

44365 THOMAS CREEK DR

SCIO, OR



**Oregon
Farm & Home**
★ BROKERS ★

NOTICE OFFER IS SUBJECT TO ERRORS, OMISSIONS, PRIOR SALE, CHANGE OR WITHDRAWAL WITHOUT NOTICE, AND APPROVAL OF PURCHASE BY OWNER. INFORMATION REGARDING LAND CLASSIFICATION, CARRYING CAPACITIES, MAPS, ETC., IS INTENDED ONLY AS A GENERAL GUIDELINE AND HAS BEEN PROVIDED BY THE OWNERS AND OTHER SOURCES DEEMED RELIABLE, BUT THE ACCURACY CANNOT BE GUARANTEED. PROSPECTIVE PURCHASERS ARE ENCOURAGED TO RESEARCH THE INFORMATION TO THEIR OWN SATISFACTION.

AGENT INFORMATION



PAUL
TERJESON

PTERJY@KW.COM
503-999-6777

Paul Terjeson is the Principal Broker/Owner of Oregon Farm Brokers, the Willamette Valleys leading Farm, Ranch, and Land experts. For over 25 years, Paul and his team have been representing Sellers and Buyers and are experts in the purchase or sale of: High Value Farm Ground, Ranch Land, Development Property, Luxury, Small and Large Acreage, Residential, and Multifamily. Oregon Farm Brokers diverse background includes 5th generation farmer, nursery and dairy manager, land developers, and economist. Paul and his team have the combination of skills, experience, and service to understand the layers of complexity and fluency with local zoning, water rights, soils, and construction standards in Oregon. We are here to assist you in building your Real Estate Portfolio. Paul brings a high degree of professionalism to help you sell your property for the highest possible value, find the next perfect property and protect you and your interests throughout the transaction.

Steve is a fifth generation farmer who was born and raised on a farm in the Willamette Valley. Steve farmed for 32 years growing crops that includes blueberries, mint, row crops, and grass seed. He also has a wide array of knowledge about soils, water rights, property management, ranching and forestry. Steve has served on the South Santiam River Water Board for fifteen years. Steve enjoys working on improving his forested property and spending time at his farm in Eastern Oregon. He looks forward to serving the hard working people of the Willamette Valley and surrounding areas with their real estate needs. He uses his attention to detail and foresight to proactively address every aspect of his client's real estate transactions. With a reputation of hard work, honesty, and protecting his client's interests, Steve is interested in doing everything possible to ensure you are successful.



STEVE
HELMS

STEVHELMs@KW.COM
541-979-0118



Home

3375 SqFt

4 Bedrooms, 3.5 Bathrooms

- Fully Finished Daylight Basement
 - Kitchenette, Workshop, Bedroom and Full Bathroom in Basement Level
- Two Wood Burning Fireplaces
 - Master Suite
 - Living Room
 - Fireplace is Built with Locally Sourced Rocks
- Recently Remodeled Kitchen
 - Brand New Stainless Steel Appliances
- Recently Remodeled Bathroom
- Updated Ceramic and Wood Flooring
- New Water Heater
- Vaulted Ceilings
- ADT Owned Security System
- Fiber Option Network
 - *Option to Upgrade to 1 Gig

Outbuildings & Grounds

Zoned: EFU

Total Acres: 21.01

- Class 3 Soils
- Fenced and X - Fenced
- Two Wells
- Two Septics
- 30 X 30 Pasture
 - Drain Tiled
 - Lined with Flood Lights
- Apple, Pear and Hazelnut Trees
- Approximately 100 Trees Replanted on Hillside

Barn

- 5,000 SqFt
 - 50 X 50 Indoor Sand Riding Arena
 - Storage
 - Concrete Floors

Machine Shed

- 864 SqFt
- 3 Bay
- Gravel Floors
- 220 AMP Power
- Outstanding Views



Maps



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**Oregon
Farm & Home**

★ B R O K E R S ★

KW MID-WILLAMETTE
KELLERWILLIAMS REALTY

LAND

Luxury
INTERNATIONAL

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County Information

List Packet (s) Provided Through County Records



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Fidelity National Title

LINN COUNTY PROPERTY PROFILE INFORMATION

Parcel #: **0021077**

Tax Lot: **10S01E0200100**

Owner: Hodges, William D Jr

CoOwner: Hodges, Stephanie

Site: 44365 Thomas Creek Dr

Scio OR 97374

Mail: 44365 Thomas Creek Dr

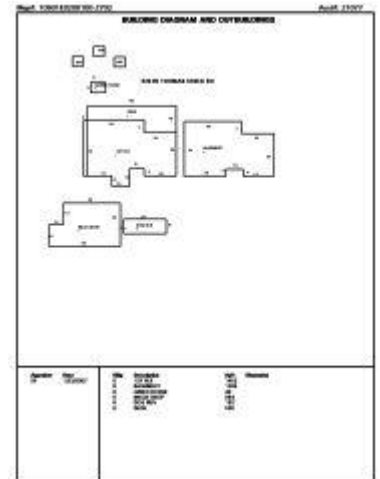
Scio OR 97374

Zoning: County-EFU - Exclusive Farm Use

Std Land Use: AFAR - Farms And Crops

Legal:

Twn/Rng/Sec: T:10S R:01E S:02 Q: QQ:



ASSESSMENT & TAX INFORMATION

Market Total: **\$749,590.00**

Market Land: **\$319,280.00**

Market Impr: **\$430,310.00**

Assessment Year: **2022**

Assessed Total: **\$280,660.00**

Exemption:

Taxes: **\$3,286.44**

Levy Code: 02703

Levy Rate: 0.0000

PROPERTY CHARACTERISTICS

Year Built: 1979

Eff Year Built:

Bedrooms:

Bathrooms: 2

of Stories: 2

Total SqFt: 1,948 SqFt

Floor 1 SqFt:

Floor 2 SqFt:

Basement SqFt:

Lot size: 21.03 Acres (916,067 SqFt)

Garage SqFt:

Garage Type:

AC:

Pool:

Heat Source: Forced Air

Fireplace: 1

Bldg Condition: Average

Neighborhood:

Lot:

Block:

Plat/Subdiv:

School Dist: 29J - North Santiam

Census: 4036 - 030200

Recreation:

SALE & LOAN INFORMATION

Sale Date: 10/28/2015

Sale Amount: \$465,000.00

Document #: 17541

Deed Type: Deed

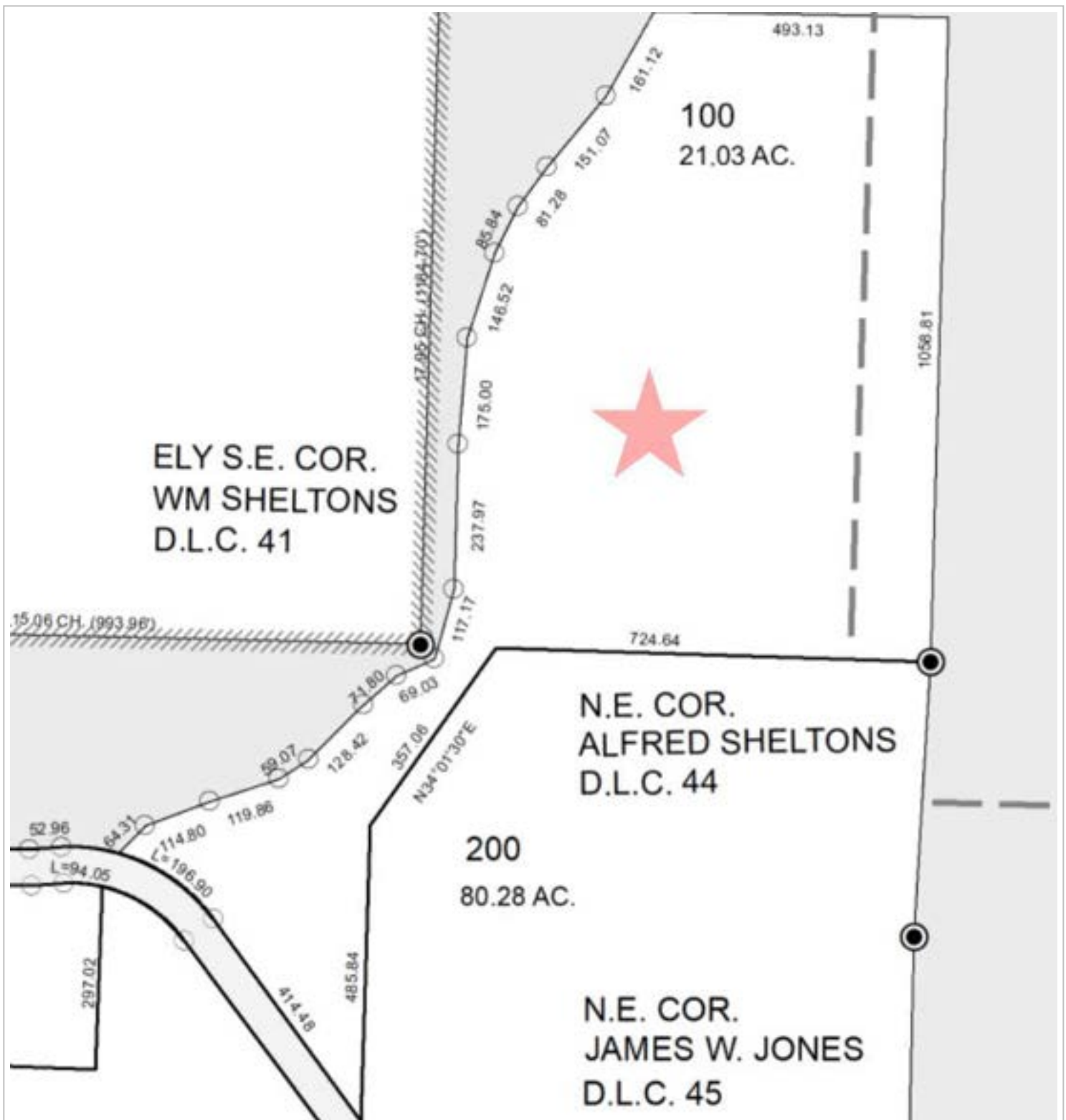
Loan Amount: \$465,000.00

Lender: NAVY FCU

Loan Type: Conventional

Interest Type: ADJ

Title Co: TICOR TITLE



Fidelity National Title

Parcel ID: 0021077

Site Address: 44365 Thomas Creek Dr

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.



