

**ADDENDUM 2 TO REAL ESTATE PURCHASE AND SALE AGREEMENT**

EFFECTIVE DATE: \_\_\_\_\_

THIS IS AN ADDENDUM TO REAL ESTATE PURCHASE AND SALE AGREEMENT (the "Agreement") dated January 21, 2020 between PORT OF SKAMANIA COUNTY ("Seller") and WIND RIVER BIOMASS UTILITY, LLC ("Purchaser") for the real property legally described on Exhibit "A" attached to the Agreement.

SELLER AND BUYER HEREBY AGREE THE FOLLOWING SHALL BE PART OF THE REAL ESTATE PURCHASE AND SALE AGREEMENT REFERENCED ABOVE.

1. Wind River Biomass Utility, LLC assigns its rights under the Real Estate Purchase and Sale Agreement to Smokey Bear Holdings, LLC. The name, address and phone number of the assignee is as follows:

Smokey Bear Holdings, LLC  
P.O. Box 570  
Cascade Locks, OR 97014  
Attn: Levi Strayer  
Phone: 503-290-8982

IN WITNESS, WHEREOF, the parties hereto have executed this instrument to be effective the day and year first above written.

SELLER:

PORT OF SKAMANIA COUNTY  
a Washington Municipal Corporation

By \_\_\_\_\_  
Name Ray Broughton  
Title Commissioner District 1

Dated: \_\_\_\_\_, 20\_\_\_\_

By \_\_\_\_\_  
Name Jennifer Taylor  
Title Commissioner District 2

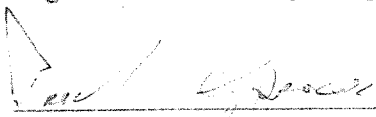
Dated: \_\_\_\_\_, 20\_\_\_\_

By \_\_\_\_\_  
Name Todd Kingston  
Title Commissioner District 3


Dated: \_\_\_\_\_, 20\_\_

PURCHASER:

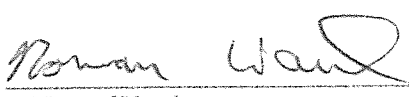
WIND RIVER BIOMASS UTILITY, LLC  
A Washington limited liability company

By   
Name Paul Spencer  
Title Member


Dated: 4 - 1, 20 21

By   
Name Robert A. Sourek  
Title Member

Dated: 3 - 30, 20 21

By   
Name Norm Ward  
Title Member

Dated: 4/01, 20 21

By   
Name Tom Linde  
Title Member

Dated: April 1, 20 21



**SELLER INFORMATION LETTER**

RE: Escrow No.: **S20-0049JA**  
Seller Name: **Port of Skamania County, a Municipal corporation of the State of Washington**  
Property Address: **, , WA**

1st Loan  Account # \_\_\_\_\_ Loan Type (FHA, VA, CONV, Contract): \_\_\_\_\_  
Approx. Balance \$ \_\_\_\_\_ @ \_\_\_\_\_%  Fixed  Variable  
Payments due on \_\_\_\_\_ day of ea. Month - Impounds:  Taxes  Insurance  Mortgage Insurance  
Payments made to: Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone ( ) \_\_\_\_\_

2nd Loan  Account # \_\_\_\_\_ Loan Type (CONV, Home Improvement): \_\_\_\_\_  
Approx. Balance \$ \_\_\_\_\_ @ \_\_\_\_\_%  Fixed  Variable  
Payments due on \_\_\_\_\_ day of ea. Month - Impounds:  Taxes  Insurance  Mortgage Insurance  
Payments made to: Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone ( ) \_\_\_\_\_

Yes  No  Homeowner's Association Dues  
Payments made to: Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone ( ) \_\_\_\_\_

Yes  No  Leased Equipment: Water Heater  Conversion Burner   
Other  Account # \_\_\_\_\_  
Payments made to: Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone ( ) \_\_\_\_\_

Yes  No  Water (Public, Private, or Community)  and/or Sewer   
Payments made to: Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone ( ) \_\_\_\_\_

Phone Number where you may be contacted AM: \_\_\_\_\_ PM: \_\_\_\_\_

We hereby give our consent for the release of any and all payoff figures regarding the encumbrances against the above referenced property.

