

T. 7. a.

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));

The current owner of record for the entire 159 acres is the George L.J. Hinnenkamp 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 pornography 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 37 claim 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

RECEIPT NUMBER: **R05004192**

05-20-2005

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

| Type | Method | Description | Amount |
|---------|--------|-------------|--------|
| Payment | Check | 7810 | 850.00 |

| Description | Current Pymt |
|----------------------------|--------------|
| 3040 Planning Hrg Official | 850.00 |

PAID BY: NORM WATERBURY

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 Ballot 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

80865 Territorial Rd.
George Hinnenkamp Eugene, OR, 97405 541-942-8647
 Applicant Name (Please Print) Mailing Address Phone
28788 Gimpl Hill Rd
Norman Waterbury Eugene OR 97402 541-510-3501
 Agent Name (Please Print) Mailing Address Phone

2. Property Owner

Please provide the Name, Mailing Address and telephone number of all property owners of record holding interest in the property that is the subject of this application. Include a complete listing of all lien holders, trustees, renters, lessees or anyone with an interest in the property and describe the ownership interest.

George L. J. Hinnenkamp Trustee and successor Trustees, UAD Aug. 9
1996, UAT The Trust of George and John Hinnenkamp
 Property Owner Name (Please Print) Mailing Address Phone
80865 Territorial Hwy 942-8647
 Property Owner Name (Please Print) Mailing Address Phone
Eugene, OR 97405

3. Legal Description

Please provide an accurate legal description, tax account number(s), map, street address and location of all private real properties that are the subject of this application.

Assessor Map & Tax Lot 19-04-30-300, 19-05-25-600
 Street Address Not Addressed Legal Description Attached ☒

4. Identification of Imposed Land Use Regulation

Please identify the Lane Code section or other land use regulation imposed on the private real property that is alleged to restrict the use of the subject property in a manner that reduces the fair market value. Include the date the regulation was first adopted, enforced or applied to the subject property and a written statement addressing all the criteria in LC 2.740(1).

See Exhibit 4

5. Title Report

Please attach a Preliminary 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.

6. Appraisal/Regulatory Effect

Please provide one original, signed appraisal prepared by an appraiser licensed by the Appraiser Certification and Licensure Board of the State of Oregon addressing the requirements of provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004) and indicating the amount of the alleged reduction in fair market value by showing the difference in the fair market value of the property before and after the application of the challenged regulations as of the date the owner makes written demand for compensation. Include all of the supporting methodology, assumptions and calculations affecting the appraisal.

See Exhibit 6

7. Leases, Covenants, Conditions and Restrictions

Please provide copies of any leases or covenants, conditions and restrictions applicable to the subject property.

See Exhibit 7

8. Identification of Relief Sought

Please specifically indicate what relief is being sought, either a monetary value of the claim describing the reduction in fair market value of the property or the specific use authorization sought in any waiver of the land use regulation.

See Exhibit 8

I (we) have completed all of the attached application requirements and certify that all statements are true and accurate to the best of my (our) knowledge and belief. I am (We are) authorized to submit this application on behalf of all those with an interest in the property and all the owner(s) agree to this claim as evidenced by the signature of those owner(s) below. Include additional signatures, as necessary.

Entry by County or its designee upon the subject property is authorized by the owner(s) and the owner(s) consent to the application for claims under provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004).

George Ninnenkamp

Owner(s) Signature

5-20-05

Date

[Signature]

Applicant/Agent Signature

5/20/05

Date

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:

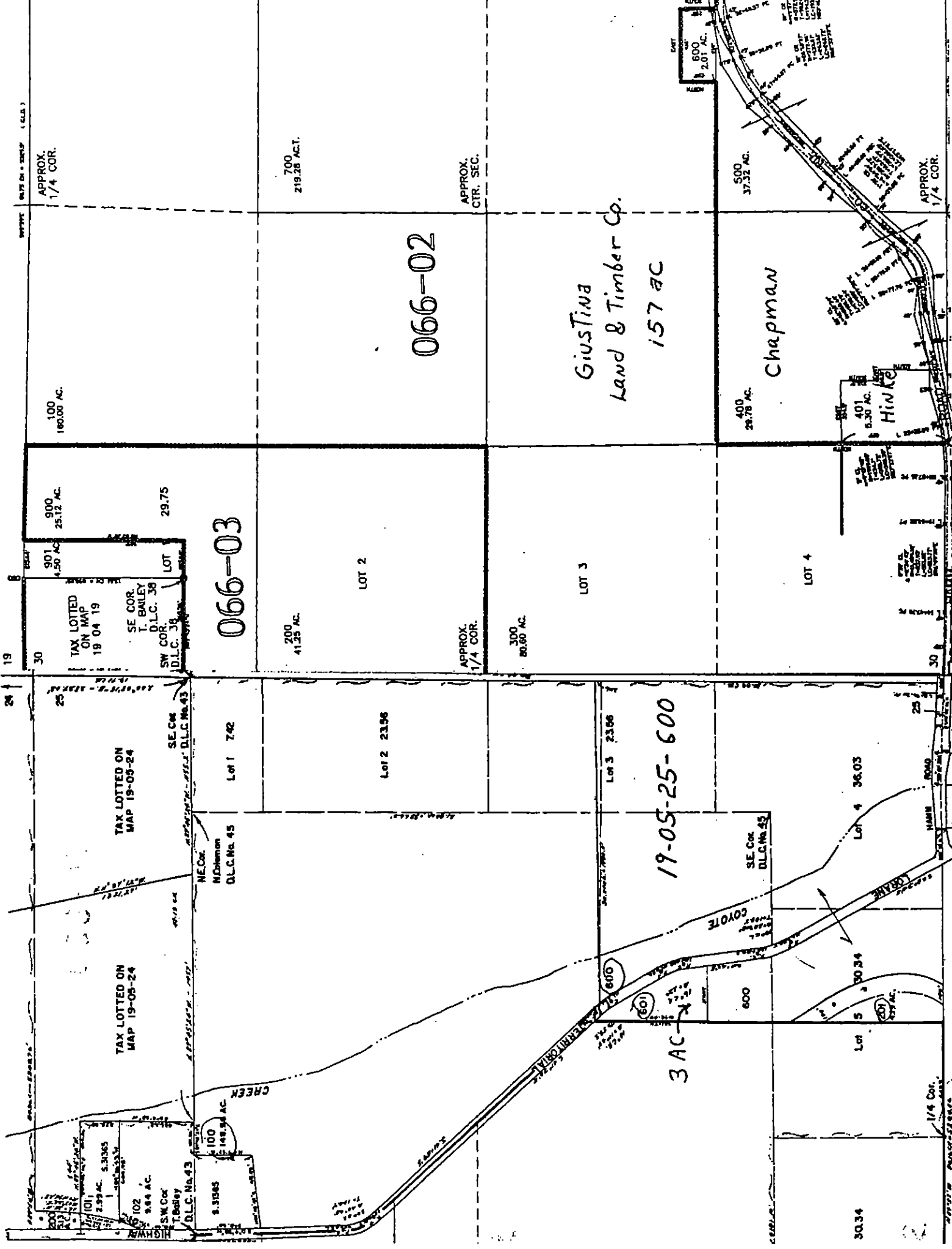
Beginning at a point in the center of the County Road, 36.40 chains South and 20.47 chains East of the Southeast corner of David Coleman's Donation Land Claim No. 42, Township 19 South, Range 5 West, Willamette Meridian; running thence South 30.28 chains to the South line of Section 25 in said Township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

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

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.



066-02

Giustina
Land & Timber Co.
157 AC

Chapman

Hinkle

066-03

LOT 2

LOT 3

LOT 4

19-05-25-600

Lot 1 742

Lot 2 2356

Lot 3 2356

Lot 4 36.03

Lot 5 30.34

TAX LOTTED ON
MAP 19-05-24

TAX LOTTED ON
MAP 19-05-24

SE COR.
T. BAILEY
D.L.C. 38

SW COR.
T. BAILEY
D.L.C. 38

NE COR.
N. D. HENRY
D.L.C. No. 45

SE COR.
D.L.C. No. 43

SE COR.
D.L.C. No. 43

APPROX.
CTR. SEC.

APPROX.
1/4 COR.

APPROX.
1/4 COR.

700
219.28 AC.

200
41.25 AC.

300
80.60 AC.

100
160.00 AC.

900
25.12 AC.

901
4.50 AC.

400
29.75 AC.

401
9.30 AC.

600
2.01 AC.

3 AC

30.34

1/4 Cor.

CREEK

ROAD

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

4 583 Kolesar 88539

3595 Hinnenkamp

State of Oregon,
County of Lane
J. Lee Randolph, Director of the
Department of Records and Elections
in and for the said County, do hereby
certify that the within instrument was
received for record at

'67 3 18 10 58

Reel 351-R

Lane County OFFICIAL Records.

INA RANDOLPH, Director of the
Department of Records & Elections

By *[Signature]*
Deputy

C23-083-05

UNDERSTOOD SEEK COMPETENT ADVICE."

Page 1 of 1 Ref: *[Signature]*
Address 3085 East 7000 South
Salt Lake City, Utah
88539

QUIT-CLAIM DEED

KATHERYN H. KOLESAR, - - - - - grantor
of Salt Lake City, County of Salt Lake, State of Utah, hereby
QUIT-CLAIM to GEORGE L. J. HINNENKAMP, - - - - -

of Salt Lake City, Salt Lake County, State of Utah, grantee
TEN AND NO/100 (\$10.00) - - - - - DOLLARS,

the following described tracts of land in - - - - - Lane - - - - - County,
State of ~~Utah~~ Oregon:

PARCEL 1:
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 of the
Willamette Meridian; running thence South 30.28 chains to the South
line of Section 25 in said Township and Range; thence East along the
said South line 30.0 chains to the Southeast corner of said Section
25; thence North along said East line of said Section 25 30.0 chains
thence West 30.0 chains to the place of beginning, in Township 19
South, Range 5 West of the Willamette Meridian.
ALSO: The West 1/2 of the Southwest 1/4 of Section 30 in Township 19
South, 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:
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 of the Willamette
Meridian; thence East 30.0 chains; thence North 2.0 rods; thence to the
WITNESS the hand of said grantor, this 5th day of
June, A. D. one thousand nine hundred and sixty-seven.

place of beginning, in Lane County, Oregon
Signed in the presence of *[Signature]*

STATE OF UTAH,
COUNTY OF SALT LAKE

ss.

On the 5th day of June, A.D. 1967,
personally appeared before me *Katheryn H. Kolesar*, - - - - -

the same as the within instrument, who duly acknowledged to me that she executed the
same as a voluntary act and deed.



[Signature]
Notary Public
Residing in Salt Lake City, Utah

APPROVED FORM - UTAH SECURITIES COMMISSION

UST

46694 mosen 88538

46694 mosen 88538
State of Oregon,
County of Lane—
I, Ida Randolph, Director of the
Department of Records and Elections,
in and for the said County, do hereby
certify that the within instrument was
received for record at

'67 7 11 10 30

Reel 351-R

Lane County Official Records.

IDA RANDOLPH, Director of the
Department of Records & Elections,
By *Ida Randolph*
Deputy
C29-081-05

"UNDERSTOOD SEEK COMPETENT ADVICE."

Page, et. Rel.:
Address: 3085 East 7000 South
Salt Lake City, Utah
88538

QUIT-CLAIM DEED

CECILIA A. MOSES, sometimes referred to as CECILIA H. MOSES, grantor
of Salt Lake City, County of Salt Lake, State of Utah, hereby
QUIT-CLAIMS, to GEORGE L. J. HINNENKAMP,
Remises and Releases

of Salt Lake City, Salt Lake County, State of Utah, grantee
for the sum of
TEN AND NO/100 (\$10.00)-----DOLLARS,

the following described tracts of land in ----- Lane ----- County,
State of ~~OREGON~~ Oregon:

PARCEL 1:
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 of the
Willamette Meridian; running thence South 30.28 chains to the South
line of Section 25 in said Township and Range; thence East along the
said South line 30.0 chains to the Southeast corner of said section
25; thence North along said East line of said Section 25 30.0 chains
thence West 30.0 chains to the place of beginning, in Township 19 South,
Range 5 West of the Willamette Meridian.

ALSO: The West 1/2 of the Southwest 1/4 of Section 30 in Township 19
South, 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.

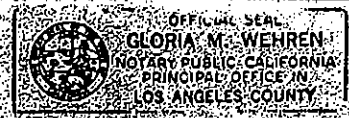
ALSO EXCEPT that portion conveyed to Oregon Electric Railway Company
by Deed recorded in Book 174, Page 318, Lane County Oregon Deed
Records, in Lane County, Oregon.

PARCEL 2:
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 of the Willamette
Meridian; thence East 30.0 chains; thence North 2.0 rods; thence to the
place of beginning, in Lane County, Oregon.

Witness the hand of said grantor, this X ^{14th} day of
MAY, A. D. one thousand nine hundred and sixty-seven.

Signed in the presence of
Cecilia A. Moses
Lucian Paulk, Notary Secretary
Ida Randolph, Clerk

STATE OF CALIFORNIA
COUNTY OF SANTIAGO, Los Angeles



On the 11th day of May, A.D. 19 67,
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.

Gloria M. Wehren
Notary Public

My commission expires December 28, 1970. Residing in Pasadena, California

APPROVED BY THE UTAH SECURITIES COMMISSION
Gloria M. Wehren, Notary Public
6722 1/2 North St. Pasadena, Cal. 91107

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

October 20, 2004
Order No.: 206321-DF
Esc. No. : 50-16758
Seller : Hinnenkamp, George L.J.
Buyer : Palmer, Donald

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

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:

1. 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.

