



Lane County

LAND MANAGEMENT DIVISION

125 EAST 8TH AVENUE

EUGENE, OREGON 97401

PHONE: 541-682-3823

FAX: 541-682-3947

MAY 8, 2007

ATTACHMENT "D"

SUPPLEMENTAL INFORMATION



SUPPLEMENTAL INFORMATION SUBMITTED

Submitted on: 4/03/07

Taken By: _____

SUPPLEMENTAL INFORMATION HAS BEEN RECEIVED BY THIS OFFICE IN REGARDS TO THE FOLLOWING:

BP# _____

PA# 05-6425 Bixler

SP# _____

SI# _____

OTHER: _____

**WRITTEN STATEMENT OF CLAIM FOR COMPENSATION APPLICATION
UNDER LC 2.700 THROUGH 2.770**

Measure 37 Claim Number: M37-PA056425

Enclosed please find the written statement of claim for compensation that we are submitting on behalf of the owner of the subject property, Loyce Bixler and David Bixler.

CLAIMANT: Loyce Bixler and David Bixler
31668 Green Island Road
Eugene, Oregon 97478
541-345-3052

PROPERTY OWNER: Same as Claimant

PROPERTY LOCATION: Off of Green Island Road
Eugene, Oregon 97478

ASSESSOR'S MAP AND LOT: 16-03-30 #802

CURRENT COUNTY ZONING: E40 Exclusive Farm Use

DATE OF ACQUISITION: October 10, 1974

APPLICANTS: Selene Bixler Price, CPA
1200 Executive Parkway, Suite 450
Eugene, Oregon 97401
541-521-8595

Lucette Bixler Wood
2009 North 10th
Springfield, Oregon 97477
541-746-4214


SIGNATURES:

Claimant

Date

Claimant

Date



Applicant

4.2.07

Date



Applicant

4-2-07

Date

1. INTRODUCTION AND WRITTEN DEMAND FOR COMPENSATION.

Lane County's enforcement of land use regulations restricts the use of the property (subject property) subject to this demand for compensation and reduces the fair market value of the subject property. The applicant (Claimant) is requesting, pursuant to ORS 197.352 and Lane Code 2.700, that Lane County pay just compensation for the reduction in fair market value of the subject property resulting from the restrictions on the use of the subject property. This application constitutes written demand for compensation pursuant to ORS 197.352.

In lieu of just compensation payment, the Claimant requests that Lane County not apply the land use regulation (see below) that restricts the use of the subject property and reduces the fair market value of the subject property pursuant to ORS 197.352. Among other uses, the offending regulations do not allow the Claimant to divide the subject property into three (3) five-acre discreet buildable single-family residential lots and to have remaining parcel returned to the zoning at the time of acquisition on October 10, 1974.

The Claimant acquired an interest in the subject property on February 5, 1982 via warranty deed from Leon and Lily Colthar, the Claimant's parents (Exhibit E). The Claimant's parents acquired the subject property via warranty deed dated October 10, 1974, and the Claimant has continuously retained an ownership interest in the subject property since February 5, 1982. The Claimant is the present owner of the subject property.

The subject property is currently zoned "E40 Exclusive Farm Use" (LC 16.212). This zoning designation prohibits the Claimant from dividing the subject property into lots or parcels for residential purposes (limiting the parcel size of forty acres with no new dwellings). However, when the Claimant's family acquired the subject property on October 10, 1974, there was no prohibition on the size of lots or parcels for new dwellings and densities for the creation of new lots and parcels.

2. EXHIBITS

<u>Exhibit A</u>	-	Land Management Division Measure 37 Claims Form
<u>Exhibit B</u>	-	Legal Description of Subject Property
<u>Exhibit C</u>	-	Lane County Land Surveyor Map
<u>Exhibit D</u>	-	Lane County Real Property Tax Statement
<u>Exhibit E</u>	-	Title Report from First American Title Co.
<u>Exhibit F</u>	-	Warranty Deed of Subject Property
<u>Exhibit G</u>	-	Lane County Land Use Regulation Report
<u>Exhibit H</u>	-	Comparative Market Analysis
<u>Exhibit I</u>	-	Rights of Ownership
<u>Exhibit J</u>	-	Lease Agreement

3. APPLICABLE CRITERIA. (Lane Code 2.700 — Real Property Compensation/Regulation Application Process)

3.1. Lane Code 2.720 Application for Claim

Lane Code 2.720 requires that the applicant or applicants be the present owner(s) of the property that is the subject of the claim at the time the claim is submitted. The Claimant for this claim is the present owner of the subject property. The Claimant acquired the subject property via warranty deed dated February 5, 1982. The Claimant's parents acquired the subject property via warranty deed dated October 10, 1974, and the Claimant has continuously retained an ownership interest in the subject property since February 5, 1982.

3.2. Lane Code 2.720 also requires the following items for a completed application:

a. A completed application form;

Response:

A completed Land Management Division Application for Claims Under LC 2.700 through 2.770 form is attached as Exhibit A.

b. The name, mailing address, and phone number of the property owner filing the application, and 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;

Response:

The Claimant is the present owner in fee simple. There is presently one lessee with a seasonal lease agreement for the subject property, see Exhibit J. The lessee's contact information is provided below. All other restrictions on the subject property are identified in the title report. The Claimant's name and mailing address and phone number are provided on the application form attached hereto. The Claimant has signed the Land Management Division Application for Claims Under LC 2.700 through 2.770 form, attached as Exhibit A.

Lessee contact information:

Dave Malpass
32255 Bowers Drive
Harrisburg, OR 97446
541-995-6143

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

Response:

The subject property is located off Green Island Road, located northwest of the town of Coburg, in Lane County. A legal description of the property is attached as Exhibit B. The Lane County Land Surveyor Map, authorized by Registered Professional Land Surveyor Paula Lee Norness (1034) and performed by Stephen H. Ford, Inc., is attached as Exhibit C. The Lane County Assessor's Map Number for the subject property is as follows: Map 16-03-30 #802. The Lane County Real Property Tax Statement is attached as Exhibit D.

d. 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;

Response:

A copy of a title report from First American Title Co. is attached as Exhibit E. Also attached as Exhibit F is a warranty deed dated February 5, 1982, which conveys ownership in the subject property to Claimant.

e. 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 fair market value of the subject property, including the date the regulation was adopted, first enforced or applied to the subject property;

Response:

The subject property is zoned "E40 Exclusive Farm Use," as designated in the Lane County zoning regulations (LC 16.212). Please see the attached report as Exhibit G.

If the aforementioned Lane County regulation did not exist, were not enforced, or were consistent with the provisions of Lane County regulations prior to October 10, 1974, the value of the subject property would be \$720,000 higher if the subject property was allowed to be divided into three (3) five-acre discreet buildable single-family residential lots and to have remaining parcel returned to the zoning at the time of acquisition on October 10, 1974 rather than remaining in

its current configuration with the land division and acreage restrictions in place (see Section 3.2.f below).

f. 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;

Response:

Please see the Comparative Market Analysis attached as Exhibit H. See discussions below in Sections 3.2.g.b. and h.

g. A written statement addressing the criteria listing in LC 2.7401(1)(a) through (d);

LC 2.7401(1)(a) through (d) provides the following criteria:

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

Response:

Please see the discussion of zoning regulations attached as Exhibit G.

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

Response:

Please see the Comparative Market Analysis, Exhibit H.

The current fair market value of the subject property, with all improvements and with the offending restrictive land use regulations, is \$280,000. The Comparative Market Analysis estimates that the fair market value of a five-acre buildable, residential lot is \$265,000. With three (3) five-acre buildable lots and the remaining acreage, the value of the property without the land use regulations is \$1,000,000 ($\$265,000 \times 3 = \$795,000$ [buildable lots] + 205,000 [remaining parcel value] = 1,000,000). The reduction in the fair market value is \$720,000

(\$1,000,000 [without regulations] - \$280,000 [with regulations] = \$720,000 [reduction in fair market value]).

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

Response:

The Claimant acquired an interest in the subject property on February 5, 1982 via warranty deed from Leon and Lily Colthar, the Claimant's parents (Exhibit F). The Claimant's parents acquired the subject property via warranty deed dated October 10, 1974, and the Claimant has continuously retained an ownership interest in the subject property since February 5, 1982.

At the time the Claimant's parents acquired interest in the subject property, the property was not zoned and could be divided into buildable single-family lots. It was not until 1984 that the County adopted, enforced and applied the restrictive land use laws that restricted the use of the subject property. The subject property has remained in continuous ownership by the Claimant's family since October 10, 1974.

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

Response:

None of the listed land use regulations restrict or prohibit activities recognized as nuisances under common law, restrict or prohibit activities for the protection of public health and safety, are required to comply with federal law, restrict or prohibit the use of the property for the purposes of selling pornography or performing nude dancing, or was enacted prior to the date of acquisition of the property by the Claimant.

h. 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

Response:

The Claimant claims from Lane County the sum of \$720,000 which represents the reduction in fair market value of the subject property resulting from Lane County's enforcement of the aforementioned regulation that restricts the use of the subject property. The fair market value of the subject property without the application of the aforementioned challenged land use regulations is \$280,000.

The fair market value of the subject property with the application of the aforementioned challenged land use regulations is \$1,000,000. The reduction in fair market value of the subject property resulting from Lane County's restrictions on the subject property's use totals \$720,000, the amount of the claim herein.

i. 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 shall also include an application fee, in the amount established by the Order of the Board, to at least partially cover the County costs or processing the application, to the extent an application fee may be required as a condition for acceptance of filing 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).

Response:

The subject property is free of any leases, covenants, conditions and restrictions that would restrict the use of the subject property. See title report for all other encumbrances on the subject property (Exhibit E).

4. CONCLUSION

The Claimant has made a valid claim for compensation pursuant to ORS 197.352 and Lane Code 2.700. The County may either (1) pay the Claimant compensation in the amount of \$720,000 for the reduction in fair market value caused by the adoption, enforcement, and application of the above-mentioned restrictive land use regulations, or (2) waive the restrictive land use regulations so that the Claimant may use the subject property in any manner allowed on October 10, 1974.

