



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*

**PARTITION REQUEST #851-22-000353-PLNG: NEHALEM POINT, INC.**

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

**NOTICE OF ADMINISTRATIVE REVIEW**

**Date of Notice: October 17, 2022**

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

**#851-22-000353-PLNG:** A Partition request to create three (3) parcels. Located at Tax Lot 202 of Section 34, Township 3 North, Range 10 West on a property primarily zoned Nehalem Low-Density Residential (NH-RL) with area part of Tillamook County Recreational Management Zone (RM) and Estuary Natural Zone (EN). The subject property is accessed via Nehalem Point Dr., a private road. The applicant, and owner, is Nehalem Point, Inc.

Written comments received by the Department of Community Development **prior to 4:00p.m. on October 31, 2022**, will be considered in rendering a decision. Comments should address the criteria upon which the Department must base its decision. A decision will be rendered no sooner than November 1, 2022.

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 parcel 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.

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 or email: [arimoldi@co.tillamook.or.us](mailto:arimoldi@co.tillamook.or.us)

Sincerely,

Angela Rimoldi, Planning Permit Technician

Sarah Absher, CFM, Director

Included: Applicable Ordinance Criteria  
Vicinity, Assessor and Zoning Maps

# REVIEW CRITERIA

## 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.

## NEHALEM, OR - CODE OF ORDINANCES

### CHAPTER 157 ZONING

City of Nehalem Zoning Ordinance 157.038 Low-Density Residential – RL Zone Standards:

- (a) The minimum lot size shall be 10,000 square feet, plus 7,500 square feet for an additional unit, except in an approved cluster or planned-unit development the overall project density may be reduced to the equivalent of 7,500 square feet for each unit.
  - (b) The minimum lot width shall be 60 feet; except on a corner lot, it shall be 75 feet.
  - (c) The minimum lot depth shall be 100 feet.
- .....
- i. Development shall be in accordance with the shoreline and aquatic development standards of § 157.271 of this chapter.

