

W.I.S.d.



Memorandum Date: August 28, 2006  
Order Date: September 20, 2006

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**TO:** Board of County Commissioners

**DEPARTMENT:** Public Works Dept./Land Management Division

**PRESENTED BY:** BILL VANVACTOR, COUNTY ADMINISTRATOR  
KENT HOWE, PLANNING DIRECTOR

**AGENDA ITEM TITLE:** 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 (PA06-5965, BRAUN)

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**I. MOTION**

Move to approve the Measure 37 Claim and adopt the order attached to this memo.

**II. AGENDA ITEM SUMMARY**

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 Kasimer and Roberta Braun to use the property as allowed at the time they acquired an interest in the property?

**III. BACKGROUND/IMPLICATIONS OF ACTION**

**A. Board Action and Other History**

**Applicant:** Kasimer and Roberta Braun

**Current Owner:** Kasimer and Roberta Braun

**Agent:** Karl Mueller

**Map and tax lots:** 16-03-32 #1212 and #1213

**Acreage:** 4 acres

**Current Zoning:** RR2 (Rural Residential)

**Date Property Acquired:** July 9, 1971

**Date claim submitted:** May 30, 2006. The 180-day processing timeline is November 26, 2006.

**Land Use Regulations in Effect at Date of Acquisition:** AGT (Agriculture, Grazing, Timber Raising)

**County land use regulation which restricts the use and reduces the fair market value of applicant's property:** LC 16.290. Minimum lot size in the RR2 (Rural Residential) zone.

**B. Policy Issues**

As directed by the Board on March 21, 2006, a applicant must submit reasonable and competent evidence of a reduction in fair market value from a land use regulation. An appraisal is not required, but an analysis of the tax values is not adequate. The applicant has submitted a real estate broker's opinion of value. The Board has previously relied on this type of evidence to demonstrate a reduction in value. Because of this, the County Administrator has waived the requirement for an appraisal. If the Board determines the submitted evidence is not reasonable or competent, the Board has the authority to require an appraisal.

**C. Board Goals**

The public hearing will provide an opportunity for citizen participation in decision making, in conformance with the overall goals of the Lane County Strategic Plan.

**D. Financial and/or Resource Considerations**

The applicant has requested compensation in the amount of \$220,000 or a waiver of the RR2 (Rural Residential) zone regulations that prohibit the division of the property into lots containing less than two acres.

**E. Analysis**

The applicant has submitted information in support of this claim including a real estate broker's opinion of value, numerous deeds and the processing fee. The property contains 4 acres, two dwellings, and is zoned RR2 (Rural Residential). In this zone, the minimum lot size is two acres. The applicant wishes to divide the property into lots that contain less than two acres.

Kasimer and Roberta Braun acquired an interest in the property on July 9, 1971 (WD 7421566). It was conveyed to the Braun Family Living Trust in 1999, then back to the current owners in 2005.

Although the agent has stated the Trust was revocable and Kasimer and Roberta Braun were the trustees, the Trust formation documents have not been provided.

To have a valid claim against Lane County under Measure 37 and LC 2.700 through 2.770, the applicant must prove:

1. Lane County has enacted or enforced a restrictive land use regulation since the owner acquired the property, and
2. The restrictive land use regulation has the effect of reducing the fair market value of the property, and
3. The restrictive land use regulation is not an exempt regulation as defined in LC 2.710.

### **Restrictive Regulations**

The property is owned by Kasimer and Roberta Braun. They acquired an interest in the property on July 9, 1971 (WD 7421566). On that date, the property was zoned AGT (Agriculture, Grazing, Timber Raising) and the minimum lot size was one acre. Currently, the property is zoned RR2 (Rural Residential) and the minimum lot size is two acres.

The property was conveyed to the Braun Family Living Trust in 1999, then back to the current owners in 2005. The applicant has stated the Trust was revocable and Kasimer and Roberta were the trustees, but no evidence to that effect has been submitted. If this evidence is submitted and it confirms that Kasimer and Roberta continued to have an interest in the property, it appears the Trust would not be considered a new owner and the restrictive regulations could be waived to 1971 for the individuals. If this evidence is not submitted at the hearing, the Board should request this information.

### **Reduction in Fair Market Value**

The applicant has submitted an opinion of value from a real estate broker. The applicants allege a reduction of \$220,000. According to the opinion of value, a two-acre lot in the Coburg area will sell for \$190,000, and the existing dwelling at 32347 Coburg Bottom Loop Rd. could sell for \$450,000 on a one-acre lot.

The Board must determine if this is reasonable and competent evidence of a reduction in fair market value resulting from enforcement of a restrictive land use regulation.

### **Exempt Regulations**

The RR2 (Rural Residential) zone minimum lot size of two acres does not appear to be an exempt regulation described in Measure 37 or LC 2.710.

### **Conclusion**

It appears this is a valid claim if:

- New evidence demonstrates the Trust was revocable and Kasimer and Roberta were the trustees and retained sufficient continuous interest in the property, and

- The Board determines the submitted evidence demonstrates a reduction in fair market value resulting from enforcement of a restrictive land use regulation.

**F. Alternatives/Options**

The Board has these options:

- Determine the application appears valid and adopt the order attached to this report.
- Require more information regarding the reduction in value or ownership.
- Conclude the application is not a valid claim and direct the issuance of a final written decision by the County Administrator denying the Claim.

**V. TIMING/IMPLEMENTATION**

If the Board determines this is a valid claim and waives a land use regulation, the applicant must receive a similar waiver from the state before a land use application and/or development proposal is submitted.

**VI. RECOMMENDATION**

If new evidence is submitted that demonstrates the Trust was revocable and Kasimer and Roberta were the trustees and retained an interest in the property, and if the Board determines the submitted evidence demonstrates a reduction in fair market value resulting from enforcement of a restrictive land use regulation, the County Administrator recommends the Board waive the restrictive land use regulations adopted after July 9, 1971, for Kasimer and Roberta Braun.

**VII. FOLLOW-UP**

No other action is required.

**VII. ATTACHMENTS**

- Draft order to approve the claim of Kasimer and Roberta Braun.
- Vicinity Map.
- Claim submitted on May 30, 2006.

**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 (PA06-5965, Braun)

**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 Kasimer and Roberta Braun (PA06-5965), the owners of real property located at 32347 Coburg Bottom Loop, Eugene, and more specifically described in the records of the Lane County Assessor as map 16-03-32, tax lots 1212 and 1213, consisting of approximately four 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 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**, the Board has reviewed the evidence and 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**, on September 20, 2006, the Board conducted a public hearing on the Measure 37 claim (PA06-5965) of Kasimer and Roberta Braun and has now determined that the restrictive RR2 (Rural Residential) zone land division requirements of LC 16.290 were enforced and made applicable to prevent Kasimer and Roberta Braun from developing the property as might have been allowed at the time they acquired an interest in the property on July 9, 1971, and that the public benefit from application of the current RR2 (Rural Residential) zone minimum parcel size

regulations to the applicants' property is outweighed by the public burden of paying just compensation; and

**WHEREAS**, Kasimer and Roberta Braun request either \$220,000 as compensation for the reduction in value of their property, or waiver of all land use regulations that would restrict the division of land into lots containing less than two acres and placement of a single family dwelling on each lot, uses that could have otherwise been allowed at the time they acquired an interest in 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 RR2 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 Kasimer and Roberta Braun to make application for development of the subject property in a manner similar to what could have been approved 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 Kasimer and Roberta Braun 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 request of Kasimer and Roberta Braun shall be granted and the restrictive provisions of LC 16.290 that prohibit the creation of lots containing less than two acres in the RR2 (Rural Residential) Zone shall not apply to Kasimer and Roberta Braun, so that they can make application for approval to develop the property described in the records of the Lane County Assessor as map 16-03-32, tax lots 1212 and 1213, in a manner consistent with the land use regulations in effect when they acquired an interest in the property on July 9, 1971.

**IT IS HEREBY FURTHER ORDERED** that Kasimer and Roberta Braun still will need to make application and receive approval of any division of the property or placement of a dwelling under the other land use regulations applicable to dividing the property or placing a dwelling that were not specifically identified or established by Kasimer and Roberta Braun as restricting the division of the property or placement of a dwelling, 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 land 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 have 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 and return to the Boar for action if necessary. 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 use of the property by Kasimer and Roberta Braun does not constitute a waiver or modification of state land use regulations and does not authorize immediate division of the subject property or immediate construction of a dwelling. The requirements of state law 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 divide or build dwellings 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) or any other court decision involving Ballot Measure 37 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.

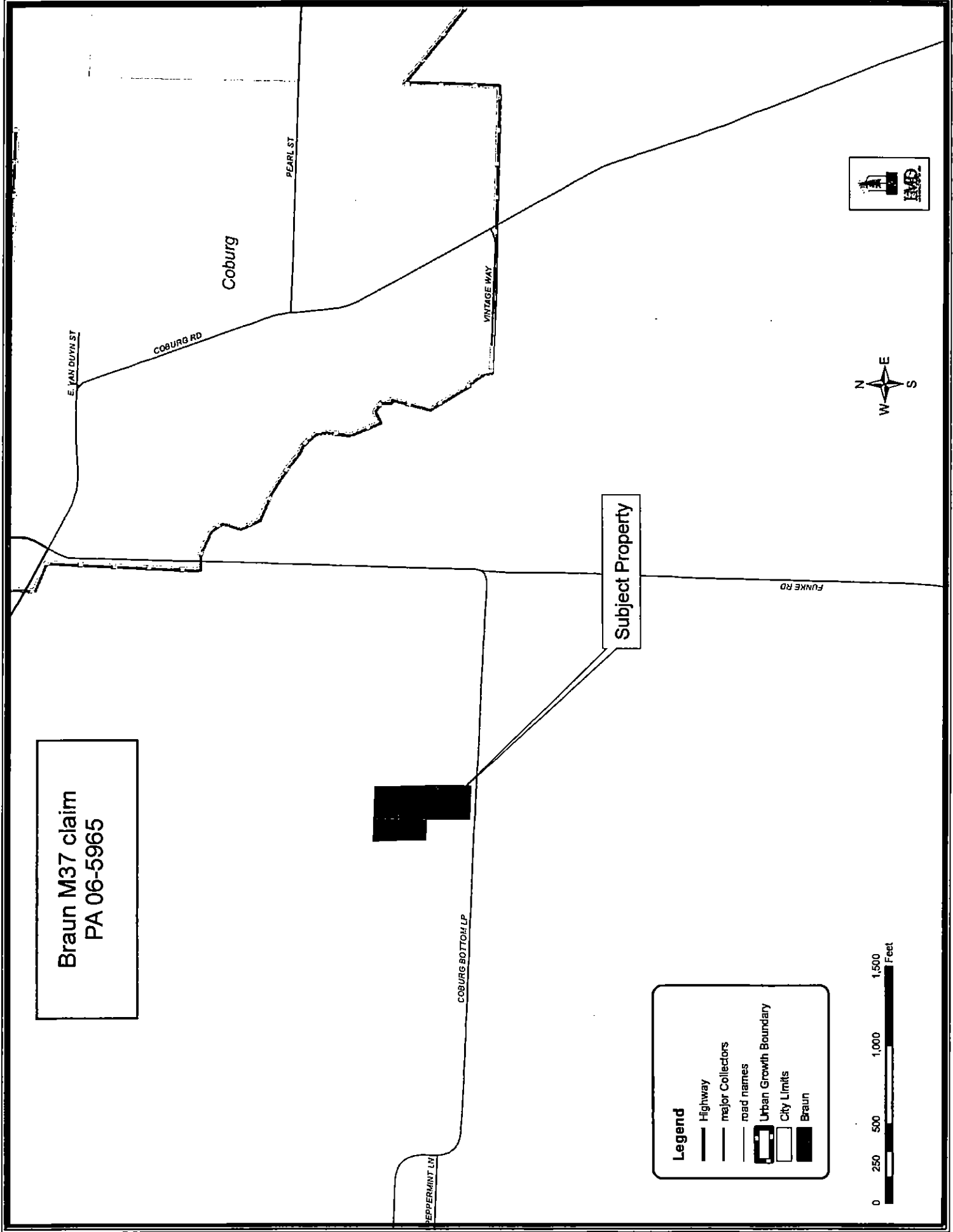
DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Bill Dwyer, Chair  
Lane County Board of County Commissioners

APPROVED AS TO FORM

Date 9-13-2006 Lane County

  
OFFICE OF LEGAL COUNSEL

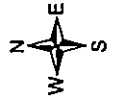


Braun M37 claim  
PA 06-5965

Subject Property

**Legend**

- Highway
- major Collectors
- road names
- Urban Growth Boundary
- City Limits
- Braun







LAND MANAGEMENT DIVISION

Measure 37 Claim Form

125 E 8th AVENUE, EUGENE OR 97401 PLANNING: 682-3807

For Office Use Only. FILE #

CODE: PLN-M37

FEE: \$850

This completed form, supporting documentation and processing fee must be submitted to the Lane County Land Management Division for all claims subject to the provisions added to ORS Chapter 197 by Ballot Measure 37 (November 4, 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.

LOCATION

16 03 32 00 1212, 1213
Township Range Section qtr section Taxlot

32347 Coburg Bottom Loop Eugene, OR 97408
Site address

Applicant (print name): Kasimer and Roberta Braun

Mailing address: 32347 Coburg Bottom Loop Eugene, OR 97408

Phone: (541) 915-7731 Email: NA

Applicant Signature: Kasimer J Braun, Roberta Braun

Agent (print name): Karl Mueller

Mailing address: 380 Q St. Ste. 220 Springfield, OR 97478

Phone: (541) 302-9830 Email: Karl@metroplanning.com

Agent Signature: Karl Mueller

Land Owner (print name): Kasimer Braun, Roberta Braun

Mailing address: 32347 Coburg Bottom Loop Eugene, OR 97408

Phone: (541) 915-7731 Email: NA

Land Owner Signature: Kasimer J Braun, Roberta Braun

By signing this application, the applicant, agent and landowner(s) certify the following: 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 owners(s) agree to this claim as evidenced by the signature of those owners. (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 4, 2004).

**Additional land owners, lien holders, trustees, lessees or anyone with an interest in the subject property. Describe the ownership interest. Attach more pages if necessary.**

Name	Signature	Address
Name	Signature	Address
Name	Signature	Address
Name	Signature	Address

**Submit the following documents:**

- **Title Report.** This report must identify the current land owner(s) and the date the current land owner(s) acquired the property or an interest in the property.
- **Description Card and deeds.** The description card is available in the Tax Assessor's Department. Submit all the deeds listed on the card from the date the current owner acquired an interest in the property. The deeds must verify the current land owner, as listed on the Title Report, and demonstrate continuous ownership by that owner since the date of acquisition.
- **If the property is in a Trust, LLC or other type of ownership,** submit documentation regarding the ownership. These document must show whether the Trust, LLC or other type of ownership is revocable and identify all persons with an interest in the ownership.
- **If the property was acquired though a land sale contract,** identify the original land owner and each person who assumed the contract prior to the current land owner. Include the documentation that demonstrates when the contract was conveyed. Also, submit the document(s) demonstrating the contract was completed and ownership was conveyed to the current owner.
- **Leases, covenants, conditions or restrictions applicable to the subject property.**
- **Reasonable and competent evidence of a reduction in fair market value from a land use regulation.**

Current Zoning: RR-2

Acreage: 4.075 AC

When did the current land owner acquire an interest in the property? July 9, 1971

When did the family acquire an interest in the property? July 9, 1971

Current fair market value of property: \$ 680,000.00

Alleged reduction in fair market value: \$ 220,000.00

**EXISTING IMPROVEMENTS** Identify any existing improvements to the property such as any homes, roads, other structures, etc.

Tax lot 1212 : Home; shop; barn; woodshed.

Tax lot 1213 : Vacant

What relief is being sought? Are you requesting monetary compensation or a waiver of a land use regulation(s)? If a waiver is desired, what is the desired use and/or how do you want to develop the property?

The applicant's request: waiver of a land use regulation (LC 16.231(k)) and any other minimum lot size requirement. The applicant also requests waiver of any provisions of Lane Code Chapter 16 that apply to the subject parcels.

**APPROVAL CRITERIA**

Lane Code 2.740(1)

The County Administrator shall make a determination as to whether the application qualifies for Board compensation consideration. An application qualifies for compensation consideration if the applicant has shown that all of the following criteria are met:

- (a) The County has either adopted or enforced a land use regulation that restricts the use of private real property or any interest therein;
- (b) 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;
- (c) The challenged land use regulation was adopted, enforced or applied after the current owner of the property (the applicant) became the owner; and
- (d) The challenged regulation is not an exempt regulation as defined in LC 2.710.

Answer the following questions. Attach additional pages if necessary.

- What land use regulation(s) has been enacted since the current owner acquired the property that reduced the fair market value of the property?
- How has the identified regulation(s) reduced the fair market value of the property?
- What evidence are you providing that demonstrates the value reduction? Explain the evidence.

See Narrative

**APPLICATION FOR COMPENSATION OR WAIVER OF IMPOSED  
LAND USE REGULATIONS DUE TO REGULATORY REDUCTION  
OF PROPERTY VALUE**

**I. GENERAL INFORMATION**

<b>Owner/Applicant:</b>	Kasimer and Roberta Braun, 32347 Coburg Bottom Loop Eugene, OR 97408 Ph: 541-915-7731
<b>Applicant's Representative:</b>	Karl Mueller, Metro Planning 380 Q Street, Suite 220 Springfield, OR 97478 Tel: (541) 302-9830
<b>Assessor's Map &amp; Tax Lot Number(s):</b>	16-03-32-00-01212 16-03-32-00-01213
<b>Area of Request:</b>	4.075 acres
<b>Zoning:</b>	Rural Residential, 2 Acre Minimum (RR-2)

**II. EXECUTIVE SUMMARY**

**A. Background**

The property subject to this Measure 37 claim consists of two contiguous tax lots 1212 and 1213 owned by Kasimer and Roberta Braun. Tax lot 1212 is a 2.00 acre parcel developed with a single family home in which the applicants reside. Tax lot 1213 is a vacant 2.075 acre parcel. The adjacent .8 parcel, Tax Lot 1209 is owned by the daughter of the applicants and developed with a single family home. The applicants, Kasimer and Roberta Braun, desire to obtain waiver of land use regulations imposed since the applicants acquired the subject parcel in 1971. The waiver would allow as many as three additional homesites on the subject property.

The applicants acquired the property subject to this application July 9, 1971. At the time of the acquisition of the subject property, the property was zoned AGT (Agriculture, Grazing and Timber) the property had been zoned AGT since July 21, 1966 and was zoned AGT on July 9, 1971 (Exhibit 1) the date of acquisition.

As evidenced by the attached Title Report (Exhibit 2) and deed information, the subject property has been in the applicants' ownership since July 9, 1971. The property was transferred to the Braun Family Living Trust (a revocable trust) in 1999 for the purposes of testamentary disposition. Kasimer and Roberta Braun were the sole trustees and were also beneficiaries of that revocable trust and continued to pay property taxes on the property and retained an interest in the property. The trust was revoked and the subject property is now owned by Kasimer and Roberta Braun as individuals.

It is the position of the DLCD that transfer of property to a revocable trust does not create a new date of acquisition for the purposes of Measure 37; there are numerous Final Staff Reports and Orders that confirm this position. Additionally, during the Iverson matter, PA-05-6613, Lane County, May 3, 2006 beginning at four hours and twenty seven minutes and fifteen seconds of the streaming video the following exchange took place:

Question (Commissioner Sorenson): "I wanted to ask Kent or Steve . . . with the creation of the trust does that meet the requirements of Measure 37 as you're seeing it here?"

Answer (Steve): "I think as we review, it's a revocable trust and Margaret Iverson is a trustee so Margaret Iverson retains an ownership interest in the subject property and that has not changed."

(Commissioner Sorenson): "OK."

(Steve): "But as County Administrator pointed out, the trust itself and anyone with an interest in through the trust we'd have to look at those folks as acquiring an interest in the property as of the date the property was conveyed to the trust."

Answer (Steve): She continues to hold an interest in the property through her interest in the trust and her function as trustee and beneficiary and because it's revocable she essentially still holds the property and we look at it as being still the same ownership and that's why the waiver to her can go way back to the original date of her acquisition."

The subject property in the Braun Measure 37 claim was placed into a revocable trust with Kasimer and Roberta Braun as the trustees and beneficiaries. This did not create a new date of acquisition for the purposes of Measure 37. The property has since been taken out of the trust and ownership has reverted to Kasimer and Roberta Braun as individuals rather than in their capacity as trustee/beneficiaries. The revocation does not create a new date of acquisition for the purpose of Ballot Measure 37. The waiver goes back to the time that Kasimer and Roberta Braun obtained the property in 1971.

The zoning district in effect at the time of the purchase (Exhibit 3), the "Agriculture and Timber Raising District" (AGT) allowed one single family dwelling per lot. (Lane Code Section VI. A. 4), Exhibit 3).

#### Section VI.A. Use

No building, structure or land shall be used, and no building or structure shall be hereafter erected . . . except for the following uses:

4. Single family dwellings, duplexes and accessory buildings hereto when developed in accordance with the conditions established under Section VIII (RA) in subdivisions approved by the Planning Commission.

The applicable zoning ordinance also allowed land divisions down to one acre in size pursuant to the conditions established under Section VIII (RA) also attached as part of this application (Exhibit 3).

#### Section VI. B. AREA 1. Size of Lot

- a. No dwelling unit or mobile home shall be erected or located on less than one acre of lot area, having a minimum average lot width of not less than one hundred fifty (150) feet . . . . . (Exhibit 3).

As shown on the attached drawing it would be possible for the applicant's to divide their property into 4 lots that meet this requirement. Subsequently, RR-5 Zoning was applied to the site in 1984, requiring parcels 5 acres in size (Exhibit 4). The parcels were then rezoned to RR-2 in 1999 (Exhibit 4). In any event, what is most relevant is that the property was zoned AGT at the date of acquisition and that district allowed a land division down to one acre in size on the subject parcel and the current zoning designation, first applied to the subject property in 1999 restricts this use causing the subject property to lose value.

In 2004, Oregon Voters passed Ballot Measure 37 which requires governments to compensate property owners for lost or reduced property values resulting from land use regulation changes subsequent to the owner's purchase of property. Alternatively, jurisdictions enforcing land use regulations may waive the pertinent regulation(s) upon a showing of a loss of property values resulting from the enforcement of the regulation. Locally, Lane County adopted Lane Code Chapter 2.700, et seq., to implement Measure 37.