**Exhibit A - Land Management
Division Measure 37 Claims Form**

Application for Claims Under LC 2.700 through 2.770

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

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

1. Applicant/ Agent

Selene Bixler Price 1612 Crescent Ave. Eugene, OR 97408 344-9951
Lucette Bixler Ward 2009 10th St, Springfield 97477 746-4214
Applicant Name (Please Print) Mailing Address Phone

Agent Name (Please Print) Mailing Address Phone

2. Property Owner

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

Loyce Bixler 31668 Green Isl. Rd. Eug. 97408 345-3052
Property Owner Name (Please Print) Mailing Address Phone
David Bixler 31668 Green Isl. Rd. Eug. 97408 345-3052
Property Owner Name (Please Print) Mailing Address Phone

3. Legal Description

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

Assessor Map & Tax Lot 16-03-30-00-00802 - 550 Prop TCA 00438
Street Address 31668 Green Isl. Rd, Eug. 97408 Legal Description Attached Y

4. Identification of Imposed Land Use Regulation

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

Used for farming - CORN on now
Need to build two homes (mother-in-law house)

5. Title Report

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

6. Appraisal/Regulatory Effect

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

Stephen Ford Inc. - 7-9-1976 - Description of parcel.

7. Leases, Covenants, Conditions and Restrictions

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

8. Identification of Relief Sought

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

my husband had cancer surgery
I have arthritis & we need our daughter help

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

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

Lois E. Byler
Owner(s) Signature

7-20-05
Date

[Signature]
Applicant/Agent Signature

7/20/05
Date

The following contacts are provided to assist you in finding the necessary information for this application.

For zoning and land use information, please contact the Land Management Division at 682-3577.

This phone contact is a message line. Please leave a message and a Planner will return your call.

For deeds and records information, please contact Lane County Deeds and Records at 682-3654.

**Exhibit B - Legal Description of
Subject Property**

EXHIBIT A

Beginning at the iron pin set over the stone marking the center of Section 30, Township 16 South, Range 3 West of the Willamette Meridian; thence, South 33.00 feet along the north-south one-quarter Section line in said Section 30; thence, S89°11'54"W 1194.64 feet along a line parallel with and 33.00 feet southerly of the north line of the M. Ferguson Donation Land Claim No. 57, said Township and Range to an iron pin marking the true point of beginning; thence, S89°11'54"W 1443.04 feet continuing along said line to a point marked by an iron pin; thence, S15°10'43"E 292.28 feet to an iron pin set on the meander line of the right bank of the Willamette River; thence, S65°35'11"E 152.76 feet along said meander line to a point marked by an iron pin; thence, N83°33'06"E 225.09 feet continuing along said meander line to a point marked by an iron pin; thence, S20°30'57"E 193.17 feet continuing along said meander line to a point marked by an iron pin; thence, S30°45'06"E 191.52 feet continuing along said meander line to an iron pin set on the west line of said Donation Land Claim No. 57; thence, S0°50'45"E 1890.88 feet along said west line to a point on the south line of said Section 30; thence, N89°52'18"E 1206.86 feet along the south line of said Section 30 to a point in the centerline of a slough (being referenced on the ground by an iron pin bearing S89°52'18"W 80.00 feet); thence, N8°55'21"E 451.16 feet along the centerline of said slough to a point; thence, N13°50'24"E 96.86 feet continuing along said centerline to a point; thence, N47°12'E 112.40 feet continuing along said centerline to a point; thence, N74°07'04"E 235.08 feet continuing along said centerline to a point (being referenced on the ground by an iron pin bearing North 53.31 feet) on a line parallel with and 396.00 feet westerly of when measured at right angles to said north-south one-quarter line; thence, North 653.58 feet along said parallel line to a point; thence, S88°25'W 504.10 feet to a point marked by an iron pin; thence, North 1067.50 feet to a point (being referenced on the ground by an iron pin bearing N89°11'54"E 0.43 feet); thence, S89°11'54"W 294.64 feet to a point marked by an iron pin; thence, North 190.14 feet to the true point of beginning in Lane County, Oregon.

TOGETHER with an easement over a tract of land 33.00 feet in width lying adjacent to and northerly of the north line of the above described tract and extending easterly to County Road No. 994.

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

152 16

1395R

County OFFICIAL Records.
County Clerk

Deputy

3053

12-2-74 Reel 779R

7450837

PARCEL 2:

501

Beginning at a point which is North 89° 40' East, 553.76 feet from the West quarter section corner of Section 30, Township 16 South, Range 3 West, Willamette Meridian; thence North 3° 00' East, 614.79 feet; thence South 87° 27' East, 852.01 feet; thence North 14° 05' East, 261.0 feet; thence South 87° 35' East, 302.2 feet; thence North 38° 40' East, 249.7 feet; thence North 44° 42' East, 208.0 feet; thence South 82° 51' East, 146.75 feet; thence South 0° 29' West, 426.00 feet; thence North 89° 40' East, 455 feet to a point on the North-South center line of said Section 30, 653.65 feet North of the center thereof; thence South 0° 29' West, 653.65 feet; thence South 89° 40' West, 2127.64 feet to the true place of beginning, in Lane County, Oregon.

PARCEL 3:

802

Beginning at the center of Section 30, Township 16 South, Range 3 West of the Willamette Meridian; thence West 30 chains; thence South 40 chains; thence East to the center of the mill slough; thence up said slough to the Southwest corner of a piece of land heretofore deeded to Frank Vaughn; thence North to the Northwest corner of said Frank Vaughn land; thence East to the quarter section line; thence North to the place of beginning, in Lane County, Oregon;

ALSO: Lot 1 in Section 30, Township 16 South, Range 3 West of the Willamette Meridian, in Lane County, Oregon;

EXCEPTING that certain tract conveyed to Morris Koon by deed recorded December 31, 1940, in Book 207, page 432, Lane County Oregon Deed Records, in Lane County, Oregon;

ALSO EXCEPTING: Beginning at an iron pin at the quarter corner between Sections 30 and 31, Township 16 South, Range 3 West of the Willamette Meridian; and run North 1352.50 feet to the true point of beginning; thence run North 1238.0 feet to a point 33.0 feet South of the center of Section 30, said Township and Range; thence run South 89° 40' West, 500.0 feet; thence South 1257.64 feet; thence North 88° 25' East, 900.32 feet to the point of beginning, in Lane County, Oregon.

12-2-74 Reel 779R

7450837.

ALL OF THAT PROPERTY AS DESCRIBED IN THE FOLLOWING THREE PARCELS
LYING TO THE SOUTH OF THAT ROAD RUNNING EAST AND WEST THROUGH
THE PROPERTY DESCRIBED AS EASEMENT INSTRUMENT NUMBER 7448357 DATED
OCTOBER 10, 1974 and RECORDED NOVEMBER 13, 1974.

PARCEL 1: 400

The Northwest quarter of Section 30, Township 16 South, Range 3 West
of the Willamette Meridian, in Lane County, Oregon;

300
EXCEPT: Beginning at the Northwest corner of Section 30, and
running thence East 40.68 chains, more or less, to the quarter
section corner on the North line of said Section 30; thence
South 12.30 chains; thence West parallel with the Section line
40.36 chains, more or less, to the West line of said Section 30;
and thence North 12.30 chains to the place of beginning, in Lane
County, Oregon;

500
501
ALSO EXCEPT: Beginning at the center of Section 30, Township 16
South, Range 3 West of the Willamette Meridian; running thence
North 0°29' East, 854.65 feet; thence North 39° 33' West, 277.24
feet; thence North 82° 51' West, 413.25 feet; thence South 44°
42' West, 208.0 feet; thence South 38° 40' West, 248.7 feet;
thence North 82° 35' West, 302.2 feet; thence South 14° 05'
West, 261.0 feet; thence North 87° 27' West, 852.01 feet; thence
South 3° 00' West, 614.79 feet; thence North 89° 40' East, 2127.64
feet to the point of beginning, in Lane County, Oregon;

16-4-26
100
ALSO: Beginning at the Southeast corner of the Robert Wilson Donation
Land Claim No. 38, Notification No. 3262, in Township 16 South, Range
4 West of the Willamette Meridian; and running thence West 11.11
chains to a point in the present channel of the Willamette River;
thence North 32° East, 15.15 chains to a point on the right bank of
the present channel of the Willamette River; thence South 55° East,
3.76 chains to the East line of said Robert Wilson Donation Land Claim;
thence South along the said East line 10.69 chains to the place of
beginning, all in Lane County, Oregon.

STEPHEN H. FORD, INC.

SURVEYING

405 TIFFANY BUILDING
795 WILLAMETTE STREET
PHONE 344-1852
EUGENE, OREGON 97401

KEN FORD, PHONE 344-3977
85914 DOANE ROAD, EUGENE

PAULA NORNESS, PHONE 345-4610
27116 CROW ROAD, EUGENE

July 9, 1976

REFER TO OUR JOB NO. 1426.4

Bixler Lot

DESCRIPTION OF LOT 1 OF THE COLTHAR PARTITION

Beginning at the iron pin set over the stone marking the center of Section 30, Township 16 South, Range 3 West of the Willamette Meridian; thence,

South 33.00 feet along the north/south one-quarter Section line in said Section 30; thence,
S89°11'54"W 1470.00 feet along a line parallel with and 33.00 feet southerly of the north line of the M. Ferguson Donation Land Claim No. 57, said Township and Range to an iron pin marking the TRUE POINT OF BEGINNING; thence,
S89°11'54"W 1167.68 feet continuing along said line to a point marked by an iron pin; thence,
S15°10'43"E 292.28 feet to an iron pin set on the meander line of the right bank of the Willamette River; thence,
S65°35'11"E 152.76 feet along said meander line to a point marked by an iron pin; thence,
N83°33'06"E 225.09 feet continuing along said meander line to a point marked by an iron pin; thence,
S20°30'57"E 193.17 feet continuing along said meander line to a point marked by an iron pin; thence,
S30°45'06"E 191.52 feet continuing along said meander line to an iron pin set on the west line of said Donation Land Claim No. 57; thence,
S 0°50'45"E 1890.88 feet along said west line to a point on the south line of said Section 30; thence,
N89°52'18"E 1000 feet, more or less, along the south line of said Section 30 to a point on right bank of the Willamette River; thence,
Northwesterly 860 feet, more or less, along said right bank to a point bearing South from the true point of beginning; thence,
North 125 feet, more or less, to a point marked by an iron pin; thence,
North 1724.36 feet to the true point of beginning in Lane County, Oregon

TOGETHER WITH an easement over a tract of land 33.00 feet in width lying adjacent to and northerly of the north line of the above described tract and extending easterly to County Road No. 994.

