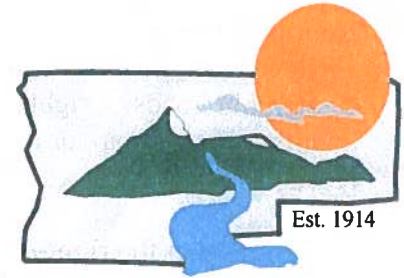


JEFFERSON COUNTY

PUBLIC WORKS DEPARTMENT

715 SE Grizzly Road • Madras, Oregon 97741 • Phone: (541) 475-4459 • FAX: (541) 475-1877
mpowlison@jeffco.net



MEMORANDUM

TO: Jefferson County Board of Commissioners

FROM: Matt H. Powlison, Public Works Director

A handwritten signature in blue ink, appearing to read "MHP", is written over the name "Matt H. Powlison" in the "FROM" line.

DATE: May 4, 2022

SUBJECT: Road Officials Report for a Petition to Vacate a Portion of E.H. Sparks Road

ISSUE

An amended petition to vacate a portion of E. H. Sparks Road was received by the Board of Commissioners, also known as CR577, County Road 577, Fly Creek Rd, and Lakeview Road (hereafter referred to E. H. Sparks Road). (See Exhibit A)

BACKGROUND

The Board of County Commissioners, at its regular scheduled meeting on April 27, 2022, ordered the petition to vacate a portion of E. H. Sparks Road to proceed pursuant to ORS 368.341 under ORS 368.326 to 368.366 where a county governing body may initiate proceedings to vacate property. The County received the amended vacation petition from Three Rivers Landowners Association (hereafter referred to TRLA). Previously there was two petitions received from TRLA and Mrs. Carol Fuchs. The Board of County Commissioners referred it to the director of public works for action. In compliance with the Board of Commissioners order number 0-063-22, staff has investigated E. H. Sparks Road as follows:

FACTS AND FINDINGS

The petition has been filed with the County, and the prescribed fee of \$1,000.00 has previously been collected. The prescribed notices have not been sent or posted for a public meeting. Enclosed (Exhibit A) is the petition requesting Jefferson County to vacate a described portion of E. H. Sparks Road, indicated in the petition. The submitted petition to vacate a portion of the County road conforms to the requirements of ORS 368.341(3) (A through G), and contains 100 percent of the property abutting the proposed vacation. The owner of the proposed public property to be vacated is Jefferson County. The location of the road is in the S.E. ¼ Section 26, T.11S, R.11E, W. M. as depicted in Exhibit B.

The proposed County right-of-way to be vacated is a portion of the County road described as that portion of E.H. Sparks Road, in the SE ¼ of section 26, T11E, R11S within the boundaries of the Three-Rivers

common areas beginning at Tract 21, 3rd addition to Three Rivers Recreational Area (hereafter referred to TRRA) Tract, then through TL 100 and TL 500. In addition, the petitioner seeks vacation of any and all such public roads or rights-of-way whenever or however called that is shown entering TRRA, on any county assessor map, or on any other survey or map at or near the surveyed location of E. H. Sparks Road.

The entirety of the right-of-way has not been improved or been used to its full extent by vehicular traffic, however evidence that E. H. Sparks Road is a County road, owned by Jefferson County, is well documented in Jefferson County records. The records include the original prayer and petition, Crook County Court Order and dedication deeds, Jefferson County maps, State of Oregon maps, surveys, and aerial photography. In addition, on August 26, 2020, Judge Hillman of the Jefferson County Circuit Court entered a General Judgment declaring that E.H. Sparks Road existed as a public County Road through TRRA. Present use of the right-of-way is primarily by residents and visitors of TRRA.

E. H. Sparks Road has been a County right-of-way since 1896, decades before the genesis of TRRA the formation of TRLA. This petition required staff to examine the language of the 1896 orders to determine where this road is located. Staff's role when interpreting a county order such as the one in this petition is to determine the enacting body's intent through examination of not just the 1896 survey notes, but also of the order's text and context. The order is very clear that the Court ordered the road be viewed, surveyed, and located. Seven men met on Wednesday September 23, 1896 and marked out a good road where for a reasonable expense, taking into consideration the utility, convenience, and inconvenience of individuals and the public from the south near Squaw Creek to the Metolius River. On Saturday September 26, 1896 these men wrote reasons why the road should be made a County road.

