1. J. Q.

AGENDA COVER MEMO

DATE: November 8, 2005

TO: BOARD OF COUNTY COMMISSIONERS

FROM: BILL VANVACTOR, COUNTY ADMINISTRATOR

KENT HOWE, PLANNING DIRECTOR

RE: In the Matter of Considering a Ballot Measure 37 Claim and Deciding

Whether to Modify, Remove or Not Apply Restrictive Land Use Regulations in Lieu of Providing Just Compensation (PA 05-5680, George Hinnenkamp

Trust)

I. MOTION: (Depending on the information provided by the Applicant) Move to direct

staff to prepare an Order for Board adoption.

II. ISSUE OR PROBLEM

Shall the Board of County Commissioners compensate an applicant under Ballot Measure 37 and LC 2.700 through 2.770 for the reduction in fair market value of the affected property interest resulting from enactment or enforcement of restrictive land use regulations or modify, remove, or discontinue application of those land use regulations to the subject property to allow the George Hinnenkamp Trust to use the property for a use permitted at the time the grantors to the trust acquired the property?

III. DISCUSSION

A. Background

Applicant: George L.J. Hinnenkamp

Trustee of the George L.J. Hinnenkamp Trust

80865 Territorial Rd. Eugene, OR 97405

Owner: George L.J. Hinnenkamp Trust

80865 Territorial Rd. Eugene, OR 97405

Agent: Norm Waterbury

28788 Gimpl Hill Rd. Eugene, Or. 97402

Subject Property: Map 19-04-30, tax lot 300 and 19-05-25, tax lot 600

Acreage: approximately 159 acres

Current Zoning: For tax lot 300 and the portion of tax lot 600 west of Territorial

Hwy.: Impacted Forest Land (F-2/RCP); The portion of tax lot

600 east of Territorial Hwy.: Exclusive Farm Use Zone (E40/RCP)

Date Property Acquired:

As of the writing of this report on October 17, the file record is inconclusive in regards to acquisition dates. Currently, the record indicates that Mr. Hinnenkamp acquired tax lot 600 in 1967 as indicated by two Quitclaim deeds (#88538 on 5-11-67 and #88539 on 6-5-67).

Regarding tax lot 300, the record includes a Memorandum of Sale dated 5-24-79 (#7938537, George Hinnenkamp to Randy Elvidge) indicating the sale of tax lot 300 and that portion of tax lot 600 east of Territorial Highway. The record also contains subsequent foreclosure information, which culminates in a Final Decree issued on 12-21-79, returning the same land to Mr. Hinnenkamp. However, the record does not contain any original deed for tax lot 300. The Agent has been requested to supply it in time for the hearing.

Land Use Regulations in Effect at Date of Acquisition:

Tax lot 600: George L.J. Hinnenkamp: Subdivision Ordinance #3

adopted March 8, 1949.

Tax lot 300: George L.J. Hinnenkamp: Unknown until deed is provided.

George L.J. Hinnenkamp Trust: Impacted Forest Lands (F-2) & Exclusive Farm Use Zone (E40) adopted February 29, 1984.

County land use regulation which restricts the use and reduces the fair market value of claimant's property:

For tax lot 600: LC 16.212 Exclusive Farm Use Zone and LC 16.211 Impacted Forest Lands Zone minimum parcel size and dwelling requirements.

For tax lot 300: Unknown until acquisition date is established. Current zoning is F-2, Impacted Forest Lands.

Specific Relief Sought: George Hinnenkamp requests a waiver of the current land use restrictions to allow division of the 159 acre property into 10 parcels under the regulations in effect at the time he acquired an interest in the property. The appraisal evidence is based upon the development of a residence on each parcel.

B. Lane Code Submittal Requirements

The Applicant was requested to provide ownership/acquisition information via a letter from the County Administrator on August 4th (Attachment 3). When the metes & bounds description of the provided instruments were plotted, it became apparent that a deed which described tax lot 300 had not yet been provided. The Agent has been requested to provide such instrument by the hearing, as required by Lane Code 2.720(4). All other Lane Code submittal requirements have been met.

C. Analysis

Application Review and Referral Determination

An application qualifies for compensation consideration if the applicant has shown that all of the following LC 2.740(1) criteria are met:

The County has either adopted, enforced or applied a land use regulation that restricts the use of private real property after the current owner of the property (the applicant) became the owner (LC 2.740(1)(a) and (c));

Trust, with George L.J. Hinnenkamp identified as the trustee. This Trust acquired the property through a warranty deed dated August 9, 1996. As stated earlier, George Hinnenkamp acquired tax lot 600 by Quitclaim deeds in 1967. However, no deed has been provided for tax lot 300. Mr. Hinnenkamp desires to subdivide the 159 acres into 8 lots of 5 acres each, 1 lot of 47 acres, and 1 lot of 72 acres. Currently, the E40 zone division requirements [LC 16.212(9)] restrict the minimum area for the creation of lots or parcels to 40 acres, or under limited circumstances, 20 acres. In addition, the current F-2 zone [LC 16.211(10)] has an 80 acre minimum for new lots or parcels.

Assuming the Applicant resolves the acquisition date of tax lot 300, the issue for the Board to then decide is how the placement of land into a revocable trust affects the ability of the Board to grant a "waiver" of existing land use regulations under Ballot Measure 37. Although the submittal maintains that the current EFU and F-2 regulations were adopted after Mr. Hinnenkamp obtained an interest in the property in the 1960's, the "waiver" of land use regulations under Ballot Measure 37 may be limited to the date that the current owner acquired the property (1996). The trustee is requesting a waiver of the current zoning restrictions to allow development that could have occurred when he acquired an interest in the property in 1967. The warranty deed signed on August 9, 1996 transferred ownership to the Trust. A copy of the trust documents or certification of trust as described by ORS 128.232 to 128.246 has not been provided. To the extent the original owner retained an interest in the property and the trust could be revoked leaving him in possession, waiver might be possible to allow a use that could have occurred in 1967. If not, the waiver of current regulations by the Board appears to be limited to allowing development possible under the 1996 EFU and F-2 provisions of Lane Code 16.212 and 16.211, respectively. The 1996 regulations did not allow the development proposed by the applicant.

In either case, the Board will need to conclude the restrictive EFU and F-2 provisions in LC 16.212 and 16.211 have been enforced against the applicant/owner in order to give rise to a claim under Measure 37 against Lane County.

The restriction on use has the effect of reducing the fair market value of the property or any interest therein, upon which the restriction is imposed (LC 2.740(1)(b)); and

In order to conclude that there has been a reduction in fair market value of this property, the Board will need to determine that the market value of eight 5-acre lots, one 47-acre lot, and one 72-acre lot, all reasonably considered buildable, is greater than the current 159 acre vacant land. The submitted appraisal assumes the current owner could do what might have been possible in 1967 and presents credible

evidence of value reduction if that assumption is accurate. No independent review of the appraisals has been conducted. The applicant has provided appraisals from a State licensed Appraiser, Craig E. McKern which state:

The value of the existing 159 acre vacant property is \$600,000;

The value of 10 buildable lots (eight 5-ac. lots + one 47-ac. lot + one 72-ac. lot) is \$840,000.

The proposed buildable lots are not possible under the current E40 and F-2 provisions. The alleged reduction in value from this analysis of property value as a result of the land use restriction is \$240,000 (\$840,000 - \$600,000 = \$240,000).

Ultimately, the Board will need to conclude that the E40 and F-2 regulations have the effect of reducing the fair market value of the applicants' property to conclude that George Hinnenkamp complies with these criteria and may be considered for compensation under Ballot Measure 37.

The challenged regulation is not an exempt regulation as defined in LC 2.710 (LC 2.740(1)(d)).

The land division regulations of LC 16.212(9) establish the minimum land division lot sizes in the E40 Zone, while LC 16.211(10) does likewise for the F-2 Zone. Those land division minimum lot size requirements are not part of the exempt regulations addressing public nuisances, public health and safety, federal law, or restrictions to prohibit use of the property for pomography or nude dancing. The parts of the E40 and F-2 zones and other sections of Lane Code that do not restrict the use of the property for home sites and reduce the value of the property should remain applicable until shown otherwise. Therefore, this criterion appears to be met because the challenged minimum lot size and dwelling regulations are not part of the exempt regulations defined in LC 2.710.

Final Conclusion: Until the Applicant has resolved the acquisition date for tax lot 300, the Board cannot conclude that the criteria in LC 2.740(1)(a) through (d) have been met.

If the acquisition date is resolved, the Board must still rule on the trust issue. The ability to waive land use restrictions under Ballot Measure 37, may be limited to allowing development to occur in conformance with the regulations in effect at the time that the current owner, the George L.J. Hinnenkamp Trust, acquired the property (1996). The waiver of current land use restrictions to allow development in accordance with the 1996 EFU and F-2 provisions would not allow the development proposed by the applicant.

D. Conclusion/County Administrator Recommendation

The amount of just compensation alleged to result from the restrictive land use regulations applied to the subject property has been determined by a professional appraiser to be \$240,000. Lane County has not appropriated funds for compensation for Ballot Measure 37 claims and has no funds available for this purpose. The public benefit

from application of the land use regulation to the applicant's property seems to be outweighed by the public burden of paying the claimed compensation.

As an alternative to the payment of compensation, the County Administrator recommends the Board "waive" the current EFU and F-2 provisions to allow land divisions and development in a manner consistent with regulations in effect when the owners acquired the property. Dependent upon Board determination of the effect of the creation of the revocable trust on the "owner" status, granting the waiver would allow development of the property in a manner consistent with the EFU and F-2 Zone provisions in effect on August 9, 1996, or the Ordinance #3 Subdivision regulations in effect in 1967. In several cases, DLCD and other counties have not treated revocable trusts as a change in ownership where the grantor and the trustee remain the same. All other sections of Lane Code should remain applicable unless it can be shown they restrict the use and have the effect of reducing the fair market value of the George L.J. Hinnenkamp Trust property.

IV. ALTERNATIVE/OPTIONS

Depending on the information provided by the Applicant by the hearing date:

- 1. The County Administrator concludes the application is not a valid claim and the Board should direct issuance of a final written decision denying the Claim.
- 2. Recommend the application appears valid and direct preparation of an order reflecting the Board of County Commissioners determination for final disposition of the Bruce Measure 37 claim.

V. RECOMMENDATION

Staff has no recommendation at this time. The Applicant has been asked to submit additional information as described in the Analysis section above.

VI. IMPLEMENTATION / FOLLOW-UP

Upon adoption of the final determination that either the claim should be denied or a "waiver" of restrictive land use regulations is necessary to avoid owner entitlement to compensation, the County Administrator will provide notice of the final decision pursuant to LC 2.760.

VII. ATTACHMENTS:

- 1. Original Ballot Measure 37 Application
- 2. Title Report dated 8-16-05
- 3. Incomplete letter of 8-4-05

Norman Waterbury 28788 Gimpl Hill Rd. Eugene, OR 97402

5/18/05

Lane County Land Management Division 125 East 8 th. Avenue Eugene, OR 97401

Please review the enclosed application for a claim under LC 2.7 to 2.77, (measure 37).

Materials provided are as follows with the exhibit numbers matching the measure 37claim form format:

- 1. Application form.
- 2. Property owner
- 3. Legal Description
- 4. Land use regulations as per LC2.740(1)
- 5. Deed to subject property
- 6. Appraisal of subject property
- 7. Leases Covenants, Conditions and Restrictions

8. Relief Sought

Norman Waterbury

Phone Cell 541-510-3501 or office 485-8081



LANE COUNTY RECEIPT

05-20-2005 .

RECEIPT NUMBER:

R05004192

PLANNING ACTION #: PA055680

TYPE:

Measure 37 Claim

SITE ADDRESS:

PARCEL:

19-04-30-00-00300

APPLICANT:

HINNENKAMP GEORGE L J TE

80865 TERRITORIAL RD

EUGENE OR

97405

541-942-8647

Туре	Method	Description	Amount
Payment	Check	7810	850.00
	Description		Current Pymt
3040	Planning Hrg	Official	850.00

PAID BY: NORM WATERBURY

Measure 37 Claim Number: M37-PA055680

Application for Claims Under LC 2.700 through 2.770

Due to Regulatory Reduction of Property Value Under Provisions Added to ORS Chapter 197 by BM37

Note: This completed form together with the referenced supporting documentation and application fee must be submitted to the Lane County Land Management Division, 125 East 8th Avenue, Eugene, Or., 97401 for all claims subject to the provisions added to ORS Chapter 197 by Battot Measure 37 (November 2, 2004), to be considered for compensation under LC 2.700 through 2.770. In all cases, the applicant has the burden of demonstrating, with competent evidence, that all applicable criteria are met and the applicant would be entitled to compensation if the land use regulation continues to apply. Use additional paper, if necessary.

1. Applicant/ Agent	<u>80865</u>	Territa	rial Rd.		
George Hinnenkamp	Eugene			541-942-8	647
Applicant Name (Please Print)	Mailing Address 2	8788 Gim	pl Hill Rd	Phone	
Norman Waterbury	Eugene (OR 9740	• •	541-510-	350/
Agent Name (Please Print)	Mailing Address			Phone	
2. Property Owner Please provide the Name, Mailing Addresproperty that is the subject of this application anyone with an interest in the property and George Triuncak and	tion. Include a com	plete listina o	f all lien holders.	trustees, renters.	lessees or
1996, UAT The Trust	of George	clandi	Chu Hann	cukama	J
Property Owner Name (Please Print)	Mailing Address		<u> </u>	Phene	
Property Owner Name (Please Print) 3. Legal Description Please provide an accurate legal descrip properties that are the subject of this app	dication.	mber(s), map	, street address		
Assessor Map & Tax Lot	4-30-30	0. 19	9-05-25	5-600	
Street Address Not Adress	ad/			Description Attache	d_ <u>~</u>
4. Identification of Imposed Lan Please identify the Lane Code section or restrict the use of the subject property in first adopted, enforced or applied to the same See Exhibit	other land use regu a manner that redu	llation impose ces the fair m	arket value. Inc	lude the date the r	egulation was

5. Title Report

Please attach a Pretiminary Title Report showing title history and continuous ownership traced to the earliest family member ownership, the date of current owner(s) acquisition and all current interests of record for the subject property, issued within 30 days of the application submittal. Provide copies of relevant deeds.

