



3224552
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05/21/2004 03:57P
Cowlitz County

COWLITZ COUNTY TITLE DEED 27.00

AFTER RECORDING MAIL TO:

Name CLASS DEVELOPMENT NW, INC.

Address 465 VARSITY ROAD

City, State, Zip KALAMA, WA 98625

Escrow No. 00137970-RCJ

Received \$ **EXEMPT** exoise tax levied
pursuant to Chap. 11, Laws Ex. 1951
040083 JUDY AINSLIE
APP. NO. COWLITZ COUNTY TREAS.
Date JAN 15 2004 DDYMM Deputy

#9

(FULFILLMENT)
Statutory Warranty Deed

THE GRANTOR MARK F. ANDREWS AND GINA L. ANDREWS, HUSBAND AND WIFE AND DANIEL W. HIEBERT, TRUSTEE OF THE KLEIN TRUST DATED APRIL 29, 1991 AS TO AN UNDIVIDED ONE-HALF INTEREST WITH EACH AS TENANTS IN COMMON for and in consideration of Fulfillment of Real Estate Contract in hand paid, conveys and warrants to DAN CLASS, AN UNMARRIED MAN, AND CLASS DEVELOPMENT NW, INC., A WASHINGTON CORPORATION the following described real estate, situated in the County of COWLITZ, State of Washington:

LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A"

25-6-1W T-12 AKA TR 19 & 25-6-1W T-12C AKA TR 18; 25-6-1W T-12B,13 AKA TR 17 AND 25-6-1W T-11H,12A AKA TR 12

SUBJECT TO covenants, conditions, restrictions, reservations, easements and agreements of record, if any.

Assessor's Property Tax Parcel Account Number(s): WC25-03-001; WC25-03-015, WC25-03-016, WC25-03-010 PTN OF

This deed is given in fulfillment of that certain real estate contract between the parties hereto, dated January 14, 2004, and conditioned for the conveyance of the above described property, and the covenants of warranty herein contained shall not apply to any title, interest or encumbrance arising by, through or under the purchaser in said contract, and shall not apply to any taxes, assessments or other charges levied, assessed or becoming due subsequent to the date of said contract.

Real Estate Sales Tax was paid on this sale or stamped exempt on 1-15-2004, Rec. No. 040083

Dated this 14TH day of JANUARY, 2004.

KLEIN TRUST

[Signature]
DANIEL W. HIEBERT, TRUSTEE

[Signature]
MARK F. ANDREWS JR.

[Signature]
GINA L. ANDREWS

9/27

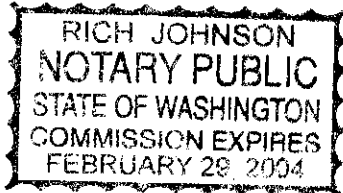


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STATE OF WASHINGTON }
COUNTY OF COWLITZ } ss

I certify that I know or have satisfactory evidence that **MARK F. ANDREWS AND GINA L. ANDREWS** are the persons who appeared before me, and said persons acknowledged that **THEY** signed this instrument and acknowledged it to be **THEIR** free and voluntary act for the uses and purposes mentioned in this instrument.

Dated: 1/14/04

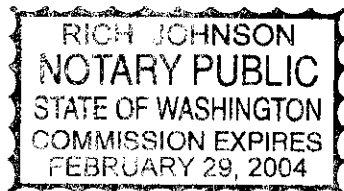


Rich Johnson
RICH JOHNSON
Notary Public in and for the State of Washington
Residing at **LONGVIEW**
My appointment expires: **February 29, 2004**

STATE OF WASHINGTON)
)ss
COUNTY OF COWLITZ)

ON THIS 14 DAY OF JANUARY, 2004, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED DANIEL W. HIEBERT TO ME KNOWN TO BE THE INDIVIDUAL WHO EXECUTED THE FOREGOING INSTRUMENT AS TRUSTEE(S) FOR THE KLEIN TRUST DATED APRIL 29, 1991 AND ACKNOWLEDGED THAT HE SIGNED THE SAME AS THE FREE AND VOLUNTARY ACT AND DEED AS TRUSTEE(S) FOR SAID TRUST FOR THE USES AND PURPOSES THEREIN MENTIONED, AND ON OATH STATED THAT HE IS AUTHORIZED TO EXECUTE SAID INSTRUMENT.