STEPHEN H. FORD, INC.

SURVEYING

405 TIFFANY BUILDING
795 WILLAMETTE STREET
PHONE 344-1852
EUGENE, OREGON 97401

KEN FORD, PHONE 344-3977
85914 DOANE ROAD, EUGENE

PAULA NORNESS, PHONE 345-4610
27116 CROW ROAD, EUGENE

July 9, 1976

REFER TO OUR JOB NO. 1426.4

Bixler Lot

DESCRIPTION OF LOT 1 OF THE COLTHAR PARTITION

Beginning at the iron pin set over the stone marking the center of Section 30, Township 16 South, Range 3 West of the Willamette Meridian; thence,

South 33.00 feet along the north/south one-quarter Section line in said Section 30; thence,

S89°11'54"W 1470.00 feet along a line parallel with and 33.00 feet southerly of the north line of the M. Ferguson Donation Land Claim No. 57, said Township and Range to an iron pin marking the TRUE POINT OF BEGINNING; thence,

S89°11'54"W 1167.68 feet continuing along said line to a point marked by an iron pin; thence,

S15°10'43"E 292.28 feet to an iron pin set on the meander line of the right bank of the Willamette River; thence,

S65°35'11"E 152.76 feet along said meander line to a point marked by an iron pin; thence,

N83°33'06"E 225.09 feet continuing along said meander line to a point marked by an iron pin; thence,

S20°30'57"E 193.17 feet continuing along said meander line to a point marked by an iron pin; thence,

S30°45'06"E 191.52 feet continuing along said meander line to an iron pin set on the west line of said Donation Land Claim No. 57; thence,

S 0°50'45"E 1890.88 feet along said west line to a point on the south line of said Section 30; thence,

N89°52'18"E 1000 feet, more or less, along the south line of said Section 30 to a point on right bank of the Willamette River; thence,

Northwesterly 860 feet, more or less, along said right bank to a point bearing South from the true point of beginning; thence,

North 125 feet, more or less, to a point marked by an iron pin; thence,

North 1724.36 feet to the true point of beginning in Lane County, Oregon

TOGETHER WITH an easement over a tract of land 33.00 feet in width lying adjacent to and northerly of the north line of the above described tract and extending easterly to County Road No. 994.

PARTITIONER:

NAME: Mr. & Mrs. Leon Colthar

ADDRESS: 91662 Coburg Road

Eugene, Oregon

PHONE: 343-8329

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

OWNER OF RECORD:

NAME: Mr. & Mrs. Leon Colthar

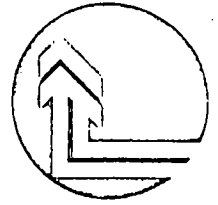
ADDRESS: 91662 Coburg Road

Eugene, Oregon

PHONE: 343-8329

TAX LOT: 800 MAP #: 16 03 30

lane county



WATER SUPPLY: Well
PERMIT #:
SEWAGE DISPOSAL: Septic tank
S.I. #:
ELECTRIC SERVICE: P.D. #
ZONING:

DATE SUBMITTED: _____

RECEIVED BY: _____

FEE PAID: _____

HEARING DATE: _____

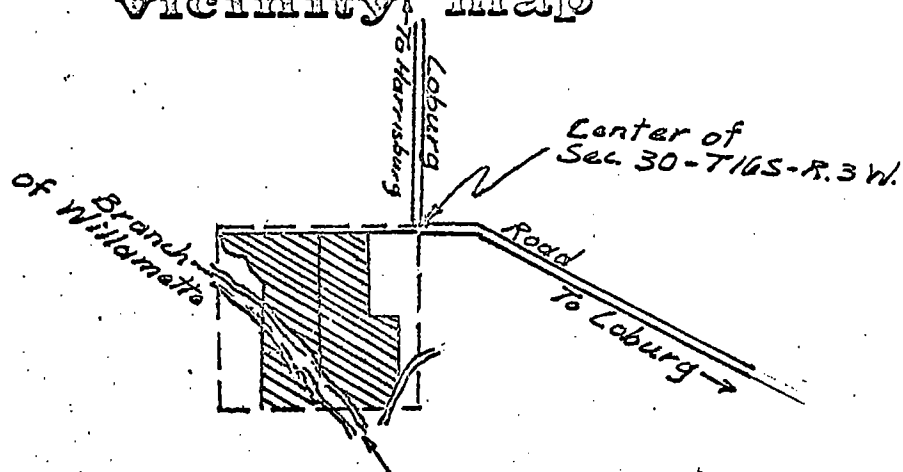
for office use only

approval

BY: Acting Chairman, Land Development Review Committee



Date _____

vicinity map



FILE NO: 294-76

MAP PREPARED BY: Stephen H. Ford Inc.

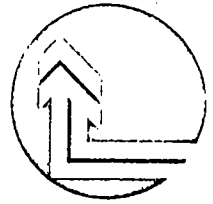
 MINOR
 MAJOR

partition



lane county

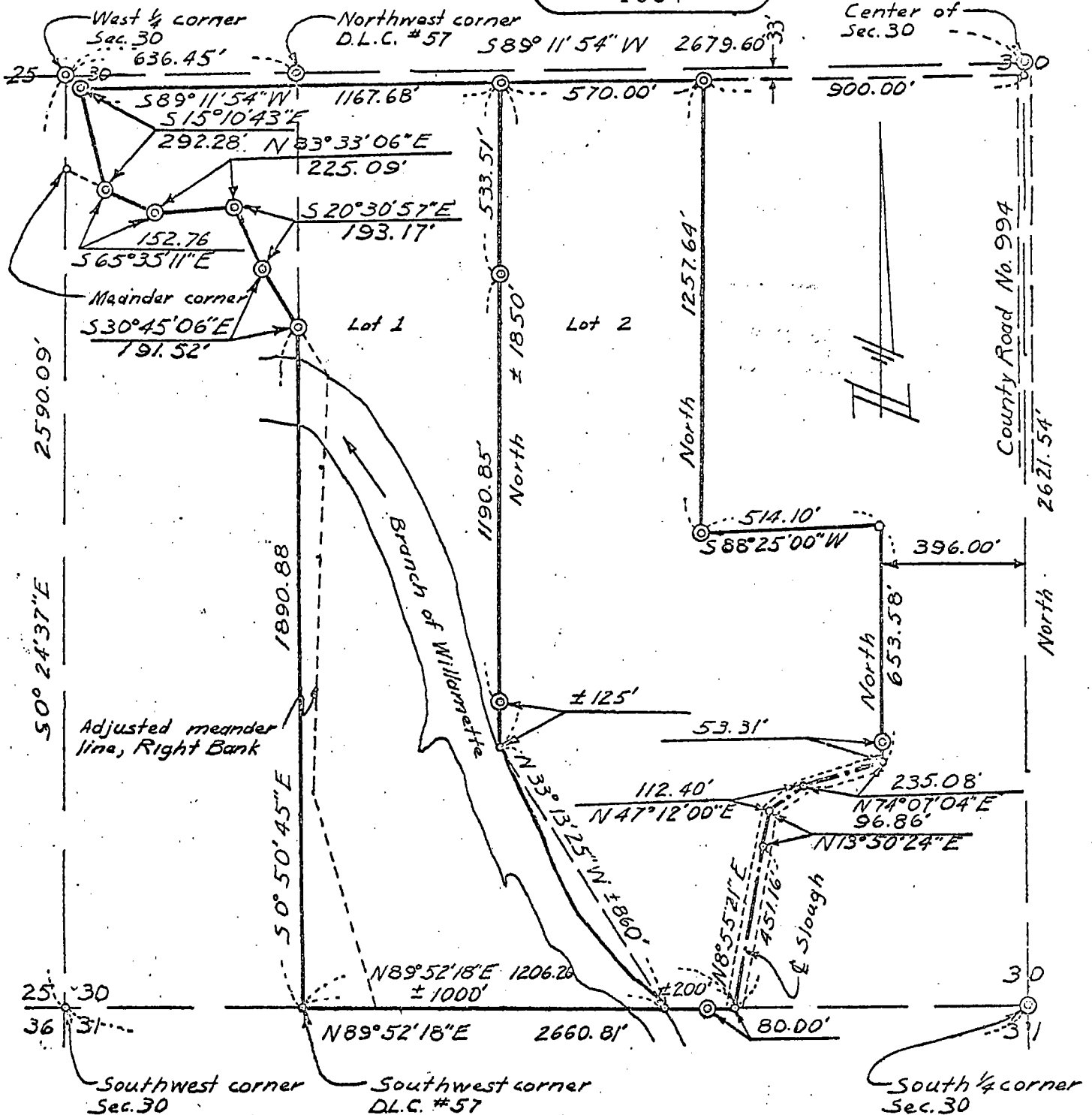
REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 AUGUST 22, 1975
 PAULA LEE NORNES
 1034



LEGEND

5/8"x24" re-bar, set 
 Iron pin or pipe, found 

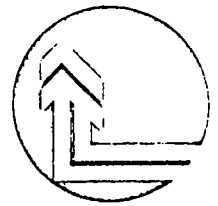


SCALE: 1"=400'

FILE NO: 294-76

PARTITIONER:

Idaho County



NAME: Mr. & Mrs. Leon Colthar

ADDRESS: 91662 Coburg Road

Eugene, Oregon

PHONE: 343-8329

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

OWNER OF RECORD:

NAME: Mr. & Mrs. Leon Colthar

ADDRESS: 91662 Coburg Road

Eugene, Oregon

PHONE: 343-8329

TAX LOT: 800 MAP #: 16 03 30

WATER SUPPLY: Well
PERMIT #: _____
SEWAGE DISPOSAL: Septic tank
S.I. #: _____
ELECTRIC SERVICE: P.P. & L
ZONING: _____

DATE SUBMITTED: _____

RECEIVED BY: _____

FEE PAID: _____

HEARING DATE: _____

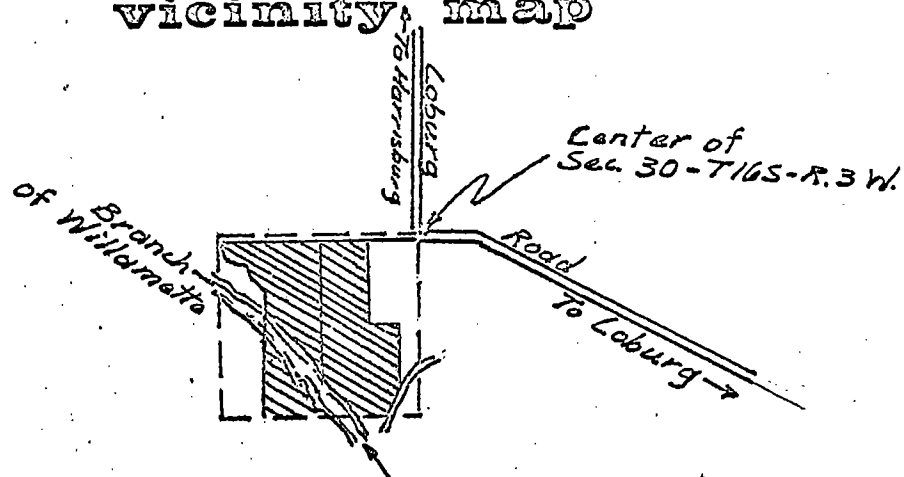
for office use only

approval

BY: _____
Acting Chairman, Land Development Review Committee

_____ Date

vicinity map



FILE NO: 294-76

MAP PREPARED BY: Stephen H. Ford Inc.

Exhibit C - Lane County Land Surveyor Map

MAJOR

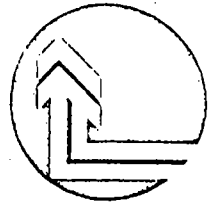
partition

lane county

REGISTERED
PROFESSIONAL
LAND SURVEYOR

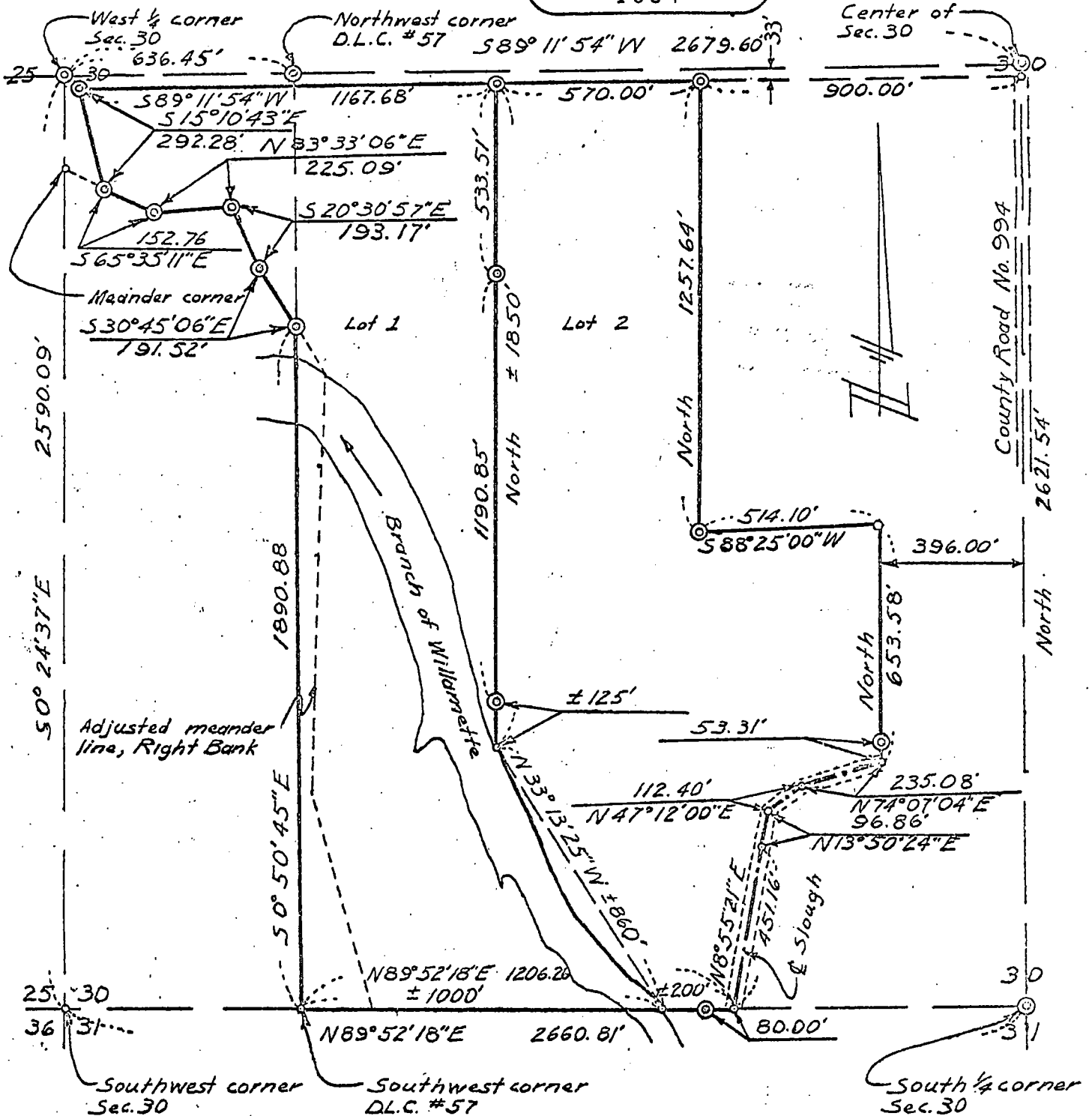
Paula Lee Norness

OREGON
AUGUST 22, 1975
PAULA LEE NORNESS
1034



LEGEND

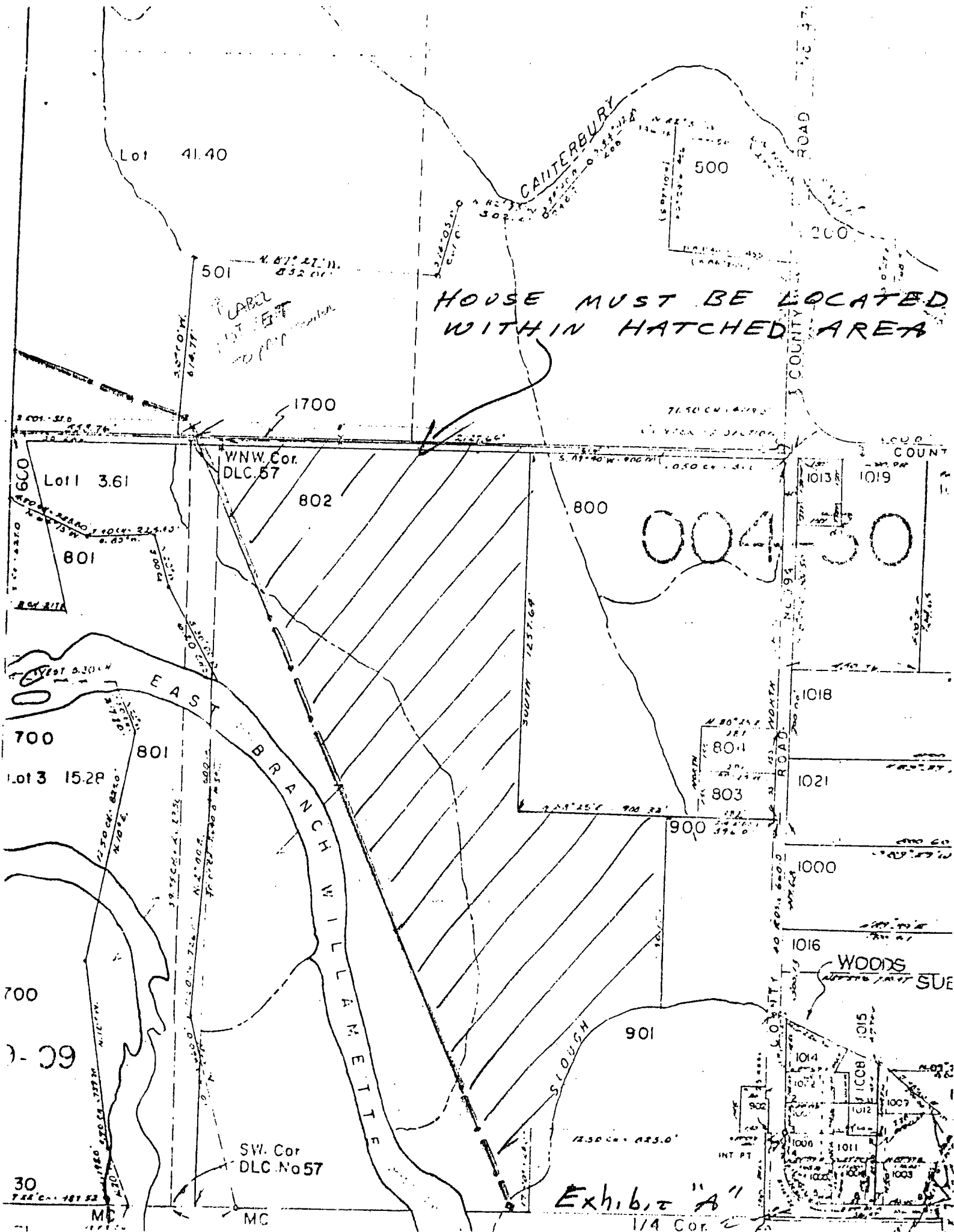
5/8" x 24" re-bar, set ⊙
Iron pin or pipe, found ⊙

