

T. 7. b.

AGENDA COVER MEMO

DATE: October 17, 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 (PA05-5553, James F. and Cheryl E. Kinley)

I. MOTION: Move to direct staff to prepare 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 James and Cheryl Kinley to use the property for a use permitted at the time they acquired the property?

III. DISCUSSION

A. Background

Applicant/Owner: James F. and Cheryl E. Kinley
32300 Bush Gardens
Harrisburg, OR 97446

Subject Property: Map 16-04-20, tax lot 2000

Acreage: 7 acres

Current Zoning:

- Exclusive Farm Use Zone (E-40/RCP)

Date Property Acquired: June 18, 1990

Land Use Regulations in Effect at Date of Acquisition:

- Rural Residential Zone (RR-5) (Ordinance 884, February 29, 1984), which regulations were found in Lane Code 16.231.

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

- LC 16.112, Exclusive Farm Use zone, requirements on development of dwellings.

Specific Relief Sought:

On April 29, 2005, James and Cheryl Kinley submitted a Measure 37 claim to Lane County for monetary compensation or waiver of land use restrictions to allow the

development of the subject property with a dwelling under the regulations in effect at the time they acquired the property.

On October 5, 2005, the owners submitted a waiver of the Measure 37 timeline requirements to extend the claim review for another 30 days in order to allow them to submit the required appraisal.

B. Lane Code Submittal Requirements

All of the Lane Code submittal requirements have been met, but the following comments shall be made:

- 1) A title report for the property was submitted on September 9, 2005, but didn't include a title history and the date of acquisition of the subject property by the current property owners. A copy of a warranty deed, dated June 18, 1990, and conveying the subject property to the Kinleys was submitted instead.
- 2) It is unclear from the original application and subsequent information what the alleged reduction in fair market value is and what exact monetary compensation the applicants are requesting:
 - The applicants first submitted a market analysis with their original application, instead of an appraisal. It indicated that the fair market value of the Kinleys' property is currently \$25,605 and that it would range from \$95,000 to \$100,000 if it were zoned RR-5. The original application didn't indicate the monetary value sought.
 - A letter dated August 11, 2005 identified the monetary compensation at \$87,000. Mrs. Kinley indicated that this reflected the difference between the lower end of the market analysis (\$110,000) and what they had paid for the property (\$23,000) if it had remained a RR5 parcel.
 - An appraisal received on October 12, 2005 indicates that the difference between the value of the property as-is and a hypothetical value if the property were to be built with one dwelling is \$99,000 (\$110,000 - \$11,000). According to the appraisal, it appears that the alleged reduction in the fair market value of the property would be \$99,000, even though the applicants haven't stated so.
- 3) The appraisal analysis for the as-is property is not as detailed as the hypothetical analysis. The appraiser indicated that he used the sales of larger non-buildable farm use sites to establish a value of \$1,500 per acre with the soil class taken into consideration.

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; and

James and Cheryl Kinley desire to develop their property with a dwelling. They acquired an interest in the property through a warranty deed on June 18, 1990, at which time they were subject to the requirements of the RR-5 zone in Lane Code 16.231. LC 16.231(2)(a) allowed one single family dwelling or mobile home on a legal lot (under Ordinance 7-87, effective June 17, 1987, revising Lane Code Chapter 16 and in effect when the owners acquired the property). Research indicates that the property was initially under the Airport Zoning Regulations, enacted by Ordinance 105 on April 9, 1958. The property was first zoned RR, Rural Residential District, under Ordinance 498 on August 1, 1973. The zoning designation was amended to RR-5, Rural Residential District, by Ordinance 613 on April 27, 1977.

Currently, the property is zoned Exclusive Farm Use (E-40). The zoning designation was adopted under Ordinance PA 992 on January 18, 1991 as a result of a ruling by the Oregon Supreme Court and the Land Conservation and Development Commission that remanded unacknowledged land for revision of the plan designation and corresponding zoning.

The E-40 zoning regulations (LC 16.212) restrict the development of dwellings unless minimum income requirements associated with existing farm use are met. The subject property is located on High Value Farmland (Awbrig Silty Clay Loam). The owners have not identified any existing farm use, although the appraisal indicates that the site has been used for cattle pasture. The Board will need to conclude the E-40 limitations on the development of dwellings have been enforced against the applicant in a manner that restricts the use of the property 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;

In order to conclude that there has been a reduction in fair market value of this property, the Board will need to conclude that the market value of one buildable lot is greater than one vacant farm use only lot. The market analysis, the owners statement and the appraisal all suggest value reduction, although all different from each other. The submitted appraisal assumes current owner ability to do what might have been possible when the property was still zoned RR-5 and presents evidence of value reduction if those assumptions are accurate. The appraiser, Craig E. McKern, Certified Residential Real Estate Appraiser, indicated that the difference in the market value between the property as-is and as a buildable one single family lot would be \$99,000. No independent review of the appraisal has been conducted. Although, the appraisal analysis of the property as-is appears fairly limited, and the exact dollar amount in value reduction may be hard to verify, it still appears likely that there has been a reduction in the fair market value upon the enactment of the E-40 restriction.

Ultimately, the board will need to conclude that the E-40 regulations have the effect of reducing the fair market value of the applicants' property to conclude that Mr. and Mrs. Kinley comply with this criteria and are entitled to just compensation under Measure 37.

The challenged regulation is not an exempt regulation as defined in LC 2.710.

LC 16.290(6) establishes the requirements for dwellings on High Value Farmland in the Exclusive Farm Use zone. Those 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 E-40 zone and other sections of Lane Code that do not restrict the use of the property for a home site or reduce the value of the property should remain applicable until shown otherwise. Therefore, this criterion appears to be met because the challenged dwelling regulation is not part of the exempt regulations defined in LC 2.710.

Final Conclusion:

This application appears to qualify for compensation consideration because all of the criteria of LC 2.740(1)(a)-(d) have generally been met, particularly if the Board concludes that the restrictive land use regulations have been enforced against applicants and the Board accepts the applicants' reduction in value analysis.

D. Conclusion/County Administrator Recommendation

The amount of just compensation resulting from the restrictive land use regulations applied to the subject property has been alleged by the applicants to be \$87,000. The difference in the fair market value of the property has been determined by a professional appraiser to be \$99,000. In either case, Lane County has not appropriated funds for compensation of M37 claims and has no funds available for this purpose. The public benefit from application of the land use regulation to the applicants' property seems to be outweighed by the public burden of paying the required compensation.

As an alternative to the payment of compensation, the County Administrator recommends the Board "waive" the E-40 regulations on dwellings and allow development in a manner consistent with regulations in effect when the applicants acquired the property. 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 Kinleys property.

IV. ALTERNATIVES / OPTIONS

1. Conclude the application is not a valid claim and direct the County Administrator to issue a final written decision denying the Claim.
2. Recommend the applicants provide additional information.
3. Recommend the application appears valid and adopt an order reflecting the Board of County Commissioners agreement with the County Administrator referral recommendation and determining the final disposition of the Kinley Measure 37 claim.

V. RECOMMENDATION

Alternative 3.

VI. IMPLEMENTATION / FOLLOW-UP

Upon adoption of the final Board determination that “waiver” or modification of a land use regulation is necessary to avoid owner entitlement to compensation, the County Administrator will provide notice of the Board of County Commissioners final decision pursuant to LC 2.760.

VII. ATTACHMENTS:

1. Original M37 Application
2. Incomplete letter dated August 4, 2005
3. Letter from Mrs. Kinley dated August 11, 2005
4. Title report dated August 15, 2005
5. Copy of receipt dated September 2, 2005
6. Letter from Mrs. Kinley dated September 19, 2005
7. Waiver of timelines dated October 5, 2005
8. Appraisal submitted on October 12, 2005
9. Order

Measure 37 Claim Number: M37-**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

Jim and Cheryl Kinley 32300 Bush Gardens-Harrisburg OR 97446
Applicant Name (Please Print) Mailing Address Phone 541-995-3400

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.

Jim Kinley 32300 Bush Gardens-Harrisburg OR 97446
Property Owner Name (Please Print) Mailing Address Phone 541-995-3400

Cheryl Kinley 32300 Bush Gardens-Harrisburg OR 97446
Property Owner Name (Please Print) Mailing Address Phone 541-995-3400

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 116 04 20 2000Street Address Skinner Ln. - Junction CityLegal 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 attached "Notice of Public Hearing"

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. (See attached)

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.

To come: See market analysis

7. Leases, Covenants, Conditions and Restrictions

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

None

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.

#1 monetary value (market value) #2 specific use authorization

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).

Jim Kinder
Cheryl E. Kintley
Owner(s) Signature

4/32/05
Date

Applicant/Agent Signature

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.

Lane County Land Planning
Eugene, OR 97401

April 29, 2005

To Whom It May Concern:

Enclosed please find:

- 1) Application for Claims Under LC2.700 through 2.770
- 2) Letter from Larry Hayes, Realtor providing market analysis.
Appraisal to come.
- 3) Copy of " Notice of Public Hearing ".
- 4) Copy of chain of title (preliminary title report to come)

Please contact us as soon as possible.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cheryl Kinley".

Cheryl Kinley
Owner

April 21, 2005

Lane County Land Planning
Eugene, Oregon

To whom it may concern:

Enclosed please find comparable sales (market analysis) that were considered in determining a fair market value for the 7 acre parcel located on Skinner Lane in Junction City belonging to Jim and Cheryl Kinley.

The market analysis includes sales of property ranging from \$65,500 to \$125,000 for bare ground (non - EFU land). In looking at these comparable sales, it concludes that 7 acres of bare ground with a septic approval and like surrounding area, would have a value range of \$80,000 to \$120,000. The location of the Kinley's property on Skinner Lane is in an area of rural residential, bare acreages, and light commercial properties. Given the location of the 7 acres on Skinner Lane, it stands to reason that the Kinley's property has a value ranging **\$95,000 to \$100,000 if it were zoned RR5 as it was when they purchased the property.** Approximately 6 months after the purchase, the zoning was changed to EFU. The Kinley's property **today has a fair market value of \$25,605 with the EFU zoning.**

Feel free to contact me should you have any questions regarding the market analysis.

Sincerely,

A handwritten signature in cursive script that reads "Larry Hayes". The signature is written in dark ink and is positioned above the printed name.

Larry Hayes
Realtor
Prudential Real Estate Professionals



Presented by: Larry Hayes Agent Full
 Prudential R.E. Professionals
 LOTS AND LAND Status: SLD 4/18/2005 1:59:36 PM
 ML#: 3032654 Area: 236 List Price: \$69,900
 Address: Lawrence RD
 City: Veneta Zip: 97487
 Additional Parcels: /
 Map Coord: 1/A/1 Zoning: List Type: ER LR: N
 County: Lane Tax ID: 170506001400
 Subdivision: CC&Rs: #Image: 8
 Manufhs Okay: Middle:
 Elem: VENETA Prop Type: FRM/FOR
 High: ELMIRA
 Legal: see title report
 Internet: Y VOW: Y

GENERAL INFORMATION

Lot Size: 1-2.99AC Acres: 2.57
 Waterfront: / River/Lake:
 Perc Test: / RdFrntg:
 Seller Disc: Other Disc:
 Lot Desc:
 Topography:
 Soil Cond:

Lot Dimensions:
 Availability: SALE #Lots:
 Rd Surf:
 View:
 Soil Type/Class:
 Present Use:

IMPROVEMENTS

Utilities: NONE
 Existing Structure: /

REMARKS

XSt/Dir: Territorial to Lawrence to corner of Cora Oaks and Lawrence.
 Private:
 Public: Heavily timbered. Rare, rectangular parcel. Moderate slope. Nearly flat. Nice seasonal creek. Beautiful natural surroundings!

FINANCIAL

Prop Tax/Yr: 700 Spcl Asmt Balance: Tax Deferral: BAC: % 3
 HOA Dues: / Crop/Land Lease: 3rd Party: N SAC: % 0
 HOA Incl:
 Escrow Preference:
 Terms: CASH

BROKER / AGENT DATA

BRCD: 5REI01 Office: RE/MAX Integrity Phone: 541-345-8100 Fax: 541-302-4899
 LPID: 4226 Agent: Michael O'Connell Jr. Phone: 541-953-0350 Cell/Pgr:
 CoLPID: CoBRCD: CoAgent: CoPh:
 Agent E-mail: Photo: SUBMIT
 List: 5/20/2003 Exp: Show: VACANT Poss:
 Tran: 5/4/2004 Owner: Ethel Palanuk Phone:
 Tenant: Phone:

COMPARABLE INFORMATION

Pend: 12/20/2003 DOM: 214 Terms: CONV O/Price: \$75,500 Sold Price: \$65,500
 Sold: 5/3/2004 SPID: CHRISC S/Agt: Christopher Courtney S/Off: 5HOU01

**No Photo
Available**

Presented by: Larry Hayes
Prudential R.E. Professionals
Agent Full
LOTS AND LAND Status: SLD 4/18/2005 1:59:37 PM
ML#: 4049786 Area: 236 List Price: \$74,500
Address: Noti Loop LOOP
City: Noti Zip: 97487
Additional Parcels: /
Map Coord: 23/C/7 Zoning: F2 List Type: ER LR: Y
County: Lane Tax ID: Not Found
Subdivision:
Manufhs Okay: Y CC&Rs: Middle: APPLGATE #Image:
Elem: VENETA Prop Type: RESID
High: ELMIRA
Legal: 17-03-30-1403
Internet: Y VOW: N

GENERAL INFORMATION

Lot Size: 5-9.99AC Acres: 7.49
Waterfront: N / OTHER River/Lake:
Perc Test: / RdFrntg: Y
Seller Disc: DSCLOSUR Other Disc:
Lot Desc: CLEARED, PRIVATE, SECLDED, TREES
Topography: LEVEL, SLOPED
Soil Cond: FILLED, COMPACT

Lot Dimensions:
Availability: SALE #Lots:
Rd Surf: GRAVLRD
View: VALLEY
Soil Type/Class:
Present Use: OTHER

IMPROVEMENTS

Utilities: POW-AVL, SPT-APP, WELL
Existing Structure: N / NONE

REMARKS

XSt/Dir: Hwy 126 to second Noti exit First Driveway on left
Private: Beautiful View property, Well has been drilled, standard Septic approval, F-2 ground with a conditional use permit
Public: Beatiful view property, Well has been drilled, standard septic approval, F-2 ground witha conditional use permit

FINANCIAL

Prop Tax/Yr: 250 Spcl Asmt Balance: Tax Deferral: BAC: % 2.5
HOA Dues: / Crop/Land Lease: 3rd Party: N SAC:
HOA Incl:
Escrow Preference:
Terms: CASH, CONV

BROKER / AGENT DATA

BRCD: 5RBP01 Office: Red Barn Properties LLC Phone: 541-935-4036 Fax: 541-935-2617
LPID: DANBYPAT Agent: Bruce Danby Phone: 541-968-0713 Cell/Pgr:
CoLPID: PURVISM CoBRCD: 5RBP01 CoAgent: Mel Purvis CoPh: 541-606-3732
Agent E-mail: Photo: NO-PHOT
List: 7/24/2004 Exp: Show: VACANT Poss: NEGO
Tran: 11/24/2004 Owner: Lasky
Tenant: Phone:
Phone:

COMPARABLE INFORMATION

Pend: 9/28/2004 DOM: 66 Terms: CASH O/Price: \$64,500 Sold Price: \$77,500
Sold: 11/19/2004 SPID: PURVISM S/Agt: Mel Purvis S/Off: 5RBP01

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SQUARE FOOTAGE IS APPROXIMATE & MAY INCLUDE BOTH FINISHED & UNFINISHED AREAS - CONSULT BROKER FOR INFO.
SCHOOL AVAILABILITY SUBJECT TO CHANGE.