MY COMMISSION EXPIRES: February 29, 2004



Rich Johnson
RICH JOHNSON
NOTARY PUBLIC IN AND FOR THE STATE OF
WASHINGTON, RESIDING AT: LONGVIEW

Unofficial Copy

EXHIBIT "A"
TO REAL ESTATE CONTRACT
ANDREWS/HIEBERT TO CLASS

Legal Description:

A portion of the Southwest Quarter of Section 25, Township 6 North, Range 1 West, W.M., in Cowlitz County, Washington more particularly described as follows:

All of segregated Tracts 17, 18, 19 and the Southerly portion of Tract 12 which is bounded on the North by the production of the North line of Tract 19 Easterly North 89° 20' 6" East from the Northeast corner of Tract 19 to the Easterly line of said Tract 12, comprising approximately 36 acres, more or less, and having segregated Assessor's Tax Parcel Numbers WC2503015, WC2503016, WC2503001; and, a portion of WC2503010, respectively; Pursuant to survey recorded in volume 22, page 102, under auditor's file no. 3115278. *AMX, MA, GSA*

Together with the non-exclusive easement appurtenant, 60 feet in width, for all access, ingress, egress and utility purposes extending from Shirley Gordon County Road Westerly to the property above described upon which an existing gravel Forest Management road is constructed. The centerline of said easement coincides with tract boundaries common with Tracts 14 and 15, 14 and 16, 13 and 16, 13 and 17, and 12 and 17.

Said easement, together with the property above described, is located and in accordance with that certain survey by S. R. Lee Surveying for M. Andrews and D. Hiebert recorded May 16, 2001, in Book 22 of Surveys at page 102 under Auditor's File No. 3115278, Auditor's records of Cowlitz County, Washington relative to portions of Sections 25 and 26, Township 6 North, Range 1 West, W.M., Cowlitz County, Washington, which by this reference is incorporated herein and made a part hereof. A segment of said survey plat map is attached hereto and by this reference incorporated herein for illustrative purposes.

Reserving unto Grantors the non-exclusive easement appurtenant to all of Grantors' residual ownership in said Southwest Quarter of said Section 25, Township 6 North, Range 1 West, W.M., 60 feet in width for all roadway, access, ingress, egress and utility purposes as illustrated on the attached segment of S. R. Lee survey plat map above referenced, the centerline of which is the centerline of the existing dirt road located in the approximate location as illustrated on the attached segment of the above-referenced survey plat map; and, the extension of the easement hereinabove granted, the centerline of which is the boundary common to Tracts 13 and 17, 12 and 17 and extending Westerly into Tract 19 to its point of intersection with the above-referenced dirt road.

Grantee shall have the option of relocating Grantors' reserved easement to a more suitable location in order to accommodate Grantee's needs; provided, that Grantors' access rights are not diminished thereby.

All of which is subject to easements, restrictions and reservations of record and those disclosures set forth in Exhibit "B".