Parcel ID: 0021077

Site Address: 44365 Thomas Creek Dr

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

Aerial Map

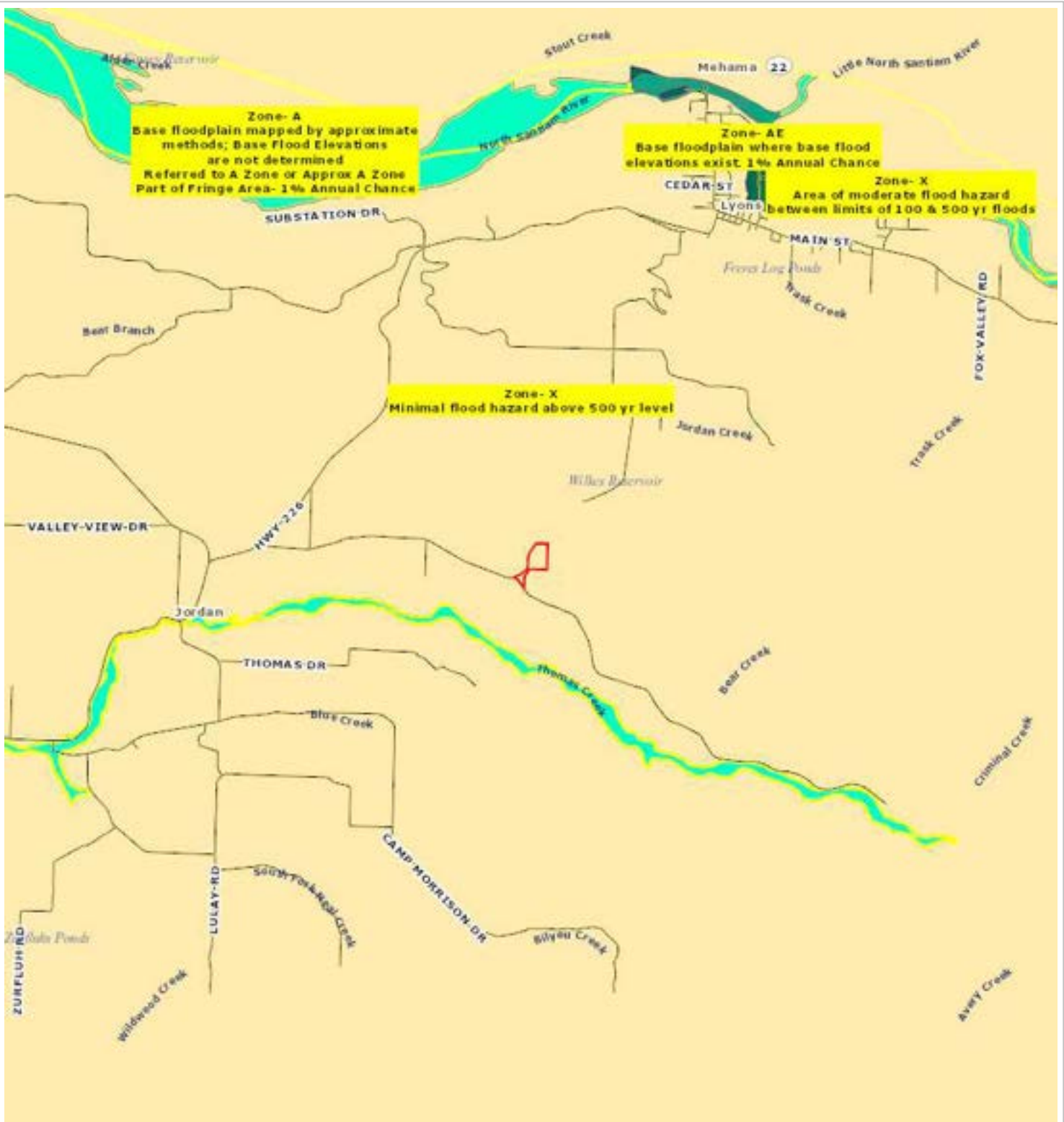


Fidelity National Title

Parcel ID: 0021077

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

Flood Map



Fidelity National Title

Parcel ID: 0021077

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LINN County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2022

December 7, 2022 8:06:12 am

Account # 21077
Map # 10S01E0200 00100
Code - Tax # 02703-21077

Tax Status ASSESSABLE
Acct Status ACTIVE
Subtype NORMAL

Legal Descr Metes & Bounds - See legal report for full description.

Mailing Name HODGES WILLIAM D JR & STEPHANIE

Deed Reference # 2015-17541

Agent

Sales Date/Price 10-27-2015 / \$465,000.00

In Care Of

Appraiser UNKNOWN

Mailing Address 44365 THOMAS CREEK DR
 SCIO, OR 97374

Prop Class 551 **MA** **SA** **NH** **Unit**
RMV Class 401 05 00 003 1994-1

Situs Address(s)	Situs City
ID# 1 44365 THOMAS CREEK DR	SCIO

Code Area	RMV	MAV	Value Summary AV	RMV Exception	CPR %
02703 Land	319,280			Land	0
Impr.	430,310			Impr.	0
Code Area Total	749,590	274,440	280,660		0
Grand Total	749,590	274,440	280,660		0

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	Trended RMV
02703	1	<input type="checkbox"/>			Farm Use Zoned	107	A	1.42	3	19,200
02703	1	<input checked="" type="checkbox"/>			Farm Use Zoned	107	A	4.00	3	54,070
02703	2	<input type="checkbox"/>			Farm Use Zoned	107	A	1.82	4	24,600
02703	3	<input type="checkbox"/>			Farm Use Zoned	107	A	6.77	5	91,510
02703	4	<input type="checkbox"/>			Farm Use Zoned	107	A	2.77	6	37,440
02703	5	<input type="checkbox"/>			Farm Use Zoned	107	A	3.25	7	43,940
02703					LANDSCAPE - AVERAGE	100				5,000