02004



Presented by: Larry Hayes
Prudential R.E. Professionals
Agent Full

LOTS AND LAND
ML#: 4021635
Address: Fir Street
City: Noti
Additional Parcels: /
Map Coord: 0/2/0
County: Lane
Subdivision:
Manufns Okay: Y
Elem: NOTI
High: ELMIRA
Legal: 17-06-29-30-00300 & 17-06-29-30-09700
Internet: Y

Status: SLD 4/18/2005
Area: 236
List Price: \$99,900
Zip: 97461
List Type: ER LR: N
Zoning: RR2
Tax ID: Not Found
Middle: Prop Type: RESID
VOW: N
#Image: 3

GENERAL INFORMATION

Lot Size: 10-19.99AC	Acres: 10.12	Lot Dimensions:
Waterfront: N /	River/Lake:	Availability: SALE #Lots: 11
Perc Test: N /	RdFrntg: Y	Rd Surf: GRAVLRD
Seller Disc: EXEMPT	Other Disc:	View: MNTAIN, VALLEY
Lot Desc: CLEARED, SOLAR, TREES, PRIVRD		Soil Type/Class:
Topography: LEVEL, ROLLING, SLOPED		Present Use: TIMBER
Soil Cond: NATIVE		

IMPROVEMENTS

Utilities: NONE, POW-AVL
Existing Structure: N /

REMARKS

XSt/Dir: HWY 126, LT Noti Loop Rd, Rt Fir to end, up gravel rd.
Private: Great development potential or for more than one dwelling. 8.52 acres are F2 on one tax lot for 1 home, 1.6 acres with 10 subdivision lots established in RR2 zoning. Buyer to verify allowed use and total acreage. Lot lines shown are approximate. MOBILE HOME PARK? Views out over Noti valley!
Public: Looking to build more than one home? Or just want lots of land at a great price? Excellent development potential here for estate home plus 10 MFG. Homes on 10 RR2-zoned lots on lower 1.6 acres. Great views of Noti Valley!

FINANCIAL

Prop Tax/Yr: 310	Spcl Asmt Balance:	Tax Deferral: N	BAC: % 3
HOA Dues: /	Crop/Land Lease:	3rd Party: N	SAC: % 0
HOA Incl:			
Escrow Preference:			
Terms: CASH, CONV			

BROKER / AGENT DATA

BRCD: 5BRE01	Office: Barnhart Assoc Real Estate	Phone: 541-345-3006	Fax: 541-345-3140
LPID: HEIDECHE	Agent: Scott Heidecke	Phone: 541-344-5324	Cell/Pgr: 541-284-4118
CoLPID: LANDMAN	CoBRCD: 5BRE01	CoAgent: Rick Sterry	CoPh: 541-284-4129
Agent E-mail: scotth@barnhartassociates.com			Photo: SUBMIT
List: 4/1/2004	Exp:	Show: 24HR-NC	Poss:
Tran: 4/5/2005		Owner: Swanson Bros	Phone:
		Tenant:	Phone:

COMPARABLE INFORMATION

Pend: 3/30/2005	DOM: 363	Terms: CASH	O/Price: \$99,900	Sold Price: \$80,000
Sold: 4/4/2005	SPID: BREDINGR	S/Agt: Robin Breeding		S/Off: 5RED01

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SCHOOL AVAILABILITY SUBJECT TO CHANGE.

**No Photo
Available**

Presented by: Larry Hayes
Prudential R.E. Professionals
Agent Full
LOTS AND LAND
ML#: 5002842
Status: SLD 4/18/2005
Area: 236
List Price: \$105,000
Address: Evers
City: Elmira
Zip: 97487
Additional Parcels: /
Map Coord: 9/B/6
Zoning: RR-5
County: Lane
Tax ID: 1310505
List Type: ER LR: N
Subdivision:
Manufhs Okay: CC&Rs:
Elem: VENETA
High: ELMIRA
Legal: 17-06-26-00 TL#2503
Internet: Y
Middle: FERN RIDGE
Prop Type: RESID
#Image:
VOW: Y

GENERAL INFORMATION

Lot Size: 1-2.99AC
Waterfront: /
Perc Test: /
Seller Disc:
Lot Desc: PASTURE, PRIVATE, SECLDED, TREES, WOODED
Topography: LEVEL
Soil Cond: NATIVE
Acres: 2.43
River/Lake:
Rd Frntg:
Other Disc:

Lot Dimensions:
Availability: SALE
Rd Surf: #Lots:
View: TREES, VALLEY
Soil Type/Class:

Present Use: RAWLAND, TIMBER

IMPROVEMENTS

Utilities: POW-AVL, WELL
Existing Structure: / NONE

REMARKS

XSt/Dir: W11th, R on Territorial, L on Suttle, R on Evers next to 88844 Evers
Private: Well in, Septic approved, marketable timber, lots of road frontage on Evers Road
Public:

FINANCIAL

Prop Tax/Yr: 372.42
HOA Dues: /
HOA Incl:
Escrow Preference:
Terms: CASH
Spcl Asmt Balance:
Crop/Land Lease:
Tax Deferral:
3rd Party: N
BAC: % 3
SAC:

BROKER / AGENT DATA

BRCD: 5NOR01
LPID: POHLLNOR
CoLPID:
Agent E-mail: rpohll@aol.com
List: 1/13/2005
Tran: 3/21/2005
Office: Norm Pohll Real Estate
Agent: Norman Pohll
CoBRCD:
Exp:
Show: VACANT
Owner: Brown
Tenant:
Phone: 541-342-7752
Phone: 541-345-4953
Fax: 541-342-7752
Cell/Pgr:
CoPh:
Photo: NO-PHOT
Poss: IMMED
Phone:
Phone:

COMPARABLE INFORMATION

Pend: 1/31/2005
Sold: 3/17/2005
DOM: 18
SPID: 4226
Terms: CONV
S/Agt: Michael O'Connell Jr.
O/Price: \$105,000
Sold Price: \$100,000
S/Off: 5REI01

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SQUARE FOOTAGE IS APPROXIMATE & MAY INCLUDE BOTH FINISHED & UNFINISHED AREAS - CONSULT BROKER FOR INFO.
SCHOOL AVAILABILITY SUBJECT TO CHANGE.

**No Photo
Available**

Presented by: Larry Hayes
Prudential R.E. Professionals
Agent Full
LOTS AND LAND
ML#: 4008768
Address: Hwy 36
City: Cheshire
Additional Parcels: /
Map Coord: 0/A/0
County: Lane
Subdivision:
Manufhs Okay: Y
Elem: MEADOW VIEW
High: JUNCTION CITY
Legal: 1605190000209
Internet: Y
Status: SLD 4/18/2005
Area: 237
List Price: \$79,000
Zip: 97456
Zoning: RR-10
Tax ID: 0059806
List Type: ER LR: N
CC&Rs: N
Middle:
Prop Type: RESID
#Image:
VOW: Y

GENERAL INFORMATION

Lot Size: 3-4.99AC	Acres: 4.92	Lot Dimensions:
Waterfront: N /	River/Lake:	Availability: SALE
Perc Test: /	Rd Frmtg: Y	#Lots:
Seller Disc: DSCLOSUR	Other Disc:	Rd Surf:
Lot Desc: WOODED		View: TREES
Topography: SLOPED		Soil Type/Class:
Soil Cond: NATIVE		Present Use: RAWLAND

IMPROVEMENTS

Utilities: POW-AVL
Existing Structure: N / NONE

REMARKS

XSt/Dir: Hwy 99 to Hwy 36 thru Cheshire to prop
Private: Beautiful sloped wooded property, past Cheshire on Hwy 36 with road frontage. Septic permitt issued in 1975 has expired.
Property located below 25571 Hwy 36
Public: Beautiful sloped wooded property, past Cheshire on Hwy 36 with road frontage. Septic permitt issued in 1975 has expired.

FINANCIAL

Prop Tax/Yr: 296.61	Spcl Asmt Balance:	Tax Deferral: N	BAC: % 3
HOA Dues: /	Crop/Land Lease:	3rd Party: N	SAC:
HOA Incl:			
Escrow Preference:			
Terms: CASH, CONV			

BROKER / AGENT DATA

BRCD: 5PRU01	Office: Prudential Preferred Prop.	Phone: 541-485-1400	Fax: 541-485-7136
LPID: DOWNINGR	Agent: Randall Downing	Phone: 541-984-2510	Cell/Pgr:
CoLPID:	CoBRCD:	CoAgent:	CoPh:
Agent E-mail: randydowning@ppporegon.com			Photo: NO-PHOT
List: 2/13/2004	Exp:	Show: VACANT	Poss:
Tran: 4/22/2004		Owner: CLA	Phone:
		Tenant:	Phone:

COMPARABLE INFORMATION

Pend: 3/1/2004	DOM: 17	Terms: CONV	O/Price: \$79,000	Sold Price: \$73,000
Sold: 4/21/2004	SPID: 5202	S/Agt: Ed Leslie		S/Off: 5LES01

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SQUARE FOOTAGE IS APPROXIMATE & MAY INCLUDE BOTH FINISHED & UNFINISHED AREAS - CONSULT BROKER FOR INFO.
SCHOOL AVAILABILITY SUBJECT TO CHANGE.

**No Photo
Available**

Presented by: Larry Hayes
Prudential R.E. Professionals
Agent Full
LOTS AND LAND Status: SLD 4/18/2005 1:59:42 PM
ML#: 3024818 Area: 237 List Price: \$100,000
Address: 23804 Hwy 99W
City: Junction City Zip: 97448
Additional Parcels: /
Map Coord: 16/A/8 Zoning: List Type: ER LR:
County: Benton Tax ID: 208706
Subdivision:
Manufhs Okay: CC&Rs: #Image:
Elem: Monroe Middle: Monroe
High: Monroe Prop Type: FRM/FOR
Legal: 15-05-11-AA-00900
Internet: Y VOW:

GENERAL INFORMATION

Lot Size: 5-9.99AC	Acres: 8.77	Lot Dimensions:	
Waterfront: /	River/Lake:	Availability:	#Lots: 1
Perc Test: / APROVED	RdFrntg:	Rd Surfc: PAVEDRD	
Seller Disc: DSCLAIMR	Other Disc:	View:	
Lot Desc: LEVEL, PASTURE		Soil Type/Class:	
Topography: LEVEL		Present Use:	
Soil Cond:			

IMPROVEMENTS

Utilities: PHONE, POWER, SPT-APP, SANDFLT
Existing Structure: N /

REMARKS

XSt/Dir: Hwy 99W North of Junction City to the Benton Co. Line
Private: Level acreage-wetlands area and setbacks-sand filter system approved-CLO for details - CO-LISTED with SUSAN SANDHORST 984-5433
Public: Level acreage-wetlands area and setbacks-sand filter system approved-CLO for details

FINANCIAL

Prop Tax/Yr: 625	Spcl Asmt Balance:	Tax Deferral:	BAC: 3
HOA Dues: /	Crop/Land Lease:	3rd Party:	SAC: 0
HOA Incl:			
Escrow Preference:			
Terms: CASH			

BROKER / AGENT DATA

BRCD: 5REI01	Office: RE/MAX Integrity	Phone: 541-345-8100	Fax: 541-302-4899
LPID: 3391	Agent: Claudia Bailey	Phone: 541-984-5403	Cell/Pgr:
CoLPID:	CoBRCD:	CoAgent:	CoPh:
Agent E-mail:			Photo: NO-PHOT
List: 4/15/2003	Exp:	Show: VACANT	Poss: CLOSING
Tran: 5/13/2004		Owner: Hanvey	Phone:
		Tenant:	Phone:

COMPARABLE INFORMATION

Pend: 7/7/2003	DOM: 83	Terms: CONV	O/Price: \$100,000	Sold Price: \$97,500
Sold: 5/12/2004	SPID: 3391	S/Agt: Claudia Bailey		S/Off: 5REI01

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SQUARE FOOTAGE IS APPROXIMATE & MAY INCLUDE BOTH FINISHED & UNFINISHED AREAS - CONSULT BROKER FOR INFO.
SCHOOL AVAILABILITY SUBJECT TO CHANGE.

© 2004



Presented by: Larry Hayes
Prudential R.E. Professionals
Agent Full

LOTS AND LAND
ML#: 4042959
Address: Hwy 36
City: Cheshire
Additional Parcels: /
Map Coord: 3/A/6
County: Lane
Subdivision:
Manufhs Okay: Y
Elem: TERRITORIAL
High: JUNCTION CITY
Legal: Parcel 2 of 16-06-27-00-00906 Full legal description to be provided prior to close of escrow.
Internet: Y

Status: SLD 4/18/2005
Area: 237
List Price: \$129,900
Zip: 97419
Zoning:
Tax ID: Not Found
List Type: ER LR: N
CC&Rs:
Middle:
Prop Type: RESID
#Image: 4
VOW: Y

GENERAL INFORMATION

Lot Size: 3-4.99AC
Waterfront: /
Perc Test: Y / APROVED
Seller Disc:
Lot Desc: MRCHTIM, PRIVATE, TREES, WOODED
Topography: SLOPED
Soil Cond:

Acre: 4.15
River/Lake:
RdFrntg: Y
Other Disc:

Lot Dimensions: 325x402x448x710'
Availability: SALE #Lots:
Rd Surf: PAVEDRD
View: VALLEY
Soil Type/Class:

Present Use:

IMPROVEMENTS

Utilities: POW-AVL, SPT-APP, WELL, STD-SEP
Existing Structure: /

REMARKS

XSt/Dir: Hwy 99, W Clear Lake Rd, straight to Lawrence Rd, W Hwy 36, 1 mile on Rt
Private: Nice property with WELL in and STANDARD septic approval. Has not yet been assigned a tax lot number or separate tax account. Good location set back from road with views to the south. Closing with Western Pioneer Title/Kimberly Zentmire.
Public: Sunny, south facing building site with seclusion & views! Lovely land only 30 minutes to Eugene. Land is uphill from the road with a buffer of tall trees. Owner says great well and STANDARD septic approval. Junction City schools. Taxes not yet determined - new lot! Some marketable timber.