### CHAPTER 156 SUBDIVISIONS

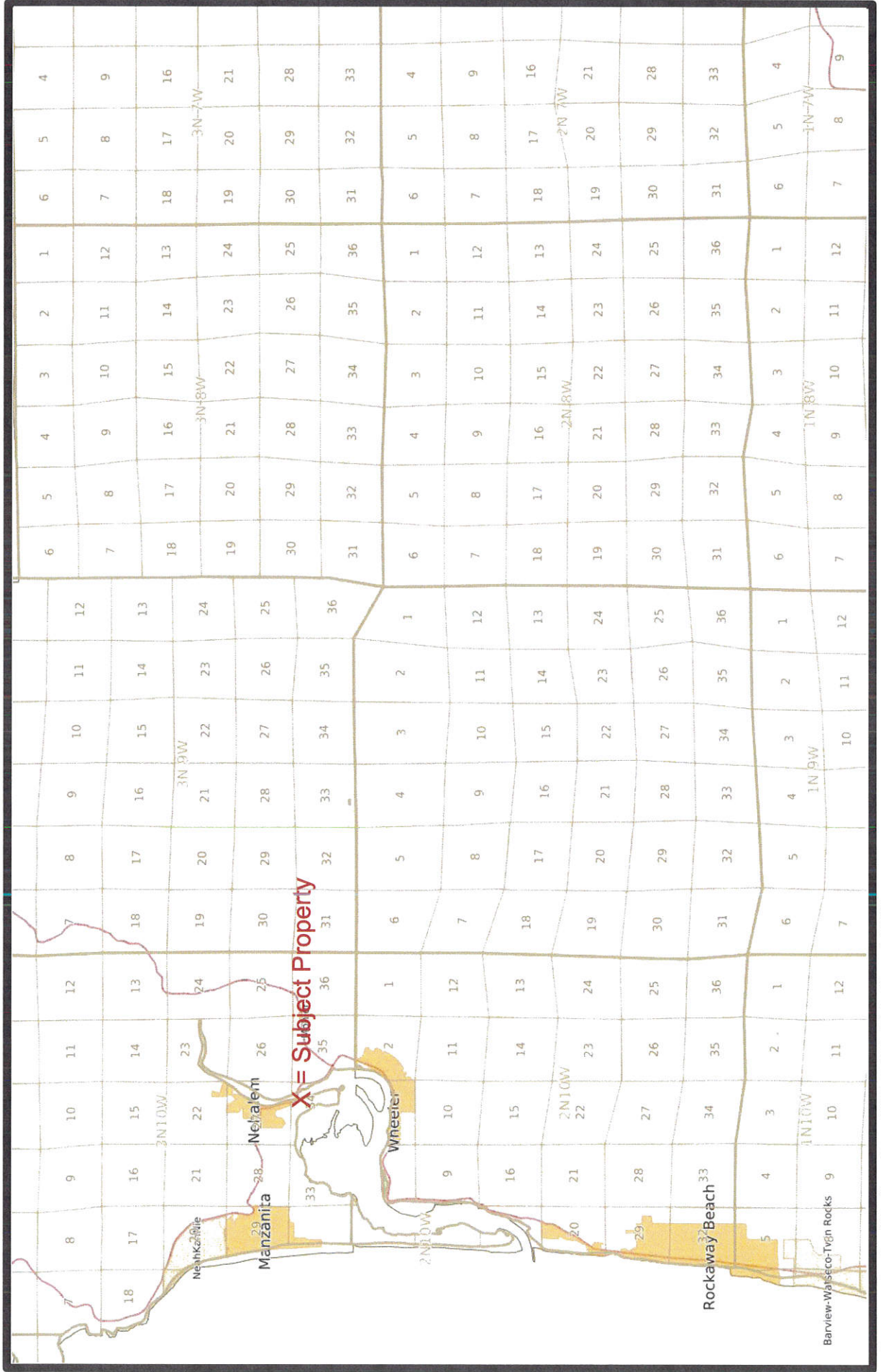
#### MINOR LAND PARTITION

- 156.065 MINIMUM STANDARDS
- 156.066 INITIAL SUBMISSION
- 156.067 INFORMATION ON MAP
- 156.068 REVIEW AND APPROVAL

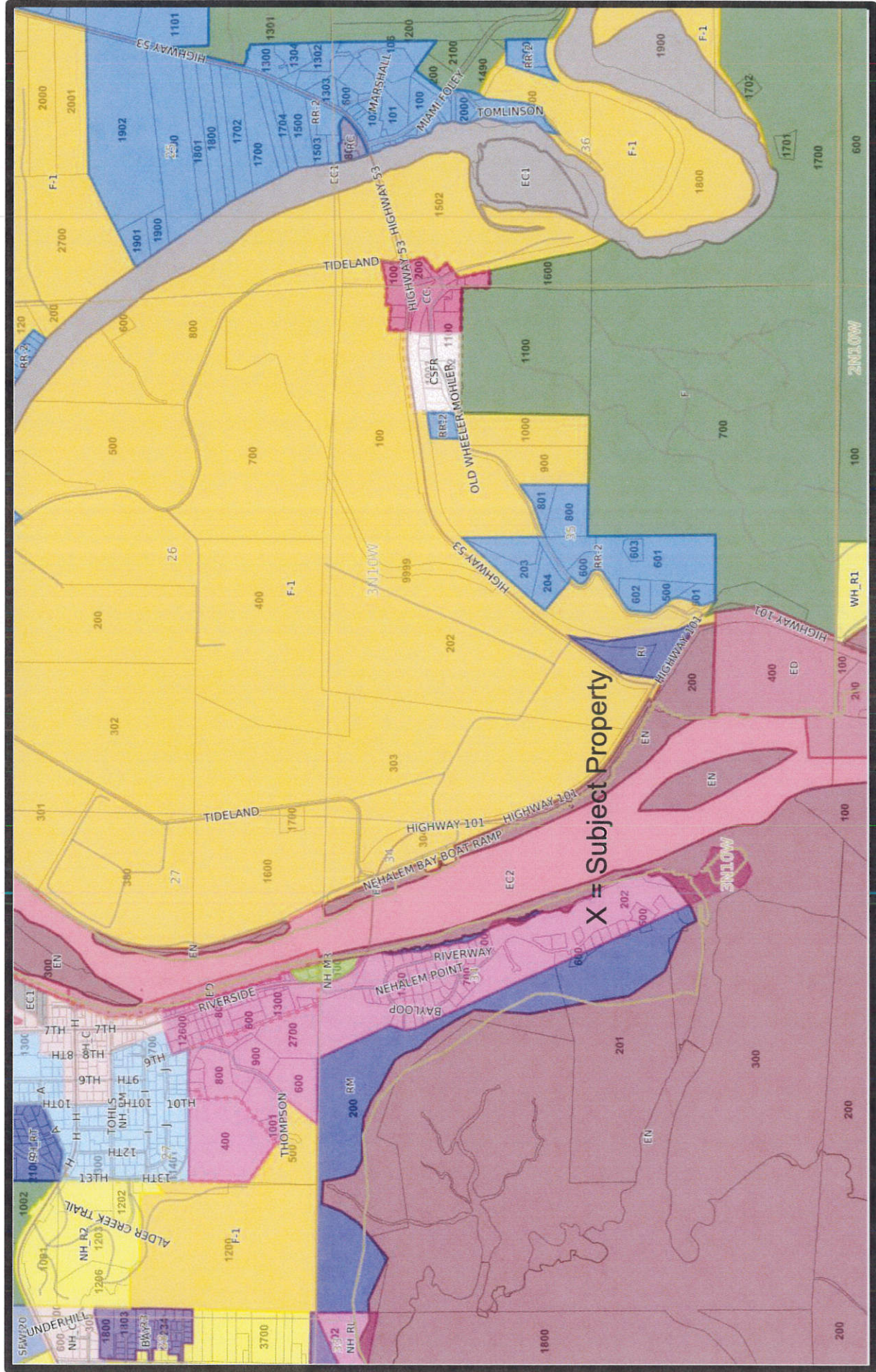
#### DESIGN STANDARDS

- 156.080 GENERAL REQUIREMENTS
- 156.081 STREETS
- 156.082 UTILITY EASEMENTS
- 156.083 BUILDING SITES

# Map - Vicinity



# Map - Zoning

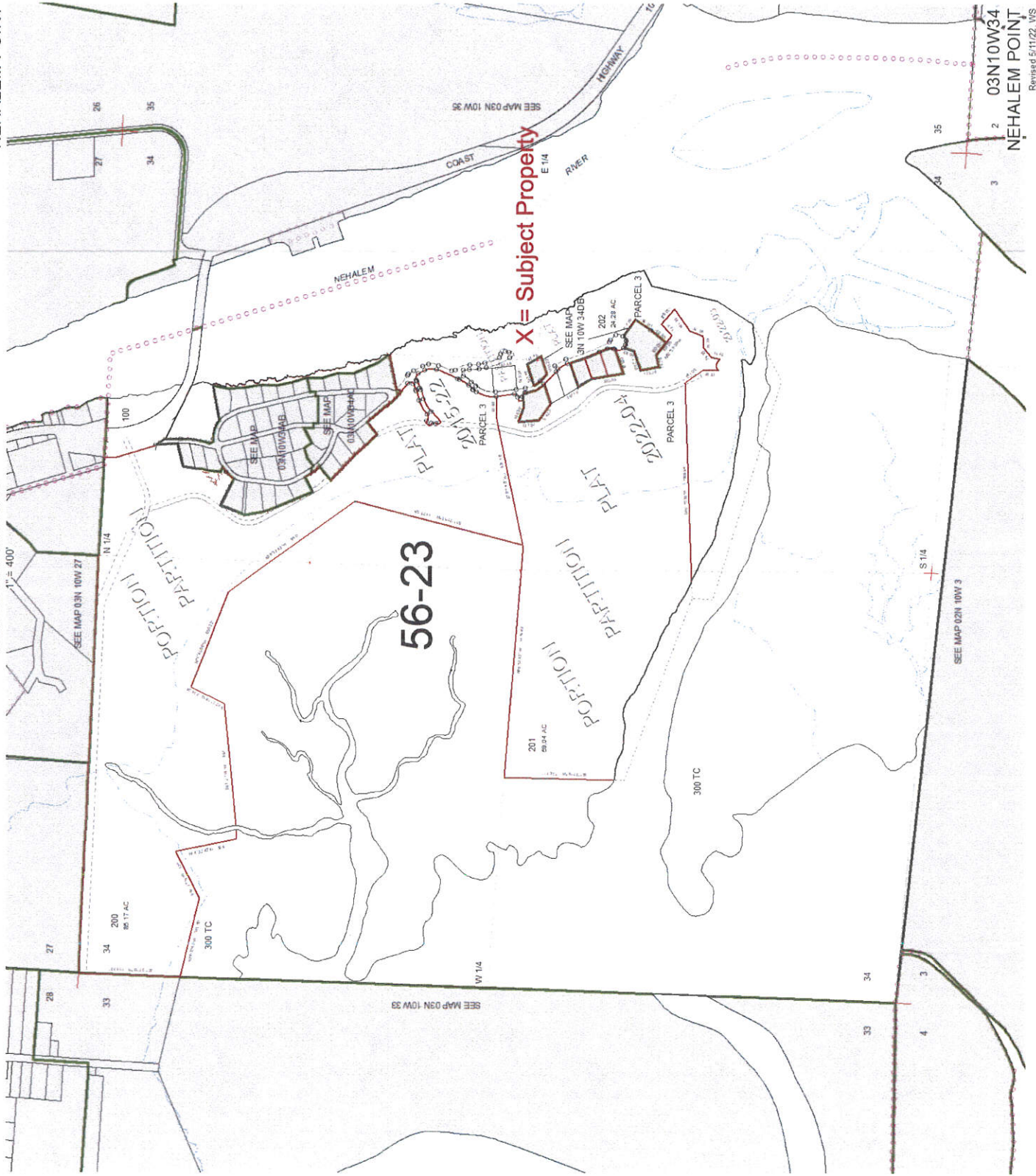


THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

SECTION 34 T.3N. R.10W. W.M.

TILLAMOOK COUNTY

03N10W34  
NEHALEM POINT



X = Subject Property

03N10W34  
NEHALEM POINT  
Revised 5/11/22, WS



## LAND DIVISION APPLICATION

<b>OFFICE USE ONLY</b>	
Date Stamp	
RECEIVED SEP 09 2022	
BY: .....	
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by:	
Receipt #: 128378	
Fees: 1100.	
Permit No: 851-22-000353-PLNG	

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

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Email: \_\_\_\_\_

**Property Owner**

Name: Nehalem Point, Inc. Phone: 503-368-6363  
 Address: P.O. Box 86  
 City: Nehalem State: OR Zip: 97130  
 Email: pacprop@nehalemtnet.net

**Location:**

Site Address: Vacant land East of Nehalem Point Drive

Map Number:	3N	10W	34	202
	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:

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

- Proposed lots, streets, tracts, open space and park land (if any); location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts that are being held for private use and all reservations and restrictions relating to private tracts identified
- Location, width and purpose of all proposed easements
- Proposed deed restrictions, if any, in outline form
- Approximate dimensions, area calculation (in square feet), and identification numbers for all proposed lots and tracts

**Proposed Development**

- Proposed uses of the property, including all areas proposed to be dedicated as public right-of-way or reserved as open space