02703	2	<input checked="" type="checkbox"/>			Market	107	A	1.00		13,520
02703					RURAL OSD - AVG	100				30,000
Grand Total								21.03		319,280

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown	TD%	Total Sq. Ft.	Ex%	MS Acct #	Trended RMV
02703	107	0	110	Residential Other Improvements		108	0			250
02703	105	0	110	Residential Other Improvements		108	0			420
02703	108	0	110	Residential Other Improvements		108	0			1,060
02703	104	0	110	Residential Other Improvements		108	0			3,130
02703	100	1979	144	RES Two story with basement		108	1,948			407,020
02703	103	1979	110	Residential Other Improvements		108	0			8,690
02703	106	0	328	MACHINE SHED		108	864			9,740
Grand Total							2,812			430,310

Exemptions / Special Assessments / Potential Liability

Code Area 02703

EXEMPTIONS (AV):

■ VETERANS EXEMPTION SERVICE RELATED Amount 28,886 Letter Year 2015 Year Qualified 1985

NOTATIONS:

■ POT'L ADD'L TAX LIABILITY ADDED 2009 Amount 0.00 Tax 0.00

■ FIRE PATROL ADDED 2015

Code Area 02703

FIRE PATROL:

■ FIRE PATROL SURCHARGE Amount 47.50 Year 2022

Account #	21077									
	■ FORESTRY FIRE TIMBER - NORTH	Amount	31.41	Acres	20.03	Year	2022			

Comments: ***** CAP NOTE - Type F *****
3.54 ac was forest, now farm - 1.77 V & 1.77 VI

***** CAP NOTE - Type J *****
EV#2003-157: LOT LINE ADJ. W/ACCT.#1749.. 5-03 AS

STATEMENT OF TAX ACCOUNT

Linn County Courthouse, Room 214

300 4th Ave SW, PO Box 100

Albany, Oregon 97321-8600

(541) 967-3808

7-Dec-2022

HODGES WILLIAM D JR & STEPHANIE
44365 THOMAS CREEK DR
SCIO OR 97374

Tax Account #	21077	Lender Name	LTS - NAVY FEDERAL CREDIT UNION
Account Status	A	Loan Number	
Roll Type	Real	Property ID	02703
Situs Address	44365 THOMAS CREEK DR SCIO OR 97374	Interest To	Dec 15, 2022