Continued

Western Pioneer Title Co.
Our No. 206321-DF

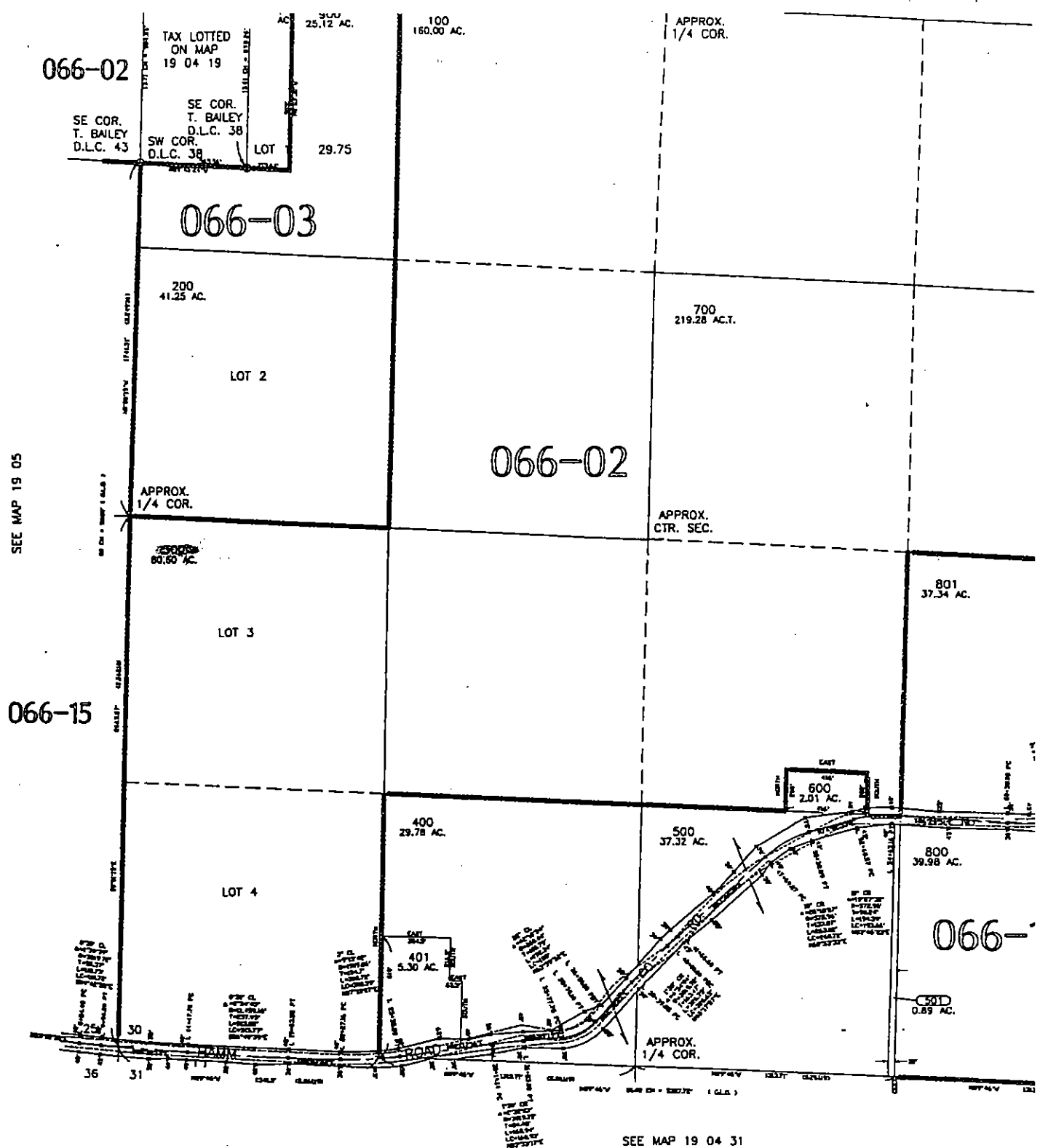
This is a preliminary report only; no liability is assumed hereunder until policy is issued and full premium paid.

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

A handwritten signature in dark ink, appearing to read "Deborah A. Forstrom", with a stylized flourish at the end.

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"

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.

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

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 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, B

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

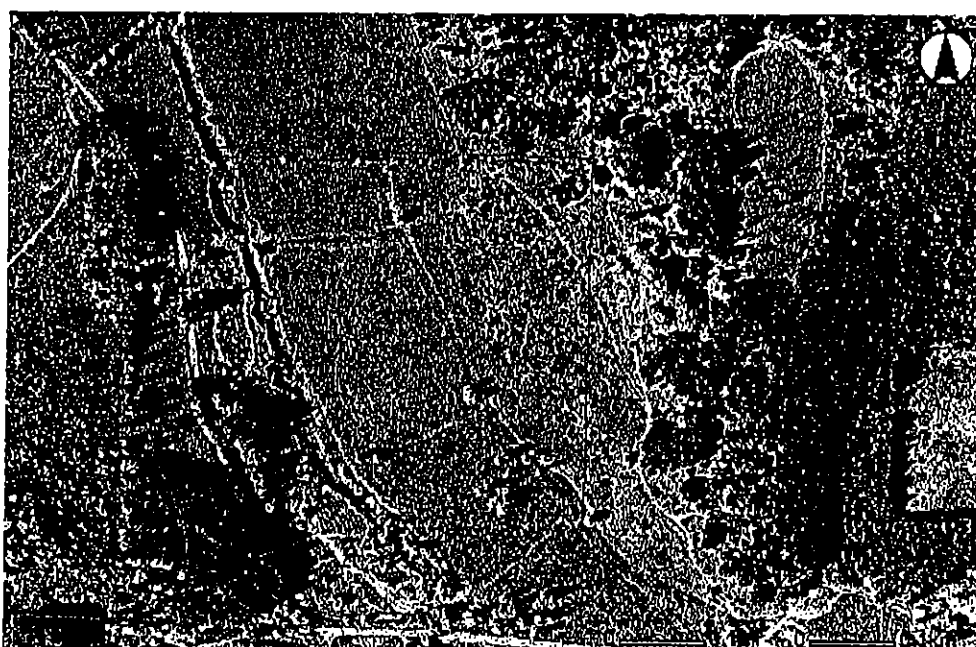
Report Completion Date:
May 10, 2005

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

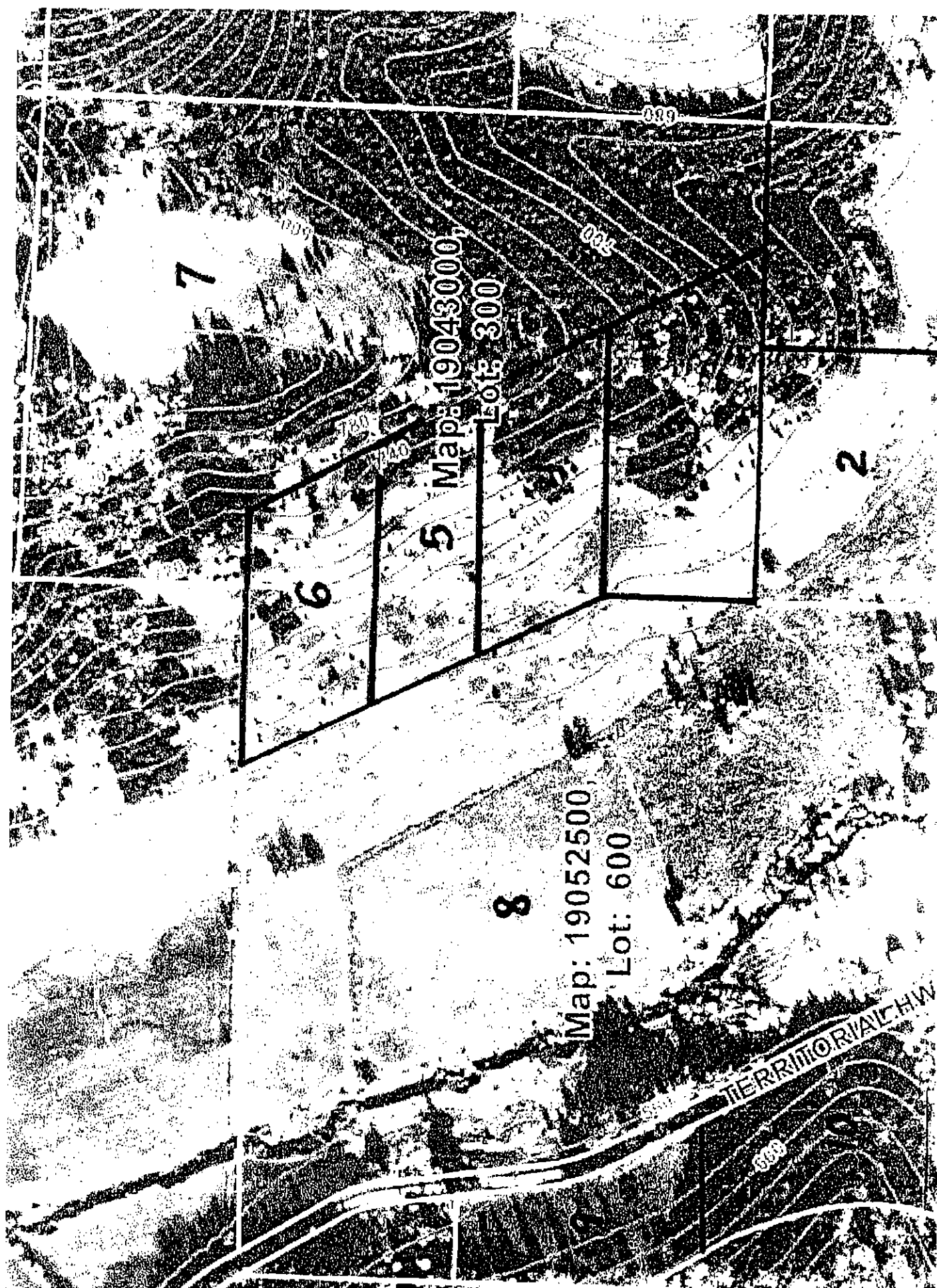


Detail of subject sit in total as appraised with north-south gray line to right of center marking approximate township line between 19-05-25 on left and 19-04-30 on right, see following proposed plat outlines as marked by owner

Site Map

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

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.

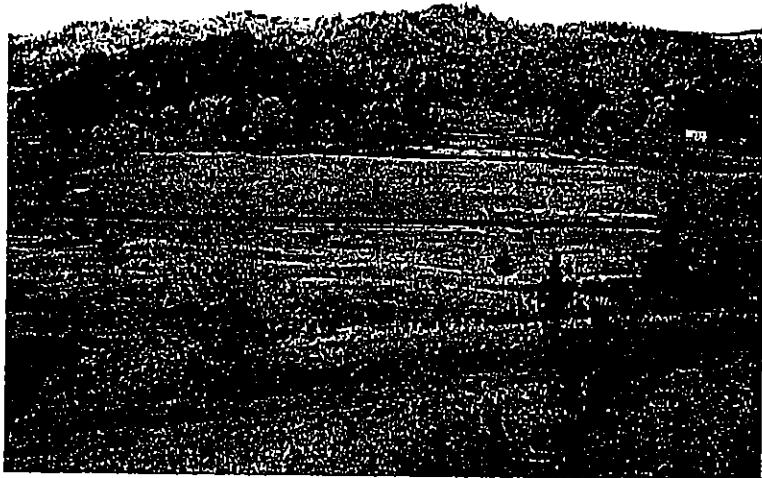


PHOTOGRAPH ADDENDUM One

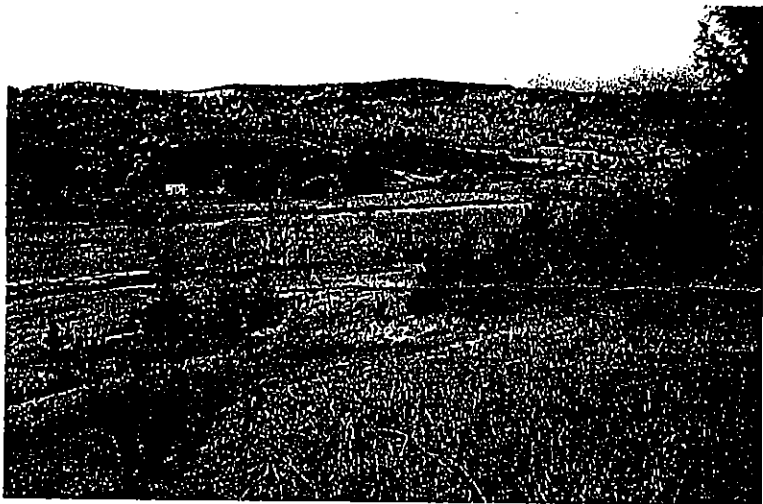
| | | | | | |
|------------------|---|--------|------|----------|--------|
| Borrower/Client | No borrower | | | | |
| Property Address | Number Not Assigned Hamm Road // Tax Lots 10-05-25-00-00600 and 19-04-30-00-00300 | | | | |
| City | Eugene | County | Lane | State | Oregon |
| | | | | Zip Code |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



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

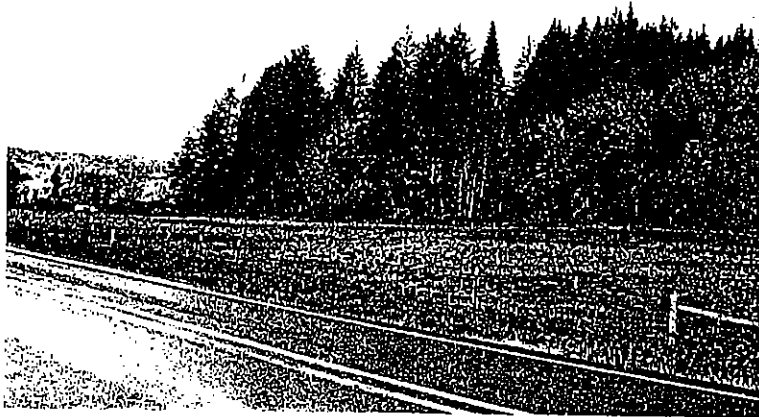
White house to left is on a 14 +/- acre parcel belonging to Williams at the northwest quarter corner of Section 25

PHOTOGRAPH ADDENDUM 1W.