The purpose for the road in 1896, was an intent by the petitioners and viewers, as read in the original documents, as stated "...we have no County road, which would be a great convenience not only to the settlers of this immediate vicinity, but to the travelling public, including the settlement on Squaw Creek and the settlers south of this. It would also shorten the route to The Dalles by thirty miles from this part of the County,. Dated September 26, 1896." It was ordered that three viewers and one surveyor be appointed, and they were, and ordered to view, survey, locate, and report the road. The road was located as petitioned and ordered, "...in the most practical route to the Metolius River".

The Crook County Court ordered E. H. Sparks Road be "immediately opened for use of the public", seems to have one believe that the road was already in existence, likely have been used by the original petitioners, whether on foot or horse, who resided in the vicinity, which at the time was at least 31 local verified landowners. The public right-of-way provided a benefit to the original landowners, as it does for current County residents, visitors, and the traveling public for access and recreation at Lake Billy Chinook and surrounding public land. (See Exhibit C)

E. H. Sparks Road provides critical access to public land, via the waterway, that has been set aside for use of the public. Public land access in Jefferson County has become a front and center issue in Jefferson County, where meetings and discussions are ongoing between staff of Jefferson County and staff of Ochoco National Forest/Crooked River National Grassland, trying straightaway to provide access from County roads to public lands. (See Exhibit D)

E. H. Sparks Road serves as an alternative emergency access to the Three Rivers subdivision and the Fly Creek 16 lot subdivision. The public right-of-way may be needed in the future for filling water trucks and tanks out of the lake for firefighting, road maintenance, or noxious weed spraying.

E. H. Sparks Road has present and future benefits to the traveling public; there is anticipated growth or changes in use of the surrounding area that are likely to impact the future use of the right-of-way proposed to be vacated; the right-of-way proposed to be vacated leads to a waterway that can be, and is currently, used for public recreation; and the right-of-way proposed to be vacated leads to federal, state or local public lands via the waterway that can be used for public recreation. Given these above considerations, the public right-of-way will continue to be beneficial to the public as part of the general road system.

FISCAL IMPACT

There is no identified fiscal impact. Although vacation will return property to the tax rolls, it appears that some ownership will revert to a tax-exempt entity (TRLA).

CONCLUSION:

Based on the above findings, staff does not find the petition to vacate a portion of E. H. Sparks Road, a public trust and County Road, in the public interest as it is not in excess of the public's present and future needs as shown in the Jefferson County 2020 Transportation System Plan. Staff does not find a benefit to the general public if this right-of-way was vacated. Not all utilities and emergency services have been contacted to determine whether they are or might be utilizing the right-of-way proposed to be vacated. The assessment from staff would be to keep E. H. Sparks Road public in its entirety, thereby denying this vacation petition.

EXHIBIT A

BEFORE THE BOARD OF COMMISSIONERS FOR THE STATE OF OREGON FOR THE COUNTY OF JEFFERSON

IN THE MATTER OF INITIATING)
PROCEEDINGS TO VACATE A PORTION OF) ORDER NO.
COUNTY ROAD NO. 577 AKA E.H. SPARKS)
ROAD PURSUANT TO ORS 368.341) 0-063-22

WHEREAS, the Board of Commissioners has received a petition ("Petition"), included as Exhibit A, to vacate a portion of County Road 577, also referred to as E.H. Sparks Road, within the boundaries of the Three Rivers Recreation Area submitted by the Three Rivers Landowners Association; and,

WHEREAS, the Petition and subsequent consent to vacation includes the names, addresses, and signatures of 100 percent of the persons owning any real property abutting the road, improvements constructed on property, and recorded interests in the property proposed to be vacated; and,

WHEREAS, the Petition describes the property proposed to be vacated as the County Road 577 right of way as depicted in the included survey map, the vacation request will include any right of way reserved, dedicated or described as County Road No. 577, E.H. Sparks Road or the Fly Creek Road within the alignment of Lakeview Drive that reasonably follows the alignment of the road commonly referred to as the 577 within the boundaries of the Three Rivers Landowner's Association; and,

