



1510 – B Third Street  
Tillamook, Oregon 97141  
[www.tillamook.or.us](http://www.tillamook.or.us)  
Building (503) 842-3407  
Planning (503) 842-3408  
Sanitation (503) 842-3409  
FAX (503) 842-1819  
Toll Free 1(800) 488-8280

*Land of Cheese, Trees and Ocean Breeze*

**NOTICE OF ADMINISTRATIVE REVIEW  
PARTITION REQUEST #851-22-000042-PLNG:  
MUGGE & ESPLIN**

*NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER:  
ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE,  
IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER*

**Date of Notice: March 4, 2022**

Notice is hereby given that the Tillamook County Department of Community Development is considering the following:

**#851-22-000042-PLNG:** A partition request to rectify a land division initially completed by deed to create two (2) residential parcels identified as Tax Lot 214 and Tax Lot 223 of Section 135, Township 5 South, Range 11 West of the Willamette Meridian, Tillamook County Oregon. Located within the unincorporated community of Neskowin, accessed via South Beach Road, a private road. The subject properties are zoned Neskowin Low Density Residential (NeskR1). Property owner is Clinton Mugge and the applicant is Dallas Esplin.

Written comments received by the Department of Community Development **prior to 4:00p.m. on March 18, 2022**, will be considered in rendering a decision. Comments should address the attached criteria upon which the Department must base its decision. Notice of the application, a map of the subject area, and the applicable criteria are being mailed to all property owners within 250 feet of the exterior boundaries of the subject property for which an application has been made and other appropriate agencies at least 14 days prior to this Department rendering a decision on the request. The decision will be rendered no sooner than March 21, 2022.

A copy of the application, along with a map of the request area and the applicable criteria for review are available for inspection on the Tillamook County Department of Community Development website:

<https://www.co.tillamook.or.us/commdev/landuseapps> and is also available for inspection at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141.

If you have any questions about this application, please call the Department of Community Development at 503-842-3408 x 3315 or [arimoldi@co.tillamook.or.us](mailto:arimoldi@co.tillamook.or.us).

Sincerely,

Angela Rimoldi, Planning Permit Technician

Sarah Absher, CFM, Director

Enc. Vicinity, Assessor & Zoning Maps  
Applicable Ordinance Criteria

**REVIEW CRITERIA**

**TILLAMOOK COUNTY LAND USE ORDINANCE**

**SECTION 3.322: NESKOWIN LOW DENSITY RESIDENTIAL (NeskR1) ZONE**

- (4) **STANDARDS:** Land divisions and development in the NeskR-1 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
- (a) The minimum lot size for permitted uses shall be 7,500 square feet, except that the minimum lot size for a two-family dwelling shall be 10,000 square feet. Where public sewers are not available, the County Sanitarian may require lot sizes greater than the minimum if necessary for the installation of adequate on-site subsurface sewage disposal systems, or for adequate protection of public health or sensitive water bodies.
  - (b) The minimum lot width shall be 60 feet.
  - (c) The minimum lot depth shall be 75 feet.
  - (d) Creation of new lots or parcels, and construction on existing lots or parcels, can only be allowed if sewer service or adequate on-site sanitation are provided, as follows:
    - (1) If sewer service is not available, as defined in OAR 340-071-160(5)(f), approval(s) for on-site sanitation disposal shall be required for each lot or parcel prior to lot or parcel creation through partition, subdivision, or other process. Approval for onsite sanitation shall be required prior to approval of a building permit for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.
    - (2) If sewer service is available, as defined in OAR 340-071-160(5)(f), hookup to the sewer system shall be required prior to approval of a building permit for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.
  - (e) Confirmation of water service availability from the water district, or evidence of an alternative functioning domestic water supply, shall be provided to the Department prior to approval of residential construction or other development requiring potable water.

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**SECTION 3.570: NESKOWIN COASTAL HAZARDS OVERLAY ZONE (NESK-CH)**

- (1) **PURPOSE:** The purpose of the Neskowin Coastal Hazards Overlay Zone is to manage development in areas subject to chronic coastal hazards in a manner that reduces long term risks to life, property, and the community by:
- (a) Identifying areas that are subject to chronic coastal natural hazards including ocean flooding, beach and dune erosion, dune accretion, bluff recession, landslides, and inlet migration;
  - (b) Assessing the potential risks to life and property posed by chronic coastal natural hazards; and
  - (c) Applying standards to the site selection and design of new development which minimize public and private risks to life and property from these chronic hazards; such measures may include hazard avoidance and other development limitations consistent with Statewide Planning Goals 7 and 18 as well as the Hazards Element and Beaches and Dunes Element of the Tillamook County Comprehensive Plan.

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**TILLAMOOK COUNTY LAND DIVISION ORDINANCE**

**SECTION 070: PRELIMINARY PLAT APPROVAL CRITERIA**

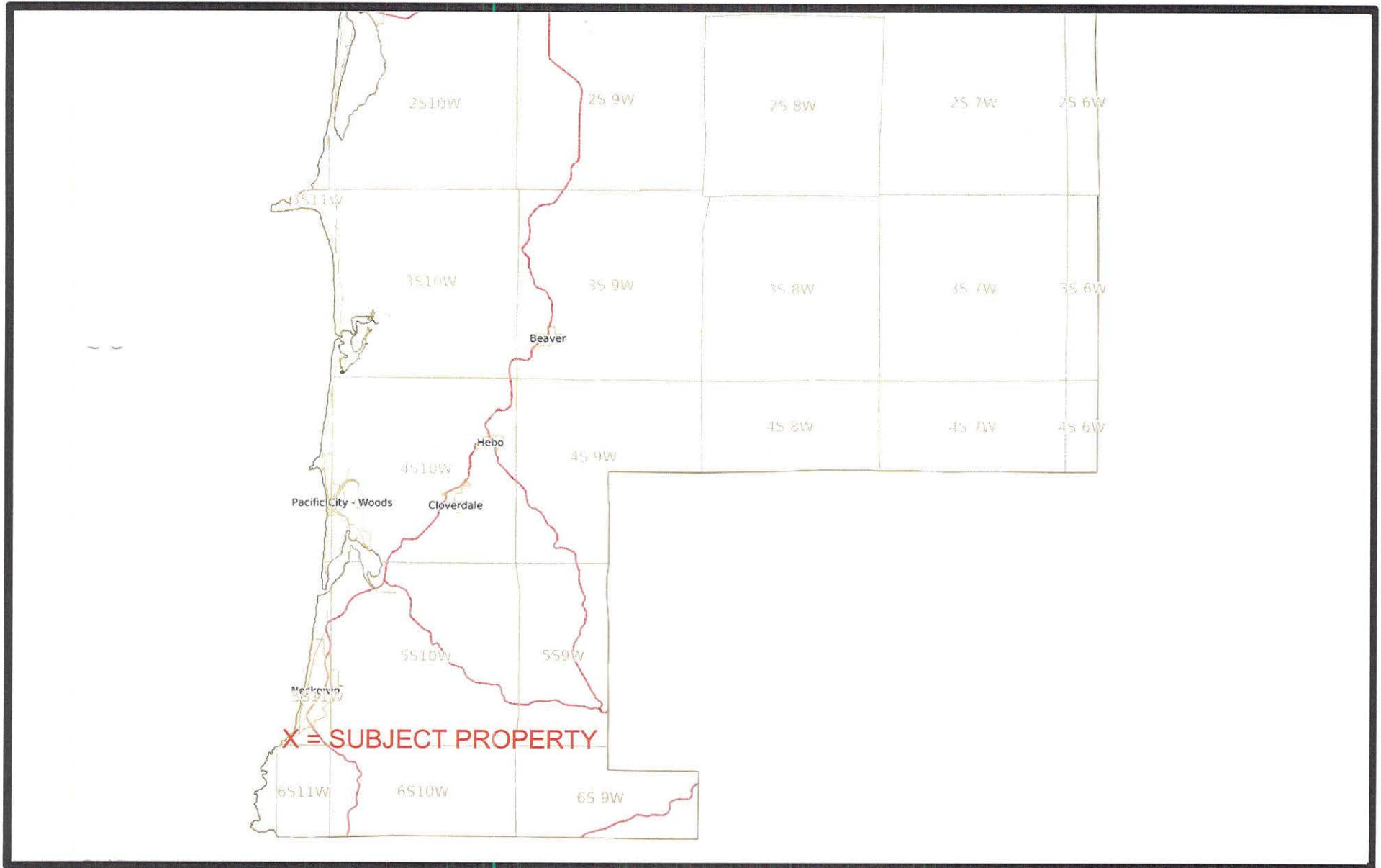
- (1) **Approval Criteria.** The Approval Authority (Director for partitions and Planning Commission for subdivisions) may approve, approve with conditions or deny a preliminary plat. The Approval Authority decision shall be based on findings of compliance with all of the following approval criteria:
- (a) The land division application shall conform to the requirements of this ordinance;
  - (b) All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of the Land Use Ordinance – Article 3 Zone Regulations and the standards in Section 150 of this ordinance;
  - (c) Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, sewer and streets, shall conform to the standards in Sections 150 and 160 of this ordinance;
  - (d) The proposed plat name is not already recorded for another subdivision, does not bear a name similar to or pronounced the same as the name of any other subdivision within the County, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the contiguous subdivision bearing that name;