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



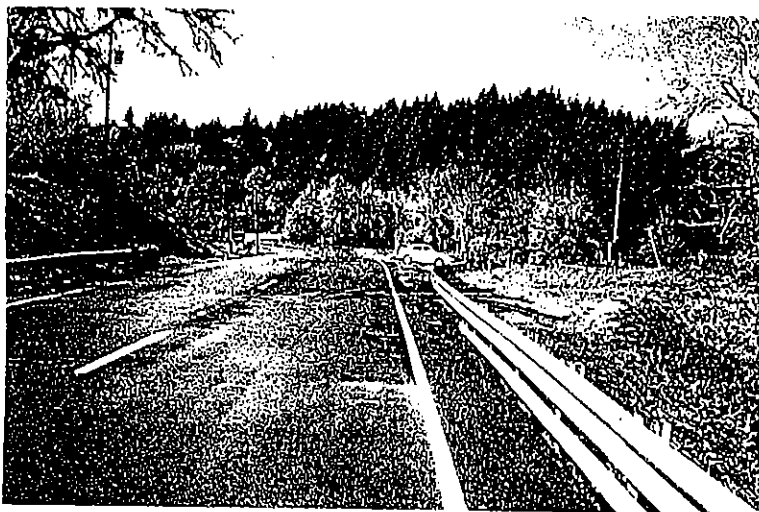
Hamm Road looking east from just west of Coyote Creek bridge



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

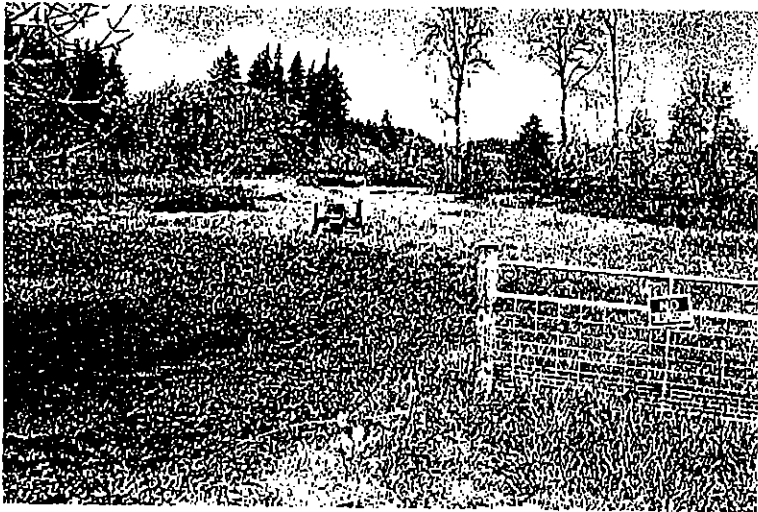
Access to Tax Lot 300 and hillside proposed parcels is at far right

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



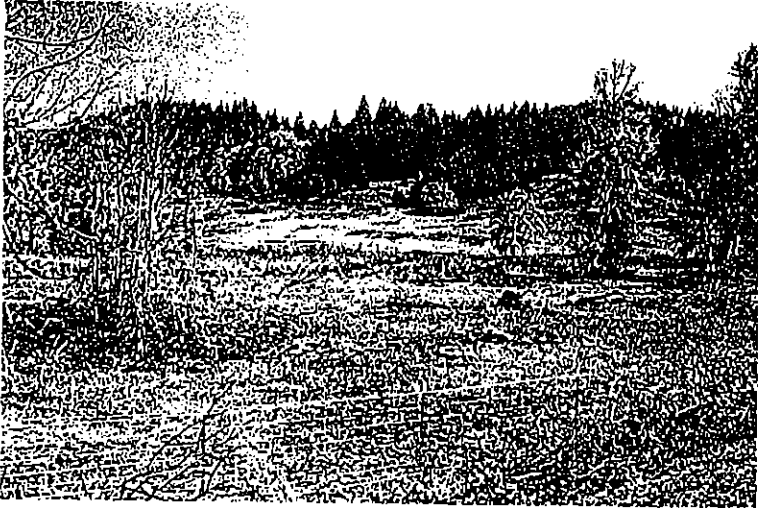
Looking west from Coyote Creek bridge toward Territorial Highway intersection, Lots 10 and 9 beyond Territorial Highway on treed knoll

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



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



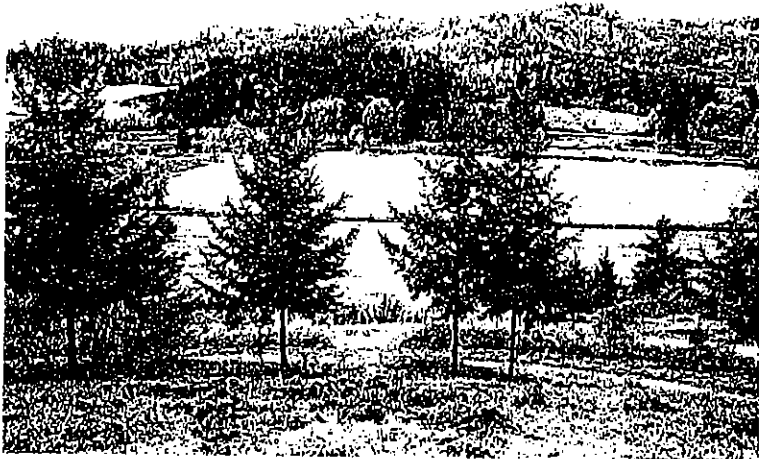
Coyote Creek from bridge looking north, the direction of flow

AUTOGRAPH ADDENDA FOUR

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



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

OTOGRAPH ADDENDUM Fiv

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



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

Summary Appraisal Report

Borrower 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
Legal Description Lengthy Metes and Bounds Legal Descriptions
Sale Price \$ Not Sold Date of Sale N/A Loan Term N/A yrs. Property Rights Appraised ☒ Fee ☐ Leasehold ☐ De Minimis PL
Actual Real Estate Taxes \$ 2,026.26 (yr) Loan charges to be paid by seller \$ N/A Other sales concessions Not Applicable
Lender/Client Palmer, Jerry (owner of record = Hinnenkamp) Address 25800 Hall Road, Junction City, Oregon 97448
Occupant Vacant Land Appraiser Craig E. McKern Instructions to Appraiser appraise to market value per USPAP standards
Craig E. McKern, Appraiser, P.C. 1574 Coburg Road, PMB 397, Eugene, Oregon 97401 telephone 541-345-0744 facsimile 541-345-0577

Location ☐ Urban ☐ Suburban ☒ Rural
Built Up ☒ Over 75% ☐ 25% to 75% ☐ Under 25%
Growth Rate ☐ Fully Dev. ☐ Rapid ☒ Steady ☐ Slow
Property Values ☐ Increasing ☒ Stable ☐ Declining
Demand/Supply ☐ Shortage ☒ In Balance ☐ Oversupply
Marketing Time ☒ Under 3 Mos. ☒ 4-6 Mos. ☐ Over 6 Mos.
Present Land Use 90% 1 Family 1% 2-4 Family 0% Apts. 0% Condo 1% Commercial
2% Industrial 10% Vacant 1% other
Change in Present Land Use ☐ Not Likely ☐ Likely (*) ☒ Taking Place (*)
(*) From vacant/undeveloped To residential
Predominant Occupancy ☒ Owner ☐ Tenant 5 % Vacant
Single Family Price Range \$ 100,000 to \$ 2,500,000 Predominant Value \$ 300,000
Single Family Age <5 yrs. to 100+ yrs. Predominant Age 20-60 yrs.

Employment Stability
Convenience to Employment
Convenience to Shopping
Convenience to Schools
Adequacy of Public Transportation
Recreational Facilities
Adequacy of Utilities
Property Compatibility
Protection from Detrimental Conditions
Police and Fire Protection
General Appearance of Properties
Appeal to Market

Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, view, noise): Subject is located 3 miles north of Lorane community and about 15 miles southwest of Eugene city limits in the Lorane district of unincorporated Lane County. A wide variety of rural residential farm or ranch improvements, site sizes, view aspects, zoning designations exists. Spot fuel/store services in Lorane. Predominant agriculture includes timber production, vineyards, wineries, hay, pasture. Dedicated farm and timberlands are excluded from "other uses"

Dimensions Irregular, see plat maps, aerial photos, topo map = 159 Sq. Ft. or Acres ☐ Corner Lot
Zoning classification F2-Impacted Forest Lands & EFU-40 acre minimum Present Improvements ☒ do ☐ do not conform to zoning regulations
Highest and best use ☐ Present use ☒ Other (specify) possible partitions for building sites to be determined

Public Other (Describe) OFF SITE IMPROVEMENTS
Elec. ☒ Street Access ☒ Public ☐ Private
Gas ☐ Surface Asphalt
Water ☐ Private Well Maintenance ☒ Public ☐ Private
San. Sewer ☐ Storm Sewer ☐ Curb/Gutter
Underground Elect. & Tel. ☐ Sidewalk ☐ Street Lights
Topo Level to rolling to moderate slopes
Size Typical of forest or agricultural zoned sites for the area
Shape Rectangular and irregular
View See photographs
Drainage FEMA map 41039C-1625F 06-02-1999; Zones A and X
Is the property located in a HUD Identified Special Flood Hazard Area? ☐ No ☒ Yes

Comments (favorable or unfavorable including any apparent adverse easements, encroachments, or other adverse conditions): See attached comments page, photo pages and captions for explanations and details. Appraisal is of two parcels under one ownership at present. TL 300 is zoned F-2 Impacted Forest Land and is mostly sloping, wooded, has creek along lower south slope, access to Hamm Road. TL 600, zoned EFU-40, has lower hillside slope with upper Coyote Creek through center and Territorial Highway along west portion above the creek. No improvements at present time

The undersigned has recited three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to or more favorable than the subject property, a minus (-) adjustment is made thus reducing the indicated value of subject; if a significant item in the comparable is inferior to or less favorable than the subject property, a plus (+) adjustment is made thus increasing the indicated value of the subject.

| ITEM | SUBJECT PROPERTY | COMPARABLE NO. 1 | COMPARABLE NO. 2 | COMPARABLE NO. 3 |
|----------------------------------|--|---|---|--|
| Address | NNA Hamm Road -- entire parcel -- Eugene | Tax Lot 20-05-01-00-00300 Eugene// asking \$850,000 | Tax Lot 18-04-35-00-00700 Eugene// asking \$850,000 | |
| Proximity to Subject | | 1 mile southwest | 10 miles northeast | |
| Sales Price | \$ Not Sold | \$ 825,000 | \$ 840,000 | \$ |
| Price /acre | \$ | \$ 3,587 | \$ 7,850 | \$ |
| Data Source | Inspection/County | GMAC Hemenway RE / County | Prudential R. E. Professionals/ | |
| Date of Sale and Time Adjustment | DESCRIPTION 05-02-2005 | DESCRIPTION 07-2004 (COE) | DESCRIPTION 01-2004 (COE) | DESCRIPTION +(-) \$ Adjust |
| Location | Average | Average | Good | -200,000 |
| Site/View | 159 +/- ac/ Vly/Creek | 230ac m// Hills, Vly | 107ac m// Hills, Crk. | +150,000 |
| Dwelling/Structures | None/ Approval assm | Placeholder/Old MH | DW MH/Barn/Arena | -100,000 |
| Well/Septic system | Installed/ AsmPermit | Older Installed | Installed/ Installed | -10,000 |
| Drive/Road access | Gravel/dirt/public way | Gravel/ public way | Gravel/ public way | 0 |
| Utilities /Adverse | Available at roads | Installed on site | Installed on site | -15,000 |
| Sales or Financing Concessions | Cash to seller assumed | Cash | Cash | |
| Net Adj. (Total) | | <input type="checkbox"/> + <input checked="" type="checkbox"/> - \$ 233,000 | <input type="checkbox"/> + <input checked="" type="checkbox"/> - \$ 175,000 | <input type="checkbox"/> + <input type="checkbox"/> - \$ |
| Indicated Value of Subject | | Net 28.2 % \$ 592,000 | Net 20.8 % \$ 665,000 | Net % \$ |

Comments on Market Data: Sale 1 is adjacent to and purchased King Estates Vineyards at a negotiated price; the sellers, owners of this property for 50 years, were approached by King Estates a number of years ago to purchase the property as it has good grape soils; no value was given by King Estates to any improvements. It appears to be a high indicator for this location at sale price per acre. Sale 2 is in Eugene School ****

Comments and Conditions of Appraisal: The appraisal is made to cash equivalency per USPAP and FIRREA guidelines; USPAP departure provisions do not apply. See attached assumptions, limiting conditions and comments. *** District, considerably closer to urban areas and had various site improvements, outbuildings and a livable manufactured home; it sold in two parcels. The appraiser could not locate or confirm a third sale of similar acreage and location as compared to subject though there are other somewhat similar parcels in the Lorane area which have both ****

Final Reconciliation: The market data (sale comparison) approach is the only reliable method of estimating vacant or non-residential site value. The cost approach is omitted as there is minimal value for the improvements on site. The income approach does not normally apply to vacant land. **** hillside and creek bottom land. The site value is adjusted at \$3,000 per acre. Value stated is within the range of adjusted values.