WHEREAS, the Petition requests vacation of any public road whenever or however called shown entering the Three Rivers Recreation Area, this Board will proceed as though that request references the multiple names of the same road referred to as County Road 577, E.H. Sparks Road and Fly Creek Road, within the boundaries of the Three Rivers Landowner's Association; and,

NOW THEREFORE the Jefferson County Board of Commissioners ORDERS that:


1. The petition to vacate a portion of County Road No. 577 shall proceed pursuant to ORS 368.341.
2. The County Road Official shall file with this Board a written report in accordance with ORS 368.346(1) and ORS 368.351.
3. Upon receipt of the report from the County Road Official the Board may establish a time and place for a hearing to consider whether the proposal is in the public interest. If a hearing is required or requested by the Board, staff shall provide notice of the hearing once set in accordance with ORS 368.346.


4. Fees and costs associated with this petition have been paid by Petitioner.

DATED this 22nd April, 2022.

JEFFERSON COUNTY BOARD OF COMMISSIONERS


Wayne Fording, Commission Chair


Kelly Simmelink, Commissioner


Mae Huston, Commissioner

PETERKIN BURGESS
222 NW Irving Avenue
Bend, OR 97703
(541) 389-2572

1	BEFORE THE JEFFERSON COUNTY COMMISSION	
2	STATE OF OREGON	
3	IN THE MATTER OF	THREE RIVERS LANDOWNERS
4	E.H. SPARKS ROAD	ASSOCIATION'S
5		<u>AMENDED</u> PETITION TO
6		VACATE

7 I. INTRODUCTION

8 Three Rivers Landowners Association ("Association") filed a petition in 2020
9 to vacate that part of E.H. Sparks Road ("Sparks Road") that was dedicated in 1896
10 but never opened within the Association's boundaries known as Three Rivers
11 Recreational Area ("TRRA"). (See Exhibit 1 for the section of road subject to this
12 petition; Exhibit 2, the retracement survey admitted as a trial exhibit; and Exhibit
13 3, a callout of the survey.) Sparks Road has sometimes been referred to as County
14 Road 577 although such a road is not documented in the Jefferson County Road
15 Registry.

16 In 2020, Carol Fuchs, an Association member, filed a separate petition to
17 vacate Sparks Road which abuts or burdens her property. The Association adopts
18 the reasons for vacation advanced by Fuchs and the exhibits attached thereto.

19 The Jefferson County Board of Commissioners acknowledged receipt of the
20 Association's and the Fuchs' petitions to vacate and under its Order No. 0-124-20
21 dated December 12, 2020 ("Order"), consolidated the petitions, directed the County
22 Road Official to file a written road report in accordance with ORS 368.346, and
23 upon receipt of the report establish a time to hear the petitions to vacate. A road
24 report has apparently not been submitted to the Commissioners and the
25 Commissioners have not set a hearing on either the Association's or the Fuchs'
26 vacation petitions.

PETERKIN BURGESS
222 NW Irving Avenue
Bend, OR 97703
(541) 389-2572

1 After the Commissioner's Order, events occurred relevant to this amended
2 vacation petition. First, Gerald and Carol Fuchs sold their property to Kevin
3 Spencer, who supports this petition. (See attached copies of deeds, Fuchs to Spencer
4 Lakeview Drive Investment, LLC and the LLC to Spencer, marked Exhibits 4 and
5 5.) Second, the DeMonte trustees, the only objectors to the vacation of Sparks Road,
6 sold its property, known as Lake Billy Chinook Estates, to Three Sisters Holdings
7 LLC, whose members are Kevin and Linda Spencer. (See attached copy of the
8 DeMonte to Three Sisters deed, marked as Exhibit 6.) As the present owner of the
9 adjoining subdivision, Three Sisters Holdings LLC supports the vacation of Sparks
10 Road within the boundaries of TRRA. (See attached consents of Spencer and Three
11 Sisters Holding LLC marked as Exhibits 7 and 8.) Third, the appeal of the Circuit
12 Court's errant decision upholding Sparks Road has been temporarily abated to
13 allow this vacation petition to be heard. If the Commissioners grant the petition,
14 the appeal will be dismissed as moot once their order is final and not subject to an
15 appeal.

