



**First American Title Insurance Company
National Commercial Services
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File No: **NCS-999580-OR1**

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File No: **NCS-999580-OR1**

PRELIMINARY TITLE REPORT NO. 9

| | | | | | |
|----------------------------------|-----------|----|-------------|----|-----|
| ALTA Owners Standard Coverage | Liability | \$ | Premium | \$ | |
| ALTA Owners Extended Coverage | Liability | \$ | Premium | \$ | |
| ALTA Lenders Standard Coverage | Liability | \$ | Premium | \$ | |
| ALTA Lenders Extended Coverage | Liability | \$ | TBD Premium | \$ | TBD |
| ALTA Leasehold Standard Coverage | Liability | \$ | Premium | \$ | |
| ALTA Leasehold Extended Coverage | Liability | \$ | Premium | \$ | |
| Endorsements | Liability | \$ | Premium | \$ | |
| Govt Service Charge | | | Cost | \$ | |
| Other | | | | \$ | |

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

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

and as of 09/08/2022 at 8:00 a.m., [title to the fee simple estate is vested in:](#)

Titan Hill Property LLC, an Oregon limited liability company

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

6. City liens, if any, for the city of West Salem.

Note: An inquiry has NOT been made concerning the actual status of such liens. A fee of \$30.00 will be charged per tax account each time an inquiry request is made.

7. 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.

(Affects Parcel I)

8. Covenants, conditions, restrictions and easements in the document recorded July 07, 1952 as [Book 148, Page 0021](#), Deed Records, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, national origin, sexual orientation, marital status, ancestry, source of income or disability, to the extent such covenants, conditions or restrictions violate Title 42, Section 3604(c), of the United States Codes. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.

(Affects Parcel II)

9. An easement for pipe line and incidental purposes, recorded August 11, 1953 as [Book 151, Page 0416](#), Deed Records.

In Favor of: Orchard Heights Water Association, an Oregon corporation, its successors and assigns

Affects: (Parcel I) as described therein

10. An easement for underground storm drain pipeline and incidental purposes, recorded July 10, 2001 as Document No. [2001-008844](#).

In Favor of: City of Salem, a municipal corporation

Affects: Parcel I

11. The terms and provisions contained in the document entitled "Annexation Agreement" recorded April 27, 2004 as Document No. [2004-006600](#) .
12. Evidence of the authority of the individual(s) to execute the forthcoming document for Titan Hill Property LLC, an Oregon limited liability company, copies of the current operating agreement should be submitted prior to closing.
13. Any claim that the Title is subject to a trust or lien created under The Perishable Agricultural Commodities Act, 1930 (7 U.S.C. §§499a, et seq.) or the Packers and Stockyards Act (7 U.S.C. §§181 et seq.) or under similar state laws.

(Affects Parcel I)

14. We find no outstanding voluntary liens of record affecting subject property. An inquiry should be made concerning the existence of any unrecorded lien or other indebtedness which could give rise to any security interest in the subject property.
15. Unrecorded leases or periodic tenancies, if any.
16. This item has been intentionally deleted.
17. This item has been intentionally deleted.
18. Easement, including terms and provisions contained therein:
Recording Date: December 30, 1974
Recording Information: [Book 66, page 194](#)
In Favor of: Adjacent property owners
For: Ingress and egress
Affects: Parcel I

19. The terms and provisions contained in the document entitled "Decision of the Planning Administrator" recorded February 23, 2022 as Recording No. [2022-002387](#) of Official Records.

(Affects Parcel I)

20. General and special taxes and assessments for the fiscal year 2022-2023, a lien not yet due or payable.

-END OF EXCEPTIONS-

| |
|----------------------------|
| INFORMATIONAL NOTES |
|----------------------------|

NOTE to proposed insured lender only: No Private transfer fee covenant, as defined in Federal Housing Finance Agency Final Rule 12 CFR Part 1228, that was created and first appears in the Public Records on or after February 8, 2011, encumbers the Title except as follows: None

NOTE: This report does not include a search for Financing Statements filed in the office of the Secretary of State, or in a county other than the county wherein the premises are situated, and no liability is assumed if a Financing Statement is filed in the office of the County Clerk (Recorder) covering fixtures on the premises wherein the lands are described other than by metes and bounds or under the rectangular survey system or by recorded lot and book.

NOTE: This report does not include a search for Financing Statements filed in the office of the Secretary of State, or in a county other than the county wherein the premises are situated, and no liability is assumed if a Financing Statement is filed in the office of the County Clerk (Recorder) covering timber or crops on the premises wherein the lands are described other than by metes and bounds or under the rectangular survey system or by recorded lot and book.

