

Recording Requested
By and Return to:

John Van Dijk, President
Bank of the Pacific
P.O. Box 1826
Aberdeen, WA 98520

06 FEB -9 11:00

RESTRICTIVE COVENANT

The Bank of the Pacific, 58 Main Street, Cathlamet, WA 98612-0337

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by The Bank of the Pacific (hereafter "Owner"), its successors and assigns, and the State of Washington Department of Ecology, its successors and assigns (hereafter "Ecology").

An independent remedial action (hereafter "Remedial Action") occurred at the Owner's 20 Butler Street property. The 20 Butler Street property is located west of, and immediately adjacent to, the Owner's 58 Main Street property (hereafter "Property") that is the subject of this Restrictive Covenant. The Remedial Action conducted at the 20 Butler Street property is described in the following documents: 1) Soil Remediation Report, Bank of the Pacific Butler Street Property, Cathlamet, Washington, Aspect Consulting LLC, April 21, 2004, 2) Post - Remediation Groundwater Monitoring Report, Bank of the Pacific Butler Street Property, Cathlamet, Washington, Aspect Consulting LLC, February 1, 2004. These documents are on file at Ecology's Southwest Regional Office (SWRO.)

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of petroleum hydrocarbon constituents on the Property, including total petroleum hydrocarbons (TPHs), benzene, ethylbenzene and xylenes, which exceed the applicable Model Toxics Control Act (MTCA) Method A Unrestricted Land Use Cleanup Levels for soil



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established under WAC 173-340-900. The approximate area of soil on the Property with residual concentrations of hydrocarbon constituents exceeding the Method A Unrestricted Land Use Cleanup Levels for soil is shown on Attachment A to this Restrictive Covenant, and made a part hereof by reference. Specifically, this area of residual petroleum hydrocarbon constituents in soil, depicted in Attachment A, is approximately 10 feet by 35 feet in area and is located from approximately 6 to 10 feet depth beneath the western portion of the main Property parking lot along the retaining wall that forms the western boundary of the Property. Contaminated soil in this area could not be removed without jeopardizing the structural integrity of the retaining wall and adjacent parking lot. Maximum detected residual petroleum hydrocarbon constituents exceeding the Method A Unrestricted Land Use Cleanup Levels for soil in this area were as follows:

- Benzene - 3.3 milligrams per kilogram (mg/kg),
- Ethylbenzene - 18 mg/kg,
- Xylenes - 19.2 mg/kg, and
- TPHs as gasoline - 650 mg/kg

The Owner is the fee owner of the Property located in the County of Wahkiakum, State of Washington that is subject to this Restrictive Covenant. The Property designation is the following described real estate, to wit:

Parcel No. One:

That portion of the Northeasterly 50 feet of Lot Two (2), in Block "G" TOWN OF CATHLAMET, as per plat thereof recorded in Book "A" of Plats, page 1, records of Wahkiakum



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County, Washington, lying Southeasterly of the Southeasterly line of that certain tract heretofore conveyed to George Witham, et. ux .., by deed recorded in Book 4 of Deeds, page 285, lying Northeasterly of that certain tract heretofore conveyed to Howard V. Carriker, et. ux .., by deed recorded in Book 22 of Deeds, page 327, lying Northwesterly of the Northwesterly line of Main Street, of said TOWN OF CATHLAMET, as the same presently exists, TOGETHERWITH that certain driveway easement executed by Irving Koths, et. ux .., recorded under Auditor's File No. 25493, in Volume 28 of Deeds & Mortgages, page 45, records of Wahkiakum County, Washington.

Parcel No. Two:

That portion of Lot Two (2), in Block "G", TOWN OF CATHLAMET, as per plat thereof recorded in Book "A" of plats, page 1, records of Wahkiakum County, Washington, EXCEPTING THEREFROM the Northeasterly 50 feet of said lot measured perpendicular to the Northeasterly line thereof; EXCEPT the Northwesterly 50 feet of said lot measured perpendicular to the Northwesterly line of said lot; and ALSO EXCEPTING THEREFROM that certain triangular tract described as follows, to-wit:

Beginning at the most Southerly corner of said lot; thence Northeasterly along the Southeasterly line thereof, 28 feet, more or less, to the intersection of Main Street with the Southwesterly line of said lot extended Southeasterly; thence Northwesterly along said line extended 62.5 feet, more or less, to a point on Alley Street; thence Southeasterly, along the Southwesterly line of said lot, 75 feet, more or less, to the point of beginning.

