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December 28, 2018  
File Number: 268546AM  
Report No.: 2  
Title Officer: Matt Paslay  
Escrow Officer: Stephanie Moore

## PRELIMINARY TITLE REPORT

**Property Address:** 575 Salem Heights Avenue S, Salem, OR 97302

**Policy or Policies to be issued:**

OWNER'S STANDARD COVERAGE  
Proposed Insured: **The Thomas Kay Co.**

**Liability**

\$873,000.00

**Premium**

\$1,910.00

Local Government Lien Search

\$60.00

We are prepared to issue ALTA (06/17/06) title insurance policy(ies) of Stewart Title Guaranty Company, in the usual form insuring the title to the land described as follows:

**Legal description attached hereto and made a part hereof marked Exhibit "A"**

and dated as of 7th day of December, 2018 at 7:30 a.m., title is vested in:

**The Successor Trustee of the Jane Ann Harvey Revocable Living Trust**

The estate or interest in the land described or referred to in this Preliminary Title Report and covered herein is:

FEE SIMPLE

**Except for the items properly cleared through closing, Schedule B of the proposed policy or policies will not insure against loss or damage which may arise by reason of the following:**

**GENERAL EXCEPTIONS:**

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; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject Land onto adjoining Land or of existing improvements located on adjoining Land onto the subject Land) encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the subject Land.
5. Any lien, or right to a lien, for services, labor, material, equipment rental, or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the Public Records.

EXCEPTIONS 1 THROUGH 5 ABOVE APPLY TO STANDARD COVERAGE POLICIES AND MAY BE MODIFIED OR ELIMINATED ON AN EXTENDED COVERAGE POLICY.

**SPECIAL EXCEPTIONS:**

6. Taxes assessed under Code No. 92401000 Account No. R72604 Map No. 08S-03W-04AA 10400  
The 2018-2019 Taxes: \$5,875.92, plus interest, unpaid.
7. The 2017-2018 Taxes: \$5,303.32, plus interest, unpaid.
8. The 2016-2017 Taxes: \$5,051.43, plus interest, unpaid.
9. City liens, if any, of the City of Salem. (None as of November 13, 2018)
10. The property lies within and is subject to the levies and assessments of the Marion Soil and Water Conservation District.
11. The rights of the public in and to that portion of the herein described property lying within the limits of public roads, streets or highways.
12. The Company will require a copy of the Jane Ann Harvey Trust Agreement and all amendments thereto be furnished for our review prior to closing to determine the identity and powers of the Trustee(s) under said agreement.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

13. Proof that there are no funds owing Oregon Department of Human Services or the Oregon Health Authority against the Estate of Jane A. Harvey, deceased.
14. Covenants, conditions and restrictions, but omitting any covenant or restriction based on race, color, religion, sex, sexual orientation, disability, handicap, familial status, marital status, ancestry, national origin or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law.  
Recorded: December 23, 1948  
Instrument No.: Volume: 398 Page: 503
15. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:

Granted To: City of Salem  
Recorded: October 20, 1965  
Instrument No.: Volume: 608 Page: 332

**INFORMATIONAL NOTES:**

Our examination of the title to the subject property discloses no open Deeds of Trust or Mortgages of record. The accuracy of this conclusion should be confirmed in writing prior to closing of the proposed transaction.

NOTE: As of the date hereof, there are no matters against the party(ies) shown below which would appear as exceptions to coverage in a title insurance product:

Parties:

The Thomas Kay Co.

NOTE: We find no activity in the past 24 months regarding transfer of title to subject property.

NOTE: The following is the last deed of record affecting said land,

Document: Special Warranty Deed

Grantor: Jane Ann Harvey, Trustee of the Jane Ann Harvey Revocable Living Trust

Grantee: H. Thomas Harvey, Jr.

Recorded: September 26, 2002

Instrument No.: Reel; 2002 Page: 23

NOTE: This Report No. 2 was updated to reflect the following changes:

1. Updated plant date
2. Removed Parcel 2 and exceptions pertaining to it
3. Vesting

NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

NOTE: Your application for title insurance was placed by reference to only a street address or tax identification number. Based on our records, we believe that the legal description in this report covers the parcel(s) of Land that you requested. If the legal description is incorrect, the parties to the transaction must notify the Company and/or the settlement company in order to prevent errors and to be certain that the correct parcel(s) of Land will appear on any documents to be recorded in connection with this transaction and on the policy of title insurance.

THIS PRELIMINARY TITLE REPORT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACTIONAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

This report is preliminary to the issuance of a policy of title insurance and shall become null and void unless a policy is issued and the full premium paid.

**End of Report**

*"Superior Service with Commitment and Respect for Customers and Employees"*

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

A tract of land situated in Section 4, Township 8 South, Range 3 West of the Willamette Meridian, Marion County, Oregon, being more particularly described as follows:

Beginning at a point at the Southwest corner of a tract of land described in Volume 470, Page 12, Marion County Deed Records said point being the West line of Lot 5, Ewald Fruit Farms, as recorded in Volume 3, Page 84, Book of Town Plats for Marion County, Oregon at a point 393.00 feet North of the Southwest corner of said Lot 5; thence South, along the West line of said Lot 5, 105.00 feet; thence North  $89^{\circ}45'36''$  East, parallel to the South line of said lot, 195.00 feet; thence South, parallel to said West line, 290.00 feet to said South line; thence North  $89^{\circ}45'36''$  East, along said South line, 135.00 feet to the Southeast corner of said Lot 5; thence North, along the East line of said lot, 672.54 feet to the Northeast corner thereof; thence South  $89^{\circ}45'36''$  West, along the North line of said lot, 195.30 feet to the Northeast corner of a tract of land described in Volume 466, Page 55, Marion County Deed Records; thence South, along the East line of said tract and the East line of said tract described in Volume 470, Page 12, 277.34 feet to the Southeast corner of said tract; thence South  $89^{\circ}45'36''$  West, along the South line of said tract, 134.70 feet to the point of beginning.