This claim made pursuant to Lane Code Chapter 2.700-2.905 seeks to secure waiver of the current 2 acre minimum lot area standard and to obtain permission to partition lots 1212 and 1213 into 3 lots subject to the requirements of the Lane Code in effect at the time of the purchase of the subject parcel.

#### **B. Applicant's Request for Relief**

The applicants specifically requests waiver of the minimum lot size provision in the RR-2 district as well as a general waiver of Lane Code Chapter 16.

The applicants will maintain the home site on tax lot 1212; however, they have yet to decide between alternative development options. However, the maximum buildout scenario would result in the development of the combined parcels with three one acre homesites and the reduction of taxlot 1212 from two acres to one acre in size. Alternatively, the applicant may leave taxlot 1212 in its current configuration and divide 1212 into two one acre parcels. In any event, the applicant will make use of the property in a manner consistent with the permitted uses at the date acquisition and the applicant has presented a maximum buildout scenario for consideration by the Board of Commissioners.

### III. APPLICATION REQUIREMENTS AND DECISION CRITERIA

Lane Code Chapter 2.720, Application for Claim, describes the process and necessary components for requesting compensation or a waiver under Measure 37. According to this section, the following are required submittal items:

- (1) A completed application form;

A completed application form is attached to this application packet.

- (2) The name, mailing address, and phone number of the property owner filing the application, and of each of the other owners of the subject property and anyone with any interest in the property, including lien holders, trustees, renters, lessees, and a description of the ownership interest of each, if any, along with the signature of each of the other owners indicating consent to the application claim;

Kasimer and Roberta Braun are the sole interest holders of the subject property; there are no lessees of the subject property. The applicants' / owners' signatures consenting to this application claim appear on the attached County application form. The applicants' names, mailing addresses, and phone numbers may be found on the application as well as *supra* in the application narrative.

- (3) A legal description and tax lot number of the subject property as well as a street address for the property (if any);

A legal description of the property is attached (See Attached Lot Line Adjustment Deed. There is also an assessor's map attached to this application (Exhibit 4). The street addresses for tax lot 1212 is 32347 Coburg Bottom Loop. Tax lot 1213 is vacant.

- (4) A title report issued within 30 days of the application's submittal, including title history and including a statement of the date the applicant acquired ownership of the subject property and showing the ownership interests of all owners of the property or, as an alternative to the title report, a copy of the deed(s) granting all existing ownership interests to the owner(s) of the subject property signing the application;

Please see the attached title report (Exhibit 2) and all attached deeds as well as the submitted Deed Card. As evidenced by these documents, the applicants are the sole interest holders and they acquired ownership of the subject property on July 9, 1971.

- (5) A statement specifically identifying the section of Lane Code or other land use regulation that allegedly restricts the use of the real property and allegedly causes a reduction in the fair market value of the subject property, including the date the regulation was adopted, first enforced or applied to the subject property;

The application identifies the Lane Code section that causes a reduction in the fair market value of the subject property and includes the date the regulation was first applied to the subject property.

*Lane Code Chapter 16.231(6), Rural Residential Lands Zone (RR-RCP), Area, reads as follows:*

"LC 16.231(6) Area. Land within the Rural Residential Zone shall be designated and adopted on the zoning map as RR-1, RR-2, RR-5 or RR-10, and the creation of a parcel or lot shall be subject to compliance with LC Chapter 13 and the following minimum area requirements:

(a) RR-1: 1 acre

(b) RR-2: 2 acres

(c) RR-5: 5 acres

(d) RR-10: 10 acres

(e) In either RR-1, RR-2, RR-5 or RR-10, the minimum acreage may be less than required above and whatever size is necessary to accommodate uses specified in LC 16.231(2)(j) above."

The type of uses contemplated by the applicant and permissible at the time of acquisition are not allowed by the current ordinance. The claimant seeks waiver of LC 16.231(6) in its entirety, removing the current minimum lot size standard which was applied to this site in 1999. As stated *infra*, the minimum lot size at the time of the applicants' assuming ownership of the subject property was one acre

If applicable, the applicants also seeks waiver if applicable of LC 16.290(6)(a) or LC 16.290(6)(b) because these regulations if imposed would also have the effect of restricting the use of private real property permitted at the date of acquisition. The applicant also requests waiver of any provisions of Lane Code Chapter 16 that apply to the subject property.

(6) A copy of a written appraisal by an appraiser licensed by the Appraiser Certification and Licensure Board of the State of Oregon, addressing the requirements of the provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004) and indicating the amount of the alleged reduction in the fair market value of the property by showing the difference in the fair market value of the property before and after application of each of the challenged regulations, individually, and after the application of all of the challenged regulations, cumulatively;

The Measure 37 claim form currently in use in Lane County does not require a written appraisal but rather only requires reasonable and competent evidence of a reduction in fair market value from a land use regulation after the application of the challenged regulations. The applicant has submitted several market analyses that demonstrate a reduction in the fair market value of the subject property due to the imposed land use regulation, the minimum lot size provision in an RR-2 zone.

The market analyses were performed by Randy Downing, a realtor that specializes in rural residential properties. The applicant has submitted these Market Comparables as exhibits 5A-5D. The applicant has also submitted a letter of opinion from Mr. Downing. The difficulty in generating these reports is that there have not been sales of this type in the Coburg area recently therefore Mr. Downing used the most recent comparables from properties around the county. It is the applicants position that the evidence demonstrates a reduction of market value and that the opinion of a Real Estate broker that specializes in rural residential property is the kind of evidence that ordinary people could and would rely on in conducting their serious affairs and is reasonable and competent evidence for the purpose of Measure 37.

The applicant presents the following scenarios:

Scenario 1: Three vacant one acre building sites and a one acre homesite on which the existing home is located (maximum buildout).

Approximate value of the existing home on one acre: \$450,000.00 (Exhibit 5A);

Approximate value of one vacant buildable acre (Exhibit 5B) :  $\$150,000.00 \times 3 = \$450,000.00$



Fair Market Value of Subject property (Scenario 1) = \$900,000.00

Scenario 2: Value of 2 vacant 1 acre buildable lots and the existing home on the existing lot.

Approximate value of the existing home on two acres: \$490,000.00 (Exhibit 5C);

Approximate value of one vacant buildable acre (Exhibit 5B) : \$150,000.00 x 2 = \$300,000.00

Fair Market Value of the Subject Property (Scenario 2) = \$800,000.00

Scenario 3: Existing Conditions, Existing Home on two acres (Exhibit 6C); vacant two acre parcel (Exhibit 5D).

Approximate value of the existing home on two acres: \$490,000.00 (Exhibit 5C);

Approximate value of one vacant buildable two acre lot (Exhibit 5D) : \$190,000.00

Fair Market Value of the Subject Property (Scenario 2) = \$680,000.00

The foregoing discussion illustrates that the current imposed zoning district that restricts the use of real property has resulted in a diminution in fair market value of the subject parcel. The difference in fair market value between the maximum buildout scenario (permitted at the date of acquisition) and the property as it is currently zoned is \$220,000.00, the amount of this claim.

(7) A written statement addressing the criteria listed in LC 2.740(1)(a) through (d);

The criteria of Lane Code Chapter 2.740(1)(a)-(d) are discussed *infra*.

LC 2.740(1) The County Administrator shall make a determination as to whether the application qualifies for Board compensation consideration. An application qualifies for compensation consideration if the applicant shows that the following criteria are met:

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

The zoning and associated minimum lot size standard that applied to this site at the date of acquisition was (AGT). For properties zoned AGT July 9, 1971, the minimum lot size for a land division was one acre.

Subsequently, in 1999, the Rural Residential 2 acre minimum lot area (RR-2) Zone was applied. These actions imposed new regulations, most notably a two acre minimum lot size that restricts parcel sizes and the potential land division of the subject property. This regulation restricts the use of private real property and causes a diminution in the fair market value of the subject property.

LC 2.740(b) 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;

The imposition of the above identified minimum lot area standard has had the effect of prohibiting further land divisions on subject property. Such divisions were permissible at the time the applicants became record owners of the property. This restriction had the effect of reducing the fair market value of the subject property by \$220,000.00.

- (c) The challenged land use regulation was adopted, enforced or applied after the current owner of the property (the applicant) became the owner; and

The property has been in ownership of the applicants since the July 9, 1971. This was approximately 28 years prior to the County's adoption of the particular code provision which is the subject of this claim and request for waiver.

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

LC 2.710 lists the following types of land use regulations which are not eligible for compensation or waiver, but are exempt regulations, under Measure 37:

Regulations: addressing commonly and historically recognized public nuisances; which address matters clearly related to the public health and safety, including fire and building codes; health and sanitation regulations; solid or hazardous waste regulations; and pollution control regulations; required by federal law; controlling the sale of pornography or performance of nude dancing; enacted prior to the date of acquisition of the subject property by the applicants or their family members.

The minimum lot size standard of the RR-2 Zone set forth in LC 16.231(6) does not qualify as an exempt regulation because: it is not aimed at prohibiting or restricting any particular commonly or historically recognized public nuisances; it is not related to fire and building codes, health and sanitation regulations, solid or hazardous waste regulations, or pollution control regulations; it is not a requirement to comply with any federal law; it is not related to the sale of pornography or performance of nude dancing; and it was not enacted prior to the date of acquisition of the subject property by the applicants or their family members.

- (8) A statement by the applicant specifying the amount of the claim, and the fair market value of the property before and after application of the challenged land use regulation(s); and

The amount of this claim is \$225,000.00. This represents the difference between the fair market value of the property prior to the application of the challenged land use regulation and the fair market value of the subject property after application of the challenged land use regulation using the maximum buildout scenario generated by the applicant. As an alternative to financial compensation of \$225,000.00 consistent with the requirements of LC 2.700 *et seq.*, the applicant requests instead that the County waive the subject regulation, LC 16.231(6).

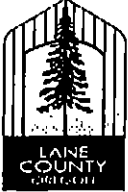
- (9) Copies of any leases or covenants, conditions and restrictions applicable to the subject property if any exist that impose restrictions on the use of the property. Unless waived by the County Administrator, an application also shall include an application fee, in the amount established by Order of the Board, to at least partially cover the County costs of processing the application, to the extent an application fee may be required as a condition of acceptance of filing of an application for a claim under the provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004). The County shall refund the application fee if it is determined by the County or by a court that the applicant is entitled to compensation under the provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004). (Revised by Ordinance No. 9-00, Effective 12.6.00)

Aside from existing easements customarily associated with utilities serving residential parcels, no existing leases, covenants, conditions or restrictions impose limitations upon the subject property. Existing easements are reflected in the attachments.

#### **IV. CONCLUSION**

The imposition of a minimum lot area standard on the subject property occurred after the applicants obtained ownership of the parcel. This regulation prohibited the applicants from further dividing the subject property. The challenged regulation thereby markedly reduces the fair market value of the applicants' property. This claim clearly demonstrates consistency with the above requirements of LC 2.720 and 2.740(1)(a)-(d).

For the reasons set forth in this application, the applicant respectfully requests waiver of LC 16.231(6) and any other applicable standards imposed as part of Lane County Chapter 16.



## Lane County

LAND MANAGEMENT DIVISION  
125 EAST 8<sup>TH</sup> AVENUE  
EUGENE, OREGON 97401

PHONE: 541-682-3823  
FAX: 541-682-3947

EXHIBIT 1

April 19, 2006

Karl Mueller  
380 Q street  
Springfield OR 97478

Re: PA06-5533. Research request.

Dear applicant,

On April 6, 2006, you submitted a research request for Map 16-03-32; Taxlots 1212, 1213 and 1209. According to your letter, you want to know the zoning of the property on July 9, 1971. This letter contains our findings.

The property was zoned AGT (Agriculture, Grazing and Timber) on July 21, 1966. It was still zoned AGT on July 9, 1971. A copy of the AGT zone is enclosed.

If you have any questions, I can be contacted at 682-3159 or by email at [steve.hopkins@co.lane.or.us](mailto:steve.hopkins@co.lane.or.us).

Sincerely,

Steve Hopkins, AICP  
Planner  
Lane County Land Management Division

EXHIBIT 2

LANE COUNTY  
ZONING AND LAND USE  
ORDINANCE NO. 4

~~REPRINT: JANUARY 1971~~

SECTION VI. AGRICULTURE, GRAZING, TIMBER-RAISING DISTRICT (AGT)

The following regulations shall apply to AGT Agriculture, Grazing, Timber-Raising District:

A. USE

No building, structure or land shall be used, and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained except for the following uses:

1. Agriculture, grazing and/or timber raising.
2. Dwelling or dwellings for owners, operators and/or help required to carry out a use as specified in A.1. above.
3. Accessory buildings normally required in connection with a use as specified in A.1. above.
4. Single-family dwellings, duplexes and accessory buildings hereto when developed in accordance with the conditions established under Section VIII (RA) in subdivisions approved by the Planning Commission.
5. Parks, playgrounds, golf courses or community centers owned and operated by a governmental agency.
6. Grange halls.
7. Churches with off-street parking as provided in Section XVII-B, and with setbacks from side and rear property lines of at least twenty feet.
8. Schools (elementary, junior high and high), providing a fifty-foot building setback is maintained from abutting, privately-owned property.
9. Hospitals with the same building setbacks as established in Item 8, above.
10. Public and semi-public buildings and structures essential to the physical and economic welfare of an area, such as, fire stations, sub-stations and pump stations, provided that side and rear yards shall be a minimum of twenty percent of the property width, but not less than ten feet nor necessarily more than thirty feet.
11. The following conditional uses subject to a conditional use permit granted pursuant to the provisions of subsection "D" of Section XXI:
  - a. Any of the conditional uses listed in subsection "D" of Section XXI.
  - b. Group Care Homes.
  - c. Sanitariums.
  - d. Stadium.

(AGT) SECTION VI. AGRICULTURE, GRAZING, TIMBER-RAISING DISTRICT

12. Mobile home on an individual lot or site, pursuant to a mobile home use permit issued by the Department of Health and Sanitation. (See SECTION XVI. (3) for permit provisions.) If located in a subdivision approved by the Planning Commission, the conditions and requirements of SECTION VIII (RA) shall apply.
13. Normal accessories for a mobile home, such as awning, cabana, ramada, patio, carport, garage or storage building, pursuant to an original mobile home use permit or subsequent permit for only accessories.

B. AREA

1. Size of Lot

- a. No dwelling unit or mobile home shall be erected or located on less than one acre of lot area, having a minimum average width of not less than one hundred fifty (150) feet. Notwithstanding the lot area and lot width requirements of this section, a single-family dwelling or mobile home may be erected or located on any lot separately owned at the time of the passage of this amendment, or on any numbered lot in an approved and filed major or minor subdivision plat that was on record at the time of the passage of this amendment. (Ordinance #293, effective September 13, 1968.)
- b. Lots for other uses as specified under A.5, A.6, A.7, A.8, A.9, and A.10 shall have a minimum width of two hundred feet and a minimum area of one acre.

2. Percent of Coverage

The main building and accessory buildings located on any one building site or lot shall not cover in excess of thirty (30) percent of the lot area.

C. YARD REGULATIONS

1. Front Yard Setback

- a. Basic structure: 15 feet,
- b. Garages, carports, and parking spaces with access from the front or side of the property: 20 feet.

2. Side Yard Setback

- a. Basic structure:

Interior: 5 feet

Alley: 5 feet

Street: Regular corner lot -- 10 feet

Reverse corner lot -- 15 feet

- b. Garages, carports or parking spaces with access from:

An alley side yard: Not less than 14 feet from the alley centerline.

A street side yard: Not less than 20 feet from the property line.

Where a utility easement is recorded, the setback shall be not less than the width of the easement.

(Ordinance #343 effective September 3, 1969.)

D. REGULATIONS

Regulations hereafter prescribed shall not apply to uses conforming to A.1, A.2, and A.3.

C. SIGNS

Signs and nameplates may be installed as follows:

1. One nameplate not exceeding six square feet in area for each dwelling unit, indicating the name of the occupant, or the occupation, in the case of A.13, above.
2. One sign not exceeding twelve square feet in area for buildings other than dwellings.
3. One sign not exceeding six square feet pertaining to the sale or rental of property; provided that such sign shall be attached to and parallel with the front wall of the building.
4. One sign not exceeding eighteen square feet in area will be allowed on a tract of land or subdivision advertising the sale of the property.
5. Subdivision and directional signs (See Section XVII, Subsection C, for permit provisions).

No nameplates or advertising signs of any other character shall be permitted.

D. HEIGHT

No building or structure, nor the enlargement of any building or structure, shall be hereafter erected to exceed two and one-half stories or more than thirty-five feet in height, except hospitals, public schools or churches, which may be increased in height to three stories or forty-five feet.

E. AREA

1. Size of lot. Residential lots shall have a minimum average width of sixty feet and a minimum lot area per dwelling of six thousand square feet (see Addendum "A" for lot size requirements under certain circumstances), except that a lot with an average width of less than sixty feet and an area of less than six thousand square feet at the time this Ordinance became effective may be occupied by any use permitted in this section.
2. Percent of coverage. The main building and accessory buildings located on any building site or lot shall not cover in excess of thirty percent of the lot area.
3. For minimum site area requirements for building purposes under particular circumstances, see Provision (7), Subsection B, Section 4, of the Lane County Building Code, Ordinance 1-65. (Addendum "A").

F. BUILDING SETBACK REQUIREMENTS

1. Front yard. Front yards shall be not less than fifteen feet deep.
2. Side yard. On interior lots and interior side of corner lots there shall be a side yard on each side of the main building of not less than



(RA) SECTION VIII. SUBURBAN DISTRICT

five feet. On corner building sites no building shall be closer than ten feet.

G. VISION CLEARANCE

1. Vision clearance on corner lots shall be a minimum of twenty feet.
2. Vision clearance on alley-street intersections shall be a minimum of seven and one-half feet.



**First American**

EXHIBIT 3

*First A.*  
600 Cot  
Eugene,  
Phn - (541)484-2900  
Fax - (541)484-7321

**FOR ALL QUESTIONS REGARDING THIS PRELIMINARY REPORT, PLEASE CONTACT:**

**Mike Rutherford**, Title Officer

Phone: (541)484-2900 - Fax: (541)484-7321 - Email: mgrutherford@firstam.com

Metro Planning, Inc.  
380 Q Street  
Springfield, OR 97477

Order No.: 7199-828933  
May 23, 2006

Attn: Karl Mueller  
Phone No.: (541)302-9830 - Fax No.: (832)201-9875  
Email:

Re:

**Preliminary Title Report**

ALTA Owners Standard Coverage	Liability \$	Premium \$	
ALTA Owners Extended Coverage	Liability \$	Premium \$	
ALTA Lenders Standard Coverage	Liability \$	Premium \$	
ALTA Lenders Extended Coverage	Liability \$	Premium \$	
Endorsement		Premium \$	
Govt Service Charge		Cost \$	50.00
Other		Cost \$	

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

PARCELS 1 AND 2, LAND PARTITION PLAT NO. 2003-P1685, AS PLATTED AND RECORDED JUNE 27, 2003, RECEPTION NO. 2003-058644, OFFICIAL RECORDS OF LANE COUNTY, OREGON.

and as of May 09, 2006 at 8:00 a.m., title vested in:

Kasimer J. Braun and Roberta J. Braun, husband and wife

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

1. Water line easement as shown on Instrument recorded April 11, 1986, Reception No. 86-12930, and as shown on said partition.

2. Farm Use and Forest Management Agreement, including terms and provisions thereof.  
Recorded: June 12, 2002, Reception No. 2002-045416
3. Easement Agreement, including terms and provisions thereof.  
Recorded: June 12, 2002, Reception No. 2002-045418
4. Restrictions and notes shown on the recorded plat/partition of Land Partition Plat No. 2003-P1685.
5. The requirement that certain language appear on any deed transferring ownership and on any rental agreement or lease, as set forth on said partition.

