



**First American**

**First American Title Insurance Company**

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**PUBLIC RECORD REPORT  
FOR NEW SUBDIVISION OR LAND PARTITION**

THIS REPORT IS ISSUED BY THE ABOVE-NAMED COMPANY ("THE COMPANY") FOR THE EXCLUSIVE USE OF:

Project Delivery Group  
200 HAWTHORNE AVE SE, SUITE A-100  
Salem, OR 97301  
Phone: (503)364-4004  
Fax: (503)364-4003

Date Prepared : July 22, 2021  
Effective Date : 8:00 A.M on July 13, 2021  
Order No. : 7089-3788459  
Subdivision : P.P. 2020-002

The information contained in this report is furnished by First American Title Insurance Company (the "Company") as an information service based on the records and indices maintained by the Company for the county identified below. This report is not title insurance, is not a preliminary title report for title insurance, and is not a commitment for title insurance. No examination has been made of the Company's records, other than as specifically set forth in this report. Liability for any loss arising from errors and/or omissions is limited to the lesser of the fee paid or the actual loss to the Customer, and the Company will have no greater liability by reason of this report. This report is subject to the Definitions, Conditions and Stipulations contained in it.

**REPORT**

- A. The Land referred to in this report is located in the County of Marion, State of Oregon, and is described as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

- B. As of the Effective Date, the tax account and map references pertinent to the Land are as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

- C. As of the Effective Date and according to the Public Records, we find title to the land apparently vested in:

As fully set forth on Exhibit "B" attached hereto and by this reference made a part hereof

- D. As of the Effective Date and according to the Public Records, the Land is subject to the following liens and encumbrances, which are not necessarily shown in the order of priority:

As fully set forth on Exhibit "C" attached hereto and by this reference made a part hereof.

**EXHIBIT "A"**  
**(Land Description Map Tax and Account)**

**TRACT I:**

PARCEL 1 OF PARTITION PLAT 2020-02, RECORDED FEBRUARY 07, 2020, IN BOOK OF PARTITION PLATS AND IN REEL 4297, PAGE 100, DEED RECORDS, MARION COUNTY, OREGON.

**TRACT II:**

LOT 4, EWALD FRUIT FARMS, IN MARION COUNTY, OREGON.

SAVE AND EXCEPT THEREFROM THE PROPERTY DESCRIBED IN DEEDS FROM HARMON T. HARVEY TO HARMON T. HARVEY JR. RECORDED IN REEL 1012, PAGE 35 AND REEL 1044, PAGE 173 IN MARION COUNTY, OREGON DEED RECORDS.

ALSO SAVE AND EXCEPT THE FOLLOWING:

BEGINNING AT A POINT IN THE CENTER LINE OF SALEM HEIGHTS AVENUE AT THE SOUTHEAST CORNER OF LOT 4, EWALD FRUIT FARMS, MARION COUNTY, OREGON; THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID LOT 671.88 FEET TO AN IRON PIPE AT THE NORTHEAST CORNER OF SAID LOT; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID LOT 330 FEET TO THE NORTHWEST CORNER THEREOF; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID LOT 357.95 FEET; THENCE EASTERLY AND PARALLEL WITH THE NORTHERLY LINE OF SAID LOT 290 FEET; THENCE SOUTHERLY AND PARALLEL WITH THE EASTERLY LINE OF SAID LOT 313.93 FEET TO THE SOUTH LINE OF SAID LOT AND THE CENTER LINE OF SALEM HEIGHTS AVENUE; THENCE EASTERLY ALONG SAID LINE 40 FEET TO THE PLACE OF BEGINNING.

ALSO SAVE AND EXCEPT THE FOLLOWING:

BEGINNING AT A POINT WHICH IS 40 FEET WEST AND 163.93 FEET NORTH OF THE SOUTHEAST CORNER OF LOT 4, EWALD FRUIT FARMS, MARION COUNTY, OREGON; THENCE WEST 290 FEET; THENCE NORTH 150 FEET; THENCE EAST 290 FEET; THENCE SOUTH 150 FEET TO THE PLACE OF BEGINNING.

**TRACT III:**

THE WESTERLY 150.00 FEET OF THE REMAINDER OF THE FOLLOWING DESCRIBED PROPERTY:

LOT 4, EWALD FRUIT FARMS, IN MARION COUNTY, OREGON.