16 Finally, the part of Sparks Road outside of TRRA is not subject to this
17 vacation petition. This amended petition to vacate does not seek to vacate Sparks
18 Road between TRRA and the road's intersection with Montgomery Road including
19 that portion that is within the boundaries of the Lake Billy Chinook Estates
20 subdivision. This amended vacation petition is not a waiver of the Association's
21 E.H. Sparks Road Litigation appeal rights, rather all appeal rights are preserved.
22 Further, neither this petition nor any vacation consents are admissions in that any
23 public road exists or needs to be vacated within TRRA.

24 ///

25 ///

26 ///

II. AMENDED PETITION

The Association petitions the Commissioners to vacate that part of Sparks Road within the boundaries of Three Rivers that was dedicated in 1896 but never opened within TRRA. Here, Association uses the word "open" to mean the act of actually creating a road for public travel on the ground within or near the 1896 surveyed road right of way after road dedication. Thus, vacation is in the best interest of the public because actual public reliance on the road could not and did arise and no public purpose is served by maintaining this paper road known as Sparks Road in the county's road registry.

Further, the petition should be granted administratively without a public hearing per ORS 368.351 because all abutting owners consent to vacation and because the only party that objected to vacation in the past, the DeMonte Trustees, no longer have any interest in any real property that they argued would be benefited by Sparks Road within TRRA.

This Petition also seeks vacation of any public road whenever or however called that is shown entering TRRA, on any county assessor map, or on any other survey or map at or near the surveyed location of Sparks Road depicted on the attached Exhibits 1, 2 and 3.

III. STANDING AND BACKGROUND FACTS

The Association is a duly formed and existing Oregon non-profit corporation acting through its lawfully elected board of directors that governs the Association. TRRA is a private gated residential and recreational subdivision existing in Jefferson County since 1970 with 1,399 members. TRRA encompasses nearly 3,922 acres that have been subdivided into home sites, recreational lots, and common area parcels.

///

1 TRRA members' sole access into TRRA is by Lakeview Drive, which is gated
2 at its intersection with Graham Road. Lakeview Drive is a private road with an
3 aggregate base and asphalt surface that exists entirely on the Association's
4 common area, which is a strip of land 100-feet-wide. Only TRRA members have a
5 right to use the roads and exercise the privilege to use amenities within TRRA.

6 In 1978, the developer of TRRA turned over the common area and
7 administration of TRRA to the Association. Since 1978, TRRA lot owners have paid
8 dues to the Association that were used to improve and maintain its private roads
9 within TRRA. In addition, dues have been used to construct and maintain private
10 amenities including a private boat launch ramp, a private beach area, a private
11 recreational building, and an administrative office.

12 IV. REASONS IN SUPPORT OF VACATION

13 A decision granting this Petition is in the public interest for one or more of
14 the following reasons:

15 (1) The DeMonte Trustees sold the trust property and have no grounds
16 to object.

17 (2) The new owner of the DeMonte trust property consents to this
18 vacation petition and the new owner of the Fuchs' property consents to vacation.

19 (3) The pending appeal regarding Sparks Road can be dismissed thereby
20 eliminating further attorney fees and costs to the County upon vacation of the road.

21 (4) There is no public benefit to be derived from defending the
22 Association's meritorious appeal. Further, the trial court erred and the Court of
23 Appeals will likely reverse the trial court for one or more reasons that follow. The
24 original Sparks Road was dedicated in 1896 but never opened after its dedication
25 date because no road was constructed or cleared for public travel within TRRA.
26 The road law in Oregon until 1903 (the controlling law) was clear: "*If any part of*

1 any road in this state shall not be opened for four years after or from the time of its
2 location, the same shall become vacated.” § 4101, Hill’s Ann. Laws (1892). Thus,
3 under the self-executing effect of Section 4101, Sparks Road passed by operation of
4 law “from the state of legal existence to non-existence.” *Hislop v. Lincoln County*,
5 249 Or 259, 265, 437 P2d 847 (1968); accord, *Gentner v. Kern*, 164 Or 645, 663, 103
6 P2d 721 (1940) (holding that plaintiff had not satisfied its burden of proof that
7 county road established by the order was ever opened or used within the statutory
8 time period).

9 (5) Sparks Road right of way does not enter any public land or terminate
10 at any public land. Thus, the road has no public benefit.