- END OF EXCEPTIONS -

NOTE: Taxes for the year 2005-2006 PAID IN FULL

Tax Amount:	\$3,108.83
Map No.:	1603320001212
Property ID:	1740735
Tax Code No.:	00438

NOTE: Taxes for the year 2005-2006 PAID IN FULL

Tax Amount:	\$642.80
Map No.:	1603320001213
Property ID:	1740743
Tax Code No.:	00438

Situs Address as disclosed on Lane County Tax Roll:

32347 Coburg Bottom Loop, Eugene, OR 97408

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



## First American Title Insurance Company of Oregon

### SCHEDULE OF EXCLUSIONS FROM COVERAGE

#### ALTA LOAN POLICY (10/17/92)

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

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy;
- (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims, or other matters:
  - (a) created, suffered, assumed or agreed to by the Insured claimant;
  - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the Insured claimant and not disclosed in writing to the Company by the Insured claimant prior to the date the Insured claimant became an Insured under this policy;
  - (c) resulting in no loss or damage to the Insured claimant;
  - (d) attaching or created subsequent to Date of Policy (except to the extent that this policy insures the priority of the lien of the Insured mortgage over any statutory lien for services, labor or material or the extent insurance is afforded herein as to assessments for street improvements under construction or completed at date of policy); or
  - (e) resulting in loss or damage which would not have been sustained if the Insured claimant had paid value for the Insured mortgage.
4. Unenforceability of the lien of the Insured mortgage because of the inability or failure of the Insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable "doing business" laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the Insured mortgage, or claim thereof, which arises out of the transaction evidenced by the Insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any statutory lien for services, labor or materials (or the claim of priority of any statutory lien for services, labor or materials over the lien of the Insured mortgage) arising from an improvement or work related to the land which is contracted for and commenced subsequent to Date of Policy and is not financed in whole or in part by proceeds of the indebtedness secured by the Insured mortgage which at Date of Policy the Insured has advanced or is obligated to advance.
7. Any claim, which arises out of the transaction creating the interest of the mortgagee insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
  - (i) the transaction creating the interest of the Insured mortgagee being deemed a fraudulent conveyance or fraudulent transfer; or
  - (ii) the subordination of the interest of the Insured mortgagee as a result of the application of the doctrine of equitable subordination; or
  - (iii) the transaction creating the interest of the Insured mortgagee being deemed a preferential transfer except where the preferential transfer results from the failure:
    - (a) to timely record the instrument of transfer; or
    - (b) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

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

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

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims, or other matters:
  - (a) created, suffered, assumed or agreed to by the Insured claimant;
  - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the Insured claimant and not disclosed in writing to the Company by the Insured claimant prior to the date the Insured claimant became an Insured under this policy;
  - (c) resulting in no loss or damage to the Insured claimant;
  - (d) attaching or created subsequent to Date of Policy; or
  - (e) resulting in loss or damage which would not have been sustained if the Insured claimant had paid value for the estate or interest insured by this policy.
4. Any claim, which arises out of the transaction vesting in the Insured the estate or interest insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
  - (i) the transaction creating the estate or interest insured by this policy being deemed a fraudulent conveyance or fraudulent transfer; or
  - (ii) the transaction creating the estate or interest insured by this policy being deemed a preferential transfer except where the preferential transfer results from the failure:
    - (a) to timely record the instrument of transfer; or
    - (b) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

#### SCHEDULE OF STANDARD EXCEPTIONS

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

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

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

TI 149 Rev. 5-99

OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES

OFFICE OF COUNTY ASSESSOR LANE COUNTY, OREGON

CANCELLED

CANCELLED

1 068 699

OLD NUMBER		ACCOUNT NUMBER		TOWNSHIP		RANGE		W.M.		
TAX LOT		PARCEL NO.		SECTION		B.		W.M.		
MAP NO.	16 03 32	1202		32		16		3 W		
INDENT. EACH NEW COURSE TO THIS POINT				LEGAL DESCRIPTION				DEED RECORD		ACRES REMAINING
								DATE OF ENTRY	DEED NUMBER	
Beginning at the SE corner of the Manweather Brown ADL C No. 58 in T 16 S, R 3 W of the WM; run thence N 88°01'30" W along the south line of said Claim No. 58 a distance of 1394.95 ft, thence leaving the south line of said claim and run N 1°56'12" E parallel to the east line of said Claim No. 58 a distance of 40.0 ft to the true point of beginning, of the herein described tract, said point being on the north right of way line of County Road No. 939, thence continuing N 1°56'12" E parallel to the said east line of said claim a distance of 290.40 ft, thence N 88°01'30" W parallel to the south line of said claim No. 58 a distance of 150.0 ft, thence S 1°56'12" W parallel to the said east line of said Claim a distance of 290.40 ft to a point on the north right of way line of said County Road No. 939, thence S 88°01'30" E 150.0 ft to the true point of beginning, in Lane County, Oregon.				1974	R653/39705	✓			1.00	
cont m/1										
Beginning at the SE corner of the Manweather Brown DLC #58, in T 16 S, R 3 W of the WM; run thence N 88°01'30" W along the South line of said Claim #58, a distance of 1394.95 ft; thence leaving the South line of said Claim #58 and run N 1°56'12" E parallel to the East line of said Claim #58, a distance of 40.0 ft to the True Point of Beginning of the herein described tract, said point being on the North right of way line of County Road #939; thence continuing N 1°56'12" E parallel with the said East line of said Claim #58, a distance of 620.0 ft; thence N 88°01'30" W parallel with the South line of said Claim #58, a distance of 351.29 ft; thence S 1°56'12" W parallel with the said East line of Claim #58, a distance of 620.0 ft to a point on the North right of way line of said County Road #939 thence S 88°01'30" E 351.29 ft to the true point of beginning, in Lane County, Oregon.				1974	R691/21566	✓	1999 BS	R2597/99085417	✓	
Bearings used herein are based upon the Oregon Coordinate System, South Zone.										
cont m/1								5.00		

FOR ASSESSMENT AND TAXATION USE ONLY

# OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES

OFFICE OF COUNTY ASSESSOR LANE COUNTY, OREGON

OLD NUMBER		ACCOUNT NUMBER		
TAX LOT		SECTION _____	TOWNSHIP _____ S.	RANGE _____ W.M.
MAP NO.	PARCEL NO.			
INDENT EACH NEW COURSE TO THIS POINT	LEGAL DESCRIPTION	DEED RECORD		ACRES REMAINING
		DATE OF ENTRY	DEED NUMBER	

**PARCEL RECORD - Cartographic Unit**  
1740735

Formerly part of 16-03-32-00-01202

Map Number	16	Range	03	Section	32	1/16	0	Parcel Number	01212	Type	Number
Map Number											
History of Parcel Prior to Re-mapping											
Previous Tax Lot Number											

**PARTITION PLAT NO. 2003-P1685**

**Parcel 1**

Exceptions/Additions	History of Parcel			Acres Remaining
	Date of Entry/Acquisition	Deed Record Volume	Page	
NEW PARTITION PLAT	CS 38090 2005	2003	058644 ✓	2.00
	2006 6s	2005 -	102733 ✓	

marks

PARCEL RECORD -- Cartographic Unit

1740743

Formerly part of 16-03-32-00-01202

History of Parcel				Deed Record		Acres Remaining
Exceptions/Additions	Date of Entry/Acquisition	Volume	Page	Volume	Page	
NEW PARTITION PLAT	CS 38090 2005	2003	058644	✓		2.08
	2006 BS	2005	102733			✓

PARTITION PLAT NO. 2003-P1685

Parcel 2

marks



7423586

1206

WARRANTY DEED

FOR VALUE RECEIVED THOMAS WINN, Trustee

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

KASIMER J. BRAUN and ROBERTA J. BRAUN, husband and wife, Lots 1, Box 377, Eugene, Oregon 97401

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

Beginning at the Southeast corner of the Mannawether Brown Donation Land Claim No. 58, in Township 16 South, Range 3 West of the Willametta Meridian; run thence North 88° 01' 30" West along the South line of said Claim No. 58, a distance of 1394.95 feet; thence leaving the South line of said Claim No. 58 and run North 1° 56' 12" East parallel to the East line of said Claim No. 58, a distance of 40.0 feet to the True Point of Beginning of the herein described tract, said point being on the North right of way line of County Road No. 939; thence continuing North 1° 56' 12" East parallel with the said East line of said Claim No. 58, a distance of 620.0 feet; thence North 88° 01' 30" West parallel with the South line of said Claim No. 58, a distance of 351.29 feet; thence South 1° 56' 12" West parallel with the said East line of Claim No. 58, a distance of 620.0 feet to a point on the North right of way line of said County Road No. 939; thence South 88° 01' 30" East 351.29 feet to the true point of beginning, in Lane County, Oregon.

Bearings used herein are based upon the Oregon Coordinate System, South Zone.

TO HAVE AND TO HOLD the said premises unto said Grantee, their heirs and assigns forever. And the said Grantors here covenant that they are lawfully seized in fee simple of said premises; that they are free from all incumbrances,

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

The true and actual consideration for this transfer is \$15,000.00

Dated July 9, 1971

(Seal)

Thomas Winn, Trustee (Seal)

(Seal)

STATE OF OREGON, County of Lane, ss

Personally appeared the above named

THOMAS WINN, TRUSTEE

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

Dated July 9, A.D. 1971

My Commission Expires 3-4-73

James L. Threlkeld Notary Public for Oregon

7423586

Cascadians of CASCADE TITLE COMPANY Eugene, Oregon WARRANTY DEED

State of Oregon, County of Lane, ss I, D. M. Peterson, Director of the Department of Records and Elections, do hereby certify that the within instrument was recorded in record 1574 15. 22 PM 2 08

601 R Lane County OFFICIAL RECORDS

D. M. Peterson, Director of the Department of Records & Elections, Deputy

Return To: R.C.C. #4305 Day

BARGAIN AND SALE DEED.

Kasimer Braun and Roberta Braun, trustees under the Braun family revocable Living Trust, Grantors, conveys to Kasimer J. Braun and Roberta J. Braun, husband and wife, Grantees, the following described real property situated in Lane County, Oregon, to-wit:

SEE EXHIBIT 'A'

THIS INSTRUMENT DOES NOT GUARANTEE THAT ANY PARTICULAR USE MAY BE MADE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT. A BUYER SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

The true consideration for this conveyance is \$-0- but other valuable consideration.

*Kasimer Braun*  
Kasimer Braun, Trustee

*Roberta Braun*  
Roberta Braun, Trustee

STATE OF OREGON, County of Lane, ss.

Personally appeared the above named Kasimer Braun and Roberta Braun, Trustee, and acknowledged the foregoing instrument to be their voluntary act and deed. Before me, this 14 day of November, 2005.

*H. Thomas Evans*  
Notary Public for Oregon

UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHOULD BE SENT TO THE FOLLOWING ADDRESS:

Kasimer J. Braun and Roberta J. Braun  
32347 Coburg Bottom Loop  
Eugene, OR 97408



Grantor's Name and Address:  
Kasimer Braun and Roberta Braun, Trustees  
32347 Coburg Bottom Loop  
Eugene, OR 97408

Grantee's Name and Address  
Kasimer J. Braun and Roberta J. Braun  
32347 Coburg Bottom Loop  
Eugene, OR 97408

After recording return to:  
H. Thomas Evans  
750 Lawrence  
Eugene, OR 97401

Division of Chief Deputy Clerk  
Lane County Deeds and Records 2005-102733  
\$31.00  
12/28/2005 01:20:04 PM  
RPR-DEED Cntsl Stn#15 CRSHIER 01  
\$10.00 \$11.00 \$10.00

1202 1806 1209 16-3-32  
10-7-99

25.97

5-10-20

Mail all tax statements to:  
Kas and Bobbie Braun  
32847 Coburg Bottom Loop  
Eugene, OR 97408

After recording, return to:  
Kas and Bobbie Braun  
32847 Coburg Bottom Loop  
Eugene, OR 97408

99085417 BARGAIN AND SALE DEED

99085417-07'99#02REC 5.00  
99085417-07'99#02PFUND 10.00  
99085417-07'99#02ART.FUND 20.00

For value received, Kasimer J. Braun and Roberta J. Braun, husband and wife, Grantor, hereby grant, bargain, sell and convey unto Kasimer Braun and Roberta Braun, as Trustees, under Braun Family Revocable Living Trust, Grantees, the following described real property:

Beginning at the Southeast corner of the Mannweather Brown Donation Land Claim No. 58, in Township 16 South, Range 8 West of the Willamette Meridian; run thence North 88° 01' 30" West along the South line of said Claim No. 58, a distance of 1994.85 feet; thence leaving the South line of said Claim No. 58 and run North 1° 56' 12" East parallel to the East line of said Claim No. 58, a distance of 40.0 feet to the True Point of Beginning of the herein described tract, said point being on the North right of way line of County Road No. 989; thence continuing North 1° 56' 12" East parallel with the said East line of said Claim No. 58, a distance of 620.0 feet; thence North 88° 01' 30" West parallel with the South line of said Claim No. 58, a distance of 851.39 feet; thence South 1° 56' 12" West parallel with the said East line of Claim No. 58, a distance of 630.0 feet to a point on the North right of way line of said County Road No. 989, thence South 88° 01' 30" East 351.29 feet to the true point of beginning, in Lane County, Oregon.

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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.980. [ORS 93.640(2)].

True consideration for this conveyance is other than monetary and is for estate planning purposes.

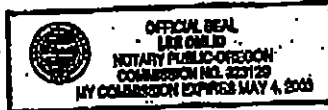
DATED this 5th day of August, 1999. <sup>October 1999</sup> KB

*Kasimer J. Braun*  
Kasimer J. Braun

*Roberta J. Braun*  
Roberta J. Braun

STATE OF OREGON, County of Lane, ss.

This instrument was executed and acknowledged before me by Kasimer J. Braun and Roberta J. Braun on the 5th day of August, 1999.



*[Signature]*  
NOTARY PUBLIC FOR OREGON

BARGAIN AND SALE DEED

Kasimer Braun and Roberta Braun, trustees under the Braun family revocable Living Trust, Grantors, conveys to Kasimer J. Braun and Roberta J. Braun, husband and wife, Grantees, the following described real property situated in Lane County, Oregon, to-wit:

SEE EXHIBIT 'A'

THIS INSTRUMENT DOES NOT GUARANTEE THAT ANY PARTICULAR USE MAY BE MADE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT. A BUYER SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

The true consideration for this conveyance is \$ -0 - but other valuable consideration.

*Kasimer Braun*  
Kasimer Braun, Trustee

*Roberta Braun*  
Roberta Braun, Trustee

STATE OF OREGON, County of Lane, ss.

Personally appeared the above named Kasimer Braun and Roberta Braun, Trustee, and acknowledged the foregoing instrument to be their voluntary act and deed. Before me, this 14<sup>th</sup> day of November, 2005.

*H. Thomas Evans*  
Notary Public for Oregon

UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHOULD BE SENT TO THE FOLLOWING ADDRESS:

Kasimer J. Braun and Roberta J. Braun  
32347 Coburg Bottom Loop  
Eugene, OR 97408



Grantor's Name and Address:  
Kasimer Braun and Roberta Braun, Trustees  
32347 Coburg Bottom Loop  
Eugene, OR 97408

Grantee's Name and Address  
Kasimer J. Braun and Roberta J. Braun  
32347 Coburg Bottom Loop  
Eugene, OR 97408

Division of Chief Deputy Clerk  
Lane County Deeds and Records

2005-102733



\$31.00

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12/28/2005 01:20:04 PM

RPR-DEED Cnt=1 Stn=15 CASHIER 01  
\$10.00 \$11.00 \$10.00

After recording return to:  
H. Thomas Evans  
750 Lawrence  
Eugene, OR 97401

BARGAIN AND SALE DEED

Kasimer Braun and Roberta Braun, trustees under the Braun family revocable Living Trust, Grantors, conveys to Kasimer J. Braun and Roberta J. Braun, husband and wife, Grantees, the following described real property situated in Lane County, Oregon, to-wit:

SEE EXHIBIT 'A'

THIS INSTRUMENT DOES NOT GUARANTEE THAT ANY PARTICULAR USE MAY BE MADE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT. A BUYER SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

The true consideration for this conveyance is \$ -0 - but other valuable consideration.

*Kasimer Braun*  
Kasimer Braun, Trustee

*Roberta Braun*  
Roberta Braun, Trustee

STATE OF OREGON, County of Lane, ss.

Personally appeared the above named Kasimer Braun and Roberta Braun, Trustee, and acknowledged the foregoing instrument to be their voluntary act and deed. Before me, this 14<sup>th</sup> day of November, 2005.

*H. Thomas Evans*  
Notary Public for Oregon

UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHOULD BE SENT TO THE FOLLOWING ADDRESS:

Kasimer J. Braun and Roberta J. Braun  
32347 Coburg Bottom Loop  
Eugene, OR 97408



Grantor's Name and Address:  
Kasimer Braun and Roberta Braun, Trustees  
32347 Coburg Bottom Loop  
Eugene, OR 97408

Grantee's Name and Address  
Kasimer J. Braun and Roberta J. Braun  
32347 Coburg Bottom Loop  
Eugene, OR 97408

Division of Chief Deputy Clerk  
Lane County Deeds and Records

2005-102733



\$31.00

00768671200501027330020025

12/28/2005 01:20:04 PM

RPR-DEED Cnt=1 Stn=15 CASHIER 01  
\$10.00 \$11.00 \$10.00

After recording return to:  
H. Thomas Evans  
750 Lawrence  
Eugene, OR 97401

1202  
1209 16-3-32

672-02, # 2002-045417

46  
Send tax statements to:  
KAS and ROBERTA BRAUN  
32347 Coburg Bottom Ln Rd  
EUGENE OR 97408

After recording, return to: LEE OMLID  
2690 Van Ness St  
EUGENE OR 97403

### LOT LINE ADJUSTMENT DEED

The parties to this transfer are: Roger A. Vickroy and Melanie L. Vickroy, husband and wife (Grantor or Vickroy) and Kasimer J. Braun and Roberta Braun, husband and wife (Grantee or Braun);

#### Recitals:

A. The parties by this agreement desire to adjust the property line between their adjoining parcels of land and to comply with Lane County Land Use regulations and the provisions of ORS 92.190(4).

B. The parcels owned by Grantor and Grantee were created by partition process under Partition Plat No. M566-86, recorded under Reception No. 86-12930, Lane County Deeds and Records, Lane County, Oregon. Vickroy acquired Lot B of this Partition Plat, and Braun acquired Lot A of this Partition Plat.

Legal descriptions of the parcels are contained in Exhibit A attached and labelled "Descriptions Before Adjustment".

C. In adjusting the property line, it is the parties' intent that a portion of the Vickroy property described in Exhibit A be conveyed to Braun; and it is further their intent that the new legal description of the Braun (Exhibit B) property contain this portion of property.

Agreements: For purposes of accomplishing this lot line adjustment, the parties have agreed as follows:


1. The foregoing recitals are by this reference incorporated herein.
2. To effectuate the relocation of the common property line, the parties agree that the parcel described in the attached Exhibit B is owned by Braun, and the parcel described in the attached Exhibit C is owned by Vickroy. To effectuate the desired conveyance, Roger A. Vickroy and Melanie L. Vickroy, husband and wife, hereby grant and convey to Kasimer J. Braun and Roberta Braun, husband and wife, such portions of property as results in Grantee Braun owning in fee the parcel described in attached Exhibit B.
3. A description of the adjusted boundary line is shown by the underlined portions of the legal descriptions found in Exhibits B and C. The adjusted line is further described and depicted in the diagram attached as Exhibit D.

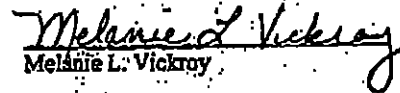
4. In the event that any deed, instrument, or other act is necessary to complete the intent of the parties as described in this document, each party hereby irrevocably appoints and designates the other(s), or their successors in interest, as their attorney(s) in fact, to convey, execute, or transfer any deed or other document necessary or helpful to fulfill this agreement and the intent of the parties.

*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 or persons acquiring fee title to the property should check with the appropriate city or county planning department to verify approved uses and to determine any limits on lawsuits against farming or forest practices as defined in ORS 30.930.*

This instrument is being recorded to establish a new lot line by the owners in fee and requires no consideration.

DATED this 27 day of January, 2002.

  
\_\_\_\_\_  
Roger A. Vickroy

  
\_\_\_\_\_  
Melanie L. Vickroy

STATE OF OREGON, County of Lane, ss.

This instrument was executed and acknowledged before me by Roger A. Vickroy and Melanie L. Vickroy on the 27<sup>th</sup> day of January, 2002.

  
\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON



**EXHIBIT A****Descriptions Before Adjustment:****VICKROY PROPERTY:**

Lot B, Partition Plat No. PA 566-86, Lane County Oregon Plat Records as recorded under Reception No. 86-12930, in Lane County, Oregon.

**BRAUN PROPERTY:**

Lot A, Partition Plat No. PA 566-86, Lane County Oregon Plat Records as recorded under Reception No. 86-12930, in Lane County, Oregon.

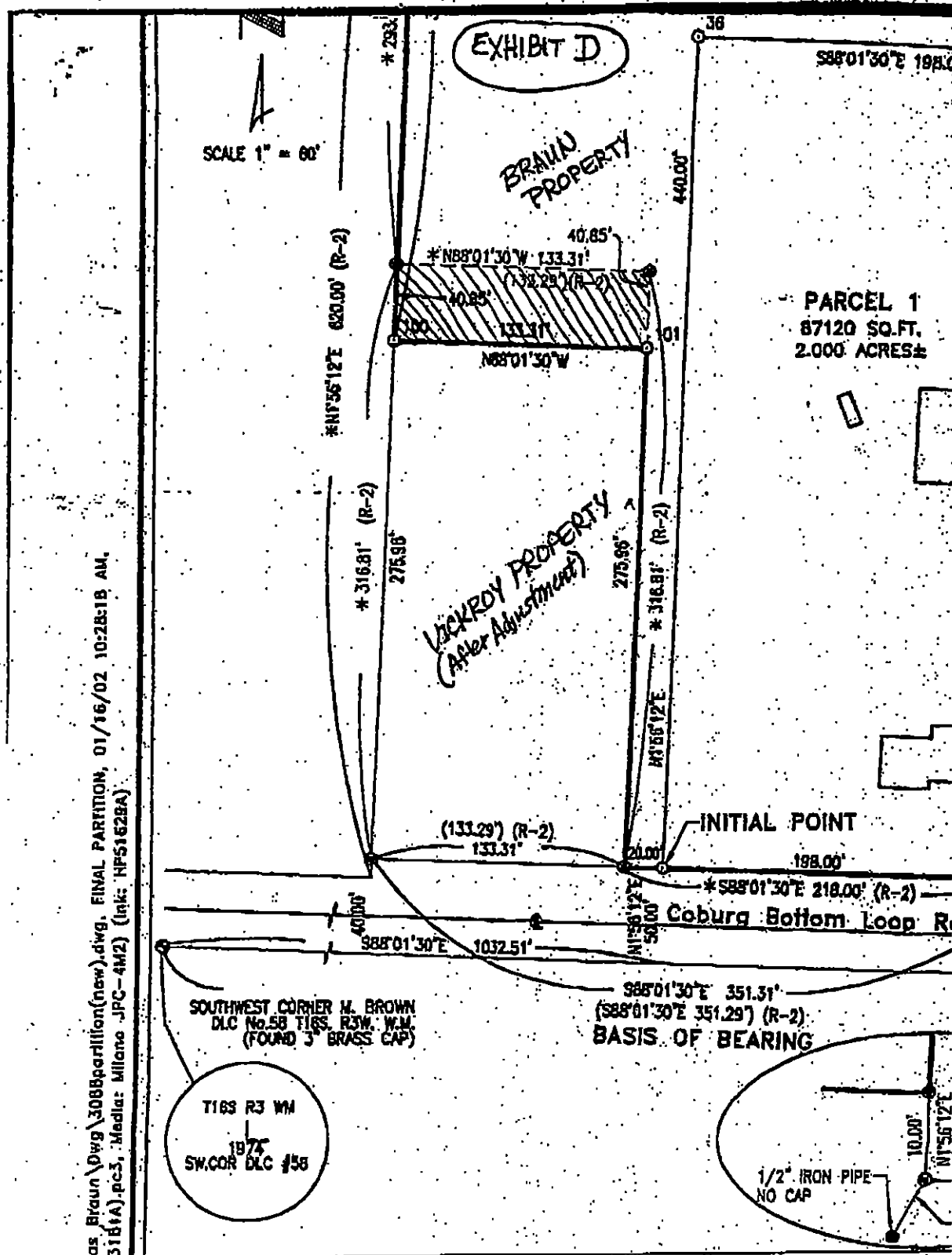
**EXHIBIT B****BRAUN PROPERTY DESCRIPTION AFTER PROPERTY LINE ADJUSTMENT:**

Beginning at a 5/8" I.R. that is N 1° 56' 12" E 325.96 feet and S 88° 01' 30" E 879.42 feet from the SW corner of the M. Brown D.L.C. No. 58, T 16S, R 3W, Willametta Meridian; run thence N 1° 56' 12" E 334.04 feet to a 5/8" I.R.; thence S 88° 01' 30" E 351.29 feet to a 5/8" I.R.; thence S 1° 56' 12" W 610.00 feet to a 5/8" I.R. that is 30.00 feet northerly of the centerline of County Road # 939 (Coburg Bottom Loop Road); run thence parallel to said centerline N 88° 01' 30" W 218.00 feet to a 5/8" I.R.; thence N 1° 56' 12" E 275.96 feet to a 5/8" I.R.; thence N 88° 01' 30" W 133.31 feet to the Place of Beginning in Lane County, Oregon. Said parcel contains 4.67 acres more or less.