- On slopes exceeding an average grade of 10%, as shown on a submitted topographic survey, the preliminary location of development on lots demonstrating that future development can meet minimum required setbacks and applicable engineering design standards
- Preliminary utility plans for sewer, water and storm drainage when these utilities are to be provided
- The approximate location and identity of other utilities, including the locations of street lighting fixtures, as applicable
- Evidence of compliance with applicable overlay zones, including but not limited to the Flood Hazard Overlay (FH) zone
- Evidence of contact with the applicable road authority for proposed new street connections
- Certificates or letters from utility companies or districts stating that they are capable of providing service to the proposed development

**Additional Information Required for Subdivisions**

- Preliminary street layout of undivided portion of lot
- Special studies of areas which appear to be hazardous due to local geologic conditions
- Where the plat includes natural features subject to the conditions or requirements contained in the County's Land Use Ordinance, materials shall be provided to demonstrate that those conditions and/or requirements can be met
- Approximate center line profiles of streets, including extensions for a reasonable distance beyond the limits of the proposed Subdivision, showing the proposed finished grades and the nature and extent of construction
- Profiles of proposed drainage ways
- In areas subject to flooding, materials shall be submitted to demonstrate that the requirements of the Flood Hazard Overlay (FHO) zone of the County's Land Use Ordinance will be met
- If lot areas are to be graded, a plan showing the nature of cuts and fills, and information on the character of the soil
- Proposed method of financing the construction of common improvements such as street, drainage ways, sewer lines and water supply lines

- 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.

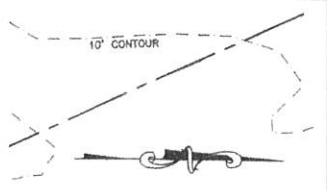
Nehalem Point, LLC  
Property Owner (\*Required)