**I UNDERSTAND THAT I MUST KEEP PAYMENTS CURRENT ON ALL THE OBLIGATIONS SHOWN ABOVE DURING THE PROCESSING OF MY ESCROW.**

\_\_\_\_\_  
Ray Broughton, Commissioner, District 1  
SS#: \_\_\_\_\_  
\_\_\_\_\_  
Jennifer Taylor, Commissioner, District 2  
SS#: \_\_\_\_\_

\_\_\_\_\_  
Todd Kingston, Commissioner, District 3  
SS#: \_\_\_\_\_  
\_\_\_\_\_  
Signature  
SS#: \_\_\_\_\_

File Number: **S20-0049JA**

Date: **March 30, 2021**

TO: **Columbia Gorge Title**

**SELLER'S AFFIDAVIT OF NON-FOREIGN STATUS**

Section 1445 of the Internal Revenue Code provides that a transferee of a U.S. real property interest must withhold tax if the transferor is a foreign person. To inform the transferee that withholding of tax is not required upon the disposition of a U.S. real property interest located at:

**,, WA**

by **Port of Skamania County, a Municipal corporation of the State of Washington**

I hereby certify to the following (if an entity transferor, on behalf of the transferor):

\*\*\*\*\*

**INDIVIDUAL TRANSFEROR(S):**

- 1. I am not a nonresident alien for purposes of U.S. income taxation;
- 2. My U.S. taxpayer identification number (Social Security number) is: \_\_\_\_\_
- 3. My home address is: \_\_\_\_\_

\*\*\*\*\*

**CORPORATION, PARTNERSHIP, TRUST OR ESTATE TRANSFEROR(S):**

- 1. \_\_\_\_\_ (name of transferor) is not a foreign corporation, foreign partnership, foreign trust, or foreign estate (as those terms are defined in the Internal Revenue Code and Income Tax regulations);
- 2. \_\_\_\_\_ (name of transferor) U.S. employer identification number is \_\_\_\_\_ and;
- 3. \_\_\_\_\_ (name of transferor) office address is \_\_\_\_\_

\*\*\*\*\*

**Ray Broughton**, (name of transferor) understands that this certification may be disclosed to the Internal Revenue Service by transferee and that any false statements I have made here (or, for entity transferor, contained herein) could be punished by fine, imprisonment, or both.

Under penalties of perjury I declare that I have examined this certification and to the best of my knowledge and belief it is true, correct and complete (and, for entity transferor, I further declare that I have authority to sign this document on behalf of (name of transferor).

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

**NOTICE TO TRANSFEROR AND TRANSFEREE:**

An affidavit should be signed by each individual or entity transferor to whom or which it applies. Before you sign, any questions relating to the legal sufficiency of this form, or to whether it applies to a particular transaction or to the definition of any of the terms used, should be referred to a certified public accountant, attorney, or other professional tax advisor, or to the Internal Revenue Service.

File Number: S20-0049JA

Date: March 30, 2021

TO: Columbia Gorge Title

**SELLER'S AFFIDAVIT OF NON-FOREIGN STATUS**

Section 1445 of the Internal Revenue Code provides that a transferee of a U.S. real property interest must withhold tax if the transferor is a foreign person. To inform the transferee that withholding of tax is not required upon the disposition of a U.S. real property interest located at:

,, WA

by Port of Skamania County, a Municipal corporation of the State of Washington

I hereby certify to the following (if an entity transferor, on behalf of the transferor):

\*\*\*\*\*

**INDIVIDUAL TRANSFEROR(S):**

- 1. I am not a nonresident alien for purposes of U.S. income taxation;
- 2. My U.S. taxpayer identification number (Social Security number) is: \_\_\_\_\_
- 3. My home address is: \_\_\_\_\_

