



ALTA/ACSM LAND TITLE SURVEY  
 LOCATED IN THE N.W. 1/4 OF THE S.W. 1/4 OF SECTION 25,  
 TOWNSHIP 6 NORTH, RANGE 35 EAST OF THE WILLAMETTE MERIDIAN,  
 UMATILLA COUNTY, OREGON

DATE OF LAST REVISION:  
 REVISION NO. 1: MARCH 17, 1999

STATEMENT OF ENCROACHMENTS

- ① S.E. CORNER OF A MOBILE HOME ENEROACHES 0.3' ONTO THE ADJACENT PROPERTY.
- ② S.E. CORNER OF A MOBILE HOME ENEROACHES 0.9' ONTO ADJACENT PROPERTY.
- ③ WOOD FRAME BUILDING ENEROACHES 8'± AS SHOWN ONTO THE SUBJECT PROPERTY.
- ④ METAL COMMERCIAL BUILDING ENEROACHES 0.9' ONTO THE SUBJECT PROPERTY.
- ⑤ WOOD FRAME BUILDING BEING USED BY ADJACENT PROPERTY IS LOCATED ENTIRELY ON THE SUBJECT PROPERTY.
- ⑥ WOOD FRAME STORAGE BUILDING ENEROACHES 1.5' ± AS SHOWN ONTO THE ADJACENT PROPERTY.
- ⑦ THE N.W. CORNER OF A MOBILE HOME ENEROACHES 2.8' ONTO THE ADJACENT PROPERTY.
- ⑧ THE N.W. CORNER OF A MOBILE HOME ENEROACHES 2.2 FEET ONTO THE ADJACENT PROPERTY.
- ⑨ THE N.W. CORNER OF A MOBILE HOME ADDITION ENEROACHES 3.3' ONTO THE ADJACENT PROPERTY.
- ⑩ THE N.W. CORNER OF A MOBILE HOME ENEROACHES 2.3' ONTO THE ADJACENT PROPERTY.
- ⑪ THE N.W. CORNER OF A STORAGE SHED ENEROACHES 0.5' ONTO THE ADJACENT PROPERTY.
- ⑫ FENCES AND HEDGES RELATE TO THE PROPERTY LINES AS NOTED HEREON.

EXPLANATION OF UNRECORDED MEMORANDUM OF UNDERSTANDING

THE MEMORANDUM OF UNDERSTANDING REFERRED TO BY DEED RECORDED IN REEL 202, PAGE 1209, UMATILLA COUNTY MICROFILM RECORDS, WAS NOT PROVIDED TO AS PART OF THE TITLE REPORT OR SUPPORTING DOCUMENTS. HOWEVER, A COPY OF SAID MEMORANDUM OF UNDERSTANDING HAS BEEN PROVIDED TO ME BY MR. JIM HOLMAN. THE FOLLOWING NARRATIVE EXPLAINS THE MEMORANDUM OF UNDERSTANDING WHICH WAS SIGNED FEBRUARY 22, 1991 BY HAROLD E. AKES, ELIZABETH AKES, AUBREY J. BURKE AND E. JEANNE BURKE AS IT PERTAINS TO THIS ALTA/ACSM LAND TITLE SURVEY.

MEMORANDUM OF UNDERSTANDING MADE BY AND BETWEEN HAROLD E. AKES AND ELIZABETH AKES AS SELLERS AND AUBREY J. BURKE AND E. JEANNE BURKE AS PURCHASERS OF A MOBILE HOME PARK, IN ORDER TO MEMORIALIZE THEIR AGREEMENT AND UNDERSTANDING CONCERNING CERTAIN RELATED MATERS ASSOCIATED WITH SAID SALE.