FINANCIAL

Prop Tax/Yr: 0
HOA Dues: /
HOA Incl:
Escrow Preference:
Terms: CASH, CONV

Spcl Asmt Balance:
Crop/Land Lease:

Tax Deferral:
3rd Party: N

BAC: % 3
SAC:

BROKER / AGENT DATA

BRCD: 5CGR01
LPID: CRIEGERR
CoLPID:
Agent E-mail: rcrieger@direcway.com
List: 6/29/2004
Tran: 1/11/2005

Office: Crieger Goodwin RE Sales
Agent: Rosemary Crieger
CoBRCD:
Exp:

CoAgent:
Show: VACANT
Owner: Fred Mahler
Tenant:

Phone: 541-485-5212
Phone: 541-686-2855

Fax: 541-485-5212
Cell/Pgr:
CoPh:
Photo: SUBMIT
Poss:
Phone:
Phone:

COMPARABLE INFORMATION

Pend: 11/5/2004
Sold: 12/22/2004

DOM: 129
SPID: DANBYPAT

Terms: CASH
S/Agt: Bruce Danby

O/Price: \$139,900
Sold Price: \$120,000
S/Off: 5RBP01

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SCHOOL AVAILABILITY SUBJECT TO CHANGE.



Presented by: Larry Hayes
 Prudential R.E. Professionals
 Agent Full
 LOTS AND LAND Status: SLD 4/18/2005 1:59:45 PM
 ML#: 4008219 Area: 237 List Price: \$139,500
 Address: 24763 Hall RD
 City: Cheshire Zip: 97419
 Additional Parcels: /
 Map Coord: 3/A/7 Zoning: List Type: ER LR: N
 County: Lane Tax ID: 1104858
 Subdivision:
 Manufhs Okay: CC&Rs: #Image: 3
 Elem: TERRITORIAL Middle: OAKLEA
 High: JUNCTION CITY Prop Type: RESID
 Legal: 1606130000315
 Internet: Y VOW: Y

GENERAL INFORMATION

Lot Size: 5-9.99AC Acres: 5.02
 Waterfront: / River/Lake:
 Perc Test: / Rd Frntg:
 Seller Disc: Other Disc:
 Lot Desc: CLEARED, PRIVATE, SECLUDED, PRIVRD
 Topography: LEVEL, ROLLING, SLOPED
 Soil Cond: NATIVE

Lot Dimensions:
 Availability: SALE #Lots:
 Rd Surf:
 View: MNTAIN, VALLEY
 Soil Type/Class:

Present Use: RESIDNC

IMPROVEMENTS

Utilities: CABLETV, PHONE, SEPTIC, UG-UTIL, WELL
 Existing Structure: / NONE

REMARKS

XSt/Dir: Hwy 36 to Hall .Rd
 Private: Hard to find, very private secluded acreage with all utilities in ready to build or you can put a manufactured on this property
 Public: Hard to find, very private secluded acreage with all utilities in ready to build or you can put a manufactured on this property Just 20 minutes to Eugene

FINANCIAL

Prop Tax/Yr: 405 Spcl Asmt Balance:
 HOA Dues: / Crop/Land Lease:
 HOA Incl:
 Escrow Preference:
 Terms: CASH
 Tax Deferral:
 3rd Party: N BAC: % 3
 SAC: % 0

BROKER / AGENT DATA

BRCD: 5LES01 Office: Leslie & Leslie Realtors Phone: 541-998-8909 Fax: 541-998-8605
 LPID: 5202 Agent: Ed Leslie Phone: 541-998-8909 Cell/Pgr: 541-914-2222
 CoLPID: CoBRCD: CoAgent:
 Agent E-mail:
 List: 2/12/2004 Exp: Show: CALL-LO, VACANT
 Tran: 10/27/2004 Owner: Stachowiak
 Tenant: Photo: SUBMIT
 Poss:
 Phone:
 Phone:

COMPARABLE INFORMATION

Pend: 8/21/2004 DOM: 191 Terms: CONV O/Price: \$149,500 Sold Price: \$125,000
 Sold: 10/27/2004 SPID: 5202 S/Agt: Ed Leslie S/Off: 5LES01



NOTICE OF

PUBLIC HEARING

LAND USE CHANGE PROPOSED IN YOUR AREA

NOTICE IS HEREBY GIVEN THAT ON WEDNESDAY, DECEMBER 12, 1990, AT 1:30 P.M., THE BOARD OF COUNTY COMMISSIONERS WILL CONDUCT A PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE LANE COUNTY RURAL COMPREHENSIVE PLAN. THE BOARD WILL MEET IN HARRIS HALL, LANE COUNTY COURTHOUSE, 125 EAST 8TH AVENUE, EUGENE, OREGON.

THE AMENDMENTS ARE THE RESULT OF A RULING BY THE OREGON SUPREME COURT THAT REQUIRES LANE COUNTY TO REZONE ALL LAND THAT DOES NOT QUALIFY FOR A DEVELOPED AND COMMITTED EXCEPTION, AS SPECIFIED BY OREGON REVISED STATUTES (SECTION 197.732) AND ADMINISTRATIVE RULES (SECTION 660-04).

MAPS OF THE AMENDMENTS RECOMMENDED BY THE LANE COUNTY PLANNING COMMISSION ARE ENCLOSED. YOU HAVE BEEN SENT NOTICE BECAUSE YOU OWN LAND IN OR AROUND THE AREA OF THE PROPOSED CHANGE. YOUR NEIGHBORS MAY NOT HAVE RECEIVED SIMILAR NOTICE BECAUSE THEY ARE OUTSIDE THE PRESCRIBED NOTIFICATION AREA. YOU MAY WISH TO INFORM THEM OF THE UPCOMING HEARING. CHAPTER 215, OREGON REVISED STATUTES, REQUIRES MORTGAGERS, LIEN HOLDERS AND SELLERS TO INFORM PURCHASERS OF REAL PROPERTY OF THIS NOTICE.

THE HEARING WILL BE CONDUCTED IN THE FOLLOWING SEQUENCE:

1. EXPLANATION OF THE PURPOSE OF THE HEARING;
2. EXPLANATION OF OPPORTUNITIES TO TESTIFY, SUBMIT EVIDENCE AND APPEAL THE DECISION;
3. DISCLOSURE OF EX-PARTE CONTACTS AND POSSIBLE ABSTENTIONS;
4. LANE COUNTY STAFF PRESENTATION;
5. TESTIMONY OF PERSONS IN FAVOR;
6. TESTIMONY OF PERSONS OPPOSED;
7. TESTIMONY OF OTHERS;
8. RESPONSE BY LANE COUNTY STAFF;
9. END OF THE PUBLIC HEARING;
10. DISCUSSION BY THE BOARD;
11. VOTE ON THE PROPOSED AMENDMENTS, FOR TRANSMITTAL TO THE OREGON DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT.

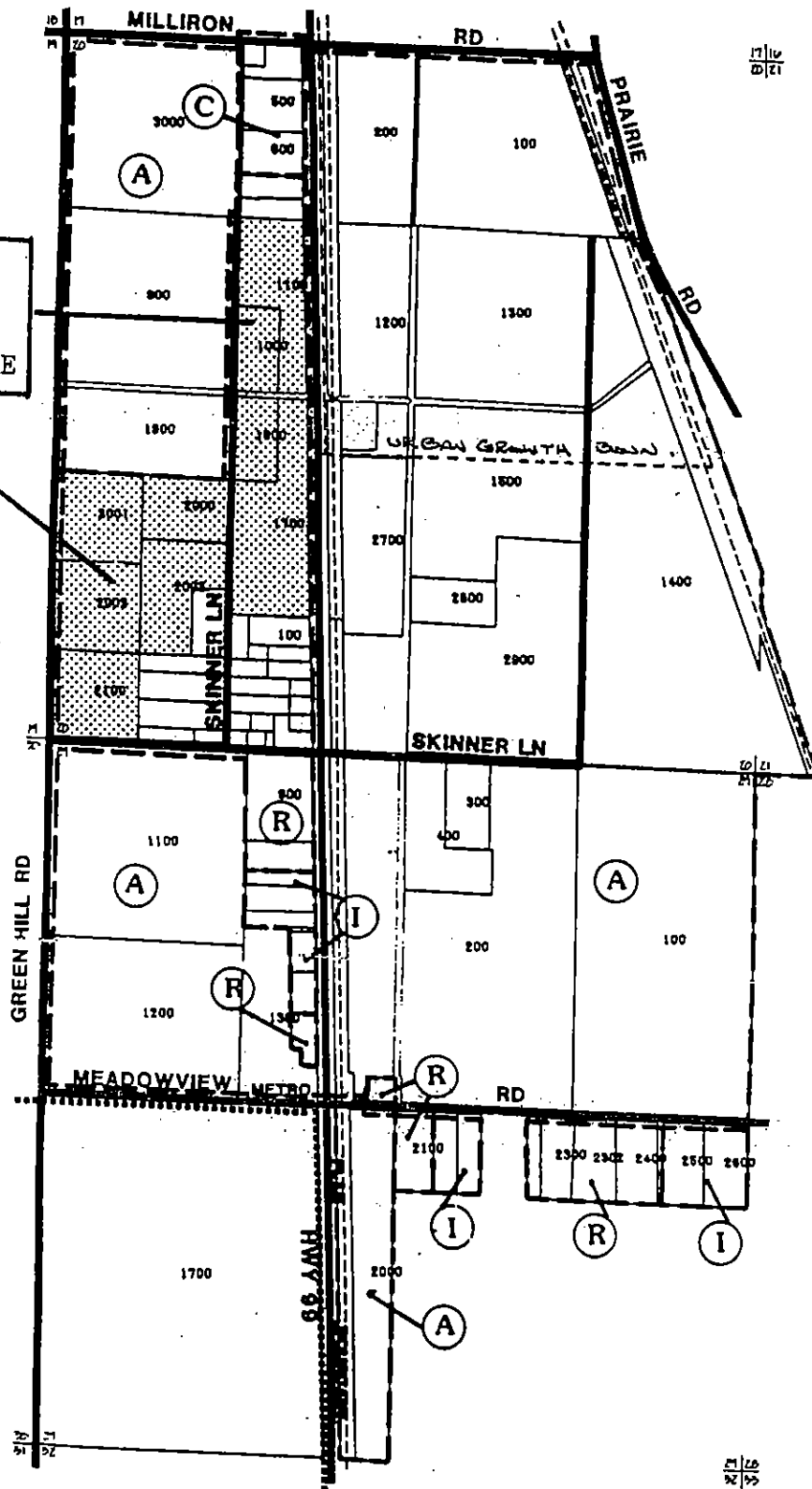
FOR FURTHER INFORMATION CONTACT HARVEY HOGLUND, PROJECT MANAGER DEVELOPED & COMMITTED LANDS, LANE COUNTY LAND MANAGEMENT DIVISION, 687-3807.

281

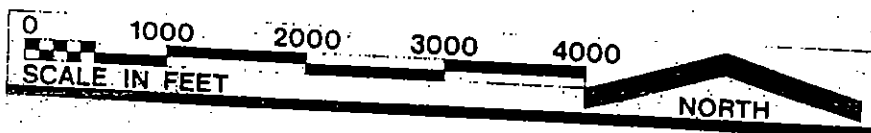
REDESIGNATE
SHADED AREA
FROM RESIDENTIAL
TO AGRICULTURAL USE

267

295



283



ane county



OFFICIAL PLAN MAP

PLOT# 282

Twnshp Range Section

16 04 20

16 04 29

RIGINAL ORD: # PA 884

DATE 2/29/1984 FILE #

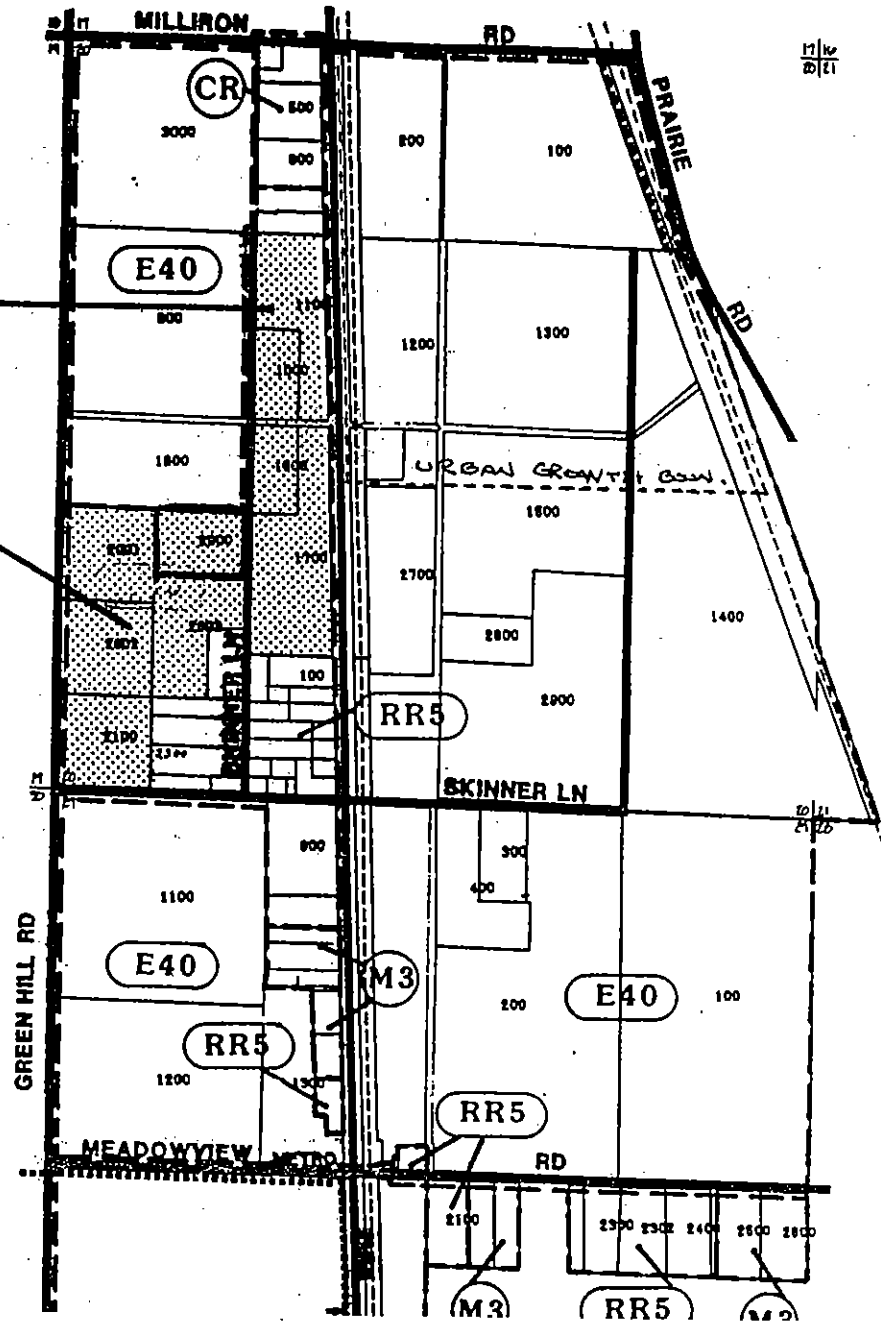
REVISION # ORD #

DATE FILE #

281

REZONE SHADED AREA
FROM RR5
(RURAL RESIDENTIAL)
TO E40
(EXCLUSIVE FARM USE)