Tax Summary

Tax Year	Tax Type	Total Due	Current Due	Interest Due	Discount Available	Original Due	Due Date
2022	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$3,286.44	Nov 15, 2022
2021	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$3,159.01	Nov 15, 2021
2020	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$3,094.34	Nov 15, 2020
2019	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$3,031.29	Nov 15, 2019
2018	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,974.93	Nov 15, 2018
2017	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$3,225.83	Nov 15, 2017
2016	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$3,139.80	Nov 15, 2016
2015	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,918.22	Nov 15, 2015
2014	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$54.09	Nov 15, 2014
2013	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$48.79	Nov 15, 2013
2012	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$47.96	Nov 15, 2012
2011	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$48.27	Nov 15, 2011
2010	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$43.42	Nov 15, 2010
2009	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$43.89	Nov 15, 2009
2008	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,633.70	Nov 15, 2008
2007	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,625.73	Nov 15, 2007
2006	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,496.84	Nov 15, 2006
2005	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,446.39	Nov 15, 2005
2004	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,394.47	Nov 15, 2004
2003	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,166.92	Nov 15, 2003
2002	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,225.42	Nov 15, 2002
2001	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,128.95	Nov 15, 2001
2000	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,135.01	Nov 15, 2000
1999	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,038.02	Nov 15, 1999
1998	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,118.68	Nov 15, 1998
1997	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,145.57	Dec 15, 1997
1996	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,255.33	Nov 15, 1996
1995	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,849.32	Nov 15, 1995
1994	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,802.22	Nov 15, 1994
1993	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,627.31	Nov 15, 1993
1992	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,005.48	Nov 15, 1992
1991	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,016.84	Nov 15, 1991
Total		\$0.00	\$0.00	\$0.00	\$0.00	\$64,228.48	

STATEMENT OF TAX ACCOUNT

Linn County Courthouse, Room 214

300 4th Ave SW, PO Box 100

Albany, Oregon 97321-8600

(541) 967-3808

7-Dec-2022

HODGES WILLIAM D JR & STEPHANIE
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Account Status	A	Loan Number	
Roll Type	Real	Property ID	02703
Situs Address	44365 THOMAS CREEK DR SCIO OR 97374	Interest To	Dec 15, 2022

Tax Summary

Tax Year	Tax Type	Total Due	Current Due	Interest Due	Discount Available	Original Due	Due Date
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TAX NOTATION...

NOTATION CODE	DATE ADDED	DESCRIPTION
RFPD CONVERSION	6-Jul-2015	CANCELLED ACCOUNT 926458

LINN COUNTY, OREGON		2015-17541
D-PRO		
Stn=9 K. PETERSON	10/28/2015 12:41:37 PM	
\$10.00 \$11.00 \$10.00 \$19.00 \$20.00	\$70.00	
<small>I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records</small> Steve Druckenmiller - County Clerk		

GRANTOR:
Elma Spiegl, Personal Representative for the Estate of Robert E. Spiegl

GRANTEE:
William D. Hodges Jr. and Stephanie Hodges
2910 N. 8 Mile Road

SEND TAX STATEMENTS TO:
William D. Hodges Jr. and Stephanie Hodges
44365 Thomas Creek Drive
Scio, OR 97374

AFTER RECORDING RETURN TO:
William D. Hodges Jr. and Stephanie Hodges
44365 Thomas Creek Drive
Scio, OR 97374

Escrow No: 471815042646-TTMIDWIL08

10-1E-2/100 #21077

SPACE ABOVE THIS LINE FOR RECORDER'S USE

PERSONAL REPRESENTATIVE'S DEED

Elma Spiegl, the duly appointed, qualified and acting personal representative of the estate of Robert E. Spiegl, deceased, pursuant to proceedings filed in Circuit Court for LINN County, Oregon, Case No. 12POB01355, Grantor, conveys to

William D. Hodges Jr. and Stephanie Hodges, as tenants by the entirety, Grantee, all the estate, right and interest of the above named deceased at the time of the deceased's death, and all the right, title and interest that the above named estate of the deceased by operation of law or otherwise may have acquired afterwards, in and to the following described real property:

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

Beginning at a point on the East line of that tract of land conveyed to Arnold Baumann and Norma Baumann, husband and wife by Warranty Deed recorded in Volume 463, Page 293, Linn County Deed Records; said beginning point being 123.38 feet South 89°54'28" East and 150.76 feet South 00°01'08" East of the Southwest corner of section 36, Township 9 South, Range 1 East of Willamette Meridian, Linn County, Oregon; thence South 00°01'08" East along the East line of said Baumann Tract 1058.81 feet to a stone scribed "CS" marking the Northeast corner of Donation Land Claim No. 44; thence North 89°28'30" West 724.64 feet to a stone scribed with "CS"; thence South 34°01'30" West 357.06 feet; thence South 00°09'51" West, 485.84 feet to the North right-of-way of County Road No. 826 (Thomas Creek Drive); thence along said North right-of-way the following courses; North 38°04'45" West 414.48 feet; along a 292.63 foot radius curve to the left 196.90 feet (the chord of which bears North 57°21'19" West 193.21 feet); thence North 43°55'15" East, 64.31 feet; thence North 68°24'19" East, 114.80 feet; thence North 70°30'13" East, 119.86 feet; thence North 56°30'21" East 59.07 feet; thence North 44°04'22" East, 128.42 feet; thence North 47°51'53" East, 71.80 feet; thence North 64°10'21" East, 69.03 feet; thence North 14°08'26" East 117.17 feet; thence North 00°22'56" West, 237.97 feet; thence North 03°21'43" East, 175.00 feet; thence North 16°14'10" East 146.52 feet; thence North 25°51'46" East 85.84 feet; thence North 34°33'32" East, 81.28 feet; thence North 38°41'18" East, 151.07 feet; thence North 28°10'37" East, 161.12 feet; thence North 89°55'15" East 493.13 feet to the point of beginning.

The true consideration for this conveyance is \$465,000.00 total consideration for both deeds

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.

Elma Spiegel

Elma Spiegel as Personal Representative of the Estate of
Robert E. Spiegel, Deceased

State of OREGON
COUNTY of Clatsop

This instrument was acknowledged before me on October 27, 2015 by Elma Spiegel as Personal Representative for the Estate of Robert E. Spiegel, deceased.

[Signature]
Notary Public - State of Oregon
My commission expires: 4/8/16



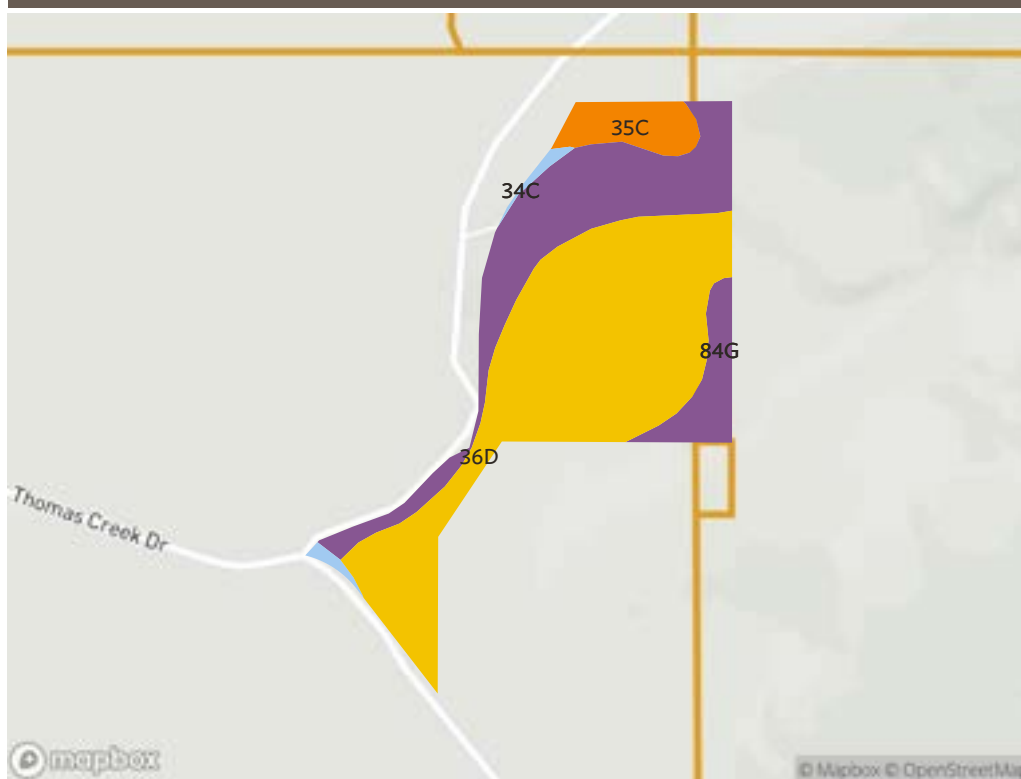
Soil Reports



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1 field, 21 acres in Linn County, OR