11 (6) Sparks Road is surrounded by TRRA common area. Persons who are
12 not TRRA members cannot enter TRRA common area without permission. Thus,
13 neither the public nor any third party could leave the Sparks Road right of way
14 without committing trespass, if the disputed road exists. Again, no public purpose
15 will be served by keeping Sparks Road on the county’s road registry.

16 (7) Legal access to Lake Billy Chinook Estates exists. The County does
17 not have any obligation to provide secondary access to adjacent properties across
18 TRRA lands. *See, State ex rel. Dept. of Transp. v. Alderwoods*, 358 Or 501 (2015)
19 (holding that an abutting owner is not legally entitled to secondary highway access,
20 even if the second access is more convenient for the owner).

21 (8) The Commissioners should act consistently with past TRRA land use
22 approvals. Neither Sparks Road nor any other public road was shown on the
23 recorded subdivision plat maps that created TRRA. Instead, each Three Rivers
24 plat map was approved and duly recorded in the county’s records. The public
25 purchased lots and improved lots with homes based on the status of Three Rivers
26 as an approved platted subdivision. Jefferson County took actions including the

1 following that led to reliance by Association and TRRA members that no public
2 road enters or burdens TRRA:

3 A. In 1979, the County mandated the siting of a house to be constructed
4 on Tract 21, 3rd Addition to TRRA with a certain setback from Lake
5 Billy Chinook rimrock. The County's requirement meant that the
6 house was constructed within what is now known as the Sparks Road
7 right of way. The site plan and the approval were reasonable because
8 in January 1976, the Plat for the 3rd Addition to TRRA was amended
9 and recorded in the Jefferson County Clerk's Office. The 1976 Plat did
10 not show any county road burdening Tract 21, or individual TRRA lots
11 or TRRA common areas.

12 B. In 1986, the County (through its hearing director, surveyor, assessor,
13 and road official) approved and accepted for recording a "Minor Land
14 Partition" of Tract 20, 3rd Addition to TRRA without any public road
15 burden.

16 C. In 1997, the developer of TRRA applied for and received a conditional
17 use permit (CU-97-06) to expand the private marina in TRRA. The
18 expansion was approved, in part, on the staff report finding that
19 "[p]rimary access [secondary access is by boat] to the Three Rivers
20 Marina is Lakeshore [Lakeview] Drive, a private drive that passes
21 through the Three Rivers Recreation Area subdivision".

22 D. In 2005, the County in conjunction with Oregon Department of
23 Transportation, initiated a study of the County's transportation
24 system to implement Goal 12 (Transportation) of the County's
25 Comprehensive Plan. The transportation study was concluded in 2007
26 at which point the County adopted Ordinance O-135-07, which

1 established Jefferson County Transportation System Plan ("TSP").
2 The TSP on page 12 reads in part: "The Three Rivers Recreational
3 Area and a few subdivisions have access from private roads. Private
4 roads are maintained by the property owners who use the road or by
5 a homeowner's association."

6 E. The County surveyor did not include Sparks Road in his record of
7 survey in 2003 as he was required to do if the road existed.

8 (9) Opening Sparks Road will significantly increase safety risks within
9 Three Rivers and will require County Sheriff to patrol TRRA because Three Rivers
10 will no longer be a private gated community if Sparks Road is opened for public
11 travel.

12 (10) Issuance of a road improvement permit for Sparks Road within the
13 1896 right of way would result in an unconstitutional taking of an approved and
14 permitted house built within the Sparks Road right of way. The County taxpayers
15 should not have to pay for the cost to condemn the Brant house.

16 V. REQUIRED ORS 368.341 INFORMATION

17 This petition is supported by the following information provided pursuant to
18 ORS 368.326 to 368.366.:

19 A. *Description of the Property to be Vacated:*

20 That portion of Sparks Road within TRRA beginning at Tract 21, 3rd
21 Addition to TRRA Tract, then through TL 100 and TL 500. See Exhibit "1" attached.

22 B. *Reasons for Requesting Vacation:*

23 See the reasons stated above.

24 C. *Abutting Owners:*

25 All abutting owners and adjacent owners support this petition. The members
26 of TRRA support this Petition by more than an 80% affirmative vote. Upon an order

1 granting this Petition, Sparks Road right of way will vest in the Association as part
2 of Three Rivers common area per ORS 368.366(d) or any portion burdening a lot
3 within Three Rivers will vest in that owner.