SAVE AND EXCEPT THEREFROM THE FOLLOWING DESCRIBED PREMISES: BEGINNING AT A POINT IN THE CENTER LINE OF SALEM HEIGHTS AVENUE AT THE SOUTHEAST CORNER OF LOT 4, EWALD FRUIT FARMS, MARION COUNTY, OREGON; THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID LOT 671.88 FEET TO AN IRON PIPE AT THE NORTHEAST CORNER OF SAID LOT; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID LOT 330 FEET TO THE NORTHWEST CORNER THEREOF; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID LOT 357.95 FEET; THENCE EASTERLY AND PARALLEL WITH THE NORTHERLY LINE OF SAID LOT 290 FEET; THENCE SOUTHERLY AND PARALLEL WITH THE EASTERLY LINE OF SAID LOT 313.93 FEET TO THE SOUTH LINE OF SAID LOT AND THE CENTER LINE OF SALEM HEIGHTS AVENUE; THENCE EASTERLY ALONG SAID LINE 40 FEET TO THE PLACE OF BEGINNING.

ALSO SAVE AND EXCEPT: BEGINNING AT A POINT WHICH IS 40 FEET WEST AND 163.93 FEET NORTH OF THE SOUTHEAST CORNER OF LOT 4, EWALD FRUIT FARMS, MARION COUNTY, OREGON; THENCE WEST 290 FEET; THENCE NORTH 150 FEET; THENCE EAST 290 FEET; THENCE SOUTH 150 FEET TO THE PLACE OF BEGINNING.

TRACT IV:

THE FOLLOWING DESCRIBED PROPERTY, TO-WIT: BEGINNING AT A POINT WHICH IS 40 FEET WEST AND 163.93 FEET NORTH OF THE SOUTHEAST CORNER OF LOT 4, EWALD FRUIT FARMS, MARION COUNTY, OREGON; THENCE WEST 290 FEET; THENCE NORTH 150 FEET; THENCE EAST 290 FEET; THENCE SOUTH 150 FEET TO THE PLACE OF BEGINNING.

TRACT V:

BEGINNING AT A POINT IN THE CENTER LINE OF SALEM HEIGHTS AVENUE AT THE SOUTHEAST CORNER OF LOT 4, EWALD FRUIT FARMS, MARION COUNTY, OREGON; THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID LOT 671.88 FEET TO AN IRON PIPE AT THE NORTHEAST CORNER OF SAID LOT; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID LOT 330 FEET TO THE NORTHWEST CORNER THEREOF; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID LOT 357.95 FEET; THENCE EASTERLY AND PARALLEL WITH THE NORTHERLY LINE OF SAID LOT 290 FEET; THENCE SOUTHERLY AND PARALLEL WITH THE EASTERLY LINE OF SAID LOT 313.93 FEET TO THE SOUTH LINE OF SAID LOT AND THE CENTER LINE OF SALEM HEIGHTS AVENUE; THENCE EASTERLY ALONG SAID LINE 40 FEET TO THE PLACE OF BEGINNING.

NOTE: This legal description was created prior to January 01, 2008.

Map No.: 083W04AA10400, 083W04AA10600, 083W04AA10601, 083W04AA10700 and 083W04AA10800  
Tax Account No.: R72604, R72602, R72603, R72601 and R72600

**EXHIBIT "B"**  
**(Vesting)**

The Thomas Kay Co.

**EXHIBIT "C"**  
**(Liens and Encumbrances)**

1. Taxes for the fiscal year 2021-2022 a lien due, but not yet payable
2. City liens, if any, of the City of Salem.
3. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
4. Mortgage and the terms and conditions thereof.

Mortgagor:	The Thomas Kay Co., an Oregon Corporation
Mortgagee:	Pioneer Trust Bank, N.A.
Amount:	\$800,000.00
Recorded:	October 01, 2019
Recording Information:	Reel 4248, Page 485, Film Records

5. Notice of Decision, including terms and provisions thereof.  
Recorded: November 06, 2019 as Reel 4264, Page 42, Film Records
6. Improvement Agreement, including terms and provisions thereof.  
Recorded: October 01, 2020 as Reel 4391, Page 342, Film Records
7. Easement as shown on the recorded plat/partition  
For: Access  
Affects: See Plat for exact location of Tract I (Parcel 1 of PP 2020-02)
8. Easement as shown on the recorded plat/partition  
For: Portland General Electric  
Affects: See Plat for exact location of Tract I (Parcel 1 of PP 2020-02)
9. Easement as shown on the recorded plat/partition  
For: Sanitary Sewer  
Affects: See Plat for exact location of Tract I (Parcel 1 of PP 2020-02)

**NOTE: Taxes for the year 2020-2021 PAID IN FULL**

Tax Amount:	\$6,169.10
Map No.:	083W04AA10400
Property ID:	R72604
Tax Code No.:	92401000