TOWNSHIP/SECTION 10S 1E - 1, 2

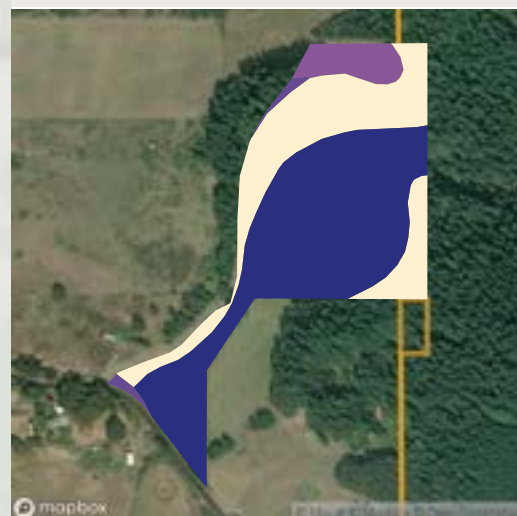


AVG NCCPI

54.8

COUNTY AVG

35.7







QUALITY 15  91

Source: NRCS Soil Survey

All fields

21 ac.

SOIL CODE	SOIL DESCRIPTION	ACRES	PERCENTAGE OF FIELD	SOIL CLASS	NCCPI
 36D	Dupee silt loam, 3 to 20 percent slopes	12.38	58.7%	3	77.3
 84G	Ritner cobbly silty clay loam, 30 to 60 percent slopes	7.06	33.5%	7	14.2
 35C	Dixonville-Philomath-Hazelair complex, 3 to 12 percent slopes	1.38	6.5%	3	58.9
 34C	Dixonville silty clay loam, 3 to 12 percent slopes	0.28	1.3%	3	64.8
		21.10			54.8

Easement



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EASEMENT

THIS EASEMENT, made as of this 30th day of October, 2002, in duplicate, and between:

ARNOLD A. BAUMANN AND NORMA L. BAUMANN, CO-TRUSTEES OF THE
ARNOLD A. BAUMANN AND NORMA L. BAUMANN FAMILY TRUST
44365 Thomas Creek Drive
Scio, OR 97374

hereinafter called "Grantor"

and
WILLIAM MASK, 11B

JUDEEN C. MASK, husband and wife

hereinafter called "Grantee"

For valuable consideration, Grantor conveys to Grantee, their heirs, successors and assigns, a perpetual nonexclusive easement to use a strip of land thirty feet wide the east line of which is located as follows:

Beginning at the most Southwesterly corner of property described in Paragraph 8 of this easement and the north line of Thomas Creek Drive and proceeding northerly along the common property line between the properties owned by Grantor and Grantee, thence North 43° 55' 15" East, 64.31 feet; thence North 68° 24' 19" East, 114.80 feet; thence North 70° 30' 13" East, 119.86 feet; thence North 56° 30' 21" East 59.07 feet; thence North 44° 04' 22" East, 128.42 feet; thence North 47° 51' 53" East, 71.80 feet; thence North 64° 10' 21" East 69.03 feet; thence North 14° 08' 26" East 117.17 feet; thence North 00° 22' 56" West, 237.97 feet; thence North 03° 21' 43" East, 175.00 feet; thence North 16° 14' 10" East 146.52 feet; thence North 25° 51' 46" East 85.84 feet; thence North 34° 33' 32" East, 81.28 feet; thence North 38° 41' 18" East, 151.07 feet; thence North 28° 10' 37" East, 161.12 feet; thence North 38° 41' 18" East, 151.07 to termination.

Terms of this easement are as follows:

1. Grantee, their agents, independent contractors and invitees shall use the easement for roadway purposes only for access to the property described in Paragraph 8 and in conjunction with such may construct, reconstruct, maintain and repair a road thereon.
2. Grantor reserves the right to use, construct, reconstruct and maintain the road located upon the easement strip for purposes of access for forest management and heavy hauling of timber, rock or equipment. Grantor may grant use rights for such use to third parties. The parties shall cooperate during periods of joint use so that each party's use shall cause a minimum of interference to the others, however, in case of conflict Grantor's right of use shall be dominant.

3. Grantor reserves the right to relocate the road at any time and in such case shall reconstruct the road at such new location in as good ro better condition as existed at the prior location. If the road is relocated, Grantor may record an instrument indicating the relocated road centerline and such instrument shall serve to amend this easement and eliminate any rights of Grantee in the original easement strip. Such amendment of the description shall be effective whether or not signed by Grantee, but Grantee shall execute it or such other document necessary to indicate relocation of the easement strip when and if requested by Grantor.

