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Auditor File #: 1999 0014575

BENJAMIN D. BUCHANAN
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COLVILLE WA 99114

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STEVENS COUNTY, WASHINGTON
TIM GRAY, AUDITOR

PLCLINTON

File: Buchanan/Loveall



PARTY WALL AND COMMON ROOF DEDICATION AND COVENANT

BENJAMIN D. BUCHANAN and EARLENE F. BUCHANAN, husband and wife, hereinafter referred to as "BUCHANAN," as owners and dedicators, hereby dedicate, declare and establish the following:

WITNESSETH:

WHEREAS, BUCHANANS own certain real property described herein consisting of a building fronting on First Street; and

WHEREAS, where there is an impermeable party wall dividing said building into an easterly portion and a westerly portion, which party wall does not extend into the roof which is common to the whole building; and

WHEREAS, BUCHANANS have caused the property to be surveyed and wish to divide the same by a legal description so as to allow the separate ownership of each half of the building; and

WHEREAS, the parties wish to establish a party wall and common roof agreement on the terms and conditions set forth herein;

NOW, THEREFORE, the BUCHANANS hereby dedicate, covenant, declare and establish the following:

1. That there is hereby dedicated and established a common party wall between the following described parcels:

Assessor's Parcel No. 10400

Parcel A:

Per Record of Survey for Short Plat No. SP 3-99 filed on 12-14, 1999, under Auditor's File No. 19990014544, in Volume 243, Page 1235 Stevens County, Washington, more particularly described as follows:

A parcel of land located in Lots 18, 19 and 20 of Block 11, of the CITY OF COLVILLE, according to the plat thereof filed in Book A of Plats, Page 1, and located in Section 9, Township 35 North, Range 39 East, W.M., in Stevens County, Washington, being more particularly described as follows:

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Beginning at a point in the north line of said Lot 20 located N 89°59'45" W a distance of 26.01 feet from the northeast corner of said Lot 20; said point of beginning being a point on the east line of the West 34 feet of the East Half of said Lots 18, 19 and 20; thence S 0°00'02" E a distance of 90.03 feet to the south line of said Lot 18; thence N 89°59'55" W a distance of 32.76 feet along said south line to the intersection of the southerly extension of the center line of an existing 8 inch wide concrete block wall; thence N 0°37'06" W a distance of 90.04 feet along said center line to the north line of said Lot 20; thence S 89°59'45" E a distance of 33.73 feet along said north line to the Point of Beginning.

Assessor's Parcel No. _____

Parcel B:

Per Record of Survey for Short Plat No. SP 3-99 filed on 12-14, 1999, under Auditor's File No. 19990014544, in Volume 243, Page 1235 Stevens County, Washington, more particularly described as follows:

A parcel of land located in Lots 18, 19 and 20 of Block 11 of the CITY OF COLVILLE, according to the plat thereof filed in Book A of Plats, Page 1, and located in Section 9, Township 35 North, Range 39 East, W.M., Stevens County, Washington, being more particularly described as follows:

Beginning at a point in the north line of said Lot 20 located S 89°59'45" E a distance of 35.30 feet from the northwest corner of said Lot 20; said point of beginning being a point in the west wall of an existing building as described in deed filed in Book 196 of Deeds, Page 565; thence S 89°59'45" E a distance of 24.98 feet along the north line of said Lot 20 to the center of an existing 8 inch concrete block wall; thence S 0°37'06" E a distance of 90.04 feet along said centerline to the south line of said Lot 18; thence N 89°59'55" W a distance of 25.94 feet along the south line to the intersection with line described in deed filed in Book 196 of Deeds, Page 565; thence N 0°00'03" E a distance of 90.04 feet along said line to the Point of Beginning.

That the aforementioned parcels, and the common wall between them, are diagrammed as set forth in Record of Survey performed by Richard Bard, Jr., recorded under Auditor's File No. _____

2. BUCHANANS, for themselves, their heirs and assigns, hereby grant to all subsequent owners of either Parcel A or B the right to use said common party wall for support, above and below the ground, and as the same wall currently exists, or may be modified in the future.

3. That any costs of repair or rebuilding of said common wall, or any part thereof, shall be borne one-half by the owner of Parcel A as above described and one-half by the owner of Parcel B above described.

4. That any costs to repair or patch the common roof shall be exclusively borne by the party owning the property under the location of the patch or repair of the roof. If the parties owning the combined premises agree unanimously that the common roof shall be replaced, then the replacements costs shall be borne by each party based on a square footage proration of the roof being replaced.

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