- (e) The proposed streets, utilities, and surface water drainage facilities conform to Tillamook County’s adopted master plans and applicable engineering standards and, within Unincorporated Community Boundaries, allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;
- (f) All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through appropriate legal instrument;
- (g) Provisions for access to and maintenance of off-right-of-way drainage, if any;
- (h) Evidence that any required State and Federal permits, as applicable, have been obtained or can reasonably be obtained prior to development; and
- (i) Evidence that improvements or conditions required by the road authority, Tillamook County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met, including but not limited to:
  - (i) Water Department/Utility District Letter which states that the partition or subdivision is either entirely excluded from the district or is included within the district for purposes of receiving services and subjecting the partition or subdivision to the fees and other charges of the district.
  - (ii) Subsurface sewage permit(s) or site evaluation approval(s) from the appropriate agency.

}  
}

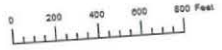
}  
}

# Map



Generated with the GeoMOOSE Printing Utilities

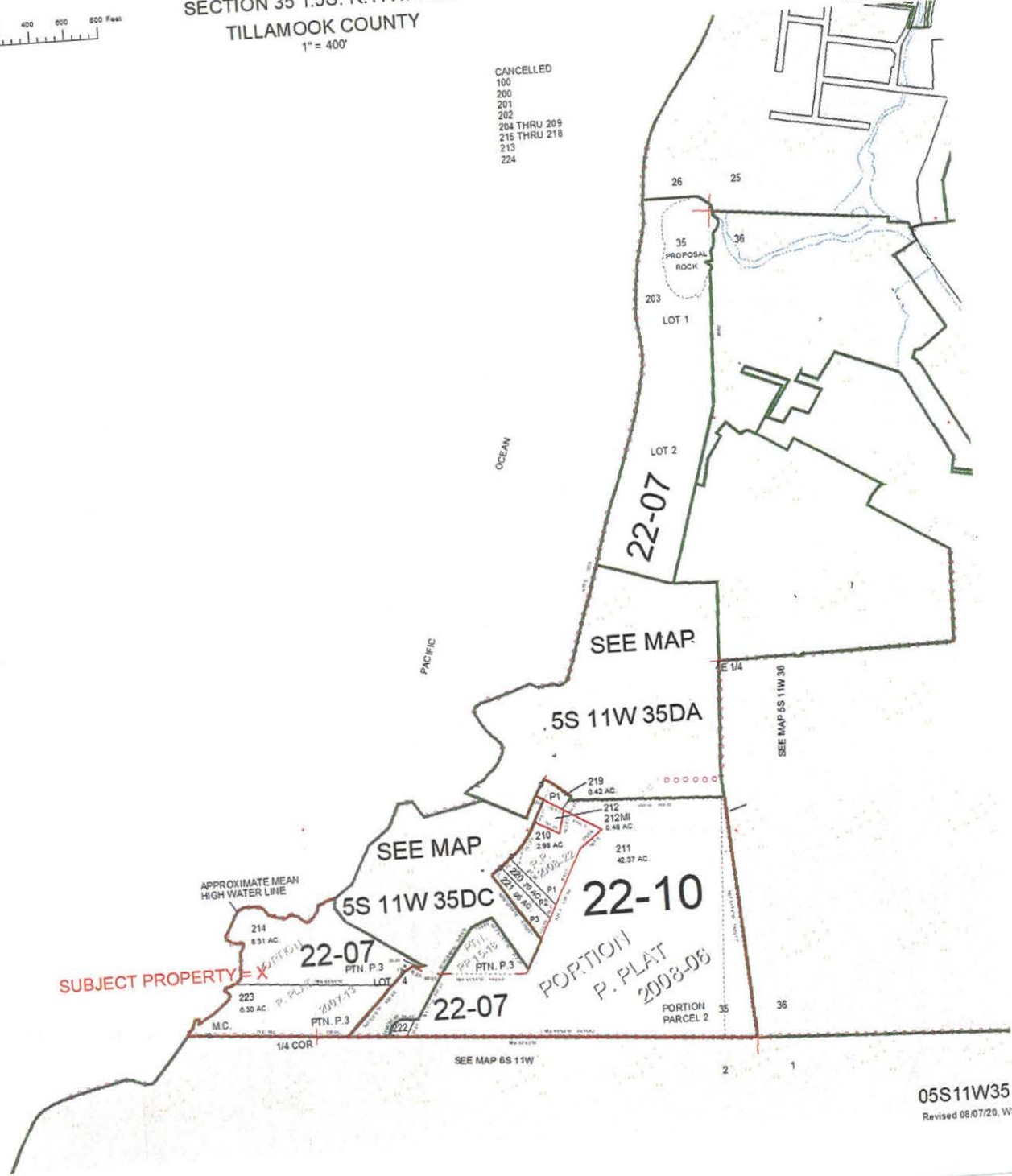
THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY



SECTION 35 T.5S. R.11W. W.M.  
TILLAMOOK COUNTY  
1" = 400'