267



295

OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES

OFFICE OF COUNTY ASSESSOR LANE COUNTY, OREGON

MAP NO. 15404-20	TAX LOT NO. 2000	051-571	SECTION 20	TOWNSHIP 16 S.	RANGE 4W	W.M.
ACCOUNT NUMBER	BLOCK NO.	ADDITION Meadowview			CITY	

LEGAL DESCRIPTION	DEED RECORD		
	DATE OF ENTRY	DEED NUMBER	REMAINING
Lots 7910 incl & 15918 incl	1954	29958 ①	38.22
EXCEPT: Tax Lot 1-1 by deed R144/85968 ②			
cont. 19.17 acres (2001)			19.05
Containing more or less			
EXCEPT Tax Lot 2600, cont. 3.00 acres.			16.05
Containing more or less			
Except: Tax Lot 2003, cont. 9.46 acres			
by Deed R174/35694. (1962)			6.59
③ Containing more or less			
Correction in acreage	1963		7.00
Lot 18 and the N 141.56 ft. of Lot 17	④ 1965	R242/55045	
Meadowview, as platted and recorded in LCO	5 1977	R824/64767	
cont. m/l	6 1977	R824/64766	7.00
	8 1977	R824/64765	
	9 1977	R824/64764	
Lot 18, and the North 141.56 feet of Lot 17	10 1973	R633/16048	
of MEADOWVIEW, as platted and recorded in volume 5,	11	R540/24449	
page 9, Lane County Oregon Plat Records, in Lane County,	12	R640/24450	
Oregon.	13	R640/24451	
	14	R640/24452	
	1978 15	R664/59154	
	1986 16	R1372/8537939	
	17 1990wd	R1638/9028737	

MICROFILMED
DATE

FOR ASSESSMENT
AND TAXATION
USE ONLY

Warranty Deed

THIS INDENTURE WITNESSETH: That Raymond. R. King And Darlene. King
Husband. Wife

the Grantor for and in consideration of the sum of Ten \$10.00 DOLLARS
to Me paid, do hereby, bargain, sell and convey unto
G. H. Staudacher

the following described premises, to wit:
Lots 7, 8, 9 and 10, 15, 16, 17, 18 of Meadowview. As Platted
and Recorded on page. 9, Volume 5. Lane County Oregon Plat
records, in Lane County, Oregon? Except Therefrom the Following
described portion thereof: Beginning at the southeast corner of lot
15 in Meadowview, thence along the east line of lot 15 and 16 north
497.0 feet, thence west parallel to the south line of lot 15 West 263.0
feet, thence parallel to the east line of lot 16 and lot 15, south
497.0 feet to the south line of lot 15, thence along the said south line
east 263.0 feet to the point of beginning, in Lane county, Oregon



TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantee
his heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee
that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.
IN WITNESS WHEREOF, I have hereunto set my hand and seal this
18 day of August, A. D. 19 52

SEAL

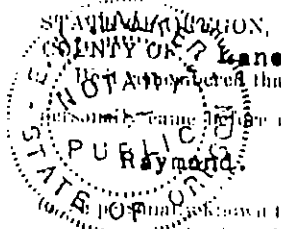
Raymond R. King

SEAL

SEAL

Darlene King

SEAL



Notary Public in and for said county, the within named
Raymond. R. King And Darlene. King

personally came before me, a Notary Public in and for said county, the within named
they executed the same freely and voluntarily for
the uses and purposes therein named.

Witness my hand and seal this day and year last above written.

My Commission expires

October 1955
10

E. W. Walker
Notary Public for Oregon

WARRANTY DEED

②

FOR VALUE RECEIVED ROY M. PEDERSEN and VERA B. PEDERSEN, husband and wife,

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

VERNON D. SCOTT and JOSEPHINE S. SCOTT, husband and wife,

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

Lots 7, 8, 9 and 10, Meadowview, as platted and recorded on page 9, Volume 5, Lane County Oregon Plat Records, in Lane County, Oregon.



TO HAVE AND TO HOLD the said premises unto said Grantees, their heirs and assigns forever. And the said Grantors hereby covenant that they are lawfully seized in fee simple of said premises; that they are free from all incumbrances, excepting easements and conditions and restrictions of record,

REVENUE STAMPS

and that they will warrant and defend the above granted premises against all lawful claims whatsoever, except as above stated.

Dated December 12, 1959

(Seal)

Roy M. Pedersen (Seal)
Roy M. Pedersen

(Seal)

Vera B. Pedersen (Seal)
Vera B. Pedersen

STATE OF OREGON, County of Lane, ss.

Personally appeared the above named

Roy M. Pedersen and Vera B. Pedersen, husband and wife,

and acknowledged the foregoing instrument to be their voluntary act and deed. Before me:

Dated December 12, A.D. 1959

My Commission Expires June 14, 1963

Notary Public for Oregon

F. William Clough
F. William Clough

Compliments of
CASCADE TITLE COMPANY
Eugene, Oregon
Oak Street

WARRANTY DEED

TO

Lane Co.
County Clerk and
Recorder of Conveyance, in
said County, do hereby certify
within instrument was received
at

20 15 11 2 24

County
L. CHASE, County Clerk,
Eugene, Oregon

Turn To:
Vernon D. Scott
4411
Eugene, Oregon

WARRANTY DEED

(3)



For Value Received, G. H. STAUDACHER, a single person

the grantor, do hereby grant, bargain, sell and convey unto

J. FRANCIS SANDERS and VELMA B. SANDERS, his and and wife,
as tenants by the entirety

the grantees, the following described premises, to wit:

Beginning at the stone marking the southeast corner of Section 20, Township 16 South Range 4 West of the Willamette Meridian, thence North 89° 05' 15" East 230.04 feet to the intersection of the south line of said Section 20 with the center line of U.S. Highway No. 99, being 238.5 feet from Engineer's Station 227+38.5; thence North 89° 22' 00" East 157.22 feet along the south line of said Section 20, as located by the Oregon State Highway Department in the survey of said highway, to a point; thence North 0° 03' 23" West 20.00 feet to the Southeast corner of Lot 13 of Meadow according to the plat thereof recorded in volume 5 of plats, page 9 records of Lane County, Oregon; thence North 0° 03' 23" West 45.18 feet along the westerly margin of a forty foot roadway known as Skinner Lane to a point; thence North 89° 17' 40" West 263.00 feet to an iron pin marking the TRUE POINT OF BEGINNING; thence North 0° 03' 23" West 497.00 feet to a point marked by an iron pin; thence South 89° 17' 40" East 263.00 feet to an iron pin set on the west margin of said Skinner's Lane; thence North 0° 03' 23" West 345.18 feet along said margin to a point marked by an iron pin; thence North 89° 33' West 642.13 feet to a point marked by an iron pin thence South 0° 06' 15" East 839.26 feet to the point marked by an iron pin; thence South 89° 17' 40" East 278.44 feet to the true point of beginning, in Lane County, Oregon.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor, do hereby covenant to and with the said Grantee, that he, the owner, in fee simple of said premises; that they are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: June 20, 1961

G.H. Staudacher (SEAL)

(SEAL)

(SEAL)

(SEAL)

35694

STATE OF OREGON, COUNTY OF LANE, ss.
On this 21st day of June, 1961, I, _____, personally came before me, a Notary Public in and for said county, the within named G. H. Staudacher, a single person

to me personally known to be the identical person described in and who executed the within instrument, and acknowledged to me that he executed the same freely and voluntarily for the uses and purposes therein named.

Witness my hand and seal this day and year last above written.

Notary Public for Oregon

My Commission expires

County Clerk and ex-officio Notary Public, I do hereby certify that the within instrument has been received for record at

1961 JUN 21 PM 3:20

Lane County Records

OLGA FREEMAN, County Clerk
By *Mary Plunkett*
Clerk

BARGAIN & SALE DEED

(4)

FOR VALUE RECEIVED

J. Francis Sanders and Velma B. Sanders, husband and wife,
herein referred to as grantors, hereby grant, bargain, sell and convey unto

Jim Lowry and Frankie Lee Lowry, husband and wife, as tenants by the
entirety.

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

Lot 18 and the north 141.56 feet of lot 17 of Meadowview as platted and
recorded in Lane County, Oregon.

Dated May 4, 1964

(Seal)

(Seal)

J. Francis Sanders (Seal)
Velma B. Sanders (Seal)

STATE OF OREGON, County of Lane, ss.

Personally appeared the above named

J. Francis Sanders and Velma B. Sanders, husband and wife,

and acknowledged the foregoing instrument to be their voluntary act and deed. Before me:

Dated May 4, A.D. 1964
My Commission Expires March 2, 1966

B. McCoy
Notary Public for Oregon

55045

Compliments of
CASCADE TITLE COMPANY
972 Oak Street Eugene, Oregon

BARGAIN & SALE
DEED

55045

State of Oregon,
County of Lane—ss.
I, Ida Randolph,
Department of Records
and for the said County
certify that the within in-
strument was received for record at

MAY 12 1964 10 37 2

County OFFICIAL Records.

IDA RANDOLPH, Director of the
Department of Records & Elections.

0-083-05

Return To:

BERT MCCOY
ATTORNEY-AT-LAW
EUGENE, ORE.

7661767

A F F I D A V I T

STATE OF OREGON)
County of Douglas) ss.

I, AGNES HUDSON, of lawful age, being first duly sworn,
on oath states:

On or about June 16, 1961 Mr. G. H. Staudacker, an
unmarried man (Seller) contracted with J. Francis Sanders and
Velma B. Sanders, husband and wife (Purchaser) to sell certain
real property situated in Lane County, State of Oregon, described
as:

Lot 18 and the North 141.56 feet of Lot 17 of
MEADOWVIEW, as platted and recorded in volume
5, page 9, Lane County Oregon Plat Records,
in Lane County, Oregon.

Thereafter and on or about May 12, 1964 the vendee's
interest in this real property was conveyed to Jim Lowry and
Frankie Lee Lowry, husband and wife, as tenants by entirety by
a deed recorded May 12, 1964, Recorder's Reception No. 55045, Lane
County Oregon Records.

Thereafter and on or about April 12, 1973 the Lowry interest
was conveyed to Zack W. Ayers and Caroline B. Ayers, husband and wife,
by a deed recorded April 12, 1973 as Recorder's Reception No. 7316048,
Lane County Oregon Records.

As a result of the probate of the George Herman Staudacker
estate, Probate Case No. 15918, Lane County, Oregon, I received an
undivided one-fifth (1/5) of the vendor's interest in that Land
Sale Contract.

My sister, Rose Worth, also received an undivided one-fifth
(1/5) of the vendor's interest in that Land Sale Contract. Shortly
prior to her death, Etta Dunlap, Lucy Rankins, Helyn Nordsten
and I purchased Mrs. Worth's interest. Therefore, I am now the owner
of an undivided one-fourth (1/4) of the vendor's interest in the
Land Sale Contract.

To the best of my knowledge and belief there is now due
and owing to the vendor \$609.07 plus 6% interest from February 1,
1973.

DATED this 16th day of May, 1973.

Agnes Hudson
AGNES HUDSON

Subscribed and sworn to before me this 16th day of
May, 1973.



Marjorie E. Henderson
Notary Public for Oregon
My Commission expires: Oct 22 1975

5664786

A F F I D A V I T

STATE OF OREGON)
County of Lane) ss.

I, ETTA DUNLAP, of lawful age, being first duly sworn,
on oath states:

On or about June 16, 1961 Mr. G. H. Staudacker, an
unmarried man (Seller) contracted with J. Francis Sanders and
+ Velma B. Sanders, husband and wife (Purchaser) to sell certain
real property situated in Lane County, State of Oregon, described
as:

Lot 18 and the North 141.56 feet of Lot 17 of
MEADOWVIEW, as platted and recorded in volume
5, page 9, Lane County Oregon Plat Records,
in Lane County, Oregon.

Thereafter and on or about May 12, 1964 the vendee's
interest in this real property was conveyed to Jim Lowry and
+ Frankie Lee Lowry, husband and wife, as tenants by entirety by
a deed recorded May 12, 1964, Recorder's Reception No. 55645, Lane
County Oregon Records.

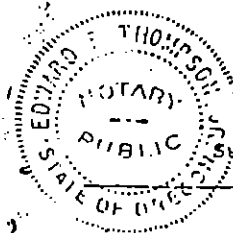
Thereafter and on or about April 12, 1973 the Lowry interest
was conveyed to Jack W. Ayers and Caroline B. Ayers, husband and wife,
by a deed recorded April 12, 1973 as Recorder's Reception No. 7316048,
Lane County Oregon Records.

As a result of the probate of the George Herman Staudacker
estate, Probate Case No. 15918, Lane County, Oregon, I received an
undivided one-fifth (1/5) of the vendor's interest in that Land
Sale Contract.

