-000-00699

A parcel of land as depicted on County Survey #2361 in Section 28, T8N, R3W, W.H., Columbia County, Oregon and more particularly described as follows:

Beginning at the South 1/4 corner of Section 28, T8N, R3W, etc; thence N89 degrees 37'E 1254.9'; Thence S89 degrees 37'W 22.0'; Thence N24 degrees 56'W 309.82'; Thence N19 degrees 14'W 93.55'; Thence N46 degrees 26'W 115.38'; Thence N15 degrees 53'W 75.84'; Thence N6 degrees 07'W 26.0' to the true point of beginning, Sd point also being the most Northerly point of intersection between the Easterly R/W line of Downing Rd & the "U.S. Meander Line on the West Bank of the Columbia River"; Thence following Sd Meander line N31 degrees 00'W 341.78'; N73 degrees W 99'; Thence N 16 degrees W 212.52'; Thence N17 degrees E 178.2'; Thence N45 degrees W 118.8'; Thence leaving said Meander N83 degrees E 207.1' to a point in the center of the Old Downing Log Chute that is N34 degrees 15'E 1530.3'+ from Sd South 1/4 corner; Thence along Sd center S4 degrees 11'W a distance of 114.59'; Thence S9 degrees 30' W 65.3' to the most Northerly point on the R/W of Sd. Downing Road; Thence leaving Sd chute center S2 degrees 18'W a distance of 49.57' to the Southerly R/W of Sd. Downing Road; Thence following Sd. R/W S56 degrees 06'W 30.37'; Thence S13 degrees E 145.9'; Thence S34 degrees 40'E 161.71'; Thence S6 degrees 07'E 192.3' to the true point of beginning.

The true consideration for this conveyance is \$1,800.00.

This conveyance is subject to the following exceptions, reservations and conditions:

1. This property is conveyed AS-IS without covenants or warranties, subject to any municipal liens, easements and encumbrances of record.
2. All rights to any county, public, forest or C.C.C. roads, are hereby reserved for the benefit of Columbia County, Oregon.
3. All rights to any minerals, mineral rights, ore, metals, metallic clay, oil, gas or hydrocarbon substances in, on or under said property, if any, including the use of such water from springs, creeks, lakes or wells to be drilled or dug upon the premises as may be necessary or convenient for such exploration or mining operations, are specifically excepted, reserved and retained for the benefit of Columbia County, Oregon, together with the right of ingress and egress thereto for the purpose of exercising the rights hereby excepted, reserved and retained.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

DATED this 4th day of April, 1990.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: [Signature]  
Chairman

By: [Signature]  
Commissioner

By: [Signature]  
Commissioner

STATE OF OREGON )  
                  ) ss.  
County of Columbia)

THIS INSTRUMENT was acknowledged before me on April 4, 1990 by Jack R. Peterson, Max W. "Sandy" Dillard and Michael J. Sykes as Commissioners of Columbia County, Oregon on behalf of which the instrument was executed.

(SEAL)

[Signature]  
Notary Public for Oregon  
My Commission Expires: 12-14-91

I hereby certify that the within instrument was received for record and recorded in the County of Columbia, State of Oregon.

1882 50 APR 13 AM 144

Instrument # 90-1882  
Pages 3

HEZARETH HUSER, County Clerk  
By: [Signature], Deputy

Receipt # 90-1882  
500000

Exhibit C

~~LEGAL DESCRIPTION~~  
LEGAL DESCRIPTION

A tract of land situate in Section 28, Township 8 North, Range 3 West, of the Willamette Meridian, more particularly described as follows:

BEGINNING at a point on the Section line which is North 89° 37' 00" East 1254.9 feet from the South quarter corner of Section 28, Township 8 North, Range 3 West of the Willamette Meridian, Columbia County, Oregon;  
Thence South 89° 37' 00" West along the Section line a distance of 22.00 feet to the Easterly right of way line of the County Road;  
Thence North 24° 56' 00" West along said right of way a distance of 219.11 feet to the TRUE POINT OF BEGINNING;  
Thence North 24° 56' 00" West 90.71 feet to the Easterly right of way line of Downing Road;  
Thence following said Downing Road right of way North 19° 14' 00" West a distance of 93.55 feet;  
Thence North 46° 26' 00" West a distance of 115.38 feet;  
Thence North 15° 53' 00" West a distance of 75.84 feet;  
Thence North 06° 07' 00" West a distance of 218.3 feet;  
Thence North 34° 40' 00" West a distance of 161.71 feet;  
Thence North 13° 00' 00" West a distance of 145.9 feet;  
Thence North 56° 06' 00" East a distance of 30.37 feet;  
Thence crossing said Downing Road North 02° 18' 00" East a distance of 49.57 feet to a point in the centerline of the Old Downing Log Chute;  
Thence following said centerline North 09° 30' 00" East a distance of 65.3 feet;  
Thence North 04° 11' 00" East a distance of 173.79 feet;  
Thence North 01° 17' 00" East a distance of 119.53 feet;  
Thence North 05° 08' 00" West a distance of 122.44 feet;  
Thence North 08° 37' 00" East a distance of 75.22 feet;  
Thence North 13° 03' 00" West a distance of 183.54 feet to the Southwesterly right of way line of the Spokane, Portland and Seattle Railway;  
Thence continuing North 13° 03' 00" West to the left bank of the Columbia River;  
Thence following said left bank Southeasterly up said River to its intersection with the South line of Section 28 aforesaid;  
Thence South 89° 37' 00" West along said Section line to a point 472 feet East of intersection of said and the Section line and the County Road;  
Thence North 52° 15' 00" West a distance of 322.74 feet;  
Thence North 89° 37' 00" East a distance of 309.16 feet to the TRUE POINT OF BEGINNING;  
EXCEPTING THEREFROM tract described to Gordon D. Leever et ux by deed recorded July 16, 1987 in Book 270, Page 104, Deed Records of Columbia County, Oregon.



EXHIBIT 8

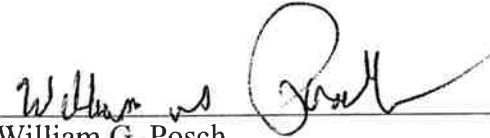
RECIPROCAL EASEMENTS

Walter G. Posch, William G. Posch, Donna D. Jackson and Zachary W. Posch ("Posch") and Donald Campbell and Theora Campbell ("Campbell") grant the following easements.

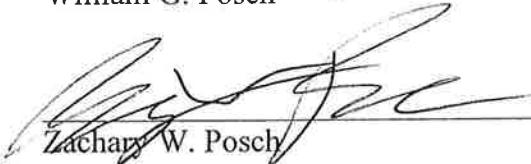
1. Posch grants a perpetual, non-exclusive easement for road and utility purposes over that portion of the property described in Exhibit A that is owned by Posch and Campbell grants a perpetual, non-exclusive easement for road and utility purposes over that portion of the property described in Exhibit A that is owned by Campbell.
2. The road and utility easements are appurtenant to and are granted for the use and benefit of the property owned by Posch described in Exhibit B and the property owned by Campbell described in Exhibit C.
3. This document may be executed in counterparts, each of which shall be deemed to be an original and all of which together shall be deemed one and the same instrument.