**EXHIBIT C****VICKROY PROPERTY DESCRIPTION AFTER PROPERTY LINE ADJUSTMENT:**

Beginning at a 5/8" I.R. that is N 1° 56' 12" E 50.00 feet and S 88° 01' 30" E 879.42 feet from the SW corner of the M. Brown D.L.C. No. 58, T 16S, R 3W, Willametta Meridian; run thence N 1° 56' 12" E 275.96 feet to a 5/8" I.R.; thence S 88° 01' 30" E 133.31 feet to a 5/8" I.R.; thence S 1° 56' 12" W 275.96 feet to a 5/8" I.R. that is 30.00 feet northerly of the centerline of County Road No. 939 (Coburg Bottom Loop Road); run thence parallel to said centerline N 88° 01' 30" W 133.31 feet to the Place of Beginning in Lane County, Oregon. Said parcel contains 0.84 acre more or less.





as Braun DWG 3088partition(new).dwg. FINAL PARTITION, 01/16/02 10:28:18 AM.  
 318(A).pc3, Media: Milano JPC-4M2 (link: HFS162BA)

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Division of Chief Deputy Clerk  
Lane County Deeds and Records

2002-045417



\$48.00

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06/12/2002 02:43:48 PM

RPR-DEED : Cntal. Sines : CRENIER 07  
\$25.00 \$11.00 \$10.00

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Parcel 1 of land partition #2003-P1685, as platted and recorded in Lane  
County Oregon.

and

---

Parcel 2 of land partition #2003-P1685, as platted and recorded in Lane  
County Oregon.

and

---

Lot 8, Block 2, Fil-Acres, as platted and recorded in Book 45, Page 21, Lane  
County Oregon Plat Records, in Lane County, Oregon.

---

Parcel 1 of land partition # 2003-P1685, as platted and recorded in Lane  
County Oregon.

---

*and*

Parcel 2 of land partition #2003-P1685, as platted and recorded in Lane  
County Oregon.

---

*and*

---

Lot 8, Block 2, Fil-Acres, as platted and recorded in Book 45, Page 21, Lane  
County Oregon Plat Records, in Lane County, Oregon.

---

Parcel 1 of land partition # 2003-P1685, as platted and recorded in Lane  
County Oregon.

---

*and*

Parcel 2 of land partition #2003-P1685, as platted and recorded in Lane  
County Oregon.

---

*and*

---

Lot 8, Block 2, Fil-Acres, as platted and recorded in Book 45, Page 21, Lane  
County Oregon Plat Records, in Lane County, Oregon.



**First American**

*First American Title Insurance Company of Oregon*  
600 Country Club Road  
Eugene, OR 97401  
Phn - (541)484-2900  
Fax - (541)484-7321

**FOR ALL QUESTIONS REGARDING THIS PRELIMINARY REPORT, PLEASE CONTACT:**

**Mike Rutherford, Title Officer**

Phone: (541)484-2900 - Fax: (541)484-7321 - Email: mgrutherford@firstam.com

Metro Planning, Inc.  
380 Q Street  
Springfield, OR 97477

Order No.: 7199-828933  
May 23, 2006

Attn: Karl Mueller  
Phone No.: (541)302-9830 - Fax No.: (832)201-9875  
Email:

Re:

**Preliminary Title Report**

ALTA Owners Standard Coverage	Liability \$	Premium \$	
ALTA Owners Extended Coverage	Liability \$	Premium \$	
ALTA Lenders Standard Coverage	Liability \$	Premium \$	
ALTA Lenders Extended Coverage	Liability \$	Premium \$	
Endorsement		Premium \$	
Govt Service Charge		Cost \$	50.00
Other		Cost \$	

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

PARCELS 1 AND 2, LAND PARTITION PLAT NO. 2003-P1685, AS PLATTED AND RECORDED JUNE 27, 2003, RECEPTION NO. 2003-058644, OFFICIAL RECORDS OF LANE COUNTY, OREGON.

and as of May 09, 2006 at 8:00 a.m., title vested in:

Kasimer J. Braun and Roberta J. Braun, husband and wife

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

1. Water line easement as shown on instrument recorded April 11, 1986, Reception No. 86-12930, and as shown on said partition.

2. Farm Use and Forest Management Agreement, including terms and provisions thereof.  
Recorded: June 12, 2002, Reception No. 2002-045416
3. Easement Agreement, including terms and provisions thereof.  
Recorded: June 12, 2002, Reception No. 2002-045418
4. Restrictions and notes shown on the recorded plat/partition of Land Partition Plat No. 2003-P1685.
5. The requirement that certain language appear on any deed transferring ownership and on any rental agreement or lease, as set forth on said partition.

- END OF EXCEPTIONS -

NOTE: Taxes for the year 2005-2006 PAID IN FULL

Tax Amount: \$3,108.83  
Map No.: 1603320001212  
Property ID: 1740735  
Tax Code No.: 00438

NOTE: Taxes for the year 2005-2006 PAID IN FULL

Tax Amount: \$642.80  
Map No.: 1603320001213  
Property ID: 1740743  
Tax Code No.: 00438

Situs Address as disclosed on Lane County Tax Roll:

32347 Coburg Bottom Loop, Eugene, OR 97408

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



## First American Title Insurance Company of Oregon

### SCHEDULE OF EXCLUSIONS FROM COVERAGE

#### ALTA LOAN POLICY (10/17/92)

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

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy;
- (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims, or other matters:
  - (a) created, suffered, assumed or agreed to by the insured claimant;
  - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
  - (c) resulting in no loss or damage to the insured claimant;
  - (d) attaching or created subsequent to Date of Policy (except to the extent that this policy insures the priority of the lien of the insured mortgage over any statutory lien for services, labor or material or the extent insurance is afforded herein as to assessments for street improvements under construction or completed at date of policy); or
  - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable "doing business" laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any statutory lien for services, labor or materials (or the claim of priority of any statutory lien for services, labor or materials over the lien of the insured mortgage) arising from an improvement or work related to the land which is contracted for and commenced subsequent to Date of Policy and is not financed in whole or in part by proceeds of the indebtedness secured by the insured mortgage which at Date of Policy the insured has advanced or is obligated to advance.
7. Any claim, which arises out of the transaction creating the interest of the mortgagee insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
  - (i) the transaction creating the interest of the insured mortgagee being deemed a fraudulent conveyance or fraudulent transfer; or
  - (ii) the subordination of the interest of the insured mortgagee as a result of the application of the doctrine of equitable subordination; or
  - (iii) the transaction creating the interest of the insured mortgagee being deemed a preferential transfer except where the preferential transfer results from the failure:
    - (a) to timely record the instrument of transfer; or
    - (b) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

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

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

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy;
- (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims, or other matters:
  - (a) created, suffered, assumed or agreed to by the insured claimant;
  - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
  - (c) resulting in no loss or damage to the insured claimant;
  - (d) attaching or created subsequent to Date of Policy; or
  - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.
4. Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
  - (i) the transaction creating the estate or interest insured by this policy being deemed a fraudulent conveyance or fraudulent transfer; or
  - (ii) the transaction creating the estate or interest insured by this policy being deemed a preferential transfer except where the preferential transfer results from the failure:
    - (a) to timely record the instrument of transfer; or
    - (b) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

#### SCHEDULE OF STANDARD EXCEPTIONS

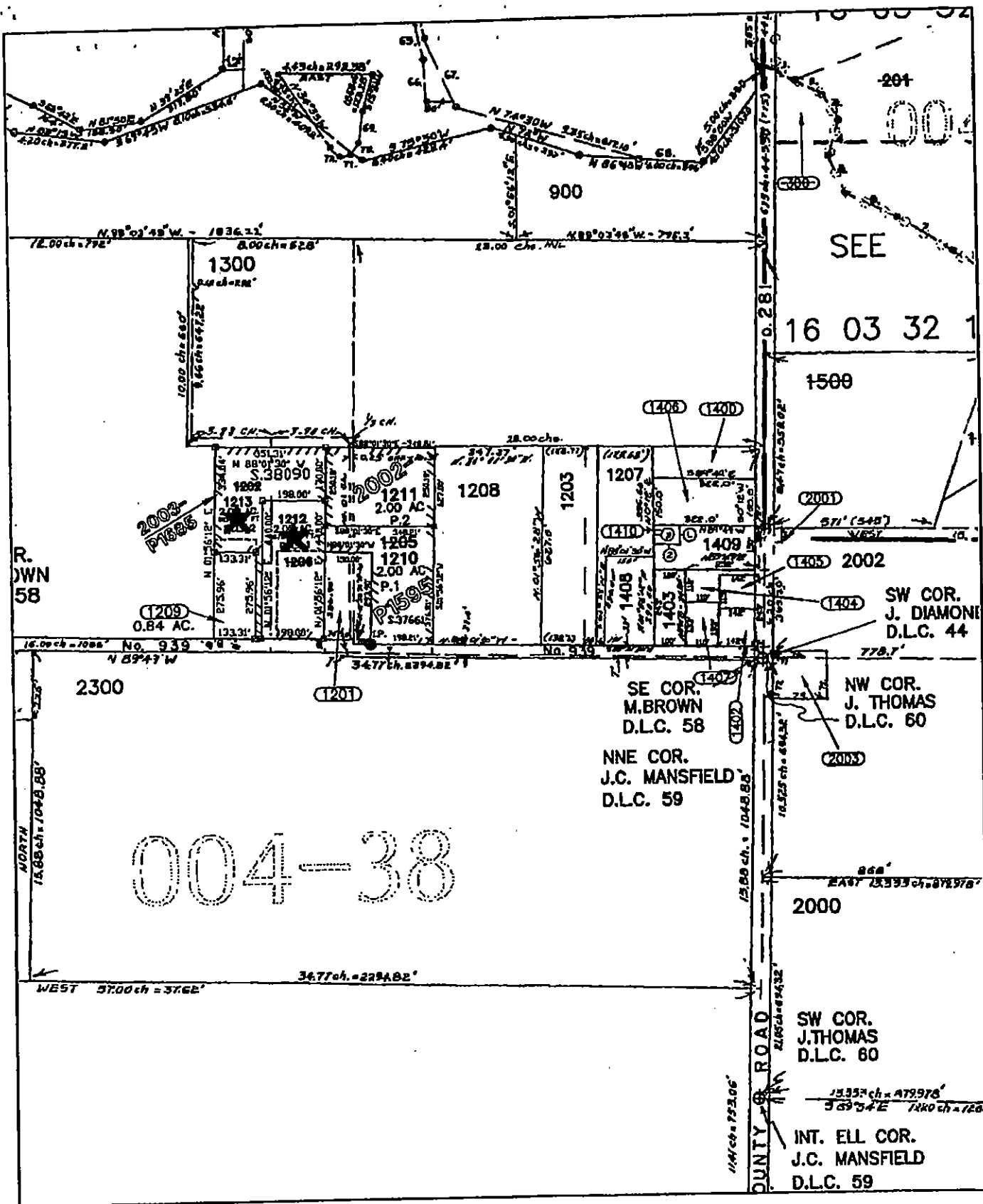
The ALTA standard policy form will contain in Schedule B the following standard exceptions to coverage:

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

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

TI 149 Rev. 5-99





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

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

MAP # 16 03 32 00 01212 000

180  
848  
8612930  
4-11-86  
16-3-27  
PA 566-86

lane county

**PARTITIONER:** \_\_\_\_\_

**NAME:** Mr. K. J. Braun

**ADDRESS:** 32347 Coburg Bottom Loop Rd.  
Eugene, Oregon 97401

**PHONE:** 687-2519

**INTEREST IN PROPERTY:** Owner  
(Indicate one: owner, contract purchaser, option holder, other)

**OWNER OF RECORD:**

**NAME:** Same as above

**ADDRESS:** \_\_\_\_\_

**PHONE:** \_\_\_\_\_

**TAX LOT:** 1206 **MAP #:** 16 - 03 - 32

**APPROVED FOR RECORDING**  
DATE 4-11-86 lane county  
Jack Thomas  
LAND MANAGEMENT DIVISION

**WATER SUPPLY:** Well

**PERMIT #:** \_\_\_\_\_

**SEWAGE DISPOSAL:** Septic tank

**S.I. #:** \_\_\_\_\_

**ELECTRIC SERVICE:** \_\_\_\_\_

**ZONING:** \_\_\_\_\_

**DATE SUBMITTED:** \_\_\_\_\_

**RECEIVED BY:** \_\_\_\_\_

**FEE PAID:** \_\_\_\_\_

**HEARING DATE:** \_\_\_\_\_  
for office use only

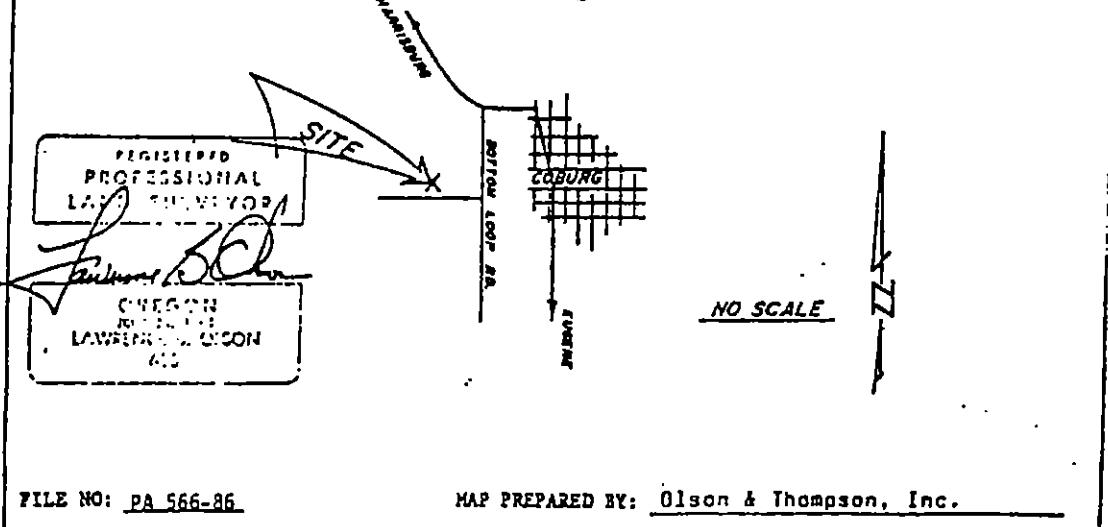
**approval**

**BY:** Jack Thomas 3-31-86  
Acting Chairman, Land Development Review Committee Date

K. Robert Ezell 4/10/86  
Lane County Surveyor Date

2315A001 04/11/86DEFD 8.00  
000003\*\*

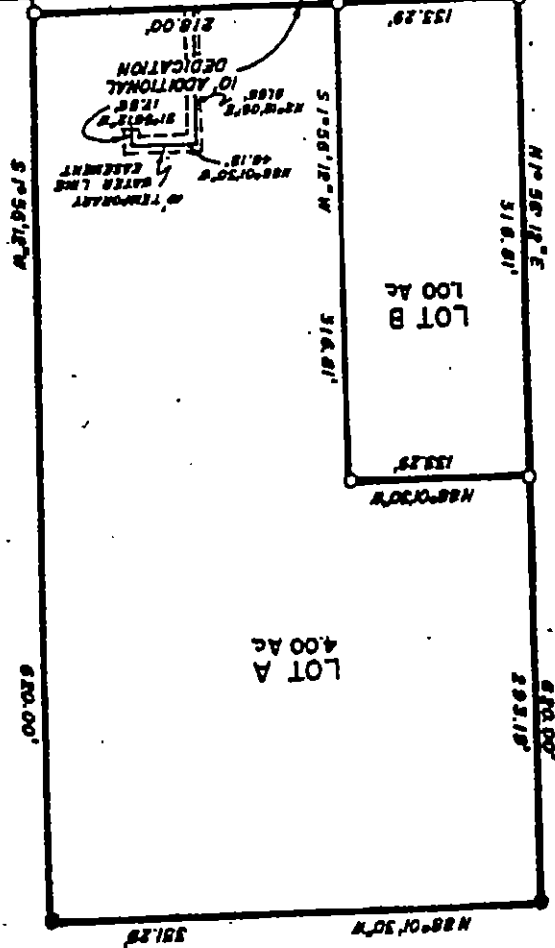
**vicinity map**



SW COR. H. BROWN  
 D.L.C. N. 58 T. 18S. R. 15W  
 (D. 7. BRASS CAP)

0025330

BOTTOM LOOP ROAD (COUNTY ROAD 839)  
 351.28' 568'0" 30"E



- SET 5/8" I.R.
- SET 5/8" I.R.

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR  
*Lawrence B. Olson*  
 OREGON  
 MAY 12, 1984  
 LAWRENCE B. OLSON  
 655

APPROVED FOR RECORDING  
 DATE 4-11-86  
 JACK THOMAS  
 LAND MANAGEMENT DIVISION



FARM USE AND FOREST MANAGEMENT AGREEMENT

6-12-02  
#2002-04541

Grantor(s) KASIMER J. BRAUN and ROBERTA BRAUN

is/are the owner(s) of real property as described on Exhibit "A", attached hereto. In accordance with the conditions set forth in the decision of the Lane County Land Management Division dated 12/26/01 approving Special Use Permit PA # 01-6174, for Assessor's Map and Tax Lot 6-03-32, 1202+R06 Grantor(s) hereby grant(s) to the owner(s), (Grantees), of all property adjacent to the property described in Exhibit "A", a perpetual non-exclusive forest practices management easement as follows:

1. The Grantor(s), the heirs, successors, and assignees acknowledge by the granting of this easement that the above described property is situated in a farm or forest zone in Lane County, Oregon, and may be subjected to conditions resulting from farm use or commercial forests operations on adjacent lands. Such operations may include farm use as defined in ORS 215.203 and management and harvesting of timber, disposal of slash, reforestation, application of chemicals, road construction and maintenance, and other accepted and customary forest management activities conducted in accordance with Federal and State Laws. Said farm use and forest management activities ordinarily and necessarily produce noise, dust, odors, smoke and other conditions, which may conflict with Grantor's use of Grantor's property for residential purposes. Grantor(s) hereby waive(s) all common law rights to object to normal, non-negligent farm use or forest management activities legally conducted on adjacent lands which may conflict with Grantors use of Grantors property for residential purposes, and Grantor(s) hereby give(s) an easement to the adjacent property owners for the resultant impact on Grantors property caused by the farm use of forest management activities on adjacent lands.
2. Grantor(s) shall comply with all restrictions and conditions for maintaining residences in farm or forest zones that may be required by State, Federal, and local land use laws and regulations. Grantor(s) will comply with all fire safety regulations developed by the Oregon Department of Forestry for residential development within a forest zone.

This easement is appurtenant to all property adjacent to the above described property, and shall bind the heirs, successors, and assignees of Grantor(s), and shall endure for the benefit of the adjacent landowners, the heirs, successors, and assignees. The adjacent landowners, the heirs, successors, and assignees are hereby expressly granted the right of third party enforcement of this easement.

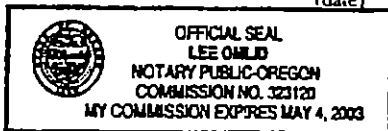
ROBERTA BRAUN  
KASIMER J. BRAUN  
GRANTOR (PLEASE PRINT)

Kasimer J. Braun  
GRANTOR SIGNATURE  
Roberta Braun

IN WITNESS WHEREOF, the Grantor(s) has/have executed this easement on JANUARY 27, 2002 (date)

State of OREGON  
County of Lane

Signed or attested before me on Jan 27, 2002, by KASIMER J. BRAUN and ROBERTA BRAUN (date)



Law  
(SIGNATURE OF NOTARY)

My commission expires: MAY 4, 2003

After Recording Return to:  
KAS BRAUN  
32347 Coburns Bottom Lp Rd  
Eugene OR 97408

---

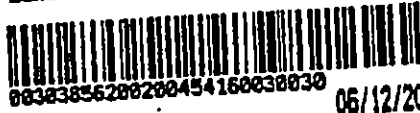
**EXHIBIT A**

**Lot A, Partition Plat No. PA 566-86, Lane County Oregon Plat Records  
as recorded under Reception No. 86-12930, in Lane County, Oregon.**

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Division of Chief Deputy Clerk  
Lane County Deeds and Records

2002-045416



\$36.00

00303856200200454160038030

06/12/2002 02:43:46 PM

RPR-ESMT Cnt=1 Str=3 CASHIER 07  
\$15.00 \$10.00 \$11.00

1007  
After recording return to:  
Lee Omlid  
PO Box 12211  
Eugene OR 97440

6-12-02  
# 2002-045418

**EASEMENT AGREEMENT**

For value received, this Agreement is made and entered into this 27<sup>th</sup> day of JANUARY, 2002, by and between ROGER A. VICKROY and MELANIE L. VICKROY, husband and wife (Vickroy) and KASIMER J. BRAUN and ROBERTA BRAUN, husband and wife (Braun);

**Recitals:**

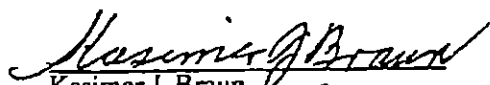
The parties are the owners of adjoining properties, both located on Coburg Bottom Loop Road in Lane County, Oregon. The property owned by Vickroy is legally described in Exhibit C attached and incorporated herein by this reference. The property owned by Braun is legally described in Exhibit B attached and incorporated herein by this reference.

In consideration of the mutual promises and covenants contained in this document, the parties acknowledge that they have reached the following

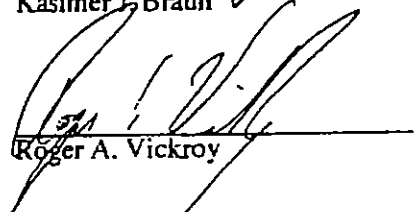
**Agreements:**

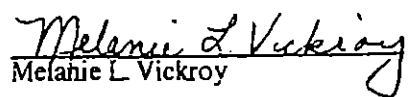
1. Braun hereby grants to Vickroy a perpetual and nonexclusive easement to use the easement property for farming and residential uses not inconsistent with existing uses allowed by zoning laws in the area, and which property is described in attached Exhibit A.
2. This easement is not personal and it is not in gross, but it is to be appurtenant to that real property owned by Vickroy as described in attached Exhibit B.
3. This grant of easement shall run with the land and shall be binding upon and shall exist for the benefit of both parties, their heirs, successors or assigns.
4. Vickroy agrees to hold Braun harmless from injury to any person or property that might occur in the easement area.