Please provide one original, signed appraisal prepared by an appraiser lic Licensure Board of the State of Oregon addressing the requirements of pr Measure 37 (November 2, 2004) and indicating the amount of the alieged difference in the fair market value of the property before and after the appl date the owner makes written demand for compensation. Include all of the calculations affecting the appraisal.	ovisions added to ORS Chapter 197 by Bailot reduction in fair market value by showing the lication of the challenged regulations as of the
See Exhibit 6	
7. Leases, Covenants, Conditions and Restrictions Please provide copies of any leases or covenants, conditions and restriction Sec Exhibit 7	ons applicable to the subject property.
8. Identification of Relief Sought Please specifically indicate what relief is being sought, either a monetary fair market value of the property or the specific use authorization sought in	value of the claim describing the reduction in n any waiver of the land use regulation.
See Exhibit 8	
I (we) have completed all of the attached application requirements a accurate to the best of my (our) knowledge and belief. I am (We are behalf of all those with an interest in the property and all the owner(s) signature of those owner(s) below. Include additional signatures, as) authorized to submit this application on s) agree to this claim as evidenced by the
Entry by County or its designee upon the subject property is at owner(s) consent to the application for claims under provisions Measure 37 (November 2, 2004).	uthorized by the owner(s) and the sadded to ORS Chapter 197 by Ballot
George Ainnenbeamys	5-20-05
Owner(s) Signature	Date
Applicant/Agent Signature	5/20/05 Date

6. Appraisal/Regulatory Effect

The following contacts are provided to assist you in finding the necessary information for this application. For zoning and land use information, please contact the Land Management Division at 682-3577.

This phone contact is a message line. Please leave a message and a Planner will return your call. For deeds and records information, please contact Lane County Deeds and Records at 682-3654.

Our No. 206321-DF

EXHIBIT "A"

PARCEL I:

The West 1/2 of the Southwest 1/4 of Section 30 in Township 19 South, Range 4 West of Willamette Meridian, in Lane County, Oregon.

EXCEPTING THEREFROM: Any portion lying within the bounds of public roads.

PARCEL II:

Beginning at a point in the center of the County Road, 36.40 chains South and 20.47 chains East of the Southeast corner of David Coleman's Donation Land Claim No. 42, Township 19 South, Range 5 West, Willamette Meridian; running thence South 30.28 chains to the South line of Section 25 in said Township and Range; thence East 30.00 chains along said South line to the Southeast corner of said Section 25; thence North 30.00 chains along said East line of said Section 25; thence West 30.00 chains to the place of beginning, in Township 19 South, Range 5 West, Willamette Meridian, in Lane County, Oregon.

ALSO: Beginning at a point in the center of County Road 36.40 chains South and 20.47 chains East of the Southeast corner of David Coleman's Donation Land Claim No. 42, Township 19 South, Range 5 West, Willamette Meridian; thence East 30.0 chains; thence North 2.0 rods; thence West in a straight line to the place of beginning, in Lane County, Oregon.

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ALSO EXCEPTING THEREFROM: That portion conveyed to Oregon Electric Railway Company by deed recorded February 9, 1932, Book 174, Page 318, Deed Records of Lane County, Oregon.

AND ALSO EXCEPTING THEREFROM: That portion described in Memorandum of Sale to Philip Holdredge and Karen S. Gehr, recorded January 26, 1973, Reception No. 73-3874, Official Records of Lane County, Oregon.

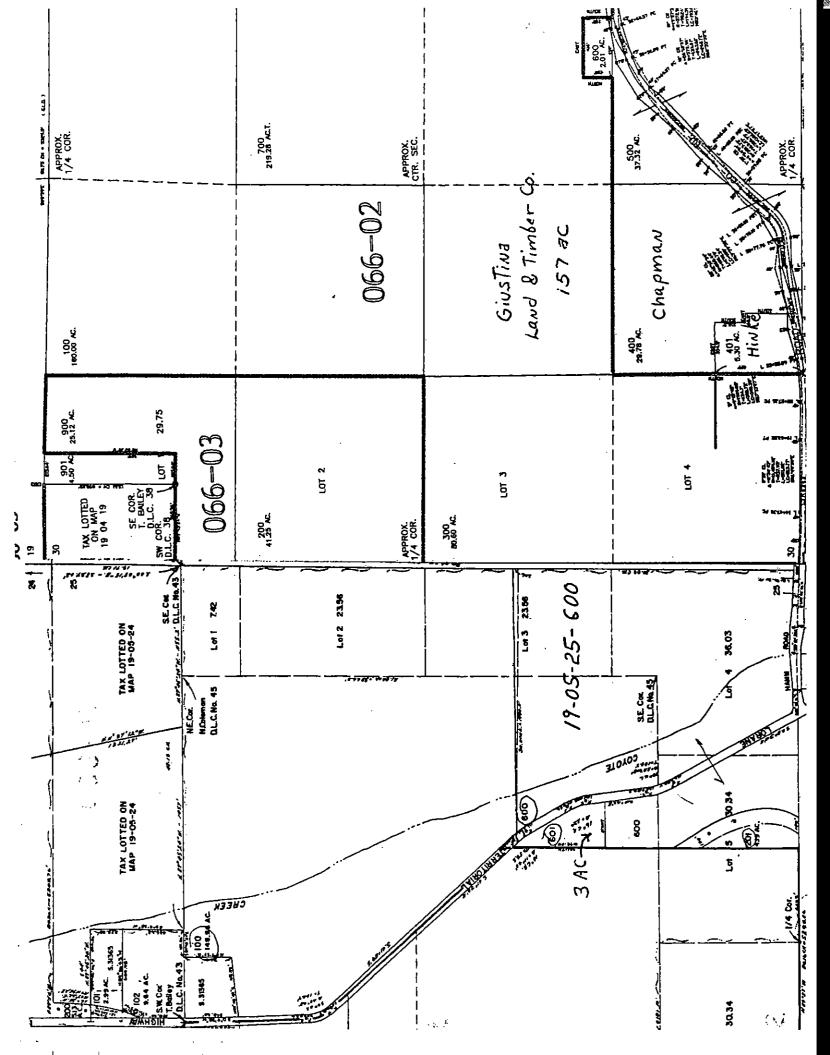


EXHIBIT 4

Application for Claims Under LC 2.700 through 2.770

4. Identification of Imposed Land Use Restriction

LC 2.740(1) Application Criteria:

(a) The County has either adopted or enforced a land use regulation that restricts the use of private real property or any interest therein;

By not allowing the applicant to divide the subject property for the creation of home sites the County has significantly reduced the value of this property.

Lane County Planning Commission actions beginning with LC 12.160, (1) and (2) specifically part (d) in section (2) with regulations controlling the subdivision or other partitioning of land within the County. Part (a) of section(2) further regulates a landowners ability to build in rural areas reducing the value of the subject property.

Effective 2/10/72, this action eliminated the owners ability to divide the subject property for the creation of home sites.

LC 10.104-40 Area. (1), a ,b and c further restrict the size of parcels which may created by carrying out F-2 restrictions.

The effective date of this rule was 9/27/80

LC 10.104-15, (1) a-c, (2) a-b and (3) which require director approval also impose restrictions which have a detrimental effect on the value of this property.

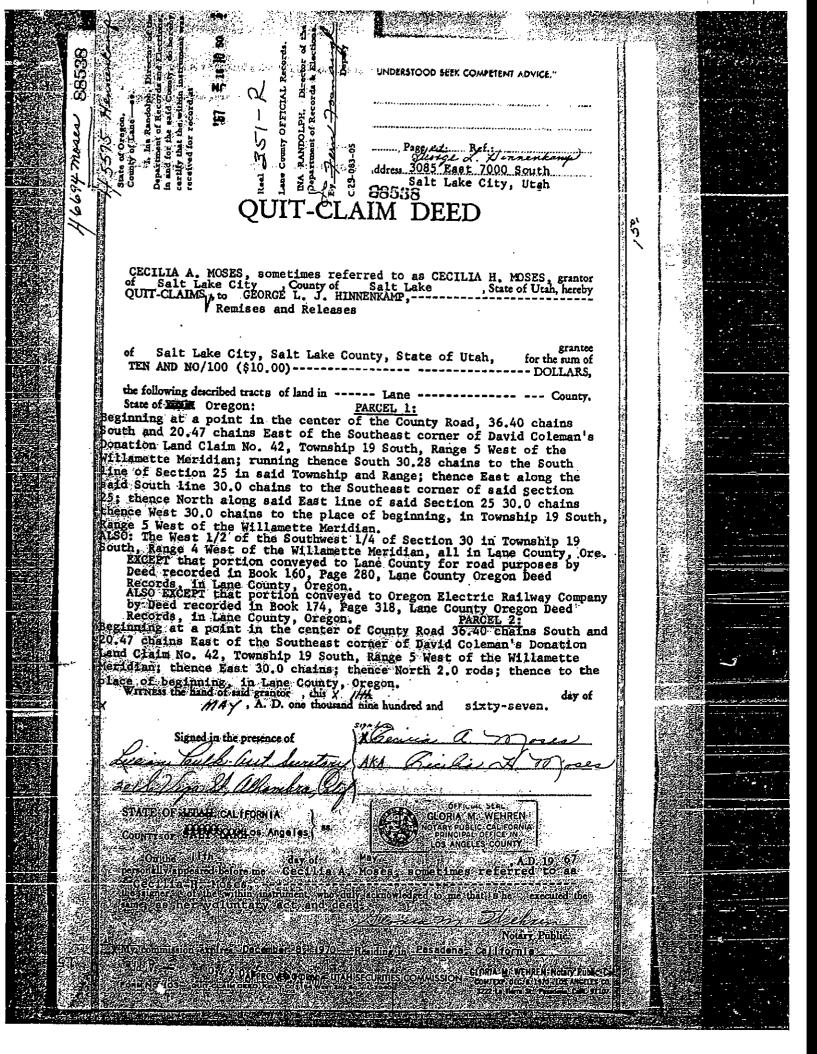
Effective Date 9/27/80

LC 16.004 Scope and Compliance.

LC 16.006 Compliance Required.

LC 16.007 Compliance With Rural Comprehensive Plan.

Effective Dates 6/17/87



WESTERN PIONEER TITLE, A Division of FIRST AMERICAN TITLE INSURANCE CO. OF OREGON 600 Country Club Road/Eugene, Oregon 97401 PO Box 10146/Eugene, Oregon 97440 541.484.2900 Fax 541.484.7321

Western Pioneer Title Co. Jan Konow, Escrow Officer 435 East Main Street Cottage Grove, OR 97424

E-mail: jkonow@firstam.com

Ph.: (541) 942-2310 Fax: (541) 942-0411

October 20, 2004 Order No.: 206321-DF Esc. No.: 50-16758

Seller : Hinnenkamp, George L.J.

Buyer : Palmer, Donald

A CONSOLIDATED STATEMENT OF ALL CHARGES AND ADVANCES IN CONNECTION WITH THIS ORDER WILL BE PROVIDED AT CLOSING.

PRELIMINARY REPORT FOR:
Owner's Policy

We are supplementing our previous report dated February 4, 2004, and we are prepared to issue a First American Title Insurance policy in the form shown above insuring the title to the following described land:

SEE ATTACHED EXHIBIT "A"

VESTED IN:

GEORGE L.J. HINNENKAMP, Trustee, and Successor Trustees, UAD August 9, 1996, UAT The Trust of George Leland John Hinnenkamp

Dated as of September 24, 2004 at 5:00 p.m.

Subject to the exceptions, exclusions and stipulations which are part of said policy, and to the following:

 Taxes #19 04 30 00 00300, 66-02, 2004-05 \$ 765.87 BALANCE DUE (Account No. 847762) (Affects Parcel I)

Taxes #19 05 25 00 00600, 66-02, 2004-05 \$1,260.39 BALANCE DUE (Account No. 850345) (Affects Parcel II)

- 2. The assessment roll indicates a 1999 postponed farm tax. If the herein described property is changed or modified to the extent that it can no longer be farmed, an additional tax of \$2,487.59 will become due and payable. (Affects Parcel I)
- 3. The assessment roll indicates a 1999 postponed farm tax. If the herein described property is changed or modified to the extent that it can no longer be farmed, an additional tax of \$4,145.75 will become due and payable. (Affects Parcel II)
- 4. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Coyote Creek.

Continued

Western Pioneer Title Co. Our No. 206321-DF

- 5. A. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Coyote Creek or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.
 - B. Such rights and easements for navigation and fishery which may exist over that portion of said land lying beneath the waters of Coyote Creek.
- 6. Rights of the public in streets, roads and highways.

7. Right-Of-Way Easement - Electric Line, including the terms and provisions thereof, as created by instrument,

Recorded: September 15, 2004

Reception No. 2004-072008

Official Records of Lane County, Oregon

In favor of: Lane Electric Cooperative, Inc., a cooperative association

For: construct and maintain an electric transmission and/or

distribution line

Affects: Unable to determine exact location

8. Right-Of-Way Easement - Electric Line, including the terms and provisions thereof, as created by instrument,

Recorded: September 15, 2004

Reception No. 2004-072006

Official Records of Lane County, Oregon

In favor of: Lane Electric Cooperative, Inc., a cooperative association

For: construct and maintain an electric transmission and/or

distribution line

Affects: Unable to determine exact location

9. If a transaction by a Trustee of a Revocable or Irrevocable Trust is to result in the issuance of title insurance, a CERTIFICATION OF TRUST executed by all the current Trustees, establishing the identity of the Trustee(s) and his/her/their powers is required.

This Company reserves the right to except additional items and/or make additional requirements after reviewing said documents.

NOTE: We find no judgments of record against Donald W. Palmer, as of the date hereof.

NOTE: We are supplementing this report to update the file and add new Exceptions No. 7 and 8 above.

Western Pioneer Title Co. Our No. 206321-DF

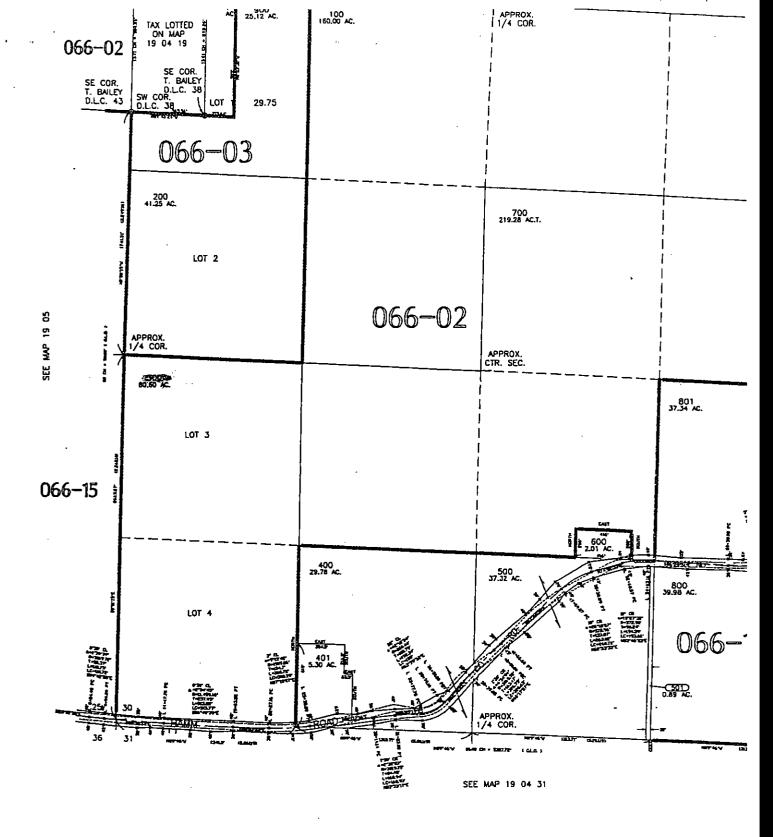
This is a preliminary report only, no liability is assumed hereunder until policy is issued and full premium paid.