Dated Oct 20, 2008

  
Walter G. Posch by Miriam R. Posch POA

  
William G. Posch

\_\_\_\_\_  
Donna D. Jackson

  
Zachary W. Posch

\_\_\_\_\_  
Donald Campbell

\_\_\_\_\_  
Theora Campbell

After recording this document shall be returned to the following address:

Lawrence R. Derr  
425 10th Avenue, Ste 306  
Portland, OR 97209

Tax Acc'ts: 8328-00-00700, 8328-00-00699, 8328-00-00800  
Tax Map: 8N3W28-00-00700, 8N3W28-00-00699, 8N3W28-00-00800

State of Oregon )  
 )  
County of Columbia )

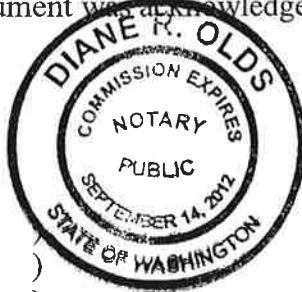
The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2008 by Miriam R. Posch pursuant to Power of Attorney for Walter G. Posch.



\_\_\_\_\_  
Notary Public for Oregon  
My Commission expires: \_\_\_\_\_

Washington  
State of ~~Oregon~~ )  
County of Cowlitz )

The foregoing instrument was acknowledged before me this 8 day of October, 2008 by William G. Posch.



Diane R. Olds  
Notary Public for ~~Oregon~~ Washington  
My Commission expires: 9.14.12

State of Montana )  
 )  
County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2008 by Donna D. Jackson.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission expires: \_\_\_\_\_

Washington  
State of ~~Oregon~~ )  
County of Cowlitz )

The foregoing instrument was acknowledged before me this 8 day of October, 2008 by Zachary W. Posch.



Diane R. Olds  
Notary Public for ~~Oregon~~ Washington  
My Commission expires: 9.14.12

State of Oregon            )  
  )  
County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2008 by Donald Campbell.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission expires: \_\_\_\_\_

State of Oregon            )  
  )  
County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2008 by Theora Campbell.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission expires: \_\_\_\_\_

Exhibit A

April 29, 2008

Legal Description  
Vacation of a portion of  
Atkins County Road No. 26

A portion of Atkins County Road No. 26 situated in the Southeast quarter of Section 28, Township 8 North, Range 3 West, Willamette Meridian, Columbia County, Oregon and being 20.00 feet on each side of the following described centerline:

Beginning at the point of intersection of the Downing Log chute and the centerline of Atkins County Road No. 26 (Downing Road on map), said point being the point of beginning of the Atkins County Road Vacation as recorded in Instrument No. 93-7513, Clerk's Records of Columbia County, Oregon; thence Southerly to a point which is which is 50.00 feet Northerly from the intersection of said centerline of Atkins County Road with the Northeasterly right of way line of John McAdams County Road No. P-15 and the end of this vacation.

The Northerly end of the above described vacation shall be co terminus with the beginning of said Atkins County Road No. 26 vacation. The Southerly end of the above described vacation shall terminate perpendicular to the centerline of Atkins County Road No. 26.

28 8-3 (17) T2 700

BOOK 189 PAGE 126

DEED

KNOW ALL MEN BY THESE PRESENTS, That we, Glenn H. Osborn and Norma J. Osborn, husband and wife, hereinafter called the GRANTORS, for the consideration hereinafter stated, to GRANTEES paid by George E. Posch and Ethel Lozetta Posch, husband and wife, hereinafter called the GRANTEEES, do hereby grant, bargain, sell and convey unto the said GRANTEEES and their heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Columbia and State of Oregon, described as follows, to-wit:

That portion of the following described tract lying North and East of road:

Beginning at the quarter section corner on the South boundary of Section 28 in Township 8 North, Range 3 West of the Willamette Meridian, Columbia County, Oregon; running thence West on Section line 20 chains to the Southwest corner of the Southeast quarter of the Southwest quarter of said Section 28; thence North on sixteenth section line 15 chains; thence (variation North 21° 30' East) North 83° East 30.30 chains to the U. S. Meander line on the Westerly bank of the Columbia River; thence upstream following the said meander line South 45° East 1.80 chains; South 17° West 2.70 chains; South 16° East 3.22 chains; South 73° East 1.50 chains; South 31° East 8.33 chains; South 77° East 5.00 chains; South 52 1/4° East 4.89 chains to the meander corner on the line between Sections 28 and 33; thence West on section line 25.83 chains to the place of beginning; excepting therefrom the following:

- (1) The tract of land conveyed to John Holdorf by John T. Wilson and wife by deed recorded June 12, 1902, in Book 2, page 231 of Deed Records of Columbia County, Oregon.
- (2) Rights of way for 99 years conveyed to John E. Carlson by John T. Wilson and wife by agreement recorded June 2, 1910, in Book 13, page 418 of Deed Records of Columbia County, Oregon.
- (3) The 40 foot strip for road conveyed to Columbia County by Ida Anderson and husband by deed recorded February 14, 1911, in Book 14, page 426 of Deed Records of Columbia County, Oregon.
- (4) 100 foot strip for railroad right of way as described in deed from William J. Sandborn and wife to Astoria and Columbia River Railroad Company, recorded November 5, 1895, in Book 9, page 178 of Deed Records of Columbia County, Oregon.
- (5) The tract of land conveyed to Eleanor H. Bandshadler by deed recorded June 29, 1966 in Book 162, page 117 of Deed Records of Columbia County, Oregon.
- (6) The tract of land conveyed to John A. Mustola et ux by deed recorded August 11, 1966 in Book 162, page 492 of Deed Records of Columbia County, Oregon.
- (7) That portion of land set over to Charles A. Bandshadler et ux as described in decree dated December 5, 1967 in Suit No. 17254 in State Circuit Court.

## SUBJECT TO:

1. Rights of the public in roads and highways.
2. "A right of way for a wagon road over and across above described tract retained by grantors," as excepted from deed from William J. Sanborn and wife to John T. Wilson, recorded in Book Z, page 205 of Deed Records of Columbia County, Oregon.
3. Perpetual right of way for electric transmission line granted by Fritz Anderson and wife, to Inland Power and Light Company by deed recorded May 19, 1931, in Book 53, page 21, of Deed Records, Columbia County, Oregon, reference to which is hereby made.

## ALSO SUBJECT TO:

Mortgage, including the terms and provisions thereof, executed by Glenn H. Osborn and Norma J. Osborn, husband and wife, to First Federal Savings and Loan Association of Longview, a Federal Corporation, dated June 11, 1962, recorded June 12, 1962, in Book 90, page 123, Mortgage Records of Columbia County, Oregon, given to secure the payment of a note for \$8,500.00, with interest thereon.

GRANTEES assume said mortgage and agree to pay the same off according to the tenor thereof.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$11,000.00, of which \$1,500.00 is in money and approximately \$7,500.00 is an assumption of the above mortgage. Sellers warrant that the balance owing on said mortgage is approximately \$7,500.00.

TO HAVE AND TO HOLD the same unto the said GRANTEES and their heirs, successors and assigns forever.

And said GRANTORS hereby covenant to and with said GRANTEES and their heirs, successors and assigns, that GRANTORS are lawfully seized in fee simple of the above granted premises, free from all encumbrances, except as noted hereinbefore, and that GRANTORS will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whatsoever, except those claiming under the above described encumbrances.

WITNESS GRANTORS' hands this 29th day of April, 1968.

Glenn H. Osborn

Norma J. Osborn

STATE OF OREGON  
County of Columbia

BOOK 169 PAGE 128

April 29, 1968. Personally appeared the within named  
Glenn H. Osborn and Norma J. Osborn, husband and wife, and acknowl-  
edged the foregoing instrument to be their voluntary act and deed.  
Before me:



*H. W. Clifford*  
Notary Public for Oregon.