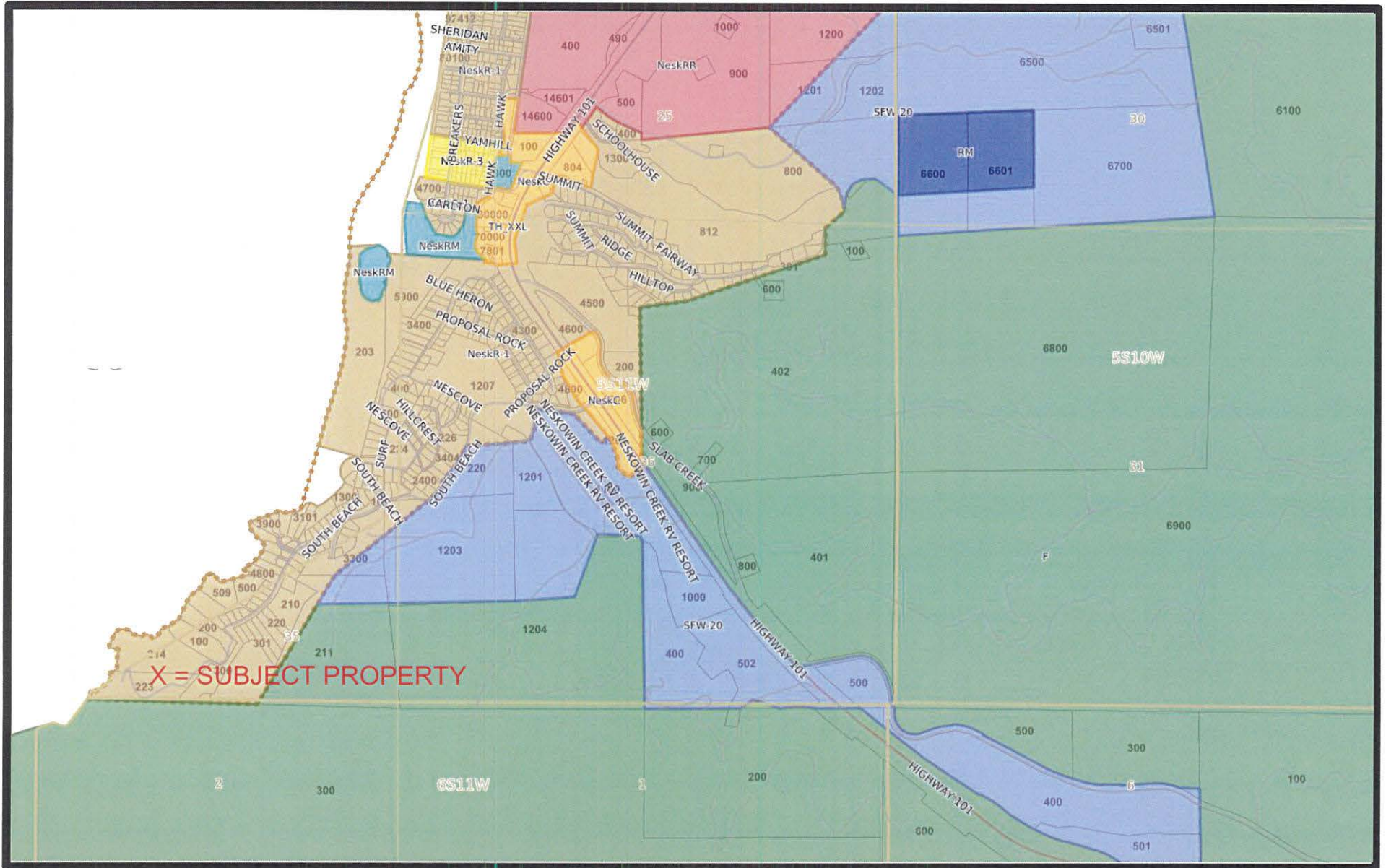
05S11W35

CANCELLED  
100  
200  
201  
202  
204 THRU 205  
215 THRU 218  
219  
224



SUBJECT PROPERTY = X

# Map





## LAND DIVISION APPLICATION

**Applicant**  (Check Box if Same as Property Owner)

Name: DALLAS ESPLIN Phone: 503-842-5551  
 Address: 11765 HWY 101 SOUTH  
 City: TILLAMOOK State: OR Zip: 97141  
 Email: BAYSIDESURVEYING@GMAIL.COM

**Property Owner**

Name: CLINTON MUGGE Phone: 480-703-7975  
 Address: PO BOX 314  
 City: CLOVERDALE State: OR Zip: 97112  
 Email: MUGGECL@GMAIL.COM

**Location:**

Site Address: N/A

Map Number: 5S-11-35-214

Township Range Section Tax Lot(s)

**Land Division Type:**  Partition (Two or Three Lots, Type II)  Subdivision (Four or More Lots, Type III)  
 Preliminary Plat (Pages 1-2)  Final Plat (Page 3)

**PRELIMINARY PLAT (LDO 060(1)(B))**

- For subdivisions, the proposed name.
- Date, north arrow, scale of drawing.
- Location of the development sufficient to development sufficient to define its location, boundaries, and a legal description of the site.

- Existing streets with names, right-of-way, pavement widths, access points.
- Width, location and purpose of existing easements
- The location and present use of all structures, and indication of any that will remain after platting.
- Location and identity of all utilities on and abutting the site. If water mains and sewers are not on site, show distance to the nearest one and how they will be brought to standards
- Location of all existing subsurface sewerage systems, including drainfields and associated easements

**General Information**

- Parcel zoning and overlays
- Title Block
- Clear identification of the drawing as "Preliminary Plat" and date of preparation
- Name and addresses of owner(s), developer, and engineer or surveyor

**Existing Conditions**

- Ground elevations shown by contour lines at 2-foot vertical interval. Such ground elevations shall be related to some established benchmark or other datum approved by the County Surveyor
- The location and elevation of the closest benchmark(s) within or adjacent to the site
- Natural features such as drainage ways, rock outcroppings, aquifer recharge areas, wetlands, marshes, beaches, dunes and tide flats
- For any plat that is 5 acres or larger, the Base Flood Elevation, per FEMA Flood Insurance Rate Maps

- Fifteen (15) legible "to scale" hard copies
- One digital copy

Other information:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

OFFICE USE ONLY
Date Stamp
<input type="checkbox"/> Approved <input type="checkbox"/> Denied
Received by:
Receipt #:
Fees: 409.
Permit No: 851-2-000042PLNG

- FINAL PLAT (LDO 090(1))
- Date, scale, north arrow, legend, highways, and railroads contiguous to the plat perimeter
- Description of the plat perimeter
- The names and signatures of all interest holders in the land being platted, and the surveyor
- Monuments of existing surveys identified, related to the plat by distances and bearings, and referenced to a document of record
- Exact location and width of all streets, pedestrian ways, easements, and any other rights-of-way
- Easements shall be denoted by fine dotted lines, and clearly identified as to their purpose
- Provisions for access to and maintenance of off-right-of-way drainage
- Block and lot boundary lines, their bearings and lengths
- Block numbers
- Lot numbers
- The area, to the nearest hundredth of an acre, of each lot which is larger than one acre
- Identification of land parcels to be dedicated for any purpose, public or private, so as to be distinguishable from lots intended for sale

**Certificates:**

- Title interest & consent       Water
- Dedication for public use       Public Works
- Engineering/Survey

Additional Information:

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**Authorization**

This permit application does not assure permit approval. The applicant and/or property owner shall be responsible for obtaining any other necessary federal, state, and local permits. Within two (2) years of final review and approval, all final plats for land divisions shall be filed and recorded with the County Clerk, except as required otherwise for the filing of a plat to lawfully establish an unlawfully created unit of land. The applicant verifies that the information submitted is complete, accurate, and consistent with other information submitted with this application.

  
 Property Owner (\*Required) \_\_\_\_\_ Date 1-26-2022  
 Applicant Signature Dallas Esplin \_\_\_\_\_ Date 01-26-2022



**BASIS OF BEARING**

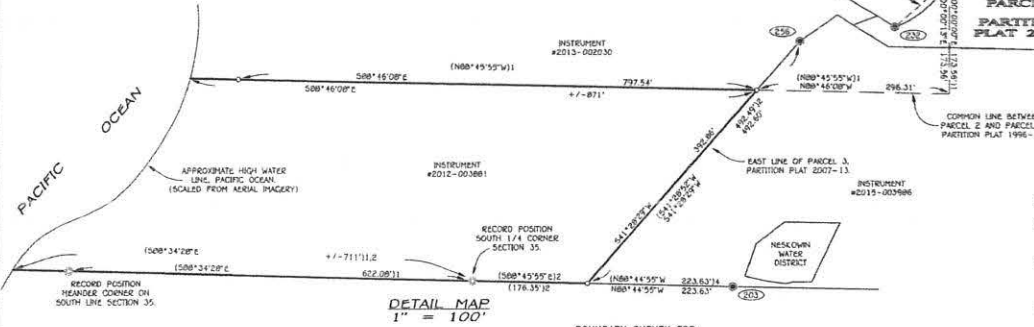
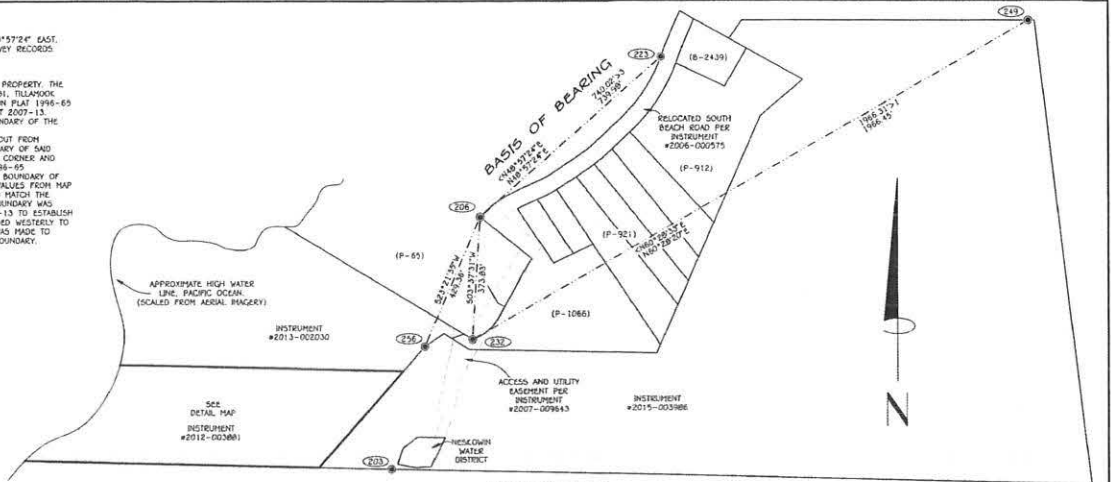
THE LINE BETWEEN FOUND MONUMENTS (235) AND (233) BEARS NORTH 48°57'24" EAST. THE CALCULATED RECORD VALUE FROM MAP P-891, TILLAMOOK COUNTY SURVEY RECORDS.