1. ENCROACHMENT: A MOBILE HOME LOCATED IN THE SOUTHEAST CORNER OF THE PROPERTY DESCRIBED IN EXHIBIT A (SUBJECT PROPERTY OF THIS ALTA/ACSM LAND TITLE SURVEY) OF SAID DEED RECORD PRESENTLY ENEROACHES A FEW FEET ONTO PROPERTY AKES IS RETAINING. A BUILDING IN THE SAME AREA PRESENTLY LOCATED ON PROPERTY OWNED BY AKES IS ENEROACHING A FEW FEET ONTO PROPERTY DESCRIBED IN SAID EXHIBIT A. AKES AND BURKE MUTUALLY AGREE AND CONSENT THAT SAID ENCROACHMENT MAY CONTINUE, WITH EACH PARTY'S MUTUAL CONSENT BUT MAY NOT BE EXPANDED, NEITHER PARTY SHALL HAVE AGAINST THE OTHER PARTY FOR ADVERSE POSSESSION. THIS AGREEMENT SHALL CONTINUE UNTIL THE EXISTING MOBILE HOME IS REMOVED FOR ANY REASON AND THEN SHALL TERMINATE.

2. REPRESENTATION: BURKE IS AWARE THAT POTENTIAL PROBLEMS EXIST WITH RESPECT TO THE WATER AND SEWER SYSTEM SERVING THE MOBILE HOME PARK. BURKE IS FURTHER AWARE THAT A DRAIN FIELD SYSTEM IS LOCATED ON A PARCEL OF LANE BEING LEASED BY BURKE FROM AKES IMMEDIATELY SOUTH OF THE PROPERTY BEING SOLD, (SAID SUBJECT PROPERTY) AND IS AWARE THAT NO PERMITS HAVE BEEN ISSUED IN CONNECTION WITH THE INSTALLATION OR USE OF SAID SYSTEM. AKES GRANTS TO BURKE AN EASEMENT ACROSS THE PROPERTY DESCRIBED ON EXHIBIT A FOR THE PURPOSE CONNECTING THE SEWAGE SYSTEM TO THE EXISTING DRAIN FIELD AND MAINTAINING THE EXISTING DRAIN FIELD LOCATED ON SAID PROPERTY. AKES IS MAKING NO WARRANTIES WITH RESPECT TO BURKE'S RIGHT TO USE THE DRAIN FIELD. BURKE HAVE INDEPENDENTLY TALKED WITH REPRESENTATIVES OF THE STATE OF OREGON CONCERNING THE WATER AND SEWER SYSTEM AND HAVE INDEPENDENTLY DETERMINED THE STATUS OF AND POSSIBLE PROBLEMS WITH SAID SYSTEM TO THEIR SATISFACTION. BURKE IS RELYING UPON NO INFORMATION PROVIDED BY AKES IN CONNECTION WITH SAID SYSTEMS OR THEIR OPERATION, BURKE ACCEPTS THE LEASED PROPERTY, AND ALL ASPECTS OF IT, IN ITS PRESENT CONDITION, AS IS, INCLUDING LATENT DEFECTS, WITHOUT ANY REPRESENTATIONS OR WARRANTIES, EXPRESSED OR IMPLIED BY AKES, INCLUDING ANY WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

3. AND 4. OF THE MEMORANDUM OF UNDERSTANDING ARE NOT APPLICABLE TO THIS SURVEY.

LEGAL DESCRIPTION

Beginning at a point on the East centerline of Section 25, Township 6 North, Range 35, said point being 1308.65 feet West of center of Section 25; thence South 662.08 feet to the true point of beginning for this description; thence West 248.70 feet, more or less, to the Southwest corner of that tract conveyed to Melvin Phillips, by Deed recorded in Book 187, Page 489, Umatilla County Deed Records; thence North along West line of said Phillips Tract, and along West line of that tract conveyed to Milton R. Steadman, et ux, by Deed recorded in Book 187, Page 30, Umatilla County Deed Records, and said West line extended Northerly to a point on East-West centerline of said Section 25; thence West along said centerline of 405.78 feet, more or less, to Northwest corner of Tract I, conveyed to R. W. Phillips, et ux, by Deed recorded in Book 184, Page 396, Umatilla County Deed Records; thence South 601.84 feet to Northwest corner of that tract conveyed to Harold E. Akes, et ux, by Deed recorded in Book 203, Page 155, Umatilla County Deed Records; thence continuing South along West line of Akes Tract, 331.03 feet to Southwest corner thereof; thence East along South line of said Akes Tract, 656.25 feet to Southwest corner thereof; thence North to the point of beginning.