Yours very truly, WESTERN PIONEER TITLE, a Division of FIRST AMERICAN TITLE INSURANCE CO. OF OREGON

Deborah A. Forstrom, Title Officer

gf/rr

cc: George Hinnenkamp
cc: Donald Palmer



THIS MAP IS PROVIDED AS A COURTESY OF WESTERN PIONEER TITLE COMPANY

THIS COPY OF ASSESSOR'S MAP IS PROVIDED SOLELY TO ASSIST IN LOCATING SUBJECT PROPERTY. NO LIABILITY IS ASSUMED FOR DISCREPANCIES IN THIS MAP AS OUTLINED AND THE ACCOMPANYING LEGAL DESCRIPTION.

Our No. 206321-DF

EXHIBIT "A"

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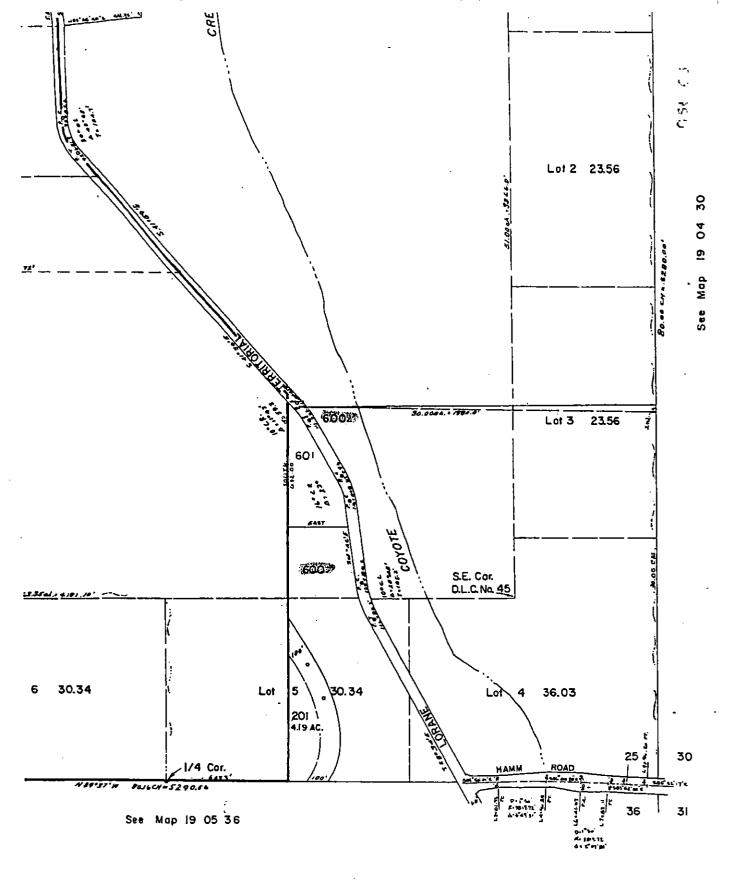
Beginning at a point in the center of the County Road, 36.40 chains South and 20.47 chains East of the Southeast corner of David Coleman's Donation Land Claim No. 42, Township 19 South, Range 5 West, Willamette Meridian; running thence South 30.28 chains to the South line of Section 25 in said Township and Range; thence East 30.00 chains along said South line to the Southeast corner of said Section 25; thence North 30.00 chains along said East line of said Section 25; thence West 30.00 chains to the place of beginning, in Township 19 South, Range 5 West, Willamette Meridian, in Lane County, Oregon.

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AND ALSO EXCEPTING THEREFROM: That portion described in Memorandum of Sale to Philip Holdredge and Karen S. Gehr, recorded January 26, 1973, Reception No. 73-3874, Official Records of Lane County, Oregon.



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Exhibit 6

Property Appraisal

Appraisal of property as is

\$ 600,000

Appraisal of proposed partitioned build able lots.

Lot 1. \$ 50,000

Lot 2. \$ 50,000

Lot 3. \$ 50,000

Lot 4. \$ 50.000

Lot 5. \$ 50,000

Lot 6. \$ 50,000

Lot 7. \$ 220,000

Lot 8. \$ 220,000

Lot 9. \$ 50,000

Lot 10. \$ 50,000

Total \$840,000 hypothetical value

\$ 600,000 appraised value

\$ 240,000 difference

File No. 031205C A , 3

Three Summary Appraisal Reports of a Complete Appraisal of

vacant acreages located at

Report 031205A
Tax Lots 19-04-30-00-00300 and 19-05-25-00-00600
A 159 acre more or less site, the "before" instance
(surveyed, two legal lots; one buildable homesite)

AND

Report 031205B
Portion of Tax Lot 19-04-30-00-00300
a 47 acre more or less hypothetical site, the "after" instance (unsurveyed, not a legal lot or partitioned site at this time)

AND

Report 031205C
Portions of Tax Lot 19-04-30-00-00300 and Tax Lot 19-05-25-00-00600
A five acre hypothetical site, the "after" instance
(unsurveyed, not a legal lot or partitioned site at this time)

Address: Number Not Assigned Hamm Road at Territorial Highway (crossroads) Eugene, Oregon 97405

Client:

George Hinnenkamp Trust

c/o Jerry Palmer as agent 25800 Hall Road Junction City, Oregon 97448

Purpose of the Appraisal:

To estimate market value of actual and hypothetical parcels subject to certain conditions outlined in the text and exhibits of the reports 031205A, 031205B and 031205C

Use of the Appraisal:

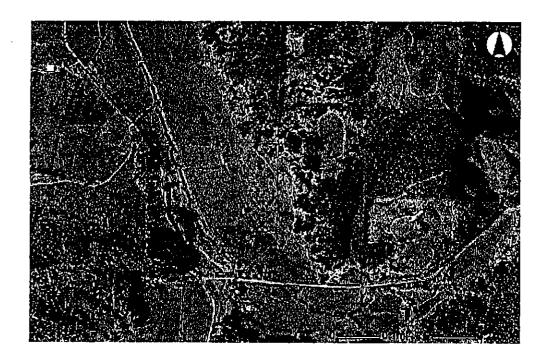
For use in a State Measure 37 proceeding brought by the owner and agent in Lane County, Oregon

Date of Most Recent Inspection and Effective Date of Report: May 2, 2005

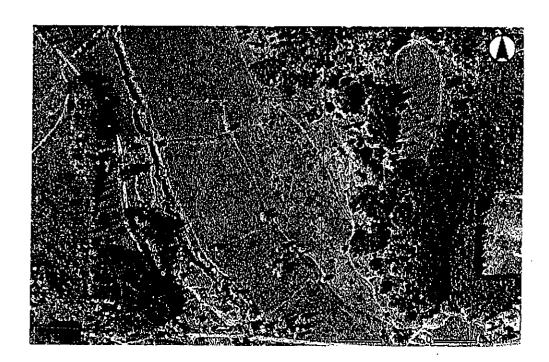
Report Completion Date: May 10, 2005

Prepared by:

Craig E. McKern, Appraiser, P.C. Certified Residential Real Estate Appraiser 1574 Coburg Road, PMB 397 Eugene, Oregon 97401-4802 files 031205A, 031205B and 031205C



Aerial view from county sources of subject's general location with Hamm Road east-west along bottom of photo and Territorial Highway north-south along left side of photo with Coyote Creek through left center on diagonal northwest to southeast

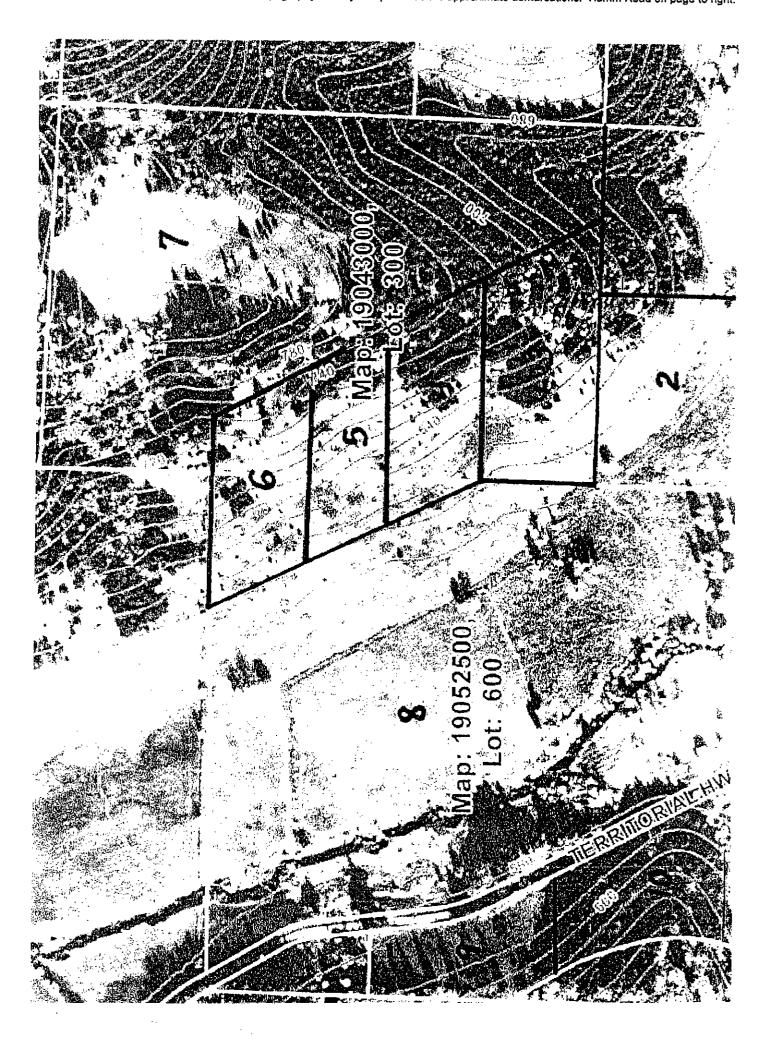


Detail of subject sit in total as appraised with north-south grey line to right of center marking approximate township line between 19-05-25 on left and 19-04-30 on right, see following proposed plat outlines as marked by owner

Site Map

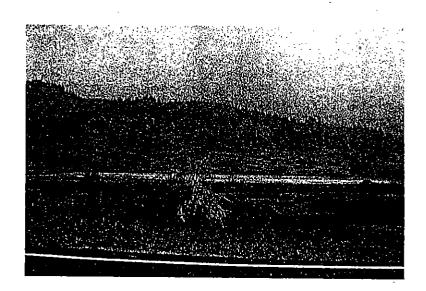
Borrower/Client No borrower			
Property Address Number Not	Assigned Hamm Road // Tax Lots 10-05-2	5-00-00600 and 19-04-30-00-00300	
City Eugene	County Lane	State Oregon	Zip Code 97405
Lender Palmer, Jerry (owner	of record = Hinnenkamp)		

Aerial photo from Jerry Palmer showing proposed site plat with separate proposed and hypothetical Lot 7 and proposed and hypothetical Lot 4 being appraised for comparison purposes with the whole parcel. Lot 8 as shown may be proposed as a common area or as a wildlife reserve along both side of Coyote Creek. Topography overlay and plat lines are approximate demarcations. Hamm Road off page to right.



) TOGRAPH ADDENDUM One

Borrower/Client	No borrower		
Property Address	Number Not Assigned Hamm Road // Tax Lots 10-05	5-25-00-00600 and 19-04-30-00-00300)
City Eugene	County Lane	State Oregon	Zig Code 97405
Lender Palme	r, Jerry (owner of record = Hinnenkamp)		



Looking east from Territorial Highway across Lot 8 to Lots 6, 5, 4 and 3 from left to right along lower hillside.

Lot 7 along top of closest ridgeline



Reciprocal view from near top of proposed Lot 4 looking west over Lot 8 to Lots 9 and 10 as shown on proposed plat map



Looking northwest from same spot as above toward Easy Acres subdivision on ridgeline with horizon on far side of Coyote Creek valley

White house to left is on a 14 +/- acre parcel belonging to Williams at the northwest quarter corner of Section 25

JUTUGKAPH ADDENDUM TW. 🤝

Воггожег	/Cilent	No borrower		
Property	Address	Number Not Assigned Hamm Road // Tax Lots 10-05-	25-00-00600 and 19-04-30-00-003	300
City	Eugene	County Lane	State Oregon	Zip Code 97405
Lender	Palme	, Jerry (owner of record = Hinnenkamp)		



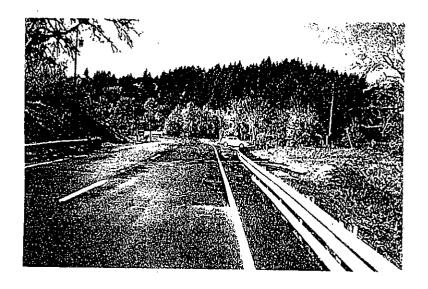
Hamm Road looking east from just west of Coyote Creek bridge



Lots 1 and 2 as proposed looking northwest from Hamm Road near southeast corner of Tax Lot 300

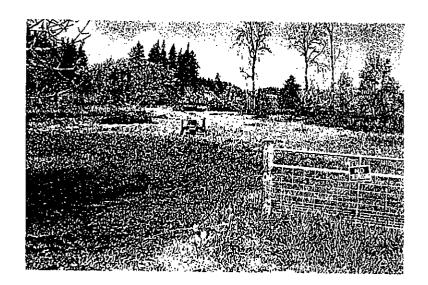
Access to Tax Lot 300 and hillside proposed parcels is at far right

A year round creek runs along the lower slope of this near hillside from east to west (right to left) and joins Coyote creek



Looking west from Coyote Creek bridge toward Territorial Highway intersection, Lots 10 and 9 beyond Territorial Highway on treed knoll

Borrower/C	lient	No borrower			
Property Ac	ddress	Number Not Assigned Hamm Road // Tax Lots 10-05-25-00-0	0600 and 19-04-3	30-00-00300	
City E	Eugene	County Lane	State Oregon		97405
Lender	<u>Palmer</u>	Jerry (owner of record = Hinnenkamp)			



South portion of Section 25, Tax Lot 600, just west of Coyote Creek bridge, looking north

This is mainly low wetlands, creek channel, ash swale and cottonwoods with some open and improved pasture



Looking northeast from just east of Coyote creek bridge toward Lots 6, 5, 4, 3 from left to right over lowland and wetlands of the creek bottom



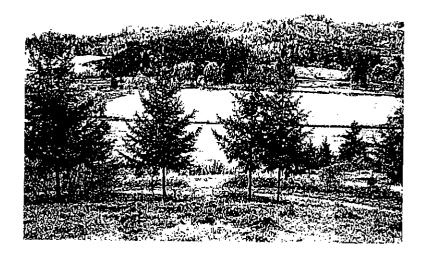
Coyote Creek from bridge looking north, the direction of flow

' AUTUGHAPH AUDENDA FOUL

Волгоже	r/Client	No borrower		 	 -	
Property	Address	Number Not Assigned Hamm Road // Tax Lots 10-05-2	25-00-00600 and	19-04-30-00-0030	10	
City	Eugene	County Lane	State	Oregon	Zip Code	97405
Lender	Palmer	Jerry (owner of record = Hinnenkamp)			ZID OUUC	37400



Looking south from near Lot 4 center along dirt access road with Hamm Road along bottom between ridgelines



Looking southwest from near upper line of proposed Lot 3 toward Lots 9 and 10 on far side of Territorial Highway



Lot 7 on ridgeline to east of lower smaller site looking north toward private timber company land.