I ESTIMATE THE MARKET VALUE, AS DEFINED, OF SUBJECT PROPERTY AS OF May 2, 2005 to be \$ 600,000

Any value in standing trees on the site is included as woodlot value or as natural landscape; no timber cruise was made available and the typical actual site inspection and photo dates was March 29, 2005; effective date is May 2, 2005, the most recent drive-by date of observation.

Craig E. McKern
Appraiser(s) *[Signature]* Review Appraiser (if applicable) ☐ Did ☐ Did Not Physically Inspect Property

Summary Appraisal Report

File No. 031205B

Borrower No borrower

Census Tract 1-039-8 Map Reference See Below

Property Address Number Not Assigned Hamm Road // Portion of Tax Lot 19-04-30-00-00300; Shown on topographic plat map as "Lot 7"

City Eugene County Lane State Oregon Zip Code 97405

Legal Description Hypothetical Lengthy Metes and Bounds Legal Description; the northeast 47 acres of TL 300 as shown on topographic plat map

Sale Price \$ Not Sold Date of Sale N/A Loan Term N/A yrs. Property Rights Appraised ☒ Fee ☐ Leasehold ☐ De Minimis PUC

Actual Real Estate Taxes \$ None (yr) Loan charges to be paid by seller \$ N/A Other sales concessions Not Applicable

Lender/Client Palmer, Jerry (owner of record = Hinnenkamp) Address 25800 Hall Road, Junction City, Oregon 97448

Occupant Vacant Land Appraiser Craig E. McKern Instructions to Appraiser appraise to market value per USPAP standards

Craig E. McKern, Appraiser, P.C. 1574 Coburg Road, PMB 397, Eugene, Oregon 97401 telephone 541-345-0744 facsimile 541-345-0577

| | | | | |
|----------------------------|---|--|--|---|
| Location | <input type="checkbox"/> Urban | <input type="checkbox"/> Suburban | <input checked="" type="checkbox"/> Rural | Employment Stability Convenience to Employment Convenience to Shopping Convenience to Schools Adequacy of Public Transportation Recreational Facilities Adequacy of Utilities Property Compatibility Protection from Detrimental Conditions Police and Fire Protection General Appearance of Properties Appeal to Market |
| Built Up | <input checked="" type="checkbox"/> Over 75% | <input type="checkbox"/> 25% to 75% | <input type="checkbox"/> Under 25% | |
| Growth Rate | <input type="checkbox"/> Fully Dev. | <input type="checkbox"/> Rapid | <input type="checkbox"/> Steady | |
| Property Values | <input type="checkbox"/> Increasing | <input checked="" type="checkbox"/> Stable | <input type="checkbox"/> Slow | |
| Demand/Supply | <input type="checkbox"/> Shortage | <input checked="" type="checkbox"/> In Balance | <input type="checkbox"/> Declining | |
| Marketing Time | <input checked="" type="checkbox"/> Under 3 Mos. | <input checked="" type="checkbox"/> 4-6 Mos. | <input type="checkbox"/> Oversupply | |
| Present Land Use | <input type="checkbox"/> 90% 1 Family | <input type="checkbox"/> 1% 2-4 Family | <input type="checkbox"/> 0% Apts. | |
| | <input type="checkbox"/> 2% Industrial | <input type="checkbox"/> 10% Vacant | <input type="checkbox"/> 0% Condo | |
| | <input type="checkbox"/> 1% other | <input type="checkbox"/> 1% Commercial | <input type="checkbox"/> Over 6 Mos. | |
| Change in Present Land Use | <input type="checkbox"/> Not Likely | <input type="checkbox"/> Likely (*) | <input checked="" type="checkbox"/> Taking Place (*) | |
| Predominant Occupancy | (*) From <u>vacant/undeveloped</u> To <u>residential</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant <input type="checkbox"/> 5 % Vacant | | | |
| Single Family Price Range | <u>\$ 100,000</u> to <u>\$ 2,500,000</u> Predominant Value <u>\$ 300,000</u> | | | |
| Single Family Age | <u><5 yrs. to 100+ yrs.</u> Predominant Age <u>20-60 yrs.</u> | | | |

Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, view, noise): Subject is located 3 miles north of Lorane community and about 15 miles southwest of Eugene city limits in the Lorane district of unincorporated Lane County. A wide variety of rural residential farm or ranch improvements, site sizes, view aspects, zoning designations exists. Spot fuel/store services in Lorane. Predominant agriculture includes timber production, vineyards, wineries, hay, pasture. Dedicated farm and timberlands are excluded from "other uses"

Dimensions Irregular, see plat maps, aerial photos, topo map = 47 Sq. Ft. or Acres ☐ Corner Lot

Zoning classification F-2- Impacted Forest Lands Present Improvements ☒ do ☐ do not conform to zoning regulations

Highest and best use ☐ Present use ☒ Other (specify) future single family residence as if permitted under Lane County and Measure 37

Other (Describe) Available

Off Site Improvements

| | | |
|---------------|---|---|
| Street Access | <input type="checkbox"/> Public | <input checked="" type="checkbox"/> Private |
| Surface | <input type="checkbox"/> AW Gravel/Dirt | <input type="checkbox"/> Public |
| Maintenance | <input type="checkbox"/> Public | <input checked="" type="checkbox"/> Private |
| Storm Sewer | <input type="checkbox"/> Curb/Gutter | <input type="checkbox"/> Street Lights |
| Sidewalk | <input type="checkbox"/> Street Lights | |

Topo Slight to rolling to moderate slopes

Size Typical of forest or agricultural zoned sites for the area

Shape Irregular

View See photographs

Drainage FEMA map 41039C-1625F 06-02-1999; Zone X

Is the property located in a HUD Identified Special Flood Hazard Area? ☐ No ☒ Yes

Comments (favorable or unfavorable including any apparent adverse easements, encroachments, or other adverse conditions): See attached comments page, photo pages and captions for explanations and details. No improvements at present time. Single lane dirt and gravel drive from access road through Lots 1 and 2 (hypothetical lots, like subject) off Hamm Road. Site has about 15 acres open meadow surrounded by various age conifer forest with a small creek along the far east edge of property line. Views to surrounding wooded hills and southern exposure. No improvements.

The undersigned has recited three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to or more favorable than the subject property, a minus (-) adjustment is made thus reducing the indicated value of subject; if a significant item in the comparable is inferior to or less favorable than the subject property, a plus (+) adjustment is made thus increasing the indicated value of the subject.

| ITEM | SUBJECT PROPERTY | COMPARABLE NO. 1 | COMPARABLE NO. 2 | COMPARABLE NO. 3 |
|----------------------------------|------------------------------------|-----------------------------------|------------------------------------|--|
| Address | <u>NNA Hamm Road, Eugene</u> | <u>Tax Lot 20-05-14-00-01400</u> | <u>34612 Kizer Creek Road</u> | <u>Tax Lot 18-02-01-00-00400</u> |
| | <u>47 acre HYPOTHETICAL parcel</u> | <u>Lorane // asking \$129,500</u> | <u>Cottage Grove/ask \$299,900</u> | <u>Jasper// asking \$249,000</u> |
| Proximity to Subject | | <u>4 air miles southwest</u> | <u>20 air miles southeast</u> | <u>40 air miles northeast</u> |
| Sales Price | <u>\$ Not Sold</u> | <u>\$ 129,500</u> | <u>\$ 270,000</u> | <u>\$ 239,000</u> |
| Price /acre | | <u>\$ 11,260</u> | <u>\$ 5,934</u> | <u>\$ 5,571</u> |
| Data Source | <u>Inspection/County</u> | <u>GMAC Hemenway RE / County</u> | <u>Century 21 Nugget RE/County</u> | <u>Prudential R. E. Professionals/</u> |
| Date of Sale and Time Adjustment | <u>DESCRIPTION</u> | <u>DESCRIPTION</u> | <u>DESCRIPTION</u> | <u>DESCRIPTION</u> |
| | <u>05-02-2005</u> | <u>ACTIVE LISTING</u> | <u>03-2005 (COE)</u> | <u>04-2005 (COE)</u> |
| Location | <u>Average</u> | <u>Average</u> | <u>Average plus</u> | <u>Average plus</u> |
| Site/View | <u>47 +/- ac/ Wds/ Hills</u> | <u>11.5 +/- ac/ Wds/ Hill</u> | <u>45.54 ac/ Hills/Wds</u> | <u>42.9 ac/ Hills/Wd</u> |
| Dwelling/Structures | <u>None/ Approval assm</u> | <u>None/ Approval assm</u> | <u>Old MH/shop/sheds</u> | <u>None/ApprovalAsm</u> |
| Well/Septic system | <u>None/ Assm'd Permit</u> | <u>None/ Assm. Permit</u> | <u>Spring/ Installed</u> | <u>Installed/Approved</u> |
| Drive/Road access | <u>Dirt/private way</u> | <u>Dirt/private way</u> | <u>Gravel/private way</u> | <u>Gravel/private way</u> |
| Utilities /Adverse | <u>Available at cost</u> | <u>Available at road</u> | <u>Installed on site</u> | <u>Installed on site</u> |
| Sales or Financing Concessions | <u>Cash to seller assumed</u> | <u>Cash to seller assumed</u> | <u>Cash</u> | <u>Short term owner financing; 7% rate</u> |
| Net Adj. (Total) | | <u>\$ 137,000</u> | <u>\$ 42,000</u> | <u>\$ 20,000</u> |
| Indicated Value of Subject | | <u>Net 105.8 % \$ 266,500</u> | <u>Net 15.6 % \$ 228,000</u> | <u>Net 8.4 % \$ 219,000</u> |

Comments on Market Data: Very limited sale or listing data for medium sized vacant acreages in the subject area. Sale 1 is a current open market recent listing located just southwest of Lorane, with woods, pasture, a small pond and water rights; an adjacent 14.23 acre parcel with Siuslaw River frontage is offered for \$149,500. Sales 2 and 3 are both distant and recent; Sale 2 included a 1975 manufactured home as placeholder

Comments and Conditions of Appraisal: The appraisal is made to cash equivalency per USPAP and FIRREA guidelines; USPAP departure provisions do not apply. See attached assumptions, limiting conditions and comments. The limited available data leads the appraiser to what he regards as a somewhat conservative value opinion. Both Sales 2 and 3 are located closer to Cottage grove and Springfield respectively than the subject is to Eugene; however Sale 2 is about 10 miles out of Cottage Grove and Sale 3 is off R.R. Baker Road, a private, steep, rough one lane way.

Final Reconciliation: The market data (sale comparison) approach is the only reliable method of estimating vacant or non-residential site value. The cost approach is omitted as there is minimal value for the improvements on site. The income approach does not normally apply to vacant land. The site value is adjusted at \$4,000 per acre. Value stated is within the range of adjusted values. One buildable site (permit) is assumed.

I ESTIMATE THE MARKET VALUE, AS DEFINED, OF SUBJECT PROPERTY AS OF May 2, 2005 to be \$ 220,000

Any value in standing trees on the site is included as woodlot value or as natural landscape; no timber cruise was made available and the typical

The actual site inspection and photo dates was March 29, 2005; effective date is May 2, 2005, the most recent drive-by date of observation.

Craig E. McKern

Appraiser(s) Craig E. McKern Review Appraiser (if applicable) ☐ Did ☐ Did Not Physically Inspect Property

(Y2K)

Craig E. McKern, Appraiser, P.C.

ESTIMATE THE MARKET VALUE, AS DEFINED, OF SUBJECT PROPERTY AS OF May 2, 2005 to be \$ 50,000
Any value in standing trees on the site is included as woodlot value or as natural landscape; no timber cruise was made available and the typical
The actual site inspection and photo dates was March 29, 2005; effective date is May 2, 2005, the most recent drive-by date of observation.
Craig E. McKern
Appraiser(s) Craig E. McKern ☐ Did ☐ Did Not Physically Inspect Property
Review Appraiser (if applicable)

Borrower No borrower

File No. 031205A, B, C

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 AND REPORT IDENTIFICATION

This appraisal conforms to one of the following definitions:

- ☒ Complete Appraisal (The act or process of estimating value, or an opinion of value, performed without invoking the Departure Rule.)
☐ Limited Appraisal (The act or process of estimating value, or an opinion of value, performed under and resulting from invoking the Departure Rule.)

This report is one of the following types:

- ☐ Self Contained (A written report prepared under Standards Rule 2-2(a) of a Complete or Limited Appraisal performed under STANDARD 1.)
☒ Summary (A written report prepared under Standards Rule 2-2(b) of a Complete or Limited Appraisal performed under STANDARD 1.)
☐ Restricted (A written report prepared under Standards Rule 2-2(c) of a Complete or Limited Appraisal performed under STANDARD 1, restricted to the stated intended use by the specified client or intended user.)

Comments on Standards Rule 2-3

I certify that, to the best of my knowledge and belief:

The statements of fact contained in this report are true and correct.

The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analyses, opinions and conclusions.

I have no present or prospective interest in the property that is the subject of this report, and no (or the specified) personal interest with respect to the parties involved.

I have no bias with respect to the property that is the subject of this report or the parties involved with this assignment.