Nehalem Point, LLC  
Applicant Signature

8/20/22  
Date

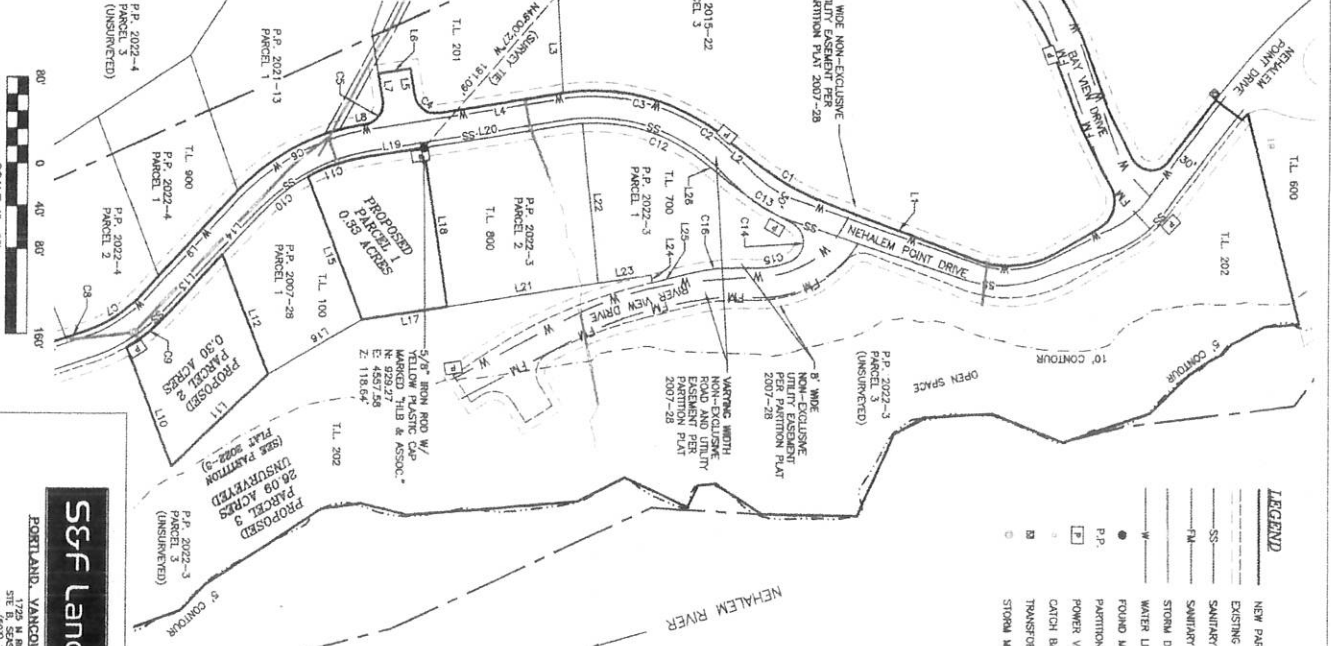
8/20/22  
Date



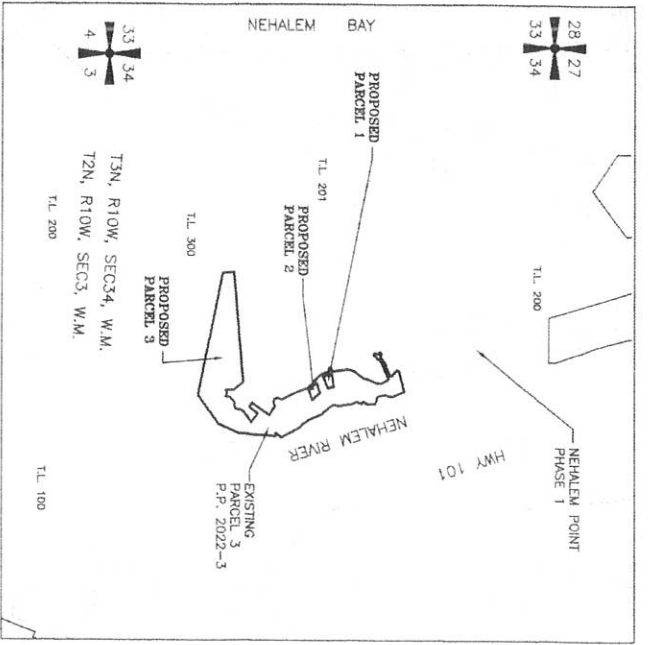


LINE #	BEARING	DISTANCE
L1	S20°20'30"W	143.10'
L2	S38°20'30"W	34.88'
L3	S66°56'05"W	92.88'
L4	S87°19'50"E	117.81'
L5	S97°40'30"W	25.00'
L6	S97°19'30"E	30.00'
L7	N00°40'30"E	25.00'
L8	S47°49'59"E	131.10'
L9	N00°11'33"E	119.22'
L10	N44°30'29"W	124.50'
L11	N00°11'33"E	119.22'
L12	N00°11'33"E	119.22'
L13	N47°46'59"W	77.36'
L14	N47°46'59"W	53.74'
L15	S08°11'33"W	143.18'
L16	N02°23'41"W	101.42'
L17	S97°08'50"E	79.89'
L18	N01°19'30"W	148.98'
L19	N01°19'30"W	55.66'
L20	N01°19'30"W	136.91'
L21	N07°02'32"W	143.49'
L22	N04°23'36"E	150.00'
L23	N07°09'52"W	50.10'
L24	N04°23'36"E	7.13'
L25	S14°30'31"E	20.50'
L26	N07°26'30"E	37.16'

CURVE #	BETA	RADIUS	LENGTH	CHORD	CHORD LEN
C1	175°10'00"	265.00'	82.56'	N59°31'00"E	82.23'
C2	92°9'19"	180.00'	31.47'	S34°22'54"W	31.43'
C3	38°54'04"	190.00'	128.22'	S107°08'12"W	128.76'
C4	97°00'20"	20.00'	31.42'	N33°40'20"E	28.23'
C5	89°54'58"	20.00'	31.39'	N64°19'30"W	28.26'
C6	30°30'29"	195.00'	131.00'	S28°34'45"E	128.81'
C7	203°33'35"	130.00'	66.99'	N33°04'13"W	66.25'
C8	07°18'14"	1445.00'	15.66'	S16°37'03"E	15.66'
C9	17°03'38"	160.00'	47.64'	N39°18'12"W	47.46'
C10	19°04'03"	165.00'	54.91'	S38°17'38"E	54.66'
C11	19°27'10"	155.00'	56.02'	S19°03'05"E	55.75'
C12	42°42'53"	180.00'	118.20'	S17°00'04"W	116.54'
C13	13°23'17"	295.62'	63.92'	N32°14'27"E	63.79'
C14	13°29'28"	20.00'	45.88'	N08°17'16"W	36.45'
C15	24°58'34"	85.40'	37.23'	N10°03'24"W	36.93'
C16	17°09'15"	214.89'	64.25'	S03°03'41"E	64.01'



- LEGEND**
- NEW PARCEL LINE AS NOTED
  - EXISTING EASEMENT LINE AS NOTED
  - SWIMWAY SENIOR LINE
  - SWIMWAY FORCE MAIN
  - STORM DRAIN LINE
  - WATER LINE
  - FOUND MONUMENT
  - P.P.
  - POWER VAULT
  - CATCH BASIN
  - TRANSFORMER
  - STORM MANHOLE



VICINITY MAP IN TILLAMOOK COUNTY, OREGON  
SCALE 1"=1000'

**NARRATIVE**  
THE PURPOSE OF THIS PRELIMINARY PARTITION PLAT IS TO CREATE THREE (3) NEW PARCELS FROM PARCEL 3, PARTITION PLAT 2022-3, TILLAMOOK COUNTY, OREGON. PARCEL 1 OF THE NEW PARCELS IS ONE PARCEL FROM LOT 56, 5700W ON THE WESTERLY PLAT AND PARCEL 2 IS A PORTION OF PARCEL 3, PARTITION PLAT 2022-3.

NO RIGHT OF WAYS WILL BE CREATED AS A PART OF THIS PARTITION. SEE NEHALEM POINT PHASE I AND PARTITION PLAT 2007-28 FOR PREVIOUSLY CREATED ROAD RIGHT OF WAYS AND EASEMENTS. NO NEW UTILITY CONSTRUCTION IS PROPOSED WITH THIS PARTITION.

**LEGAL DESCRIPTION**  
PARCEL 3, PARTITION PLAT 2022-3, TILLAMOOK COUNTY, OREGON.

**PARCEL ACREAGE**  
PROPOSED PARCEL 1: 14,330 S.F. (0.33 ACRES)  
PROPOSED PARCEL 2: 1,3233 S.F. (0.30 ACRES)  
PROPOSED PARCEL 3: 1,138,460 S.F. (26.09 ACRES W/1)

**OWNER**  
NEHALEM POINT, INC.  
DARRYL CARTER, PRESIDENT  
PO BOX 98  
NEHALEM, OR 97130  
PHONE: (503) 366-6363

**ZONING**  
SUBJECT PROPERTY LOCATED IN THE FOLLOWING LAND USE ZONES:  
LOW DENSITY RESIDENTIAL ZONE (RL). THIS ZONE IS DEFINED AS ALL AREAS ABOVE THE 10' NVD 29 ELEVATION LINE.