This open area is mainly natural pasture and meadow

DTOGRAPH ADDENDUM Five

Borrower/Client	No borrower	······································			
Property Address	Number Not Assigned Hamm Road // Tax Lots 10-05-	-25-00-00600 and	d 19-04-30-00-	00300	-
City Eugene	County Lane	State	Oregon	Zip Code 974	405
Lender Palme	r, Jerry (owner of record = Hinnenkamp)				



Looking southwest from center of opening of Lot 7



Looking east across Lot 7 from west wooded side toward creek bottom in timber and private timberland beyond



Looking southwest toward King Estates Vineyards and Winery on far hill in lighter color green opening between near trees

5	ummary Appral				L KEPUKI		File A	√o, 031205A
	Botrower No borr				Census	Tract 41-039- 8	Map Reference	See Below
	City Eugene	lumber Not Assigned H	amm Road // Tax Lots	<u> 19-05-25-00-</u>	00600 and 19-04	-30-00-00300		
		engthy Metes and Bour	County <u>L</u> nds Legal Descriptions	ane	State	Oregon	Zip Code <u>9</u>	7405
	Sale Price S Not Se	old Date of Sale	N/A Loan Term		S. Property Rin	nts Appraised 🔀	Fee Lease	hold De Minimis
	Actual Real Estate Ta	ixes \$ 2,026.26 (yr)	Loan charges to be pa			concessions Not A		IIUIU į į DE MIDIMIS
ļ	Lender/Client Patr Occupant Vacant t	mer, Jerry (owner of rec	ord = Hinnenkamp)	Addre	ess <u>25800 Hall Ro</u>	oad, Junction Cit	, Oregon 9744	48
	Craig F. McKern	Appraiser P.C. 157/	ser Craig E. McKern	lock	runtiano ta Annesiase .			
Ī	Location	, Appraiser, P.C. 1574	Suburban	<u>197, Eugene,</u> ⊠ Ru	Oregon 97401 tel	ephone 541-345-	0744 facsimile	
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		2% Industrial 10% Vaca		<u> </u>		tecreational Facilities dequacy of Utilities		
	Change in Present La			⊠ Ta		roperty Compatibility		
	D	(*) From <u>vac</u>	cant/undeveloped To	residential		rotection from Detrim	ental Conditions	
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	Single Family Age	·	to \$ 2,500,000 Pred	dominant Value \$		ieneral Appearance of	Properties	
	a v jav v same, v igo	yis.	to 100+ yrs. Predom	inani Age	<u>20-60</u> yrs. A	ppeal to Market		
	residential farm o	hose factors, favorable or unitional to the southwest ranch improvements, less timber productions.	site sizes view asneo	ts zoning des	district of uninco	proprated Lane C	ounty. A wide v	variety of rural
		TO MILEON PROGRESSION, V	meteras, willelies, na	y, pasture. De	dicated farm and	timberlands are	excluded from	"other uses"
		lar, see plat maps, aeri F2-Impacted Forest L	ai pilotos, topo man	=	1 <u>59_</u> Sq	Fi. or Acres	[-]	Corner 1 of
	Highest and best use	Present use (other (specify) possible p	minimum Paditiona for h	Present Improven	ments 🔀 do 🗓	do not conform :	to zoning regulations
	Public	Other (Describe)	OFF SITE IMPROVEME	NTS Ton	Level to rolling	to moderate slop		
	Elec.		et Access 🛛 Public		Typical of fores	st or agricultural z	oned sites for	the area
별	Gas Water		ace_Asphalt	Shaj	pe <u>Rectangular</u> an	id irregular		,
G)	San. Sewer		ntenance 🔀 Public (Storm Sewer 🗀 Cur	Private View b/Gutter Drain	See photograpi	hs		
	Un	iderground Elect. & Tel. 🗀	Sidewalk 🗀 Stre	et Linhts lash	nage <u>FEMA map 4</u> e property located in a	41039C-1625F 0	5-02-1999, Zor	nes A and X
	Comments (favorable or	unfavorable including any appar	ent adverse easements, encroa	achmenic oromas	adverse ecoditional.	Caa allaabad		
Н	and captions to e	explanations and details	Appraisal is of two r	parcels under	One ownership of	1000000 TI 200		
		ly sloping, wooded, has Coyote Creek through o	oreer along lower soi	DIO SIODE ACC	acc to Hamm Do	ad TI 600	4 CCU 40 1	
	71	eejete eitek tiitougii t	service and returbual b	แบบเพลก อเจยจ				
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ŀ	Borrower No bor			 .		Censu	rs Trau1-039- 8		
2	City <u>Eugene</u>	lumber Not	Assigned Ha	amm Road // Port	on of Tax Lot	<u>19-04-30-00-0030</u> 0	Shown on topog	_ Map Reference <u>See B</u> raphic plat map as "Lo	01.7"
į									
2	Sale Price \$ Not S	old	Date of Sale	tes and Bounds L	egal Description	n; the northeast 4	acres of TL 300	Zip Code <u>97405</u> as shown on topograp	hic plat map
	Actual Real Estate Ta			LUai	Tellif TANY	_ yrs. Property F	lights Appraised 🛛 🔀	Fee Leasehold	De Minimis Pl
₽	Lender/Client Pali	mer, Jerry (c	wner of rec	ord = Hinnenkam	be paid by seller \$		es concessions Not	Applicable	
	occupant vacant	Land	Appraisa	er Craio F. McKei	'n	ddress 25800 Hall			
	Craig E. McKerr	, Appraiser	P.C. 1574	Coburg Road, P	MB 397. Euger	ne Oregon 97401	elaphone 541 346	ket value per USPAP 5-0744 facsimile 541-3	standards.
			1) Older	1 00001	an 🔀	Rural	elephone 54 1-545	5-U/44 facsimile 541-	345-0577
	Built Up		`⊠ Over 75%		75%	Under 25%	Employment Stability		Avg. Fair Poor
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	Present Land Use	00% 1 Camile	Vinder 3 M 2-4 F2 <u>1</u> % 2 − 4		<u></u>	Over 6 Mos.	Adequacy of Public T	ransportation [**;	芦茅
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풀	Change in Present La	nd ilse	Not Likely				Adequacy of Utilities		\times \square
至				ant/undeveloped	To remide to	Taking Place (*)	Property Compatibility		\mathbf{X}
음	Predominant Occupa	ncy	Owner Owner	Tenant			Protection from Detrin		1 1
	Single Family Price R	•		to \$ 2,500,000	Predominant Val	% Vacant	Police and Fire Protect	*****	Σ
	Single Family Age	•	<5 yrs.	to 100+ yrs. Pr	redominant Ane	20-60 yrs.	General Appearance of	of Properties [
						·, ··· [Appeal to Market		XIII.
	Comments including	those factors, f	lavorable or uni:	avorable, affecting ma	rketability (e.g. pul	olic narks schools view	v nnise): Subject i	s located 3 miles nor	
				III TUIUS. WIIICIES	. Dav basilie	Dedicated farm as	nd timberlands are	services in Lorane. Pre excluded from "other	enominalit
			TIME OF THE	21 DNOLOS, LODO MA	<u> </u>	47	Sq. Ft. or Acres	Corner	
	Zoning classification Highest and best use					Present Improv	rements 🔯 do [do not conform to resid	e resulations
	Public	Other (Des	ent use 🔀 0	ther (specify) future	single family r	<u>esidence as it perr</u>	nitted under Lane	County and Measure	37
	Elec.	_Available		OLL OLL HALLMON	CIMICIA 19	1000 Slight to rolling	ig to moderate sid	pes	
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ä	Water		L	tenance Pub		Shape <u>Irregular</u>			- -
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	Comments (favorable or	unfavorable incl	ludino anv appare	nt adverse easements	occoachments or o	Managan and Control of the Control o	n	cial Flood Hazard Area?	No X Yes
	21.0 Cap((0)13 10)	אוטווטוומווטוו <u>א</u>	s and details.	. No improveme	nte at procont :	imo Cinala Isaa d	· • · · · · · · · · · · · · · · · · · ·	comments page, phoe from access road the	
	and 2 (hypothetic	al lots, like :	subject) off t	lamm Road. Site	has about 15	acres open mead	W surrounded by	from access road the various age conifer fo	rough Lots 1
	SMBII CIOOK SIARC	• • • • • • • • • • • • • • • • • • •							
2									
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		5400-A	
Borrower No borrower			5". N. 004005
Property Address Number Not	Assigned Hamm road // Tax Lots 19-05-	-25-00-00600 and 19-04-30-00-00300	File No. 031205A , B, C
on ragene	County Lane	State Oregon	Zip Code 97405
Lender Palmer, Jerry (owner	of record = Hinnenkamp)		<u> 20 000 31 403 </u>
APPRAISAL AND	REPORT IDENTIFICATION		
This appraisal conforms to	one of the following definitions:		-
Complete Appraisa			
; Limited Appraisal	, present or community raids	or an opinion of value, performed without inv , or an opinion of value, performed under and i	oking the Departure Rule.) resulting from invoking the
This report is one of the foll	Owing types:		
Self Contained		_	
•	(A Written report prepared under Standards F	Rule 2-2(a) of a Complete or Limited Appraisa	il performed under STANDARD 1.)
X Summary	(A written report prepared under Standards F	Rule 2-2(b) of a Complete or Limited Appraisa	al performed under STANDARD 1.)
Restricted	(A written report prepared under Standards F restricted to the stated intended use by the s	Rule 2-2(c), of a Complete or Limited Approlon	al performed under STANDARD 1.
I certify that, to the best of my kn The statements of fact contain The reported analyses, opinion professional analyses, opinions I have no present or prospective parties involved. I have no bias with respect to the	ed in this report are true and correct. is, and conclusions are limited only by the reported is and conclusions.	assumptions and limiting conditions, and are my per- eport, and no (or the specified) personal interest with	
of the client, the amount of the My analyses, opinions and con I have made a personal inspect No one provided significant rea real property appraisal assistant I have made a personal interior in A lengthy period passed between tramifications for the subject proper handling	rig this assignment is not contingent upon the developable opinion, the attainment of a stipulated result, acclusions were developed and this report has been position of the property that is the subject of this report. I property appraisal assistance to the person signing the must be stated.) Inspection of the subject property, the date of completion as	opment or reporting of a predetermined value or direct or the occurrence of a subsequent event directly relative prepared, in conformity with the Uniform Standards of g this certification. (If there are exceptions, the name the appraiser performed a variety of investigations of the attached report(s) will be found fully satisfactory to	ted to the intended use of this appraisal. I Professional Appraisal Practice. of each individual providing significant
Comments on Ap	praisal and Report Identi		lisclosure:
The appraised value include	es a realty fee as did the sale prices of th	e comparables, unless otherwise stated.	
		·	
might be found in a farm an Common household, shop a assumed to exist around the pest poisons and sprays, blue assumed to be used accord. It is specifically assumed See attached supplemental poly. See the cover letter population of the period of the cover letter population of the period of the cover letter population.	d ranch environment (a Level I assessment and garden chemicals and substances for e site. These common toxic materials and each, detergent, oils, cleansers, solvents ing to label directions and Federal, state there is no toxic mold or fungus manifest addendum. This report has been prepare age for brief explanations of the use and othetical five acre and 47 acre assession.	es in the immediate area of the subject arch for and recognition of toxic waste and hent) is beyond the scope of the appraiser's und in most homes and garages, including a hazardous substances include chemicals and fuels, among other solid, liquid and pand local regulations unless otherwise spat on the site which would affect livability or ad for use in a State Measure 37 proceeding purpose of this report 031205A in conjunct of the 159 more or less acres of the report of State Measure 37 is still in question	nazardous materials such as a training and knowledge. In those of the reader, are as such as fertilizers, weed killers, waste substances, and are precifically noted in this report. If marketability. In and is restricted to that use a strain with reports 031205B and
APPRAISER:	& Mullan	SUPERVISORY APPRAISER (on	ly if required):
Vame: Craig E. McKero	i full in	Signature:	
Date Signed: May 10, 2005		Name:	
tate Certification #: CR00024		Date Signed:	
r State License #:		State Certification #: email: cem9th@	msn.com
tale: Oregon		or State License #: phone 541-345-07 State:	44/fax 541-345-0577
xpiration Date of Certification or Lic	ense: 09-30-2006	Expiration Date of Certification or License:	
			
		Did Did Not Inspect Property	

788

Borrower/Client No borrower

Property Address Number Not Assigned Hamm Road // Tax Lots 19-05-25-00-00600 and 19-04-30-00-00300

City Eugene County Lane State Oregon Zip Code 97405

Lender Palmer, Jerry (owner of record = Hinnenkamp)

Appraisal Development and Reporting Process:

As per prior agreement with the client named on the cover sheet and first form page of this report, the level of appraisal service requested is a Summary Appraisal Report of a Limited Appraisal of the subject property. This level of service has, in the past, been known as a "form appraisal" using standard FNMA or FHLMC forms to convey information to the reader. This level

of appraisal service is for the most part the same as past "form appraisals".

This report is a Summary Appraisal Report which is intended to comply with the reporting requirements set forth under Standards Rule 2-2b of the Uniform Standards of Professional Appraisal Practice (USPAP) for a Summary Appraisal Report. As such, it represents only summary discussions of the data, reasoning and analyses used in the appraisal process to develop the appraiser's opinion of value stated elsewhere. Supporting documentation that is not provided with this report concerning the data, reasoning and analyses has been retained in the appraiser's file copy. The depth of the discussion contained in this report is specific to the needs of the client and for the intended use of this report stated below.

Scope of Work:

In preparing this report, the appraiser inspected the subject site and the improvements on March 29, 2005. Relevant information on comparable land and improved site sales, construction costs and accrued depreciation were also gathered, verified and considered.

All three approaches to value were considered; the sales comparison approach only was developed. The cost approach does not apply to unimproved land. A land value range was also determined by appraisal of two hypothetical portions of the total subject site; see reports 031205B and 031205C attached.

The income approach, along with rents, comparative rental data and calculated formulas and multipliers, is used ONLY IF the subject is likely to remain a rental income property in the foreseeable future, which is not the case for the subject dwelling at this time.