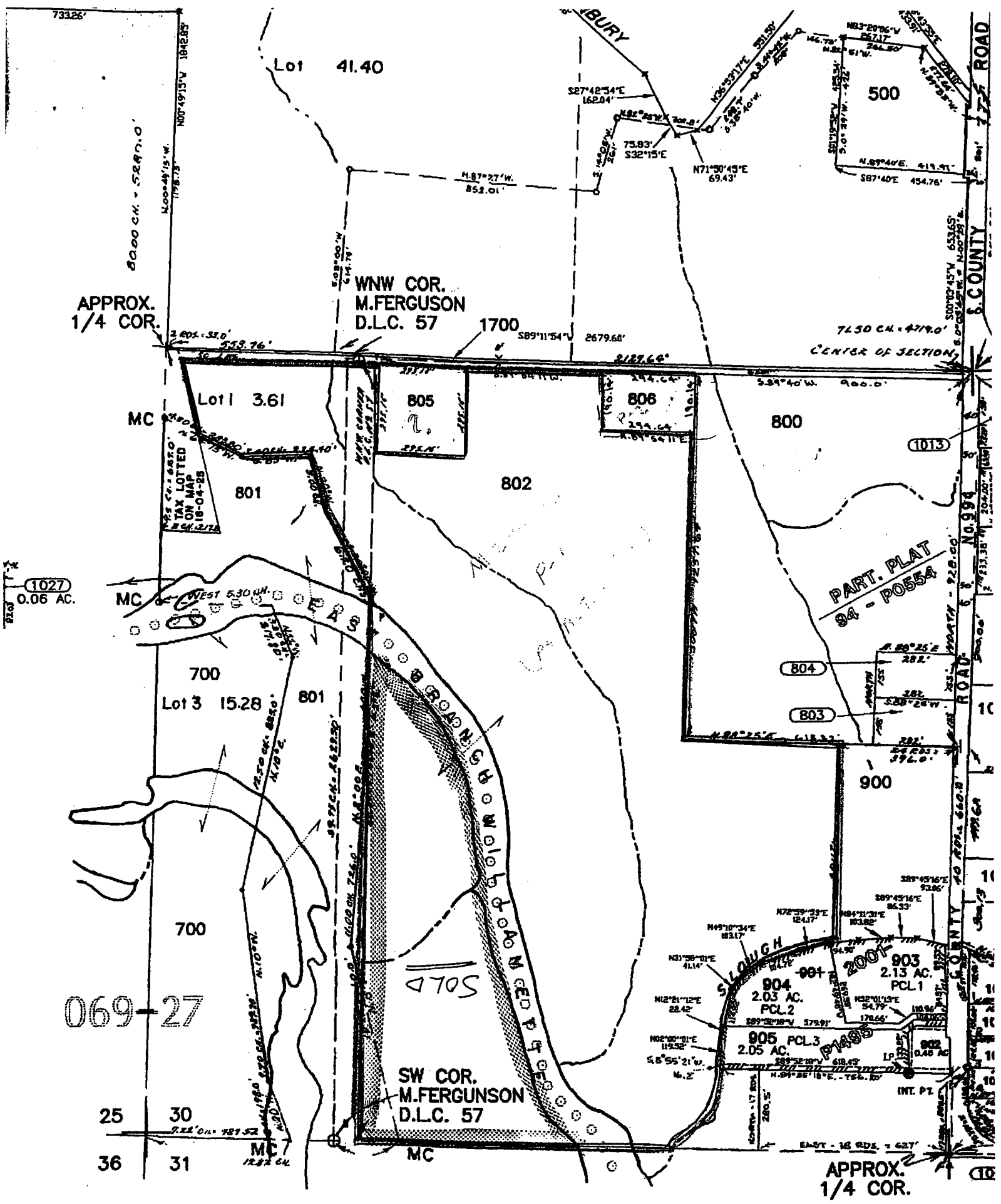


SCALE: 1"=400'

FILE NO: 294-76

MAP # 16 03 30 00 00802 000





N. 89°50'E. 80.54

SEE MAP 16 C

**Exhibit D - Lane County Real
Property Tax Statement**



Tax Statements Online

[Print Close](#)
View Tax Year 2006 - 2007

7-1-2006 TO 6-30-2007 REAL PROPERTY TAX STATEMENT
LANE COUNTY 125 E. 8TH AVE. EUGENE, OR 97401
(541) 682-4321

ACCOUNT NUMBER: 0040301

SITUS ADDRESS: ADDRESS UNKNOWN
OR

PROP: 550 ACRES: 56.01

TCA: 004-38

MAP: 16 03 30 00 00802

31668 GREEN ISLAND RD
COBURG, OR 97408**LAST YEAR'S TAX**

150.40

CURRENT TAX BY DISTRICT

VALUES	LAST YEAR	THIS YEAR
MARKET VALUES		
LAND	218,194	240,013
IMPROVEMENT		
TOTAL	218,194	240,013
M5 SPECIALLY		
ASSESSED VALUE	17,642	18,871
M5 REAL MKT VALUE	17,642	18,871
ASSESSED VALUE	12,977	13,367
EXEMPTIONS		
NET TAXABLE:	12,977	13,367

FARM DEFERRAL
Potential Additional TaxMORTGAGE CO:
LOAN #:

Full Payment with 3% Discount	2/3 Payment with 2% Discount	1/3 Payment No Discount
154.86	104.30	53.21

U Eugene School District	63.47
U Eugene School District LO	19.63
U Lane Community College	8.28
U Lane Education Service Dist	2.98
Education Totals:	94.36
U Coburg RFPD	17.75
U Lane County	17.08
General Government Totals:	34.83
U Coburg RFPD Bond	4.31
U Eugene School District Bond I	9.06
U Eugene School District Bond II	12.27
U Lane Community College Bond	3.08
U Lane County Bond	1.74
Bonds - Other Totals:	30.46

2006 - 2007 TAXES 159.65

TOTAL TAX (After Discount) 154.86ACCOUNT NUMBER 0040301
INCLUDES DELINQUENT TAXES OWING, IF ANY

Full Payment Enclosed.....	Due: 11/15/2006	154.86
or 2/3 Payment Enclosed.....	Due: 11/15/2006	104.30
or 1/3 Payment Enclosed.....	Due: 11/15/2006	53.21

DISCOUNT IS LOST & INTEREST APPLIES AFTER DUE DATE

The on-line tax statements reflect the information on accounts as of the tax year's October tax certification date. These tax statements do not reflect any payments or value corrections made on your account after that date. If you have made payments on your property tax account after the certification date, please contact our office at (541) 682-4321 between the hours of 10:00 am and 12:00 p.m. and between the hours of 1:00 p.m. and 4:00 p.m., Monday through Friday for the correct amount owed. You may also contact our office on the internet at Taxation@co.lane.or.us

[Disclaimer / Privacy / Accessibility](#)
 Copyright Lane County, Oregon. All rights reserved.

[Contact us](#)

**Exhibit E - Title Report from First
American Title Co.**

**First American**

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

SUBDIVISION GUARANTEE**For the Proposed Plat of:**GUARANTEE NO.: **7199-1016966**FEE \$ **175.00**YOUR REF.: **Bixler****First American Title Insurance Company of Oregon**

reports to

The Oregon Real Estate Commission, and any County or City within which said subdivision or proposed subdivision is located.

That, according to the public records which impart constructive notice or matters affecting title to the premises hereinafter referred to, we find:

That the last deed of record runs to:

David L. Bixler and Loyce Evelyn Bixler, husband and wife, as tenants by the entirety

We also find the following apparent encumbrances, which includes "Blanket Encumbrances" as defined by ORS 92.305 (1), and also easements, restrictive covenants and rights of way prior to the effective date hereof:

1. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.
2. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the mean high water mark of Willamette River and the ownership of the State of Oregon in that portion lying below the high water mark of Willamette River .
3. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Willamette River or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.
4. Right, title and interest of the State of Oregon in and to that portion lying within the government meander lines of the Willamette River.

5. The property is within the Willamette River Greenway and is subject to all laws and regulations pertaining thereto, including, but not limited to, ORS 390.310 through 390.368, inclusive.
6. Easement, including terms and provisions contained therein:
Recording Information: August 11, 1926, Book 150, Page 167
In Favor of: Mountain States Power Company
For: Power line
7. Easement Agreement and the terms and conditions thereof:
Between: David Leroy Bixler and Loyce Evelyn Bixler
And: McKenzie River Trust
Recording Information: May 10, 2005, Reception No. 2005-033851
8. No assurances are provided that the subject premises have a legal and insurable right of access to a public road or highway.

NOTE: Taxes for the year 2006-2007 PAID IN FULL

Tax Amount: \$159.65
Map No.: 1603300000802
Property ID: 0040301
Tax Code No.: 00438

NOTE: Taxes for the year 2006-2007 PAID IN FULL

Tax Amount: \$19.63
Map No.: 1603300000802
Property ID: 0040319
Tax Code No.: 06927

We have also searched our General Index for Judgments and State and Federal liens against the Grantee named above and find:

-NONE-

The premises are in County and are described as follows:

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

THIS IS NOT A TITLE GUARANTEE since no examination has been made of the title to the above described property. Our search for apparent encumbrances was limited to our Tract Indices and therefore above listings do not include additional matters which might have been disclosed by an examination of the record title. We assume no liability in connection with this Subdivision Report and will not be responsible for errors or omissions therein.

Dated: March 28, 2007

First American Title Insurance Company of Oregon,

By: 
Robert Gordon, Authorized Signatory

RMG/RMG

Exhibit "A"

Real property in the County of , State of , described as follows:

BEGINNING AT THE CENTER OF SECTION 30, TOWNSHIP 16 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN; THENCE WEST 30 CHAINS; THENCE SOUTH 40 CHAINS; THENCE EAST TO THE CENTER OF THE MILL SLOUGH; THENCE UP SAID SLOUGH TO THE SOUTHWEST CORNER OF A PIECE OF LAND HERETOFORE DEEDED TO FRANK VAUGHN; THENCE NORTH TO THE NORTHWEST CORNER OF SAID FRANK VAUGHN LAND; THENCE EAST TO THE QUARTER SECTION LINE; THENCE NORTH TO THE PLACE OF BEGINNING, IN LANE COUNTY, OREGON.

ALSO: LOT 1 IN SECTION 30, TOWNSHIP 16 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, IN LANE COUNTY, OREGON.