(Affects Parcel I)

NOTE: Taxes for the year 2021-2022, paid in full.

| | |
|---------------------|--------------|
| Tax Amount: | \$512.25 |
| Code No.: | 3201 |
| Map & Tax Lot No. | 07317B000400 |
| Property ID/Key No. | 267625 |

(Affects Parcel I)

NOTE: Taxes for the year 2021-2022, paid in full.

| | |
|---------------------|--------------|
| Tax Amount: | \$3,986.91 |
| Code No.: | 3201 |
| Map & Tax Lot No. | 07317D000900 |
| Property ID/Key No. | 270647 |

(Affects Parcel II)

The exceptions to coverage 1-5 inclusive as set forth above will remain on any subsequently issued Standard Coverage Title Insurance Policy.

In order to remove these exceptions to coverage in the issuance of an Extended Coverage Policy the following items are required to be furnished to the Company; additional exceptions to coverage may be added upon review of such information:

- A. Survey or alternative acceptable to the company
- B. Affidavit regarding possession
- C. Proof that there is no new construction or remodeling of any improvement located on the premises. In the event of new construction or remodeling the following is required:
 - i. Satisfactory evidence that no construction liens will be filed; or
 - ii. Adequate security to protect against actual or potential construction liens;

- iii. Payment of additional premiums as required by the Industry Rate Filing approved by the Insurance Division of the State of Oregon

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



First American Title Insurance Company of Oregon

SCHEDULE OF EXCLUSIONS FROM COVERAGE

1. AMERICAN LAND TITLE ASSOCIATION LOAN POLICY - 2006 EXCLUSIONS FROM COVERAGE

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

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
 - (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

2. American Land Title Association OWNER POLICY - 2006 EXCLUSIONS FROM COVERAGE

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

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
 - (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risks 9 and 10); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
 - (a) a fraudulent conveyance or fraudulent transfer; or
 - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

Exhibit "A"

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

PARCEL I:

BEGINNING ON THE NORTH LINE OF JOHN MARTIN AND WIFE DONATION LAND CLAIM, NOTIFICATION NO. 176, CLAIM NO. 66, AT A POINT 29.95 CHAINS EAST OF THE NORTHWEST CORNER OF SAID CLAIM, AND RUNNING THENCE EAST ON THE NORTH LINE OF SAID CLAIM, 10.04 CHAINS;
THENCE SOUTH 0°11' WEST 5 CHAINS;
THENCE EAST PARALLEL WITH AFORESAID NORTH LINE OF AFORESAID DONATION LAND CLAIM 8 CHAINS;
THENCE SOUTH 0°11' WEST 29.60 CHAINS TO A ROCK IN THE CENTER OF A COUNTRY ROAD LEADING FROM SALEM TO OAK GROVE;
THENCE NORTH 88° WEST IN THE CENTER OF SAID ROAD, 17.83 CHAINS;
THENCE NORTH 0°09' WEST 33.90 CHAINS TO THE PLACE OF BEGINNING, AND BEING A PART OF THE AFORESAID DONATION LAND CLAIM, SITUATED IN SECTION 17, TOWNSHIP 7 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN THE CITY OF WEST SALEM, POLK COUNTY, OREGON;

SAVE AND EXCEPT THEREFROM 3.60 ACRES OF LAND, MORE OR LESS AS DEEDED BY JOHN MORRIS AND WIFE TO MARY J. CHAPMAN, NOVEMBER 14, 1901, BY DEED RECORDED IN [BOOK 37, PAGE 0296](#), DEED RECORDS FOR POLK COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A STONE IN THE MIDDLE OF THE OAK GROVE ROAD AND THE INTERSECTION OF THE EOLA AND LINCOLN CROSS ROAD;
THENCE NORTH TO THE INTERSECTION OF THIS LINE WITH THE MIDDLE OF SAID EOLA AND LINCOLN CROSS ROAD;
THENCE SOUTH AND WEST ALONG SAID LINE OF EOLA AND LINCOLN CROSS ROAD IN A MEANDERING DIRECTION BACK TO THE PLACE OF BEGINNING.