My engagement in this assignment was not contingent upon developing or reporting predetermined results.

My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.

My analyses, opinions and conclusions were developed and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.

I have made a personal inspection of the property that is the subject of this report.

No one provided significant real property appraisal assistance to the person signing this certification. (If there are exceptions, the name of each individual providing significant real property appraisal assistance must be stated.)

I have made a personal interior inspection of the subject property.

A lengthy period passed between the date of inspection and the date of completion as the appraiser performed a variety of investigations on Measure 37 and its ramifications for the subject property. There is no guarantee from the appraiser that the attached report(s) will be found fully satisfactory to the Lane County jurisdiction for handling

Measure 37 claims, as these requirements may change due to court ordered or Legislature passed modifications.

Comments on Appraisal and Report Identification

Note any departures from Standards Rules 1-3 and 1-4, plus any USPAP-related issues requiring disclosure:

This appraisal report is complete on the basis of the full site inspection, not the extent of commentary attached.

The appraised value includes a realty fee as did the sale prices of the comparables, unless otherwise stated.

There were directly observed toxic materials or hazardous substances in the immediate area of the subject and these are assumed to be safely stored and used according to label directions. A specific search for and recognition of toxic waste and hazardous materials such as might be found in a farm and ranch environment (a Level I assessment) is beyond the scope of the appraiser's training and knowledge. Common household, shop and garden chemicals and substances found in most homes and garages, including those of the reader, are assumed to exist around the site. These common toxic materials and hazardous substances include chemicals such as fertilizers, weed killers, pest poisons and sprays, bleach, detergent, oils, cleansers, solvents and fuels, among other solid, liquid and paste substances, and are assumed to be used according to label directions and Federal, state and local regulations unless otherwise specifically noted in this report. It is specifically assumed there is no toxic mold or fungus manifest on the site which would affect livability or marketability.

See attached supplemental addendum. This report has been prepared for use in a State Measure 37 proceeding and is restricted to that use only. See the cover letter page for brief explanations of the use and purpose of this report 031205A in conjunction with reports 031205B and 031205C which are for hypothetical five acre and 47 acre parcels out of the 159 more or less acres of the report in hand in order to provide "before and after" scenarios. The actual legality, validity and application of State Measure 37 is still in question with present and future court and Legislature involvements a certainty.

APPRAISER:

Signature: Craig E. McKern
Name: Craig E. McKern
Date Signed: May 10, 2005
State Certification #: CR00024
or State License #: _____
State: Oregon
Expiration Date of Certification or License: 09-30-2006

SUPERVISORY APPRAISER (only if required):

Signature: _____
Name: _____
Date Signed: _____
State Certification #: email: cem9th@msn.com
or State License #: phone 541-345-0744/fax 541-345-0577
State: _____
Expiration Date of Certification or License: _____

☐ Did ☐ Did Not Inspect Property

| | | | | | |
|------------------|---|--------|------|----------|---------|
| Borrower/Client | No borrower | | | File No. | 031205A |
| 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 |
| Lender | Palmer, Jerry (owner of record = Hinnenkamp) | | | Zip Code | 97405 |

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:

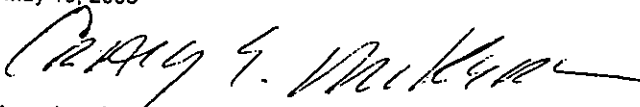
I certify that the use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.

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.



LANE COUNTY REGIONAL LAND INFORMATION DATABASE

Site Address:

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

Special Interest Code:

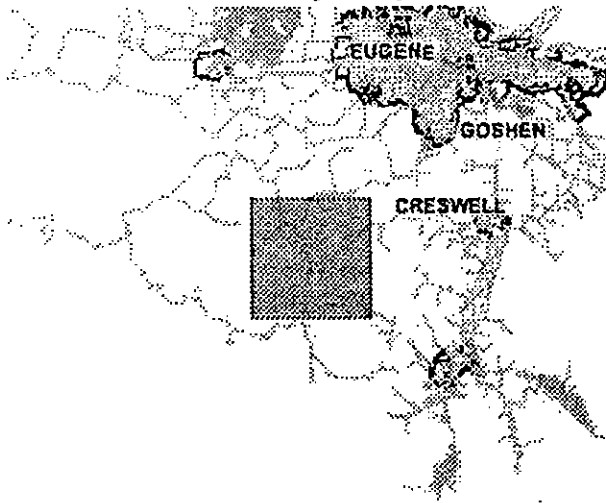
A & T Account #: **0850345**

Tax Map

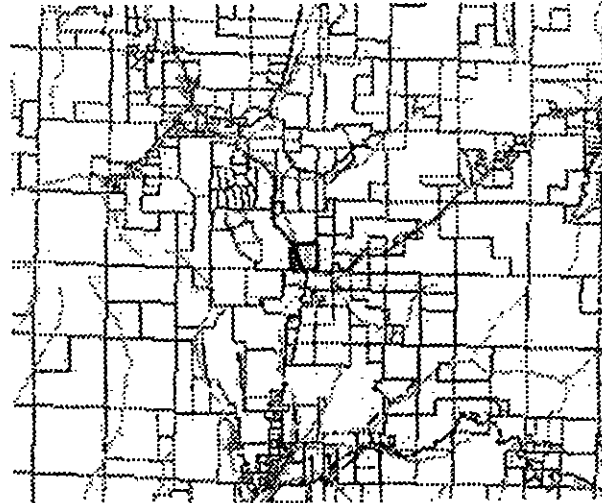
View Tax Map

Convert to PDF Document

Vicinity Map



Detail 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: **N**

2000 Census Tract: **0800**

2000 Block Group: **2**

Year Annexed:

Annexation #:

2004 Transportation
Analysis Zone:

444

Approximate Acreage:

79.58

Approximate Square
Footage:

3,466,505

Environmental Findings

Please verify environmental information with local jurisdiction.

Metro Flood Hazards:

Metro Wetlands:

**FEMA Flood Hazard
Zones**

Note: Some parcels may extend onto adjacent FIRM maps. Registration between parcel boundaries and flood hazard zones is approximate. Community numbers are based on the current city limits and may not reflect boundaries at the date of map publication. Consult FIRM maps or appropriate authority.

FIRM Map Number:

Community Number:

Post - FIRM Date:

Panel Printed?
(Y/N):

41039C1625F

415591

1985-12-18

Y

Code:

Description:

A

Areas of 100-year flood, no base flood elevations determined.

X

Areas determined to be outside of 500-year flood.

Soils

Soil Map Unit Number:

Soil Type Description:

Percentage
of Tax Lot:

134

WAPATO SILTY CLAY LOAM

44

130

WALDO SILTY CLAY LOAM

17

11D

BELLPINE SILTY CLAY LOAM, 12 TO 20 PERCENT SLOPES

13

45C

DUPEE SILT LOAM, 3 TO 20 PERCENT SLOPES

11

135E

WILLAKENZIE CLAY LOAM, 20 TO 30 PERCENT SLOPES

7

113E

RITNER COBBLY SILTY CLAY LOAM, 12 TO 30 PERCENT SLOPES

4

135D

WILLAKENZIE CLAY LOAM, 12 TO 20 PERCENT SLOPES

3

78

MCALPIN SILTY CLAY LOAM

2

1A

ABIQUA SILTY CLAY LOAM, 0 TO 3 PERCENT SLOPES

0

135F

WILLAKENZIE CLAY LOAM, 30 TO 50 PERCENT SLOPES

0

Schools

District:

Code:

66

Name:

CROW-APPLEGATE-LORANE

Elementary School:

Annexation #:
2004 Transportation
Analysis Zone: **444**
Approximate Acreage: **79.58**
Approximate Square
Footage: **3,466,505**

Environmental Findings Please verify environmental information with local jurisdiction.

Metro Flood Hazards:

Metro Wetlands:

**FEMA Flood Hazard
Zones**

Note: Some parcels may extend onto adjacent FIRM maps. Registration between parcel boundaries and flood hazard zones is approximate. Community numbers are based on the current city limits and may not reflect boundaries at the date of map publication. Consult FIRM maps or appropriate authority.

FIRM Map Number: **41039C1625F** Community Number: **415591** Post - FIRM Date: **1985-12-18** Panel Printed?
(Y/N): **Y**

Code:

A

X

Soils

| Soil Map Unit Number: | Soil Type Description: | Percentage of Tax Lot: |
|-----------------------|---|---------------------------|
| 134 | WAPATO SILTY CLAY LOAM | 44 |
| 130 | WALDO SILTY CLAY LOAM | 17 |
| 11D | BELLPINE SILTY CLAY LOAM, 12 TO 20 PERCENT SLOPES | 13 |
| 45C | DUPEE SILT LOAM, 3 TO 20 PERCENT SLOPES | 11 |
| 135E | WILLAKENZIE CLAY LOAM, 20 TO 30 PERCENT SLOPES | 7 |
| 113E | RITNER COBBLY SILTY CLAY LOAM, 12 TO 30 PERCENT SLOPES | 4 |
| 135D | WILLAKENZIE CLAY LOAM, 12 TO 20 PERCENT SLOPES | 3 |
| 78 | MCALPIN SILTY CLAY LOAM | 2 |
| 1A | ABIQUA SILTY CLAY LOAM, 0 TO 3 PERCENT SLOPES | 0 |
| 135F | WILLAKENZIE CLAY LOAM, 30 TO 50 PERCENT SLOPES | 0 |

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** Provider: **COTTAGE GROVE FIRE &
AMBULANCE DEPT**

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: **4**
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

| | <u>Land Value</u> <u>Real Market</u> | <u>Improvement Value</u> <u>Real Market</u> | <u>Total Value</u> | |
|-------------|---|--|--------------------|-----------------|
| | | | <u>Real Market</u> | <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 | |

| <u>Taxable Value</u> | <u>Exemption Amount Regular</u> <u>(EAR)</u> | <u>Frozen Assessed Value</u> <u>(FZNPU)</u> |
|----------------------|---|--|
| <u>Tax Year</u> | | <u>Tax (See Explanation of Tax)</u> |
| 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 Account: | 80.11 | |
| 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 Date: | Sales Price: | Grantor: | Grantee: | Instrument #: | Analysis Code: | Mult Acct?: |
| 08-09- | | HINNENKAMP, | | | | |

| | | | | |
|--------|-------|-------------|-------------|---|
| 1996° | | GEORGE L J | 960 .616200 | 6 |
| 02-04- | 5,840 | HINNENKAMP, | 9201615400 | 3 |
| 1992 | | GEORGE L J | | |

Manufactured Structures

[Search Results](#) | [New Property Search](#) | [Applications Menu](#)

LANE COUNTY REGIONAL LAND INFORMATION DATABASE

Site Address:

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

Special Interest Code:

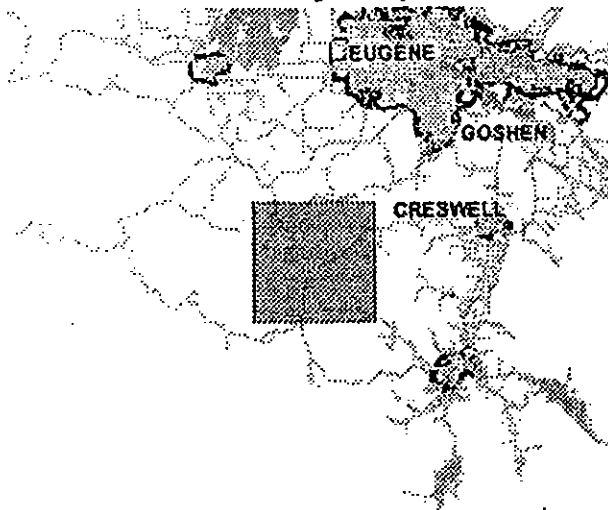
A & T Account #: 0847762

Tax Map

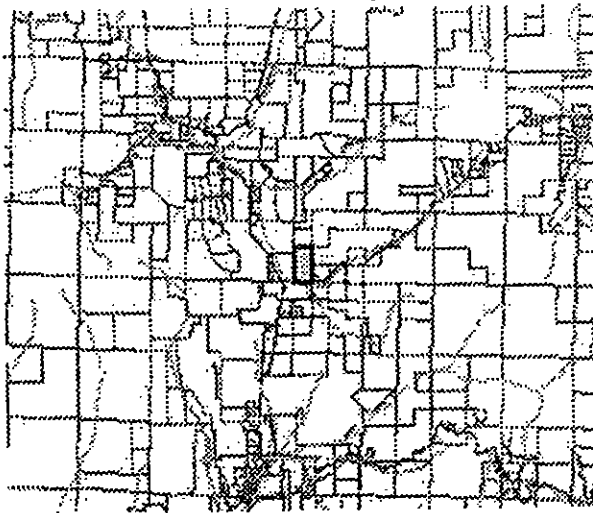
[View Tax Map](#)

[Convert to PDF Document](#)

Vicinity Map



Detail Map



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
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:

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

444

Analysis Zone:

Approximate Acreage: 78.90
Approximate Square Footage: 3,436,884

Environmental Findings Please verify environmental information with local jurisdiction.

Metro Flood Hazards:

Metro Wetlands:

FEMA Flood Hazard Zones

Note: Some parcels may extend onto adjacent FIRM maps. Registration between parcel boundaries and flood hazard zones is approximate. Community numbers are based on the current city limits and may not reflect boundaries at the date of map publication. Consult FIRM maps or appropriate authority.

FIRM Map Number: 41039C1625F
Community Number: 415591
Post - FIRM Date: 1985-12-18
Panel Printed? (Y/N): Y

Code: A
Description: Areas of 100-year flood, no base flood elevations determined.