EXCEPTING THAT CERTAIN TRACT CONVEYED TO MORRIS KOON BY DEED RECORDED DECEMBER 31, 1940, IN BOOK 207, PAGE 432, LANE COUNTY OREGON DEED RECORDS, IN LANE COUNTY, OREGON.

ALSO EXCEPTING: BEGINNING AT AN IRON PIN AT THE QUARTER CORNER BETWEEN SECTIONS 30 AND 31, TOWNSHIP 16 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN; AND RUN NORTH 1352.50 FEET TO THE TRUE POINT OF BEGINNING; THENCE RUN NORTH 1238.0 FEET TO A POINT 33.0 FEET SOUTH OF THE CENTER OF SECTION 30, SAID TOWNSHIP AND RANGE; THENCE RUN SOUTH 89° 40' WEST, 900.0 FEET; THENCE SOUTH 1257.64 FEET; THENCE NORTH 88° 25' EAST, 900.32 FEET TO THE POINT OF BEGINNING, IN LANE COUNTY, OREGON.

ALSO EXCEPT THE FOLLOWING: BEGINNING AT THE IRON PIN SET OVER THE STONE MARKING THE CENTER OF SECTION 30, TOWNSHIP 16 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN; THENCE SOUTH 33.00 FEET ALONG THE NORTH-SOUTH ONE-QUARTER SECTION LINE IN SAID SECTION 30; THENCE SOUTH 89° 11' 54" WEST 900.00 FEET ALONG A LINE PARALLEL WITH AND 33.00 FEET SOUTHERLY OF THE NORTH LINE OF THE M. FERGUSON DONATION LAND CLAIM NO. 57, SAID TOWNSHIP AND RANGE TO THE TRUE POINT OF BEGINNING (BEING REFERENCED ON THE GROUND BY AN IRON PIN BEARING NORTH 89° 11' 54" EAST, 0.43 FEET); THENCE SOUTH 89° 11' 54" WEST 294.64 FEET CONTINUING ALONG SAID LINE TO A POINT MARKED BY AN IRON PIN; THENCE SOUTH 190.14 FEET TO A POINT MARKED BY AN IRON PIN; THENCE NORTH 89° 11' 54" EAST, 294.64 FEET TO A POINT (BEING REFERENCED ON THE GROUND BY AN IRON PIN BEARING NORTH 89° 11' 54" EAST, 0.43 FEET); THENCE NORTH 190.14 FEET TO THE TRUE POINT OF BEGINNING IN LANE COUNTY, OREGON.

ALSO EXCEPT THE FOLLOWING: BEGINNING AT THE IRON PIN SET OVER THE STONE MARKING THE CENTER OF SECTION 30, TOWNSHIP 16 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN; THENCE SOUTH 33.00 FEET ALONG THE NORTH-SOUTH ONE-QUARTER SECTION LINE IN SAID SECTION 30 TO A POINT; THENCE SOUTH 89° 11' 54" WEST, 1670.00 FEET ALONG A LINE PARALLEL WITH AND 33.00 FEET SOUTHERLY FROM THE NORTH LINE OF THE M. FERGUSON DONATION LAND CLAIM NO. 57, SAID TOWNSHIP AND RANGE TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 89° 11' 54" WEST, 295.16 FEET CONTINUING ALONG SAID LINE TO A POINT; THENCE SOUTH 0° 48' 06" EAST, 295.16 FEET TO A POINT; THENCE NORTH 89° 11' 54" EAST 295.16 FEET TO A POINT; THENCE NORTH 0° 48' 06" WEST, 295.16 FEET TO THE TRUE POINT OF BEGINNING, IN LANE COUNTY, OREGON.

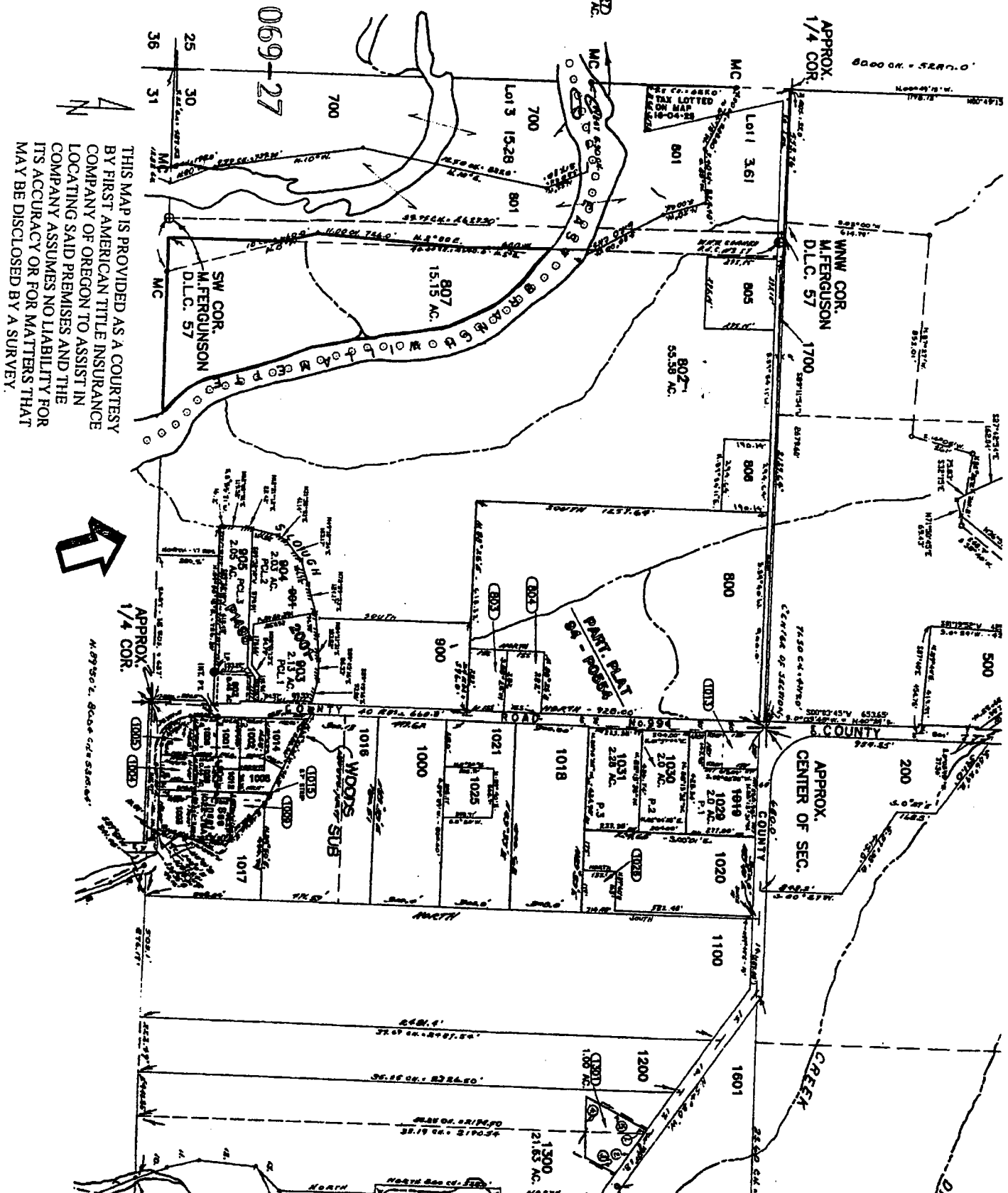
ALSO EXCEPT THAT PORTION CONVEYED TO THE MCKENZIE RIVER TRUST, AN OREGON NON-PROFIT PUBLIC BENEFIT CORPORATION BY DEED RECORDED MAY 10, 2005, RECEPTION NO. 2005-033852, OFFICIAL RECORDS OF LANE COUNTY, OREGON.

Subdivision Guarantee

Guarantee No.: **7199-1016966**

Page 5 of 5

Tax Parcel Number: 0040301 and 0040319



**Exhibit F - Warranty Deed of
Subject Property**

12-2-74 Real 719R

802

7450837

16-3-30

CT-114970

BARGAIN & SALE DEED

After recording return to: Mr. and Mrs. Leon H. Colthar 37476 Avenue 12 Madera, California 93637 NAME, ADDRESS, ZIP	
Until a change is requested, mail all tax statements to: Same	
NAME, ADDRESS, ZIP	

FOR VALUE RECEIVED Leon Houston Colthar and Lily Emma Colthar, husband and wife,
herein referred to as grantors, hereby grant, bargain, sell, and convey unto

Loyce Evelyn Bixler

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

See Exhibit "A" attached hereto,

Provided, however, Grantors Leon Houston Colthar and Lily Emma Colthar, reserve unto themselves a life estate in said premises, together with full power and authority in their discretion, to lease, mortgage, pledge, sell or otherwise manage and dispose of any and all of said property to the same extent and in the same manner that they would use and enjoy if it were their sole and separate property.

True consideration for this conveyance is \$ none

Dated November 29, 1974

Leon Houston Colthar
Lily Emma Colthar

STATE OF OREGON, County of Lane, ss.

Leon Houston Colthar and Lily Emma Colthar

Personally appeared the above named

and acknowledged the foregoing instrument to be

Dated November 29 A.D. 1974

My Commission Expires:

CASCADE TITLE COMPANY

Notary Public for Oregon
CHARLES L. RAND
My Commission Expires May 22, 1977
1075 Oak Street, Eugene

16-3-30 0-7 - 97-2343
RETURN TO CASCADE TITLE CO.
CT 158 (58) (3)

25
10
20

After recording return to:

David and Loyce Sixler
31668 Green Island Road
Coburg, OR 97408

9768289

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

David and Loyce Sixler
31668 Green Island Road
Coburg, OR 97408

44240CT.07'87#07BEC 25:00
44240CT.07'97#07PFUND 18:00
44240CT.07'97#07A&T FUND 20:00

BARGAIN AND SALE DEED

LEON HOUSTON COLTHAR and LILY EMMA COLTHAR, husband and wife, Grantors,
convey to LOYCE EVELYN SIXLER, Grantee, the following described real property
situated in Lane County, Oregon, to-wit:

The property described in Exhibit A, attached hereto,

EXCEPT the property described in Exhibit B, attached hereto, AND EXCEPT
the property described in Exhibit C, attached hereto.