**RECREATIONAL MANAGEMENT ZONE (RM)**: THIS ZONE IS OUTSIDE THE NEHALEM UGB. THIS ZONE IS DEFINED AS ALL AREAS ABOVE THE LINE OF AQUATIC VEGETATION OR DEEPER WATER, WHICH EVER IS HIGHER, AND BELOW TO NVD 29 ELEVATION LINE.

**ESTUARINE NATURAL ZONE (EN)**: THIS ZONE IS ALSO OUTSIDE THE NEHALEM UGB AND DENIED AS ALL AREAS BELOW THE LINE OF NON-AQUATIC VEGETATION OR DEEPER WATER, WHICHEVER IS HIGHER.

**ELOOD HAZARD ZONE**: A PORTION OF THE SUBJECT PROPERTY IS LOCATED IN AN AE FLOOD ZONE WITH A BASE FLOOD ELEVATION OF 13.1' NAVD88 = 9.5' NVD29 MAP 410570209F. 13.1' NAVD88 = 9.5' NVD29

PRELIMINARY PARTITION PLAT FOR:  
NEHALEM POINT, INC.  
DARRYL CARTER, PRESIDENT  
REPLAT OF A PORTION OF PARCEL 3, P.P. 2022-3  
TILLAMOOK COUNTY CLERK'S RECORDS  
CITY OF NEHALEM, TILLAMOOK COUNTY, OREGON

**SFF Land Services**  
PORTLAND, VANCOUVER, BEND, SEASIDE  
1725 N. ROSSBORO DR.  
STE. B, SEASIDE, OR 97138  
(503) 738-3429

WWW.SFFLANDSERVICES.COM	DATE	8-15-2022	FIELD	QUAL. CHECKED	DATE	8-15-2022
JOB NO.	2022-0159-08		FIELD	DRAWN		
			FIELD	CHECKED		
			FIELD	DATE		

REGISTERED PROFESSIONAL LAND SURVEYOR  
SEPTEMBER 10, 2019  
JACK L. WHITE II  
51902925  
REVISIONS 6/20/24

22-353-PK6





Date: 10/11/2022

To: TILLAMOOK COUNTY BUILDING DEPARTMENT

Re: WATER SERVICE AVAILABILITY

Attn: Building Department

I confirm that the property listed below is within the City's water service area, and may be served water through the City's Water System under the Terms and Conditions governed by the latest version of the City's Water Ordinance. Please note: This Water Service Availability letter does not certify, approve or acknowledge any specific development plans, water or other utility installations that may be necessary for the subject property to actually physically connect to the City's water system to receive service. This letter only certifies that the subject property may receive (or may already receive) water from the City's Water System.

TOWNSHIP 3N RANGE 10W SECTION 34 TAX LOT(S) 200 & 202

SITUS ADDRESS: N/A - PARTITION

NAME: DARRYL CARTER, NEHALEM POINT INC. PHONE: 503-368-6363

MAILING ADDRESS: PO BOX 86  
NEHALEM, OR 97131

Single Family  Duplex/Multi-Family  Other

Comments: ALL WATER SYSTEM IMPROVEMENTS PER ALTERNATE PERFORMANCE BOND AGREEMENT DATED 1/31/22 AND EXTENDED 10/5/22 MUST BE IN PLACE AND ACCEPTED BY THE CITY PRIOR TO THE RECORDING OF THE PLAT.

Signed: Melissa Thompson-Kuf City Manager  
Name Title

## Preliminary Report

Ticor Title - Oregon

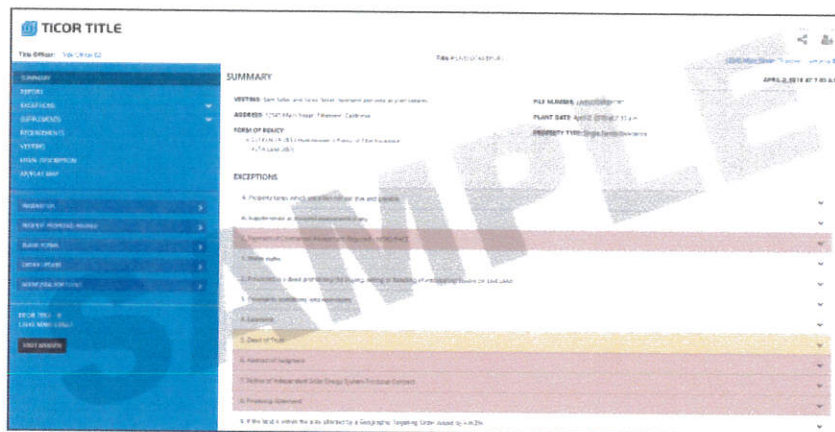
File No.: 360422004813

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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 THE FOLLOWING CUSTOMER:

Pacific Properties  
Phone No.: (999)999-9999

Date Prepared: September 12, 2022  
Effective Date: September 8, 2022 / 08:00 AM  
Charge: \$400.00  
Order No.: 360422004813  
Reference:

The information contained in this report is furnished to the Customer by Ticor Title Company of Oregon (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 ("the 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 Tillamook, 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 "B" 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 "C" 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 "D" attached hereto and by this reference made a part hereof.

Ticor Title Company of Oregon  
Public Record Report for New Subdivision or Land Partition  
Order No. 360422004813

**EXHIBIT "A"**  
**(Land Description)**

For **APN/Parcel ID(s)**: **71825, 417121 and 417120**

For **Tax Map ID(s)**: **3N10 34 00200, 3N10 34 00202 and 3N10 34 00201**

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**PARCEL NO. 1:**

Parcel 3 of [PARTITION PLAT NO. 2015-022](#), situated in Section 34, Township 3 North, Range 10 West, Willamette Meridian, County of Tillamook, State of Oregon, recorded December 31, 2015 as Instrument No. 2015-007827, Tillamook County Records; together with that non-exclusive roadway easement as delineated on [Partition Plat No. 2007-028](#), Tillamook County Records.

**PARCEL NO. 2:**

Parcel 3 of [PARTITION PLAT NO. 2022-003](#), situated in Section 34, Township 3 North, Range 10 West, Willamette Meridian, County of Tillamook, State of Oregon, recorded February 22, 2022 as Instrument No. 2022-001236, Tillamook County Records; together with that non-exclusive roadway easement as delineated on [Partition Plat No. 2007-028](#), Tillamook County Records.