My Commission expires H. W. CLIFFORD  
My Commission Expires March 31, 1970

2372

STATE OF OREGON  
COLUMBIA COUNTY  
RECORDED OR FILED

MAY 3 2 23 PM '68

BOOK 169 PAGE 128

ROY WILSON CO CLK



DEED  
Page Three

QUITCLAIM DEED

COLUMBIA COUNTY, a political subdivision of the State of Oregon, Grantor, releases and quitclaims to GEORGE POSCH, ETHEL L. POSCH and ZACHARY WILLIAM POSCH, Grantees, all right, title and interest in and to the following described real property:

Tax Account No. 03-06 8328-000-00699

A parcel of land as depicted on County Survey #2361 in Section 28, T8N, R3W, W.M., Columbia County, Oregon and more particularly described as follows:

Beginning at the South 1/4 corner of Section 28, T8N, R3W, etc: thence N89 degrees 37'E 1254.9'; Thence S89 degrees 37'W 22.0'; Thence N24 degrees 56'W 309.82'; Thence N19 degrees 14'W 93.55'; Thence N46 degrees 26'W 115.38'; Thence N15 degrees 53'W 75.84'; Thence N6 degrees 07'W 26.0' to the true point of beginning, Sd point also being the most Northerly point of intersection between the Easterly R/W line of Downing Rd & the "U.S. Meander Line on the West Bank of the Columbia River"; Thence following Sd Meander line N31 degrees 00'W 341.78'; N73 degrees W 99'; Thence N 16 degrees W 212.52'; Thence N17 degrees E 178.2'; Thence N45 degrees W 118.8'; Thence leaving said Meander N83 degrees E 207.1' to a point in the center of the Old Downing Log Chute that is N34 degrees 15'E 1530.3'+ from Sd South 1/4 corner; Thence along Sd center S4 degrees 11'W a distance of 114.59'; Thence 69 degrees 30' W 65.3' to the most Northerly point on the R/W of Sd. Downing Road; Thence leaving Sd chute center S2 degrees 18'W a distance of 49.57' to the Southerly R/W of Sd. Downing Road; Thence following Sd. R/W S56 degrees 06'W 30.37'; Thence S13 degrees E 145.9'; Thence S34 degrees 40'E 161.71'; Thence S6 degrees 07'E 192.3' to the true point of beginning.

The true consideration for this conveyance is \$1,800.00.

This conveyance is subject to the following exceptions, reservations and conditions:

1. This property is conveyed AS-IS without covenants or warranties, subject to any municipal liens, easements and encumbrances of record.
2. All rights to any county, public, forest or C.C.C. roads, are hereby reserved for the benefit of Columbia County, Oregon.
3. All rights to any minerals, mineral rights, ore, metals, metallic clay, oil, gas or hydrocarbon substances in, on or under said property, if any, including the use of such water from springs, creeks, lakes or wells to be drilled or dug upon the premises as may be necessary or convenient for such exploration or mining operations, are specifically excepted, reserved and retained for the benefit of Columbia County, Oregon, together with the right of ingress and egress thereto for the purpose of exercising the rights hereby excepted, reserved and retained.



THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

DATED this 4th day of April, 1990.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: [Signature]  
Chairman

By: [Signature]  
Commissioner

By: [Signature]  
Commissioner

STATE OF OREGON )  
                  ) ss.  
County of Columbia)

THIS INSTRUMENT was acknowledged before me on April 4, 1990 by Jack R. Peterson, Max W. "Sandy" Dillard and Michael J. Sykes as Commissioners of Columbia County, Oregon on behalf of which the instrument was executed.

(SEAL)

[Signature]  
Notary Public for Oregon  
My Commission Expires: 12-14-91

I hereby certify that the within instrument was received for record and recorded in the County of Columbia, State of Oregon.

1882 90 APR 13 11:44

Instrument # 90-1882  
Pages 3

ELIZABETH HUSSER, County Clerk  
By: [Signature] Deputy  
Receipt # 90-1882  
SSCC

QUITCLAIM DEED - 2..

Exhibit C

~~LEGAL DESCRIPTION~~  
LEGAL DESCRIPTION

A tract of land situate in Section 28, Township 8 North, Range 3 West, of the Willamette Meridian, more particularly described as follows:

BEGINNING at a point on the Section line which is North 89° 37' 00" East 1254.9 feet from the South quarter corner of Section 28, Township 8 North, Range 3 West of the Willamette Meridian, Columbia County, Oregon;  
Thence South 89° 37' 00" West along the Section line a distance of 22.00 feet to the Easterly right of way line of the County Road;  
Thence North 24° 56' 00" West along said right of way a distance of 219.11 feet to the TRUE POINT OF BEGINNING;  
Thence North 24° 56' 00" West 90.71 feet to the Easterly right of way line of Downing Road;  
Thence following said Downing Road right of way North 19° 14' 00" West a distance of 93.55 feet;  
Thence North 46° 26' 00" West a distance of 115.38 feet;  
Thence North 15° 53' 00" West a distance of 75.84 feet;  
Thence North 06° 07' 00" West a distance of 218.3 feet;  
Thence North 34° 40' 00" West a distance of 161.71 feet;  
Thence North 13° 00' 00" West a distance of 145.9 feet;  
Thence North 56° 06' 00" East a distance of 30.37 feet;  
Thence crossing said Downing Road North 02° 18' 00" East a distance of 49.57 feet to a point in the centerline of the Old Downing Log Chute;  
Thence following said centerline North 09° 30' 00" East a distance of 65.3 feet;  
Thence North 04° 11' 00" East a distance of 173.79 feet;  
Thence North 01° 17' 00" East a distance of 119.53 feet;  
Thence North 05° 08' 00" West a distance of 122.44 feet;  
Thence North 08° 37' 00" East a distance of 75.22 feet;  
Thence North 13° 03' 00" West a distance of 183.54 feet to the Southwesterly right of way line of the Spokane, Portland and Seattle Railway;  
Thence continuing North 13° 03' 00" West to the left bank of the Columbia River;  
Thence following said left bank Southeasterly up said River to its intersection with the South line of Section 28 aforesaid;  
Thence South 89° 37' 00" West along said Section line to a point 472 feet East of intersection of said and the Section line and the County Road;  
Thence North 52° 15' 00" West a distance of 322.74 feet;  
Thence North 89° 37' 00" East a distance of 309.16 feet to the TRUE POINT OF BEGINNING;  
EXCEPTING THEREFROM tract described to Gordon D. Leever et ux by deed recorded July 16, 1987 in Book 270, Page 104, Deed Records of Columbia County, Oregon.

RECIPROCAL EASEMENTS

Walter G. Posch, William G. Posch, Donna D. Jackson and Zachary W. Posch ("Posch") and Donald Campbell and Theora Campbell ("Campbell") grant the following easements.

1. Posch grants a perpetual, non-exclusive easement for road and utility purposes over that portion of the property described in Exhibit A that is owned by Posch and Campbell grants a perpetual, non-exclusive easement for road and utility purposes over that portion of the property described in Exhibit A that is owned by Campbell.
2. The road and utility easements are appurtenant to and are granted for the use and benefit of the property owned by Posch described in Exhibit B and the property owned by Campbell described in Exhibit C.
3. This document may be executed in counterparts, each of which shall be deemed to be an original and all of which together shall be deemed one and the same instrument.