Purpose of the Appraisal and Use of the Report:

The purpose of this appraisal report is to estimate the market value as defined on the attached certification/limiting conditions addendum included with the 1004 form and in the attached USPAP addendum.

This appraisal report is intended ONLY for the use of the client named for the purpose of establishing a fair market value by an independent third party for Measure 37 proceedings. The use of this report is restricted to the clients, Jerry Palmer as agent for George Hinnenkamp, the owner, and their legal counsel for this purpose only. Duly constituted Lane County committees or courts for Measure 37 appeals are also an expected reader of this report but Lane County is not a client of the appraiser.

This report in its present configuration is not intended for any financing purpose whatsoever.

Any other authorized use of this report will be stated either below or in the letter of engagement.

The appraiser is not and will not become responsible for any unauthorized use. Errors and omissions insurance is not extended to a future third party lender and the appraiser must be notified, timely and in writing, of any future transfer/assignment of this report to any third party.

Supplemental Certifications:

I certify that the use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives. In addition, I certify that, to the best of my knowledge and belief, the reported analyses, opinions and conclusions were developed, and this report prepared, with conformity to the requirements of the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute.

signed and dated May 10, 2005

Craig E. McKern

president

Craig E. McKern Appraiser P.C.

Form SUP — "TOTAL for Windows" appraisal software by a la mode, inc. — 1-800-ALAMODE

My 9. Millen

LANE COUNTY REGIONAL LAND INFORK ATION DATABASE

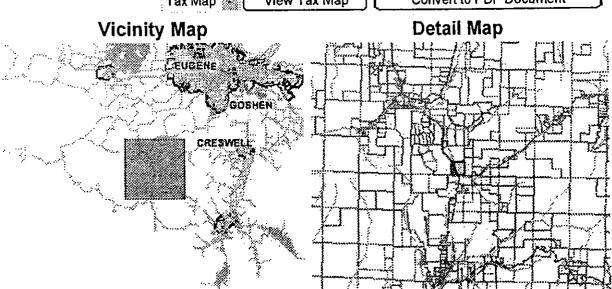
Site Address:

Map & Tax Lot #: 19-05-25-00-00600

Special Interest Code:

A & T Account #: 0850345

View Tax Map Convert to PDF Document Tax Map



Site Address State Plane Coordinates

X-Coord: 4201547

Y-Coord: 820008

Land Use

Land use information has not been field verified.

Code:

Description:

Land Use Code and

Description:

9999

NEEDS RESEARCH

Use Code and Description:

NEEDS RESEARCH

Land Use Code and

Description:

8040

PASTURE, COWS, SHEEP, CATTLE

Use Code and Description: A

AGRICULTURE

Zoning

Please verify zoning information with local jurisdiction. Lane County overlay

zones are not currently shown in RLID.

Code:

Description:

Zoning Jurisdiction:

LC

LANE COUNTY

Parent Zone 1:

E40

EXCLUSIVE FARM USE 40 ACRE MIN

Boundary Information

General

Incorporated City Limits: Urban Growth Boundary:

Fire Protection Providers:

LOF

LORANE RFPD

Plan Designation:

Node:

Ν

2000 Census Tract:

0800

2000 Block Group:

2

Year Annexed:

Annexation #: 2004 Transportation 444 Analysis Zone: Approximate Acreage: 79.58 Approximate Square 3,466,505 Footage: **Environmental Findings** Please verify environmental information with local jurisdiction. Metro Flood Hazards: Metro Wetlands: Note: Some parcels may extend onto adjacent FIRM maps. Registration between parcel boundaries and flood hazard zones is approximate. **FEMA Flood Hazard** Community numbers are based on the current city limits and may not Zones reflect boundaries at the date of map publication. Consult FIRM maps or appropriate authority. Panel Printed? Post - FIRM Date: FIRM Map Number: Community Number: (Y/N): 41039C1625F 415591 1985-12-18 Code: Description: Areas of 100-year flood, no base flood elevations Α determined. Areas determined to be outside of 500-year flood. X Soils Percentage Soil Map Unit Number: Soil Type Description: of Tax Lot: 44 134 WAPATO SILTY CLAY LOAM 17 130 WALDO SILTY CLAY LOAM BELLPINE SILTY CLAY LOAM, 12 TO 20 PERCENT 13 11D SLOPES 11 **DUPEE SILT LOAM, 3 TO 20 PERCENT SLOPES** 45C WILLAKENZIE CLAY LOAM, 20 TO 30 PERCENT 7 135E SLOPES RITNER COBBLY SILTY CLAY LOAM, 12 TO 30 4 113E PERCENT SLOPES WILLAKENZIE CLAY LOAM, 12 TO 20 PERCENT 3 135D SLOPES 2 78 MCALPIN SILTY CLAY LOAM ABIQUA SILTY CLAY LOAM, 0 TO 3 PERCENT 0 **1A SLOPES** WILLAKENZIE CLAY LOAM, 30 TO 50 PERCENT 0 135F SLOPES Schools Code: Name: CROW-APPLEGATE-LORANE District: 66 Elementary School:

Annexation #: 2004 Transportation 444 Analysis Zone: Approximate Acreage: 79.58 Approximate Square 3,466,505 Footage: **Environmental Findings** Please verify environmental information with local jurisdiction. Metro Flood Hazards: Metro Wetlands: Note: Some parcels may extend onto adjacent FIRM maps. Registration between parcel boundaries and flood hazard zones is approximate. **FEMA Flood Hazard** Community numbers are based on the current city limits and may not Zones reflect boundaries at the date of map publication. Consult FIRM maps or appropriate authority. Panel Printed? FIRM Map Number: Community Number: Post - FIRM Date: (Y/N): Υ 41039C1625F 415591 1985-12-18 Code: Description: Areas of 100-year flood, no base flood elevations Α determined. Areas determined to be outside of 500-year flood. X Soils Percentage Soil Map Unit Number: Soil Type Description: of Tax Lot: 44 134 WAPATO SILTY CLAY LOAM 17 WALDO SILTY CLAY LOAM 130 BELLPINE SILTY CLAY LOAM, 12 TO 20 PERCENT 13 11D SLOPES 11 **DUPEE SILT LOAM, 3 TO 20 PERCENT SLOPES** 45C WILLAKENZIE CLAY LOAM, 20 TO 30 PERCENT 7 135E SLOPES RITNER COBBLY SILTY CLAY LOAM, 12 TO 30 4 113E PERCENT SLOPES WILLAKENZIE CLAY LOAM, 12 TO 20 PERCENT 3 135D SLOPES 2 MCALPIN SILTY CLAY LOAM 78 ABIQUA SILTY CLAY LOAM, 0 TO 3 PERCENT 0 1A SLOPES WILLAKENZIE CLAY LOAM, 30 TO 50 PERCENT U 135F SLOPES Schools Code: Name: 66 CROW-APPLEGATE-LORANE District: Elementary School:

Middle School: High School: **Service Districts** LTD Service Area: LTD Ride Source: **COTTAGE GROVE FIRE &** Provider: AMBULANCE DEPT Ambulance District: SO Area: SOUTHERN **Emerald People's Utility** District: Soil Water Conservation **EAST LANE** District: Soil Water Conservation 0 District Zone: **Political Districts Election Precinct:** 100100 County Commissioner 5 District: County Commissioner: State Representative 8 District: State Representative PAUL HOLVEY Name: City Council Ward: City Councilor Name: State Senate District: State Senator: FLOYD PROZANSKI LCC Board Zones: 1 **EWEB Commissioner** District: Lane County Assessor's Office | Account Number: 0850345 | Map & Tax Lot: 19-05-25-00-00600 **Property Owner** Owner1 Name: GEORGE L J HINNENKAMP TRUST Owner Address: 80865 TERRITORIAL RD

City State Country Zip Code
EUGENE OREGON UNITED STATES 97405

Owner2 Name: HINNENKAMP GEORGE L J TE

Owner Address: 80865 TERRITORIAL RD

City State Country Zip Code
EUGENE OREGON UNITED STATES 97405

Taxpayer

Taxpayer Name: HINNENKAMP GEORGE L J TE

Taxpayer Address: 80865 TERRITORIAL RD

City	State	Country	Zip Code
EUGENE	OREGON	UNITED STATES	97405

Property Legal Description

Township: 19 Range: 05 Section: 25 Quarter: 00

Subdivision Type: Subdivision Name: Division/Phase:

Lot/Tract/Unit Number: TL 00600

Subdivision Number: Recording Number:

Property Value and Taxes

•	Land Value	Improvement Value	Total \	√alue
	Real Market	Real Market	Real Market	<u>Assessed</u>
2004	191,265	0	191,265	146,921
2003	170,773	0	170,773	142,642
2002	191,880	0	191,880	138,487
2001	184,500	0	184,500	134,453
2000	188,260	0	188,260	130,537
1999	165,140	0	165,140	126,735
1998	142,360	0	142,360	10,997
1997	139,570	0	139,570	10,677
1996	131,670	0	131,670	12,750
1995	115,500	0	115,500	11,860
	146,921	0	0	

Tavabla Valua	Exemption Amount Regular	Frozen Assessed Value
Taxable Value	(EAR)	(FZNPU)

	(\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	()
Tax Year		Tax (See Explanation of Tax)
2004		1,260.39
2003		1,154.66
2002		1,447.37
2001	·	1,389.05
2000		1,297.15
1999		1,198.25
1998		139.75
1997		142.57
1996		142.33
1995		118.04

Explanation of Tax

The tax shown is the amount certified in October, unless a value change has been

processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and omitted property. The amount shown is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing, or previous years owing.

Account Status

- Active for the 2004 Tax
- Year
 - New Account Scheduled to
- be Active for the 2005 Tax
 - Year
- Locally Assessed
- Pending Seg/Merge
- Pending Value Change
- Delinquency
- Delayed Foreclosure
- Bankruptcy
- Code Split Indicator

Remarks:

Potential Additional Tax; 99 Postponed Farm Tax \$4,145.75

Special Assessment Program (if applicable)

Code:

Description:

General Information

Property Class:

400

TRACT, VACANT

Statistical Class:

Neighborhood Code:

11960

Property Use Type:

Account Type:

RP

Category:

LAND AND IMPROVEMENTS

Mortgage Company Name:

Total Acreage for this

80.11

Account: Fire Acres:

80.11

2004 Tax Code Area (Levy Code): 06602 Lane County Assessment and Taxation 2004-2005 Measure 50 Billing Rates

CROW-APPLEGATE-LORANE SCHOOL DISTRICT 66

LANE COMMUNITY COLLEGE

LANE COUNTY

LANE EDUCATION SERVICE DISTRICT

Sales Information

Sales

08-09-

Sales

Grantor:

Grantee: Instrument

Analysis Code:

Mult Acct?:

Date: Price:

HINNENKAMP,

1996' CEORGE L J 96C 316200
02-041992 5,840 HINNENKAMP,
GEORGE L J 9201615400

Manufactured Structures

Search Results | New Property Search | Applications Menu

6

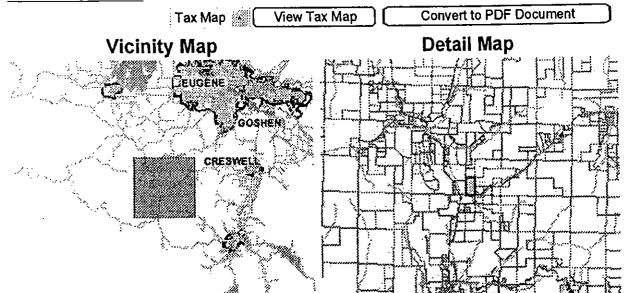
LANE COUNTY REGIONAL LAND INFORMATION DATABASE

Site Address:

Map & Tax Lot #: 19-04-30-00-00300

Special Interest Code:

A & T Account #: 0847762



Site Address State Plane Coordinates

X-Coord: 4202973

Y-Coord: 820259

Land Use

Land use information has not been field verified.

Code:

Description:

Land Use Code and

8040

PASTURE, COWS, SHEEP, CATTLE

Description:

Use Code and Description: A

AGRICULTURE

Zoning

Please verify zoning information with local jurisdiction. Lane County overlay

zones are not currently shown in RLID.

Code:

Description:

Zoning Jurisdiction:

LC

LANE COUNTY

Parent Zone 1:

F2

IMPACTED FOREST LANDS

Boundary Information

General

Incorporated City Limits: Urban Growth Boundary:

Fire Protection Providers: Plan Designation:

Node:

N

2000 Census Tract:

0800

2000 Block Group:

2

Year Annexed:

Annexation #:

2004 Transportation

Analysis Zone:

Approximate Acreage: 10.90 Approximate Square 3,436,884 Footage: **Environmental Findings** Please verify environmental information with local jurisdiction. Metro Flood Hazards: Metro Wetlands: Note: Some parcels may extend onto adjacent FIRM maps. Registration between parcel boundaries and flood hazard zones is approximate. **FEMA Flood Hazard** Community numbers are based on the current city limits and may not Zones reflect boundaries at the date of map publication. Consult FIRM maps or appropriate authority. Panel Printed? Community Number: Post - FIRM Date: FIRM Map Number: (Y/N): Y 41039C1625F 415591 1985-12-18 Code: Description: Areas of 100-year flood, no base flood elevations Α determined. Areas determined to be outside of 500-year flood. X Soils Percentage Soil Map Unit Number: Soil Type Description: of Tax Lot: WILLAKENZIE CLAY LOAM, 30 TO 50 PERCENT 47 135F SLOPES WILLAKENZIE CLAY LOAM, 12 TO 20 PERCENT 23 135D **SLOPES** 10 **DUPEE SILT LOAM, 3 TO 20 PERCENT SLOPES** 45C WILLAKENZIE CLAY LOAM, 2 TO 12 PERCENT 7 135C SLOPES WILLAKENZIE CLAY LOAM, 20 TO 30 PERCENT 4 135E **SLOPES** ABIQUA SILTY CLAY LOAM, 3 TO 5 PERCENT 4 **1B SLOPES** 3 WALDO SILTY CLAY LOAM 130 2 MCALPIN SILTY CLAY LOAM 78 Schools

Code:

Name:

District:

66

CROW-APPLEGATE-LORANE

Elementary School:

Middle School:

High School:

Service Districts

LTD Service Area:

LTD Ride Source:

Ambulance District: So Area: SOUTHERN Provide... AMBULANCE DEPT **Emerald People's Utility** District: Soil Water Conservation **EAST LANE** District: Soil Water Conservation District Zone: **Political Districts Election Precinct:** 100100 **County Commissioner** 5 District: County Commissioner: State Representative 8 District: State Representative PAUL HOLVEY Name: City Council Ward: City Councilor Name: State Senate District: 4 State Senator: FLOYD PROZANSKI LCC Board Zones: **EWEB Commissioner** District: Lane County Assessor's Office | Account Number: 0847762 | Map & Tax Lot: 19-04-30-00-00300 **Property Owner** Owner1 Name: GEORGE L J HINNENKAMP TRUST Owner Address: 80865 TERRITORIAL RD City Country Zip Code State **EUGENE UNITED STATES** 97405 OREGON Owner2 Name: HINNENKAMP GEORGE L J TE Owner Address: 80865 TERRITORIAL RD Zip Code City Country State 97405 EUGENE **UNITED STATES** OREGON

Taxpayer

Taxpayer Name: HINNENKAMP GEORGE L J TE

Taxpayer Address: 80865 TERRITORIAL RD

City State Country Zip Code
EUGENE OREGON UNITED STATES 97405

Property Legal Description:

Township: 19

Range: 04

Section: 30

Quarter: 00

Division/Phase:

77.95

Subdivision Type:

Subdivision Name:

Lot/Tract/Unit Number: TL 00300

Subdivision Number: Recording Number:

Property Value and Taxes

	Land Value	Improvement Value	Total \	/alue
	Real Market	Real Market	Real Market	<u>Assessed</u>
2004	112,582	0	112,582	86,480
2003	100,520	0	100,520	83,961
2002	112,944	0	112,944	81,516
2001	108,600	0	108,600	79,142
2000	110,820	0	110,820	76,837
1999	97,210	0	97,210	74,599
1998	83,800	0	83,800	5,362
1997	82,160	0	82,160	5,206
1996	77,510	0	77,510	6,220
1995	67,990	0	67,990	5,790
	86,480	0	0	
		Consultan Amount Dogulos	Frozon Accoc	euleV bos

Taxable Value	Exemption Amount Regular (EAR)	Frozen Assessed Value (FZNPU)
	Tax Year	Tax (See Explanation of Tax)
	2004	765.87
	2003	704.47
	2002	874.97
	2001	839.81
	2000	788.25
	1999	724.46
	1998	88.65
	1997	92.45
	1996	91.83

Explanation of Tax

The tax shown is the amount certified in October, unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and omitted property. The amount shown is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing, or previous years owing.