My sister, Rose Worth, also received an undivided one-
(1/5) of the vendor's interest in that Land Sale Contract. Shortly
prior to her death, Agnes Hudson, Lucy Barkins, Helen Nordsten
and I purchased Mrs. Worth's interest. Therefore, I am now the owner
of an undivided one-fourth (1/4) of the vendor's interest in the
Land Sale Contract.

To the best of my knowledge and belief there is now due
and owing to the vendor \$609.07 plus 6% interest from February 1,
1973.

DATED this 12 day of May, 1973.



Etta Dunlap
ETTA DUNLAP

Subscribed and sworn to before me this 12th day of May, 1973.

Edward P. Thompson
Notary Public for Oregon
My Commission expires: 9-21-75

7664765

8

A F F I D A V I T

STATE OF OREGON)
) ss.
County of Lane)

I, LUCY RANKINS, of lawful age, being first duly sworn,
on oath states:

On or about June 16, 1961 Mr. G. H. Staudacker, an
unmarried man (Seller) contracted with J. Francis Sanders and
Welma B. Sanders, husband and wife (Purchaser) to sell certain
real property situated in Lane County, State of Oregon, described
as:

Lot 18 and the North 141.56 feet of Lot 17 of
MEADOWVIEW, as platted and recorded in volume
5, page 9, Lane County Oregon Plat Records,
in Lane County, Oregon.

Thereafter and on or about May 12, 1964 the vendee's
interest in this real property was conveyed to Jim Lowry and
Frankie Lee Lowry, husband and wife, as tenants by entirety by
a deed recorded May 12, 1964, Recorder's Reception No. 55045, Lane
County Oregon Records.

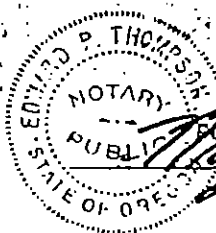
Thereafter and on or about April 12, 1973 the Lowry interest
was conveyed to Zack W. Ayers and Caroline B. Ayers, husband and wife,
by a deed recorded April 12, 1973 as Recorder's Reception No. 7316048,
Lane County Oregon Records.

As a result of the probate of the George Herman Staudacker
estate, Probate Case No. 15918, Lane County, Oregon, I received an
undivided one-fifth (1/5) of the vendor's interest in that Land
Sale Contract.

My sister, Rose Worth, also received an undivided one-fifth
(1/5) of the vendor's interest in that Land Sale Contract. Shortly
prior to her death, Etta Dunlap, Agnes Hudson, Helyn Nordsten
and I purchased M.s. Worth's interest. Therefore, I am now the owner
of an undivided one-fourth (1/4) of the vendor's interest in the
Land Sale Contract.

To the best of my knowledge and belief there is now due
and owing to the vendor \$609.07 plus 6% interest from February 1,
1973.

DATED this 12 day of May, 1973.



Subscribed and sworn to before me this 12th day of
May, 1973.

Lucy Rankins
LUCY RANKINS

Edward P. Thompson Jr.
Notary Public for Oregon
My Commission expires: 9-21-75

7664764

A F F I D A V I T

STATE OF OREGON)
) ss.
County of Lane)

I, HELYN NORDSTEN, of lawful age, being first duly sworn,
on oath states:

On or about June 16, 1961 Mr. G. H. Staudacker, an
unmarried man (Seller) contracted with J. Francis Sanders and
Velma B. Sanders, husband and wife (Purchaser) to sell certain
real property situated in Lane County, State of Oregon, described
as:

Lot 18 and the North 141.56 feet of Lot 17 of
MEADOWVIEW, as platted and recorded in volume
5, page 9, Lane County Oregon Plat Records,
in Lane County, Oregon.

Thereafter and on or about May 12, 1964 the vendee's
interest in this real property was conveyed to Jim Lowry and
Frankie Lee Lowry, husband and wife, as tenants by entirety by
a deed recorded May 12, 1964, Recorder's Reception No. 55045, Lane
County Oregon Records.

Thereafter and on or about April 12, 1973 the Lowry interest
was conveyed to Zack W. Ayers and Caroline B. Ayers, husband and wife,
by a deed recorded April 12, 1973 as Recorder's Reception No. 7316048,
Lane County Oregon Records.

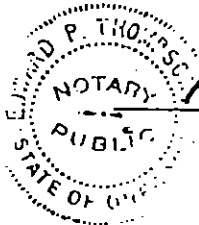
As a result of the probate of the George Herman Staudacker
estate, Probate Case No. 15918, Lane County, Oregon, I received an
undivided one-fifth (1/5) of the vendor's interest in that Land
Sale Contract.

My sister, Rose Worth, also received an undivided one-fifth
(1/5) of the vendor's interest in that Land Sale Contract. Shortly
prior to her death, Etta Dunlap, Agnes Hudson, Lucy Rankins
and I purchased Mrs. Worth's interest. Therefore, I am now the owner
of an undivided one-fourth (1/4) of the vendor's interest in the
Land Sale Contract.

To the best of my knowledge and belief there is now due
and owing to the vendor \$609.07 plus 6% interest from February 1,
1973.

DATED this 12 day of May, 1973.

Helyn Nordsten
HELYN NORDSTEN



SUBSCRIBED AND SWORN TO BEFORE ME THIS 12TH DAY OF
May, 1973.

Edward P. Thompson
Notary Public for Oregon
My Commission expires: 9-21-75

(10)

AFTER RECORDATION RETURN TO:
 COMMERCE MORTGAGE COMPANY
 P. O. BOX 3347
 800 PITTOCK BLOCK
 PORTLAND, OREGON 97208
 ATTN: Greg Kocher 130742

ASSIGNMENT OF DEED OF TRUST

For value received, the undersigned grants, assigns and transfers, with full power of representation or warranty, to SECRETARY OF HOUSING AND URBAN DEVELOPMENT OF WASHINGTON D. C., his successors and assigns, all beneficial interest under that certain Deed of Trust dated May 16, 1972, executed by Richard G. Smith and Diane G. Smith, husband and wife, and recorded May 17, 1972, Book , Page , in the Office of the County Recorder of Lane County, Oregon. Reel 586 R, Reception No. 99473

"Without recourse or warranty, except that the undersigned hereby warrants that:

- (a) No act or omission of the undersigned has impaired the validity and priority of the said security instrument;
- (b) The security instrument is a good and valid first lien and is prior to all mechanics' and materialmen's liens filed of record regardless of when such liens attach, and prior to all liens, encumbrances, or defects which may arise except such liens or other matters as have been approved by the assignee hereunder;
- (c) The sum of \$ 15,905.77 Dollars together with the interest from the first day of January 1973, at the rate of 7.0 % per annum, computed as provided in the credit instrument, is actually due and owing under the said credit instrument;
- (d) The undersigned has a good right to assign the said security, and credit instruments."

TOGETHER with the Note therein described or referred to, the money due and to become due thereon with interest, all rights accrued or to accrue under said Deed of Trust.

Dated

By Commerce Mortgage Company
Jack H. Hazlett
 Jack H. Hazlett Vice President

STATE OF OREGON)
) ss.
 COUNTY OF Multnomah)

On before me, the undersigned, a Notary Public in and for said State, personally appeared Jack H. Hazlett, known to me to be the Vice President and known to me to be Secretary of the Corporation that executed the within instrument known to me to be the persons who executed the within instrument on behalf of the Corporation wherein named, and acknowledged to me that such Corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal

Lolita E. Dauernoot
 (signature)

Lolita E. Dauernoot
 -Name (typed or printed)

My commission expires: 6-25-76

State of Oregon,
 County of Lane—ss.
 I D. M. Penfold, Director of the
 Department of Records and Elections,
 in and for the said County, do hereby
 certify that this within instrument was
 received for record at

1973 May 31 AM 10 11

Reel 640 R
 Lane County OFFICIAL RECORDS

D. M. PENFOLD, Director of the
 Department of Records & Elections

Brady E. Dauernoot
 Deputy
 C23-08105

7324448

7324449

WARRANTY DEED

HELYN NORDSTEN, hereinafter called grantor, convey to ZACK W. AYERS and CAROLINE B. AYERS, husband and wife, an undivided one-fourth (1/4) interest in all that real property situated in Lane County, State of Oregon, described as:

Lot 16 and the North 141.56 feet of Lot 17 of MEADOWVIEW, as platted and recorded in volume 5, page 9, Lane County Oregon Plat Records, in Lane County, Oregon

and covenants that grantor is the owner of the above-described interest in that property free of all encumbrances and will warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

The true and actual consideration for this transfer is \$3,500.00.

The foregoing recital of consideration is true as I verily believe.

DATED this 12 day of May, 1973.

Helyn Nordsten
HELYN NORDSTEN

Grantor

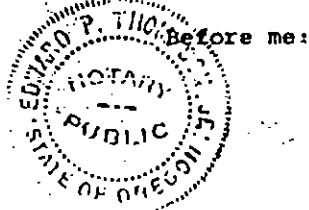
STATE OF OREGON)

) ss.

County of Lane)

May 12, 1973

Personally appeared the above-named HELYN NORDSTEN and acknowledged the foregoing instrument to be her voluntary act and deed.



Edward P. Thompson
Notary Public for Oregon
My Commission expires: 9-21-75

7324449

State of Oregon,
County of Lane—ss.
I, D. M. Penfold, 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

1973 MAY 31 AM 10 11

Recd 640 R

Lane Co. OFFICIAL RECORDS

D. M. PENFOLD Director of the
Department of Records & Elections

By *Helyn Nordsten*
Deputy
C29-283-C

12

7324450

WARRANTY DEED

LUCY RANKINS, hereinafter called grantor, conveys to ZACK W. AYERS and CAROLINE B. AYERS, husband and wife, an undivided one-fourth (1/4) interest in all that real property situated in Lane County, State of Oregon, described as:

Lot 12 and the North 141.56 feet of Lot 17 of MEADOWVIEW, as platted and recorded in volume 5, page 9, Lane County Oregon Plat Records, in Lane County, Oregon.

and covenants that grantor is the owner of the above-described interest in that property free of all encumbrances and will warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

The true and actual consideration for this transfer is \$3,500.00.

The foregoing recital of consideration is true as I verily believe.

DATED this 12th day of May, 1973.

Lucy Rankins
LUCY RANKINS

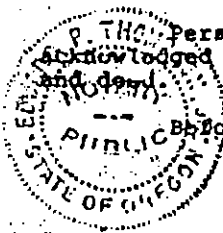
Grantor

STATE OF OREGON)

County of Lane) ss.

May 12, 1973

P. Thompson Personally appeared the above-named LUCY RANKINS and acknowledged the foregoing instrument to be her voluntary act and deed.



Before me:

Edward P. Thompson

Notary Public for Oregon

My Commission expires: 7-21-75

7324450

State of Oregon,
County of Lane — ss.
I, D. M. Penfold, 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

1973 MAY 31 AM 10 15

Recd 6:0 R

Lane County OFFICIAL RE.

D. M. PENFOLD, Director of the
Department of Records and Elections.

By *Patricia* Deputy

C29-023-105

Trish Long, 704



7324451

WARRANTY DEED

ETTA DUNLAP, hereinafter called grantor, conveys to ZACK W. AYERS and CAROLINE B. AYERS, husband and wife, an undivided one-fourth (1/4) interest in all that real property situated in Lane County, State of Oregon, described as:

Lot 18 and the North 141.56 feet of Lot 17 of MEADOWVIEW, as platted and recorded in volume 5, page 9, Lane County Oregon Plat Records, in Lane County, Oregon.

and covenants that grantor is the owner of the above-described interest in that property free of all encumbrances and will warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

The true and actual consideration for this transfer is \$3,500.00.

The foregoing recital of consideration is true as I verily believe.

DATED this 12 day of May, 1973.

Etta Dunlap
Etta Dunlap

Grantor

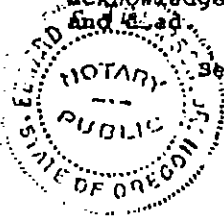
STATE OF OREGON

) ss.

County of Lane

May 12, 1973

Personally appeared the above-named ETTA DUNLAP and acknowledged the foregoing instrument to be her voluntary act and deed.



Before me:

Charles P. Robinson
Notary Public for Oregon
My Commission expires: 7-21-75

7324451

State of Oregon.
County of Lane—ss.

I, D.M. Penfold, 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

1973 MAY 31 AM 10 15

Reel 640 R

Lane County OFFICIAL RECORDS.

D. M. PENFOLD, Director of the Department of Records & Elections

Etta Dunlap
Deputy

C29-083-05

Charles P. Robinson, 1744
2.00

7324452

(14)

WARRANTY DEED

AGNES HUDSON, hereinafter called grantor, conveys to ZACK W. AYERS and CAROLINE B. AYERS, husband and wife, an undivided one-fourth (1/4) interest in all that real property situated in Lane County, State of Oregon, described

Lot 18 and the North 141.56 feet of Lot 17 of MEADOWVIEW, as platted and recorded in volume 5, page 9, Lane County Oregon Plat Records, in Lane County, Oregon

and covenants that grantor is the owner of the above-described interest in that property free of all encumbrances and will warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

The true and actual consideration for this transfer is \$3,500.00.

The foregoing recital of consideration is true as I verily believe.

DATED this 16th day of May, 1973.

Agnes Hudson
AGNES HUDSON

Grantor

STATE OF OREGON)
County of Douglas) ss.

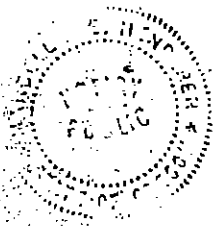
May 16, 1973

Personally appeared the above-named AGNES HUDSON and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me:

Margaret E. Henderson
Notary Public for Oregon
My Commission expires: Oct. 22 1975

7324452



State of Oregon,
County of Lane---

I, D. M. Penfold, Director of the
Department of Records and Elections,
in and for the said County, do hereby
certify that the within instrument was
received or record at:

1973 MAY 31 AM 10 15

Reel 640 R

Lane County OFFICIAL RECORDS

D. M. PENFOLD, Director of the
Department of Records and Elections

B. J. Penfold
Deputy

C29 033.95

1973 MAY 31 AM 10 15

2.00

LCE#51811

7759154

After recording return to:

Lane County Escrow Service

1633 Willamette St.

Eugene, Oregon 97401

NAME, ADDRESS, ZIP

Until a change is requested, mail all tax statements to:

Rosa Mae Weaver

29394 Airport Road

Eugene, Oregon 97402

NAME, ADDRESS, ZIP

State of Oregon,
County of Lane - ss.