Dated \_\_\_\_\_, 2008

\_\_\_\_\_  
Walter G. Posch by Miriam R. Posch POA

\_\_\_\_\_  
William G. Posch

  
\_\_\_\_\_  
Donna D. Jackson

\_\_\_\_\_  
Zachary W. Posch

\_\_\_\_\_  
Donald Campbell

\_\_\_\_\_  
Theora Campbell

After recording this document shall be returned to the following address:

Lawrence R. Derr  
425 10th Avenue, Ste 306  
Portland, OR 97209

Tax Acc'ts: 8328-00-00700, 8328-00-00699, 8328-00-00800  
Tax Map: 8N3W28-00-00700, 8N3W28-00-00699, 8N3W28-00-00800

State of Oregon )  
 )  
County of Columbia )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2008 by Miriam R. Posch pursuant to Power of Attorney for Walter G. Posch.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission expires: \_\_\_\_\_

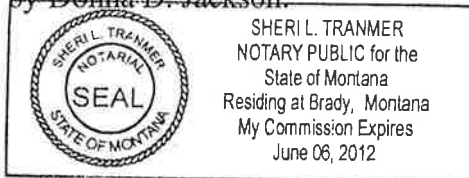
State of Oregon )  
 )  
County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2008 by William G. Posch.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission expires: \_\_\_\_\_

State of Montana )  
 )  
County of Pondera )

The foregoing instrument was acknowledged before me this 9 day of Sept, 2008 by Donna D. Jackson.



Sheril L. Tranmer  
\_\_\_\_\_  
Notary Public for Oregon montana  
My Commission expires: 6-6-2012

State of Oregon )  
 )  
County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2008 by Zachary W. Posch.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission expires: \_\_\_\_\_

State of Oregon            )  
                                      )  
County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2008 by Donald Campbell.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission expires: \_\_\_\_\_

State of Oregon            )  
                                      )  
County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2008 by Theora Campbell.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission expires: \_\_\_\_\_

Exhibit A

April 29, 2008

Legal Description  
Vacation of a portion of  
Atkins County Road No. 26

A portion of Atkins County Road No. 26 situated in the Southeast quarter of Section 28, Township 8 North, Range 3 West, Willamette Meridian, Columbia County, Oregon and being 20.00 feet on each side of the following described centerline:

Beginning at the point of intersection of the Downing Log chute and the centerline of Atkins County Road No. 26 (Downing Road on map), said point being the point of beginning of the Atkins County Road Vacation as recorded in Instrument No. 93-7513, Clerk's Records of Columbia County, Oregon; thence Southerly to a point which is which is 50.00 feet Northerly from the intersection of said centerline of Atkins County Road with the Northeasterly right of way line of John McAdams County Road No. P-15 and the end of this vacation.

The Northerly end of the above described vacation shall be co terminus with the beginning of said Atkins County Road No. 26 vacation. The Southerly end of the above described vacation shall terminate perpendicular to the centerline of Atkins County Road No. 26.

28 8-3 (17) T2 700

BOOK 189 PAGE 126

## DEED

KNOW ALL MEN BY THESE PRESENTS, That we, Glenn H. Osborn and Norma J. Osborn, husband and wife, hereinafter called the GRANTORS, for the consideration hereinafter stated, to GRANTEE paid by George E. Posch and Ethel Lozetta Posch, husband and wife, hereinafter called the GRANTEEES, do hereby grant, bargain, sell and convey unto the said GRANTEEES and their heirs, successors and assigns; that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Columbia and State of Oregon, described as follows, to-wit:

That portion of the following described tract lying North and East of road:

Beginning at the quarter section corner on the South boundary of Section 28 in Township 8 North, Range 3 West of the Willamette Meridian, Columbia County, Oregon; running thence West on Section line 20 chains to the Southwest corner of the Southeast quarter of the Southwest quarter of said Section 28; thence North on sixteenth section line 15 chains; thence (variation North 21° 30' East) North 83° East 30.30 chains to the U. S. Meander line on the Westerly bank of the Columbia River; thence upstream following the said meander line South 45° East 1.80 chains; South 17° West 2.70 chains; South 16° East 3.22 chains; South 73° East 1.50 chains; South 31° East 8.33 chains; South 77° East 5.00 chains; South 52 1/4° East 4.89 chains to the meander corner on the line between Sections 28 and 33; thence West on section line 25.83 chains to the place of beginning; excepting therefrom the following:

(1) The tract of land conveyed to John Holdorf by John T. Wilson and wife by deed recorded June 12, 1902, in Book 2, page 231 of Deed Records of Columbia County, Oregon.

(2) Rights of way for 99 years conveyed to John E. Carlson by John T. Wilson and wife by agreement recorded June 2, 1910, in Book 13, page 418 of Deed Records of Columbia County, Oregon.

(3) The 40 foot strip for road conveyed to Columbia County by Ida Anderson and husband by deed recorded February 14, 1911, in Book 14, page 426 of Deed Records of Columbia County, Oregon.

(4) 100 foot strip for railroad right of way as described in deed from William J. Osborn and wife to Astoria and Columbia River Railroad Company, recorded November 5, 1895, in Book Q, page 178 of Deed Records of Columbia County, Oregon.

(5) The tract of land conveyed to Eleanor K. Bondshadler by deed recorded June 29, 1966 in Book 162, page 117 of Deed Records of Columbia County, Oregon.

(6) The tract of land conveyed to John A. Mustola et ux by deed recorded August 11, 1966 in Book 162, page 492 of Deed Records of Columbia County, Oregon.

(7) That portion of land set over to Charles A. Bondshadler et ux as described in decree dated December 5, 1967 in Suit No. 17254 in State Circuit Court.

## SUBJECT TO:

1. Rights of the public in roads and highways.
2. "A right of way for a wagon road over and across above described tract retained by grantors," as excepted from deed from William J. Sanborn and wife to John T. Wilson, recorded in Book Z, page 205 of Deed Records of Columbia County, Oregon.
3. Perpetual right of way for electric transmission line granted by Fritz Anderson and wife, to Inland Power and Light Company by deed recorded May 19, 1931, in Book 53, page 21, of Deed Records, Columbia County, Oregon, reference to which is hereby made.

## ALSO SUBJECT TO:

Mortgage, including the terms and provisions thereof, executed by Glenn H. Osborn and Norma J. Osborn, husband and wife, to First Federal Savings and Loan Association of Longview, a Federal Corporation, dated June 11, 1962, recorded June 12, 1962, in Book 90, page 123, Mortgage Records of Columbia County, Oregon, given to secure the payment of a note for \$8,500.00, with interest thereon.

GRANTEES assume said mortgage and agree to pay the same off according to the tenor thereof.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$11,000.00, of which \$1,500.00 is in money and approximately \$7,500.00 is an assumption of the above mortgage. Sellers warrant that the balance owing on said mortgage is approximately \$7,500.00.

TO HAVE AND TO HOLD the same unto the said GRANTEES and their heirs, successors and assigns forever.

And said GRANTORS hereby covenant to and with said GRANTEES and their heirs, successors and assigns, that GRANTORS are lawfully seized in fee simple of the above granted premises, free from all encumbrances, except as noted hereinbefore, and that GRANTORS will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whatsoever, except those claiming under the above described encumbrances.

WITNESS GRANTORS' hands this 29th day of April, 1968.