1995

Account Status

Active for the 2004 Tax

Year

- New Account Scheduleu to be Active for the 2005 Tax Year
- Locally Assessed (**•**)
- Pending Seg/Merge
- Pending Value Change
- () Delinquency
- **Delayed Foreclosure**
- Bankruptcy
- **Code Split Indicator**

Remarks:

Potential Additional Tax; 99 Postponed Farm Tax \$2,487.59

Special Assessment Program (if applicable)

Code:

Description:

General Information

Property Class:

400

TRACT, VACANT

Statistical Class:

Neighborhood Code:

11960

Property Use Type:

Account Type:

RP

Category:

LAND AND IMPROVEMENTS

Mortgage Company Name:

Total Acreage for this Account:

80.16

Fire Acres:

80.16

2004 Tax Code Area (Levy Code): 06602 Lane County Assessment and Taxation 2004-2005 Measure 50 Billing Rates

CROW-APPLEGATE-LORANE SCHOOL DISTRICT 66

LANE COMMUNITY COLLEGE

LANE COUNTY

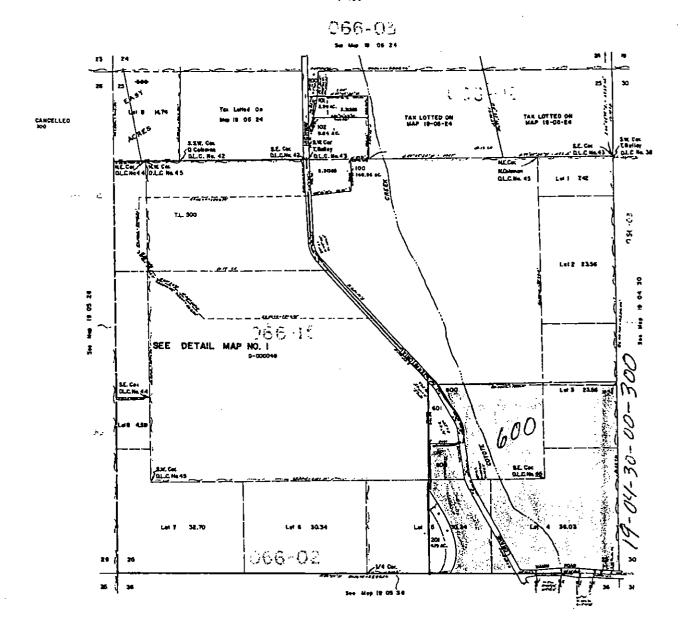
LANE EDUCATION SERVICE DISTRICT

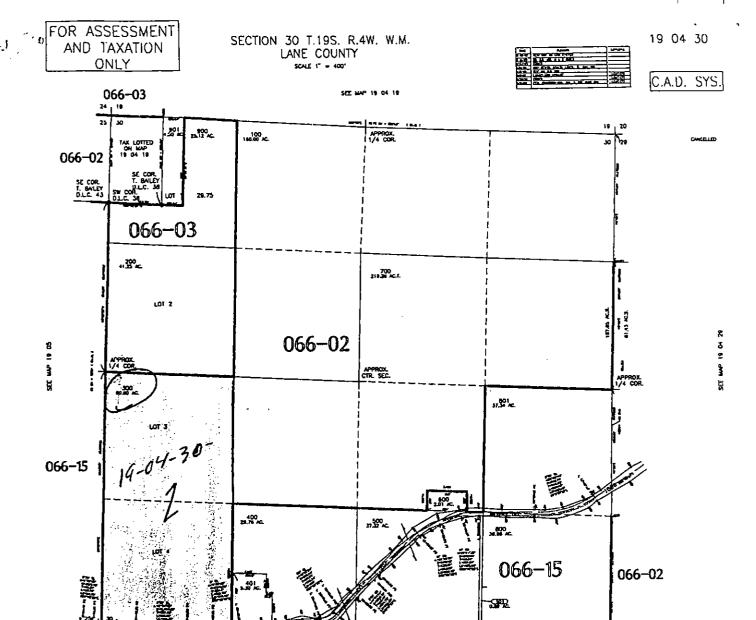
Sales Information

Sales Date:	Sales Price:	Grantor:	Grantee: Instrument #:	Analysis Code:	Mult Acct?:
08-09- 1996		HINNENKAMP, GEORGE L J	9605616200	6	
02-04- 1992	5,840	HINNENKAMP, GEORGE L J	9201615400	3	

Manufactured Structures

Search Results | New Property Search | Applications Menu





SEE MAP 18 04 31

19 04 30

Craig E. McKern, Appraiser, .C.

State Certified Residential Real Estate Appraiser

Mailing: 1574 Coburg Road, PMB 397, Eugene, Oregon 97401-4802
Telephone 541-345-0744
Facsimile 541-345-0577

email: cem9th@msn.com

May 17, 2005

Jerry Palmer c/o Norm Waterbury 28788 Gimpl Hill Road Eugene, Oregon 97402

re: Hamm Road at Territorial Highway
Estimated value synopsis for various acreages
My reports 031205A, B and C

Jerry and Norm,

This letter is to provide a summary of the appraised values for the entire parcel known as Tax Lot 19-04-30-00-300 and Tax Lot 19-05-25-00-600 and for the ten hypothetical parcels created therefrom as part of a Measure 37 proceeding in Lane County, Oregon.

At your instruction and with my concurrence, I appraised Tax Lots 300 and 600 together as one parcel of 159 more or less acres. This is the "before" scenario with no approved building sites to date on either parcel. The appraised value "as is", but assuming one building site with septic approval and a viable well, is \$600,000.

A hypothetical 47 acre parcel shown on your aerial photo/topographic/parcel map as Parcel "7", was appraised "as is" but with assumption of a septic approval, road access through other parcels and a viable well leading to one buildable site. The appraised value of this hypothetical parcel is \$220,000. A hypothetical 5 acre site, shown on your map as parcel "4" was appraised under the same assumptions as Parcel "7" and the appraised value "as is" is \$50,000. Note that the hypothetical Parcels "4" and "7" assume adequate access, a septic approval and a well to make a buildable site though these improvements do not exist at this time. Therefore deductions are made for lack of an installed well and septic system and also for the estimated amount of road improvement costs from the public way.

Hypothetical Parcel "8" is approximately 60 acres after portions of hypothetical Parcels "4", "5", "6", "9" and "10" are deducted from the county site size figure of 79.58 acres more or less. This hypothetical parcel differs from hypothetical Lot "7" but still has areas above the creek bottom for a homesite and has ample site area for septic system and well location. What is lacks in elevated views is compensated for by superior access and creek bottom farmland utility and creek access or views, in my opinion. I assert hypothetical Parcel "8" would be valued in the range of values shown for hypothetical Parcel "7" or \$220,000. Hypothetical Parcels "1", "2", "3", "5", "6", "9" and "10" are asserted to be valued at about the same value range as hypothetical Parcel "4" or \$50,000 each.

page 1 of 2

Palmer and Waterbury Hamm Road at Territorial Highway acreages May 17, 2005

page 2 of 2

As an arithmetic exercise, the total appraised and asserted values of the eight hypothetical Parcels "1", "2", "3", "4", "5", "6", "9" and "10" is \$400,000 collectively. The appraised value of hypothetical Parcel "7" is \$220,000 and the asserted value of hypothetical Parcel "8" is also \$220,000 or \$440,000 collectively. The total appraised and asserted value of these ten hypothetical parcels is \$840,000 collectively, "as is" with assumptions of buildability for each hypothetical parcel however without the actual wells, septic systems and road infrastructure in place. These hypothetical ten parcels are collectively the "after" scenario.

By deducting \$600,000 from \$840,000, the appraised and asserted combined values for the ten hypothetical parcels in aggregate can be postulated to exceed the "as is" value for combined Tax Lots 300 and 600 by \$240,000.

Cordially,

Craig E. McKern (DA) S. Millyn-

Exhibit 7

Leases, Covenants, Conditions and Restrictions

At this time there are no Leases, Covenants, Conditions or Restrictions of the property that I am aware of other than those restriction which have to do with riparian and wetlands. See enclosed copies showing the topography, flood plane and wetland areas.

Western P'reer Title Co. of Lane County

a division st American Title Insurance Co.

435 E Main Street Cottage Grove, OR 97424

Phn - (541) 942-2310 Fax - (541) 942-0411 ATTCH.# 2-208.

08-25-05A09:45 RCVD

August 16, 2005 File No: 7192-513726 (JMK)

George Hinnenkamp 80865 Territorial Rd. Eugene, OR 97405

Attn:

Re: Hinnenkamp/Palmer

Property: , Eugene, OR Buyer: Donald W. Palmer

Seller: George Leland John Hinnenkamp Trust

George,

Please find enclosed an updated title report and the documentation for continuous ownership that you requested. if you need anything further, please let me know.

Western Pioneer Title Co. of Lane County a division of First American Title Insurance Co.

Janice Konow, Escrow Officer



Western Pioneer Title Company of Lane County a division of First American Title Insurance Co. 600 Country Club Road Eugene, OR 97401 Phn - (541) 484-2900 Fax - (541) 484-7321

Order No.: 7192-513726

August 15, 2005

DEBORAH FORSTROM

TITLE OFFICER dforstrom@firstam.com

Western Pioneer Title Co. of Lane County a division of First American Title Insurance Co. 435 E Main Street Cottage Grove, OR 97424

Attn: Janice Konow

Phone No.: (541) 942-2310 - Fax No.: (541) 942-0411

Email: jkonow@firstam.com

Preliminary Title Report

ALTA Owners Standard Coverage	Liability \$	450,000.00	Premlum	\$	1,255.00
ALTA Owners Extended Coverage	Liability \$		Premium	\$	
ALTA Lenders Standard Coverage	Liability \$ -		Premium	\$	
ALTA Lenders Extended Coverage Endorsement	Liability \$		Premium Premium	•	
Govt Service Charge			Cost	\$	50.00

We are prepared to issue Title Insurance Policy or Policies in the form and amount shown above, insuring title to the following described land:

The land referred to in this report is described in Exhibit A attached hereto.

and as of July 22, 2005 at 8:00 a.m., title vested in:

George L.J. Hinnenkamp, Trustee UAD August 9, 1996, UAT The Trust of George Leland John Hinnenkamp

Subject to the exceptions, exclusions, and stipulations which are ordinarily part of such Policy form and the following:

- 1. Taxes for the fiscal year 2005-2006, a lien due, but not yet payable.
- 2. The assessment roll indicated a **1999** postponed farm tax. If the herein described property is changed or modified to the extent that it can no longer be farmed, an additional tax of \$2,487.59 will become due and payable.

 (Affects Parcel I)

Order No.: 7192-513726

Page 2 of 5

3. The assessment roll indicated a **1999** postponed farm tax. If the herein described property is changed or modified to the extent that it can no longer be farmed, an additional tax of **\$4,145.75** will become due and payable.

(Affects Parcel II)

- 4. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Coyote Creek.
- 5. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Coyote Creek or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.
- 6. Such rights and easements for navigation and fishery which may exist over that portion of said land lying beneath the waters of Coyote Creek.
- 7. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
- 8. Easement, including terms and provisions contained therein:

Recording Information:

September 14, 2004, Reception No. 2004-072006

In Favor of:

Lane Electric Cooperative, Inc.

For:

overhead and/or underground electric transmission and/or

distribution lines and fixtures and communication facilities

9. Easement, including terms and provisions contained therein:

Recording Information:

September 14, 2004, Reception No. 2004-072008

In Favor of:

Lane Electric Cooperative, Inc.

For:

overhead and/or underground electric transmission and/or

distribution lines and fixtures and communication facilities

10. In order to insure a transaction involving the herein named trust, we will need to be provided a Certification of Trust pursuant to ORS 128.232 through ORS 128.246.

- END OF EXCEPTIONS -

NOTE: We find no judgments or United States Internal Revenue liens against Donald W. Palmer.

NOTE: Taxes for the year 2004-2005 PAID IN FULL

Tax Amount:

\$765.87

Map No.:

1904300000300

Property ID:

0847762

Tax Code No.:

66-02

(Affects Parcel I)

Order No.: 7192-513726

Page 3 of 5

NOTE: Taxes for the year 2004-2005 PAID IN FULL

Tax Amount:

\$1,260.39

Map No.:

1905250000600

Property ID:

0850345

Tax Code No.:

66-02

(Affects Parcel II)

THANK YOU FOR CHOOSING FIRST AMERICAN TITLE! WE KNOW YOU HAVE A CHOICE!

cc: Donald W. Palmer

cc: George Leland John Hinnenkamp Trust



First American Title Insurance Company of Oregon

SCHEDULE OF EXCLUSIONS FROM COVERAGE

ALTA LOAN POLICY (10/17/92)

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

- (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (III) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy;

 (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- 2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.

 3. Defects, liens, encumbrances, adverse dalms, or other matters:
- (a) created, suffered, assumed or agreed to by the insured dalmant;
- (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy; (c) resulting in no loss or damage to the insured claimant;
- (d) attaching or created subsequent to Date of Policy (except to the extent that this policy insures the priority of the lien of the insured mortgage over any statutory lien for services, labor or material or the extent insurance is afforded herein as to assessments for street improvements under construction or completed at date of
- (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage.