EXCEPTING THEREFROM that tract conveyed to Harold E. Akes, et ux, by Deed Recorded in Reel 2, Page 133, Umatilla County Microfilm Records;

ALSO EXCEPTING THEREFROM that tract conveyed to State of Oregon Highway Division for Oregon State Highway No. 11;

SUBJECT TO any and all water rights of way and roads.

All Being East of the Willamette Meridian, Umatilla County, Oregon.

THE ABOVE PARCEL IS FURTHER DESCRIBED AS FOLLOWS:

Situated in the Northwest Quarter of the Southwest Quarter of Section 25, Township 6 North, Range 35, East of the Willamette Meridian, Umatilla County, Oregon, further bounded and described as follows:

Commencing at the 3/4 inch iron pin marking the West one-quarter corner of said Section 25; thence S89°25'16"E along the East-West centerline of said Section 25 a distance of 655.09 feet to the Northwest corner of Tract I, conveyed to R.W. Phillips, et ux, by Deed recorded in Book 184, Page 396, Umatilla County Deed Records; Thence S00°59'13"W along the West line of said Phillips Tract a distance of 20.00 feet to a point on the South right of way line of Appleton Road, (county road No. 528) and the TRUE POINT OF BEGINNING for this description; Thence S89°25'16"E along the South right of way line of said Appleton Road a distance of 407.85 feet to the point on the Northerly projection of the West line of that Tract conveyed to Milton R. Steadman, et ux, by Deed recorded in Book 187, Page 30, Umatilla County Deed Records; Thence S01°07'37"W along the Northerly projection of the West line of said Steadman tract and along the West line of said Phillips Tract, by Deed recorded in Book 187, Page 489, Umatilla County Deed Records, a distance of 642.08 feet to the Southwest corner of said Phillips tract; Thence S89°25'16"E along the South line of said Melvin Phillips tract a distance of 8.70 feet to the Northwest corner of that tract of land conveyed to Harold E. Akes, et ux, by Deed recorded in Reel 2, Page 133, Umatilla Microfilm Records; Thence S01°07'37"W along the West line of said Akes tract a distance of 306.04 feet to the Southwest corner thereof; Thence S89°25'16"E along the South line of said Akes tract a distance of 200.00 feet to a point on the West right of way line of Oregon State Highway No. 11; Thence S01°07'37"W along the West right of way line of said Oregon State Highway No. 11 a distance of 25.00 feet to the Southeast corner of that tract of land conveyed to Harold E. Akes, et ux, by Deed recorded in Book 203, Page 155, Umatilla County Deed Records; Thence N89°25'16"W along the South line of said Akes tract a distance of 614.17 feet to the Southwest corner thereof; Thence N00°59'13"E along the West line of said Akes tract and along the West line of Tract I, conveyed to R.W. Phillips, et ux, by Deed recorded in Book 184, Page 396, Umatilla County Deed Records, a distance of 973.10 feet to the TRUE POINT OF BEGINNING.

Subject to any and all water rights of way and roads. Containing within said bounds 9.26 acres more or less.

NOTE: The above legal description describes the same property as that described and insured in Amended Title Commitment No. 36829 of the Chicago Title Insurance Company of Oregon bearing an effective date of March 5, 1999. The boundaries represented by the above legal descriptions is based on bounding calls to Deeds called for in the original legal description which results in the differences between the record deed distances and the measured distances as recited.