All situate in the County of Wahkiakum, State of Wasington.



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The Owner makes the following declaration as to limitations, restrictions, and uses to which the Property may be put and specifies that such declarations shall constitute covenants to run with the land, as provided by law and shall be binding on all parties and all persons claiming under them, including all current and future owners of any portion of or interest in the Property.

Section 1. The Owner shall not alter, modify, or remove the parking lot or retaining wall in the area of residual petroleum hydrocarbon constituents shown in Attachment A in any manner that may result in the release or exposure to the environment of contaminated soil or create a new exposure pathway without prior written approval from Ecology. Additionally, any other activity on the Property that may result in the release or exposure to the environment of the contaminated soil beneath the area of the parking lot shown on Attachment A, or create a new exposure pathway, is prohibited without prior written approval from Ecology. Some examples of activities that are prohibited without prior written approval from Ecology include: drilling, digging, placement of any objects or use of any equipment which deforms or stresses the surface beyond its load bearing capability, piercing the surface with a rod, spike or similar item, bulldozing or earthwork.

Section 2. Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.

Section 3. The Owner of the Property must give thirty (30) day advance written notice to Ecology of the Owner's intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall be consummated by the Owner without adequate and complete provision for continued monitoring, operation, and maintenance of the



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Remedial Action.

Section 4. The Owner must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessees of the restrictions on the use of the Property.

Section 5. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.

Section 6. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action; to take samples, to inspect remedial actions conducted at the Property, and to inspect records that are related to the Remedial Action.

Section 7. The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit use of the Property or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs.

Attachment A – Approximate Extent of Residual Contaminated Soil on Property

Attachment B – Plat Map of 56 Main Street, Town of Cathlamet


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11-28-05

[DATE SIGNED]

[NOTE: The Property Owner must have this Restrictive Covenant notarized.]

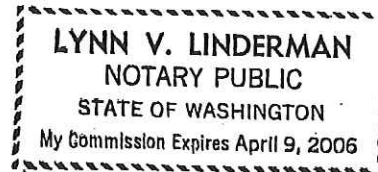
STATE OF WASHINGTON
COUNTY OF GRAYS HARBOR