X
Areas determined to be outside of 500-year flood.

Soils

| Soil Map Unit Number: | Soil Type Description: | Percentage of Tax Lot: |
|-----------------------|--|------------------------|
| 135F | WILLAKENZIE CLAY LOAM, 30 TO 50 PERCENT SLOPES | 47 |
| 135D | WILLAKENZIE CLAY LOAM, 12 TO 20 PERCENT SLOPES | 23 |
| 45C | DUPEE SILT LOAM, 3 TO 20 PERCENT SLOPES | 10 |
| 135C | WILLAKENZIE CLAY LOAM, 2 TO 12 PERCENT SLOPES | 7 |
| 135E | WILLAKENZIE CLAY LOAM, 20 TO 30 PERCENT SLOPES | 4 |
| 1B | ABIQUA SILTY CLAY LOAM, 3 TO 5 PERCENT SLOPES | 4 |
| 130 | WALDO SILTY CLAY LOAM | 3 |
| 78 | MCALPIN SILTY CLAY LOAM | 2 |

Schools

District: 66
Code: 66
Name: 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 0
District Zone:

Political Districts

Election Precinct: 100100
County Commissioner
District: 5
County Commissioner:
State Representative
District: 8
State Representative
Name: PAUL HOLVEY
City Council Ward:
City Councilor Name:
State Senate District: 4
State Senator: FLOYD PROZANSKI
LCC Board Zones: 1
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 | 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: 04

Section: 30

Quarter: 00

Subdivision Type:

Subdivision Name:

Division/Phase:

Lot/Tract/Unit Number: TL 00300

Subdivision Number:

Recording Number:

Property Value and Taxes

| | Land Value | Improvement Value | Total Value | |
|------|----------------------|-----------------------------------|----------------------------------|-----------------|
| | <u>Real Market</u> | <u>Real Market</u> | <u>Real Market</u> | <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 | |
| | <u>Taxable Value</u> | Exemption Amount Regular (EAR) | Frozen Assessed Value (FZNPU) | |
| | | | Tax (See Explanation of Tax) | |
| | Tax Year | | | |
| | 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 |
| | 1995 | | | 77.95 |

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 \$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

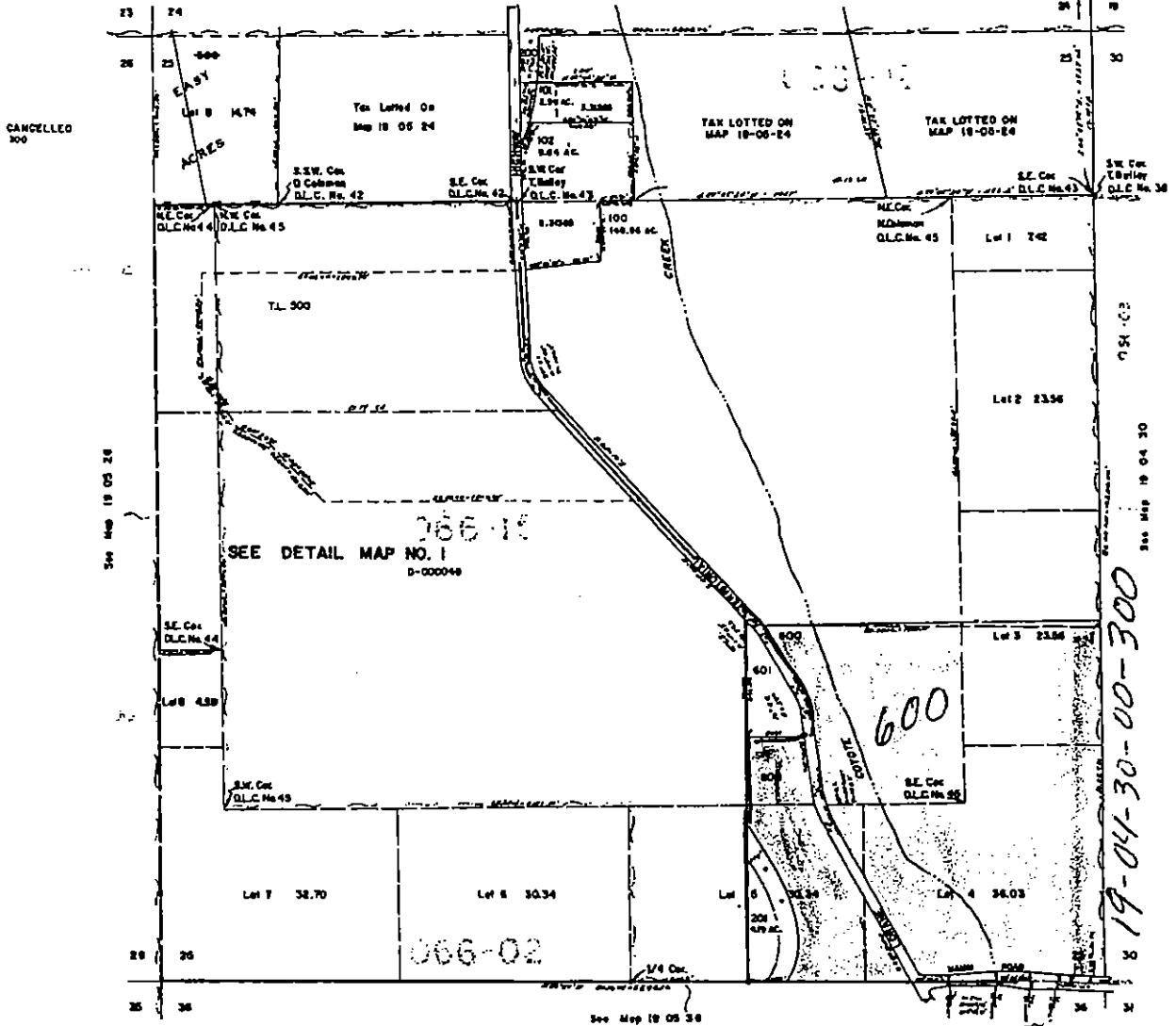
[Search Results](#) | [New Property Search](#) | [Applications Menu](#)

Section 25 T19S, R5W.W.M.
LANE COUNTY
T-400

B 05 25

066-03

See Map 19 05 24



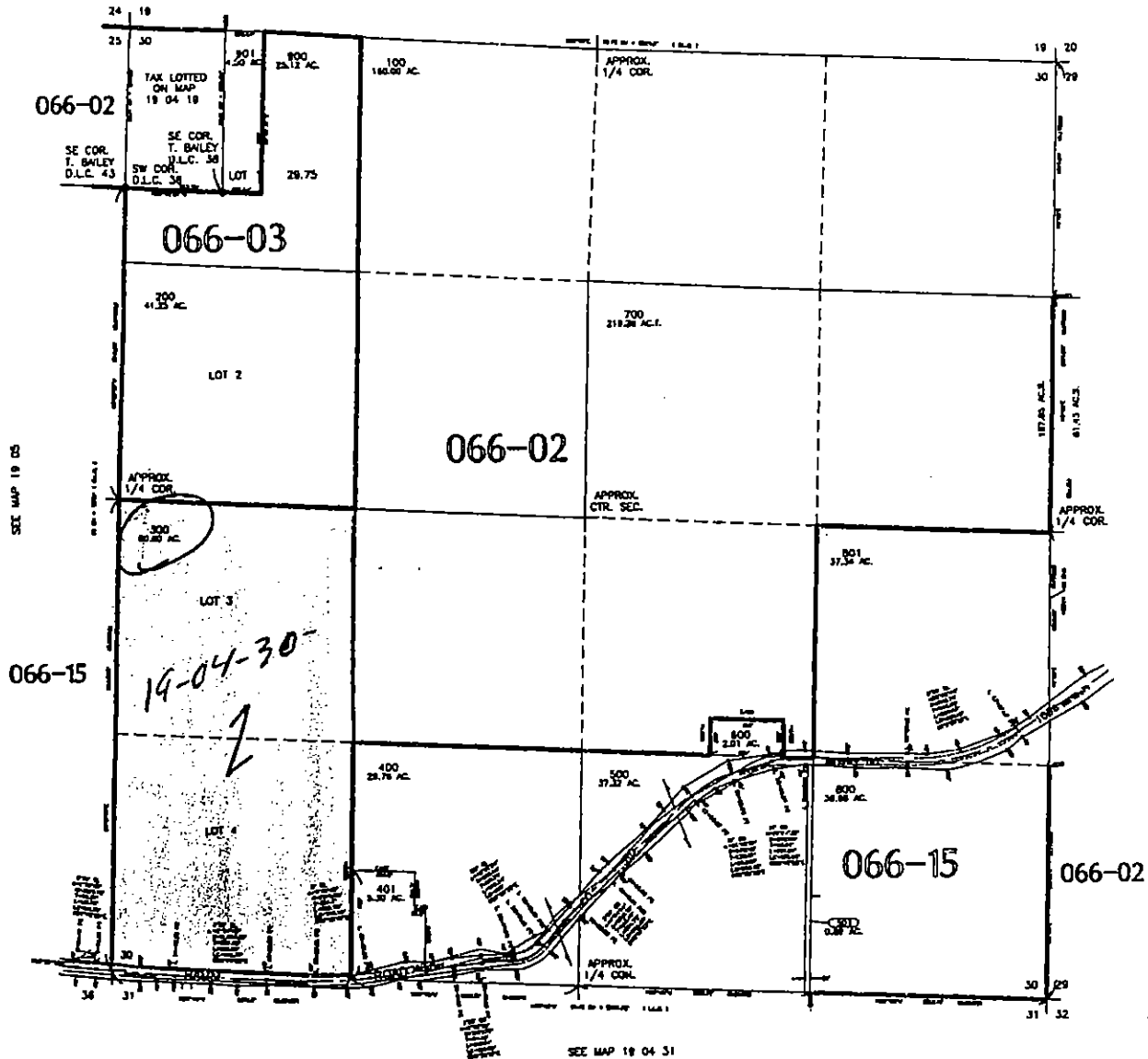
19 04 30

| Item | Amount | Balance |
|-------|----------|----------|
| 1000 | 1000.00 | 1000.00 |
| 2000 | 2000.00 | 3000.00 |
| 3000 | 3000.00 | 6000.00 |
| 4000 | 4000.00 | 10000.00 |
| 5000 | 5000.00 | 15000.00 |
| 6000 | 6000.00 | 21000.00 |
| 7000 | 7000.00 | 28000.00 |
| 8000 | 8000.00 | 36000.00 |
| 9000 | 9000.00 | 45000.00 |
| 10000 | 10000.00 | 55000.00 |

C.A.D. SYS.

066-03

SEE MAP 19 04 18



CANCELLED

SET MAP 19 04 20

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.

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

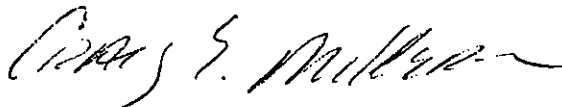
A handwritten signature in cursive script, appearing to read "Craig E. McKern", written in dark ink.

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.



First American

Western Pioneer Title Co. of Lane County

a division of First 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

-2088-

George Hinnenkamp
80865 Territorial Rd.
Eugene, OR 97405

August 16, 2005

File No: 7192-513726 (JMK)

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



First American

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

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

Order No.: 7192-513726
August 15, 2005

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 | Premium \$ | 1,255.00 |
| ALTA Owners Extended Coverage | Liability \$ | | Premium \$ | |
| ALTA Lenders Standard Coverage | Liability \$ | | Premium \$ | |
| ALTA Lenders Extended Coverage | Liability \$ | | Premium \$ | |
| Endorsement | | | 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)

This report is for the exclusive use of the parties herein shown and is preliminary to the issuance of a title insurance policy and shall become void unless a policy is issued, and the full premium paid.

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)

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:

1. (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 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 (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 policy); or
 - (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. Invalidity 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 transaction 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 by reason of:

1. (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 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 claimant had paid value for the estate or interest insured by this policy.
4. Any claim, 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 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.

SCHEDULE OF STANDARD EXCEPTIONS

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

1. 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

Exhibit "A"

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

PARCEL I:

The West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ 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.