NARRATIVE

THIS ALTA/ACSM LAND TITLE SURVEY WAS PERFORMED AT THE REQUEST OF BOCK AND CLARK, INC. TO SURVEY AND MONUMENT THE PERIMETER OF THE PROPERTY SHOWN HEREON AND TO LOCATE PERMANENT BUILDINGS, IMPROVEMENTS AND ROADWAYS AS WELL AS NOTING ANY ENCROACHMENTS OF THE IMPROVEMENTS ON THE PROPERTY TO ADJOINING PROPERTY AS WELL AS ENCROACHMENTS FROM ADJOINING PROPERTY ONTO THE SUBJECT PROPERTY.

DISTANCES AND ANGULAR RELATIONSHIPS BETWEEN THE FOUND MONUMENTS SHOWN HEREON WERE IN AGREEMENT WITH THOSE SHOWN ON UMATILLA COUNTY SURVEY NO. 92-003-C, THEREFORE, ALL DISTANCES SHOWN ARE MEASURED AND RECORD AS SHOWN ON SAID SURVEY.

THIS SURVEY WAS PERFORMED USING A SOKKIA AUTOMATIC TOTAL STATION HAVING STANDARD ERRORS OF 00'00'03" ANGULAR AND 3 MM ± 3 PPM TIMES DISTANCE AND TRIMBLE RTK GPS RECEIVERS HAVING STANDARD ERRORS OF 1 CM + 2 PPM TIMES BASE LINE LENGTH. ALL MONUMENTS SHOWN WERE VISITED AT THE TIME OF THIS SURVEY.

NOTES

1. THE ORIGINAL LEGAL DESCRIPTION DESCRIBES THE POINT ON THE EAST-WEST CENTERLINE OF SECTION 25 AS BEING 1308.65 FEET WEST FROM THE CENTER OF SAID SECTION 25. HOWEVER EARLIER DEEDS REFER TO THE SAME POINT AS BEING THE N.E. CORNER OF THE N.W. 1/4 OF THE S.W. 1/4 OF SECTION 25.
2. THE STEADMAN TRACT REFERRED TO IN THE REVISED LEGAL DESCRIPTION DOES NOT EXTEND ALL OF THE WAY TO THE NORTHERLY BOUNDARY OF THE SUBJECT PROPERTY. THEREFORE IT IS NECESSARY TO CALL OUT THE NORTHERLY PROJECTION OF SAID TRACT IN ORDER TO STAY CONSISTENT WITH THE BOUNDING CALLS SET FORTH IN THE ORIGINAL LEGAL DESCRIPTION.

REGISTERED PROFESSIONAL LAND SURVEYOR

*Greg E. Flowers*

OREGON  
 JUNE 30, 1997  
 GREG E. FLOWERS  
 02820LS

RENEWS 12/31/99

3/15/99

RECEIVED BY

Umatilla County Surveyor

Date 5-99

Rec'd By KK

No. 99-73-0

SHEET 2 OF 2

AN ALTA/ACSM LAND TITLE SURVEY LOCATED IN THE N.W. 1/4 OF THE S.W. 1/4 OF SECTION 25, TOWNSHIP 6 NORTH, RANGE 35 EAST, WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON

FOR: BOCK & CLARK, INC, 537 N. CLEVELAND-MASSILLION ROAD, AKRON, OHIO 44333

TOMKINS LAND SURVEYING, INC.		DATE
20 EAST POPLAR ST. SUITE 204 WALLA WALLA, WA. 99362 (509) 522-4843		FEB. 24, 1998
115 WEST HERMISTON AV. SUITE 140 HERMISTON, OR. 97838 (541) 564-4448 ORNACRE2.DWG		SCALE
		1" = 60'

ALTA/ACSM LAND TITLE SURVEY  
 PREPARED FOR

DATE: MARCH 17, 1999  
 NETWORK PROJECT NO. 990080

SHEET 2 OF 2

BOCK & CLARK INC.'S NATIONAL SURVEYORS NETWORK  
 phone: 1-800-SURVEYS, fax: 330-666-3608, email: webmaster@1800surveys.com  
 537 N. Cleveland-Massillon Road, Akron, Ohio 44333 http://www.1800surveys.com