4. Grantee agrees to indemnify and defend Grantor from an loss, claim or liability to Grantor arising in any manner out of Grantee's use of the easement strip. Grantee shall pay Grantor for any merchantable timber or other property of Grantor's damaged by Grantee's use of this easement. Grantee assumes all risk arising out of its use of the easement strip and Grantor shall have no liability to Grantee or other for any condition existing thereon.

5. This easement is appurtenant to the real property owned by Grantee and described below; however, in the event of any subdivision or sale of any portion of such property this easement shall remain appurtenant only to the largest remaining parcel, and owners of the other parcels into which the property described below may be divided shall have no right to use of the easement strip.

6. This easement shall be perpetual; however, in the event that it is not used by Grantee for a period of three years, or if otherwise abandoned by Grantee, the easement shall automatically expire and Grantee shall upon request execute a recordable document evidencing such expiration.

7. This easement is granted subject to all prior easements or encumbrances of record.

8. Following is a description of Grantee's property to which this easement is appurtenant:

Beginning at a point on the East line of that tract of land conveyed to Arnold Baumann and Norma Baumann, husband and wife by warranty deed recorded in Volume 463, Page 293, Linn County Deed Records; said beginning point being 123.38 feet South 89° 54' 28" East and 150.76 feet South 00° 01' 08" East of the Southwest corner of Section 36, Township 9 South, Range 1 East of the Willamette Meridian, Linn County, Oregon; thence South 00° 01' 08" East along the East line of said Baumann tract 1058.81 feet to a stone scribed "CS" marking the Northeast corner of Donation Land Claim No. 44; thence North 89° 28' 30" West 724.64 feet to a stone scribed with "CS"; thence South 34° 01' 30" West 357.06 feet; thence South 00° 09' 51" West, 485.84 feet to the North right-of-way of County Road No. 826 (Thomas Creek Drive); thence along said North right-of-way the following courses; North 38° 04' 45" West 414.48 feet; along a 292.63 foot radius curve to the left 196.90 feet (the chord of which bears North 57° 21' 19" West 193.21 feet); thence North 43° 55' 15" East, 64.31 feet; thence North 68° 24' 19" East,

114.80 feet; thence North 70° 30' 13" East, 119.86 feet; thence North 56° 30' 21" East 59.07 feet; thence North 44° 04' 22" East, 128.42 feet; thence North 47° 51' 53" East, 71.80 feet; thence North 64° 10' 21" East 69.03 feet; thence North 14° 08' 26" East 117.17 feet; thence North 00° 22' 56" West, 237.97 feet; thence North 03° 21' 43" East, 175.00 feet; thence North 16° 14' 10" East 146.52 feet; thence North 25° 51' 46" East 85.84 feet; thence North 34° 33' 32" East, 81.28 feet; thence North 38° 41' 18" East, 151.07 feet; thence North 28° 10' 37" East, 161.12 feet; thence North 89° 55' 15" East 493.13 feet to the point of beginning.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed the day and year first written above.

THE ARNOLD A BAUMANN AND NORMA L. BAUMANN FAMILY TRUST

BY: Arnold A. Baumann
ARNOLD A. BAUMANN, CO-TRUSTEE

William T. Mask
WILLIAM T. MASK

BY: Norma L. Baumann
NORMA L. BAUMANN, CO-TRUSTEE
STATE OF OREGON)

Judeen C. Mask
JUDEEN C. MASK

)ss
County of Marion) ARNOLD A. BAUMANN AND NORMA L. BAUMANN as Co-Trustees of The*
Personally appeared ~~ARNOLD AND NORMA BAUMANN~~ and acknowledged the
foregoing instrument to be their voluntary act and deed. *Arnold Baumann and Norma L. Baumann Family
Subscribed and sworn to before me this 30th day of October, 2002. Trust



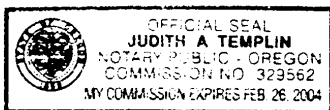
Judith A. Templin
NOTARY PUBLIC FOR OREGON

STATE OF OREGON)

)ss
County of Marion) WILLIAM T. MASK AND JUDEEN C. MASK

Personally appeared WILLIAM AND JUDEEN MASK and acknowledged the
foregoing instrument to be their voluntary act and deed.

Subscribed and sworn to before me this 30th day of October, 2002.



Judith A. Templin
NOTARY PUBLIC FOR OREGON

STATE OF OREGON
County of Linn

I hereby certify that the attached
was received and duly recorded
by me in Linn County records.

STEVE BRUCKENMILLER
Linn County Clerk

By [Signature], Deputy PAGE 441

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