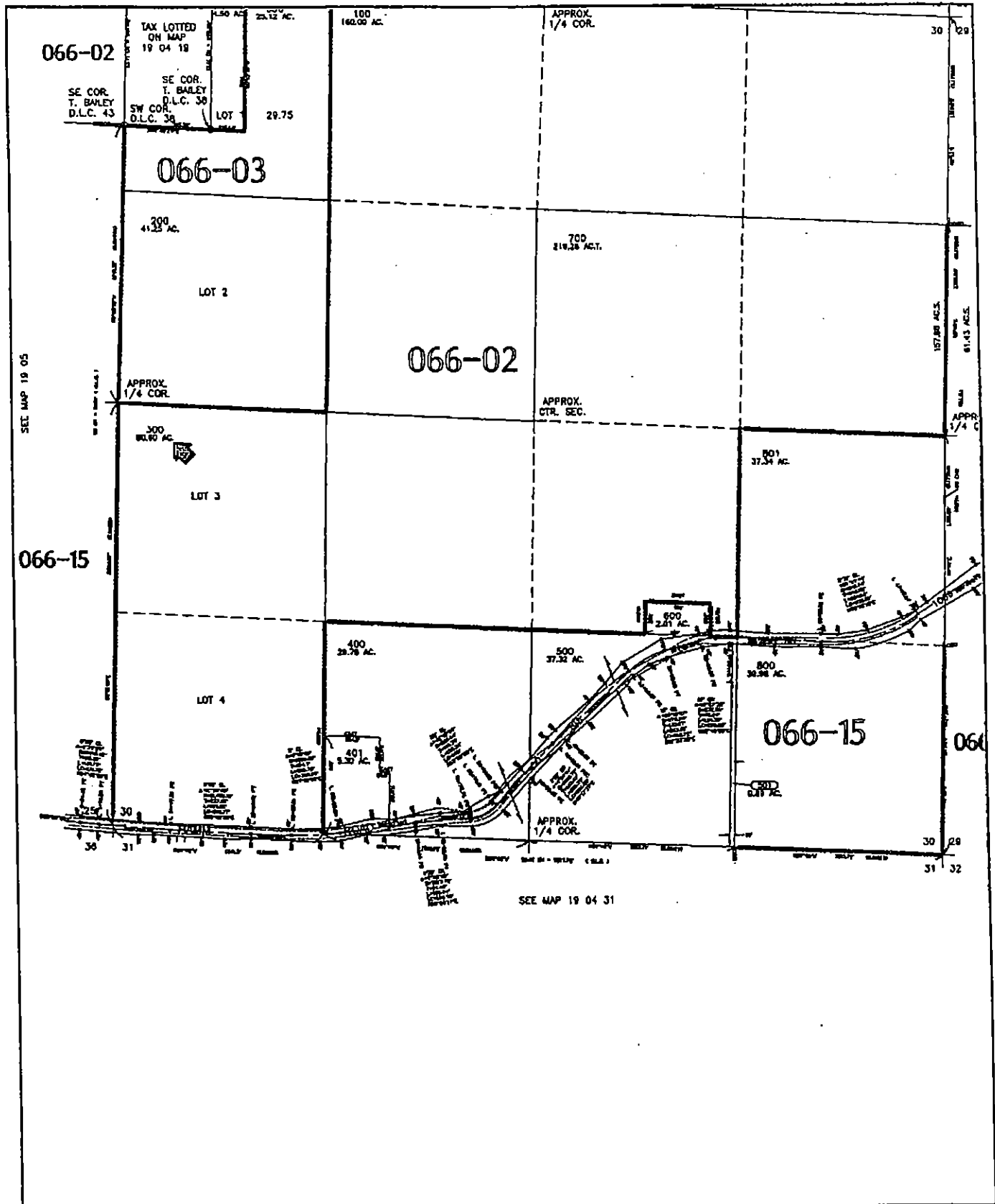
PARCEL II:

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.

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

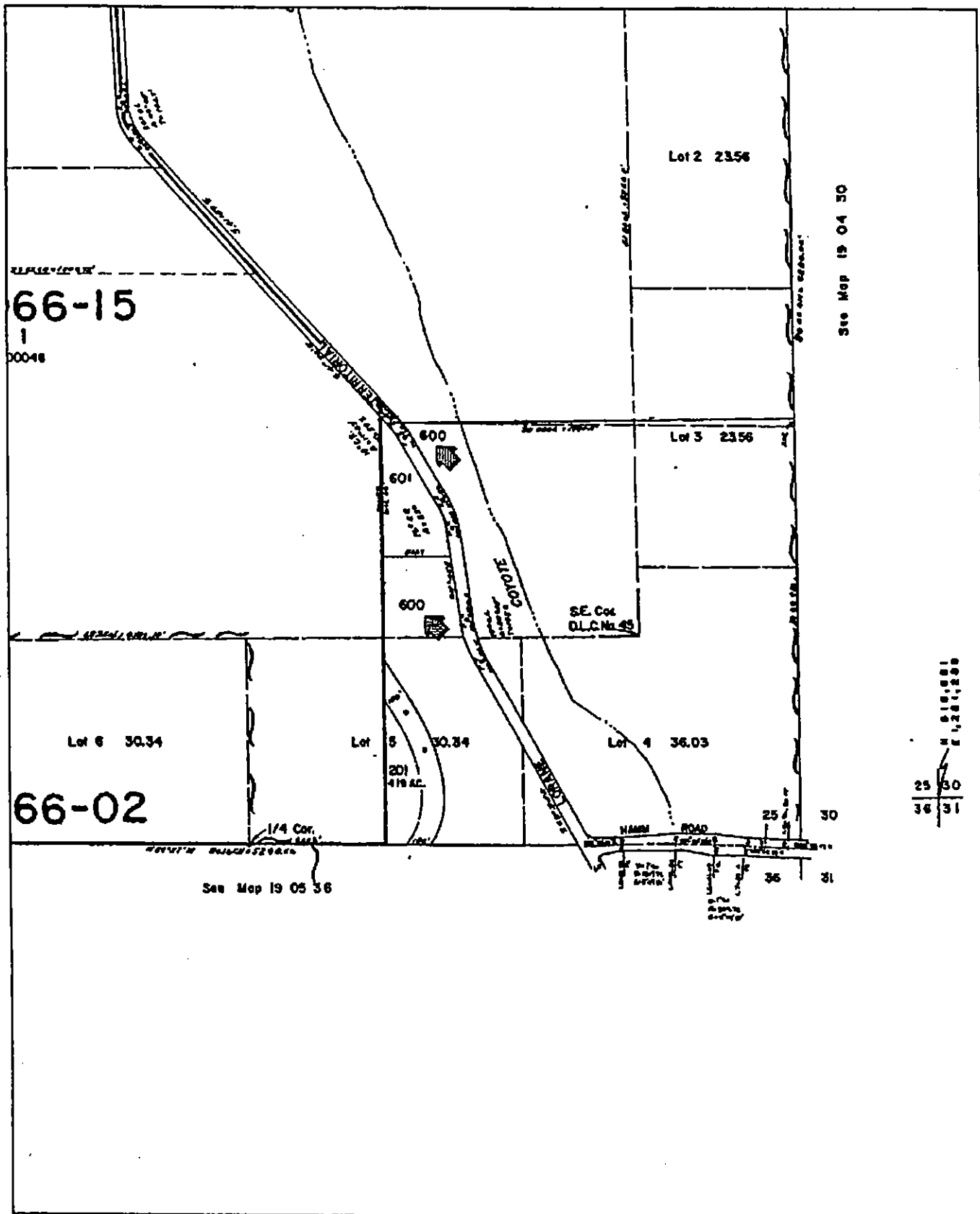
Tax Parcel Number: 0847762 and 0850345



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

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.

MAP # 19 04 30 00 00300 000



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.

MAP # 19 05 26 00 00800 000

85538

State of Oregon,
County of Lane—ss.
I, Ida Randolph, Director of the
Department of Records and
in and for the said County,
do hereby certify that the within instrument
received for record at
67 3 16 10 50
Reel
Lane County Official Records
IDA RANDOLPH, Director of the
Department of Records & Elections,
By Ida Randolph
C25-003-05

15 5-30
UNDER NOOD SEEK COMPETENT ADVICE."

Part of Ref. Winnipeg
Address 3085 East 7000 South
Salt Lake City, Utah

JUN 16 1967 QUIT-CLAIM DEED

88538

CECILIA A. MOSES, sometimes referred to as CECILIA H. MOSES, grantor
of Salt Lake City, County of Salt Lake, State of Utah, hereby
QUIT-CLAIMS to GEORGE L. J. HINNENKAMP,
Remises and Releases

of Salt Lake City, Salt Lake County, State of Utah, grantee
for the sum of
TEN AND NO/100 (\$10.00)-----DOLLARS,

the following described tracts of land in ----- Lane ----- County,
State of ~~OREGON~~ Oregon: PARCEL 1:

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 of the
Willamette Meridian; running thence South 30.28 chains to the South
line of Section 25 in said Township and Range; thence East along the
said South line 30.0 chains to the Southeast corner of said section
25; thence North along said East line of said Section 25 30.0 chains
thence West 30.0 chains to the place of beginning, in Township 19 South,
Range 5 West of the Willamette Meridian.

ALSO: The West 1/2 of the Southwest 1/4 of Section 30 in Township 19
South, 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.

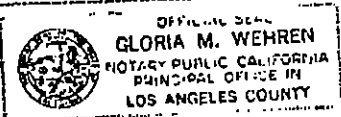
ALSO EXCEPT that portion conveyed to Oregon Electric Railway Company
by Deed recorded in Book 174, Page 318, Lane County Oregon Deed
Records, in Lane County, Oregon.

PARCEL 2:
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 of the Willamette
Meridian; thence East 30.0 chains; thence North 2.0 rods; thence to the
place of beginning, in Lane County, Oregon.

WITNESS the hand of said grantor, this 11th day of
MAY, A. D. one thousand nine hundred and sixty-seven.

Signed in the presence of

STATE OF ~~UTAH~~ CALIFORNIA
COUNTY OF ~~SALT LAKE~~ LOS ANGELES ss.



On the 11th day of May, A.D. 19 67
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 December 8, 1970 Residing in Pasadena, California

GLORIA M. WEHREN, Notary Public-Cal.

85539

State of Oregon,
County of Lane

I, Ina Randolph, Director
Department of Records and
in and for the State County, do hereby
certify that the within instrument was
received for record at

200 ✓
for 4000
M 16 10 50
Lana County Official Records
INA RANDOLPH, Director of the
Department of Records & Elections.

By *[Signature]*
Deputy,
C29-083-02

7-5-30
UNDERSTOOD SEEK COMPETENT ADVICE."

Address *3085 East 7000 South*
Salt Lake City, Utah

JUN 16 1967 QUIT-CLAIM DEED
88539

KATHERYN H. KOLESAR, - - - - - grantor
of Salt Lake City, County of Salt Lake, State of Utah, hereby
QUIT-CLAIM to GEORGE L. J. HINNENKAMP, - - - - -

of Salt Lake City, Salt Lake County, State of Utah, - - - - - grantee
TEN AND NO/100 (\$10.00) - - - - - DOLLARS,

the following described tracts of land in - - - - - Lane - - - - - County,
State of ~~OREGON~~ Oregon:

PARCEL 1:
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 of the
Willamette Meridian; running thence South 30.28 chains to the South
line of Section 25 in said Township and Range; thence East along the
said South line 30.0 chains to the Southeast corner of said Section
25; thence North along said East line of said Section 25 30.0 chains
thence West 30.0 chains to the place of beginning, in Township 19
South, Range 5 West of the Willamette Meridian.
ALSO: The West 1/2 of the Southwest 1/4 of Section 30 in Township 19
South, 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:
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 of the Willamette
Meridian; thence East 30.0 chains; thence North 2.0 rods; thence to the
place of beginning, in Lane County, Oregon.

Witness the hand of said grantor, this *June* day of *June*, A. D. one thousand nine hundred and sixty-seven.
place of beginning, in Lane County, Oregon
Signed in the presence of *Kathryn H. Kolesar*

STATE OF UTAH,
COUNTY OF SALT LAKE

On the 5th day of June, A.D. 1967,
personally appeared before me Katheryn H. Kolesar, - - - - -
the signer of the within instrument, who duly acknowledged to me that she executed the
same, as her voluntary act and deed.

Therese C. Fessenden
Notary Public.
My commission expires April 22, 1969 Residing in Salt Lake City, Utah

300

2

8

73

624R

73 5728
BARGAIN & SALE DEEDATL 108350
45686FOR VALUE RECEIVED
CECILIA A. MOSTER

herein referred to as grantor, hereby grant, bargain, sell, and convey unto

GEORGE L. J. HINNENKAMP

herein referred to as grantee, the following described real property, with tenements, hereditaments, and appurtenances, to wit:

PARCEL 1:

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 of the Willamette Meridian; running thence South 30.28 chains to the South line of Section 25 in said Township and Range; thence East along the said South line 30.0 chains to the Southeast corner of said Section 25; thence North along said East line of said Section 25 30.0 chains thence West 30.0 chains to the place of beginning, in Township 19 South, Range 5 West of the Willamette Meridian.

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

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:

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 of the Willamette Meridian; thence East 30.0 chains; thence North 2.0 rods; thence to the place of beginning, in Lane County, Oregon.

300 19-4-73 624R
600 601 19-5-25

(P16+)

73 5729
BARGAIN & SALE DEED

CTC 108950
46586 mo

FOR VALUE RECEIVED

KATHERYN H. KOLZAR

herein referred to as grantor, hereby grant, bargain, sell, and convey unto

GEORGE L. J. HINNENKAMP

herein referred to as grantees, the following described real property, with tenements, hereditaments, and appurtenances, to wit:

PARCEL 1:

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 of the Willamette Meridian; running thence South 30.28 chains to the South line of Section 25 in said Township and Range; thence East along the said South line 30.0 chains to the Southeast corner of said Section 25; thence North along said East line of said Section 25 30.0 chains thence West 30.0 chains to the place of beginning, in Township 19 South, Range 5 West of the Willamette Meridian.

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

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:

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 of the Willamette Meridian; thence East 30.0 chains; thence North 30.0 chains; thence to the place of beginning, in Lane County, Oregon.

STATE OF OREGON, County of Lane, ss.
KATHERYN H. KOLZAR

personally appeared the above named

and a reading of the foregoing instrument to her, she acknowledged to me, the undersigned, a Notary Public for the State of Oregon, that she executed the foregoing instrument for the purposes and consideration therein expressed.

Notary Public for Oregon
[Signature]

73 5729
BARGAIN & SALE
DEED

State of Oregon,
County of Lane, ss.
I, M. J. [Signature], Clerk of the
County of Lane, do hereby certify
that the within and foregoing
instrument was duly acknowledged
before me at the place within the
State of Oregon, and the same was
received and recorded in my
office.