EXHIBIT "A TO REAL ESTATE CONTRACT



EXHIBIT "B"
TO REAL ESTATE CONTRACT
ANDREWS/HIEBERT TO CLASS

Paragraph 33 ADDENDA:

- (a) The real property described in Exhibit "A" above, which is the subject matter of this Real Estate Contract, is currently classified timber land and has been such for many years last past. Such classification has been accorded special treatment for taxation purposes pursuant to the laws of the State of Washington. Purchaser acknowledges that in the event he chooses to change the use of said property from its present timber classification, that the State of Washington/Cowlitz County Assessor will impose and assess a compensating tax for such change of use. Purchaser agrees that he shall promptly pay any such compensating taxes and penalties imposed as a result of any such change of use and save and hold Sellers harmless from any of the same.
- (b) Purchaser acknowledges that Sellers have operated the property described in Exhibit "A" above, which is the subject matter of this Real Estate Contract, together with other adjoining property not the subject matter of this Real Estate Contract, as a tree farm and as classified forest land and intend to continue such operation in the future as to their residual ownership.

To date, Sellers disclose that the property described in Exhibit "A", the subject matter of this Real Estate Contract, may be subject to continuing forest land obligations arising from the following:

- (1) Approved Forest Practice Application No. 2902093 dated June 22, 1999, effective June 21, 1999, expires June 21, 2001. Pursuant to protocol survey of South Fork of Mill Creek by Mark Chambers dated July 2, 1999, said stream was reclassified from 3 (fish bearing) to 4 (non-fish bearing) for purposes of Forest Practice Application No. 2902093. Sellers have completed their forest practices approved in said Forest Practice Application in accordance with all conditions imposed, including reforestation requirements. Purchaser acknowledges receipt of copy of said Forest Practice Application and Stream Protocol Survey.
- (2) RMAP (Road Maintenance and Abandonment Plan) No. R2900458 dated May 2002. Purchaser acknowledges receipt of copy of said RMAP and with respect to road segments 4, 4A, 4A1 and 3, to the extent they impact or concern the property described in Exhibit "A", Purchaser acknowledges a continuing forest land obligation may exist; and, Purchaser does hereby assume any liability for the same and shall indemnify and hold harmless Sellers for any of the same.
- (3) FPA (Forest Practice Application) No. 2904054 approved June 19, 2000. Although this FPA did not concern or involve any forest practice relative to the subject property described in Exhibit "A" hereof, attention is drawn to the referenced condition: "Construct water bars or outslope the road from Station 1270 at the creek crossing to the ridge top at approximately Station 1800."



Inasmuch as Sellers had no reason to use said road (RMAP Road I.D. 3) in their operations relative to this FPA and because Sellers' belief that the problem area identified as Problem Area C-3 was an old slide that occurred in 1996 or 1997 during one of several 100-year record precipitation events has long since stabilized and is completely revegetated by natural means, no corrective action has been taken. If necessary, however, the same can be cured by minor means. Purchaser acknowledges receipt of copy of said FPA and acknowledges and accepts any responsibility for any corrective action that need be taken under said RMAP as is applicable to the real property described in Exhibit "A" and shall indemnify and hold Sellers harmless from any of the same.

Purchaser acknowledges the possibility of continuing forest land obligations from the foregoing disclosures to the extent they may impact the property described in Exhibit "A" and does hereby assume liability for any of the same and shall indemnify and hold harmless Sellers from any of the same.

Further, both Sellers and Purchaser have executed the Washington State Department of Natural Resources Notice of Continuing Forest Land Obligation, a copy of which is attached hereto.

(c) Deeds in Partial Fulfillment.

Notwithstanding Optional Provision No. 30 above (Due on Sale Clause), it is mutually agreed that Buyer shall be entitled to Deeds in Partial Fulfillment of this Real Estate Contract upon Buyer's meeting all of the following conditions:

- (1) A request for same be submitted to Sellers, in writing, accompanied with a survey plat showing the parcel sought to be conveyed, its legal description, its relationship to the remainder of the property covered by this Real Estate Contract, its acreage or square footage;
- (2) Evidence that the conveyance will not landlock any of the remainder covered by this Real Estate Contract;
- (3) The tender or payment of a sum of money to be applied to the unpaid contract balance equal to the greater of \$20,000 per acre or fraction thereof; or, one-half of Purchaser's resale price; *TO BE AT SELLER'S OPTION*
- (4) That Purchaser is not in default of any of the terms or provisions of this Real Estate Contract;
- (5) Evidence of compliance with all zoning, platting, subdivision, land use, and other laws and regulations applicable.