The true consideration for this conveyance is \$0.00.

The purpose for this conveyance is to release the life estate reserved
to the Grantors in the November 29, 1974 deed recorded December 2, 1974 at
Reel 719, instrument #7450837, Lane County Oregon Deed Records.

DATED this 2ND day of SEPTEMBER, 1997.

Leon Houston Colthar
Leon Houston Colthar

Lily Emma Colthar
Lily Emma Colthar

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS
INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS.

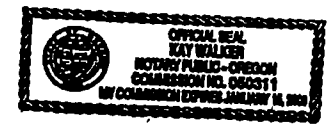
THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE
PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND
USE LAWS AND REGULATIONS, WHICH, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE
CONSTRUCTION OR SITING OF A RESIDENCE AND WHICH LIMIT LAWSUITS AGAINST FARMING
OR FOREST PRACTICES AS DEFINED IN ORS 30.930 IN ALL ZONES.

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, EXISTENCE OF FIRE PROTECTION FOR
STRUCTURES, AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST
PRACTICES AS DEFINED IN ORS 30.930.

STATE OF OREGON, County of Lane, ss.:

This instrument was acknowledged before me on SEPTEMBER 2, 1997 by
Leon Houston Colthar and Lily Emma Colthar.

Kay Walker
Notary Public for Oregon



10-7 - 97-2343

ALL OF THAT PROPERTY AS DESCRIBED IN THE FOLLOWING THREE PARCELS
LYING TO THE SOUTH OF THAT ROAD RUNNING EAST AND WEST THROUGH
THE PROPERTY DESCRIBED AS EASEMENT INSTRUMENT NUMBER 7448357 DATED
OCTOBER 10, 1974 and RECORDED NOVEMBER 13, 1974.

9268289

PARCEL 1:

The Northwest quarter of Section 30, Township 16 South, Range 3 West
of the Willamette Meridian, in Lane County, Oregon;

EXCEPT: Beginning at the Northwest corner of Section 30, and
running thence East 40.68 chains, more or less, to the quarter
section corner on the North line of said Section 30; thence
South 12.30 chains; thence West parallel with the Section line
40.36 chains, more or less, to the West line of said Section 30;
and thence North 12.30 chains to the place of beginning, in Lane
County, Oregon; X 501

ALSO EXCEPT: Beginning at the center of Section 30, Township 16
South, Range 3 West of the Willamette Meridian; running thence
North 0° 29' East, 854.65 feet; thence North 39° 33' West, 277.24
feet; thence North 82° 51' West, 413.25 feet; thence South 44°
42' West, 208.0 feet; thence South 38° 40' West, 248.7 feet;
thence North 82° 35' West, 302.2 feet; thence South 14° 05'
West, 261.0 feet; thence North 87° 27' West, 852.01 feet; thence
South 3° 00' West, 614.79 feet; thence North 89° 40' East, 2127.64
feet to the point of beginning, in Lane County, Oregon;

ALSO: Beginning at the Southeast corner of the Robert Wilson Donation
Land Claim No. 38, Notification No. 3262, in Township 16 South, Range
4 West of the Willamette Meridian; and running thence West 11.11
chains to a point in the present channel of the Willamette River;
thence North 32° East, 15.15 chains to a point on the right bank of
the present channel of the Willamette River; thence South 55° East,
3.76 chains to the East line of said Robert Wilson Donation Land Claim;
thence South along the said East line 10.69 chains to the place of
beginning, all in Lane County, Oregon. X 501

PARCEL 2:

10-7 - 97-2343

Beginning at a point which is North 89° 40' East, 553.76 feet from the West quarter section corner of Section 30, Township 16 South, Range 3 West, Willamette Meridian; thence North 3° 00' East, 614.79 feet; thence South 87° 27' East, 852.01 feet; thence North 14° 05' East, 261.0 feet; thence South 82° 35' East, 302.2 feet; thence North 38° 40' East, 248.7 feet; thence North 44° 42' East, 208.0 feet; thence South 82° 51' East, 146.75 feet; thence South 0° 29' West, 426.00 feet; thence North 89° 40' East, 455 feet to a point on the North-South center line of said Section 30, 653.65 feet North of the center thereof; thence South 0° 29' West, 653.65 feet; thence South 89° 40' West, 2127.64 feet to the true place of beginning, in Lane County, Oregon.

9768289

PARCEL 3:

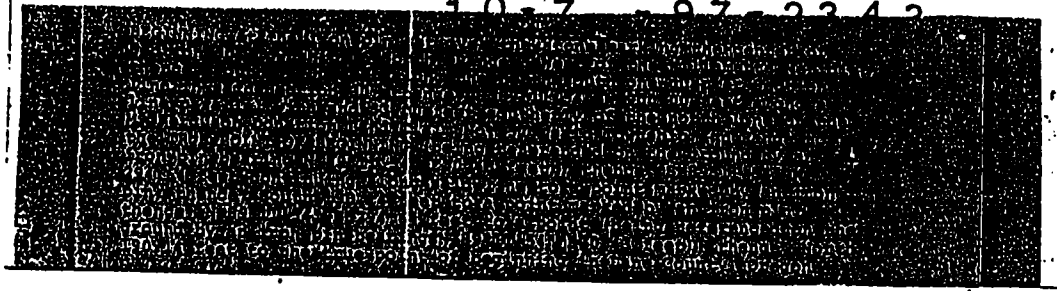
Beginning at the center of Section 30, Township 16 South, Range 3 West of the Willamette Meridian; thence West 30 chains; thence South 40 chains; thence East to the center of the mill slough; thence up said slough to the Southwest corner of a piece of land heretofore deeded to Frank Vaughn; thence North to the Northwest corner of said Frank Vaughn land; thence East to the quarter section line; thence North to the place of beginning, in Lane County, Oregon;

ALSO: Lot 1 in Section 30, Township 16 South, Range 3 West of the Willamette Meridian, in Lane County, Oregon;

EXCEPTING that certain tract conveyed to Morris Koon by deed recorded December 31, 1940, in Book 207, page 432, Lane County Oregon Deed Records, in Lane County, Oregon;

ALSO EXCEPTING: Beginning at an iron pin at the quarter corner between Sections 30 and 31, Township 16 South, Range 3 West of the Willamette Meridian; and run North 1352.50 feet to the true point of beginning; thence run North 1238.0 feet to a point 33.0 feet South of the center of Section 30, said Township and Range; thence run South 89° 40' West, 900.0 feet; thence South 1257.64 feet; thence North 88° 25' East, 900.32 feet to the point of beginning, in Lane County, Oregon.

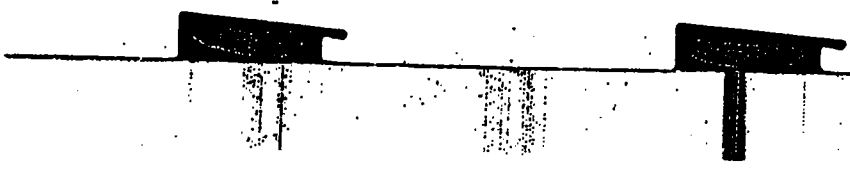
10-7-97-2242



9768289

806

EXHIBIT B PAGE 1 OF 1



10-7 - 97-2343

Beginning at the iron pin set over the stone marking the center of Section 36, Township 16 South, Range 3 West of the Willamette Meridian; thence, South 33.00 feet along the north/south one-quarter Section line in said Section 36 to a point; thence, S89°11'54"W 1670.00 feet along a line parallel with and 33.00 feet southerly from the north line of the M. Ferguson Donation Land Claim No. 57, said Township and Range to the TRUE POINT OF BEGINNING; thence, S89°11'54"W 295.16 feet continuing along said line to a point; thence, S 0°43'06"E 295.16 feet to a point; thence, N89°11'54"E 295.16 feet to a point; thence, N 0°43'06"W 295.16 feet to the true point of beginning in Lane County, Oregon.

9768289

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

'97 OCT 7 AM 11:41

2343R

Real
Lane County OFFICIAL Records
Lane County Clerk

By: David S. Suckey
County Clerk

EXHIBIT C PAGE 1 OF 1

802
805

16-3-30

10-7 - 97-2343

①



9768288

FULL RECONVEYANCE

RETURN TO CASCADE TITLE CO.
Order No. CT-158158
THOMAS ALDERMAN, PC
132 E BROADWAY, #400
EUREKA, OR 97401

S
P

The undersigned trustee under that certain Deed of Trust which is dated MARCH 28, 1986, in which LEON HOUSTON COLTHAR AND LILY EMMA COLTHAR, HUSBAND AND WIFE, is/are grantor(s), recorded on APRIL 1, 1986, at Reel No. 1395, Reception No. 8611830, Lane County Oregon Official Records, having received from the beneficiary under said Deed of Trust a written request to reconvey, reciting that the obligations secured by the Deed of Trust have been fully satisfied, does hereby convey, without warranty, to the person(s) entitled thereto all of the right, title and interest now held by said trustee in and to the property covered by said Deed of Trust, and described as follows:

See Deed of Trust referenced above for legal description.

CASCADE TITLE CO., by:

Robert W. Pierce
Vice-President

State of Oregon) ss.
County of Lane }

SEPTEMBER 30, 1997

4424OCT.07'97#07REC
4424OCT.07'97#07PFUND

5.00
10.00

Personally appeared DOUGLAS W. PIERCE, who being duly sworn, did say that he is the vice-president of Cascade Title Co., a corporation, and that said instrument was signed on behalf of said corporation by authority of its Board of Directors; and he acknowledged said instrument to be its voluntary act and deed. Before me:

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

Kristen H. Street
Notary Public for Oregon.

My commission expires 05-06-01

(SEAL)

'97OCT 7 AM 11:41

Reel **2343R**
Lane County OFFICIAL Records
Lane County Clerk

By: *Daniel S. Sulek*
County Clerk



Exhibit G - Lane County Land Use Regulation Report

LANE COUNTY LAND USE REGULATION REPORT

SUBJECT PROPERTY: Map 16-03-30 #802

This report provides the relevant information regarding the past and present Lane County land use regulations applicable to the property referenced above regarding the Claimants' M37 claim. The vicinity location and tax lot boundaries of the subject property are found in Exhibit C.