Glenn H. Osborn  
Norma J. Osborn



STATE OF OREGON }  
County of Columbia } 33,

BOOK 169 PAGE 128

April 29, 1968. Personally appeared the within named  
Glenn H. Osborn and Norma J. Osborn, husband and wife, and acknowl-  
edged the foregoing instrument to be their voluntary act and deed,  
Before me:



*Clifford W. Cliffoord*  
Notary Public for Oregon  
My Commission expires March 31, 1970

2372

STATE OF OREGON  
COLUMBIA COUNTY  
RECORDED OR FILED

MAY 3 2 23 PM '68  
BOOK 169 PAGE 128  
ROY WILSON CO CLK

DRED  
Page Three

QUITCLAIM DEED

COLUMBIA COUNTY, a political subdivision of the State of Oregon, Grantor, releases and quitclaims to GEORGE POSCH, ETHEL L. POSCH and ZACHARY WILLIAM POSCH, Grantees, all right, title and interest in and to the following described real property:

Tax Account No. 03-06 8328-000-00699

A parcel of land as depicted on County Survey #2361 in Section 28, T8N, R3W, W.11., Columbia County, Oregon and more particularly described as follows:

Beginning at the South 1/4 corner of Section 28, T8N, R3W, etc; thence N89 degrees 37'E 1254.9'; Thence S89 degrees 37'W 22.0'; Thence N24 degrees 56'W 309.82'; Thence N19 degrees 14'W 93.55'; Thence N46 degrees 26'W 115.38'; Thence N15 degrees 53'W 75.84'; Thence N6 degrees 07'W 26.0' to the true point of beginning, sd point also being the most northerly point of intersection between the easterly R/W line of Downing Rd & the "U.S. Meander Line on the West Bank of the Columbia River"; Thence following sd Meander line N31 degrees 00'W 341.78'; N73 degrees W 99'; Thence N 16 degrees W 212.52'; Thence N17 degrees E 178.2'; Thence N45 degrees W 118.8'; Thence leaving said Meander N83 degrees E 207.1' to a point in the center of the Old Downing Log Chute that is N34 degrees 15'E 1530.3'+ from sd South 1/4 corner; Thence along sd center S4 degrees 11'W a distance of 114.59'; Thence S9 degrees 30' W 65.3' to the most northerly point on the R/W of sd. Downing Road; Thence leaving sd chute center S2 degrees 18'W a distance of 49.57' to the southerly R/W of sd. Downing Road; Thence following sd. R/W S56 degrees 06'W 30.37'; Thence S13 degrees E 145.9'; Thence S34 degrees 40'E 161.71'; Thence S6 degrees 07'E 192.3' to the true point of beginning.

The true consideration for this conveyance is \$1,800.00.

This conveyance is subject to the following exceptions, reservations and conditions:

1. This property is conveyed AS-IS without covenants or warranties, subject to any municipal liens, easements and encumbrances of record.
2. All rights to any county, public, forest or C.C.C. roads, are hereby reserved for the benefit of Columbia County, Oregon.
3. All rights to any minerals, mineral rights, ore, metals, metallic clay, oil, gas or hydrocarbon substances in, on or under said property, if any, including the use of such water from springs, creeks, lakes or wells to be drilled or dug upon the premises as may be necessary or convenient for such exploration or mining operations, are specifically excepted, reserved and retained for the benefit of Columbia County, Oregon, together with the right of ingress and egress thereto for the purpose of exercising the rights hereby excepted, reserved and retained.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

DATED this 4th day of April, 1990.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: [Signature]  
Chairman  
By: [Signature]  
Commissioner  
By: [Signature]  
Commissioner

STATE OF OREGON )  
County of Columbia ) ss.

THIS INSTRUMENT was acknowledged before me on April 4, 1990 by Jack R. Peterson, Max W. "Sandy" Dillard and Michael J. Sykes as Commissioners of Columbia County, Oregon on behalf of which the instrument was executed.

(SEAL)

[Signature]  
Notary Public for Oregon  
My Commission Expires: 12-14-91

I hereby certify that the within instrument was received for record and recorded in the County of Columbia, State of Oregon.

1882 50 APR 13 AM 144

Instrument # 90-1882  
Pages 3

HELENE HUSNER, County Clerk  
By: [Signature] Deputy  
Receipt # 90-1882  
SSSSSS

Exhibit C

~~LEGAL DESCRIPTION~~  
LEGAL DESCRIPTION

A tract of land situate in Section 28, Township 8 North, Range 3 West, of the Willamette Meridian, more particularly described as follows:

BEGINNING at a point on the Section line which is North 89° 37' 00" East 1254.9 feet from the South quarter corner of Section 28, Township 8 North, Range 3 West of the Willamette Meridian, Columbia County, Oregon;  
Thence South 89° 37' 00" West along the Section line a distance of 22.00 feet to the Easterly right of way line of the County Road;  
Thence North 24° 56' 00" West along said right of way a distance of 219.11 feet to the TRUE POINT OF BEGINNING;  
Thence North 24° 56' 00" West 90.71 feet to the Easterly right of way line of Downing Road;  
Thence following said Downing Road right of way North 19° 14' 00" West a distance of 93.55 feet;  
Thence North 46° 26' 00" West a distance of 115.38 feet;  
Thence North 15° 53' 00" West a distance of 75.84 feet;  
Thence North 06° 07' 00" West a distance of 218.3 feet;  
Thence North 34° 40' 00" West a distance of 161.71 feet;  
Thence North 13° 00' 00" West a distance of 145.9 feet;  
Thence North 56° 06' 00" East a distance of 30.37 feet;  
Thence crossing said Downing Road North 02° 18' 00" East a distance of 49.57 feet to a point in the centerline of the Old Downing Log Chute;  
Thence following said centerline North 09° 30' 00" East a distance of 65.3 feet;  
Thence North 04° 11' 00" East a distance of 173.79 feet;  
Thence North 01° 17' 00" East a distance of 119.53 feet;  
Thence North 05° 08' 00" West a distance of 122.44 feet;  
Thence North 08° 37' 00" East a distance of 75.22 feet;  
Thence North 13° 03' 00" West a distance of 183.54 feet to the Southwesterly right of way line of the Spokane, Portland and Seattle Railway;  
Thence continuing North 13° 03' 00" West to the left bank of the Columbia River;  
Thence following said left bank Southeasterly up said River to its intersection with the South line of Section 28 aforesaid;  
Thence South 89° 37' 00" West along said Section line to a point 472 feet East of intersection of said and the Section line and the County Road;  
Thence North 52° 15' 00" West a distance of 322.74 feet;  
Thence North 89° 37' 00" East a distance of 309.16 feet to the TRUE POINT OF BEGINNING;  
EXCEPTING THEREFROM tract described to Gordon D. Leever et ux by deed recorded July 16, 1987 in Book 270, Page 104, Deed Records of Columbia County, Oregon.

EXHIBIT 10

ROAD MAINTENANCE AGREEMENT

This is a road maintenance agreement between Walter G. Posch, William G. Posch, Donna D. Jackson and Zachary W. Posch ("Posch"), and Donald Campbell and Theora Campbell ("Campbell") for the reciprocal road and utility easements granted by Posch and Campbell in a Reciprocal Easements document recorded \_\_\_\_\_, 2008 in Columbia County deed records at \_\_\_\_\_. The easements serve property owned by Posch and by Campbell described in the Reciprocal Easements document. Campbell intends to further divide their property and grant access rights over the easements to the purchasers of the divided property subject to participation in road maintenance agreements.