We have executed this Agreement on the date written above.

  
Kasimer J. Braun

  
Roberta Braun

  
Roger A. Vickroy

  
Melanie L. Vickroy

---

EXHIBIT A

Beginning at a 5/8" I.R. that is N 1° 56' 12" E 275.96 feet from a 5/8" I.R. that is N 1° 56' 12" E 50.00 feet and S 88° 01' 30" E 879.42 feet from the SW corner of the M. Brown D.L.C. No. 58, T 16S, R 3W, Willamette Meridian; run thence N 1° 56' 12" E 40.85 feet to a 5/8" I.R.; thence S 88° 01' 30" E 133.31 feet to a 5/8" I.R.; thence S 1° 56' 12" W 40.85 feet; thence N 88° 01' 30" W 133.31 feet to the Place of Beginning in Lane County, Oregon.

EXHIBIT B

Beginning at a 5/8" I.R. that is N 1° 56' 12" E 325.96 feet and S 88° 01' 30" E 879.42 feet from the SW corner of the M. Brown D.L.C. No. 58, T 16S, R 3W, Willamette Meridian; run thence N 1° 56' 12" E 334.04 feet to a 5/8" I.R.; thence S 88° 01' 30" E 351.29 feet to a 5/8" I.R.; thence S 1° 56' 12" W 610.00 feet to a 5/8" I.R. that is 30.00 feet Northerly of the centerline of County Road # 939 (Coburg Bottom Loop Road); run thence parallel to said centerline N 88° 01' 30" W 218.00 feet to a 5/8" I.R.; thence N 1° 56' 12" E 275.96 feet to a 5/8" I.R.; thence N 88° 01' 30" W 133.31 feet to the Place of Beginning in Lane County, Oregon. Said parcel contains 4.07 acres more or less.

EXHIBIT C

Beginning at a 5/8" I.R. that is N 1° 56' 12" E 50.00 feet and S 88° 01' 30" E 879.42 feet from the SW corner of the M. Brown D.L.C. No. 58, T 16S, R 3W, Willamette Meridian; run thence N 1° 56' 12" E 275.96 feet to a 5/8" I.R.; thence S 88° 01' 30" E 133.31 feet to a 5/8" I.R.; thence S 1° 56' 12" W 275.96 feet to a 5/8" I.R. that is 30.00 feet northerly of the centerline of County Road No. 939 (Coburg Bottom Loop Road); run thence parallel to said centerline N 88° 01' 30" W 133.31 feet to the Place of Beginning in Lane County, Oregon. Said parcel contains 0.84 acre more or less.

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Division of Chief Deputy Clerk  
Lane County Deeds and Records

2002-045418



\$41.00

00383866200200454180040041

06/12/2002 02:43:46 PM

RPR-ESMT Cnt=1 Sln=3 CASHIER 07

\$20.00 \$10.00 \$11.00

1410 OAK ST. EUGENE, OR 97401 (541) 302-9790

OLSON & MORRIS

LANE COUNTY SURVEYORS OFFICE  
 C.S. FILE NO. **38090**  
 FILING DATE **27 June 2003**

**LAND PARTITION PLAT No. 2003-PI685**

Division of Chief Deputy Clerk  
 Lane County Office and Records  
 200-48644  
 \$8.00  
 06/27/2003 08:35:20 AM  
 513.00 \$10.00 \$11.00

RECORDED  
 PROFESSIONAL  
 LAND SURVEYOR  
**J. Brauner**  
 OREGON  
 JULY 10, 1984  
**LAWRENCE B. OLSON**  
 655  
 RENEWAL DATE 12-31-2002

OWNER/PARTITIONER  
**KASIMER J. BRAUN**  
 323 1/2 LOOP ROAD  
 EUGENE, OR 97401

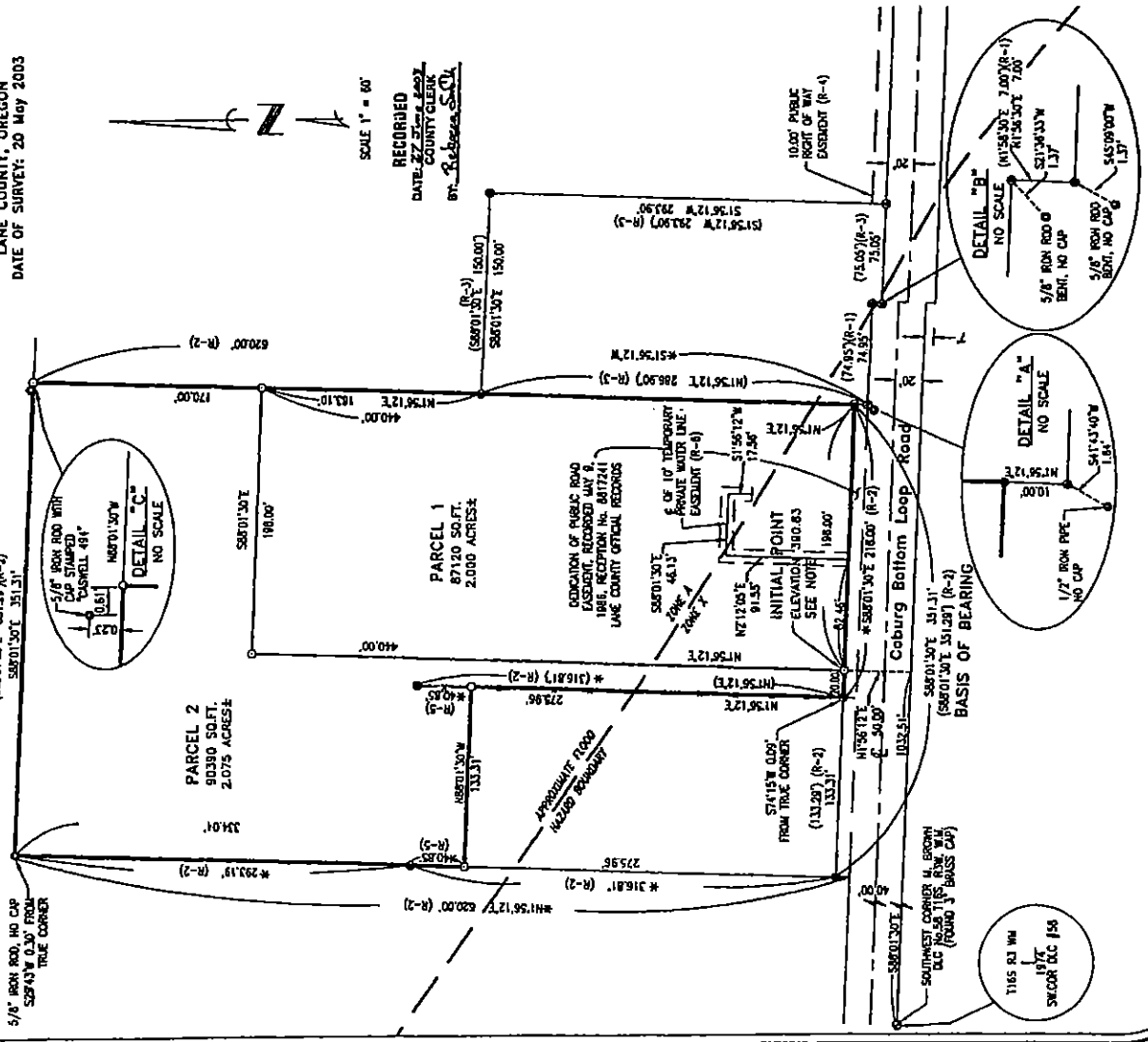
REFERENCES  
 (R-1) CSF #1883  
 (R-2) CSF #1883  
 (R-3) CSF #1884  
 (R-4) LANE PARCEL RECORD RECEPTION # 2003-03741  
 (R-5) LANE PARTITION CL. RECEPTION # 0412800

LEGEND  
 O SET 3/4" BY 3/4" IRON ROD W/ YELLOW PLASTIC CAP STAMPED "PLS855"  
 ● FOUND 5/8" IRON ROD W/ YELLOW PLASTIC CAP STAMPED "PLS855"  
 ● FOUND MONUMENT AS NOTED  
 \* RECORD DATA AS SET AND/OR FOUND  
 - DENOTES LINE NOT TO SCALE  
 DLC = DONATION LAND CLAIM  
 CSF = COUNTY SURVEY FILE  
 TBM = TEMPORARY BENCHMARK  
 ( ) = RECORD & REFERENCE DATA  
 - - - - - FENCE LINE

NOTE  
 ELEVATION OF THE TOP OF THE IRON ROD AND CAP AT THE INITIAL POINT IS BASED ON UCC# 490, NAVD 88 DATUM.

FINAL PARTITION PLAT  
 FOR  
**KASIMER J. BRAUN**  
 NW & SW 1/4 SECTION 32, T.16S., R.3W., W.M.,  
 LANE COUNTY, OREGON  
 DATE OF SURVEY: 20 May 2003

SCALE 1" = 80'  
 RECORDED  
 DATE: 27 June 2003  
 COUNTY CLERK  
**J. Brauner, S.C.L.**



ASSESSOR'S MAP 18-03-32, TAX LOTS 1202 & 1208

FINAL PARTITION PLAT  
FOR  
KASIMER J. BRAUN  
NW & SW 1/4 SECTION 32, T.16S., R.3W., W.M.,  
LANE COUNTY, OREGON  
DATE OF SURVEY: 20 May 2003

LAND PARTITION PLAT No. **2003-PI685**

OWNER/PARTITIONER  
KASIMER J. BRAUN &  
ROBERTA BRAUN  
322-47 COBURG BOTTOM  
LOOP ROAD  
EUGENE, OR 97401

**SURVEYOR'S CERTIFICATE**  
I, LAWRENCE B. OLSON, A REGISTERED PROFESSIONAL LAND SURVEYOR, HAVE  
CORRECTLY SURVEYED AND MARKED WITH THE PROPER MONUMENTS THE FOLLOWING  
DESCRIBED LAND PARTITION PLAT:

BEGINNING AT A 5/8 INCH BY 3/8 INCH IRON ROD WITH YELLOW PLASTIC CAP  
STAMPED "P.L.S. 855" THAT IS 50.00 FEET NORTH 1° 58' 12" EAST AND 1,032.31  
FEET SOUTH 88° 01' 30" EAST FROM A 3 INCH BRASS CAP MARKING THE  
SOUTHWEST CORNER OF THE M. BROWN DONATION LAND CLAIM No. 56, TOWNSHIP 16  
SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, SAID POINT BEING ON THE SOUTH  
RIGHT OF WAY LINE OF COBURG BOTTOM LOOP ROAD; RUN THENCE ALONG SAID LINE  
NORTH 88° 01' 30" WEST 20.00 FEET TO A 5/8 INCH IRON ROD; THENCE DEPARTING  
SAID RIGHT OF WAY NORTH 1° 56' 12" EAST 275.88 FEET TO A 5/8 INCH IRON ROD;  
THENCE NORTH 88° 01' 30" WEST 133.31 FEET TO A 5/8 INCH IRON ROD; THENCE  
NORTH 1° 56' 12" EAST 334.04 FEET TO A 5/8 INCH IRON ROD; THENCE SOUTH 88°  
01' 30" EAST 351.31 FEET TO A 5/8 INCH IRON ROD; THENCE SOUTH 1° 58' 12"  
WEST 810.00 FEET TO A 5/8 INCH IRON ROD ON THE NORTHERLY RIGHT OF WAY  
LINE OF SAID COBURG BOTTOM LOOP ROAD; THENCE ALONG SAID LINE NORTH 88° 01'  
30" WEST 198.00 FEET TO THE POINT OF BEGINNING, ALL IN LANE COUNTY, OREGON.  
CONTAINING 4.075 ACRES MORE OR LESS.

**NOTES & RESTRICTIONS:**  
1. THE PROPERTY IS LOCATED IN A FLOOD HAZARD ZONE. ALL DEVELOPMENTS SHALL  
COMPLY WITH LANE COUNTY FLOOD PLAIN REGULATIONS. THE FLOOD HAZARD  
ZONING MAP IS AVAILABLE FOR EXAMINATION FROM 9:00 AM TO 5:00 PM AT THE  
MAP RATER 158001-0401, FEDERAL CENTER, JUNE 1, 2003. THE FLOOD RISK  
PERMIT TO CONSTRUCT ANY NEW STRUCTURE OTHER THAN A FENCE OR WALL ON THE  
PROPERTY OR ON PARCELS CREATED FROM SUBJECT PROPERTY MAY BE MADE OR  
GRANTED UNLESS THE PLANS SUBMITTED WITH PERMIT REQUEST SHOW THAT ALL  
STRUCTURES ARE SET BACK A DISTANCE OF AT LEAST 20 FEET FROM ADJACENT  
PROPERTIES ZONED FOR FARM USE, AND THAT A PROPOSED DWELLING WILL BE SET  
BACK AT LEAST 100 FEET FROM ALL PROPERTIES ZONED FOR FARM USE.  
2. A SOLID, SIX-FOOT FENCE OR WALL MEETING THE FOLLOWING SPECIFICATIONS  
SHALL BE MAINTAINED IN GOOD CONDITION ALONG THE ENTIRE LENGTH OF ALL  
PROPERTY LINES OF THE SUBJECT PROPERTY AND OF PROPERTY LINES OF ANY  
PARCELS CREATED FROM THE SUBJECT PROPERTY THAT ARE ADJACENT TO ANY  
PARCELS ZONED FOR FARM USE: (1) IF BUILT FROM METAL, THE FENCE SHALL BE  
PAINTED FOR FARM USE; (2) IF BUILT FROM WOOD, CHAINS SHALL BE PLACED  
WITH 50 FEET FROM WOOD AND SHALL BE BURIED AS DEEP AS THE WOOD PETERBOROUGH.  
WHEN IRON AND TENSILE MEMBERS SHALL BE BURIED AS DEEP AS THE WOOD PETERBOROUGH.  
4. ANY DEED TRANSFERRING OWNERSHIP OF ANY PORTION OF THE SUBJECT  
PROPERTY AND ANY RENTAL AGREEMENT OR LEASE ALLOWING TEMPORARY OCCUPANCY  
OF ALL OR ANY PORTION OF THE SUBJECT PROPERTY SHALL CONTAIN THE FOLLOWING  
NOTICE, PRINTED IN AT LEAST 8-POINT TYPE: THIS PROPERTY IS LOCATED NEXT TO  
AN OPERATIONAL AGRICULTURAL ACTIVITY. NORMAL OPERATIONS OF THE AGRICULTURAL  
USE MAY RESULT IN INTRUSIONS ON OCCUPANTS' QUIET ENJOYMENT OF THIS  
PROPERTY IN THE FORM OF DUST, LIGHTS, NOISE, VIBRATION AND PHYSICAL OBJECTS.  
CURRENT LAW AND AN EASEMENT BINDING ON THE OWNER AND OCCUPANT OF THIS  
PROPERTY LIMITS ANY OCCUPANT'S ABILITY TO COMPLAIN OR TAKE LEGAL ACTION  
5. THE ACCESSORY STRUCTURE ON PARCEL 1, PLACED UNDER COUNTY LAND  
MANAGEMENT DIVISION PERMIT NUMBER BP 84-0423, SHALL BE USED SOLELY FOR  
AGRICULTURAL PURPOSE AS PART OF AN OPERATING FARM UNLESS A BUILDING  
PERMIT IS APPROVED AND ALL INSPECTIONS ARE OBTAINED TO CONVERT THE BUILDING  
TO ANOTHER, APPROVED USE - SEE COUNTY BUILDING PERMIT NUMBER BP 84-0423.  
6. FARM USE AND FOREST MANAGEMENT AGREEMENT, INCLUDING THE TERMS AND  
PROVISIONS THEREOF, RECORDED JUNE 1, 2002, RECEPTION No. 2002-045416, LANE  
COUNTY OFFICIAL RECORDS.  
7. EASEMENT AGREEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, RECORDED  
JUNE 12, 2002, RECEPTION No. 2002-145416, LANE COUNTY OFFICIAL RECORDS.

RECORDED  
DATE: 22 May 2003  
COUNTY CLERK  
BY: *[Signature]*

PROFESSIONAL  
LAND SURVEYOR  
LAWRENCE B. OLSON  
EXPIRES: 06/30/04  
RECORD DATE: 12-31-2002

Division of Chief Deputy Clerk  
Lane County Health and Revenue  
700-45554  
C.S. FILE NO. **98090**  
PLAT NO. **22 MAY 03**  
136.00  
189-007 C-1-1 51-rod  
183.00 189.00 911.00 (5777700) (8-38-28) 81

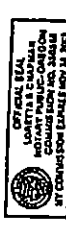
**NARRATIVE**  
THE PURPOSE OF THIS SURVEY IS TO COMPLY WITH THE REQUIREMENTS FOR  
APPROVAL OF PARTITION No. PA 00-5384. THIS PARCEL WAS CREATED BY COUNTY  
SURVEY FILE No. 26233. CONTROL FOR THIS SURVEY WAS ESTABLISHED THROUGH THE  
PARTIAL RECONSTRUCTION OF SAID EARLIER SURVEY. THE BASIS OF BEARING WAS HELD  
AS SHOWN ON COUNTY SURVEY FILE No. 36854 THIS PARCEL OF LAND WAS THEN  
PARTITIONED PER INSTRUCTIONS FROM THE OWNER.

**DECLARATION**  
KNOW ALL MEN BY THESE PRESENTS THAT KASIMER J. BRAUN AND ROBERTA BRAUN,  
AS TENANTS BY THE ENTIRETY, AND THE BRAUN FAMILY REVOCABLE TRUST WITH  
KASIMER BRAUN AND ROBERTA BRAUN, TRUSTEES, ARE THE OWNERS OF THE LAND  
DESCRIBED HEREON, AND HAS CAUSED THIS PARTITION TO BE PREPARED IN  
ACCORDANCE WITH THE OREGON REVISED STATUTES, CHAPTER 92 AND THEY DO  
HEREBY PARTITION AND SHOW THE SAME. ALL EXISTING EASEMENTS ARE HEREBY  
ACKNOWLEDGED AND PLAIN HEREON.

*Kasimer J. Braun*  
KASIMER J. BRAUN  
OWNER & TRUSTEE

*Roberta Braun*  
ROBERTA BRAUN  
OWNER & TRUSTEE

STATE OF OREGON ss  
COUNTY OF LANE  
PERSONALLY APPEARED THE ABOVE NAMED KASIMER J. BRAUN AND ROBERTA BRAUN,  
OWNERS AND TRUSTEES OF THE BRAUN FAMILY REVOCABLE TRUST, KNOWN TO  
ME TO BE THE IDENTICAL PERSONS WHO EXECUTED THIS INSTRUMENT, AND THEY  
ACKNOWLEDGE THE FOREGOING INSTRUMENT TO BE THEIR VOLUNTARY ACT AND DEED.  
IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL  
SUBSCRIBED TO BEFORE ME THIS DAY 22 OF May 2003



*Lawrence B. Olson*  
NOTARY PUBLIC FOR OREGON  
MY COMMISSION EXPIRES 6/12/2004

APPROVALS & ACCEPTANCES  
*[Signatures]*  
DATE June 26, 2003  
COUNTY SURVEYOR  
DATE June 26, 2003  
COUNTY ASSESSOR

1974  
RG 7312170

NOTE AND MORTGAGE

THE MORTGAGOR, Kasimer J. Braun and Roberta J. Braun husband and wife -----

mortgages to the STATE OF OREGON, represented and acting by the Director of Veterans' Affairs, pursuant to ORS 407.030, the following described real property located in the State of Oregon and County of Lane

Beginning at the Southeast corner of the Manweather Brown Donation Lane, Claim No. 58 in Township 16 South, Range 3 West of the Willamette Meridian, run thence North 88° 01' 30" West along the south line of said Claim No. 58 a distance of 1394.95 feet, thence leaving the south line of said claim and run North 1° 56' 12" East parallel to the east line of said Claim No. 58 a distance of 40.0 feet to the true point of beginning, of the herein described tract, said point being on the north right of way line of County Road No. 939, thence continuing North 1° 56' 12" East parallel to the said east line of said claim a distance of 290.40 feet, thence North 88° 01' 30" West parallel to the south line of said claim No. 58 a distance of 150.0 feet, thence South 1° 56' 12" West parallel to the said east line of said claim a distance of 290.40 feet to a point on the north right of way line of said County Road No. 939, thence South 88° 01' 30" East 150.0 feet to the true point of beginning, in Lane County, Oregon. Bearings are based upon the Oregon Coordinate System, south zone.

together with the tenements, hereditaments, rights, privileges, and appurtenances including roads and easements used in connection with the premises; electric wiring and fixtures; furnace and heating system, water heaters, fuel storage receptacles; plumbing, ventilating, water and irrigating systems; screens, doors; window shades and blinds, shutters; cabinets, built-in linoleum; and floor coverings; built-in stoves, ovens, electric sinks, air conditioners, refrigerators, freezers, dishwashers; and all fixtures now or hereafter installed in or on the premises; and any shrubbery, flora, or timber now growing or hereafter planted or growing thereon; and any replacements of any one or more of the foregoing items, in whole or in part, all of which are hereby declared to be appurtenant to the land, and all of the rents, issues, and profits of the mortgaged property;

to secure the payment of Twenty-eight thousand five hundred and NO/100 ----- Dollars

(\$ 28,500.00 ---), and interest thereon, evidenced by the following promissory note:

I promise to pay to the STATE OF OREGON Twenty-eight thousand five hundred and NO/100 Dollars (\$ 28,500.00 -----), with interest from the date of initial disbursement by the State of Oregon, at the rate of 5.9 ----- percent per annum until such time as a different interest rate is established pursuant to ORS 407.072, principal and interest to be paid in lawful money of the United States, at the office of the Director of Veterans' Affairs in Salem, Oregon, as follows:

\$ 174.00 ----- on or before April 1, 1974 ----- and \$ 174.00 on the first of each month ----- thereafter, plus one-twelfth of ----- the ad valorem taxes for each successive year on the premises described in the mortgage, and continuing until the full amount of the principal, interest and advances shall be fully paid, such payments to be applied first as interest on the unpaid balance, the remainder on the principal;

The due date of the last payment shall be on or before March 1, 2002.