I, D.M. Penfold, Director of the Department of General Services, in and for the said County, do hereby certify that the within instrument was received for record at

1977 SEP 16 PM 2 14

864 R

Reel

Lane County Official Records.

D.M. Penfold, Director of the Department of General Services

By *S. Havercroft*
Deputy

WARRANTY DEED-STATUTORY FORM

ZACK W. AYERS and CAROLINE B. AYERS, husband and wife

Grantor

conveys and warrants to ROSA MAE WEAVER, A married woman

Grantee, the following described property free of encumbrances, except as specifically set forth herein.

Lot 18 and the North 141.56 feet of Lot 17, MEADOWVIEW, as platted and recorded in Book 5, Page 9, Lane County Oregon Plat Records, in Lane County, Oregon.

B 3 16-77 (S)

3.00

(IF INSUFFICIENT SPACE, CONTINUE DESCRIPTION ON ADDITIONAL PAGE)

The said property is free from all encumbrances except 1977-78 Taxes, a lien, not yet payable.

True consideration for this conveyance is \$ 12,000.00

Dated Sept. 15 1977

Zack W. Ayers
Caroline B. Ayers

STATE OF OREGON, County of Lane, ss.

ZACK W. AYERS and CAROLINE B. AYERS

Personally appeared the above named

and acknowledged the foregoing instrument to be their voluntary act and deed. Before me:

Dated September 15 A.D. 1977

My Commission Expires 6-22-80

May E. Scott
Notary Public for Oregon

CASCADE TITLE COMPANY

1075 Oak Street, Eugene

Form No. 107

8537939

ESTOPPEL DEED

(Deed in Lieu of Foreclosure)

THIS INDENTURE between Rosa Weaver (Grantor) and Zack W. Avers and Caroline B. Avers (Grantee) husband and wife.

W I T N E S S E T H :

Whereas, title to the real property hereinafter described is vested in the Grantor, subject to the lien of a Deed of Trust recorded in the Official Records of Lane County, at Reel 864, as Instrument No. 77-59155, reference to said records hereby being made, and the Note and indebtedness secured by said Deed of Trust are now owned by the Grantee, on which Note and indebtedness there is now owing and unpaid the principal sum of \$7,494.94, plus interest thereon at the rate of eight percent (8%) per annum from October 23, 1983, the same being now in default and said Trust Deed being now subject to immediate foreclosure, and whereas the Grantor, being unable to pay the same, has requested the Grantee to accept an absolute deed of conveyance of said property in satisfaction of the indebtedness secured by said Trust Deed, And it is agreed Grantee is to retain all amounts heretofore paid, and the Grantee does now accede to said request;

NOW, THEREFORE, for the consideration hereinafter stated (which includes the cancellation of the Note and indebtedness secured by said Trust Deed and the surrender thereof marked "Paid in Full" to the Grantor) the Grantor does hereby grant, bargain, sell and convey to the Grantee, his heirs, successors and assigns all of the following described real property situate in Lane County, State of Oregon, to-wit:

20054001 10/22/85 REC 8.00
0007

Lot 18 and the North 141.56 feet of Lot 17, Meadowview, as platted and recorded in Book 5, page 9, Lane County Oregon Plat Records, in Lane County, Oregon.

together with all of the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To have and to hold the same unto the Grantee, his heirs, successors and assigns.

This Deed is intended as a conveyance, absolute in legal effect as well as in form, of the interest of the Grantor in said premises and of all redemption rights which the Grantor may have therein, and not as a mortgage, trust deed or security of any kind; that possession of said premises shall be surrendered as of the effective date of this instrument. In executing this Deed, the Grantor is not acting under any misapprehension as to the effect thereof or under any duress, undue influence and this Deed is not given as a preference over other creditors of the Grantor.

5-10-20

17

9028737

WARRANTY DEED — STATUTORY FORM
(INDIVIDUAL or CORPORATION)

TG 194,104/4688-90
Tax #51571

ZACK W. AYERS and CAROLINE B. AYERS

Grantor, conveys and warrants to JAMES F. KINLEY and CHERYL E. KINLEY, husband & wife

Grantee, the following described real property free of encumbrances except as specifically set forth herein:

Lot 18 and the North 141.56 feet of Lot 17, MEADOWVIEW, as platted and recorded in Book 5, Page 9, Lane County Oregon Plat Records, in Lane County, Oregon.

5495 JUN. 20 '90 #07 REC 5.00

5495 JUN. 20 '90 #07 PFUND 10.00

5495 JUN. 20 '90 #07A&T FUND 20.00

This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify approved uses.
Encumbrances: none

The true consideration for this conveyance is \$23,000.00 (Here comply with the requirements of ORS 93.030*)

Dated this 18 day of June, 1990; if a corporate grantor, it has caused its name to be signed by order of its board of directors.

Zack W. Ayers

Caroline B. Ayers

STATE OF OREGON)
County of Lane) ss.
June 18, 1990)
Personally appeared the above named
Zack W. Ayers and Caroline B. Ayers
and acknowledged the foregoing instrument to be their voluntary act and deed.

STATE OF OREGON, County of) ss.
Personally appeared)
who, being duly sworn,
each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of the
a corporation, and that said instrument was signed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.
Before me:

Notary Public for Oregon
My commission expires 3-6-91

Notary Public for Oregon
My commission expires:

*If the consideration consists of or includes other property or value, add the following:
*The actual consideration consists of or includes other property or value given or promised which is part of the whole consideration (indicate which):

Zack W. Ayers

Grantor's Name and Address

James F. Kinley
PO Box 8373
Corvallis, OR 97331

Grantee's Name and Address

After recording return to:

Title Guaranty

Name, Address, Zip

Until a change is requested all tax statements shall be sent to the following address:
Grantee

Name, Address, Zip

9028737

State of Oregon,
County of Lane—ss.

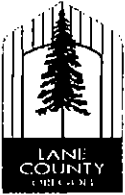
I, the County Clerk, in and for the said County, do hereby certify that the within instrument was received for record at

20 JUN 90 11:40

Recd 1638R

Lane County Official Records
Lane County Clerk

By: John E. Fawcett
County Clerk

**WILLIAM VAN VACTOR**

Lane County Administrator

August 4, 2005

Jim & Cheryl Kinley
32300 Bush Gardens
Harrisburg, OR 97446

Re: Ballot Measure 37 Claim (PA05-5553)

Dear Mr. & Mrs. Kinley:

This letter will acknowledge receipt of your demand filed April 29, 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).

Ballot Measure 37 requires that a claimant must state the amount of alleged reduction in fair market value resulting from enactment or enforcement of the challenged land use regulation(s). It is our understanding that an appraisal is one of the most effective ways to do that and show the difference in fair market value of your property before and after the application of each of the challenged regulations, individually and cumulatively. You have provided a market analysis performed by a realtor. Because an appraisal was not provided, it is difficult to process your claim.

Also missing is a 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. You have provided copies of deeds showing this information, however, 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.

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.

Finally, it would help to have some additional clarification of the relief sought. You indicate on the application form, a demand for compensation of the market value, yet you do not state in what amount. Measure 37 gives the option to Lane County to "waive" certain land use regulations rather than pay compensation. If as an alternative you wish to have the restrictive

land use regulation waived and some form of development approved, it would be helpful if you would identify all forms of relief you would like Lane County to consider.

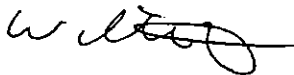
We recognize that the above-referenced information does require a certain level of preparation so that Lane County can properly evaluate this claim. We believe it is the same information that a circuit court would need to evaluate any claim made under Ballot Measure 37 if a land use regulation remains 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.

Lane County stands ready to review and determine the validity of your claim when we have the necessary information to do that evaluation. 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.

We also note that the initial \$750.00 application fee and \$100.00 notice fee were not included with your claim. Payment of the fee is necessary in order for Lane County staff to process the application. We do provide that if Lane County elects to pay compensation, the fee is refunded. Lane County stands ready to process your claim consistent with the terms of Ballot Measure 37, but payment of fees and providing some essential 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 and fees 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

ATTACHMENT #3 - 1 page

August 11, 2005

William VanVactor
Lane County Administrator
125 E. 8th Ave.
Eugene, OR 97401

Re: Ballot Measure 37 Claim (PA05-5553)

Dear Mr. Van Vactor:

In reply to your letter dated August 4, 2005, yes, we will be providing the missing information and fees so that you may process our Measure 37 claim.

Specifically, we have ordered a title report from Western Title and Escrow. We are waiting for them to complete the report. Regarding the appraisal, we felt the market analysis was adequate although we did contact an appraiser who declined doing the appraisal. At this time, we would like to use the market analysis.

There are no conditions and restrictions on this property which the title report will show.

We would first like monetary compensation for the property in the amount of \$87,000.00. This reflects the difference between the lower end of the market analysis (\$110,000.00) and what we paid for the property (\$23,000.00) given that it would have remained an **RR5 parcel as we purchased it**. If compensation will not be given, we would like the restrictive land use regulation waived so that the property may be developed. It is also our understanding that in Josephine County, the county commissioners understand Measure 37 is a transferable waiver and are allowing it to be transferred. I was told by Lane County we would have to develop our property if we wanted to sell it. This is a state issue. How can the counties have different interpretations of the ability to transfer this waiver?

We will be bringing in the application fee and notice fee no later than August 24th. If this will delay our claim, please let us know.

Feel free to contact us should you have any questions. You may contact Jim Kinley at Fleet Services (682-8532), he works for Lane County. You may contact myself at the below phone numbers.

Sincerely,

Cheryl Kinley
Home: 541-995-3400
Cell: 541-554-6476
Work: 541-369-2811

WESTERN TITLE & ESCROW COMPANY CLATSOP COUNTY

EUGENE OFFICE • 497 OAKWAY ROAD, SUITE 340 • PO BOX 10960 • Eugene, Oregon 97440 • (541) 485-3588 • FAX (541) 485-3597

ATTACHMENT # 4 - 3 pages

Date: August 15, 2005

**(MEASURE 31
CLAIM PA05-5553)**CHERYL KINLEY
ATTN: CHERYL KINLEY
32300 BUSH GARDEN
HARRISBURG, OR 97446Report No: 50-0347705
Your No: 50-0347705**LOT BOOK REPORT**

We have searched our Tract Indices as to the following described real property:

The Property described in Exhibit "A" attached hereto and made a part hereof.

and dated as of August 8, 2005 at 5:00 p.m.

We find that the title is vested in:

JAMES F. KINLEY AND CHERYL E. KINLEY, as tenants by the entirety

We also find the following apparent encumbrances prior to the effective date hereof:

1. 2005-2006 taxes, a lien in an amount to be determined, but not yet payable.

2. Unpaid taxes for the year 2004-2005
Original Amount: \$148.99 DUE plus interest
Tax Lot No.: 16 04 20 00 02000
Account No.: 0051571, Code 69-03Unpaid taxes for the year 2003-2004
Original Amount: \$169.72 DUE plus interestUnpaid taxes for the year 2002-2003
Original Amount: \$162.82 DUE plus interest

This report is to be utilized for information only. Any use of this report as a basis for transferring, encumbering or foreclosing the real property described will require payment in an amount equivalent to applicable title insurance premium as required by the rating schedule on file with the Oregon Insurance Division.

The liability of Western Title & Escrow Company of Lane County is limited to the addressee and shall not exceed the premium paid hereunder.

By: JERRILYN EGGER, Title Officer

JE/pb

Any questions concerning this Lot Book Report should be directed to JERRILYN EGGER, at (541) 431-3710.

NOTE: For copies of exceptions please call our Customer Service Department at (541) 284-8011 or email your request to eugene@westerntitle.com

EXHIBIT "A"

Lot 18 and the North 141.56 feet of Lot 17, MEADOWVIEW, as platted and recorded in Book 5, Page 9,
Lane County Oregon Plat Records, in Lane County, Oregon.



LANE COUNTY RECEIPT

Copy Reprinted on 10-17-2005 at 16:20:44

RECEIPT NUMBER: R05007309

10-17-2005

(posted on 9/2/05)

PLANNING ACTION #: PA055553

TYPE: Measure 37 Claim
SITE ADDRESS: 92095 SKINNER LN JUN
PARCEL: 16-04-20-00-02000
APPLICANT: KINLEY JAMES F & CHERYL E
32300 BUSH GARDENS
HARRISBURG OR

97446
541-995-3400

Type	Method	Description	Amount
Payment	Check	1944	850.00

Description	Current Pymt
3040 Planning Hrg Official	850.00

PAID BY: CHERYL KINLEY

Fee Processing for PA055553

Fee Summary

Calculated Fees:	\$850.00	Details
Additional Fees:	\$0.00	Details
Total Fees:	\$850.00	Details
Payments:	\$850.00	Details
Balance:	\$0.00	

☐ Include deferred payments in Fee Details
☐ Include Trust transactions in Payment Details

Pay Full Balance	Assess Additional Fee
Partial Payment	Redistribute Overpayment
Pay Specific Item(s)	Void Payments
Trust Account Transaction(s)	Reprint Receipt
Pay Deferred	Print Grid

Payment History

Deferre	Entered	Time	Type	Method	Amount	Posted	Notation
▶	09/02/2005	11:17:05	Payment	Check	\$850.00	09/02/2005	CHEKYL I II

ToolBar Order



ATTACHMENT # 6 - 1 page

September 19, 2005

Lane County
Attn: Frederique'

Re: Measure 37 Claim
James and Cheryl Kinley

Dear County Commissioners:

We purchased our property approximately 15 years ago and at that time it was Zoned RR5. Six months after we purchased the property the zoning was changed to EFU. We are requesting that the county waive the restriction that prohibits us to put a dwelling on the property. We would like to place a manufactured home on the property as soon as possible.

Thank you,

Cheryl Kinley
541-554-6476 cell

ATTACHMENT # 7- 1 page

Frederique
Lane County Land Planning
Fax: 682-3947

Re: James and Cheryl Kinley
Measure 37 claim

We hereby waive the time line of 180 days and extend it to 210 days to process
Our Measure 37 claim for our property on Skinner Lane in Junction City.
The purpose in this is so that the appraisal can be completed and turned in to
Lane County.