(6) *DEFAULT INTEREST ESCALATES TO 18% IF PAYMENT PAST 30 DAYS FROM DUE DATE*

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COWLITZ COUNTY TITLE REC 83.00 Cowlitz County

(d) ACCELERATION OF BALANCE DUE.

In the event of the acceleration of the balance due here under, pursuant to real estate contract form LPB-44 paragraph 20d, said interest rate is to increase to 18% per anum, which shall be in addition to late charge referenced in real estate contract form LPB-44 paragraph 9.

SELLER

Mark Andrews
MARK F. ANDREWS, JR.

Gina L. Andrews
GINA L. ANDREWS

KLEIN TRUST

Daniel W. Hiebert, Trustee
DANIEL W. HIEBERT, TRUSTEE

BUYER

Dan Class
DAN CLASS

CLASS DEVELOPMENT NW, INC.

Daniel D. Class
DANIEL D. CLASS, PRESIDENT

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COWLITZ COUNTY TITLE REC

When Recorded Return to:

DNR - South West REGION
P.O. Box 280
Castle Rock, WA 98611-0280

RECEIVED
JAN 15 2004
SWE 12/10/04
ba

Washington State Department of Natural Resources
Notice of Continuing Forest Land Obligation

Sellers and Buyers of land and perpetual timber rights have certain rights and responsibilities when the land or perpetual timber rights are sold or transferred. Where the land is subject to certain continuing forestland obligations including without limitation reforestation, Road Maintenance and Abandonment Plans and Harvest Strategies along Type 4 Waters in Eastern Washington, prior to the sale or transfer of the land or perpetual timber rights the law requires that the following occur: 1) the seller shall notify the buyer of the existence and nature of the obligations and 2) the buyer shall sign a Notice of Continuing Forestland Obligation Form indicating the buyer's knowledge of such obligation. At the time of sale or transfer of the land or perpetual timber rights the seller shall send the signed Form to the Department of Natural Resources (DNR). The Form may be obtained from your DNR region office.

If the seller fails to notify the buyer about the continuing forest land obligation referenced above, the seller shall pay the buyer's costs related to such continuing forest land obligation, (including all legal costs) incurred by the buyer in enforcing the continuing forestland obligation against the seller. Failure by the seller to send the required notice to the DNR at the time of sale shall be prima facie evidence, in an action by the buyer against the seller for costs related to continuing forest land obligation, that the seller did not notify the buyer of the continuing forest land obligation prior to sale. See RCW 76.09.070, RCW 76.09.390 and WAC 222-20-055.

There are also other types of continuing forestland obligations subject to certain requirements, including without limitation Small Forest Landowner Forest Riparian Easements and Landowner Landscape Plans. For more information contact the DNR Regional Office.

CONTINUING OBLIGATION/S

Reforestation (RCW 76.09.070)

Obligation exists on the property identified above and relates to the following Forest Practice Application/Notification (FPA/N) Numbers (list all that apply, add attachment if necessary): FPA No. 2902, dated 6-22-99

No Reforestation obligation exists on the property.

All Reforestation obligations Have been completed and met.

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Road Maintenance and Abandonment Plan (WAC 222-24-051)

Obligation exists on property identified above and relates to the following FPA/N Numbers and/or Road Maintenance Plan Numbers (list all that apply, add attachment if necessary): RMAP No. R2900458

No Road Plan obligation exists on the property.

All Road Plan obligations are current & have been met.

Harvest Strategy along Type 4 Waters in Eastern Washington (WAC 222-30-022 (2)(b))

Obligation exists on the property identified above and relates to the following FPA/N Numbers (list all that apply, add attachment if necessary):

Not

Applicable

No Harvest Strategy obligation exists on the property.

