



200310310218
Skagit County Auditor

10/31/2003 Page

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2 4:04PM

LAND TITLE COMPANY OF SKAGIT COUNTY

ABBREVIATED LEGAL: PTN NE 1/4, 1-35-4 E WM AKA TR. 1, SP 91-065
TAX ID: P35562 350401-4-004-0100

Declaration of Road Maintenance

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Road Maintenance Agreement

This Agreement made and entered into as of the 31st day of October 2003 by and between the undersigned property owners.

The Declarant hereby establishes and provides that individuals benefiting by and all Subsequent owners, successors or assigns, shall equally share in the cost and expense of maintaining and repairing in good condition the **common portion** of private driveway right of way over and across said property.

Each Individual owner shall be responsible for the respective costs of maintenance of the private driveway portions which are not shared by both owners but service their respective properties.

The beneficiaries of said road way shall determine and pre approve annually, or more frequently as may be necessary, the extent of repairs and maintenance as shall be required and shall determine the extent of said repairs and maintenance to be accomplished.

It is understood that the maintenance and repair of said road is for the benefit of both property owners and the property of any such owner failing to pay his proportionate share as provided for herein shall be subject to a lien, an assessment for the proportionate share of such costs; and any other property owner paying the share of a benefited property owner, who fails to pay the same, shall be entitled to a lien against his property which may be foreclosed in the manner provided for foreclosure of mechanics liens.

Any Individual owner may make such improvement or maintenance to said road, as they so desire, provided the roadbed width and route are unchanged. However, such expense will only be proportionately charged to the other owner, if both owners have previously approved that improvement or maintenance.

Use of any Chemical Herbicide in the maintenance of the driveway on Parcel # 35562 is expressly prohibited.

OWNER DEFINED

Owner shall mean the fee simple title owner, unless the property is being sold on Real Estate Contract, in which case it shall mean the Contract Purchaser, or if the property is subject to a Deed of Trust, it shall mean the Grantor.

DISPUTE RESOLUTION

The parties agree to exercise their best efforts in good faith to resolve problems associated with this agreement. Should the parties be unable and willing to amicably resolve any dispute concerning this agreement, including the interpretation of this agreement, then they agree to submit to binding arbitration under the Rules of Mandatory Arbitration for Skagit County, Washington regardless of the nature of the dispute or the amount in controversy, and the parties agree that the results reached in such arbitration shall be binding and unappealable. The prevailing party shall be entitled to reasonable costs and attorney fees.

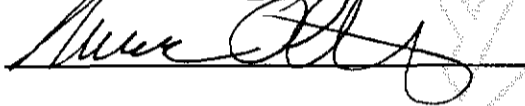
BENEFITS AND BURDENS

Benefits, burdens and covenants of this Agreement shall be deemed to run with the land and bind above owners and their respective heirs, successors and assigns and all persons possessing the property by through and under the parties hereto and their respective heirs successors and assigns.

MISCELLANEOUS PROVISIONS

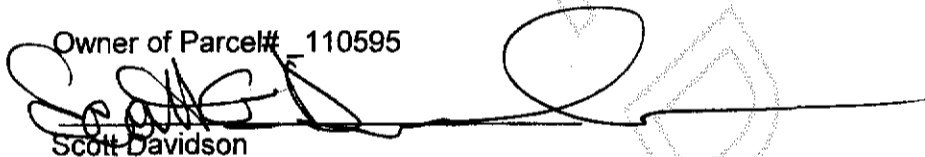
There are no verbal or other agreements which modify or affect this Agreement. There are no other agreements between the parties for cost sharing related to any easements other than those described herein and this Agreement shall not be construed as applying to easements or costs not specifically described herein. This agreement is an integrated, complete document and constitutes the entire agreement among the parties.

Owner of Parcel # 35562



Marc Emil Olhoeft

Owner of Parcel# 110595



Scott Davidson

State of Washington

County of Skagit

I Certify that I know or have satisfactory evidence that

Marc Emil Olhoeft and Scott Davidson

Are the persons who appeared before me, and said persons acknowledge that

Marc Emil Olhoeft and Scott Davidson

signed this instrument and acknowledge it to be a free and voluntary act for the uses and purposes mentioned in this instrument

Dated: October 30, 2003



Notary Public

My Appointment Expires

9-11-06



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