 4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner. of the indebtedness, to comply with the applicable "doing business" laws of the state in which the land is situated.
- 5. Involidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
 6. Any statutory lien for services, labor or materials (or the claim of priority of any statutory lien for services, labor or materials over the lien of the insured mortgage)
- arising from an improvement or work related to the land which is contracted for and commenced subsequent to Date of Policy and is not financed in whole or in part by
- proceeds of the indebtedness secured by the insured mortgage which at Date of Policy the insured has advanced or is obligated to advance.

 7. Any claim, which arises out of the transaction creating the interest of the mortgagee insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
 - (I) the transaction creating the interest of the insured mortgagee being deemed a fraudulent conveyance or fraudulent transfer; or

 - (ii) the subordination of the interest of the insured mortgagee as a result of the application of the doctrine of equitable subordination; or (iii) the bransaction creating the interest of the insured mortgagee being deemed a preferential transfer except where the preferential transfer results from the failure: (a) to timely record the instrument of transfer; or
 - (b) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

ALTA OWNER'S POLICY (10/17/92)

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise

- 1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting (#) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a
- defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.

 (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.

 2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking
- which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
- 3. Defects, ilens, encumbrances, adverse claims, or other matters:

 - (a) created, suffered, assumed or agreed to by the insured claimant;
 (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy; (c) resulting in no loss or damage to the insured claimant;

 - (d) attaching or created subsequent to Date of Policy; or
- (e) resulting in loss or damage which would not have been sustained if the insured dalmant had paid value for the estate or interest insured by this policy.

 4. Any dalm, which arises out of the transaction vesting in the insured the estate or interest insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
 - (i) the transaction creating the estate or interest insured by this policy being deemed a fraudulent conveyance or fraudulent transfer; or
 - (II) the transaction creating the estate or interest insured by this policy being deemed a preferential transfer except where the preferential transfer results from the
 - (a) to timely record the instrument of transfer; or
 - (b) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

SCHEDULE OF STANDARD EXCEPTIONS

The ALTA standard policy form will contain in Schedule B the following standard exceptions to coverage:

- Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceeding by a public agency which may result in taxes or assessments, or notice of such proceedings, whether or not shown by the records of such agency or by the public records.
- 2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
- 3. Easements, claims of easement or encumbrances which are not shown by the public records, unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
- 4. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.
- 5. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose.

NOTE: A SPECIMEN COPY OF THE POLICY FORM (OR FORMS) WILL BE FURNISHED UPON REQUEST

TI 149 Rev. 5-99

Order No.: **7192-513726** Page 5 of 5

Exhibit "A"

Real property in the unincorporated area of the County of Lane, State of Oregon, described as follows:

PARCEL I:

The West ½ of the Southwest ¼ of Section 30 in Township 19 South, Range 4 West of Willamette Meridian, in Lane County, Oregon.

EXCEPTING THEREFROM: Any portion lying within the bounds of public roads.

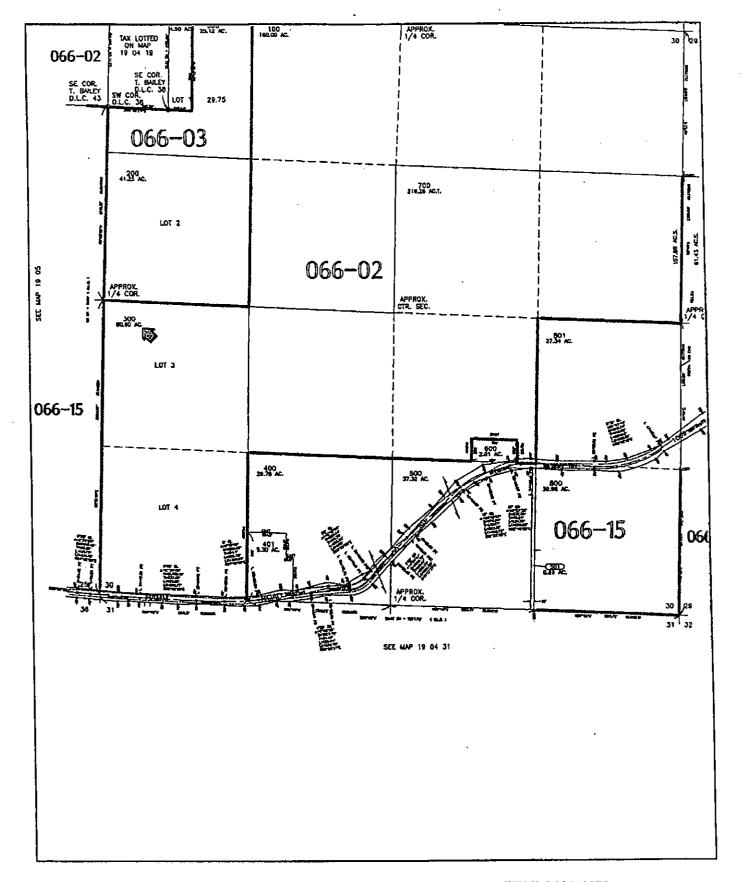
PARCEL II:

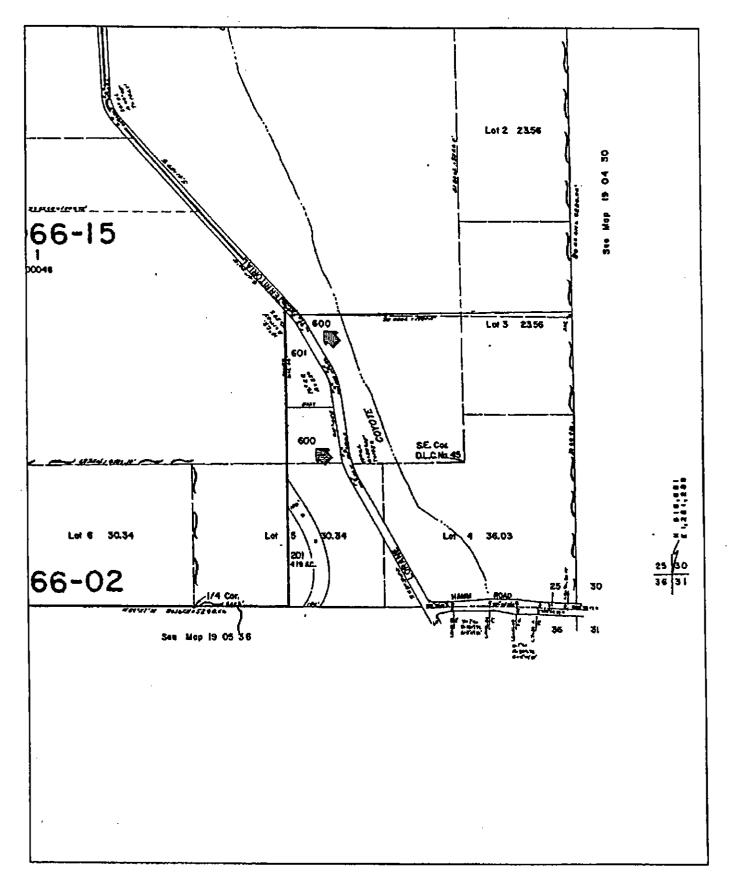
Beginning at a point in the center of the County Road, 36.40 chains South and 20.47 chains East of the Southeast corner of David Coleman's Donation Land Claim No. 42, Township 19 South, Range 5 West, Willamette Meridian; running thence South 30.28 chains to the South line of Section 25 in said Township and Range; thence East 30.00 chains along said South line to the Southeast corner of said Section 25; thence North 30.00 chains along said East line of sald Section 25; thence West 30.00 chains to the place of beginning, in Township 19 South, Range 5 West, Willamette Meridian, in Lane County, Oregon.

ALSO: Beginning at a point in the center of County Road 36.40 chains South and 20.47 chains East of the Southeast corner of David Coleman's Donation Land Claim No. 42, Township 19 South, Range 5 West, Willamette Meridian; thence East 30.0 chains; thence North 2.0 rods; thence West in a straight line to the place of beginning, in Lane County, Oregon.

EXCEPTING THEREFROM: That portion lying within the bounds of public roads.

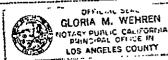
Tax Parcel Number: 0847762 and 0850345





THIS MAP IS PROVIDED AS A COURTESY OF WESTERN PIONEER TITLE COMPANY

STATE OF XHEAH, CALIFORNIA -County of Salakanandos Angeles



A.D. 19 67 May personally appeared before me Cecilia A. Moses, sometimes referred to as

Cecilia H. Moses, the signer of the within instrument, who duly acknowledged to me that she executed the same, as her voluntary act and deed.

Notary Public.

My commission expires Occupher 6. 1970 Residing in Pasadana, California T. SEC SITE CO. SIESCO. SLORIA M. WEHREN Natscy Public-Cal.

•	KATHERYN H. KOLESAR, - Salt Lake State of Utah, hereby Salt Lake City County of Salt Lake State of Utah, hereby T-CLAIM to GEORGE L. J. HINNENKAMP,
the finance of the series of t	Salt Lake City, Salt Lake County, State of Utah, for the sum of TEN AND NO/100 (\$10.00) - Lake - DOLLARS, collowing described traces of land in - Lame County, collowing described traces of land in County, collowing described traces of land in the County of David Coleman's collowing at a point in the center of the County of David Coleman's county of the Southwest 1/4 of Section 25 Monthship 19 collowing in Township 19 collowing the West of the Willamette Meridian, all in Lane County, ore. In Range 4 West of the Willamette Meridian, all in Lane County, ore. EXCEPT that portion conveyed to Lane County for road purposes by Deed recorded in Book 160, Page 280, Lane County Oregon Deed Records, in Lane County, Oregon. ALSO EXCEPT that portion conveyed to Oregon Electric Railway Company by Deed recorded in Book 174, Page 318, Lane County Oregon Deed Records, in Lane County, Oregon. PARCEL 2: And the County of Coleman's Donation of Claim No. 42, Township 19 South, Range 5 West of the Willamette of County Road 36,40 chains South and Township hand of sund grantor this county of the Count
C	TATE OF UTAH. country of SALT LAKE On the 5th day of June .A.D. 1967, ersonally appeared before me Katheryn H. Kolesar,
N B	he signer of the within instrument, who duly acknowledged to me that she executed the ame, as her voluntary act and deed. Notary Public. My commission expirately 22, 1969 Residing in Salt Lake City, Utah

LTC 108850

45686

FOR VALUE RECEIVED CECILIA A. HOSES

birels referred to as grantors, berrby grant, barple, sell, and convey unto

GEORGE L. J. HINNENKING

have in referred to se greatest, the following described real property, with tenements, bereditaments, and appuriousness, to with

73 5728 BARGAIN & SALE DEED

fram ent

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ALSO: The West 1/2 of the Southwest 1/4 of Section 30 in Township 19 South, Range 4 West of the Willemette Meridian, all in Lane County, Oragon.

EXCEPT that portion conveyed to Lane County for road purposes by Deed recorded in Book 160, Page 280, Lane County Oregon Deed Records, in Lane County, Oregon.

** ALSO EXCEPT: that portion conveyed to Oregon Electric Railway Company
by Deed recorded in Book 174, Page 318, Lane County Oregon Deed
Records, in Lane County, Oregon. Rocords, in Lane County, Oregon. 17

PARCEL 2:

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HEYDRINGIN OF SILE

I, CENCE L. J. HINEMARY, hereinsfter referred to as Seller, do hereby represent and acknowledge that I am selling to RNAN L. ELVINGE, hereinafter referred to as Buyer, the following described real estate, to-wit:

Beginning at the south-est corner of Section 30, Township 19 South, Range 4 West of the Willemette Meridian; thence East 20.42 chains along the south last of said Section 30 to the southeast corner of the west one-half of the southwest one-quarter thereof, theree North 40.00 chains along the east line of the west one-half of the southest one quarter of said Section to the northeast corner of said west one-half; theree Nest 20.33 chains along the north line of the southest one-quarter of said Section to the sest one-quarter corner of said Section; theree South 9.50 chains along the west line of said Section 30 to a point which is, by read. North 2 rods. East 10.0 chains, East 20.47 chains and South 36.40 chains of the southeast corner of David Colemn's Donation Land Claim No. 42. Township 19 South, Runge 5 West of the Williamste Steridian; theree Fost along a line from the last described point to a point which lears 16.40 chains fouth and 20.47 chains East of said southwast corner of Donation Lind Claim No. 42, to a point on the cast right of way line of Territorial High-my; thence Southeasterly along said richt of way line to a point on the south line of Section 25, Toursnip 19 South, Rarge 5 Hest of the Hillarette Peridians thorce Fast to the joint of beginning in Line County. Oregon.

EXCIT RESERVED any portion thereof within County Road No. 1066

(Non Pond).

The true and actual consideration for this transfer is the sum of \$232,000.00.

The Seller hereby represents and serrants that he has full right to sell the property hereinshare described under the terms and conditions as set forth in said contract. Upon full payment by the Buyer, Seller is to transfer said property to Randy L. Elvidge by sarranty deed, free and clear of encurbrances except subject to rights of the public in and to that portion of the promises lying subject to rights of the public in and to that portion of the public road or highest and tax deferral for Farm Use Land as of the date of sale.