4 *D. Names and Addresses of All Persons Holding Any Recorded Interest in*
5 *the Property Proposed to be Vacated:*

6 Three Rivers Landowners Association
7 President: Randy Panek
8 12468 SW Graham Road
Culver, Oregon 97734

9 Lennie and Sharlotte Brant
10 21495 Young Avenue
Bend, OR 97701

11 Kevin Spencer
12 63026 Lower Meadow Drive #200
13 Bend, OR 97701

14 Three Sisters Holdings LLC
15 c/o Kevin Spencer
63026 Lower Meadow Drive #200
16 Bend, OR 97701

17 Allen Trust Co.
18 Trustee of the Herbert H. Anderson and Barbara B. Anderson
19 Revocable Trust
121 SW Morrison Suite 875
Portland, OR 97204

20 *E. Names and Addresses of Any Persons Owning Any Improvements*

21 *Constructed on Public Property Proposed to be Vacated:*

22 Three Rivers Landowners Association
23 Owner of SW Lakeview Drive
24 President: Randy Panek
12468 SW Graham Road
Culver, Oregon 97734

25 Lennie and Sharlotte Brant
26 21495 Young Avenue
Bend, OR 97701

1 Kevin Spencer
2 63026 Lower Meadow Drive #200
3 Bend, OR 97701

4 *F. Names and Addresses of All Persons Owning Real Property Abutting*
5 *Public Property Proposed to be Vacated:*

6 Under ORS 368.336 where a property proposed to be vacated under ORS
7 368.326 to 368.366 is a public road, a person owning property that abuts either side
8 of the road is an abutting property owner for the purposes of ORS 368.326 to
9 368.366. The Association owns SW Lakeview Drive, which is constructed within a
10 100' wide common area property. The Association is the only abutting landowner
11 for the remaining part of Sparks Road right of way that runs through TL 500 and
12 ends at the lakeshore as shown in Exhibit 2 and 3.

13 The addresses of the adjacent abutting landowners are:

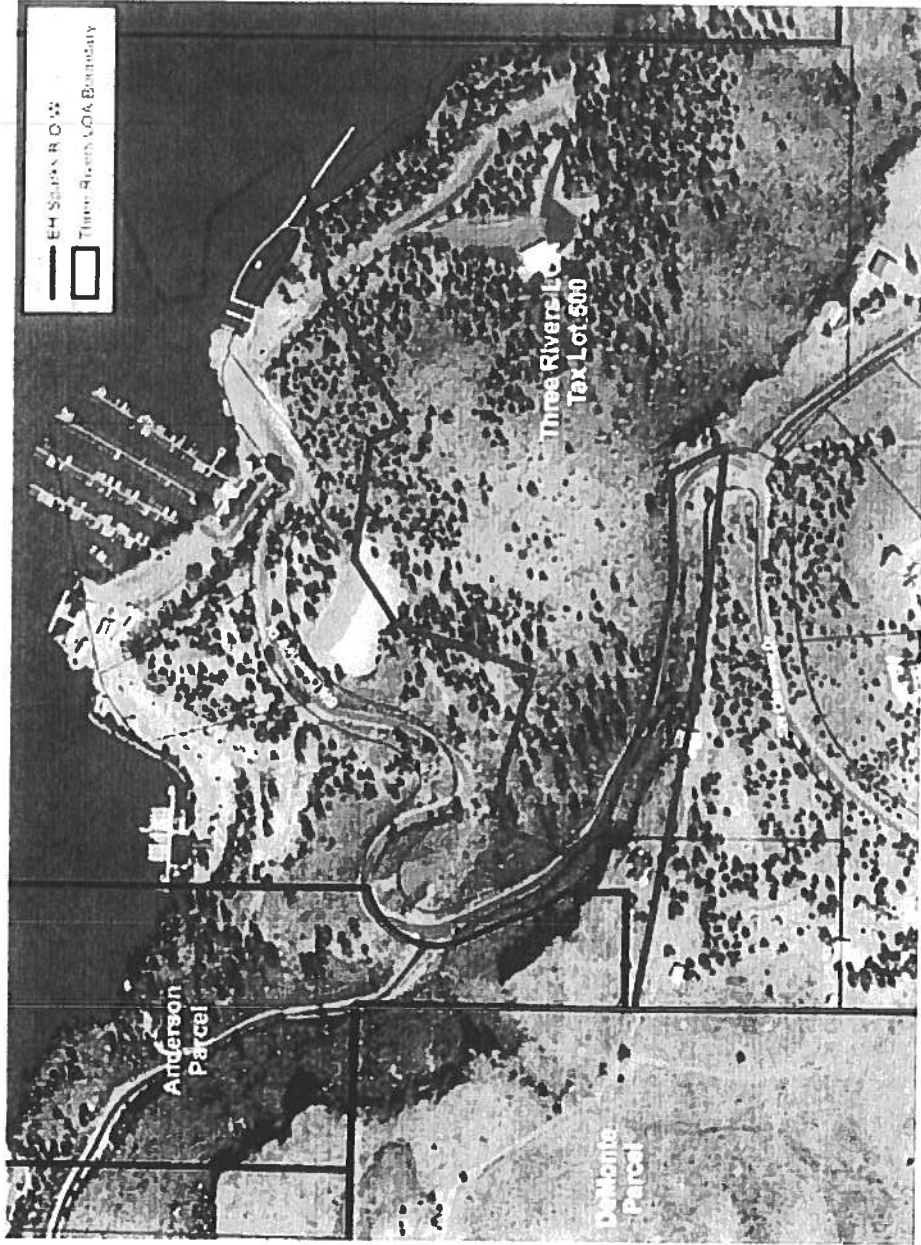
14 Lennie and Sharlotte Brant
15 21495 Young Avenue
16 Bend, OR 97701