SAVE AND EXCEPT THOSE PORTIONS LYING WITHIN PUBLIC ROADS AND HIGHWAYS;

SAVE AND EXCEPT:

BEGINNING AT AN IRON PIPE, 2" BY 36" SET 6" BELOW THE PRESENT GROUND SURFACE 30.00 FEET NORTH 00° 12' WEST OF THE SOUTHWEST CORNER OF THAT TRACT OF LAND CONVEYED BY THAT CERTAIN DEED RECORDED IN [BOOK 123, PAGE 0599](#) OF THE POLK COUNTY DEED RECORDS AND DESCRIBED THEREIN AS BEING 29.95 CHAINS EAST AND 33.90 CHAINS SOUTH 0° 09' EAST OF THE NORTHWEST CORNER OF THE JOHN MARTIN AND WIFE'S DONATION LAND CLAIM, NOTIFICATION NO. 176, CLAIM NO. 66 IN SECTION 17, TOWNSHIP 7 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, CITY OF WEST SALEM, POLK COUNTY, OREGON, AND RUNNING THENCE NORTH 00° 12' WEST 1125.00 FEET ALONG THE WEST LINE OF SAID TRACT OF LAND TO AN IRON PIPE;
THENCE NORTH 89° 48' EAST 219.26 FEET TO AN IRON PIPE;
THENCE SOUTH 00° 27' WEST 100.00 FEET TO AN IRON PIPE;
THENCE NORTH 89° 48' EAST 189.70 FEET TO AN IRON PIPE;
THENCE SOUTH 00° 12' EAST 500.00 FEET TO AN IRON PIPE;
THENCE SOUTH 03° 19' WEST 570.53 FEET TO THE CENTER-LINE OF ORCHARD HEIGHTS COUNTY ROAD;
THENCE NORTH 88° 03' WEST 373.03 FEET TO THE SOUTHWEST CORNER OF SAID TRACT;
THENCE NORTH 00° 12' WEST 30.00 FEET TO THE PLACE OF BEGINNING.

SAVE AND EXCEPT THAT PORTION DESCRIBED IN DEED FROM ARTHUR H. BONE AND BERNICE W. BONE, HUSBAND AND WIFE, TO CLYDE M. MARTIN AND MARGARET H. MARTIN, AS TENANTS BY THE

ENTIRETY, RECORDED JULY 7, 1952, IN [BOOK 148, PAGE 0021](#), DEED RECORDS FOR POLK COUNTY, OREGON.

SAVE AND EXCEPT THAT PORTION DESCRIBED IN DEED FROM ARTHUR H. BONE AND BERNICE W. BONE, HIS WIFE, TO IAN MACDONALD AND HELEN MACDONALD, HIS WIFE, RECORDED JANUARY 12, 1961, IN [BOOK 176, PAGE 0213](#), DEED RECORDS FOR POLK COUNTY, OREGON;

SAVE AND EXCEPT THAT PORTION DESCRIBED IN DEED FROM BERNICE W. BONE TO WALTER C. PETERSEN AND MADGE C. PETERSEN, HUSBAND AND WIFE, RECORDED DECEMBER 30, 1974, IN [BOOK 66, PAGE 0194](#), BOOK OF RECORDS FOR POLK COUNTY.

EXCEPT THAT PORTION DEDICATED TO THE CITY OF SALEM, A MUNICIPAL CORPORATION BY WARRANTY DEED RECORDED JULY 10, 2001 AS DOCUMENT NO. [2001-008843](#) AND ALSO DESCRIBED THROUGH RESOLUTION NO. 2007-19 RECORDED MARCH 30, 2007 AS DOCUMENT NO. [2007-004878](#).

THE LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 01, 2008.

PARCEL II:

BEGINNING AT A 3/4 INCH IRON PIPE ON THE CENTER LINE OF COUNTY ROAD (ORCHARD HEIGHTS ROAD) WHICH IS 294.5 FEET NORTH 88° WEST OF THE SOUTHEAST CORNER OF THE PROPERTY DESCRIBED IN [VOLUME 123, PAGE 0599](#), POLK COUNTY DEED RECORDS IN SECTION 17, TOWNSHIP 7 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, CITY OF WEST SALEM, POLK COUNTY, OREGON;

THENCE NORTH 2° EAST 215 FEET;

THENCE NORTH 88° WEST 200 FEET;

THENCE SOUTH 2° WEST 215 FEET;

THENCE SOUTH 88° EAST 200 FEET TO THE POINT OF BEGINNING.

SAVE AND EXCEPT THAT PORTION ALONG AND ADJACENT TO THE SOUTH LINE OF THE ABOVE DESCRIBED PROPERTY WHICH IS USED FOR PUBLIC ROADWAY PURPOSES.

THE LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 01, 2008.