**NARRATIVE**

THIS SURVEY WAS CONDUCTED AS A DEFERRED RESURVEY OF THE SUBJECT PROPERTY. THE SUBJECT PROPERTY IS A PORTION OF EXHIBIT "A", INSTRUMENT #2012-003881, TILLAMOOK COUNTY DEED RECORDS DESCRIBED AS THAT PORTION OF PARCEL 3, PARTITION PLAT 1996-65 THAT IS CONTAINED WITHIN THE BOUNDARIES OF PARCEL 3 OF PARTITION PLAT 2007-13. THE PURPOSE OF THIS SURVEY IS TO MONUMENT THE NORTH AND EAST BOUNDARY OF THE SUBJECT PROPERTY. THE SOUTHWEST CORNER OF PARCEL 3, PARTITION PLAT 2007-13 WAS LAID OUT FROM MONUMENT (233) AT RECORD VALUES FROM MAP P-3193. THE EAST BOUNDARY OF SAID PARCEL 3 WAS ESTABLISHED BY HOLDING THE LINE BETWEEN SAID SOUTHWEST CORNER AND FOUND MONUMENT (235). THE BOUNDARY OF PARCEL 3, PARTITION PLAT 1996-65 ESTABLISHED THE NORTH BOUNDARY OF THE SUBJECT PROPERTY. THE NORTH BOUNDARY OF SAID PARCEL 3 WAS LAID OUT FROM FOUND MONUMENT (232) AT RECORD VALUES FROM MAP P-368. SAID VALUES WERE THEN ROTATED 91°00'15" COUNTERCLOCKWISE TO MATCH THE MEASURED BEARING BETWEEN FOUND MONUMENTS (233) AND (235). SAID BOUNDARY WAS INTERSECTED WITH THE EAST BOUNDARY OF PARCEL 3, PARTITION PLAT 2007-13 TO ESTABLISH THE NORTHEAST CORNER OF THE SUBJECT PROPERTY. SAID LINE WAS EXTENDED WESTERLY TO APPROXIMATE MEAN HIGH WATER LINE OF THE PACIFIC OCEAN. NO ATTEMPT WAS MADE TO LOCATE THE EXISTING 1/4 CORNER AND HANGER CORNER ON THE SOUTH BOUNDARY. ALL MAPS LISTED HEREON ARE PER TILLAMOOK COUNTY SURVEY RECORDS.

**LEGEND**

- INDICATES SET 5/8" X 3/4" NY REBAR WITH YELLOW PLASTIC CAP STAMPED "ONION PEAK DESIGN"
- INDICATES MONUMENT FOUND AS NOTED HEREON, HELD FOR CONTROL
- INDICATES MONUMENT FOUND AS NOTED HEREON
- INDICATES RECORDED POSITION OF MONUMENT AS NOTED HEREON, POSITION NOT MEASURED ON THIS SURVEY.
- ( 11 ) INDICATES RECORDED VALUE FROM P-368, TILLAMOOK COUNTY SURVEY RECORDS.
- ( 12 ) INDICATES RECORDED VALUE FROM P-891, TILLAMOOK COUNTY SURVEY RECORDS.
- ( 13 ) INDICATES RECORDED VALUE FROM P-921, TILLAMOOK COUNTY SURVEY RECORDS.
- ( 14 ) INDICATES RECORDED VALUE FROM P-3193, TILLAMOOK COUNTY SURVEY RECORDS.
- < > INDICATES CALCULATED VALUE.
- NO ( ) OR < > INDICATES MEASURED VALUE.



REGISTERED PROFESSIONAL LAND SURVEYOR  
*Erick M. White*  
OREGON  
APRIL 28, 2014  
ERICK M. WHITE  
78573  
RENEWS 8/30/2018

**MONUMENT NOTES**

- (232) FOUND 5/8" REBAR WITH PLASTIC CAP STAMPED "BUCKEL ASSOC. INC." 0.2' ABOVE; BELOW GROUND HELD FOR CONTROL. SEE MAP P-3193, TILLAMOOK COUNTY SURVEY RECORDS.
- (233) FOUND 5/8" REBAR WITH PLASTIC CAP STAMPED "BUCKEL ASSOC. INC." FLUSH IN GROUND; HELD FOR CONTROL. SEE MAP P-8-3064, TILLAMOOK COUNTY SURVEY RECORDS.
- (235) FOUND 5/8" REBAR WITH PLASTIC CAP STAMPED "HIS & ASSOC. INC." FLUSH IN GROUND; HELD FOR CONTROL. OSGN UNKNOWN. MAP P-660 SHOWS SET OF "TDG" INC. CAP TILLAMOOK COUNTY SURVEY RECORDS.
- (232) FOUND 5/8" REBAR BENT IN GRAVEL ROAD, 0.2' BELOW GROUND. TIED AND HELD VERTICAL BEND FOR CONTROL. SEE MAP A-8054, TILLAMOOK COUNTY SURVEY RECORDS.
- (233) FOUND 5/8" REBAR WITH PLASTIC CAP STAMPED "HIS INC." FLUSH IN GROUND; HELD FOR CONTROL. SEE MAP P-1928, TILLAMOOK COUNTY SURVEY RECORDS.
- (235) FOUND 5/8" REBAR 0.1' ABOVE GROUND; HELD FOR CONTROL. SEE MAP P-891, TILLAMOOK COUNTY SURVEY RECORDS.

**ONION PEAK DESIGN**  
PO BOX 326  
NEHALEM, OR 97131  
(503) 368-6102  
FAX (503) 368-6102

\*NESSET #A2014  
ERICKSON1703-85.DWG

BOUNDARY SURVEY FOR:  
**ERICKSON PROPERTIES, LLC**  
A PORTION OF THAT TRACT OF LAND AS DESCRIBED IN EXHIBIT "A", INSTRUMENT 2012-003881, TILLAMOOK COUNTY DEED RECORDS.  
SE 1/4 & SW 1/4, SECTION 35, T5S, R11W, W.M. TILLAMOOK COUNTY  
FEBRUARY 28, 2017

TILLAMOOK COUNTY  
DATE  
April 5, 2017

**Neskowin Regional Sanitary Authority**



P O Box 383, Neskowin, Oregon 97149

(503) 392-3404 (TTY 1-800-735-2900)

Date: 10.20.2021

To: Tillamook County One-Stop Permit Counter

From: Neskowin Regional Sanitary Authority

Re: Sewer Availability

I confirm that sewer is available to the following lot(s) within our District:

Township: 5S Range: 11 Section: 35 00 Tax Lot: 00214

According to our records, the legal owner is:

Clinton & Michelle Mvge

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Additional reviews, easements and conditions may be required. This letter becomes void after 12 months from the date of issuance.**

The current System Development Charge will be due to NRSA Sanitary District upon issuance of a building permit by the Tillamook County Department of Community Development. The District requires a copy of the approved building permit be sent to NRSA.

This letter shall not create a liability on the part of the Neskowin Regional Sanitary Authority, or by any officer, employee thereof, for the services described above.

Signature of Authorized NRSA Representative

NRSA Office Mgr.

Title

Telephone No: (503) 392-3404

Fax No: (503) 392-3477

E-mail Address: nrsa01@centurylink.net



**Neskowin Regional Water District**

PO Box 823

Neskowin, OR 97149

Phone: (503)392-3966

Email: [tnt@neskowinwater.com](mailto:tnt@neskowinwater.com)

Web: [www.neskowinwater.com](http://www.neskowinwater.com)

DATE: 9/16/2021

TO: Tillamook County  
Department of Community Development – One Stop Permit Counter  
201 Laurel Avenue  
Tillamook, OR 97141  
(503) 842-3408  
(503) 842-1819 FAX

FROM: Neskowin Regional Water District

RE: Water Availability

To Whom It May Concern:

I confirm that the water may be available to the following lot(s) within our district:

T 5S R 11 SEC 35 TL# 0000214

---

According to our records, the legal owner is:

**MUGGE, CLINTON & MICHELLE**

Comments:

Water is available provided the needed utility infrastructure improvements are installed.