I. Chronology of Lane County Land Use Regulations Applicable to the Subject Property

Claimants' family acquired an interest in the subject property on October 10, 1974, and the Claimants' retained continuous ownership of subject property since acquisition on February 5, 1982. The following information is a chronology of the primary Lane County land use regulations that were applied to the subject property since the October 10, 1974 date of acquisition.

- a. Based on our research of the Lane County land use regulation records, on October 10, 1974 the subject property was not zoned by Lane County and was not subject to an adoptive comprehensive land use plan.
- b. On February 29, 1984, the Lane County Board of Commissioners repealed the prior land use designations and zoning of the subject property and that applied to the "E40 Exclusive Farm Use" land use designation. This ordinance is applicable to the subject property, and the subject property is currently zoned as "E40 Exclusive Farm Use," limiting the use to a minimum of forty acres and limitations on new dwellings in the zone (LC 16.212).
- c. In addition to the information provided above, the following land use information is provided that may be applicable to any future development of the subject property.
 1. Lane Manual 13.010 Quantity and Quality Groundwater Limited Areas. This document does not identify that the section where the subject property is located has a water quantity or quality limited area. Groundwater will be a concern that must be addressed at time of development.
 2. Official Record of Descriptions of Real Properties Map 16-03-30 #802. A legal lot verification for the subject property will be necessary for any future division of the property.
 3. It will be necessary for any future division of the property to indicate that developed parcels or lots of subject property are not in an indicated flood area.

II. Summary Analysis

Today, the "E40 Exclusive Farm Use" (LC 16.212) zoning requirements are applicable to the subject property. On October 10, 1974, the date of acquisition for the Claimant's

family, the subject property was not zoned. On February 29, 1984, two years after the Claimant's acquisition of the property on February 5, 1982, the E40 zoning requirements were applied to the subject property, limiting the use to a minimum of forty acres and limitations on new dwellings in the zone. These differences indicate a basis for a M37 claim for the subject property.

In addition to addressing the applicable county land use regulations, a M37 claim must address the applicable state and land use regulations, ownership interest and valuation requirements. This report does not address how well a specific use or development proposal might comply with the Lane County land use regulations applicable to it at a certain time. In addition to the land use regulations, factors that will affect the feasibility of a development proposal for the subject property will include the physical constraints of the subject property (such as groundwater quality or quantity, soil limits for sewage disposal, slopes, access, etc.) and any special ownership restrictions (such as mineral rights, covenants, easements, etc.).

Exhibit H - Comparative Market Analysis

Comparative Market Analysis

for

David and Loyce Bixler

SUBJECT PROPERTY

Green Island
Coburg Rd

◆ Based on this info found within this report I have priced this lot accordingly, taking into consideration similar lots throughout lane county that have sold within 18 months, lots that are currently pending and lots that are currently on the market. If further evaluation is needed please contact me.

Suggested Price: **\$265,000**

Prepared By:



D. Scott Hartzell
Keller Williams /Eugene-Spfld

4/2/2007

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

41096 NICHOL (NEXT TO) DR	LND	ACT	\$240,000
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ML#: 7020214
MLS Area: 221
County: Linn
Neighborhood: 14S01W2501600
Zip Code: 97386
T/Guide: 000A00
Tax Id #: 0696035

Bedrooms:
Bathrooms:
Sub-Type: RESID
Style:
Year Built:
Total SF:
Tax per Year: 37

Directions: LEFT ON UPPER CALAPOOIA, RIGHT ON NICHOL DRIVE, PROPERTY ON LEFT AT END
Remarks: COME BUILD YOUR DREAM HOME! 5.30 ACRE TREE FARM W/300 PLUS TREES PER ACRE DOUGLAS FIR PLANTED IN 1982. 25 YEAR OLD TIMBER. (AS OF 03/06/07 APPROXIMATELY 40-45K WORTH OF MARKETABLE TIMBER ON PROPERTY PER SELLER.) SELLER HAS NO INFO ON WELL. CORNERS ARE MARKED. EASEMENT TO PROPERTY.

Bear Creek Ranch RD	LND	ACT	\$209,900
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ML#: 7012765
MLS Area: 237
County: Lane
Neighborhood: Bear Creek Meadows
Zip Code: 97448
T/Guide: 71A0
Tax Id #: 1295193

Bedrooms:
Bathrooms:
Sub-Type: RESID
Style:
Year Built:
Total SF:
Tax per Year: 545.43

Directions: HWY 99 TO HWY 36, R ON HALL RD, R ON BEAR CREEK RANCH RD
Remarks: ADJACENT LOTS ALSO FOR SALE. BUYER TO CHOOSE BETWEEN 3 LOTS WHICHEVER 2 SELLS FIRST. SELLER ONLY WILLING TO SELL TWO OF THE THREE LOTS. CALL LISTING AGENT FOR FURTHER DETAILS. GREAT VIEWS! BEAUTIFUL SUBDIVISION ONLY 20 MINUTES FROM EUGENE. MUST SEE!

90750 HILL RD	LND	ACT	\$235,000
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ML#: 7024781
MLS Area: 250
County: Lane
Neighborhood:
Zip Code: 97478
T/Guide: 5B2
Tax Id #: 1002078

Bedrooms:
Bathrooms:
Sub-Type: RESID
Style:
Year Built:
Total SF:
Tax per Year: 160.47

Directions: OLD MOHAWK TO HILL RD.
Remarks: BEAUTIFUL BUILDING SPOT. WELL IS IN. STANDARD SEPTIC APPROVAL. YEAR ROUND CREEK, POND. NICE SPOT TO BUILD A SHOP. NOT IN FLOOD PLAIN. CREEK HAS WATER RIGHTS.

MECHLING RD	LND	ACT	\$249,000
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ML#: 7018594
MLS Area: 250
County: Lane
Neighborhood: 16-02-26-00-01605
Zip Code: 97478
T/Guide: 000
Tax Id #: 1733763

Bedrooms:
Bathrooms:
Sub-Type: RESID
Style:
Year Built:
Total SF:
Tax per Year: 778.77

Directions: MARCOLA RD, R ON 2ND SUNDERMAN, L ON GOATS RD, L ON MECHLING
Remarks: LOCATED ON A DEAD END CUL-DE-SAC GRAVEL ROAD-VERY LITTLE TRAFFIC 200 FEET MOHAWK RIVER FRONTAGE.

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

25270 PERKINS RD	LND	PEN	\$234,900
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**No Photo
Available**

ML#: 7020364
MLS Area: 236
County: Lane
Neighborhood:
Zip Code: 97487
T/Guide: 66B2
Tax Id #: 4150296

Bedrooms:
Bathrooms:
Sub-Type: RESID
Style:
Year Built:
Total SF:
Tax per Year: 390.9

Directions: WEST LLTH LEFT TURN ON HUSTON , RIGHT TURN ON PERKINS

Remarks: BUYER TO VERIFY ALL ASPECTS WITH COUNTY. THIS PROPERTY HAS TWO ADDRESSES 25270 AND 25278 PER COUNTY RECORDS. EXISTING DOUBLE-WIDE, NEWER GARAGE/SHOP AND SMALL BARN ON PROPERTY. GREAT REPLACEMENT SITE, JUST OUTSIDE VENETA CITY LIMITS

31170 Lanes Turn	LND	PEN	\$325,000
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ML#: 6100640
MLS Area: 240
County: Lane
Neighborhood:
Zip Code: 97408
T/Guide: 0A0
Tax Id #: 49732

Bedrooms:
Bathrooms:
Sub-Type: RESID
Style:
Year Built:
Total SF:
Tax per Year: 779

Directions: COBURG RD. PAST MP11, L ON LANES TURN 1/2 MILE NEXT TO 31180 LANE

Remarks: OVER 200 FT OF WILLAMETTE RIVER FRONTAGE. 4.6 SECLUDED ACRES W/ RIVERFRONT BUILDING SITE. CONDITIONAL APPROVAL THRU LANE COUNTY TO BUILD ON ALMOST 5 ACRES OF EFU ZONED LAND. LOT 19 OF BERGERS SUBDIVISION. VIEWS OF THE MOUNTAINS, VALLEY AND RIVER. CLOSE TO TOWN.

39966 Mohawk River RD	LND	PEN	\$220,000
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ML#: 6105598
MLS Area: 250
County: Lane
Neighborhood:
Zip Code: 97454
T/Guide: 24M13
Tax Id #: 1570272

Bedrooms:
Bathrooms:
Sub-Type: FRM/FOR
Style:
Year Built:
Total SF:
Tax per Year: 525

Directions: THRU MARCOLA 6 MILES EAST TO MOHAWK RIVER RD., PROPERTY ON CORNER.

Remarks: FABULOUS PARK LIKE SETTING WITH MOHAWK RIVER FRONTAGE ON ONE SIDE AND LOG CREEK ON OTHER. AS BEAUTIFUL AS ANYTHING ON THE MCKENZIE FOR A LOT LESS IN PRICE. SINGLE WIDE OF NO VALUE. SPRING WATER W/ WATER RIGHTS. POWER AND SEPTIC ON SIGHT. SWIMMING HOLE ON PROPERTY.

Rossberg Lane	LND	SLD	\$205,000
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ML#: 6066565
MLS Area: 236
County: Lane
Neighborhood:
Zip Code: 97437
T/Guide: 70C7
Tax Id #: 1296175

Bedrooms:
Bathrooms:
Sub-Type: RESID
Style:
Year Built:
Total SF:
Tax per Year: 28.17

Directions: HWY 126 TO KNIGHT RD, L ON ROSSBERG LANE

Remarks: PC1551 NICE WOODED LOT ON A PRIVATE DRIVE. WELL IN! 12GPM. SOME TIMBER GOOD HOME SITE AT THE TOP OF THE PROPERTY. SIGN IS AT THE TOP OF THE PROPERTY. BACKS UP TO WEYERHAUSER LAND. GREAT VIEWS AND SECLUSION. PREFER OWNER TERMS.

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 SCHOOL AVAILABILITY SUBJECT TO CHANGE.