In consideration of the mutual promises herein the parties agree as follows:

1. With respect to all road maintenance, the cost thereof shall be borne by Campbell. Campbell may allocate the cost among the parcels of their property after it is approved by Columbia County for division.
2. This agreement may be enforced by a majority of the parcel owners. If a parcel is owned by more than one individual or entity, it shall be treated as having one owner for purposes of enforcement and amendment.
3. This agreement may be amended only by a written and recorded document accompanied by consents of at least 75% of the owners then in existence.
4. This document may be executed in counterparts, each of which shall be deemed to be an original and all of which together shall be deemed one and the same instrument.

Dated 9-20-08, 2008

\_\_\_\_\_  
Walter G. Posch by Miriam R. Posch POA

\_\_\_\_\_  
William G. Posch

\_\_\_\_\_  
Donna D. Jackson

\_\_\_\_\_  
Zachary W. Posch

  
Donald Campbell

  
Theora Campbell

After recording this document shall be returned to the following address:  
Lawrence R. Derr  
425 10th Avenue, Ste 306  
Portland, OR 97209

State of Oregon )  
 )  
County of Columbia )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2008 by Miriam R. Posch pursuant to Power of Attorney for Walter G. Posch.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission expires: \_\_\_\_\_

State of Oregon )  
 )  
County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2008 by William G. Posch.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission expires: \_\_\_\_\_

State of Montana )  
 )  
County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2008 by Donna D. Jackson.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission expires: \_\_\_\_\_

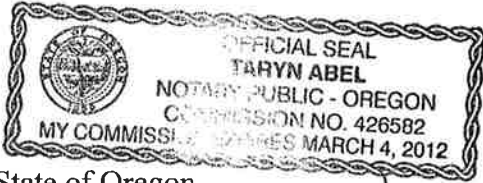
State of Oregon )  
 )  
County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2008 by Zachary W. Posch.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission expires: \_\_\_\_\_

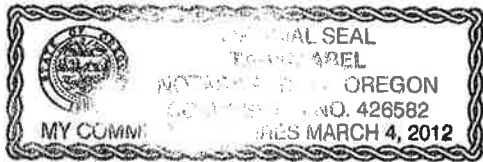
State of Oregon )  
County of Washington )

The foregoing instrument was acknowledged before me this 20 day of Sept, 2008 by Donald Campbell.



State of Oregon )  
County of Washington )

The foregoing instrument was acknowledged before me this 20 day of Sept, 2008 by Theora Campbell.



Taryn Abel  
Notary Public for Oregon  
My Commission expires: March 4, 2012

Taryn Abel  
Notary Public for Oregon  
My Commission expires: March 4, 2012


ROAD MAINTENANCE AGREEMENT

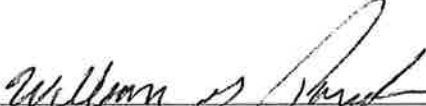
This is a road maintenance agreement between Walter G. Posch, William G. Posch, Donna D. Jackson and Zachary W. Posch ("Posch"), and Donald Campbell and Theora Campbell ("Campbell") for the reciprocal road and utility easements granted by Posch and Campbell in a Reciprocal Easements document recorded \_\_\_\_\_, 2008 in Columbia County deed records at \_\_\_\_\_. The easements serve property owned by Posch and by Campbell described in the Reciprocal Easements document. Campbell intends to further divide their property and grant access rights over the easements to the purchasers of the divided property subject to participation in road maintenance agreements.

In consideration of the mutual promises herein the parties agree as follows:

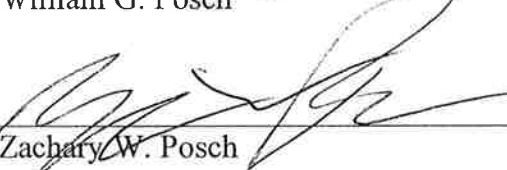
1. With respect to all road maintenance, the cost thereof shall be borne by Campbell. Campbell may allocate the cost among the parcels of their property after it is approved by Columbia County for division.
2. This agreement may be enforced by a majority of the parcel owners. If a parcel is owned by more than one individual or entity, it shall be treated as having one owner for purposes of enforcement and amendment.
3. This agreement may be amended only by a written and recorded document accompanied by consents of at least 75% of the owners then in existence.
4. This document may be executed in counterparts, each of which shall be deemed to be an original and all of which together shall be deemed one and the same instrument.

Dated Oct 20, 2008

  
Walter G. Posch by Miriam R. Posch POA

  
William G. Posch

\_\_\_\_\_  
Donna D. Jackson

  
Zachary W. Posch

\_\_\_\_\_  
Donald Campbell

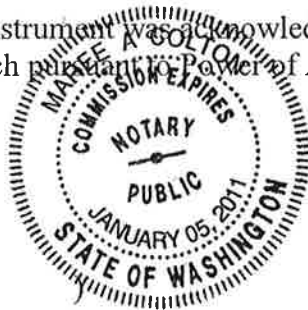
\_\_\_\_\_  
Theora Campbell

After recording this document shall be returned to the following address:  
Lawrence R. Derr  
425 10th Avenue, Ste 306  
Portland, OR 97209



State of Oregon )  
 )  
County of Columbia )

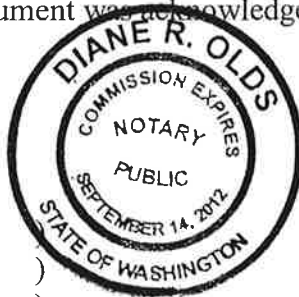
The foregoing instrument was acknowledged before me this 20 day of October, 2008 by Miriam R. Posch Notary Public Power of Attorney for Walter G. Posch.



Miriam R. Posch  
Notary Public for Oregon WA  
My Commission expires: 1-5-2011

Washington  
State of Oregon )  
County of Cowlitz )

The foregoing instrument was acknowledged before me this 8 day of October, 2008 by William G. Posch.



Diane R. Olds  
Notary Public for Oregon Washington  
My Commission expires: 9.14.12

State of Montana )  
County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2008 by Donna D. Jackson.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission expires: \_\_\_\_\_

Washington  
State of Oregon )  
County of Cowlitz )

The foregoing instrument was acknowledged before me this 8 day of October, 2008 by Zachary W. Posch.



Diane R. Olds  
Notary Public for Oregon Washington  
My Commission expires: 9.14.12

State of Oregon )  
 )  
County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2008 by Donald Campbell.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission expires: \_\_\_\_\_

State of Oregon )  
 )  
County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2008 by Theora Campbell.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission expires: \_\_\_\_\_

EXHIBIT 12

ROAD MAINTENANCE AGREEMENT

This is a road maintenance agreement between Walter G. Posch, William G. Posch, Donna D. Jackson and Zachary W. Posch ("Posch"), and Donald Campbell and Theora Campbell ("Campbell") for the reciprocal road and utility easements granted by Posch and Campbell in a Reciprocal Easements document recorded \_\_\_\_\_, 2008 in Columbia County deed records at \_\_\_\_\_. The easements serve property owned by Posch and by Campbell described in the Reciprocal Easements document. Campbell intends to further divide their property and grant access rights over the easements to the purchasers of the divided property subject to participation in road maintenance agreements.