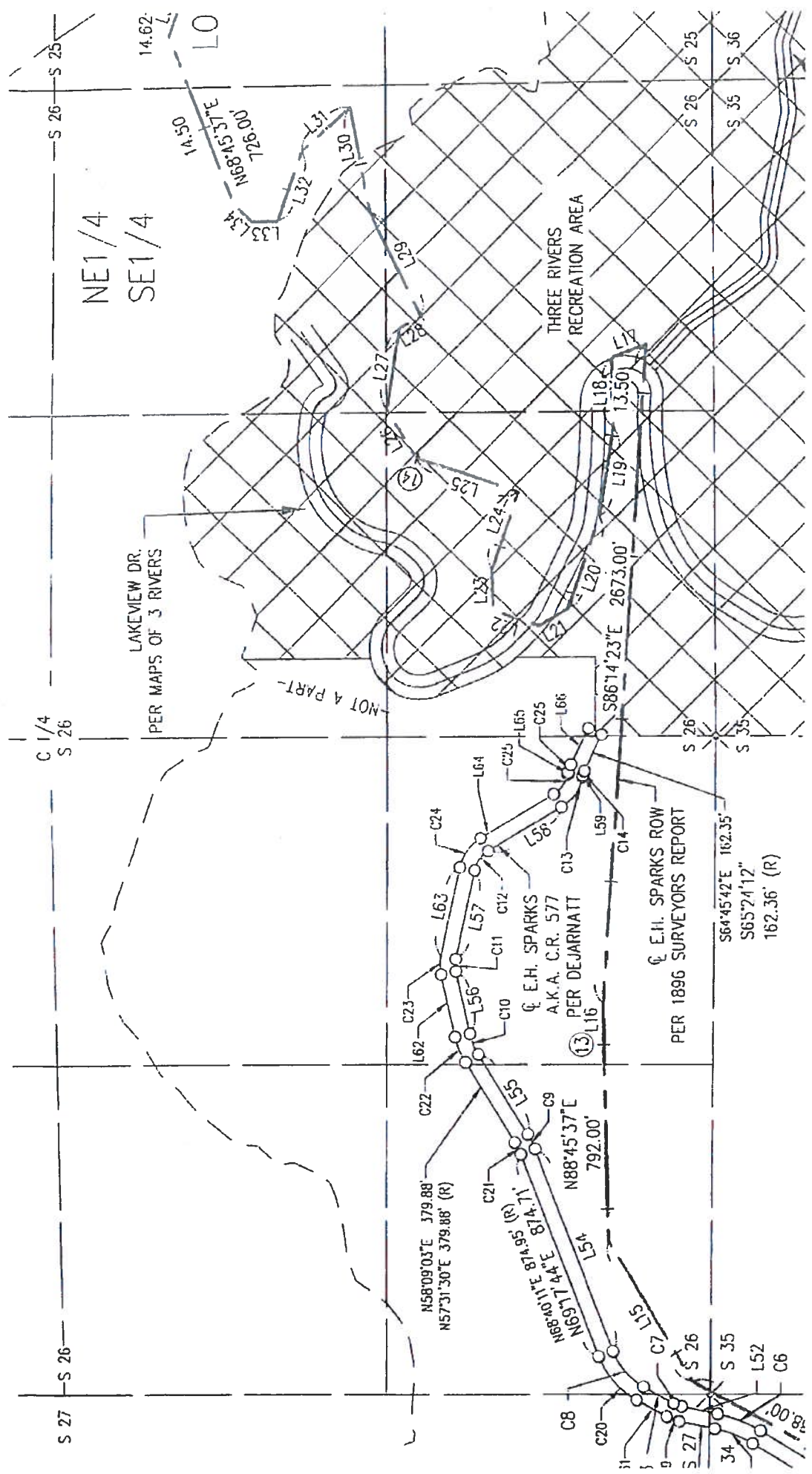
17 Kevin Spencer
18 63026 Lower Meadow Drive #200
19 Bend, OR 97701