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ncil a change is ter Handy	quested, all to L_Elvidge, 90	0679 Surdeman Rd., Springfield, Oce	gan 97477

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1	IN THE CIRCUIT COURT OF THE STATE OF ORECON FOR THE CONTRY OF LARE ()
2	
3	Plaintiff, 10V 2 0 1979
. 4	VS. Count Administration
5	
G	MARY ANN UNRUH; WALTER I. BEANE; NAME B.) Case No. 16-79-08714 KUBIK; STATE OF OREGON, acting by and)
7	through Employment Division; DANA HOCK) and BECKY ANN HOCK,) - INTERLOCUTORY DECREE OF
8) STRICT FORECLOSURE OF REAL
. 9	ESTATE CONTRACT
10	IT apprairies to the contract
11	failed to make the payments on the contract as provided therein and that more than ten (10) days elarged after a provided therein and that more
12	than ten (10) days elapsed after payments were due before the complaint was filed; and,
13	IT FURTHER APPEARING that none of the defendants, although served
_	suit; that the plaintiff is entitled to the maintain above entitled
. 14 	and the Court being fully advised in the premises,
15	NOW, THEREFORE, IT IS ADJUDGED and DECREED:
16	1. That the defendants are required to pay to the plaintiff,
-17 -18	through the Clerk of the Circuit Court the sum of \$222,000.00, with interest thereon at the rate of 8% per annum from May 24, 1979, until paid, together with plaintiff's attorneys' fees of \$3,000.00, and plaintiff's costs
19	200 axes at \$140,20; and,
20	2. That if defendants pay these sums to the Clerk of this Court within 30 days, that plaintiff deliver his deed to the property to the defendants; and
21	
22	3. If defendants fail to pay these sums to the Clerk of the Court within 30 days, that defendants, and each of them, be forever foreclosed of all interest in the following most approximately as the following most approximately approximately approximately approximately approximately approximately as the following most approximately approximate
23	The following real property, to-wit:
24	Beginning at the southwest corner of Section 30, Township 19 South, Range 4 West of the Willamette Meridian; thence
24 25	to the southeast corner of the west one-half of the couth and
	east line of the west one-half of the southwest one-market
26	half; thence West 20.33 chains along the north line of the
27	I SANTON DE CONTROLLE UN SANTO COMPLOS ES ELS ESSES ES ELS ESSES ES ELS ESSES ES ESTADA EL SANTON DE CONTROLLE UN SANTO COMPLOS ES ELS ESSES ES ELS ES ELS ESSES ES ELS ES ES ES ELS ES ES ES ELS ES
28	corner of said Section; thence South 9.50 chains along the west line of said Section 30 to a point which is, by
29	INTERLOCUTORY DECREE - page 1

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1 record, North 2 rods, East 30.0 chains, East 20.47 chains and South 36.40 chains of the southeast corner of David Coleman's Donation Land Claim No. 42, Township 19 South, Range 5 West of the Willamette Meridian; thence West along a line from the last described point to a point which bears 36.40 chains South and 20.47 chains East of said southeast corner of Donation Land Claim No. 42, to a point on the east right of way line . of Territorial Highway; thence Southeasterly along said right of way line to a point on the south line of Section 25, Township 19 South, Range 5 West of the Willamette Meridian; 6 thence East to the point of beginning in Lane County, Oregon. 7 EXCEPT THEREFROM any portion thereof within County Road No. 1066 (Ham Road) 8 9 that the sums previously paid by defendant, Randy L. Elvidge, to plaintiff on the contract of sale of the real property shall belong to plaintiff, 10 free of all right or claim of the defendants, or any of them; 11 4. That the plaintiff have judgment against the defendant, Randy L. Elvidge, for plaintiff's attorneys' fees and costs. 12 Dated this 20 day of November, 1979. 13 14 16 17 18 19 20 21 23

IN THE CIRCUIT COURT OF THE STATE OF ORDOON FOR THE GEORGE L. J. HINNENKAMP, UEC 2 1 1979 4 Vs. 5 RANDY L. ELVIDGE; SHERYL ANN ELVIDGE; Court Administrator MARY ANN UNRUH; WALTER I. BEANE; ANNE B. Method (; KUBIK; STATE OF OREGON, acting by and through Employment Division; DANA HOCK No. 16-79-08714 and DECKY NNN HOCK, FINAL DECREE OF STRICT FORE-8 CLOSURE OF REAL ESTATE Defendants. CONTRACT 1) 10 11 Upon application of the plaintiff, and it appearing to the Court that on November 20, 1979, the Court made and entered herein its inter-12 locutory decree requiring the defendants to pay to the plaintiff, through the Clerk of the Court, certain sums of money within thirty (30) days from 1.3 the date of said interlocutory decree, or otherwise forfeit and be foreclosed of all of their interest in the real property described therein and to the money 1.1 heretofore mid by the defendant, Randy L. Elvidge, on the purchase price of .. said property; and, 15 IT FURTHER APPEARING to the Court that said defendants have failed 16 to pay said sum of money and that the time for so doing has expired, and that plaintiff is now entitled to a final decree of strict foreclosure, 17 and the Court being fully advised in the premises, 18 NOV, THERETORE, IT IS HEREBY ADJUDGED and DECREED: .19 That the defendants, and each of them, are hereby forever strictly foreclosed of all interest in the following real property: 20 Reginning at the southwest corner of Section 30, Township 19 South, 21 Rango 4 West of the Willamette Meridian; thence East 20.42 chains along the south line of said Section 30 to the southeast corner of ሳሳ the west one-half of the southwest one-quarter thereof; thence North 40.00 chains along the east line of the west one-half of the 2:3 southwest one-quarter of said Section to the northeast corner of said west one-half; thence West 20.33 chains along the north line 24 of the southwest one-quarter of said Section to the west one-quarter corner of said Section; thence South 9.50 chains along the west line 25 of said Section 30 to a point which is, by record, North 2 rods, Fast 30.0 chains, East 20.47 chains and South 36.40 chains to the 26 southeast corner of David Coleman's Donation Land Claim No. 42, Township 19 South, Range 5 West of the Willamette Meridian; thence 27 West along a line from the last described point to a point which bears 36.40 chains South and 20.47 chains East of said southeast

corner of Donation Land Claim No. 42, to a point on the east right of FINAL DECREE - page 1

way line to a point on the south line of Section 25, Township 19 South, Range 3 West of the Willamette Meridian; thence East to the point of beginning in Lane County, Oregon.

EXCEPT THEREFROM any portion thereof within County Road No. 1066 (Ham Road)

and that all interest, both at law and in equity, of defendants in the real property is hereby vested absolutely in the plaintiff; and,

- 2. That all moneys heretofore paid by the defendant, Randy L. Elvidge, upon the purchase price of said property belong to plaintiff, free from all claims of the defendants; and,
- 3. That this decree shall stand as the cancellation of the contract described in plaintiff's complaint; and,
- 4. That Lane Escrow & Title Company of 1633 Willamette Street, Eugene, Oregon, deliver unto the plaintiff the deed held in said escrow, and that the escrow be closed; and,
- 5. That the Sheriff of Lane County, Oregon, place plaintiff in immediate possession of said real property.

DATED this 2/5 day of December, 1979.

Districuit Judge

THE PERSONS

EXON ALL MIN'T THEFE PRESENTS, That Course 6. J. Minustrup, bereinsteur called grantor, for the

As per Ithibit "A" attached bereto.

EL1945.19"76101RED 15.0 1110NUB.19'96WOLPFUND 10.0 E11940 19'9601ALT FUND 20.0

To lave sed to Hold the sine cute the grantes and grantes's heirs, successors and assigns forerer.

had granter bestep revenuers to and with grantes and grantes's heirs, successors and assigns, that
granter is invisitly select in fee single of the above granted premises, free from all encoderances and that granter will retreat and forever defind the premises and every part and parcel thereof squiest the larful civilus and denade of all persons rhomoserur, except those classing under the above described encumbrances.

The tree and actual consideration said for this transfer, stated in term of deliver, in \$0.00.

loverer, the actual consideration consists of or lacindes other property or value given or promised which is the vhale of the consideration.

In constraint this deed, where the context so requires, the singular includes the piecel.

In Places Thereof, the greater has executed this instrument this Pick by of April; 1986.

THE DITENSET WILL BY MADE SEE OF THE MOPENT DESCRIPTION MEANING LEASE TELEMENT IN LIGHT INCOMEST. IN ADDRESS OF THE TOTAL TOTAL COST START UN REPORTED. MICH SERVE OF MONTON THE RESIDENT per latter fallither ha war with the per latter court court. THE THE PARCELLY CALL OF COURS ASSESSED ASSESSED. AS धरात प्रसारक क्षेत्र ५० क स्थानक १४ राज्य व्याप्तात KILLET NEEDE OF KILLE STATES IS OFFICE IN SEE 10.519.

> STATE OF OREGOE, Cousty of lase) ss. This instrument was acknowledged before as by George L. J. Mangatany.



Johny Public die Gr By comission until

George L. J. Hissorias 16865 Territorial M. Rogene, 04 37645 franter's Inn and Mires The Trust of George Lebes John Tienestrap Mes territorial M. Degene, 62 37485 Granten's frue auf bifcets After recording return to: Le Libore fatil repeated otherwise send all tiz statemente to: La More

产物的基础上,分析发行。2000年

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EXHIBIT "A" - Page 1

Beginning at the brast cap marking the SE corner of the M. Crow DLC No. 38. T205, RSM of the M. thencall.89°36'29°E. 59.20 feet along the North Time of the F. Lemon DLC No. 40 in said Tup and Range to a point on the Easterly right of way line of the Territorial Road, thence 5.2°50'24°E. 30.03 feet along said right of way line to a steel fence post marking the True Point of Beginning, thence N.80°36'29°E. 453.26 feet along a line parallel with land 30.00 feet Southerly from when measured at right angles to the North line of said F. Lemon Claim to a point marked by a steel fence post, thence

right angles to the Morth line of said f. Lemon Claim to a point marked by a steel fence post, thence state for the Territorial Road to a point marked by a steel fence post, thence steel fence post, thence steel fence post, thence 5.89°36'20°4, 453.26 feet along a line parallel steel fence post, thence

steel fence post, thence

S.89°36'29"M. 453.26 feet along a line parallel
with said claim line to a steel fence post set on
the Easterly right of way line of the Territorial Road
as fenced, thence

as fenced, thence
| N.2°50°24°W. 481.07 feet along said right of
way line as fenced to the true point of beginning in
Lane County. Oregon.

AND

Beginning at the Southwest corner of Section 30, Township 19 South, Range 4 West of the Willamette Meridian; thence East 20.42 chains along the south line of said Section 30 to the southeast corner of the west one-half of the Southwest one-quarter thereof, theace North 40.00 chains along the east line of the west one-half of the southwest one-quarter of said Section to the mortheast corner of said west bne-half; thence West 20.33 chains along the north line of the southwest pne-quarter of said Section to the est one-quarter corner of said Section; thence South 9.50 chains along the west line of said Section 30 to a point which is, by record, Morth 2 rods, East 30.0 chains, East 20.47 chains acid Routh 36 40 chains of the southeast south 36.40 chains of the southeast corner of David Coleman's Donation Land Claim Ho. 42, Township 19 South, Range 5 West of the Willamette Meridian; thence West along a line from the last described point to a point which bears R6.40 chains South and 20.47 chains

East of said southeast corner of Donation Land Claim No. 42, to a point on the east right of way line of Territorial Highway; thence Southeasterly along said right of way line to a point on the south line of Section 25. Township 19 South, Range 5 West of the Willamette Heridian; thence East to the point of beginning in Lane County, Oregon.

EXCEPT THEREFROM any portion thereof within; County Road No. 1066 (Ham Rd)

EXCEPT: 0.44 Acres out to Hamme Rd., County Road, for 1993 by R1752/92-16154.

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EXHIDIT "A" - Page _

ALSO: The Wi of the SHI of See. 30 in Map 19 S., R. 4M., of Y.W., in Line Daunty, Oregon containing 172 seres of land, Excepting Beginning at the by country of Sec. 30, Tup 19 3; R. ci.

8.86°51'S, 257.1 St. to the Engineer's Station 13-Mil to

a point 8 ft. 5, of the 3, line of said Sea. 30; thence East 842.1 ft parallel to the Sea. line a distance

of said ft. to Engineer's Station 21+ 76.2 to the beginning of a 8° curve to the left; thence along said ourve 220 ft., or to the E. line of grantor a

ALSO: All of grantor's land within Rhe limits of a surveyed highest to be 50 ft. in width, the center-line pf aid highway being described as

Follows: Beginning at the SE corner of Sec. 25 Top 19 S., E. W., W.M., Engineer's Station 4-62.4 a point of ft. N. of the S. line of said Sec. 25 as femoed; thence West

462.4 ft.parellel to said Sec. line to Station D+00 in the center of the County Road losom as Lorens Eighney, The tracts por.veyed contain la all, 1.4 scree, wro or lear to be used for road DUTPOSOS.

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Morth

Test

East

North

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AND

Beginning at a point in the center of the County Road, 36.00 chains South and 20.47 chains East of the Southeast corner of David Coleman's D.L.C. \$62, Tep.17 . South, Range 5 West, W.H., running thence

South 30.28 the to the South line of Section 25 in seld Top: and Range; thance .. Zest 30.00chb.along said South line to the South-

east corner, of said Section 25; theree 30.00che.along said East line of said Section .25; thence

30.00che to the place of beginning, in Tep.19
South, Range 5 Test, W.M.
Liso: Seginning at a point in the center of County Road 36.40 chains South and RC 20.47 chains East of the Southeast corper of David Colemn's D.L.C. \$12, Top. "19 South, Range 5 Yest, W.L., thence

30.0 che-thence

2.0 rouse thence to the place of beginning, in LaneCounty, Oregon. EXCEPT: 2.97 acres in Territorial Bwy. per Vol. 160/280. ALSO EXCEPT: That portion conveyed to Oregon Electric Railray Co. per Vol. 174/318, Lane County Deed Records in Lane County, Oregon.

LESS: 1.02 acres in County Rd. #1066

EXCEPT: 2.94 acres to TL 601 for 1973 per R622/3874.
EXCEPT: 0.10 acre out to County Road No. 715 1/2 (Camas Swale Rd) per R643/77-23714 for 1977-76. EXCEPT: 0.30 acres out to Hamm Rd., County Road No. 1066

for 1993 by 21752/92-16154.



WILLIAM VAN VACTOR

Lane County Administrator

August 4, 2005

George Hinnenkamp 80865 Territorial Road Eugene, OR 97405

Re: Ballot Measure 37 Claim (PA05-5680)

Dear Mr. Hinnenkamp:

This letter will acknowledge receipt of your demand filed May 20, 2005, with the Lane County Land Management Division. At this time, however, we are unable to process your claim as it does not meet the following requirements of Lane Code 2.700-2.770. That procedure went into effect on December 1, 2004, and we think it fairly expresses the basic information required to evaluate a compensation demand made under Ballot Measure 37 (November 2004).

A current Title Report showing title history and continuous ownership information traced to the earliest date of family member ownership along with the current ownership acquisition date and all current interests of record in the property is needed. Consistent with the text of Ballot Measure 37, a title report is essential to verify that your ownership history is consistent with the requirements of the measure and that Lane County considers all the property owner interests fairly. This is especially important in order to confirm chain of title since this application involves a trust.

We also request you submit copies of any leases or covenants, conditions, or restrictions that may otherwise apply to your property and which could affect its development or value. This again relates to the appraisal and any value differential occurring as a result of land use regulation(s) allegedly restricting the use of your property.

We recognize that the above-referenced information does require a certain level of preparation so that Lane County can properly evaluate this claim. We believe it is the same information that a circuit court would need to evaluate any claim made under Ballot Measure 37 if a land use regulation remains applicable more than 180 days after a valid written demand for compensation. In that sense we do not believe it is burdensome but in fact appropriate and consistent with what a circuit court would similarly require.

To the extent land use regulations that allegedly reduce your property value are state enacted, you will need to make a claim with the State of Oregon by filing with Department of Administrative Services, Risk Management-State Services Division, 1225 Ferry Street SE, U150, Salem OR 97301-4287.

Lane County stands ready to process your claim consistent with the terms of Ballot Measure 37, but some information as stated above is an essential first step. Please provide me with a written statement indicating whether you intend to provide the missing information as soon as possible.

If you have any questions with regard to the specifics of the information requested, please do not hesitate to call Kent Howe, Planning Director, at 682-3734.

Sincerely yours,

William VanVactor County Administrator

cc: Kent Howe, Planning Director

Stephen Vorhes, Assistant County Counsel