\*\*\*\*\*

**CORPORATION, PARTNERSHIP, TRUST OR ESTATE TRANSFEROR(S):**

- 1. \_\_\_\_\_ (name of transferor) is not a foreign corporation, foreign partnership, foreign trust, or foreign estate (as those terms are defined in the Internal Revenue Code and Income Tax regulations);
- 2. \_\_\_\_\_ (name of transferor) U.S. employer identification number is \_\_\_\_\_ and;
- 3. \_\_\_\_\_ (name of transferor) office address is \_\_\_\_\_

\*\*\*\*\*

Jennifer Taylor , (name of transferor) understands that this certification may be disclosed to the Internal Revenue Service by transferee and that any false statements I have made here (or, for entity transferor, contained herein) could be punished by fine, imprisonment, or both.

Under penalties of perjury I declare that I have examined this certification and to the best of my knowledge and belief it is true, correct and complete (and, for entity transferor, I further declare that I have authority to sign this document on behalf of (name of transferor)).

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

**NOTICE TO TRANSFEROR AND TRANSFEREE:**

An affidavit should be signed by each individual or entity transferor to whom or which it applies. Before you sign, any questions relating to the legal sufficiency of this form, or to whether it applies to a particular transaction or to the definition of any of the terms used, should be referred to a certified public accountant, attorney, or other professional tax advisor, or to the Internal Revenue Service.

File Number: **S20-0049JA**

Date: **March 30, 2021**

TO: **Columbia Gorge Title**

**SELLER'S AFFIDAVIT OF NON-FOREIGN STATUS**

Section 1445 of the Internal Revenue Code provides that a transferee of a U.S. real property interest must withhold tax if the transferor is a foreign person. To inform the transferee that withholding of tax is not required upon the disposition of a U.S. real property interest located at:

**,, WA**

by **Port of Skamania County, a Municipal corporation of the State of Washington**

I hereby certify to the following (if an entity transferor, on behalf of the transferor):

\*\*\*\*\*

**INDIVIDUAL TRANSFEROR(S):**

- 1. I am not a nonresident alien for purposes of U.S. income taxation;
- 2. My U.S. taxpayer identification number (Social Security number) is: \_\_\_\_\_
- 3. My home address is: \_\_\_\_\_

\*\*\*\*\*

**CORPORATION, PARTNERSHIP, TRUST OR ESTATE TRANSFEROR(S):**

- 1. \_\_\_\_\_ (name of transferor) is not a foreign corporation, foreign partnership, foreign trust, or foreign estate (as those terms are defined in the Internal Revenue Code and Income Tax regulations);
- 2. \_\_\_\_\_ (name of transferor) U.S. employer identification number is \_\_\_\_\_ and;
- 3. \_\_\_\_\_ (name of transferor) office address is \_\_\_\_\_

\*\*\*\*\*

**Todd Kingston** , (name of transferor) understands that this certification may be disclosed to the Internal Revenue Service by transferee and that any false statements I have made here (or, for entity transferor, contained herein) could be punished by fine, imprisonment, or both.

Under penalties of perjury I declare that I have examined this certification and to the best of my knowledge and belief it is true, correct and complete (and, for entity transferor, I further declare that I have authority to sign this document on behalf of (name of transferor)).

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

**NOTICE TO TRANSFEROR AND TRANSFEREE:**

An affidavit should be signed by each individual or entity transferor to whom or which it applies. Before you sign, any questions relating to the legal sufficiency of this form, or to whether it applies to a particular transaction or to the definition of any of the terms used, should be referred to a certified public accountant, attorney, or other professional tax advisor, or to the Internal Revenue Service.