This letter shall not create a liability on the part of Tillamook County, or by an officer, or employee thereof, for the services described above.

Signature of Authorized Representative:

Troy N. Trute (G.M of the Neskowin Regional Water District)



**Neskowin Regional Water District**

PO Box 823

Neskowin, OR 97149

Phone: (503)392-3966

Email: [tnt@neskowinwater.com](mailto:tnt@neskowinwater.com)

Web: [www.neskowinwater.com](http://www.neskowinwater.com)

DATE: 9/17/2021

TO: Tillamook County  
Department of Community Development – One Stop Permit Counter  
201 Laurel Avenue  
Tillamook, OR 97141  
(503) 842-3408  
(503) 842-1819 FAX

FROM: Neskowin Regional Water District

RE: Water Availability

To Whom It May Concern:

I confirm that the water may be available to the following lot(s) within our district:

T 5S R 11 SEC 35 TL# 0000223

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According to our records, the legal owner is:

**WILSON, BRANDON E &**

Comments:

Water is available provided the needed utility infrastructure improvements are installed.

This letter shall not create a liability on the part of Tillamook County, or by an officer, or employee thereof, for the services described above.

Signature of Authorized Representative:

Troy N. Trute (G.M of the Neskowin Regional Water District)

TICOR TITLE - 3604 17000 398

  
**Western** Title & Escrow  
Order Number: **131926-TKA**

Tillamook County, Oregon  
06/27/2017 03:21:05 PM  
DEED-DWARR  
\$20.00 \$11.00 \$21.00 \$10.00 - Total = \$62.00  
**2017-003847**



I hereby certify that the within instrument was received for record and recorded in the County of Tillamook, State of Oregon.  
Tassi O'Neil, Tillamook County Clerk

<b>Grantor</b>
Erickson Properties LLC 10260 SW Greenburg Road, Ste 1020 Portland, OR 97223
<b>Grantee</b>
RETURN TO: Brandon E. Wilson Shannon K. Lewis 1340 SW Claremont Terrace Portland, OR 97225
Until a change is requested, all tax statements shall be sent to the following address:
Brandon E. Wilson Shannon K. Lewis 1340 SW Claremont Terrace Portland, OR 97225

Reserved for Recorder's Use

**STATUTORY WARRANTY DEED**

Erickson Properties LLC, an Oregon limited liability company, Grantor conveys and warrants to Brandon E. Wilson and Shannon K. Lewis,

Grantee(s), the following described real property free of encumbrances except as specifically set forth herein.

See Attached Exhibit A

Account: 416112  
Map & Tax Lot: 5S1135-00-00223


This property is free of encumbrances, EXCEPT: All those items of record, if any, as of the date of this deed, including any real property taxes due, but not yet payable.

The true consideration for this conveyance is \$517,500.00. (Here comply with requirements of ORS 93.030.)

**BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.**

Executed this 22 day of June, 2017

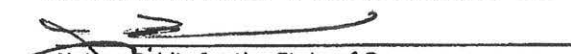
**Erickson Properties LLC**



**By: Michael K. Erickson  
Its Authorized Member**

State of **Oregon**, County of Washington ) ss.

This instrument was acknowledged before me on this 22 day of June, 2017 by **Michael K. Erickson**,  
as Authorized Member of Erickson Properties LLC.

  
Notary Public for the State of Oregon

My commission expires: April 5, 2020



**EXHIBIT "A"**  
Legal Description

That portion of Parcel 3 of Partition Plat 1996-65 that is contained within the boundaries of Parcel 3, PARTITION PLAT NO. 2007-13, Tillamook County, Oregon.

ALSO:

A perpetual non-exclusive easement for ingress, egress, pedestrian access, and utilities over the following described tract, more particularly described as follows:

A strip of land 60.0 feet in width lying 30.0 feet on either side of the centerline described as:

Beginning at Engineer's right-of-way station 267+20 on the Southerly right-of-way line of Relocated Oregon Coast Highway No. 101; thence South 55° 25' West 110.00 feet; thence on a 200 foot radius curve right (long chord bears South 76° 43' 10" West 145.32 feet) an arc distance of 148.72 feet; thence North 81° 58' 40" West 705.43 feet; thence on a 222.96 foot radius curve left (long chord bears South 82° 57' 38" West 115.88 feet) an arc distance of 117.22 feet; thence South 67° 53' 56" West 125.68 feet; thence on a 171.52 foot radius curve to the left (the long chord bears South 32° 54' 58" West 196.65 feet) an arc distance of 209.42 feet; thence South 2° 15' 11" East 55.24 feet; thence on a 550.61 foot radius curve right (long chord bears South 11° 01' 53" West 253.4 feet) an arc distance of 255.32 feet; thence South 24° 18' 57" West 130.79 feet; thence on a 702.11 foot radius curve right (long chord bears South 30° 48' 57" West 158.93 feet) an arc distance of 159.30 feet; thence South 37° 18' 57" West 226.05 feet; thence on a 395.02 foot radius curve right (long chord bears South 42° 31' 52" West 133.31 feet) an arc distance of 134.33 feet; thence on a 74.10 foot radius curve right (long chord bears South 85° 37' 14" West 70.40 feet) an arc distance of 73.36 feet; thence North 65° 50' 33" West 111.46 feet; thence on a 138.31 foot radius curve left (long chord bears North 85° 50' 33" West 94.04 feet) an arc distance of 95.96 feet; thence South 74° 16' 57" West 116.77 feet; thence on 409.28 foot radius curve left an arc distance of 125 feet, more or less, to the Easterly right-of-way line of the private roadway designated as Lot 99, NESKOWIN HEIGHTS, Tillamook County, Oregon, according to the official Plat thereof recorded in Plat Book 3, Page 13, Tillamook County Records.

ALSO:

A perpetual, non-exclusive easement for ingress, egress, pedestrian access, and utilities over the following described tract, more particularly described as follows:

Lot 99, NESKOWIN HEIGHTS, in Tillamook County, Oregon, according to the official plat thereof recorded in Plat Book 3, Page 13, Tillamook County Records, and Lot 99, FIRST ADDITION TO NESKOWIN HEIGHTS, in Tillamook County, Oregon, according to the official Plat thereof recorded in Plat Book 3, Page 16, Tillamook County Records.

EXCEPTING THEREFROM that portion described as follows:

Beginning at the Northwest corner of Lot 2, Block 2, NESKOWIN HEIGHTS; thence North 78° 50' West 25.0 feet; thence North 11° 10' East 10.0 feet; thence on a 157.0 foot radius curve right (long chord bears North 11° 10' East 314.0 feet) an arc distance of 493.23 feet; thence South 11° 10' West 50.0 feet; thence on a 107.0 foot radius curve left (long chord bears South 11° 10' West 214.0 feet) an arc distance of 336.15 feet; thence South 78° 50' East 25.22 feet; thence South 11° 12' 40" West 60.0 feet, more or less, to the point of beginning.

ALSO:

That certain non-exclusive easement for roadway and utility line purposes over a strip of land 25 feet in width as reserved by L.E.W. Engineering, Inc., in that Deed to Robert C. Brodine, Jr. and Verna Lee Brodine, husband and

**EXHIBIT "A"**  
Legal Description

wife, recorded August 16, 1974 in Book 237, page 499, Tillamook County Records.

ALSO:

A perpetual non-exclusive pedestrian easement for ingress and egress over and across the following described tract of land, more particularly described as follows:

Beginning at the Initial point of the Plat of NESKOWIN HEIGHTS, said Initial Point being the quarter Section corner common to Sections 35 and 36, Township 5 South, Range 11 West of the Willamette Meridian, Tillamook County, Oregon; thence West 12.78 feet to the Easterly sideline of Tract 99 of Neskowin Heights; thence Northerly along said Tract 99 Easterly sideline to the most Southerly Southeast corner of Lot 8, Block 1, Neskowin Heights; thence North 157.51 feet along the East boundary of said Lot 8 to the Southeast of Lot 1 of said Block 1, Neskowin Heights; thence North 109.74 feet to the Northeast corner of said Lot 1; thence South 78° 50' 00" East 10.19 feet, more or less, to the Easterly boundary of Neskowin Heights; thence South 350.00 feet, more or less, to the point of beginning.