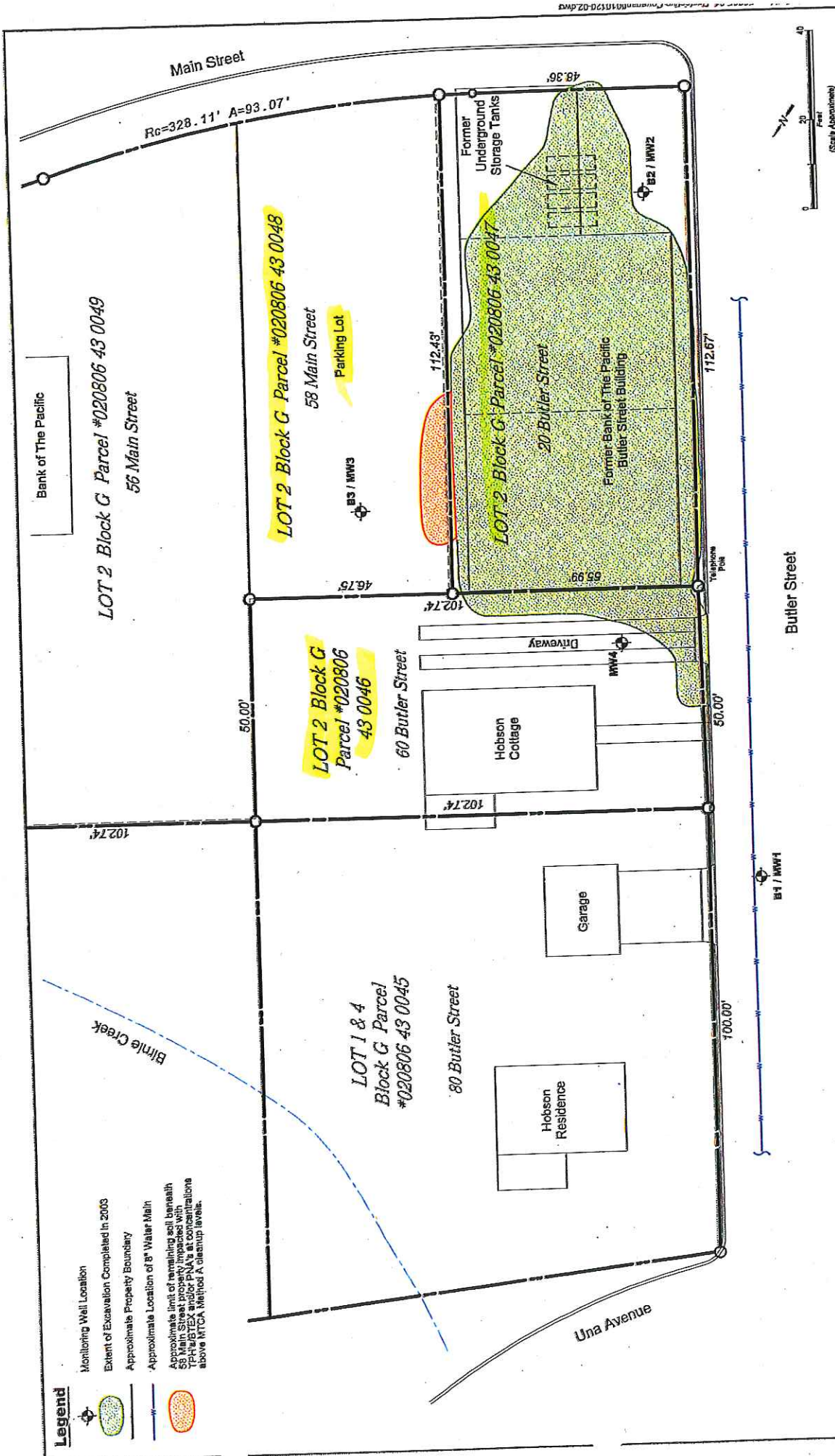
On this 28 day of November, 2005 personally came before me, a notary public in Grays Harbor County, Washington, who being by me duly sworn, personally appeared John Vandijk, known to me to be the President of the Bank of the Pacific known to me to be the individual described in and who executed the within instrument and acknowledged that he signed and sealed the same as his free and voluntary act and deed, for the uses and purposes herein mentioned.

Lynn V. Linderman
Notary Public

Printed Name Lynn Linderman

My appointment expires: 4-9-06





- Legend**
- Monitoring Well Location
 - Extent of Excavation Completed in 2003
 - Approximate Property Boundary
 - Approximate Location of 8" Water Main
 - Approximate limit of remaining soil beneath 58 Main Street property impacted with TPHs/BTEX and/or PAHs at concentrations above MTCA Method A cleanup levels.

Approximate Extent of Residual Contaminated Soil on Property
Bank of the Pacific Property
58 Main Street, Cathlamet, Washington

Aspect Consulting
111 East Avenue
Cathlamet, WA 98291
(360) 338-1122

PROJECT NO.
010120
FIGURE NO.

DATE
Jan 2005
BY
WJ/DBH
DATE
MJD

References:
Basis map provided by Robert D. Miller Consulting, Inc.
Lot line and descriptions provided by the Yakima County Assessor's Office, Cathlamet, WA.
All locations and dimensions are approximate.

WILD T-16 THEODOLITE WITH
- - - - - COMPASS WITH A WTI

COPIES TO BANK
91 PG. 26

BK. HANSEN TO BANK
111 PG. 186

C/L DATA
RC=358.11'
HELD -C=17-35'00"
HELD A=109.90'

BANK & PUBLIC SURVEY

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