NOTED & FILED

73 5729
BARGAIN & SALE
DEED

73 5729
BARGAIN & SALE
DEED

300 5-24-79 2996
19-4-20
600 19-5-25 Safeco-162,647
9/ out of 7930537

MEMORANDUM OF SALE

I, GEORGE L. J. HINNENKAMP, hereinafter referred to as Seller, do hereby represent and acknowledge that I am selling to RANDY L. ELVIDGE, hereinafter referred to as Buyer, the following described real estate, to-wit:

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, thence North 40.00 chains along the east line of the west one-half of the southwest one-quarter of said Section to the northeast corner of said west one-half; thence West 20.33 chains along the north line 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 of said Section 30 to a point which is, by 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; thence East to the point of beginning in Lane County, Oregon.
EXCISE THEREFROM any portion thereof within County Road No. 1066 (Haw Road).

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

The Seller hereby represents and warrants that he has full right to sell the property hereinabove 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 warranty deed, free and clear of encumbrances except subject to rights of the public in and to that portion of the premises lying within any public road or highway and tax deferral for Farm Use Land as of the date of sale.

IN WITNESS WHEREOF, the parties have hereunto set their hands this 24 day of May, 1979. A 7 • M • W 1115 6803.64

George L. J. Hinnenkamp
Seller

Randy L. Elvidge
Buyer

SIGNATURE OF OFFICER

COUNTY OF LANE

their voluntary act and deed. Before me

Dated: May 24, 1979.

Personally appeared the above named George L. J. Hinnenkamp and Randy L. Elvidge and acknowledged the foregoing instrument to be

Notary Public for Oregon, a
My Commission Expires August 1, 1979

*Until a change is requested, all tax statements shall be sent to the following address:
Randy L. Elvidge, 90629 Sunderland Rd., Springfield, Oregon 97477

EUGENE

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LAINE

GEORGE L. J. HINNENKAMP,)
 Plaintiff,)
 vs.)
 RANDY L. ELVIDGE; SHERYL ANN ELVIDGE;
 MARY ANN UNRUH; WALTER I. BEANE; ANNE B.
 KUBIK; STATE OF OREGON, acting by and
 through Employment Division; DANA HOCK
 and BECKY ANN HOCK,)
 Defendants.)

ATO'CLOCK.....M
 MAY 20 1979
 Court Administrator
 Circuit Court for Lane County
 BY *Martha G. Smith* DEPUTY
 Case No. 16-79-08714 (30)
 INTERLOCUTORY DECREE OF
 STRICT FORECLOSURE OF REAL
 ESTATE CONTRACT

IT APPEARING to the Court that Defendant, Randy L. Elvidge, has failed to make the payments on the contract as provided therein and that more than ten (10) days elapsed after payments were due before the complaint was filed; and,

IT FURTHER APPEARING that none of the defendants, although served with summons as provided by law, have filed an answer in the above entitled suit; that the plaintiff is entitled to the relief prayed for in his complaint; and the Court being fully advised in the premises,

NOW, THEREFORE, IT IS ADJUDGED and DECREED:

1. That the defendants are required to pay to the plaintiff, 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 herein incurred taxes at \$146.20; and,

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,

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 real property, to-wit:

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; thence North 40.00 chains along the east line of the west one-half of the southwest one-quarter of said Section to the northeast corner of said west one-half; thence West 20.33 chains along the north line 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 of said Section 30 to a point which is, by

INTERLOCUTORY DECREE - page 1

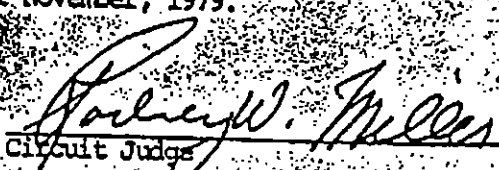
1 record, North 2 rods, East 30.0 chains, East 20.47 chains
2 and South 36.40 chains of the southeast corner of David Coleman's
3 Donation Land Claim No. 42, Township 19 South, Range 5 West
4 of the Willamette Meridian; thence West along a line from the
5 last described point to a point which bears 36.40 chains South
6 and 20.47 chains East of said southeast corner of Donation
7 Land Claim No. 42, to a point on the east right of way line
8 of Territorial Highway; thence Southeasterly along said
9 right of way line to a point on the south line of Section 25,
10 Township 19 South, Range 5 West of the Willamette Meridian;
11 thence East to the point of beginning in Lane County, Oregon.

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

14 that the sums previously paid by defendant, Randy L. Elvidge, to plaintiff
15 on the contract of sale of the real property shall belong to plaintiff,
16 free of all right or claim of the defendants, or any of them;

17 4. That the plaintiff have judgment against the defendant,
18 Randy L. Elvidge, for plaintiff's attorneys' fees and costs.

19 Dated this 20th day of November, 1979.

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21
22
23
24
25
26
27
28
29

Circuit Judge

1 IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LANE
2 GEORGE L. J. HINNENKAMP,

3 Plaintiff,

4 vs.

5 RANDY L. ELVIDGE; SHERYL ANN ELVIDGE;
6 MARY ANN UNRUH; WALTER I. BEANE; ANNE B.
7 KUBIK; STATE OF OREGON, acting by and
8 through Employment Division; DANA HOCK
9 and BECKY ANN HOCK,

10 Defendants.

FILED
ATO'CLOCK.....M

DEC 21 1979

Court Administrator
Circuit Court for Lane County Oregon
BY *Matthew G. Jones* DEPUTY

No. 16-79-08714 (32)

FINAL DECREE OF STRICT FORE-
CLOSURE OF REAL ESTATE
CONTRACT

11 Upon application of the plaintiff, and it appearing to the Court
12 that on November 20, 1979, the Court made and entered herein its inter-
13 locutory decree requiring the defendants to pay to the plaintiff, through
14 the Clerk of the Court, certain sums of money within thirty (30) days from
15 the date of said interlocutory decree, or otherwise forfeit and be foreclosed
16 of all of their interest in the real property described therein and to the money
17 heretofore paid by the defendant, Randy L. Elvidge, on the purchase price of
18 said property; and,

19 IT FURTHER APPEARING to the Court that said defendants have failed
20 to pay said sum of money and that the time for so doing has expired, and
21 that plaintiff is now entitled to a final decree of strict foreclosure,
22 and the Court being fully advised in the premises,

23 NOW, THEREFORE, IT IS HEREBY ADJUDGED and DECREED:

24 That the defendants, and each of them, are hereby forever strictly
25 foreclosed of all interest in the following real property:

26 Beginning at the southwest corner of Section 30, Township 19 South,
27 Range 4 West of the Willamette Meridian; thence East 20.42 chains
28 along the south line of said Section 30 to the southeast corner of
29 the west one-half of the southwest one-quarter thereof; thence
30 North 40.00 chains along the east line of the west one-half of the
31 southwest one-quarter of said Section to the northeast corner of
32 said west one-half; thence West 20.33 chains along the north line
33 of the southwest one-quarter of said Section to the west one-quarter
34 corner of said Section; thence South 9.50 chains along the west line
35 of said Section 30 to a point which is, by record, North 2 rods,
36 East 30.0 chains, East 20.47 chains and South 36.40 chains to the
37 southeast corner of David Coleman's Donation Land Claim No. 42,
38 Township 19 South, Range 5 West of the Willamette Meridian; thence
39 West along a line from the last described point to a point which
40 bears 36.40 chains South and 20.47 chains East of said southeast
41 corner of Donation Land Claim No. 42, to a point on the east right of

FINAL DECREE - page 1

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

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

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

8 2. That all moneys heretofore paid by the defendant, Randy L.
9 Elvidge, upon the purchase price of said property belong to plaintiff, free
10 from all claims of the defendants; and,

11 3. That this decree shall stand as the cancellation of the contract
12 described in plaintiff's complaint; and,

13 4. That Lane Escrow & Title Company of 1633 Willamette Street,
14 Eugene, Oregon, deliver unto the plaintiff the deed held in said escrow, and
15 that the escrow be closed; and,

16 5. That the Sheriff of Lane County, Oregon, place plaintiff in
17 immediate possession of said real property.

18 DATED this 21st day of December, 1979.

19 *J. Gordon Campbell*
20 Circuit Judge

14-4-30

8-19-96-2206

600 602

19-3-25
9656162

EXHIBIT DEED

10-5-1

15-1

15-1

KNOW ALL MEN BY THESE PRESENTS, That George L. J. Hineskamp, hereinafter called grantor, for the consideration hereinafter stated, to grantor paid by George L. J. Hineskamp, Trustee, and Successor Trustees, and April 9, 1996, that The Trust of George Leland John Hineskamp hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the grantee, and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining, situated in Lane County, State of Oregon, described as follows, to-wit:

As per Exhibit "A" attached hereto.

ELIGABLE 19*96NOIREC 15.00
ELIGABLE 19*96NOIPFUND 10.00
ELIGABLE 19*96NOIANT FUND 20.00

To Have and to Hold the same unto the grantee and grantee's heirs, successors and assigns forever. And grantor hereby covenants to and with grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances and that grantor will warrant and forever defend the premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$0.00. However, the actual consideration consists of or includes other property or value given or promised which is the whole of the consideration.

In construing this deed, where the context so requires, the singular includes the plural.

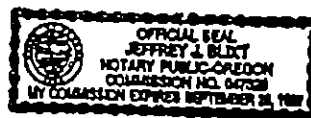
In Witness Whereof, the grantor has executed this instrument this 9th day of April, 1996.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNED OR ACCEPTED THIS INSTRUMENT THE PERSON ACQUIRING THE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS OR LIMITATIONS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

George Leland Hineskamp

STATE OF OREGON, County of Lane) ss.

This instrument was acknowledged before me on April 9, 1996, by George L. J. Hineskamp.



Notary Public for Oregon
By commission expires 9/29/97

George L. J. Hineskamp
8065 Territorial Rd.
Seaside, OR 97138

Grantor's Name and Address

The Trust of George Leland
John Hineskamp
8065 Territorial Rd.
Seaside, OR 97138

Grantee's Name and Address

After recording return to:

As Above

Until requested otherwise send all
tax statements to:

As Above

9656162

EXHIBIT "A" - Page 1

Beginning at the brass cap marking the SE corner of the M. Crow DCL No. 38, T20S, R5W of the M. then N. 89°36'29"E. 59.20 feet along the North line of the F. Lemon DCL No. 40 in said Twp and Range to a point on the Easterly right of way line of the Territorial Road, thence S. 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. 89°36'29"E. 453.26 feet along a line parallel with and 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 S. 2°50'24"E. 481.07 feet along a line parallel with the Territorial Road to a point marked by a steel fence post, thence S. 89°36'29"W. 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 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, thence North 40.00 chains along the east line of the west one-half of the Southwest one-quarter of said Section to the northeast corner of said west one-half; thence West 20.33 chains along the north line 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 of said Section 30 to a point which is, by 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 N. 6.40 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; 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 Ham Rd., County Road, for 1993 by R1752/92-16154.

556162

EXHIBIT "A" - Page -

ALSO: The W¹/₂ of the SW¹/₄ of Sec. 30 in Twp 19 S., R. 4W., of W.M., in Lane County, Oregon containing 172 acres of land. EXCEPTING: Beginning at the SW corner of Sec. 30, Twp 19 S., R. 4W., W.M., Lane County, Oregon and running thence

S. 86° 51' E., 257.1 ft. to the Engineer's Station 13+34.1 to a point 8 ft. S. of the S. line of said Sec. 30; thence East 42.1 ft. parallel to the Sec. 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 curve 220 ft., or to the E. line of grantor's property.

ALSO: All of grantor's land within the limits of a surveyed highway to be 50 ft. in width, the centerline of said highway being described as follows: Beginning at the SE corner of Sec. 25 Twp 19 S., R. 5W., W.M., and running thence

N. 86° 51' W. 614.9 ft. to Engineer's Station 4+62.4 a point 25 ft. N. of the S. line of said Sec. 25 as fenced; thence West 462.4 ft. parallel to said Sec. line to Station D-00 in the center of the County Road known as Lorane Highway. The tracts conveyed contain in all, 1.4 acres, more or less to be used for road purposes.

AND

Beginning at a point in the center of the County Road, 36.60 chains South and 20.47 chains East of the Southeast corner of David Coleman's D.L.C. #42, Twp. 19 S., Range 5 West, W.M., running thence

South 30.28chs. to the South line of Section 25 in said Twp. and Range; thence East 30.00chs. along said South line to the Southwest corner of said Section 25; thence North 30.00chs. along said East line of said Section 25; thence West 30.00chs. to the place of beginning, in Twp. 19 S., Range 5 West, W.M.

Also: Beginning at a point in the center of County Road 36.60 chains South and 20.47 chains East of the Southeast corner of David Coleman's D.L.C. #42, Twp. 19 S., Range 5 West, W.M., thence East 30.0 chs. thence North 2.0 rods; thence to the place of beginning, in Lane County, Oregon.

EXCEPT: 2.97 acres in Territorial Hwy. per Vol. 160/280.
ALSO EXCEPT: That portion conveyed to Oregon Electric Railway 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 (Canas Swale Rd) per R643/77-23714 for 1977-78.
EXCEPT: 0.30 acres out to Hamm Rd., County Road No. 1066 for 1993 by R1752/92-16154.

State of Oregon
County of Lane - ss.
I, the County Clerk, do and for the said County, do hereby certify that the within instrument was received for record at

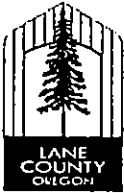
19 AUG 96 2:15

2206R

Lane County Official Records
Lane County ClerkBy *David S. Schuler*
County Clerk

X602

600
602



ATTCH # 3-28

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