ALSO:

A perpetual, non-exclusive easement for the right of parking on the Southern-most half portion of the following described roadway, said roadway which is a portion of Lot 99, NESKOWIN HEIGHTS, Township 5 South, Range 11 West of the Willamette Meridian, in Tillamook County, Oregon, as described in Book 3 , Page 13, Plat Records, and more particularly described as follows:

Commencing at the most Southerly corner of Lot 1, Block 2, NESKOWIN HEIGHTS, Tillamook County, Oregon, according to the official Plat thereof recorded in Plat Book 3, Page 13, Tillamook County Records; thence North 60° 40' 42" East 5.86 feet; thence on an 82.50 foot radius curve left (long chord bears North 9° 04' 39" West 154.81 feet) an arc distance of 200.88 feet; thence North 78° 50' West 33.87 feet to the true point of beginning; thence from said true point of beginning North 78° 50' West 150.22 feet; thence North 11° 12' 40" East 60.0 feet, more or less, to the Southeast corner of Lot 4, Block 1, Neskowin Heights, in Tillamook County, Oregon, according to the official Plat thereof recorded in Plat Book 3, Page 13, Tillamook County Records; thence South 78° 50' East 150.00 feet; thence South 11° 10' 00" West 60.00 feet, more or less, to the true point of beginning.

ALSO together with easements as disclosed on PARTITION PLAT NO. 2006-044, as recorded December 22, 2006, in Plat Cabinet B980-0, in Tillamook County Records and also on PARTITION PLAT NO. 2008-022, as recorded June 20, 2008, in Plat Cabinet B1068-0, Tillamook County Records and also PARTITION PLAT NO. 2007-037, as recorded October 29, 2007, in Plat Cabinet B-1033-0, Tillamook County Records and also PARTITION PLAT NO. 2008-031, as recorded September 18, 2008, in Plat Cabinet B1080-0, Tillamook County Records.



RECORDING REQUESTED BY:



802 Main Ave.  
Tillamook, OR 97141

GRANTOR'S NAME:

John W. Ericksen and Kathryn C. Ericksen

GRANTEE'S NAME:

Clinton Mugge and Michelle Mugge

AFTER RECORDING RETURN TO:

Order No.: 360420005108-CR  
Clinton Mugge and Michelle Mugge  
42120 N Olympic Fields Ct  
Anthem, AZ 85086

SEND TAX STATEMENTS TO:

Clinton Mugge and Michelle Mugge  
42120 N Olympic Fields Ct  
Anthem, AZ 85086

APN: 412599

Map: 5S11 35 00214

Vacant Land on South Beach Road, Neskowin, OR 97149

Tillamook County, Oregon  
08/17/2020 11:44:00 AM  
DEED-DWARR

2020-05362

\$50.00 \$11.00 \$10.00 \$61.00 - Total = \$132.00

I hereby certify that the within instrument was received  
for record and recorded in the County of Tillamook,  
State of Oregon.

Tassi O'Neil, Tillamook County Clerk

TICOR TITLE™ 360420005108

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**STATUTORY WARRANTY DEED**

John W. Ericksen and Kathryn C. Ericksen, as tenants in common, Grantor, conveys and warrants to Clinton Mugge and Michelle Mugge, as tenants by the entirety, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Tillamook, State of Oregon:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS THREE HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$350,000.00). (See ORS 93.030).

Subject to:

SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

STATUTORY WARRANTY DEED  
(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: AUGUST 14, 2020

[Signature]  
John W. Ericksen

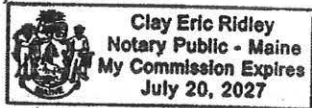
[Signature]  
Kathryn C. Ericksen

State of Maine  
County of Cumberland

This instrument was acknowledged before me on 8/14/2020 by John W. Ericksen and Kathryn C. Ericksen.

[Signature], Notary Public  
Notary Public - State of

My Commission Expires: July 20, 2027



**EXHIBIT "A"**  
Legal Description

Parcel 3 of PARTITION PLAT NO. 2007-013, situated in the Southeast quarter of Section 35, Township 5 South, Range 11 West, Willamette Meridian, County of Tillamook, State of Oregon, recorded May 21, 2007 as Instrument No. 2007-004184, Tillamook County Records.

EXCEPTING THEREFROM that portion of said parcel that is contained within the boundaries of Parcel 3 of Partition Plat No. 1996-065, Tillamook County, Oregon.

TOGETHER WITH a non-exclusive easement for ingress and egress over a strip of land situated in the Southeast quarter of Section 35, Township 5 South, Range 11 West, Willamette Meridian, County of Tillamook, State of Oregon, as described in document recorded December 31, 2002 in Book 442, page 796, Tillamook County Records.

ALSO: A perpetual non-exclusive easement for ingress, egress, pedestrian access, and utilities over the following described tract, more particularly described as follows:

A strip of land 60.0 feet in width lying 30.0 feet on either side of the centerline described as:  
Beginning at Engineer's right-of-way station 267+20 on the Southerly right-of-way line of Relocated Oregon Coast Highway No. 101;  
thence South 55° 25' West 110.00 feet;  
thence on a 200 foot radius curve right (long chord bears South 76° 43' 10" West 145.32 feet) an arc distance of 148.72 feet;  
thence North 81° 58' 40" West 705.43 feet;  
thence on a 222.96 foot radius curve left (long chord bears South 82° 57' 38" West 115.88 feet) an arc distance of 117.22 feet;  
thence South 67° 53' 56" West 125.68 feet;  
thence on a 171.52 foot radius curve to the left (the long chord bears South 32° 54' 58" West 196.65 feet) an arc distance of 209.42 feet;  
thence South 2° 15' 11" East 55.24 feet;  
thence on a 550.61 foot radius curve right (long chord bears South 11° 01' 53" West 253.4 feet) an arc distance of 255.32 feet;  
thence South 24° 18' 57" West 130.79 feet;  
thence on a 702.11 foot radius curve right (long chord bears South 30° 48' 57" West 158.93 feet) an arc distance of 159.30 feet;  
thence South 37° 18' 57" West 226.05 feet;  
thence on a 395.02 foot radius curve right (long chord bears South 42° 31' 52" West 133.31 feet) an arc distance of 134.33 feet;  
thence on a 74.10 foot radius curve right (long chord bears South 85° 37' 14" West 70.40 feet) an arc distance of 73.36 feet;  
thence North 65° 50' 33" West 111.46 feet;  
thence on a 138.31 foot radius curve left (long chord bears North 85° 50' 33" West 94.04 feet) an arc distance of 95.96 feet;  
thence South 74° 16' 57" West 116.77 feet;  
thence on 409.28 foot radius curve left an arc distance of 125 feet, more or less, to the Easterly right-of-way line of the private roadway designated as Lot 99, Neskowin Heights, Tillamook County, Oregon, according to the official Plat thereof recorded in Plat Book 3, Page 13, Tillamook County Records.

ALSO: A perpetual, non-exclusive easement for ingress, egress, pedestrian access, and utilities over the following described tract, more particularly described as follows:

Lot 99, Neskowin Heights, in Tillamook County, Oregon, according to the official Plat thereof recorded in Plat Book 3, Page 13, Tillamook County Records, and Lot 99, FIRST ADDITION TO NESKOWIN HEIGHTS, in Tillamook County, Oregon, according to the official Plat thereof recorded in Plat Book 3, Page 16, Tillamook County Records.

EXCEPTING THEREFROM that portion described as follows: Beginning at the Northwest corner of Lot 2, Block 2, Neskowin Heights;

thence North 78° 50' West 25.0 feet;  
thence North 11° 10' East 10.0 feet;  
thence on a 157.0 foot radius curve right (long chord bears North 11° 10' East 314.0 feet) an arc distance of 493.23 feet;  
thence South 11° 10' West 50.0 feet;  
thence on a 107.0 foot radius curve left (long chord bears South 11° 10' West 214.0 feet) an arc distance of 336.15 feet;  
thence South 78° 50' East 25.22 feet;  
thence South 11° 12' 40" West 60.0 feet, more or less, to the point of beginning.