Cheryl Kinley

File No. 091905

10-12-05P04:03 RCVD

A Summary Appraisal Report of a Complete Appraisal of

vacant acreage located at

92095 Skinner Lane
Junction City, Oregon 97448

Tax Lot 16-04-20-02000

A 7.31 acre site, the "after" instance
(surveyed, one legal lot; assumed buildable as hypothetical instance)
(set forth as a form Land Appraisal)

AND

A Restricted Report of a Complete Appraisal of

Tax Lot 16-04-20-00-02000

A 7.31 acre, the "before" instance
(surveyed, one legal lot, not buildable at this time)
(set forth as a stated calculation of subject acreage times
EFU non-buildable site values per acre in Junction City area)**Client:**

Kinley, James F. and Cheryl E.

32300 Bush Gardens Drive
Harrisburg, Oregon 97446**Purpose of the Appraisal:**To estimate market value of present non-buildable use and
hypothetical one permitted homesite use subject to certain conditions
outlined in the text and exhibits of the report 091905**Use of the Appraisal:**

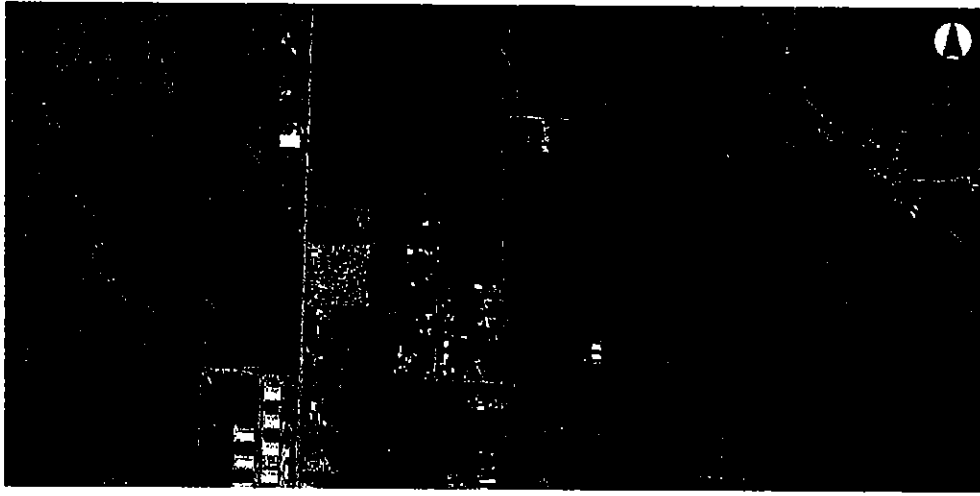
For use in a State Ballot Measure 37 proceeding brought by the owners in Lane County, Oregon

**Date of Most Recent Inspection
and Effective Date of Report:**
September 22, 2005**Report Completion Date:**
October 12, 2005**Prepared by:**Craig E. McKern, Appraiser, P.C.
Certified Residential Real Estate Appraiser
1574 Coburg Road, PMB 397
Eugene, Oregon 97401-4802
file 091905

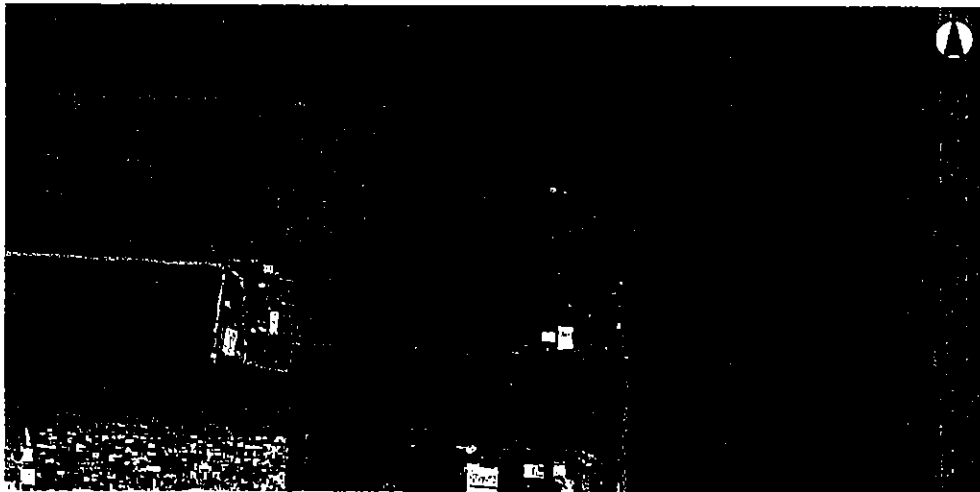
SECTION 20 T.16S. R.4W. W.M.
LANE COUNTY
SCALE 1" = 400'

[illegible]

SEE MAP 16 04 29



General aerial view of subject area with Highway 99 North in north-south center axis, hay storage sheds on Green Hill Road just north of Meadowview Road, wrecking yard southwest of subject and subject left of center at north end of Skinner Lane



Detail aerial photo of subject site in center of photo showing barns at southeast corner, wrecking yard in southwest corner, dwelling and improvements on TL 2001 and on TL 2003; Highway 99 North on far right. Above, various Skinner Lane homesites

Site photographs One

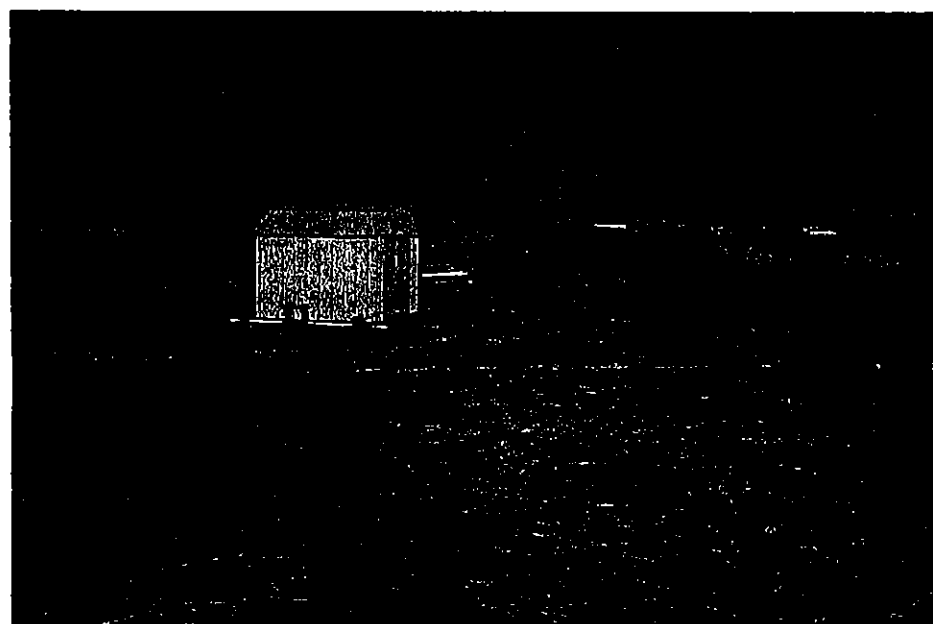
Borrower/Client	No borrower				
Property Address	92095 Skinner Lane // Tax Lot 16-04-20-00-02000				
City	Junction City	County	Lane	State	OR
				Zip Code	97448
Lender	Kinley, James F. and Cheryl E.				



Looking south on Skinner Lane from subject southeast corner at road; Tax Lot 2003 on right; grass seed field to left; various homesites on Skinner lane to left and center



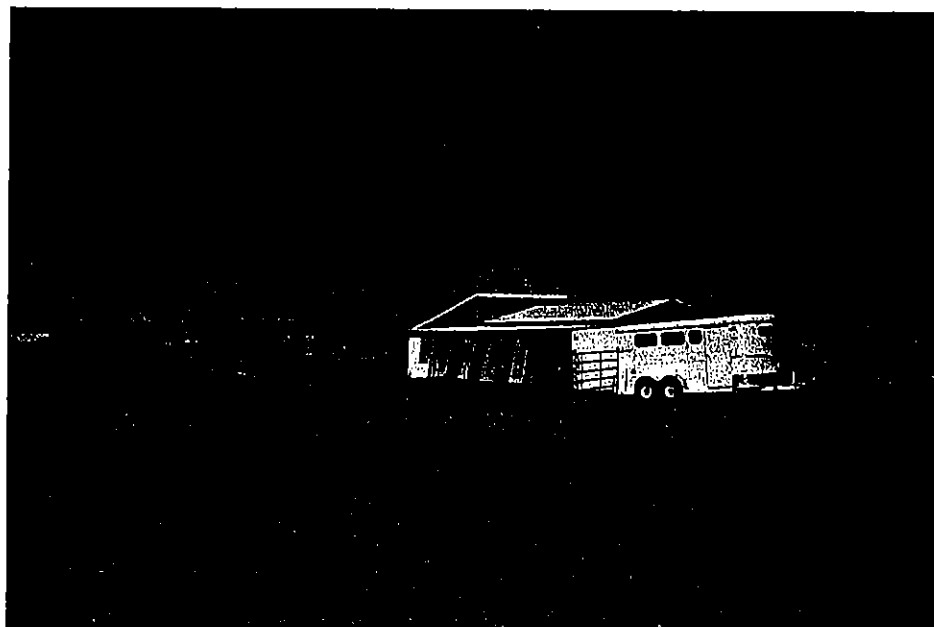
Looking south on Skinner Lane with TL 2003 on right



Looking north from subject southeast property corner on Skinner Lane to fenced off but not publicly used Skinner Lane as platted; subject site on left

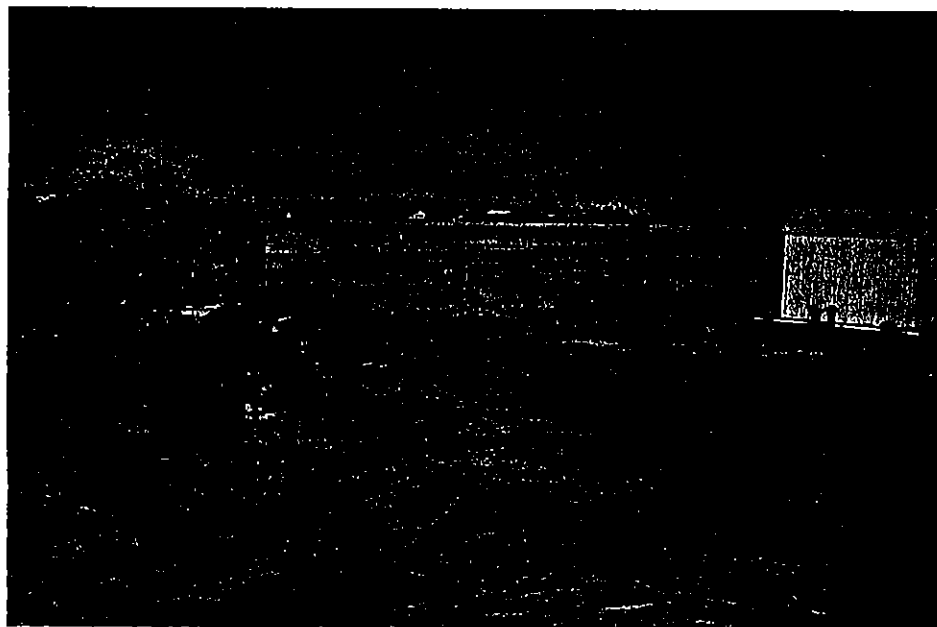
Site photographs Two

Borrower/Client	No borrower				
Property Address	92095 Skinner Lane // Tax Lot 16-04-20-00-02000				
City	Junction City	County	Lane	State	OR
Zip Code	97448				
Lender	Kinley, James F. and Cheryl E.				



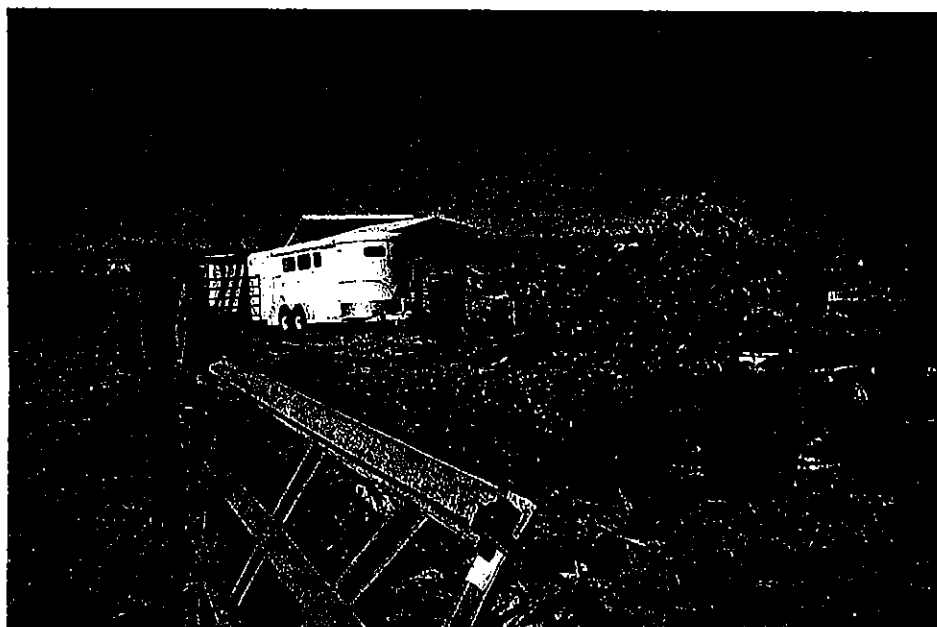
Barn, sheds on subject from Skinner Lane, looking northwest toward Green Hill Road

Spot scrub oaks and brush



Northwest portion of site looking northwest toward Green Hill Road, photo from southwest corner

Due to locked gate and barbed wire, appraiser was not able to access all of the site by walking the site; however it is a wide open site for viewing and aerial photos, more distant views from Highway 99 North and Green Hill Road were also available



Looking west along south line of subject with TL 2003 on left

LAND APPRAISAL REPORT

File No. 091905

HYPOTHETICAL

File No. 091905

Property Appraisal Report

Owner No borrower

Census Tract 04.02

Map Reference Pittmon County 5

Property Address 92095 Skinner Lane // Tax Lot 16-04-20-00-02000

City Junction City

County Lane

State OR

Zip Code 97448

Legal Description Lot 18 and North Half of Lot 17, Plat of Meadowview (see Lane County deed 9002873700)

Sale Price \$ Not Sold

Date of Sale N/A

Loan Term N/A

Yrs.

Property Rights Appraised

Fee

Leasehold

De Minimis PUD

Actual Real Estate Taxes \$ 152.91

(yr)

Loan charges to be paid by seller \$ N/A

Other sales concessions Not Applicable

Lender/Client Kinley, James F. and Cheryl E.