PROPERTY IDENTIFICATION

Land/Rights Sold/Transferred (circle one): Land and Timber Land Perpetual Timber Rights

Date that the Land/Rights was/were Sold/Transferred (month/day/year):

County/ies: Cowlitz

DNR Region/s: Southwest

Legal Description of the Lands/Rights being Sold/Transferred (include county parcel number/s, add attachment if necessary):

A portion of SW 1/4, Sec 25, T6N, R1W, W1M SEE Exhibit "A" to Real Estate contract ANDREWS/Hibbert to CLASS dated 1-2-04 for particulars

SELLER:

Signature: [Signature]

Date: 1-14-04

Print name: MARIE ANDREWS JR, Gina

Title: ANDREWS & DANIEL W. HIBBERT, TMC, JR

Address: 1207 Behmer Hwy, Kelso, WA

Phone: (360) 636-2009 98626

BUYER:

Signature: [Signature]

Date: 1-14-04

Print name: DAN CLASS CLASS DEPT

Title: President

Address: 465 VAN DYKE

Phone: 225-0999

NOTE TO SELLER:

At the time of sale or transfer of the property or the perpetual timber rights:

The seller is responsible for delivering (by certified mail or in person) the SIGNED ORIGINAL to the DNR Region Office in which the property is located. However, if you choose to also have this form recorded by the county, the original is delivered to the county and a copy delivered (by certified mail or in person) to the DNR Region Office.

FOR DEPARTMENTAL USE ONLY

Notice of Continuing Forestland Obligation #: _____ Date Received: _____

Region: _____ Received by: _____

FORM DNR 00-12 (6/22/01)

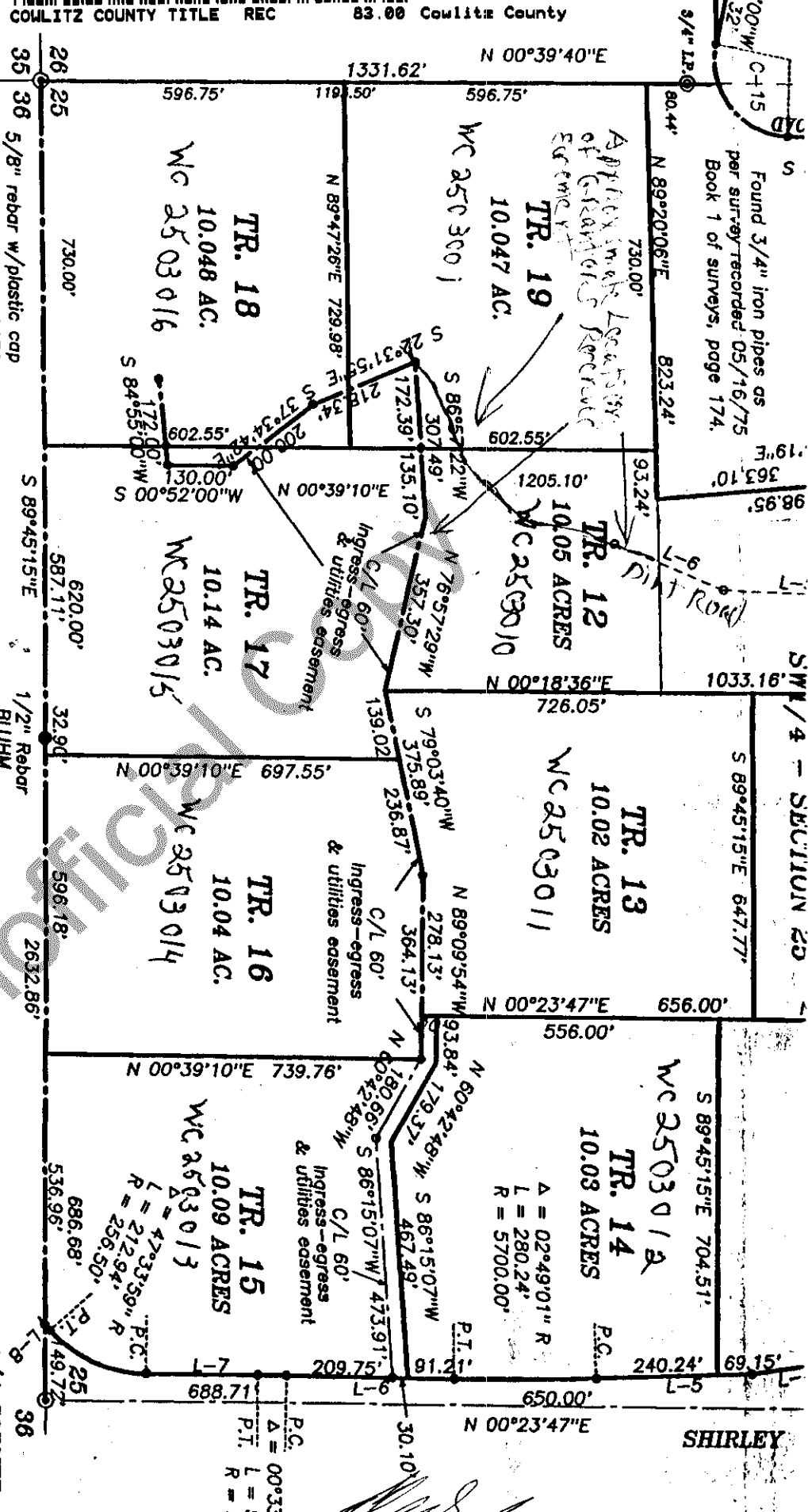
40°00'W
38.3'
C-15
N 77°20'00"W
219.32'
C-15
9/4" IR.
60.44'
N 89°20'06"E
823.24'
Found 3/4" iron pipes as per survey recorded 05/16/75 Book 1 of surveys, page 174.