**PARCEL NO. 3:**

Parcel 3 of [PARTITION PLAT NO. 2022-004](#), situated in Section 34, Township 3 North, Range 10 West, Willamette Meridian, County of Tillamook, State of Oregon, recorded February 22, 2022 as Instrument No. 2022-001237, Tillamook County Records; together with that non-exclusive roadway easement as delineated on [Partition Plat No. 2007-028](#), Tillamook County Records.

Ticor Title Company of Oregon  
Public Record Report for New Subdivision or Land Partition  
Order No. 360422004813

**EXHIBIT "B"**  
**(Tax Account and Map)**

APN/Parcel ID(s) 71825, 417121 and 417120 as well as Tax/Map ID(s) 3N10 34 00200, 3N10 34 00202 and 3N10 34 00201

Ticor Title Company of Oregon  
Public Record Report for New Subdivision or Land Partition  
Order No. 360422004813

**EXHIBIT "C"**  
**(Vesting)**

Nehalem Point, Inc., an Oregon corporation



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

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 2022/23.
2. The Land has been classified as Forest Land, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.

Account No.: 71825, 417121 and 417120

3. Personal property taxes, if any.
4. Regulations, levies, liens, assessments, rights of way and easements of Nehalem Bay Wastewater Agency.
5. Rights of the public to any portion of the Land lying within the area commonly known as streets, roads, and highways.
6. 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 Nehalem River and unnamed creeks and streams.

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.

Any adverse claim based on the assertion that any portion of the subject land is now or at any time has been below the ordinary high water line of Nehalem River and unnamed creeks and streams.

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 Nehalem River and unnamed creeks and streams.

7. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: State of Oregon, for the use and benefit of its Board of Forestry  
Purpose: Telephone line  
Recording Date: July 20, 1937  
Recording No: [Book 74, page 226](#)  
Affects: Reference is hereby made to said document for full particulars

8. 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 26, 1964  
Recording No: [Book 191, page 555](#)  
Affects: Reference is hereby made to said document for full particulars

**EXHIBIT "D"**  
**(Liens and Encumbrances)**  
(continued)

9. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Owners of adjoining property  
Purpose: Access roadway and utilities  
Recording Date: November 21, 1985  
Recording No: [Book 301, page 405](#)  
Affects: Reference is hereby made to said document for full particulars

Said Easement was corrected by instrument, including the terms and provisions thereof,

Recording Date: May 19, 1986  
Recording No.: [Book 303, page 872](#)

10. Covenants, conditions, restrictions and easements 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, source of income, gender, gender identity, gender expression, medical condition or genetic information, 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: June 12, 1998  
Recording No: [Book 397, page 351](#)

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: May 24, 2007  
[Recording No: 2007-004330](#)

11. Liens and assessments, if any, by the Nehalem Point Homeowners Association.

12. Easement(s) for the purpose(s) shown below and rights incidental thereto as delineated or as offered for dedication, on [Partition Plat No. 2007-028](#);

Purpose: Roadway, utilities, and drainage  
Recording Date: August 17, 2007  
Recording No.: 2007-006988  
Affects: Reference is hereby made to said document for full particulars

13. Roadway Easement Agreement, including the terms and provisions thereof,

Executed by: Nehalem Point Homeowners Association; and Nehalem Point, Inc.  
Recording Date: August 23, 2016  
[Recording No.: 2016-004705](#)  
Affects: Reference is hereby made to said document for full particulars

**EXHIBIT "D"**  
**(Liens and Encumbrances)**  
(continued)

14. Roadway Easement Agreement, including the terms and provisions thereof,
- Executed by: Nehalem Point Homeowners Association; and Nehalem Point, Inc.  
Recording Date: August 30, 2016  
[Recording No.:](#) [2016-004861](#)  
Affects: Reference is hereby made to said document for full particulars
15. Covenants, conditions, restrictions and easements 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, source of income, gender, gender identity, gender expression, medical condition or genetic information, 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: May 4, 2018  
[Recording No.:](#) [2018-002524](#)
16. Covenants, conditions, restrictions and easements 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, source of income, gender, gender identity, gender expression, medical condition or genetic information, 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: January 24, 2020  
[Recording No.:](#) [2020-000448](#)
17. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
- Granted to: Tillamook People's Utility District  
Purpose: Public utilities  
Recording Date: May 11, 2021  
[Recording No.:](#) [2021-004161](#)  
Affects: Reference is hereby made to said document for full particulars
18. Covenants, conditions, restrictions and easements 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, source of income, gender, gender identity, gender expression, medical condition or genetic information, 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 16, 2021  
[Recording No.:](#) [2021-010292](#)

**EXHIBIT "D"**  
**(Liens and Encumbrances)**  
(continued)

19. Covenants, conditions, restrictions and easements 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, source of income, gender, gender identity, gender expression, medical condition or genetic information, 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: February 9, 2022  
[Recording No: 2022-000975](#)

20. Please be advised that our search did not disclose any open Deeds of Trust of record.
21. Existing leases and tenancies, if any, and any interests that may appear upon examination of such leases.
22. Terms and provisions of the governing documents under which the Vestee herein holds title.

Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2021/22  
Amount: \$3,093.80  
Levy Code: 5623  
[Account No.: 71825](#)  
Map No.: 3N10 34 00200  
Affects: Parcel No. 1

Please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2021/22  
Amount: \$3,741.17  
Levy Code: 5623  
[Account No.: 417121](#)  
Map No.: 3N10 34 00202  
Affects: Parcel No. 2

Please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

Ticor Title Company of Oregon  
Public Record Report for New Subdivision or Land Partition  
Order No. 360422004813

**EXHIBIT "D"**  
**(Liens and Encumbrances)**  
(continued)

Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year:	2021/22
Amount:	\$3,144.32
Levy Code:	5623
<u>Account No.:</u>	<u>417120</u>
Map No.:	3N10 34 00201
Affects:	Parcel No. 3

Please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

**EXHIBIT "D"**  
**(Liens and Encumbrances)**  
(continued)

**Boundary Deeds:**

Deed from Hammond Lumber Company to Tillamook County recorded December 5, 1941 in [Book 82, page 27](#), Tillamook County Records.

Warranty Deed from Nehalem Bay Associates to Nehalem Point, Inc. recorded October 23, 1992 in [Book 345, page 951](#), Tillamook County Records.

Bargain and Sale Deed from Nehalem Point, Inc. to Nehalem Point, Inc. recorded March 19, 2018 as Instrument No. 2018-001599, Tillamook County Records.