**NOTE: Taxes for the year 2020-2021 PAID IN FULL**

Tax Amount:	\$1,010.53
Map No.:	083W04AA10600
Property ID:	R72602
Tax Code No.:	92401000

**NOTE: Taxes for the year 2020-2021 PAID IN FULL**

Tax Amount:	\$1,056.95
Map No.:	083W04AA10601
Property ID:	R72603
Tax Code No.:	92401000

NOTE: Taxes for the year 2020-2021 PAID IN FULL

Tax Amount:	\$1,198.28
Map No.:	083W04AA10700
Property ID:	R72601
Tax Code No.:	92401000

NOTE: Taxes for the year 2020-2021 PAID IN FULL

Tax Amount:	\$3,338.88
Map No.:	083W04AA10800
Property ID:	R72600
Tax Code No.:	92401000

## DEFINITIONS, CONDITIONS AND STIPULATIONS

1. **Definitions.** The following terms have the stated meaning when used in this report:
  - (a) "Customer": The person or persons named or shown as the addressee of this report.
  - (b) "Effective Date": The effective date stated in this report.
  - (c) "Land": The land specifically described in this report and improvements affixed thereto which by law constitute real property.
  - (d) "Public Records": Those records which by the laws of the state of Oregon impart constructive notice of matters relating to the Land.
2. **Liability of the Company.**
  - (a) THIS REPORT IS NOT AN INSURED PRODUCT OR SERVICE OR A REPRESENTATION OF THE CONDITION OF TITLE TO REAL PROPERTY. IT IS NOT AN ABSTRACT, LEGAL OPINION, OPINION OF TITLE, TITLE INSURANCE COMMITMENT OR PRELIMINARY REPORT, OR ANY FORM OF TITLE INSURANCE OR GUARANTY. THIS REPORT IS ISSUED EXCLUSIVELY FOR THE BENEFIT OF THE APPLICANT THEREFOR, AND MAY NOT BE USED OR RELIED UPON BY ANY OTHER PERSON. THIS REPORT MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT FIRST AMERICAN'S PRIOR WRITTEN CONSENT. FIRST AMERICAN DOES NOT REPRESENT OR WARRANT THAT THE INFORMATION HEREIN IS COMPLETE OR FREE FROM ERROR, AND THE INFORMATION HEREIN IS PROVIDED WITHOUT ANY WARRANTIES OF ANY KIND, AS-IS, AND WITH ALL FAULTS. AS A MATERIAL PART OF THE CONSIDERATION GIVEN IN EXCHANGE FOR THE ISSUANCE OF THIS REPORT, RECIPIENT AGREES THAT FIRST AMERICAN'S SOLE LIABILITY FOR ANY LOSS OR DAMAGE CAUSED BY AN ERROR OR OMISSION DUE TO INACCURATE INFORMATION OR NEGLIGENCE IN PREPARING THIS REPORT SHALL BE LIMITED TO THE FEE CHARGED FOR THE REPORT. RECIPIENT ACCEPTS THIS REPORT WITH THIS LIMITATION AND AGREES THAT FIRST AMERICAN WOULD NOT HAVE ISSUED THIS REPORT BUT FOR THE LIMITATION OF LIABILITY DESCRIBED ABOVE. FIRST AMERICAN MAKES NO REPRESENTATION OR WARRANTY AS TO THE LEGALITY OR PROPRIETY OF RECIPIENT'S USE OF THE INFORMATION HEREIN.
  - (b) No costs (including, without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the Customer.
  - (c) In any event, the Company assumes no liability for loss or damage by reason of the following:
    - (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.
    - (2) Any 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, liens or encumbrances, or claims thereof, which are not shown by the Public Records.
    - (4) Discrepancies, encroachments, shortage in area, conflicts in boundary lines or any other facts which a survey would disclose.
    - (5) (i) Unpatented mining claims; (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof, (iii) water rights or claims or title to water.
    - (6) Any right, title, interest, estate or easement in land beyond the lines of the area specifically described or referred to in this report, or in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
    - (7) 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 on 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 the effective date hereof.
    - (8) Any governmental police power not excluded by 2(d)(7) above, except to the extent that 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 the effective date hereof.
    - (9) Defects, liens, encumbrances, adverse claims or other matters created, suffered, assumed, agreed to or actually known by the Customer.
3. **Charge.** The charge for this report does not include supplemental reports, updates or other additional services of the Company.



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### **Illegal Restrictive Covenants**

Please be advised that any provision contained in this document, or in a document that is attached, linked, or referenced in this document, that under applicable law illegally discriminates against a class of individuals based upon personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or any other legally protected class, is illegal and unenforceable by law.