Julie Andersen  
Escrow Officer /LPO No. 10974



41 SW Russell Avenue, PO Box 277,  
Stevenson, WA 98648  
Tel: (509) 427-5681 • Fax: (509) 427-5610

## NOTICE REGARDING AVAILABILITY OF FUNDS

DISBURSEMENT OF ESCROWED FUNDS MAY BE DELAYED FOR UP TO THREE (3) BUSINESS DAYS AFTER DOCUMENTS ARE RECORDED.

Under regulation of the Real Estate Agency of the State of Washington, an escrow agent may not disburse any funds from its escrow clients' trust account until those funds are "available."

"Available" has a special meaning in the banking industry. It means that the bank recognizes a deposit as "available" for its account holder to draw upon, even though the deposit may not have been collected through the banking system.

Each bank which Columbia Gorge Title uses for its clients' trust accounts has a "funds availability schedule." Those schedules are complex and vary from bank to bank. **Columbia Gorge Title** offices together use several different Washington banks. Funds are usually available for use by **Columbia Gorge Title** offices as follows:

- 1) Wire transfer: the same day. – **PLEASE CALL YOUR ESCROW OFFICER IMMEDIATELY TO VERIFY THE INFORMATION PRIOR TO SENDING FUNDS**
- 2) Cashier's check or check drawn on the **Columbia Gorge Title** Branch office's bank: the same day.
- 3) Cashier's check from bank within Washington, other than the bank in which the clients' trust account is in: one to two days.
- 4) U.S. Government or State of Washington Check: two to four days.
- 5) Out of state cashier's check: one to three days.

Until funds are "available," no escrow agent in Washington may disburse the funds which have been deposited in the escrow. Disbursement of loan and net proceeds could be delayed by a waiting period for funds to become "available."

**COLUMBIA GORGE TITLE** WILL MAKE EVERY EFFORT TO CLOSE EACH ESCROW IN A TIMELY MANNER.

**\*\*Be aware! Online banking fraud is on the rise. If you receive an email containing WIRE TRANSFER INSTRUCTIONS call your escrow officer immediately to verify the information prior to sending funds\*\***



**FOR YOUR PROTECTION, PLEASE NOTE:**  
**CHANGES TO WIRING INSTRUCTIONS WILL NEVER BE ACCEPTED OR REQUESTED VIA EMAIL.**  
**ALWAYS CALL YOUR ESCROW OFFICER TO VERIFY**

**SB 6851** (effective 6/12/2008)

Todd Kingston, Commissioner, District 3



41 SW Russell Avenue, PO Box 277,  
Stevenson, WA 98648  
Tel: (509) 427-5681 • Fax: (509) 427-5610

**DISCLOSURE TO THE PARTIES**  
**UNDER APR12**

Re: Escrow No.: S20-0049JA  
Seller: Port of Skamania County, a Municipal corporation of the State of Washington  
Purchaser: Smokey Bear Holdings LLC  
Property Address: . WA

The above referenced transaction has been placed with Columbia Gorge Title for closing, and you have requested that Columbia Gorge Title employees prepare the documents necessary to close the transaction.

We wish to advise you that Columbia Gorge Title employees are not lawyers. Under Washington law, as certified closing officers, Columbia Gorge Title escrow closers may select, prepare and complete certain documents or forms approved by the State's Limited Practice Board for use in closing a loan, extension of credit, sale or other transfer of real or personal property. These documents will be as follows:

- Statutory Warranty Deed
- Real Estate Excise Tax Affidavit

This document may be revised prior to closing if it becomes necessary to prepare other documents to properly complete the transaction. Only documents approved by the Board can be completed by the LPO.

Because the documents to be prepared in connection with the transaction are legal in nature, we would urge each party to consider the advisability of retaining a lawyer to review the documents.