Warranty Deed from James V. Frank and Marta M. Frank to Marta E. Frank Martinez and Marta M. Frank, Trustees of the Marta E. Frank Martinez Trust recorded September 2, 2022 as [Instrument No. 2004-007615](#), Tillamook County Records.

Warranty Deed from Nehalem Point, Inc. to Sara Clay Goodman and Edmund Clay Goodman recorded May 5, 2005 as [Instrument No. 2005-003742](#), Tillamook County Records.

Bargain and Sale Deed from Louise Anderson-Dana, Trustees to Bruce W. Anderson-Dana and Louise Anderson-Dana recorded November 15, 2006 as [Instrument No. 2006-010036](#), Tillamook County Records.

Warranty Deed from Nehalem Point, Inc. to Timothy Liem and Sandra A. Antonovic recorded September 25, 2007 as Instrument No. 2007-008136, Tillamook County Records.

Warranty Deed from O'Shaughnessy Rice to O'Shaughnessy Rice and Geoffrey Pitt Reeves, Co-Trustees, O'Shaughnessy Rice Trust recorded May 12, 2009 as [Instrument No. 2009-003392](#), Tillamook County Records.

Deed Creating Estate by the Entirety from Richard J. Konkol to Sherry Angel Konkol recorded August 3, 2010 as [Instrument No. 2010-004496](#), Tillamook County Records.

Warranty Deed from Robert J. Forster and Charlotte L. Forster, Co-Trustees to Robert J. Forster and Charlotte L. Forster, Co-Trustees recorded July 6, 2015 as [Instrument No. 2015-003884](#), Tillamook County Records.

Warranty Deed from Jeffrey H. Pitts and Elizabeth G. Pitts to Edmund Clay Goodman and Sara Clay Goodman recorded July 31, 2015 as [Instrument No. 2015-004639](#), Tillamook County Records.

Warranty Deed from Monica Viktoria Gianopulos to Celeste R. Greenan and James O. Greenan recorded February 23, 2016 as [Instrument No. 2016-000959](#), Tillamook County Records.

Warranty Deed from Susan S. Wrenn and Don A. Wrenn, Trustees to Michael Alan Mills and Carol Jean Mills recorded November 17, 2017 as [Instrument No. 2017-006955](#), Tillamook County Records.

Warranty Deed from John Santa and Anne Santa to Philip S. Key and Susana Alba recorded April 27, 2018 as [Instrument No. 2018-002372](#), Tillamook County Records.

Warranty Deed from Nehalem Point, Inc. to Patricia Graham Collier recorded May 31, 2018 as Instrument

**EXHIBIT "D"**  
**(Liens and Encumbrances)**  
(continued)

No. 2018-003122, Tillamook County Records.

Warranty Deed from Nehalem Point, Inc. to Andrew Montgomery recorded March 5, 2020 as [Instrument No. 2020-001474](#), Tillamook County Records.

Warranty Deed from Donald Walter Mitchell to Matthew J. Titterington recorded June 16, 2021 as [Instrument No. 2021-005203](#), Tillamook County Records.

Warranty Deed from Nehalem Point, Inc. to Michael McCulloch and Mary Ellen Hockensmith recorded September 9, 2021 as [Instrument No. 2021-007636](#), Tillamook County Records.

Warranty Deed from Susan S. Wrenn and Don A. Wrenn, Trustees to Richard Joseph Konkol and Sherry A. Angel Konkol recorded September 30, 2021 as [Instrument No. 2021-008227](#), Tillamook County Records.

Warranty Deed from Susan S. Wrenn and Don A. Wrenn, Trustees to Jay Beeks and Cindy D. Beeks recorded October 28, 2021 as [Instrument No. 2021-009026](#), Tillamook County Records.

Warranty Deed from Lonny T. Hamic to Patricia McMahon-Fisher and Douglas H. Fisher recorded November 24, 2021 as [Instrument No. 2021-009769](#), Tillamook County Records.

Bargain and Sale Deed from Eira H. Engstrom to Eira H. Engstrom and Risto David Engstrom recorded December 7, 2021 as [Instrument No. 2021-010028](#), Tillamook County Records.

Warranty Deed from Nehalem Point, Inc. to Michael Denis Reed and Carol Mayer-Reed recorded January 7, 2022 as [Instrument No. 2022-000190](#), Tillamook County Records.

Warranty Deed from Nehalem Point, Inc. to Peter Grimm and Bryan Kolburn recorded March 30, 2022 as [Instrument No. 2022-002141](#), Tillamook County Records.

Warranty Deed from Nehalem Point, Inc. to Sandra Sue Ozols and Andrew Kriss Ozols recorded April 29, 2022 as [Instrument No. 2022-002904](#), Tillamook County Records.

Warranty Deed from Nehalem Point, Inc. to Carr Onstott and Sarah Onstott recorded June 6, 2022 as [Instrument No. 2022-003598](#), Tillamook County Records.

## 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 Company.**
  - (a) This is not a commitment to issue title insurance and does not constitute a policy of title insurance.
  - (b) The liability of the Company for errors or omissions in this public record report is limited to the amount of the charge paid by the Customer, provided, however, that the Company has no liability in the event of no actual loss to the Customer.
  - (c) No costs (including without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the Customer.
  - (d) 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 of 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. **Report Entire Contract.** Any right or action or right of action that the Customer may have or may bring against the Company arising out of the subject matter of this report must be based on the provisions of this report. No provision or condition of this report can be waived or changed except by a writing signed by an authorized officer of the Company. By accepting this form report, the Customer acknowledges and agrees that the Customer has elected to utilize this form of public record report and accepts the limitation of liability of the Company as set forth herein.
4. **Charge.** The charge for this report does not include supplemental reports, updates or other additional services of the Company.



**LIMITATIONS OF LIABILITY**

"CUSTOMER" REFERS TO THE RECIPIENT OF THIS REPORT.

CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES THAT IT IS EXTREMELY DIFFICULT, IF NOT IMPOSSIBLE, TO DETERMINE THE EXTENT OF LOSS WHICH COULD ARISE FROM ERRORS OR OMISSIONS IN, OR THE COMPANY'S NEGLIGENCE IN PRODUCING, THE REQUESTED REPORT, HEREIN "THE REPORT." CUSTOMER RECOGNIZES THAT THE FEE CHARGED IS NOMINAL IN RELATION TO THE POTENTIAL LIABILITY WHICH COULD ARISE FROM SUCH ERRORS OR OMISSIONS OR NEGLIGENCE. THEREFORE, CUSTOMER UNDERSTANDS THAT THE COMPANY IS NOT WILLING TO PROCEED IN THE PREPARATION AND ISSUANCE OF THE REPORT UNLESS THE COMPANY'S LIABILITY IS STRICTLY LIMITED. CUSTOMER AGREES WITH THE PROPRIETY OF SUCH LIMITATION AND AGREES TO BE BOUND BY ITS TERMS

THE LIMITATIONS ARE AS FOLLOWS AND THE LIMITATIONS WILL SURVIVE THE CONTRACT:

ONLY MATTERS IDENTIFIED IN THIS REPORT AS THE SUBJECT OF THE REPORT ARE WITHIN ITS SCOPE. ALL OTHER MATTERS ARE OUTSIDE THE SCOPE OF THE REPORT.