ALSO: That certain non-exclusive easement for roadway and utility line purposes over a strip of land 25 feet in width as reserved by L.E.W. Engineering, Inc., in that Deed to Robert C. Brodine, Jr. and Verna Lee Brodine, husband and wife, recorded August 16, 1974 in Book 237, page 499, Tillamook County Records.

ALSO: A perpetual non-exclusive pedestrian easement for ingress and egress over and across the following described tract of land, more particularly described as follows:

Beginning at the Initial point of the Plat of Neskowin Heights, said Initial Point being the quarter Section corner common to Sections 35 and 36, Township 5 South, Range 11 West of the Willamette Meridian, Tillamook County,

**EXHIBIT "A"**  
Legal Description

Oregon;

thence West 12.78 feet to the Easterly sideline of Tract 99 of Neskowin Heights;  
thence Northerly along said Tract 99 Easterly sideline to the most Southerly Southeast corner of Lot 8, Block 1, Neskowin Heights;  
thence North 157.51 feet along the East boundary of said Lot 8 to the Southeast of Lot 1 of said Block 1, Neskowin Heights;  
thence North 109.74 feet to the Northeast corner of said Lot 1;  
thence South 78° 50' 00" East 10.19 feet, more or less, to the Easterly boundary of Neskowin Heights;  
thence South 350.00 feet, more or less, to the point of beginning.

ALSO: A perpetual, non-exclusive easement for the right of parking on the Southern-most half portion of the following described roadway, said roadway which is a portion of Lot 99, Neskowin Heights, Township 5 South, Range 11 West of the Willamette Meridian, in Tillamook County, Oregon, as described in Book 3, page 13, Plat Records, and more particularly described as follows:

Commencing at the most Southerly corner of Lot 1, Block 2, Neskowin Heights, Tillamook County, Oregon, according to the official Plat thereof recorded in Plat Book 3, page 13, Tillamook County Records;  
thence North 60° 40' 42" East 5.86 feet;  
thence on an 82.50 foot radius curve left (long chord bears North 9° 04' 39" West 154.81 feet) an arc distance of 200.88 feet;  
thence North 78° 50' West 33.87 feet to the true point of beginning;  
thence from said true point of beginning North 78° 50' West 150.22 feet;  
thence North 11° 12' 40" East 60.0 feet, more or less, to the Southeast corner of Lot 4, Block 1, Neskowin Heights, in Tillamook County, Oregon, according to the official Plat thereof recorded in Plat Book 3, page 13, Tillamook County Records;  
thence South 78° 50' East 150.00 feet;  
thence South 11° 10' 00" West 60.00 feet, more or less, to the true point of beginning.

ALSO together with easements as disclosed on PARTITION PLAT NO. 2006-044, as recorded December 22, 2006, in Plat Cabinet B980-0, in Tillamook County Records, and also on PARTITION PLAT NO. 2008-022, as recorded June 20, 2008, in Plat Cabinet B1068-0, Tillamook County Records, and also PARTITION PLAT NO. 2007-037, as recorded October 29, 2007, in Plat Cabinet B-1033-0, Tillamook County Records, and also PARTITION PLAT NO. 2008-031, as recorded September 18, 2008, in Plat Cabinet B1080-0, Tillamook County Records.

**EXHIBIT "B"**  
Exceptions

**Subject to:**

1. Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2020/21.
2. Regulations, levies, liens, assessments, rights of way and easements of Neskowin Regional Sanitary Authority.
3. Regulations, levies, liens, assessments, rights of way and easements of Neskowin Water District. None found as of August 4, 2020.
4. Rights of the public to any portion of the Land lying within the area commonly known as streets, roads, and highways.
5. Any adverse claim based on the assertion that any portion of the subject land has been removed from or brought within the subject land's boundaries by the process of accretion or reliction or any change in the location of Pacific Ocean.
6. Any adverse claim based on the assertion that any portion of the subject land has been created by artificial means or has accreted to such portions so created, or based on the provisions of ORS 274.905 through 274.940.
7. Rights of public and of governmental bodies in that portion of the subject land lying below the mean high water line of the Pacific Ocean and lying within the ocean shore and the dry sand area as declared under the provisions of ORS 390.605 through 390.770 and as found in Thornton v. Hay, 254 Or 584, 452 P2d 671 (1969).
8. Rights of fishing, navigation, commerce, flood control, propagation of anadromous fish, and recreation, and other rights of the public, Indian tribes or governmental bodies in and to the waters of Pacific Ocean.
9. Right to lay water pipes, including the terms and provisions thereof;

Granted by: J. R. Brigham  
To: R. E. Steiner, et al  
Recording Date: October 28, 1920  
Recording No.: Miscellaneous Book: 3 Page: 409

NOTE: Rights under said instrument were transferred to the South Neskowin Water Company, by instrument recorded December 3, 1924 in Book 52, page 345, Records of Tillamook County, Oregon.

10. Rights of ingress and egress and rights to water, including the terms and provisions thereof;

Granted by: John R. Brigham  
To: E. C. Apperson, et al  
Recording Date: September 10, 1917  
Recording No.: Book: 36 Page: 238

Also granted in Deed,  
To: Nellie G. Rogers  
Recording Date: March 15, 1918  
Recording No.: Book: 37 Page: 101

Also granted in Deed,  
To: Lillie Lichfield Shirley  
Recording Date: August 30, 1920  
Recording No.: Book: 42 Page: 25

Also as granted in Deed,  
To: Aletta M. Brigham  
Recording Date: August 11, 1921  
Recording No.: Book: 43 Page: 453

Also granted in Deed,  
To: Mary E. Webster  
Recording Date: July 21, 1922  
Recording No.: Book: 44 Page: 625  
(Location not specific.)

11. Agreement granting perpetual privilege of attaching water pipes to water mains, and right to cross property in direct course to the nearest county road and ocean beach, granted in instrument;

Granted by: J. R. Brigham  
To: R. E. Steiner, et al  
Recording Date: August 4, 1910  
Recording No.: Miscellaneous Book: 2 Page: 130  
(location not specific.)

**EXHIBIT "B"**  
Exceptions

12. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
Granted to: Ralph I. Sutton and Mildred M. Sutton  
Purpose: Ingress and egress, etc.  
Recording Date: May 1, 1963  
Recording No: Book: 175 Page: 459  
Affects: South Beach Road
13. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
Granted to: Peter O. Place and Phyllis Place  
Purpose: Ingress and egress, etc.  
Recording Date: May 1, 1963  
Recording No: Book: 175 Page: 462  
Affects: South Beach Road
14. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
Granted to: Peter O. Place and Phyllis Place  
Purpose: Ingress and egress, etc.  
Recording Date: August 15, 1962  
Recording No: Book: 182 Page: 223  
Affects: South Beach Road
15. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
Granted to: Orion A. Place and Marjorie J. Place  
Purpose: Ingress and egress, etc.  
Recording Date: August 15, 1962  
Recording No: Book: 182 Page: 226  
Affects: South Beach Road
16. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, 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, as set forth in the document  
Recording Date: March 2, 1966  
Recording No: Book: 201 Page: 33
17. Amendment(s)/Modification(s) of said covenants, conditions and restrictions  
Recording Date: July 27, 1972  
Recording No: Book: 228 Page: 221  
Amendment(s)/Modification(s) of said covenants, conditions and restrictions  
Recording Date: April 2, 1990  
Recording No: Book: 327 Page: 294  
Amendment(s)/Modification(s) of said covenants, conditions and restrictions  
Recording Date: August 7, 1995  
Recording No: Book: 371 Page: 424  
Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
Granted to: All Grantees of lots and tracts within the area platted as Proposal Rock, Tillamook County  
Purpose: Ingress and egress, etc.  
Recording Date: April 19, 1968  
Recording No: Book: 211 Page: 973  
Affects: South Beach Road
18. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
Granted to: Tillamook Peoples' Utility District  
Purpose: Public utilities  
Recording Date: July 14, 1970  
Recording No: Book: 219 Page: 954  
Affects: See document for specifics