You are further advised that:

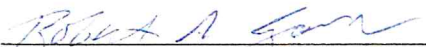
1. THE LIMITED PRACTICE OFFICER IS NOT ACTING AS THE ADVOCATE OR REPRESENTATIVE OF EITHER (OR ANY) OF THE PARTIES.
2. THE DOCUMENTS PREPARED BY THE LIMITED PRACTICE OFFICER WILL EFFECT THE LEGAL RIGHTS OF THE PARTIES
3. THE PARTIES' INTERESTS IN THE DOCUMENT MAY DIFFER.
4. THE PARTIES HAVE THE RIGHT TO BE REPRESENTED BY LAWYERS OF THEIR OWN SELECTION.
5. THE LIMITED PRACTICE OFFICER CANNOT GIVE LEGAL ADVICE AS TO THE MANNER IN WHICH THE DOCUMENTS AFFECT THE PARTIES.

**BY SIGNING THESE INSTRUCTIONS, EACH PARTY ACKNOWLEDGES:**

I have been specifically informed that the closing agent is forbidden by law from offering any advice concerning the merits of the transaction or the documents that will be used to close the transaction. The closing agent has not offered any legal advice or referred me to any named attorney, but has clearly requested that I seek legal counsel if I have any doubt concerning the transaction or these instructions. I have had adequate time and opportunity to read and understand these instructions and all other existing documents referred to in these instructions.

**BUYER :**

Smokey Bear Holdings LLC

  
By: Robert Sourek Jr., Member

**SELLER :**

Port of Skamania County, a Municipal corporation of  
the State of Washington

By: Ray Broughton Commissioner, District 1, .

By: Jennifer Taylor Commissioner District 2, .

By: Todd Kingston Commissioner District 3, .

Julie Andersen  
Escrow Officer LPO No.



41 SW Russell Avenue, PO Box 277,  
Stevenson, WA 98648  
Tel: (509) 427-5681 • Fax: (509) 427-5610

## NOTICE REGARDING AVAILABILITY OF FUNDS

DISBURSEMENT OF ESCROWED FUNDS MAY BE DELAYED FOR UP TO THREE (3) BUSINESS DAYS AFTER DOCUMENTS ARE RECORDED.

Under regulation of the Real Estate Agency of the State of Washington, an escrow agent may not disburse any funds from its escrow clients' trust account until those funds are "available."

"Available" has a special meaning in the banking industry. It means that the bank recognizes a deposit as "available" for its account holder to draw upon, even though the deposit may not have been collected through the banking system.

Each bank which Columbia Gorge Title uses for its clients' trust accounts has a "funds availability schedule." Those schedules are complex and vary from bank to bank. Columbia Gorge Title offices together use several different Washington banks. Funds are usually available for use by Columbia Gorge Title offices as follows:

- 1) Wire transfer: the same day. – PLEASE CALL YOUR ESCROW OFFICER IMMEDIATELY TO VERIFY THE INFORMATION PRIOR TO SENDING FUNDS
- 2) Cashier's check or check drawn on the Columbia Gorge Title Branch office's bank: the same day.
- 3) Cashier's check from bank within Washington, other than the bank in which the clients' trust account is in: one to two days.
- 4) U.S. Government or State of Washington Check: two to four days.
- 5) Out of state cashier's check: one to three days.

Until funds are "available," no escrow agent in Washington may disburse the funds which have been deposited in the escrow. Disbursement of loan and net proceeds could be delayed by a waiting period for funds to become "available."

**COLUMBIA GORGE TITLE WILL MAKE EVERY EFFORT TO CLOSE EACH ESCROW IN A TIMELY MANNER.**

**\*\*Be aware! Online banking fraud is on the rise. If you receive an email containing WIRE TRANSFER INSTRUCTIONS call your escrow officer immediately to verify the information prior to sending funds\*\***



**FOR YOUR PROTECTION PLEASE NOTE:**  
**CHANCES TO WIRING INSTRUCTIONS WILL NEVER BE ACCEPTED OR QUESTIONED VIA EMAIL.**  
**ALWAYS CALL YOUR ESCROW OFFICER TO VERIFY**

  
Robert Sourek Jr., Member