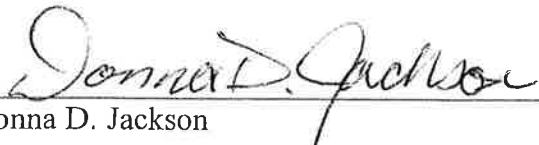
In consideration of the mutual promises herein the parties agree as follows:

1. With respect to all road maintenance, the cost thereof shall be borne by Campbell. Campbell may allocate the cost among the parcels of their property after it is approved by Columbia County for division.
2. This agreement may be enforced by a majority of the parcel owners. If a parcel is owned by more than one individual or entity, it shall be treated as having one owner for purposes of enforcement and amendment.
3. This agreement may be amended only by a written and recorded document accompanied by consents of at least 75% of the owners then in existence.
4. This document may be executed in counterparts, each of which shall be deemed to be an original and all of which together shall be deemed one and the same instrument.

Dated \_\_\_\_\_, 2008

\_\_\_\_\_  
Walter G. Posch by Miriam R. Posch POA

\_\_\_\_\_  
William G. Posch

  
\_\_\_\_\_  
Donna D. Jackson

\_\_\_\_\_  
Zachary W. Posch

\_\_\_\_\_  
Donald Campbell

\_\_\_\_\_  
Theora Campbell

After recording this document shall be returned to the following address:  
Lawrence R. Derr  
425 10th Avenue, Ste 306  
Portland, OR 97209

State of Oregon )  
 )  
County of Columbia )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2008 by Miriam R. Posch pursuant to Power of Attorney for Walter G. Posch.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission expires: \_\_\_\_\_

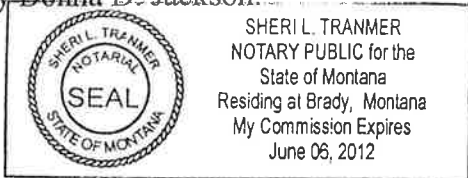
State of Oregon )  
 )  
County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2008 by William G. Posch.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission expires: \_\_\_\_\_

State of Montana )  
 )  
County of Pondera )

The foregoing instrument was acknowledged before me this 9 day of Sept, 2008 by Donna D. Jackson.



Sheri L. Tranmer  
Notary Public for ~~Oregon~~ Montana  
My Commission expires: 6-6-2012

State of Oregon )  
 )  
County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2008 by Zachary W. Posch.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission expires: \_\_\_\_\_

State of Oregon            )  
                                      )  
County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2008 by Donald Campbell.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission expires: \_\_\_\_\_

State of Oregon            )  
                                      )  
County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2008 by Theora Campbell.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission expires: \_\_\_\_\_



## Columbia County Road Department

1054 Oregon Street, St. Helens, OR 97051

David Hill, Public Works Director

Ph: (503) 366-3964 Fax: 397-7215

e-mail: [David.Hill@co.columbia.or.us](mailto:David.Hill@co.columbia.or.us)

**to:** Columbia County Board of Commissioners

**via:** Cynthia Zemaitis, County Counsel

**from:** Dave Hill, Public Works Director

**date:** November 25, 2008

COLUMBIA COUNTY

NOV 26 2008

**subject: Downing Road Vacation**

COUNTY COUNSEL

**Recommendation:** Initiate proceedings for the vacation of a portion of Atkins County Road No. 26 (Downing Road) as proposed by area residents; and vacate Downing Road as proposed with 100% consent of abutting property owners.

**Background:** Road survey # 26, dated 1885 indicates that Downing Road was created to allow public access from the Ridge Top Road (Atkins Road, AKA Alston-Mayger Road) down to the Downing Wharf on the river. At some point in time, the Wharf was no longer used and the road was no longer needed or used by the public. There are some indications that the road may have been accepted by the County as a County Road, and as such, would be maintained by the County. However, the road has not been used as a public road for many decades, does not meet current standards for a public road (grades at 17%), and is not needed by the public. The lower end of the road was vacated in 1993 by Order # 162-93, and the County Road Department does not see any current or future need for the remaining section of road to be re-established as a public road. The road is very steep (17%), is narrow without any shoulder, is on a sidehill that drops in elevation about 400 feet to the river below, and has a hairpin corner in the middle. The public should have no interest in this road and it is a benefit to the County to vacate this road. Therefore, I recommend that the County initiate these proceedings.

The road cannot be constructed to current county or public road standards. Because the road is steep, short, narrow, very little shoulder, only accesses a couple private properties, and cannot be constructed to current public road standards, it is in the interest of the County to vacate the road and allow the abutting property owners to establish private easements for construction of a private road. This would allow the property owners to limit access to only those motorists that have been authorized by the private owners.

Therefore, in the matter of public interest, and in the particular interest of the Road Department, I recommend that the County initiate proceedings to vacate this road, and that this road be vacated as described in attached Exhibit B.

*Still want to vacate*

Exhibit B

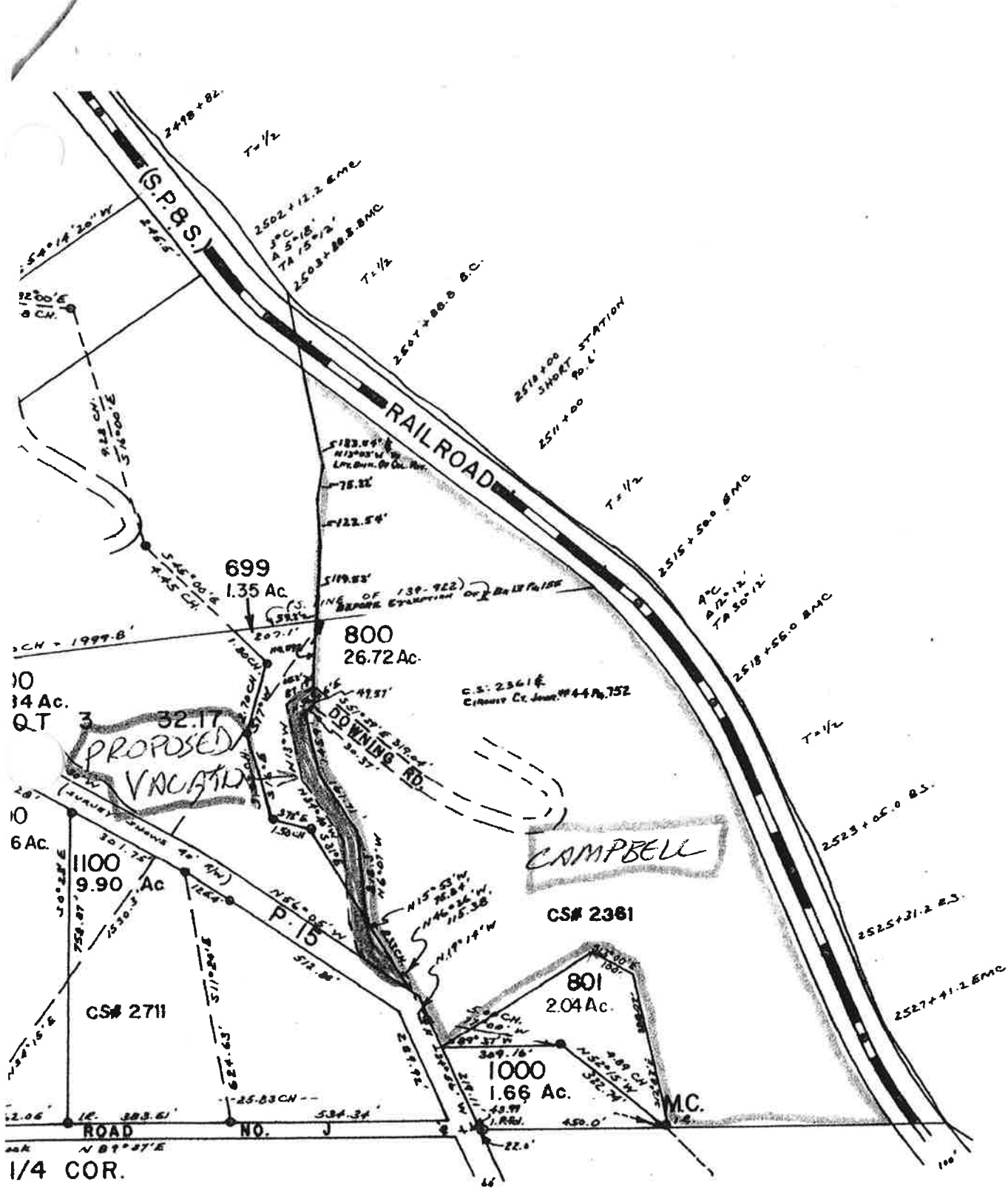
April 29, 2008

Legal Description  
Vacation of a portion of  
Atkins County Road No. 26

A portion of Atkins County Road No. 26 situated in the Southeast quarter of Section 28, Township 8 North, Range 3 West, Willamette Meridian, Columbia County, Oregon and being 20.00 feet on each side of the following described centerline:

Beginning at the point of intersection of the Downing Log chute and the centerline of Atkins County Road No. 26 (Downing Road on map), said point being the point of beginning of the Atkins County Road Vacation as recorded in Instrument No. 93-7513, Clerk's Records of Columbia County, Oregon; thence Southerly to a point which is which is 50.00 feet Northerly from the intersection of said centerline of Atkins County Road with the Northeasterly right of way line of John McAdams County Road No. P-15 and the end of this vacation.

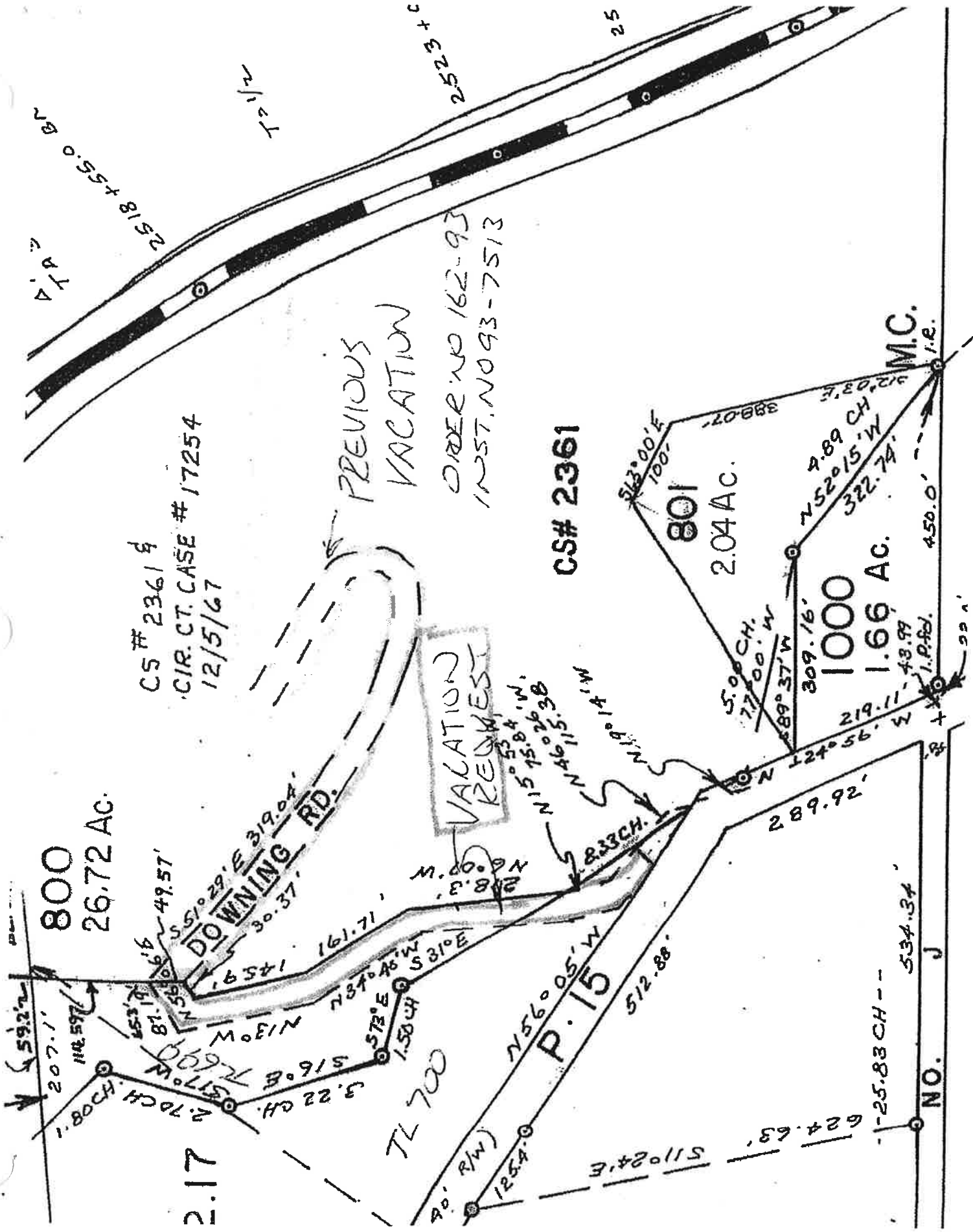
The Northerly end of the above described vacation shall be co terminus with the beginning of said Atkins County Road No. 26 vacation. The Southerly end of the above described vacation shall terminate perpendicular to the centerline of Atkins County Road No. 26.



G.L.O.  
8 3 33

8 3 28





CS # 2361 &  
CIR. CT. CASE # 17254  
12/5/67

PREVIOUS  
VACATION  
ORDER NO 162-93  
IN ST. NO 93-7513

CS# 2361

800  
26.72 AC.

801  
2.04 AC.

1000  
1.66 AC.

2.17

TL 700

P. 15

NO. J

# Map of Road Survey No. 26

EXHIBIT  
B

Beginning at the corner to Sect. 9-10-15, 760, 710, 12.5 ft. ends to termin-  
ating at the N.E. corner of Downing  
half on the Columbia River  
Surveyed on the 26-27 & 28<sup>th</sup>  
days of February, 1855  
by J. W. Stewart and  
H. H. Swan  
Scale 20 Chains to 1 inch.

PROPOSED  
VACATION

COLUMBIA RIVER

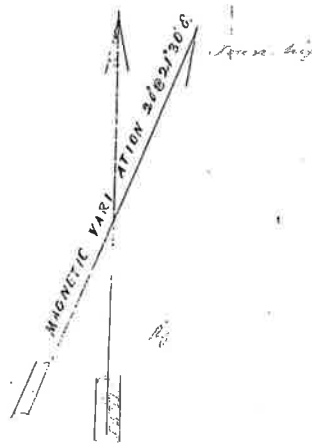
TERMINUS

Recorded 2-1-93 Inst # 23-7513  
M. H. Swan

33

34

T. S. J. R. 3 11'



T. S. J. R. 3 11'

2 M.  
1000

1 M.

3

Does hereby certify that the above  
is a true and correct map of Road  
Survey No. 26 made to a scale of 20  
chains to 1 inch from the original notes  
taken by myself in actual survey made  
on the 26-27 & 28<sup>th</sup> days of February, 1855

CINNING PT.

J. W. Stewart  
Surveyor of Clatsop County  
Oregon