In the event of transfer of ownership of the premises or any part thereof, I will continue to be liable for payment and the balance shall draw interest as prescribed by ORS 407.070 from date of such transfer.

This note is secured by a mortgage, the terms of which are made a part hereof.

Dated at Eugene, Oregon -----  
Kasimer J. Braun  
Roberta J. Braun

January 16 1974

The mortgagor or subsequent owner may pay all or any part of the loan at any time without penalty.

The mortgagor covenants that he owns the premises in fee simple, has good right to mortgage same, that the premises are free from encumbrance, that he will warrant and defend same forever against the claims and demands of all persons whomsoever, and this covenant shall not be extinguished by foreclosure, but shall run with the land.

MORTGAGOR FURTHER COVENANTS AND AGREES:

1. To pay all debts and moneys secured hereby;
2. Not to permit the buildings to become vacant or unoccupied; not to permit the removal or demolition of any buildings or improvements now or hereafter existing; to keep same in good repair; to complete all construction within a reasonable time in accordance with any agreement made between the parties hereto;
3. To remove any timber except for his own domestic use; not to commit or suffer any waste;

10. To promptly notify mortgagee in writing of a transfer of ownership of the property; a purchaser shall pay interest as prescribed and furnish a copy of the instrument of transfer to the mortgagee; a purchaser shall remain in full force and effect. All payments due from the date of transfer; in all other respects this mortgage shall remain in full force and effect.

The mortgagee may, at his option, in case of default of the mortgagor, perform same in whole or in part and all expenditures made in so doing including the employment of an attorney to secure compliance with the terms of the mortgage or the note shall draw interest at the rate provided in the note and all such expenditures shall be immediately repayable by the mortgagor without demand and shall be secured by this mortgage.

Default in any of the covenants or agreements herein contained or the expenditure of any portion of the loan for purposes other than those specified in the application, except by written permission of the mortgagee given before the expenditure is made, shall cause the entire indebtedness at the option of the mortgagee to become immediately due and payable without notice and this mortgage subject to foreclosure.

The failure of the mortgagee to exercise any options herein set forth will not constitute a waiver of any right arising from a breach of the covenants.

In case foreclosure is commenced, the mortgagor shall be liable for the cost of a title search, attorney fees, and all other costs incurred in connection with such foreclosure.

Upon the breach of any covenant of the mortgage, the mortgagee shall have the right to enter the premises, take possession, collect the rents, issues and profits and apply same, less reasonable costs of collection, upon the indebtedness and the mortgagee shall have the right to the appointment of a receiver to collect same.

The covenants and agreements herein shall extend to and be binding upon the heirs, executors, administrators, successors and assigns of the respective parties hereto.

It is distinctly understood and agreed that this note and mortgage are subject to the provisions of Article XI-A of the Oregon Constitution, ORS 407.010 to 407.210 and any subsequent amendments thereto and to all rules and regulations which have been issued or may hereafter be issued by the Director of Veterans' Affairs pursuant to the provisions of ORS 407.020.

WORDS: The masculine shall be deemed to include the feminine, and the singular the plural where such connotations are applicable herein.

IN WITNESS WHEREOF, The mortgagors have set their hands and seals this 16th day of January 1974

*Kasimer J. Braun* (Seal)  
Kasimer J. Braun  
*Roberta J. Braun* (Seal)  
Roberta J. Braun (Seal)

### ACKNOWLEDGMENT

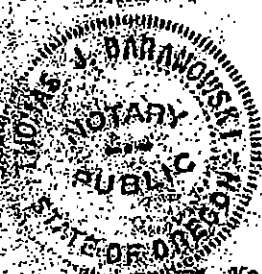
STATE OF OREGON }  
County of Lane }

Before me, a Notary Public, personally appeared the within named Kasimer J. Braun and Roberta J. Braun, his wife, and acknowledged the foregoing instrument to be their voluntary act and deed.

WITNESS by hand and official seal the day and year last above written.

*Thomas J. Baranowski*  
Thomas J. Baranowski Notary Public for Oregon

My Commission expires November 3, 1976



### MORTGAGE

M-02457-

FROM: BRAUN, Kasimer J., et ux TO Department of Veterans' Affairs

STATE OF OREGON  
County of \_\_\_\_\_

Testify that the within was received and

No. \_\_\_\_\_ Page \_\_\_\_\_ on the \_\_\_\_\_ day

By \_\_\_\_\_

Filed \_\_\_\_\_

ion,  
ne —ss.

Paul G. Director of the  
of Records and Elections,  
said County, do hereby  
re within instrument was  
record at

IN 18 PM 12 05

3 K

OFFICIAL RECORDS.

LD, Director of the  
of Records & Elections.

*[Signature]*  
Deputy

k of Mortgagee.

7339705

WARRANTY DEED

FOR VALUE RECEIVED THOMAS WINN, Trustee,

herein referred to as grantors, hereby grant, bargain, sell, and convey unto KASIMER J. BRAUN and ROBERTA J. BRAUN, husband and wife,

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

Beginning at the Southeast corner of the Manweather Brown Donation Land Claim No. 58 in Township 16 South, Range 3 West of the Willamette Meridian, run thence North 88° 01' 30" West along the south line of said Claim No. 58 a distance of 1394.95 feet, thence leaving the south line of said claim and run North 1° 56' 12" East parallel to the east line of said Claim No. 58 a distance of 40.0 feet to the true point of beginning, of the herein described tract, said point being on the north right of way line of County Road No. 939, thence continuing North 1° 56' 12" East parallel to the said east line of said claim a distance of 290.40 feet, thence North 88° 01' 30" West parallel to the south line of said claim No. 58 a distance of 150.0 feet, thence South 1° 56' 12" West parallel to the said east line of said Claim a distance of 290.40 feet to a point on the north right of way line of said County Road No. 939, thence South 88° 01' 30" East 150.0 feet to the true point of beginning, in Lane County, Oregon, containing 1.0 acre.

THIS DEED IS EXECUTED AND DELIVERED AS A PARTIAL RELEASE OF REAL PROPERTY BEING SOLD BY THE GRANTOR TO THE GRANTEE UNDER A CONTRACT OF SALE DATED THE 18TH DAY OF OCTOBER, 1971.

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, except easements, reservations, restrictions, conditions of record, and any encumbrances arising subsequent to October 18, 1971.

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

The true and actual consideration for this transfer is \$2,300.00 an additional payment upon the above described land sale contract in the amount of \$2,300.00.

Dated August 29, 1973

Thomas Winn, Trustee (Seal)
Thomas Winn, Trustee (Seal)

STATE OF OREGON, County of Lane, ss. Personally appeared the above named

THOMAS WINN, Trustee,

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

Notary Public for Oregon
A.D. 1973

Compliments of
CASCADE TITLE COMPANY
Eugene, Oregon
WARRANTY DEED

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 AUG 29 AM 8 50

Recd. 653 R

Lane County OFFICIAL RECORDS,

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

By [Signature] Deputy

CG 9-083-05

Return To:
5550 West Amazon
Eugene, Oregon

See last statements to - 5550 West Amazon Eugene, Oregon

2 of 2

8615211

WARRANTY DEED—TENANTS BY ENTIRETY

KNOW ALL MEN BY THESE PRESENTS, That K.J. BRAUN also known as KASIMER BRAUN and ROBERTA BRAUN, husband and wife, hereinafter called the grantor, for the consideration hereinafter stated to the grantor paid by ROGER A. VICKROY and MELANIE L. VICKROY, husband and wife, hereinafter called the grantees, do hereby grant, bargain, sell and convey unto the grantees, as tenants by the entirety, the heirs of the survivor and their assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Lane, State of Oregon, described as follows, to-wit:

Beginning at a 5/8" I.R. that is N 1° 56' 12" E 50.00' and S 88° 01' 30" E 879.42' from the SW corner of the M. Brown D.L.C. No. 58, T165, R3W, Willamette Meridian; run thence N 1° 56' 12" E 316.81' to a 5/8" I.R.; thence S 88° 01' 30" E 133.29' to a 5/8" I.R.; thence S 1° 56' 12" W 316.81' to a 5/8" I.R. that is 30.00' Northerly of the centerline of County Road No. 939 (Bottom Loop Road); run thence parallel to said centerline N. 88° 01' 30" W 133.29' to the Place of Beginning in Lane County, Oregon. Said parcel contains 1.0 acres more or less.

3052A001 04/23/86 REC 600  
KN0004W

To Have and to Hold the above described and granted premises unto the said grantees, as tenants by the entirety, their heirs and assigns forever.

And grantor hereby covenants to and with grantees and the heirs of the survivor and their assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances.

grantor will warrant and forever defend the said premises and every part and parcel thereof, against the lawful claims and demands of all persons, whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 0.

However, the actual consideration consists of or includes other property or value given or promised which is part of the consideration (indicate which). (The sentence between the symbols @, if not applicable, should be deleted. See OR's §3.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 22 day of April, 1986.

If a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

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.

K.J. Braun Kasimer Braun  
K.J. BRAUN, aka KASIMER BRAUN

Roberta Braun  
ROBERTA BRAUN

STATE OF OREGON, County of Lane, 19 86  
22 April

Personally appeared the above named K.J. BRAUN aka KASIMER BRAUN and ROBERTA BRAUN and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me: [Signature]  
Notary Public for Oregon  
My commission expires 11/28/86

Personally appeared [Signature] who, being duly sworn, each for himself and not one for the other, did say that the latter is the president and that the latter is the secretary of [Signature] a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed 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: [Signature]  
Notary Public for Oregon  
My commission expires [Signature]

K.J. and ROBERTA BRAUN  
32347 Coburg Bottom Loop  
Eugene, OR 97401  
GRANTOR'S NAME AND ADDRESS  
Roger and Melanie Vickroy  
2290 Arthur Court  
Eugene, OR 97405  
GRANTEE'S NAME AND ADDRESS  
Roger and Melanie Vickroy  
2290 Arthur Court  
Eugene, OR 97405  
GRANTEE'S NAME AND ADDRESS  
Roger and Melanie Vickroy  
2290 Arthur Court  
Eugene, OR 97405  
NAME, ADDRESS, ZIP  
Will a change in requested bill statements shall be sent to the following address:  
Roger and Melanie Vickroy  
2290 Arthur Court  
Eugene, OR 97405  
NAME, ADDRESS, ZIP

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 2:54 PM 86, 128 36  
the within instrument recorded on the 19  
M, and recorded to fee/file/instrument No. 1 county rd and seal of  
Real 1398R  
Lane County OFFICIAL Records  
Lane County Clerk  
by [Signature] Deputy  
C 30-53

8615211

*no fee*

DEDICATION OF A PUBLIC ROAD EASEMENT

Kasimer J. Braun and Roberta J. Braun  
GRANTOR(s), grant and dedicate to LANE COUNTY, a political subdivision of the State of Oregon, GRANTEE, a public road easement on and over the following described property:

A parcel of land lying in the Southwest one-quarter (SW1/4) of Section 32, Township 16 South, Range 3 West, Willamette Meridian, and being a portion of the tract of land conveyed to KASIMER J. BRAUN and ROBERTA J. BRAUN, husband and wife, by that certain Warranty Deed, recorded on Real Estate Recorder's Reception Number 7421566, Lane County Oregon Deed Records, said parcel being described as follows:

Beginning at a 5/8" Iron Rod that is North 1° 56' 12" East 50.00 feet and South 88° 01' 30" East 879.42 feet from the Southwest corner of the M. Brown Donation Land Claim Number 58, Township 16 South, Range 3 West, Willamette Meridian; RUN thence South 88° 01' 30" East 351.29 feet to a 5/8" Iron Rod; thence South 1° 56' 12" West 30.00 feet to a point on the centerline of County Road Number 939 (Coburg Bottom Loop); thence along said centerline North 88° 01' 30" West 351.29 feet to a point; thence leaving said centerline North 1° 56' 12" East 30.00 feet to the beginning point, and there ending, all in Lane County, Oregon.

The bearings used herein are based on survey No. 26233 on file in the office of the Lane County Surveyor.

It being the intent herein to widen County Road No. 939 (Coburg Bottom Loop) to 30 feet from centerline on the northerly side of the centerline as said road abuts the Grantor's property.

Said parcel being forever dedicated to the use of the public for road purposes and granting a public road easement.

There is no consideration for this dedication.

DATED this 7 day of April, 1986. 4092A001 05/09/86 FEE 9.00  
###8893###  
Kasimer J. Braun  
Roberta J. Braun

STATE OF OREGON )  
COUNTY OF LANE ) ss.

On April 7, 1986, 1986, personally appeared the above named Kasimer J. Braun and Roberta J. Braun and acknowledged the foregoing instrument to be their voluntary act before me:

NOTARY PUBLIC  
LANE COUNTY, OREGON  
DEDICATIONS LIC  
16-03-32-T.L. 1202, 1206  
Co. Rd. No. 939 Coburg Bottom Loop  
566-86  
4/2/86 GED/sm

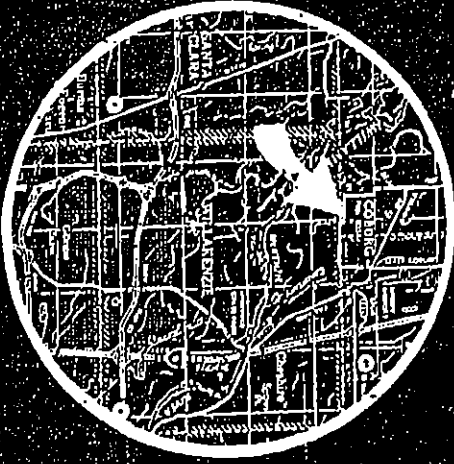
Diane G. Williams  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: Jan. 8, 1989

APPROVED FOR RECORDING  
DATE \_\_\_\_\_ Lane County  
LAND MANAGEMENT DIVISION



8617241

ORIGINAL



SW Cor.  
M. Brown  
DLC No. 58

2900 2300

Garage Bottom Loop 7

1200

1300

1400

1500

1600

1700

1800

1900

2000

2100

2200

2300

2400

2500

2600

2700

2800

2900

3000

3100

3200

3300

3400

3500

Section 32 T16S R3WMM  
LANE COUNTY  
1400'

PARTITION 566-86  
16-03-32 T.L. 1202, 1206

SE Cor.  
DLC No. 58  
J.C. Mansfield  
DLC No. 59

SW Cor.  
J. Diamond  
DLC No. 44

NW Cor.  
J. Thomas  
DLC No. 60

SW Cor.  
DLC No. 60

INT. ELL Cor.  
DLC No. 59

ENE Cor.  
DLC No. 59

COUNTY ROAD 281 - FUNKE RD.

LAND MANAGEMENT DIVISION

DATE 5-8-86

BY [Signature]

1200 1300 1400 1500 1600 1700 1800 1900 2000 2100 2200 2300 2400 2500 2600 2700 2800 2900 3000 3100 3200 3300 3400 3500

8617241

8617241

State of Oregon,  
County of Lane.

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

9 MAY 25 10:00

Reel

1400R

Lane County OFFICIAL Records  
Lane County Clerk

*[Signature]*  
Deputy

C 30-53

**Karl Mueller**

---

**From:** HOPKINS Steve P [Steve.HOPKINS@co.lane.or.us]  
**Sent:** Wednesday, May 24, 2006 2:56 PM  
**To:** Karl Mueller  
**Subject:** RE: research request

it was the same date and PA for 1213

-----Original Message-----

**From:** Karl Mueller [mailto:karl@metroplanning.com]  
**Sent:** Wednesday, May 24, 2006 2:27 PM  
**To:** HOPKINS Steve P  
**Subject:** RE: research request

Was 1213 also rezoned RR-5 to RR-2 by PA99-6447.

---

**From:** HOPKINS Steve P [mailto:Steve.HOPKINS@co.lane.or.us]  
**Sent:** Monday, May 15, 2006 1:28 PM  
**To:** Karl Mueller  
**Subject:** RE: research request

The property was zoned RR5 on February 29, 1984 by Ord. 884.

-----Original Message-----

**From:** Karl Mueller [mailto:karl@metroplanning.com]  
**Sent:** Monday, May 15, 2006 1:23 PM  
**To:** HOPKINS Steve P  
**Subject:** RE: research request

I guess I need to know then when the RR-5 district was first applied.

---

**From:** HOPKINS Steve P [mailto:Steve.HOPKINS@co.lane.or.us]  
**Sent:** Monday, May 15, 2006 1:21 PM  
**To:** Karl Mueller  
**Subject:** RE: research request

It appears parcel 1212 was rezoned from RR5 to RR2 on January 10, 1999, by PA99-6447.

Appraisals are not required for a complete application. The applicant is required to submit "reasonable and competent" evidence of a reduction in fair market value from enforcement of a land use regulation. The Board will decide at the public hearing if the evidence you submit demonstrates a reduction in value.

-----Original Message-----

**From:** Karl Mueller [mailto:karl@metroplanning.com]  
**Sent:** Monday, May 15, 2006 1:05 PM  
**To:** HOPKINS Steve P  
**Subject:** RE: research request

Is it possible to find when the RR-2 District was first applied to 16-03-32-00-1212?

Additionally, is it correct that the County is no longer requiring appraisals for Measure 37 claims? Is it sufficient to

provide estimates for the value of the property with the current zoning district and the value provided the zoning district at the time of acquisition applied today?

ie. 2.0 acre buildable lot in that area \$220,000

1.0 acre buildable lot in that area 130,000-180,000 from a realtor specializing in rural properties?

---

**From:** HOPKINS Steve P [mailto:Steve.HOPKINS@co.lane.or.us]  
**Sent:** Monday, May 01, 2006 8:31 AM  
**To:** Karl Mueller  
**Subject:** RE: research request

Karl,  
I have attached the zoning ordinance from 1974

-----Original Message-----

**From:** Karl Mueller [mailto:karl@metroplanning.com]  
**Sent:** Friday, April 28, 2006 4:05 PM  
**To:** HOPKINS Steve P  
**Subject:** RE: research request

Steve,

I don't know if it was my handwriting or I made a mistake in my request but we need the zoning information and code for this property from May 22, 1974 not 71.

I looked at this in a little more detail today for the first time since the request today.

---

**From:** HOPKINS Steve P [mailto:Steve.HOPKINS@co.lane.or.us]  
**Sent:** Wednesday, April 26, 2006 1:26 PM  
**To:** Karl Mueller  
**Subject:** RE: research request

Karl,  
I have attached the zoning code that was in effect in 1971. Let me know if you have any other questions.

-----Original Message-----

**From:** Karl Mueller [mailto:karl@metroplanning.com]  
**Sent:** Tuesday, April 25, 2006 1:35 PM  
**To:** HOPKINS Steve P  
**Subject:** research request

Steve:

Thank you for your prompt reply to the research request I submitted for Map 16-03-32 Tax Lots 1212, 1213, and 1209. The only other information is related to the permitted uses. The provided code sections state

A. Use

No building, structure or land shall be used, and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained except for the following uses:

4. Single family dwellings, duplexes and accessory buildings hereto when developed in accordance with the conditions established under Section VIII (RA) in subdivisions approved by the Planning Commission.

It appears that I require Section VIII (RA).

I look forward to hearing from you.

Sincerely,  
Karl Mueller

Date May 22, 2006

Mr. Braun

RE: Letter of Opinion of Value for 32347 Coburg Bottom Loop Road  
Home on one acre parcel

Dear Mr. Braun

This is not an appraisal. A market analysis describes a range of possible values based on market information. Dollar adjustments to value based on what is included or not included in comparable properties is not allowed under the Oregon Real Estate Licensing Laws. For this type of information, an appraisal by a licensed appraiser must be completed.

Based on my inspection of the property and the current market information that is attached, it is my opinion that this home on a one acre lot would sell for \$450,000.

Due to the lack of current sales in the Coburg area I have used Countywide comparables to base my opinion on.

Sincerely,

A handwritten signature in cursive script that reads "Randy Downing".

Randy Downing, Broker  
Prudential Real Estate Professionals

## Summary of Comparables

### Active

MLS#	P	Type	Address	City	Area	Acres	
		RESID	32347 COBURG BOTTOM LOOP ROAD		240	1	\$1
6018140	4	RESID	49858 MCKENZIE HWY	Vida	233	0.87	\$1
5084963	8	RESID	Florence RD	Creswell	235	1.18	\$1
6007506	5	RESID	93069 APPLGATE Lot 8	Cheshire	237	1	\$1
6026197	0	RESID	LOT 101, FOREST RIDG DR	Springfield	239	1.06	\$1
6006023	5	RESID	33411 BLOOMBERG RD	Eugene	243	1.19	\$1

### Pending

MLS#	P	Type	Address	City	Area	Acres	
		RESID	32347 COBURG BOTTOM LOOP ROAD		240	1	\$1
6012811	8	RESID	Mckenzie HWY	Vida	233	1	\$1
6027995	8	RESID	Row River Rd Lt 807	Dorena	235	1	\$1
6007517	4	RESID	93069 APPLGATE Lot 11	Cheshire	237	1.14	\$1
6014562	8	RESID	4975 Old Dillard RD	Eugene	243	0.93	\$2
5076140	4	RESID	Gibraltar Loop	Eugene	244	0.91	\$1

### Sold

MLS#	P	Type	Address	City	Area	Acres	
		RESID	32347 COBURG BOTTOM LOOP ROAD		240	1	\$1
5064649	5	RESID	Leaburg Dam RD	Leaburg	233	1.03	\$
5013035	0	RESID	McKenzie Hwy.	Blue River	233	1	\$
5061689	2	RESID	HWY 99	Creswell	235	0.99	\$1
6007488	7	RESID	93069 APPLGATE Lot 4	Cheshire	237	1.15	\$1
5061054	0	RESID	Between 72nd, 71st	Springfield	239	1.05	\$1
5047649	2	FRM//FOR	Lady Slipper LOOP	Eugene	244	1.08	\$1
4074868	2	FRM//FOR	Skyridge DR	Eugene	244	1.03	\$1
4074869	2	FRM//FOR	Lady Slipper LOOP	Eugene	244	1.09	\$1
6005688	0	RESID	Lady Slipper LOOP	Eugene	244	1.08	\$1
5022381	0	RESID	8 Tiburon LN	Eugene	244	0.96	\$1
5027810	1	RESID	21 Summit Sky	Eugene	244	1.06	\$1
5060560	0	RESID	Cedar Flats RD	Springfield	249	1	\$1

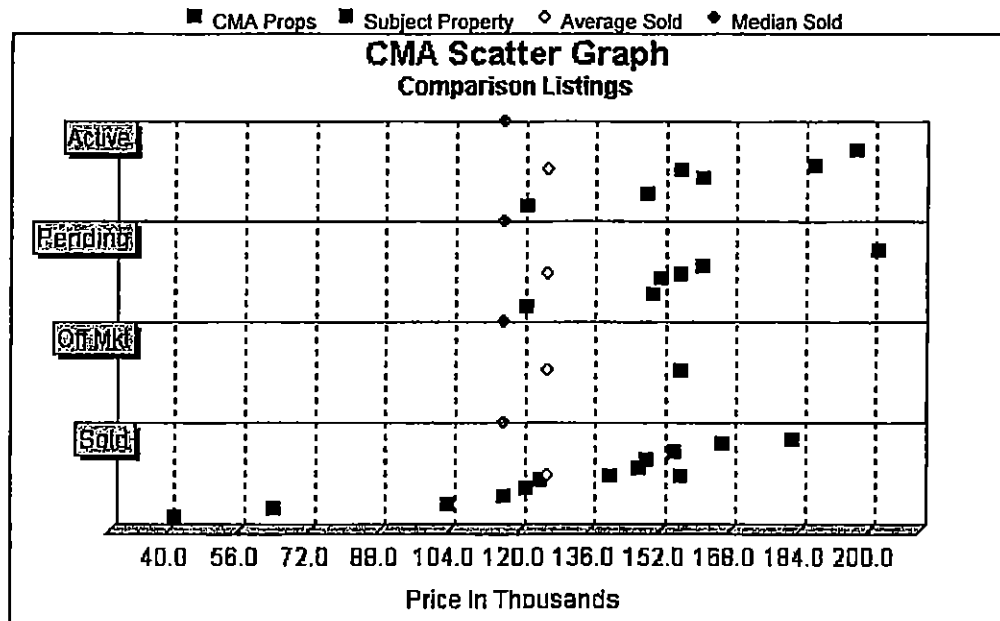
© Copyright 2006 RMLS™Portland - MLS INFORMATION NOT GUARANTEED AND SHOULD BE VERIFIED.  
 SQUARE FOOTAGE IS APPROXIMATE & MAY INCLUDE BOTH FINISHED & UNFINISHED AREAS - CONSULT BROKER FOR INFO.  
 SCHOOL AVAILABILITY SUBJECT TO CHANGE.