CUSTOMER AGREES, AS PART OF THE CONSIDERATION FOR THE ISSUANCE OF THE REPORT AND TO THE FULLEST EXTENT PERMITTED BY LAW, TO LIMIT THE LIABILITY OF THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS FOR ANY AND ALL CLAIMS, LIABILITIES, CAUSES OF ACTION, LOSSES, COSTS, DAMAGES AND EXPENSES OF ANY NATURE WHATSOEVER, INCLUDING ATTORNEY'S FEES, HOWEVER ALLEGED OR ARISING, INCLUDING BUT NOT LIMITED TO THOSE ARISING FROM BREACH OF CONTRACT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF WARRANTY, EQUITY, THE COMMON LAW, STATUTE OR ANY OTHER THEORY OF RECOVERY, OR FROM ANY PERSON'S USE, MISUSE, OR INABILITY TO USE THE REPORT OR ANY OF THE MATERIALS CONTAINED THEREIN OR PRODUCED, **SO THAT THE TOTAL AGGREGATE LIABILITY OF THE COMPANY AND ITS AGENTS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS SHALL NOT IN ANY EVENT EXCEED THE COMPANY'S TOTAL FEE FOR THE REPORT.**

CUSTOMER AGREES THAT THE FOREGOING LIMITATION ON LIABILITY IS A TERM MATERIAL TO THE PRICE THE CUSTOMER IS PAYING, WHICH PRICE IS LOWER THAN WOULD OTHERWISE BE OFFERED TO THE CUSTOMER WITHOUT SAID TERM. CUSTOMER RECOGNIZES THAT THE COMPANY WOULD NOT ISSUE THE REPORT BUT FOR THIS CUSTOMER AGREEMENT, AS PART OF THE CONSIDERATION GIVEN FOR THE REPORT, TO THE FOREGOING LIMITATION OF LIABILITY AND THAT ANY SUCH LIABILITY IS CONDITIONED AND PREDICATED UPON THE FULL AND TIMELY PAYMENT OF THE COMPANY'S INVOICE FOR THE REPORT.

THE REPORT IS LIMITED IN SCOPE AND IS NOT AN ABSTRACT OF TITLE, TITLE OPINION, PRELIMINARY TITLE REPORT, TITLE REPORT, COMMITMENT TO ISSUE TITLE INSURANCE, OR A TITLE POLICY, AND SHOULD NOT BE RELIED UPON AS SUCH. THE REPORT DOES NOT PROVIDE OR OFFER ANY TITLE INSURANCE, LIABILITY COVERAGE OR ERRORS AND OMISSIONS COVERAGE. THE REPORT IS NOT TO BE RELIED UPON AS A REPRESENTATION OF THE STATUS OF TITLE TO THE PROPERTY. THE COMPANY MAKES NO REPRESENTATIONS AS TO THE REPORT'S ACCURACY, DISCLAIMS ANY WARRANTY AS TO THE REPORT, ASSUMES NO DUTIES TO CUSTOMER, DOES NOT INTEND FOR CUSTOMER TO RELY ON THE REPORT, AND ASSUMES NO LIABILITY FOR ANY LOSS OCCURRING BY REASON OF RELIANCE ON THE REPORT OR OTHERWISE.

Ticor Title Company of Oregon  
Public Record Report for New Subdivision or Land Partition  
Order No. 360422004813

IF CUSTOMER (A) HAS OR WILL HAVE AN INSURABLE INTEREST IN THE SUBJECT REAL PROPERTY, (B) DOES NOT WISH TO LIMIT LIABILITY AS STATED HEREIN AND (C) DESIRES THAT ADDITIONAL LIABILITY BE ASSUMED BY THE COMPANY, THEN CUSTOMER MAY REQUEST AND PURCHASE A POLICY OF TITLE INSURANCE, A BINDER, OR A COMMITMENT TO ISSUE A POLICY OF TITLE INSURANCE. NO ASSURANCE IS GIVEN AS TO THE INSURABILITY OF THE TITLE OR STATUS OF TITLE. CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES IT HAS AN INDEPENDENT DUTY TO ENSURE AND/OR RESEARCH THE ACCURACY OF ANY INFORMATION OBTAINED FROM THE COMPANY OR ANY PRODUCT OR SERVICE PURCHASED.

NO THIRD PARTY IS PERMITTED TO USE OR RELY UPON THE INFORMATION SET FORTH IN THE REPORT, AND NO LIABILITY TO ANY THIRD PARTY IS UNDERTAKEN BY THE COMPANY.

CUSTOMER AGREES THAT, TO THE FULLEST EXTENT PERMITTED BY LAW, IN NO EVENT WILL THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS, AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES AND SUBCONTRACTORS BE LIABLE FOR CONSEQUENTIAL, INCIDENTAL, INDIRECT, PUNITIVE, EXEMPLARY, OR SPECIAL DAMAGES, OR LOSS OF PROFITS, REVENUE, INCOME, SAVINGS, DATA, BUSINESS, OPPORTUNITY, OR GOODWILL, PAIN AND SUFFERING, EMOTIONAL DISTRESS, NON-OPERATION OR INCREASED EXPENSE OF OPERATION, BUSINESS INTERRUPTION OR DELAY, COST OF CAPITAL, OR COST OF REPLACEMENT PRODUCTS OR SERVICES, REGARDLESS OF WHETHER SUCH LIABILITY IS BASED ON BREACH OF CONTRACT, TORT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, STRICT LIABILITY, BREACH OF WARRANTIES, FAILURE OF ESSENTIAL PURPOSE, OR OTHERWISE AND WHETHER CAUSED BY NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF CONTRACT, BREACH OF WARRANTY, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE OR ANY OTHER CAUSE WHATSOEVER, AND EVEN IF THE COMPANY HAS BEEN ADVISED OF THE LIKELIHOOD OF SUCH DAMAGES OR KNEW OR SHOULD HAVE KNOWN OF THE POSSIBILITY FOR SUCH DAMAGES.

END OF THE LIMITATIONS OF LIABILITY