Address 32300 Bush Gardens Drive, Harrisburg, Oregon 97446

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

80% 1 Family

1% 2-4 Family

1% Apts.

0% Condo

3% Commercial

Change in Present Land Use

10% Industrial

5% Vacant

5% public, parks, other

Not Likely

Likely (*)

Taking Place (*)

Predominant Occupancy

Owner

Tenant

<5 % Vacant

Single Family Price Range

\$ 120,000 to \$ 500,000+

Predominant Value \$ 300M +/-

Single Family Age

<10 yrs. to 100+ yrs.

Predominant Age

None 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

Good Avg. Fair Poor

Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, view, noise): Subject is located off Highway 99 North in the Meadowview district of south central Willamette Valley. Area continues to develop along Highway 99 North with strip commercial, industrial and spot residential along this 5 lane major corridor linking NW Eugene and south Junction City. Access to services is average to good; the "wide range of improvements" property mix reflects expanding settlement over the years south from Junction City and north from Eugene.

Dimensions 496' x 642.2' more or less

7.31 Sq. Ft. or Acres

Corner Lot

Zoning classification E40- Exclusive Farm Use 40 acre minimum new site

Present Improvements do do not conform to zoning regulations

Highest and best use

Present use

Other (specify) future single family residence under Measure 37 appeal procedure

Elec.

Public

Other (Describe)

OFF SITE IMPROVEMENTS

Topo Level

Gas

Public

Private

Street Access

Size Typical of the area

Water

Public

Private

Surface All Weather Gravel

Shape Rectangular

San. Sewer

Public

Private

Maintenance

View Fields, distant hills

Old Approval

Storm Sewer

Curb/Gutter

Drainage Normally Adequate; FEMA 41039C0615F; Zone X

Underground Elect. & Tel.

Sidewalk

Street Lights

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): Site is one of many small acreages platted out of vacant farmland as 5+/- acre "ranchettes" in early 1900's. A number of adjacent sites are residentially developed; see aerial photos. Access via Skinner Lane which is platted past subject to Milliron Road but not developed; see photos and maps. Site had sand filter septic approval in 1980's per owner. Site has been used for cattle pasture since purchase, is fenced, has older barns/sheds of minimal value.

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	92095 Skinner Lane Junction City	30747 Hayes Lane Junction City// asking \$110,000	95413 Highway 99 East Junction City// asking \$175,000	90458 Goodman Road Junction City// asking \$199,000
Proximity to Subject		4 miles northeast	6 miles northeast	4 miles southwest
Sales Price	\$ Not Sold	\$ 102,000	\$ 150,000	\$ 160,000
Price	\$	\$	\$	\$
Data Source	Observation/County	Observation/County/ Realtor	Observation/County/ Realtor	Observation/County/ Realtor
Date of Sale and Time Adjustment	DESCRIPTION	DESCRIPTION +(-)\$ Adjust.	DESCRIPTION +(-)\$ Adjust.	DESCRIPTION +(-)\$ Adjust.
	N/A	05-2005 (COE)	12-2004 (COE)	03-2005 (COE)
Location	Average/Traffic/A-C	Ave./No Traffic/No	Average/Traffic/No	Ave./No Traffic/AC
Site/View	7.31 acres m//Fields	4.74 ac m// fields	11.28 ac m// fields	2.98 ac m// fields
Dwelling/ permitted	None/ Assumed	None/ Assumed	MH site/ permitted	MH site/ permitted
Well/Septic system	None/Permit Asmd	Installed/ Installed	Installed/ Installed	Installed/ Installed
Drive/Road access	Public way/Gravel	Public way/Gravel	Public way/paved	Public way/paved
Utilities/outbuildings	Installed/Barn, fence	Installed/ fence	Installed/ shed	Installed/shop/Gar.
Sales or Financing Concessions	Cash to Seller assumed	New Conv. Loan No Points, Costs	Cash	New Conv. Loan No Points, Costs
Net Adj. (Total)		\$ 12,000	\$ 41,000	\$ 37,000
Indicated Value of Subject		\$ 90,000	\$ 109,000	\$ 123,000

Comments on Market Data: Adjustment made for subject near aircraft (AC) zone north of Eugene Airport; Sale 3 in similar area; Sale 2 affected by Hwy 99 East traffic more than subject affected by Highway 99 North traffic noise. Limited number of sold vacant and buildable sites available for use as comparables in HYPOTHETICAL approved dwelling site scenario; see comments below for "as is" non-buildable stated value opinion.

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, comments. Subject appraised in "before" and "after scenarios to develop value difference as noted on cover page. The "as is before" scenario is for 7.31 acres, not buildable, farm use only, and using sales of larger sites in same general Junction City location, a value of \$1,500 per acre is indicated when subject's Awbrig Class IVw soils considered. See below.

Final Reconciliation: Sale 1 appears low indicator at sale price; Sale 3 a high indicator; all three sales have soil types superior to subject and Sale 3 had a "fixer" mobile home on site as placeholder plus garage, a 936sf shop on slab, an equipment shed. Reconciled value for "as is before" scenario is \$11,000 (\$1,500/acre times 7.31 acres = \$10,965 = \$11,000 rounded as EFU zoned farmland only without homesite permit. *****

I ESTIMATE THE MARKET VALUE, AS DEFINED, OF SUBJECT PROPERTY AS OF September 22, 2005 to be \$ 110,000

The opinion of value stated is within a range of indicated values. Value opinion is provided for comparison purposes in a Measure 37 proceeding ***** Conclusion: value difference between "after" and "before" scenarios is \$99,000 by arithmetic, showing value in homesite vs. non-homesite.

Craig E. McKern, Appraiser, P.C.

Appraiser(s)

Review Appraiser (if applicable)

Did

Did Not Physically Inspect Property

[Y2K]

Craig E. McKern, Appraiser, P.C.

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

Borrower

File No. 091905

Address 92095 Skinner Lane // Tax Lot 16-04-20-00-02000

Junction City

County Lane

State OR

Zip Code 97448

Appraiser Kinley, James F. and Cheryl E.

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 observation 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 no directly observed toxic materials or hazardous substances in the immediate area of the subject; if any do exist, 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 091905 which includes "before and after" scenarios. A Restricted Appraisal Report is included in the text of the Summary Report as a statement of value "as is" using the subject acreage times known EFU zoned non-buildable site values in the Junction City area. 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: October 12, 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

SUPPLEMENTAL ADDENDUM

File No. 091905

Borrower/Client No borrower			
Property Address 92095 Skinner Lane // Tax Lot 16-04-20-00-02000			
City Junction City	County Lane	State OR	Zip Code 97448
Lender Kinley, James F. and Cheryl E.			

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 observed the subject site from the gate area only on September 22, 2005 (due to locked gate with no way around). 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. The improvements on site were considered to have minimal remaining value and so a cost approach was omitted for purposes of this report.

An "as is" land value range was also determined by appraisal of the total subject site "as is" in the "before" instance as a non-buildable EFU zoned acreage and this value is stated within the text of the form report but is intended as a separate value in the "before" instance which is a Restricted Appraisal Report in its own right but consisting of two sentences only.

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 site at this time.

Purpose of the Appraisal and Use of the Report:

Purpose of this report is as stated on the cover page and on the USPAP addendum attached.

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, James and Cheryl Kinley, 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.

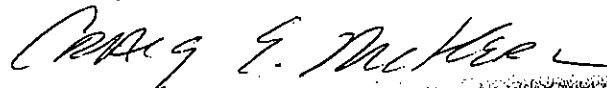
Supplemental Certifications:

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 October 12, 2005

Craig E. McKern
president
Craig E. McKern Appraiser P.C.



**BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY,
OREGON**

ORDER No.

) 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 (James F. and Cheryl E. Kinley /
) PA05-5553)

WHEREAS, the voters of the State of Oregon passed Ballot Measure 37 on November 2, 2004, which added provisions to Oregon Revised Statutes (ORS) Chapter 197 to require, under certain circumstances, payment to landowners if a government land use regulation restricts the use of private real property and has the effect of reducing the property value; and

WHEREAS, the Board of County Commissioners of Lane County enacted Ordinance No. 18-04 on December 1, 2004, to establish a real property compensation claim application process in LC 2.700 through 2.770 for Ballot Measure 37 claims; and

WHEREAS, the County Administrator has reviewed an application for a Measure 37 claim submitted by James F. and Cheryl E. Kinley (PA05-5553), the owners of real property located on Skinner Lane near Junction City and more specifically described in the records of the Lane County Assessor as map 16-04-20, tax lot 2000, consisting of approximately 7 acres in Lane County, Oregon; and

WHEREAS, the County Administrator has determined that the application appears to meet all of the criteria of LC 2.740(1)(a)-(d), appears to be eligible for just compensation and appears to require modification, removal or not applying the restrictive land use regulations in lieu of payment of just compensation and has referred the application to the Board for public hearing and confirmation that the application qualifies for further action under Measure 37 and LC 2.700 through 2.770; and

WHEREAS, the Board has confirmed the application appears to qualify for compensation under Measure 37 but Lane County has not appropriated funds for compensation for Measure 37 claims and has no funds available for this purpose; and

WHEREAS, the County Administrator has determined under LC 2.740(4) that modification, removal or not applying the restrictive land use regulation is necessary to avoid owner entitlement to just compensation under Ballot Measure 37 and made that recommendation to the Board; and

WHEREAS, on November 8, 2005, the Board conducted a public hearing on James F. and Cheryl E. Kinley's Measure 37 claim (PA05-5553) and has now determined that the restrictive Exclusive Farm Use zone (E-40/RCP) dwelling requirements of LC 16.212 were enforced and made applicable to prevent James F. and Cheryl E. Kinley from developing the property as they might have been allowed under the regulations of the Rural Residential (RR-5) zone of LC 16.231 in effect at the time the Kinleys acquired the property on June 18, 1990 and that the

public benefit from application of the current E-40 dwelling land use regulations to the applicants' property is outweighed by the public burden of paying just compensation; and

WHEREAS, James F. and Cheryl E. Kinley request either \$87,000 as compensation for the reduction in value of their property or waiver of all land use regulations that would restrict development of a dwelling that could have otherwise been allowed at the time they acquired the property; and

WHEREAS, the Board finds that under LC 2.760(3) the public interest would be better served by modifying, removing or not applying the challenged land use regulations of the E-40 zone to the subject property in the manner and for the reasons stated in the report and recommendation of the County Administrator incorporated here by this reference except as explicitly revised here to reflect Board deliberation and action to allow James F. and Cheryl E. Kinley to make application for development of the subject property in a manner similar to what they could have been able to do under the regulations in effect when they acquired the property; and

WHEREAS, this matter having been fully considered by the Lane County Board of Commissioners.

NOW, THEREFORE IT IS HEREBY ORDERED that the applicant James F. and Cheryl E. Kinley made a valid claim under Ballot Measure 37 by describing the use being sought, identifying the county land use regulations prohibiting that use, submitting evidence that those land use regulations have the effect of reducing the value of the property, showing evidence that they acquired the property before the restrictive county land use regulations were enacted or enforced and the Board hereby elects not to pay just compensation but in lieu of payment the Kinleys' request shall be granted and the restrictive provisions of LC 16.212(5), (6) and (7) that limit the development of dwellings on land in the Exclusive Farm Use zone (E-40/RCP) shall not apply to James F. and Cheryl E. Kinley, so that they can make application for approval to develop the property on Skinner Lane commonly known as Lane County Assessor map 16-04-20, tax lot 2000, in a manner consistent with the RR-5 zone (LC 16.231) and other land use regulations in effect when they acquired the property on June 18, 1990.

IT IS HEREBY FURTHER ORDERED that James F. and Cheryl E. Kinley still will need to make application and receive approval for a dwelling under the other land use regulations applicable to placing a dwelling on property were not specifically identified or established by James F. and Cheryl E. Kinley as restricting the use of the property for a home site and it would be premature to not apply those regulations given the available evidence. To the extent necessary to effectuate the Board action to not apply the dwelling or division restrictions of the applicable zone described above, the claimant shall submit appropriate applications for review and approval of divisions and any new dwellings to show the specific development proposals and in the event additional county land use regulations result in a restriction of those uses that has the effect of reducing the fair market value of the property, the County Administrator shall have the authority to determine those restrictive county land use regulations that will not apply to that development proposal to preclude entitlement to just compensation under Measure 37. All other Lane Code land use and development regulations shall remain applicable to the subject property until such time as they are shown to be restrictive and that those restrictions reduce the fair market value of the subject property.

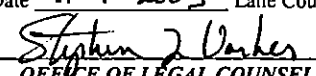
IT IS HEREBY FURTHER ORDERED that this action making certain Lane Code provisions inapplicable to James F. and Cheryl E. Kinley's use of their property does not constitute a waiver or modification of state land use regulations and does not authorize immediate construction of a dwelling. The requirements of state law, including but not limited to ORS 215.213, Goal 3 and OAR chapter 660, division 33, may contain specific standards regulating development of the subject property and the applicants should contact the Department of Administrative Services (DAS - State Services Division, Risk Management - Measure 37 Unit, 1225 Ferry Street SE, U160, Salem, OR 97301-4292; Telephone: (503) 373-7475; website address: <http://www.oregon.gov/DAS/Risk/M37.shtml>) and have the State of Oregon evaluate a Measure 37 claim and provide evidence of final state action before seeking county land use approval.

IT IS HEREBY FURTHER ORDERED that the other county land use regulations and rules that still apply to the property require that land use, sanitation and building permits be approved by Lane County before any development can proceed. Notice of this decision shall be recorded in the county deed records. This order shall be effective and in effect as described in LC 2.770 and Ballot Measure 37 to the extent permitted by law. This order does not resolve several questions about the effect and application of Measure 37, including the question of whether the right of applicants to build another dwelling can be transferred to another owner. If the ruling of the Marion County Circuit Court in *MacPherson v. Dept. of Administrative Services*, (Marion County Circ. Ct. Case No. 00C15769, October 14, 2005) becomes final and that decision or any subsequent court decision has application to Lane County in a manner that affects the authority of this Board to grant relief under Ballot Measure 37 and LC 2.700 through 2.770 then the validity and effectiveness of this Order shall be governed by LC 2.770 and the ruling of the court.

DATED this _____ day of _____, 2005.

Anna Morrison, Chair
Lane County Board of County Commissioners

APPROVED AS TO FORM

Date 11-1-2005 Lane County

OFFICE OF LEGAL COUNSEL