## Pricing Your Home

Status	#	Average	Minimum	Maximum	Avg Sqft	Avg \$/Sqft
Active	5	\$161,460	\$119,900	\$195,000	0	\$0
Pending	5	\$155,780	\$120,000	\$200,000	0	\$0
Sold	12	\$124,642	\$40,000	\$180,000	0	\$0
<b>Total Listings</b>	<b>22</b>	Sold Properties closed averaging <b>97.37%</b> of their Final List Price. This reflects a <b>2.63%</b> difference between Sale Price and List Price. If SNL status is included, the Sold Price to List Price ratio will be affected because the ratio is always 100% for SNL listings.				

	Amount	\$/Sqft
<b>Average Sales Price</b>	<b>\$124,642</b>	<b>\$0</b>
Min. List Price	\$49,900	\$0
Max. List Price	\$195,000	\$0
<b>Suggested List Price</b>	<b>\$155,000</b>	<b>\$</b>

### How the Suggested Price Looks in the Market



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



Date May 22, 2006

Mr. Braun

RE: Letter of Opinion of Value for 32347 Coburg Bottom Loop Road  
Home on two acre parcel

Dear Mr. Braun

This is not an appraisal. A market analysis describes a range of possible values based on market information. Dollar adjustments to value based on what is included or not included in comparable properties is not allowed under the Oregon Real Estate Licensing Laws. For this type of information, an appraisal by a licensed appraiser must be completed.

Based on my inspection of the property and the current market information that is attached, it is my opinion that this home on a two acre lot would sell for \$490,000.

Due to the lack of current sales in the Coburg area I have used Countywide comparables to base my opinion on.

Sincerely,

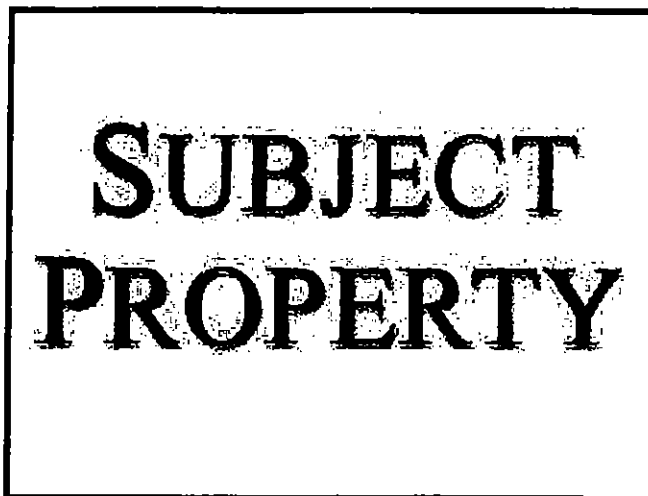
A handwritten signature in black ink that reads "Randy Downing". The signature is written in a cursive, slightly slanted style.

Randy Downing, Broker  
Prudential Real Estate Professionals

# Comparative Market Analysis

for

Kas Braun



**32347**

**4 Bedrooms ♦ 2 Bathrooms**

**Suggested Price: \$490,000**

Prepared By:

**Randall Downing  
Prudential R.E. Professionals**

**5/22/2006**



*This report is not intended to meet the requirements set out in the Uniform Standards of Appraisal Practice and is not intended as an appraisal. If an appraisal is desired, the services of a competent professional licensed appraiser should be obtained.*

## Comparables to Your Home

<b>40991 DEERHORN RD</b>	<b>RES</b>	<b>ACT</b>	<b>\$425,000</b>
--------------------------	------------	------------	------------------



<b>ML#:</b>	6031661	<b>Bedrooms:</b>	3
<b>MLS Area:</b>	233	<b>Bathrooms:</b>	3
<b>County:</b>	Lane	<b>Sub-Type:</b>	RESID
<b>Neighborhood:</b>		<b>Style:</b>	RANCH
<b>Zip Code:</b>	97478	<b>Year Built:</b>	1972
<b>T/Guide:</b>	84C12	<b>Total SF:</b>	2250
<b>Tax Id #:</b>	1047164	<b>Tax per Year:</b>	2297.67

**Directions:**HWY 126, RIGHT AT 1ST DEERHORN RD.

**Remarks:** COZY UPDATED HOME ON THE MCKENZIE RIVER. NEW INTERIOR & EXTERIOR PAINT, CARPET VINYL, WALK-IN TILE SHOWER IN THE MASTER & VINYL WINDOWS. HOME HAS BEAUTIFUL VIEWS OF THE RIVER AND IS VERY LIGHT & BRIGHT.

<b>84601 Weatherberry LN</b>	<b>RES</b>	<b>ACT</b>	<b>\$610,000</b>
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<b>ML#:</b>	6023491	<b>Bedrooms:</b>	3
<b>MLS Area:</b>	234	<b>Bathrooms:</b>	3
<b>County:</b>	Lane	<b>Sub-Type:</b>	RESID
<b>Neighborhood:</b>		<b>Style:</b>	COTTAGE
<b>Zip Code:</b>	97455	<b>Year Built:</b>	1985
<b>T/Guide:</b>	53O15	<b>Total SF:</b>	2306
<b>Tax Id #:</b>	1495397	<b>Tax per Year:</b>	2687.21

**Directions:**HWY. 58, LEFT ON WEATHERBERRY - ACROSS FROM PH SCHOOLS

**Remarks:** HIGHLY DESIRABLE AREA. ONE LEVEL HOME (ADA ACCESSIBLE) 3 BD. 3 BTH. WITH ADD'L 64 SQ. FT. APT. ABOVE ATTACHED DOUBLE CAR GARAGE. HUGE DETACHED SHOP/GARAGE AL BIG SCREEN TV INC. W/ FP OFFER. GO TO WWW.AMREALESTATE.NET FOR MORE INFO.

<b>100 WATAGUA WAY</b>	<b>RES</b>	<b>ACT</b>	<b>\$579,500</b>
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<b>ML#:</b>	6001425	<b>Bedrooms:</b>	3
<b>MLS Area:</b>	235	<b>Bathrooms:</b>	2.1
<b>County:</b>	Lane	<b>Sub-Type:</b>	RESID
<b>Neighborhood:</b>		<b>Style:</b>	CUSTOM
<b>Zip Code:</b>	97424	<b>Year Built:</b>	2000
<b>T/Guide:</b>	0A0	<b>Total SF:</b>	2466
<b>Tax Id #:</b>	1359023	<b>Tax per Year:</b>	1923.5

**Directions:**SWEET LANE, L-TALEMENA, L-TIOGA, L-WATAGUA WAY

**Remarks:** GORGEOUS CUSTOM HOME JUST OUTSIDE OF TOWN WITH AMAZING MOUNTAIN VIEWS! 3 BEDROOMS, 2.5 BATHS, 2466 SQFT ALL ON ONE LEVEL. BEAUTIFUL VAULTED CEILINGS WITH SKYLIGHTS. HARDWOOD FLOORS, GAS FIREPLACE, GAS APPLIANCES, DEN/OFFICE, LARGE HOBBY ROOM..AND MORE, 2-CAR(ATTACHED)GARAGE WITH RV PARKING

<b>38342 MCKENZIE HWY</b>	<b>RES</b>	<b>BMP</b>	<b>\$343,800</b>
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<b>ML#:</b>	5069382	<b>Bedrooms:</b>	3
<b>MLS Area:</b>	233	<b>Bathrooms:</b>	2
<b>County:</b>	Lane	<b>Sub-Type:</b>	RESID
<b>Neighborhood:</b>		<b>Style:</b>	2STORY
<b>Zip Code:</b>	97478	<b>Year Built:</b>	1955
<b>T/Guide:</b>	33G21	<b>Total SF:</b>	2368
<b>Tax Id #:</b>	1518289	<b>Tax per Year:</b>	1575.67

**Directions:**MCKENZIE HIGHWAY ON RIGHT JUST BEFORE CEDAR FLAT

**Remarks:** COMPLETELY REMODELED HORSE PROPERTY NEAR THE MCKENZIE RIVER! SITED ON OVER 7 ACRES OF PEACEFUL MEADOW BORDERING CEDAR CREEK, THE RENOVATED HOME FEATURES A GOURMET COUNTRY KITCHEN AND BONUS SPACE UPSTAIRS. JUST MINUTES TO SPRINGFIELD/EUGENE. BARN AND PASTURE READY FOR 2-3 HORSES.

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SCHOOL AVAILABILITY SUBJECT TO CHANGE.*

85026 HUSS RD	RES	PEN	\$360,000
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<b>ML#:</b>	6023752	<b>Bedrooms:</b>	3
<b>MLS Area:</b>	234	<b>Bathrooms:</b>	2
<b>County:</b>	Lane	<b>Sub-Type:</b>	RESID
<b>Neighborhood:</b>		<b>Style:</b>	RANCH
<b>Zip Code:</b>	97455	<b>Year Built:</b>	1950
<b>T/Guide:</b>	211	<b>Total SF:</b>	2237
<b>Tax Id #:</b>	573699	<b>Tax per Year:</b>	1437

**Directions:**HWY 58 TO LEFT ON RIDGEWAY TO LEFT ON HUSS

**Remarks:** PC1709 WELL MAINTAINED & UPDATED RANCH STYLE HM ON 2.36 FENCED ACRES W/TREES PRIVATE DRIVE, BARN, SHOP & PLENTY OF RM FOR RVPI DELIGHTFUL W/MASTER SUITE & L UTILITY/STORAGE ROOM ADDITION! SPACIOUS FULLY APPLIANCED KITCHEN WITH OAK CABINETS, FAMILY ROOM W/WOODBURNING FIREPLACE, LR & DRI

88747 ELLMAKER RD	RES	PEN	\$415,000
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<b>ML#:</b>	6034322	<b>Bedrooms:</b>	3
<b>MLS Area:</b>	236	<b>Bathrooms:</b>	2
<b>County:</b>	Lane	<b>Sub-Type:</b>	RESID
<b>Neighborhood:</b>	Lake Tree Estates	<b>Style:</b>	CUSTOM
<b>Zip Code:</b>	97487	<b>Year Built:</b>	1989
<b>T/Guide:</b>	0B7	<b>Total SF:</b>	2332
<b>Tax Id #:</b>	1380581	<b>Tax per Year:</b>	3490.97

**Directions:**HWY 126 TO NORTH ON ELLMAKER

**Remarks:** LOVELY LIGHT FILLED HOME ON 2 PARK LIKE ACRES. ALL ONE LEVEL W/ WONDERFUL OPEN FLR PLAN. VAULTED CEILINGS, SKYLIGHTS, GREAT ROOM, KITCHEN ISLAND, TILE ENTRY & FLRS, BUILT-INS & MORE. BEAUTIFULLY LANDSCAPED, LG TREX DECK IN BACK. ALL IN A GRI LOCATION CLOSE TO LAKE & EUGENE. A REAL GEM!

1200 N River RD	RES	SLD	\$445,000
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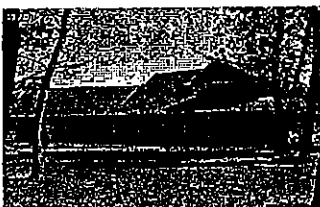


<b>ML#:</b>	4080508	<b>Bedrooms:</b>	5
<b>MLS Area:</b>	235	<b>Bathrooms:</b>	2.1
<b>County:</b>	Lane	<b>Sub-Type:</b>	RESID
<b>Neighborhood:</b>		<b>Style:</b>	2STORY
<b>Zip Code:</b>	97424	<b>Year Built:</b>	1890
<b>T/Guide:</b>	0A0	<b>Total SF:</b>	2600
<b>Tax Id #:</b>	891646	<b>Tax per Year:</b>	4190

**Directions:**I-5 EXIT 174W TO 99S, RT. ON WOODSON PLACE, RT. ON RIVER RD. NORTH

**Remarks:** 1890,S FARMHOUSE AND HORSE BARN ON 2.1 ACRES WITH POND, CREEK, ORCHARD, PASTURE. SHOPPING, GOLF COURSE, CITY CENTER. NEW HIGH SCHOOL, NEW HOSPITAL. POSSIBLE OWNER FINANCE. SELLER HAS OREGON REAL ESTATE LICENSE.

26010 JEANS RD	RES	SLD	\$452,500
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<b>ML#:</b>	5058194	<b>Bedrooms:</b>	3
<b>MLS Area:</b>	236	<b>Bathrooms:</b>	3
<b>County:</b>	Lane	<b>Sub-Type:</b>	RESID
<b>Neighborhood:</b>		<b>Style:</b>	CUSTOM
<b>Zip Code:</b>	97487	<b>Year Built:</b>	1991
<b>T/Guide:</b>	73A3	<b>Total SF:</b>	2574
<b>Tax Id #:</b>	1380565	<b>Tax per Year:</b>	3606.05

**Directions:**HWY 126 TO ELLMAKER NORTH TO JEANS RD EAST TO PROPERTY

**Remarks:**

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<b>23802 Highway 99 West</b>	<b>RES</b>	<b>SLD</b>	<b>\$384,900</b>
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<b>ML#:</b>	5086637	<b>Bedrooms:</b>	4
<b>MLS Area:</b>	237	<b>Bathrooms:</b>	2
<b>County:</b>	Benton	<b>Sub-Type:</b>	RESID
<b>Neighborhood:</b>		<b>Style:</b>	CRAFTSM
<b>Zip Code:</b>	97448	<b>Year Built:</b>	2005
<b>T/Guide:</b>	9F5	<b>Total SF:</b>	2200
<b>Tax Id #:</b>	208706	<b>Tax per Year:</b>	628.79

**Directions:**HWY 99 GOING TOWARDS MONROE, PROPERTY ON LEFT

**Remarks:** BEAUTIFUL HOME FEATURES:GRANITE SLAB COUNTERTOPS, SKYLIGHTS, HICKORY HDWD FLRS, CHERRY CABINETS, WI PANTRY, LG MASTER CLOSET, FR DRS IN DINING LEAD TO LG COVERED PORCH (10X40). 8' ISLAND EATING BAR, DEN HAS DUAL ENTRY W/FR DRS.GREAT CRAFTSMANSHIP, LOW PRICE FOR QUALITY AND ACREAGE!

<b>90400 SUNDERMAN RD</b>	<b>RES</b>	<b>SLD</b>	<b>\$485,000</b>
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<b>ML#:</b>	5042110	<b>Bedrooms:</b>	3
<b>MLS Area:</b>	250	<b>Bathrooms:</b>	2
<b>County:</b>	Lane	<b>Sub-Type:</b>	RESID
<b>Neighborhood:</b>	Mohawk Valley	<b>Style:</b>	CONTEMP
<b>Zip Code:</b>	97478	<b>Year Built:</b>	1985
<b>T/Guide:</b>	20D18	<b>Total SF:</b>	2344
<b>Tax Id #:</b>	1343118	<b>Tax per Year:</b>	3065.29

**Directions:**I-105 TO LEFT ON 42ND, RT. ON MARCOLA RD. TO RT. ON SUNDERMAN



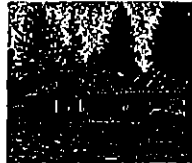
**Remarks:** GOLFER'S PARADISE! BEAUTIFUL HOME. 550' FRONTAGE ON 18TH FAIRWAY. ONE OWNER CUSTOM BUILT OF FINEST MATERIALS. TRIANGULAR 1.93 ACRE LOT. GRANITE GAS FIREPLA HARDWOOD KITCHEN FLOORS. JACUZZI TUB. PRIVACY GATES. DECKING. WATERFALL. TREEHOUSE. SHOWS LIKE NEW!

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## Adjustments to Comparables


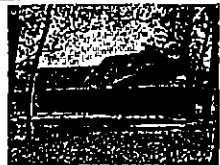

	<b>SUBJECT PROPERTY</b>			
<b>Address</b>	32347	40991 DEERHORN RD	84601 Weatherb...	100 WATAGUA W
<b>City</b>		Springfield	Pleasant Hill	Cottage Grove
<b>MLS#</b>		6031661	6023491	6001425
<b>Status</b>		ACT	ACT	ACT
<b>Price</b>	<b>\$/Sqft</b> \$490,000	\$204 \$425,000	\$189 \$610,000	\$265 \$579,500
<b>Sold Price</b>	<b>\$/Sqft</b>			
<b>Sale Date</b>				
<b>DOM</b>				
		<b>\$ Adj</b>	<b>\$ Adj</b>	<b>\$</b>
<b>Bedrooms</b>	4	3	3	3
<b>Bathrooms</b>	2	3	3	2.1
<b>Area</b>	240	233	234	235
<b>Zip</b>	97408	97478	97455	97424
<b>Type</b>	RESID	RESID	RESID	RESID
<b>Style</b>	COLONIL	RANCH	COTTAGE	CUSTOM
<b>Total Sqft</b>	2400	2250	2306	2466
<b>Year Built</b>		1972	1985	2000
<b>Lot Size</b>	1-2.99AC	1-2.99AC	1-2.99AC	1-2.99AC
<b>Elem School</b>	Coburg	WALTERVILLE	TRENT	LATHAM
<b>High School</b>	Sheldon	THURSTON	PLEASANT...	COTTAGE ...
<b>Garage</b>	ATTACHD	ATTACHD	ATTACHD	ATTACHD
<b>Heating</b>	HT-PUMP	CEILING,...	HT-PUMP	FOR-AIR
<b>Ext Desc</b>	OTHER	LAP, T-111	LAP, SHI...	LAP
<b>Other Adjustments</b>				
<b>Total Adjustments:</b>				
<b>Adjusted Price:</b>	<b>\$490,000</b>	<b>\$425,000</b>	<b>\$610,000</b>	<b>\$579,500</b>

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 SCHOOL AVAILABILITY SUBJECT TO CHANGE.


		<b>SUBJECT PROPERTY</b>				
<b>Address</b>		32347		38342 MCKENZIE...	85026 HUSS RD	88747 ELLMAKER
<b>City</b>				Springfield	Pleasant Hill	Veneta
<b>MLS#</b>				5069382	6023752	6034322
<b>Status</b>				BMP	PEN	PEN
<b>Price</b>	<b>\$/Sqft</b>	\$490,000	\$204	\$343,800	\$360,000	\$415,000
<b>Sold Price</b>	<b>\$/Sqft</b>				\$145	\$161
<b>Sale Date</b>						
<b>DOM</b>				0	5	5
					<b>\$ Adj</b>	<b>\$ Adj</b>
<b>Bedrooms</b>		4		3	3	3
<b>Bathrooms</b>		2		2	2	2
<b>Area</b>		240		233	234	236
<b>Zip</b>		97408		97478	97455	97487
<b>Type</b>		RESID		RESID	RESID	RESID
<b>Style</b>		COLONIL		2STORY	RANCH	CUSTOM
<b>Total Sqft</b>		2400		2368	2237	2332
<b>Year Built</b>				1955	1950	1989
<b>Lot Size</b>		1-2.99AC		1-2.99AC	1-2.99AC	1-2.99AC
<b>Elem School</b>		Coburg		WALTERVILLE	TRENT	ELMIRA
<b>High School</b>		Sheldon		THURSTON	PLEASANT...	ELMIRA
<b>Garage</b>		ATTACHD		DETACHD	ATTACHD	ATTACHD
<b>Heating</b>		HT-PUMP		FOR-AIR	BASEBRD	FOR-AIR,...
<b>Ext Desc</b>		OTHER		CEDAR, T...	T-111	BRICK, WOOD
<b>Other Adjustments</b>						
<b>Total Adjustments:</b>						
<b>Adjusted Price:</b>		<b>\$490,000</b>		<b>\$343,800</b>	<b>\$360,000</b>	<b>\$415,000</b>

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 SCHOOL AVAILABILITY SUBJECT TO CHANGE.