TABLE
TRS. 2 & 3
5"W 204.51'
7"E 130.54'
8"E 66.93'
9"E 284.88'
10"E 130.05'
11"E 320.66'
12"W 261.32'
13"W 97.35'

BLE
S. 11 & 12
35"E 197.61'
36"E 192.61'
37"E 302.82'
38"E 167.30'
39"W 254.54'
40"W 234.00'
1315.54'

Dimensions as of the
403092;
010, 950201004;
3040566.

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Segment of Survey by S.R. Lee Surveying For M. Andrews and D. Hibbert Recorded May 16, 2001 in Book 82 of Pl. Surveys of Page 102 and under Auditor's File No. 3115 255 Auditor's Record of Cowlitz County, WA.

SURVEYOR'S CERTIFICATE

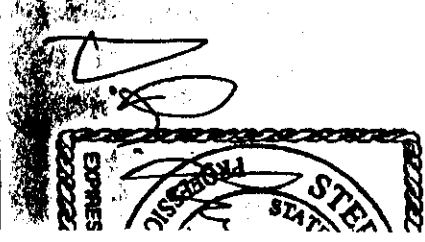
This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act at the request of M. ANDREWS & D. HIBBERT in January 2001

DESCRIPTION

A part of the Southwest One-Quarter (SW1/4) of Section 25, and a part of the East One-Half (E1/2) of Section 26, Township 6 North, Range 1 West of W. M. in Cowlitz County, Washington, as per Document recorded December 1, 1998, under Cowlitz Auditor's File No. 3040566.

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R. LEE S
P. O. BO
CENTRALIA,



computed to the western Road as shown. This we by using the description in volume 824, page 522 as built features. The deed was not possible to of bearing, and the south not tied to a definite cor

Tracts bordering the Green computed to the "as-built"

OF SURVEY: S
N GTS 302D 03'