**EXHIBIT "B"**  
Exceptions

19. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
Granted to: Tillamook Peoples' Utility District  
Purpose: Public utilities  
Recording Date: August 19, 1970  
Recording No: Book: 220 Page: 365  
Affects: See document for specifics
20. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
Granted to: Tillamook Peoples' Utility District  
Purpose: Public utilities  
Recording Date: August 17, 1971  
Recording No: Book: 224 Page: 159  
Affects: See document for specifics
21. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, 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, as set forth in the document  
  
Recording Date: April 26, 1974  
Recording No: Book: 236 Page: 128
22. Amendment(s)/Modification(s) of said covenants, conditions and restrictions  
  
Recording Date: April 2, 1990  
Recording No: Book: 327 Page: 294  
Easement(s) for the purpose(s) shown below and rights incidental thereto, as disclosed in a document:  
  
Granted to: Robert C. Brodine, Jr. and Verna Lee Brodine  
Purpose: Ingress, and egress, etc.  
Recording Date: August 16, 1974  
Recording No: Book: 237 Page: 499  
Affects: See document for specifics
23. Easement and Maintenance Agreement, including the terms and provisions thereof;  
  
Executed by: L.E.W. Engineering, Inc., an Oregon corporation; and Robert C. Brodine, Jr. and Verna Lee Brodine, husband and wife  
Recording Date: August 16, 1974  
Recording No.: Book: 237 Page: 500  
Affects: Roadway use and maintenance and water system use
24. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
  
Granted to: Tillamook Peoples' Utility District  
Purpose: Public Utilities  
Recording Date: July 28, 1976  
Recording No: Book: 246 Page: 157  
Affects: See document for specifics
25. Agreement for Easement, including the terms and provisions thereof;  
  
Executed by: L.E.W. Engineering, Inc.  
Recording Date: January 19, 1977  
Recording No.: Book: 248 Page: 738  
Affects: South Beach Road
26. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
  
Granted to: Tillamook Peoples' Utility District  
Purpose: Public utilities  
Recording Date: January 29, 1979  
Recording No: Book: 261 Page: 256  
Affects: See document for specifics

**EXHIBIT "B"**  
Exceptions

27. Easement Agreement, including the terms and provisions thereof;  
  
Executed by: Elizabeth Morse Trowbridge; and Chinook Enterprises, Inc.  
Recording Date: February 19, 1980  
Recording No.: Book: 268 Page: 10  
Affects: South Beach Road
28. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
  
Granted to: Chinook Associates, Inc.  
Purpose: Sewer  
Recording Date: September 5, 1980  
Recording No: Book: 271 Page: 450  
Affects: See document for specifics
29. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
  
Granted to: Elizabeth Trowbridge, et al  
Purpose: Ingress and ingress  
Recording Date: November 3, 1981  
Recording No: Book: 278 Page: 814  
Affects: See document for specifics
30. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
  
Granted to: Mildred Sutton  
Purpose: Ingress and egress  
Recording Date: November 2, 1982  
Recording No: Book: 284 Page: 320  
Affects: South Beach Road and other property also
31. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
  
Granted to: Tillamook Peoples' Utility District  
Purpose: Public utilities  
Recording Date: October 2, 1984  
Recording No: Book: 295 Page: 220  
Affects: See document for specifics
32. Agreement for Easement, including the terms and provisions thereof;  
  
Executed by: Chinook Associates; and Proposal Rock Homeowners Association  
Recording Date: February 5, 1987  
Recording No.: Book: 308 Page: 5  
Affects: South Beach Road
33. Agreement for Easement, including the terms and provisions thereof;  
  
Executed by: Chinook Associates; and Proposal Rock Homeowners Association  
Recording Date: February 12, 1988  
Recording No.: Book: 313 Page: 986  
Affects: South Beach Road
34. Non-exclusive easements, in common with others, including the terms and provisions thereof, for ingress and egress and utilities over Lot 99, Neskowin Heights, and Neskowin Heights First Addition, and any extensions thereof.
35. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
  
Granted to: Paul Jeffrey Rodd, Trustee of the Paul Jeffrey Rodd Trust, U/D/T dated September 20, 1988  
Purpose: Ingress and egress, etc.  
Recording Date: March 6, 1991  
Recording No: Book: 333 Page: 681  
Affects: South Beach Road and other property
36. Easements for access and utilities over the existing roads, appurtenant to each parcel which is situated in the West half of Section 36, Township 5 South, Range 11 West of the Willamette Meridian and Section 35, Township 5 South, Range 11 West of the Willamette Meridian, Tillamook County, Oregon, to which access is gained through the locked (or lockable) gate maintained by Proposal Rock Homeowners Association.



**EXHIBIT "B"**  
Exceptions

37. Easements as shown on the recorded Partition Plats, 1996-65 and 2007-13.
38. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
Granted to: Tillamook Peoples' Utility District  
Purpose: Public utilities  
Recording Date: May 14, 1993  
Recording No: Book: 350 Page: 833  
Affects: See document for specifics
39. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
Granted to: Tillamook Peoples' Utility District  
Purpose: Public utilities  
Recording Date: September 28, 1994  
Recording No: Book: 364 Page: 132  
Affects: See document for specifics
40. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
Granted to: Russell F. Wilson  
Purpose: Ingress and egress  
Recording Date: October 4, 1994  
Recording No: Book: 364 Page: 266  
Affects: South Beach Road and othe property also
41. Agreement for Easement, including the terms and provisions thereof;  
Executed by: Philip J. Kessel; and Seabreeze Associates limited Partnership  
Recording Date: August 25, 1995  
Recording No.: Book: 371 Page: 974  
Affects: South Beach Road
42. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
Granted to: Paul Jeffrey Rood, trustee of the Paul Jeffrey Rood Trust, U/D/T September 20, 1988  
Purpose: Ingress and egress, etc.  
Recording Date: August 19, 1996  
Recording No: Book: 380 Page: 453  
  
Modification and/or amendment by instrument;  
Recording Date: April 8, 2004  
Recording No.: 2004-002677
43. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
Granted to: Ocean View Ventures, Inc., etal  
Purpose: Access and utilites  
Recording Date: April 29, 1998  
Recording No: Book: 395 Page: 927
44. Agreement, including the terms and provisions thereof;  
Executed by: Pacific Ridge Enterprises, Inc., etal  
Recording Date: June 5, 1998  
Recording No.: Book: 397 Page: 109  
Affects: Maintenance, etc.
45. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, 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, as set forth in the document  
  
Recording Date: July 17, 1998  
Recording No: Book: 398 Page: 470

**EXHIBIT "B"**  
Exceptions

46. Amendment(s)/Modification(s) of said covenants, conditions and restrictions  
Recording Date: October 12, 2001  
Recording No: Book: 429 Page: 952  
Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
  
Granted to: Tillamook Peoples' Utility District  
Purpose: Public utilities  
Recording Date: December 22, 1998  
Recording No: Book: 403 Page: 109  
Affects: See document for specifics
47. Agreement, including the terms and provisions thereof;  
  
Executed by: Kent H. Ziegler; and Paul Jeffrey Rodd  
Recording Date: August 2, 1999  
Recording No.: Book: 409 Page: 754  
Affects: See document for specifics
48. Easement Agreement, including the terms and provisions thereof;  
  
Executed by: Kent H. Ziegler, etal  
Recording Date: December 31, 2002  
Recording No.: Book: 442 Page: 796  
Affects: Ingress and egress, etc.
49. Easement Agreement, including the terms and provisions thereof;  
  
Executed by: Kent H. Ziegler, etal  
Recording Date: January 24, 2006  
Recording No.: 2006-000575  
Affects: Ingress and egress
50. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
  
Granted to: Neskowin Regional Sanitary Authority  
Purpose: Sewer, etc.  
Recording Date: October 17, 2006  
Recording No: 2006-009057  
Affects: A portion of South Beach Road
51. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
  
Granted to: Neskowin Regional Water District, a municipal corporation  
Purpose: Water pipelines, etc.  
Recording Date: November 29, 2006  
Recording No: 2006-010376  
Affects: See document for specifics
52. Easement Agreement, including the terms and provisions thereof;  
  
Executed by: William M. Roberts, etal  
Recording Date: November 20, 2007  
Recording No.: 2007-009643  
Affects: See document for specifics
53. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, 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, as set forth in the document  
  
Recording Date: December 11, 2008  
Recording No: 2008-008424