		<b>SUBJECT PROPERTY</b>							
<b>Address</b>		32347		1200 N River RD	26010 JEANS RD	23802 Highway ...			
<b>City</b>				Cottage Grove	Veneta	Junction City			
<b>MLS#</b>				4080508	5058194	5086637			
<b>Status</b>				SLD	SLD	SLD			
<b>Price</b>	<b>\$/Sqft</b>	\$490,000	\$204	\$495,000	\$190	\$459,900	\$179	\$389,900	\$177
<b>Sold Price</b>	<b>\$/Sqft</b>			\$445,000	\$171	\$452,500	\$176	\$384,900	\$175
<b>Sale Date</b>				7/23/2005		9/15/2005		4/14/2006	
<b>DOM</b>				126		7		91	
					<b>\$ Adj</b>		<b>\$ Adj</b>		<b>\$ Adj</b>
<b>Bedrooms</b>		4		5		3		4	
<b>Bathrooms</b>		2		2.1		3		2	
<b>Area</b>		240		235		236		237	
<b>Zip</b>		97408		97424		97487		97448	
<b>Type</b>		RESID		RESID		RESID		RESID	
<b>Style</b>		COLONIL		2STORY		CUSTOM		CRAFTSM	
<b>Total Sqft</b>		2400		2600		2574		2200	
<b>Year Built</b>				1890		1991		2005	
<b>Lot Size</b>		1-2.99AC		1-2.99AC		1-2.99AC		1-2.99AC	
<b>Elem School</b>		Coburg		BOHEMIA		ELMIRA		ALPINE	
<b>High School</b>		Sheldon		COTTAGE ...		ELMIRA		MONROE	
<b>Garage</b>		ATTACHD		DETACHD		ATTACHD		ATTACHD	
<b>Heating</b>		HT-PUMP		FOR-AIR		FOR-AIR,...		HT-PUMP	
<b>Ext Desc</b>		OTHER		LAP, WOOD		LAP		WOODCOM	
<b>Other Adjustments</b>									
<b>Total Adjustments:</b>									
<b>Adjusted Price:</b>		<b>\$490,000</b>		<b>\$445,000</b>		<b>\$452,500</b>		<b>\$384,900</b>	

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 SCHOOL AVAILABILITY SUBJECT TO CHANGE.

		<b>SUBJECT PROPERTY</b>			
<b>Address</b>		32347		90400 SUNDERMA...	
<b>City</b>				Springfield	
<b>MLS#</b>				<b>5042110</b>	
<b>Status</b>				SLD	
<b>Price</b>	<b>\$/Sqft</b>	\$490,000	\$204	\$490,000	\$209
<b>Sold Price</b>	<b>\$/Sqft</b>			\$485,000	\$207
<b>Sale Date</b>				9/26/2005	
<b>DOM</b>				65	
					<b>\$ Adj</b>
<b>Bedrooms</b>		4		3	
<b>Bathrooms</b>		2		2	
<b>Area</b>		240		250	
<b>Zip</b>		97408		97478	
<b>Type</b>		RESID		RESID	
<b>Style</b>		COLONIL		CONTEMP	
<b>Total Sqft</b>		2400		2344	
<b>Year Built</b>				1985	
<b>Lot Size</b>		1-2.99AC		1-2.99AC	
<b>Elem School</b>		Coburg		MOHAWK	
<b>High School</b>		Sheldon		THURSTON	
<b>Garage</b>		ATTACHD			
<b>Heating</b>		HT-PUMP		FOR-AIR,...	
<b>Ext Desc</b>		OTHER		CEDAR	
<b>Other Adjustments</b>					
<b>Total Adjustments:</b>					
<b>Adjusted Price:</b>		<b>\$490,000</b>		<b>\$485,000</b>	

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 SCHOOL AVAILABILITY SUBJECT TO CHANGE.

## Summary of Comparables

### Active

MLS#	P Type	Address	City	Area	Bed	Bath	APX SQFT	
	RESID	32347		240	4	2	2400	\$4
6031661	7 RESID	40991 DEERHORN RD	Springfield	233	3	3	2250	\$4
6023491	8 RESID	84601 Weatherberry LN	Pleasant Hill	234	3	3	2306	\$6
6001425	8 RESID	100 WATAGUA WAY	Cottage Grove	235	3	2.1	2466	\$5

### Bumpable Buyer

MLS#	P Type	Address	City	Area	Bed	Bath	APX SQFT	
	RESID	32347		240	4	2	2400	\$4
5069382	8 RESID	38342 MCKENZIE HWY	Springfield	233	3	2	2368	\$3

### Pending

MLS#	P Type	Address	City	Area	Bed	Bath	APX SQFT	
	RESID	32347		240	4	2	2400	\$4
6023752	8 RESID	85026 HUSS RD	Pleasant Hill	234	3	2	2237	\$3
6034322	8 RESID	88747 ELLMAKER RD	Veneta	236	3	2	2332	\$4

### Sold

MLS#	P Type	Address	City	Area	Bed	Bath	APX SQFT	
	RESID	32347		240	4	2	2400	\$4
4080508	8 RESID	1200 N River RD	Cottage Grove	235	5	2.1	2600	\$4
5058194	8 RESID	26010 JEANS RD	Veneta	236	3	3	2574	\$4
5086637	7 RESID	23802 Highway 99 West	Junction City	237	4	2	2200	\$3
5042110	8 RESID	90400 SUNDERMAN RD	Springfield	250	3	2	2344	\$4

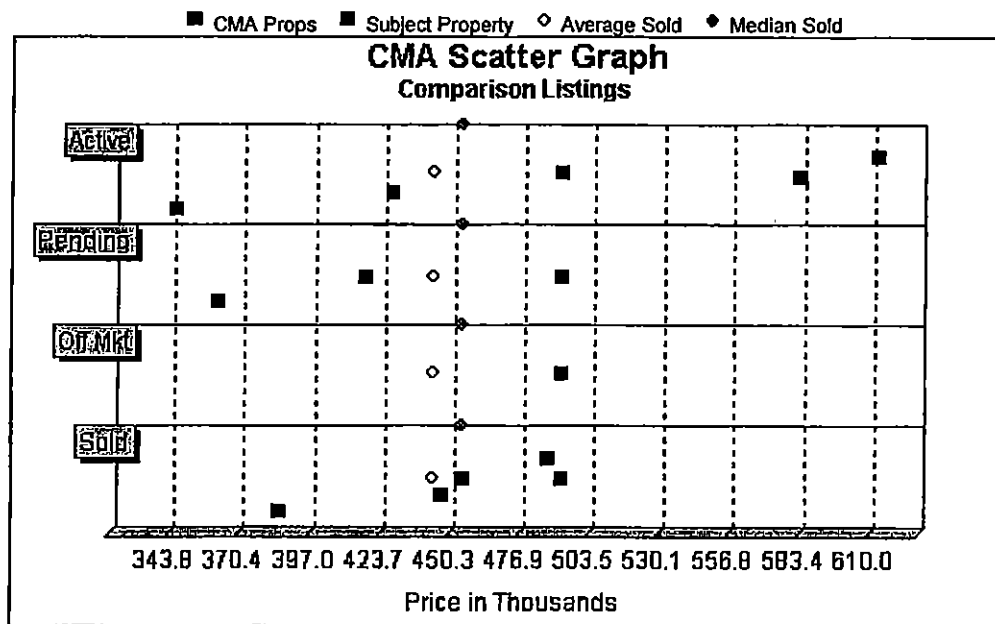
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 SCHOOL AVAILABILITY SUBJECT TO CHANGE.

## Pricing Your Home

Status	#	Average	Minimum	Maximum	Avg Sqft	Avg \$/Sqft
Active	4	\$489,575	\$343,800	\$610,000	2348	\$209
Pending	2	\$387,500	\$360,000	\$415,000	2284	\$170
Sold	4	\$441,850	\$384,900	\$485,000	2430	\$182
<b>Total Listings</b>	<b>10</b>	Sold Properties closed averaging <b>96.33%</b> of their Final List Price. This reflects a <b>3.67%</b> difference between Sale Price and List Price. If SNL status is included, the Sold Price to List Price ratio will be affected because the ratio is always 100% for SNL listings.				

	Amount	\$/Sqft
<b>Average Sales Price</b>	<b>\$441,850</b>	<b>\$182</b>
Min. List Price	\$389,900	\$177
Max. List Price	\$495,000	\$190
<b>Suggested List Price</b>	<b>\$490,000</b>	<b>\$204</b>

### How the Suggested Price Looks in the Market



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 SCHOOL AVAILABILITY SUBJECT TO CHANGE.

Date May 22, 2006

Mr. Braun

RE: Letter of Opinion of Value for 32347 Coburg Bottom Loop Road  
Two Acre Parcels

Dear Mr. Braun

This is not an appraisal. A market analysis describes a range of possible values based on market information. Dollar adjustments to value based on what is included or not included in comparable properties is not allowed under the Oregon Real Estate Licensing Laws. For this type of information, an appraisal by a licensed appraiser must be completed.

Based on my inspection of the property and the current market information that is attached, it is my opinion that two acre lots in the Coburg area would sell for \$190,000. Due to the lack of current sales in the Coburg area I have used Countywide comparables to base my opinion on.

Sincerely,

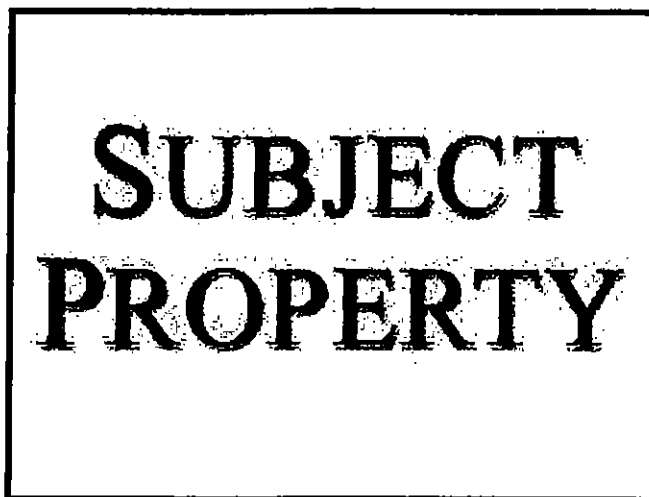


Randy Downing, Broker  
Prudential Real Estate Professionals

# Comparative Market Analysis

for

Kas Braun



**32347 Coburg Bottom Loop Road  
Eugene, Or 97408**

**Suggested Price: \$190,000**

Prepared By:

**Randall Downing  
Prudential R.E. Professionals**

**5/22/2006**



*This report is not intended to meet the requirements set out in the Uniform Standards of Appraisal Practice and is not intended as an appraisal. If an appraisal is desired, the services of a competent professional licensed appraiser should be obtained.*

## Comparables to Your Home

<b>38407 HWY 58</b>	<b>LND</b>	<b>ACT</b>	<b>\$155,000</b>
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<b>ML#:</b>	6001164	<b>Bedrooms:</b>	
<b>MLS Area:</b>	234	<b>Bathrooms:</b>	
<b>County:</b>	Lane	<b>Sub-Type:</b>	RESID
<b>Neighborhood:</b>		<b>Style:</b>	
<b>Zip Code:</b>	97431	<b>Year Built:</b>	
<b>T/Guide:</b>	10D9	<b>Total SF:</b>	
<b>Tax Id #:</b>	813673	<b>Tax per Year:</b>	552.35

**Directions:** HWY. 58 TO ACROSS FROM THE MEXICAN RESTAURANT IN DEXTER  
**Remarks:** STARTER HOME OR RENTAL. MANUFACTURED HOME ON 2 ACRES IN DEXTER.

<b>SERTIC RD</b>	<b>LND</b>	<b>ACT</b>	<b>\$225,000</b>
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**No Photo  
Available**

<b>ML#:</b>	6038986	<b>Bedrooms:</b>	
<b>MLS Area:</b>	236	<b>Bathrooms:</b>	
<b>County:</b>	Lane	<b>Sub-Type:</b>	MULTI
<b>Neighborhood:</b>		<b>Style:</b>	
<b>Zip Code:</b>	97487	<b>Year Built:</b>	
<b>T/Guide:</b>	16C8	<b>Total SF:</b>	
<b>Tax Id #:</b>	1762051	<b>Tax per Year:</b>	621.44

**Directions:** W. HWY 126 PAST TERRITORIAL, S ON 8TH, W ON SERTIC  
**Remarks:** GREAT 2.01 ACRE PARCEL. CLOSE TO TOWN. ZONED G.R., SFR, MULTI-FAMILY, P.U.D. UTILIT AT PROPERTY. READY TO DEVELOPE. CALL L/A FOR DETAILS

<b>Greenwood Village Dr</b>	<b>LND</b>	<b>SLD</b>	<b>\$135,000</b>
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**No Photo  
Available**

<b>ML#:</b>	5056278	<b>Bedrooms:</b>	
<b>MLS Area:</b>	233	<b>Bathrooms:</b>	
<b>County:</b>	Lane	<b>Sub-Type:</b>	RESID
<b>Neighborhood:</b>		<b>Style:</b>	
<b>Zip Code:</b>	97489	<b>Year Built:</b>	
<b>T/Guide:</b>	85C13	<b>Total SF:</b>	
<b>Tax Id #:</b>	1603503	<b>Tax per Year:</b>	656

**Directions:** MCKENZIE HWY TO GREENWOOD (APX MP22) TO GREENWOOD VILLAGE DRIVE.  
**Remarks:** IT'S THE LOCATION. ADJACENT AND AMONGST QUALITY NEW HOMES AND LOCATED CLOSE THE MCKENZIE RIVER. LEVEL LAND ZONED RR2 AND UTILITIES ARE MOSTLY COMPLETE. UNDERGROUND ELECTRIC, PHONE, CABLE, PAVED LANE, WELL, AND STANDARD SEPTIC APPROVED. HAS SMALL POND.

<b>89666 Shefler Road</b>	<b>LND</b>	<b>SLD</b>	<b>\$160,000</b>
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<b>ML#:</b>	4072566	<b>Bedrooms:</b>	
<b>MLS Area:</b>	236	<b>Bathrooms:</b>	
<b>County:</b>	Lane	<b>Sub-Type:</b>	FRM/FOR
<b>Neighborhood:</b>		<b>Style:</b>	
<b>Zip Code:</b>	97437	<b>Year Built:</b>	
<b>T/Guide:</b>	2B7	<b>Total SF:</b>	
<b>Tax Id #:</b>	1597663	<b>Tax per Year:</b>	0

**Directions:** W. 11TH, TERRITORIAL, WARTHEN RD, SHEFFLER 1MI, ACROSS FROM LAVILLE VINYARD  
**Remarks:** 2 PARCELS, #2 IS IN BACK OF LOTS THAT ARE ON THE ROAD. BEAUTIFULLY TREED, GENTLY SLOPED PROPERTY ACROSS FROM LAVELLE VINEYARDS. SELLER TO COMPLETE LOT LINE ADJUSTMENT & PROVIDE SEPTIC APPROVAL PRIOR TO CLOSE. PURCHASE TO HAVE 1ST

**OPTION TO PURCHASE #1 TO HAVE BOTH LOTS.PLAT MAP IN OFFICE.**

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



4 Tiburion LN	LND	SLD	\$195,000
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**No Photo  
Available**

**ML#:** 5022375  
**MLS Area:** 244  
**County:** Lane  
**Neighborhood:** The Summit  
**Zip Code:** 97405  
**T/Guide:** 36K6  
**Tax Id #:** Not Found


**Bedrooms:**  
**Bathrooms:**  
**Sub-Type:** RESID  
**Style:**  
**Year Built:**  
**Total SF:**  
**Tax per Year:** 0

**Directions:** 18TH TO BAILEY HILL TO WARREN TO SUMMIT TERRACE TO THE TOP


**Remarks:** SPECTACULAR VIEWS, BEAUTIFUL AND LOVELY MEADOWS, ENVIRONMENTAL INTEGRITY IN THE CITY.

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## Adjustments to Comparables

	<b>SUBJECT PROPERTY</b>		<b>No Photo Available</b>	<b>No Photo Available</b>
<b>Address</b>	32347 Coburg Bo...	38407 HWY 58	SERTIC RD	Greenwood Villa...
<b>City</b>	Eugene, Or 97408	Dexter	Veneta	Leaburg
<b>MLS#</b>		<b>6001164</b>	<b>6038986</b>	<b>5056278</b>
<b>Status</b>		ACT	ACT	SLD
<b>Price</b> <b>\$/Sqft</b>	\$190,000	\$155,000	\$225,000	\$135,000
<b>Sold Price</b> <b>\$/Sqft</b>				\$135,000
<b>Sale Date</b>				12/20/2005
<b>DOM</b>				73
		<b>\$ Adj</b>	<b>\$ Adj</b>	<b>\$</b>
<b>AREA</b>	240	234	236	233
<b>ZIP</b>	97408	97431	97487	97489
<b>PROP TYPE</b>	RESID	RESID	MULTI	RESID
<b>ZONING</b>				RR2
<b># ACRES</b>	2	2.07	2.01	2.09
<b># LOTS</b>				1
<b>LOT SIZE</b>	1-2.99AC	1-2.99AC	1-2.99AC	1-2.99AC
<b>LOT DESC</b>	PASTURE			PASTURE,...
<b>RD SURFACE</b>	PAVEDRD		PAVEDRD	PAVEDRD
<b>RD FRONTAGE</b>	n		Y	Y
<b>ELE SCHOOL</b>		PLEASANT...	ELMIRA	WALTERVILLE
<b>HIGH SCHOOL</b>	Sheldon	PLEASANT...	ELMIRA	THURSTON
<b>WATERFRONT</b>	Y		N	Y
<b>SOIL TYPE</b>	NATIVE		NATIVE	NATIVE
<b>Other Adjustments</b>				
<b>Total Adjustments:</b>				
<b>Adjusted Price:</b>	<b>\$190,000</b>	<b>\$155,000</b>	<b>\$225,000</b>	<b>\$135,000</b>

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		<b>SUBJECT PROPERTY</b>			<b>No Photo Available</b>
<b>Address</b>		32347 Coburg Bo..	89666 Shefler ...		4 Tiburion LN
<b>City</b>		Eugene, Or 97408	Elmira		Eugene
<b>MLS#</b>			4072566		5022375
<b>Status</b>			SLD		SLD
<b>Price</b>	<b>\$/Sqft</b>	\$190,000	\$84,900		\$195,000
<b>Sold Price</b>	<b>\$/Sqft</b>		\$160,000		\$195,000
<b>Sale Date</b>			6/22/2005		6/7/2005
<b>DOM</b>			145		20
				<b>\$ Adj</b>	<b>\$ Adj</b>
<b>AREA</b>		240	236		244
<b>ZIP</b>		97408	97437		97405
<b>PROP TYPE</b>		RESID	FRM/FOR		RESID
<b>ZONING</b>					
<b># ACRES</b>		2	2		1.95
<b># LOTS</b>					
<b>LOT SIZE</b>		1-2.99AC	1-2.99AC		1-2.99AC
<b>LOT DESC</b>		PASTURE	BRUSH, T...		PRIVATE
<b>RD SURFACE</b>		PAVEDRD			
<b>RD FRONTAGE</b>		n			
<b>ELE SCHOOL</b>			VENETA		MCCORNACK
<b>HIGH SCHOOL</b>		Sheldon	ELMIRA		CHURCHILL
<b>WATERFRONT</b>		Y	N		
<b>SOIL TYPE</b>		NATIVE			NATIVE
<b>Other Adjustments</b>					
<b>Total Adjustments:</b>					
<b>Adjusted Price:</b>		<b>\$190,000</b>	<b>\$160,000</b>		<b>\$195,000</b>

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## Summary of Comparables

### Active

MLS#	P	Type	Address	City	Area	Acres	
		RESID	32347 COBURG BOTTOM LOOP ROAD		240	2	\$1
6001164	1	RESID	38407 HWY 58	Dexter	234	2.07	\$1
6038986	0	MULTI	SERTIC RD	Veneta	236	2.01	\$2

### Sold

MLS#	P	Type	Address	City	Area	Acres	
		RESID	32347 COBURG BOTTOM LOOP ROAD		240	2	\$1
5056278	0	RESID	Greenwood Village Dr	Leaburg	233	2.09	\$1
4072566	8	FRM/FOR	89666 Shefler Road	Elmira	236	2	\$1
5022375	0	RESID	4 Tiburion LN	Eugene	244	1.95	\$1

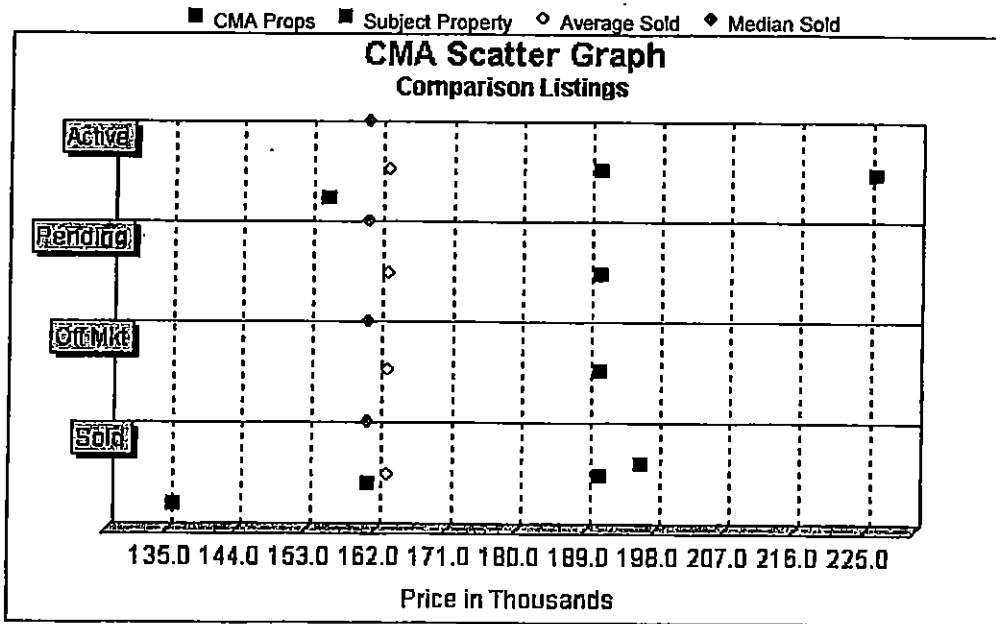
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## Pricing Your Home

Status	#	Average	Minimum	Maximum	Avg Sqft	Avg \$/Sqft
Active	2	\$190,000	\$155,000	\$225,000	0	\$0
Sold	3	\$163,333	\$135,000	\$195,000	0	\$0
<b>Total Listings</b>	<b>5</b>	Sold Properties closed averaging <b>118.1%</b> of their Final List Price. This reflects a <b>-18.1%</b> difference between Sale Price and List Price. If SNL status is included, the Sold Price to List Price ratio will be affected because the ratio is always 100% for SNL listings.				

	Amount	\$/Sqft
<b>Average Sales Price</b>	<b>\$163,333</b>	<b>\$0</b>
Min. List Price	\$84,900	\$0
Max. List Price	\$195,000	\$0
<b>Suggested List Price</b>	<b>\$190,000</b>	<b>\$</b>

### How the Suggested Price Looks in the Market



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