20 Three Sisters Holdings LLC
21 c/o Kevin Spencer
22 63026 Lower Meadow Drive 3200
23 Bend, OR 97701

24 Three Rivers Landowners Association
25 President: Randy Panek
26 12468 SW Graham Road
Culver, Oregon 97734

Allen Trust Co.
Trustee of the Herbert H. Anderson and Barbara B. Anderson
Revocable Trust
121 SW Morrison Suite 875
Portland, OR 97204





RECORDING REQUESTED BY:


Western Title & Escrow

220 S Pine Street, Suite 102
Sisters, OR 97759

AFTER RECORDING RETURN TO:

Order No.: WT0214928-TLV
Spencer Lakeview Drive Investment, LLC, an Oregon limited
liability company
233 SW Wilson Avenue, Suite 204
Bend, OR 97703

SEND TAX STATEMENTS TO:

Spencer Lakeview Drive Investment, LLC
233 SW Wilson Avenue, Suite 204
Bend, OR 97703

APN: 4003

Map: 111126D000300

Jefferson County Official Records
Katherine Zemke, County Clerk

2021-2113

04/23/2021 02:16:00 PM

D-WD Cnt=1 Stn=21 LORIY
\$25.00 \$11.00 \$10.00 \$60.00 \$10.00

\$116.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Gerald L. Fuchs and Carol A. Fuchs, Grantor, conveys and warrants to Spencer Lakeview Drive Investment, LLC, an Oregon limited liability company, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Jefferson, State of Oregon:

A parcel of land lying in the Southeast Quarter of Section 26, Township 11 South, Range 11 East of the Willamette Meridian, Jefferson County, Oregon, more particularly described as follows:

Beginning at the South Quarter corner of said Section 26; thence North 00°31'50" East, 488.60 feet along the North-South centerline of said Section 26; thence South 88°42'12" East, 315.03 feet; thence North 00°31'50" East, 258.59 feet to a point on the Southerly right of way line of Lakeview Drive; thence around a 550 foot radius curve left 67.18 feet, long chord bears South 41°17'23" East 67.14 feet; thence South 44°47'20" East 83.33 feet; thence around a 350 foot radius curve left 59.91 feet, long chord bears South 49°41'33" East, 59.83 feet; thence South 00°31'50" West, 602.28 feet to an iron rod; thence North 88°42'12" West, 465.04 feet to the point of beginning.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS SEVEN HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$750,000.00). (See ORS 93.030).

Subject to:

SEE EXHIBIT "A" 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

Deed (Statutory Warranty)
ORD1293.doc / Updated: 04.26.19

Page 1

OR-WTE-FFND-02785.470063-WT0214928

22

STATUTORY WARRANTY DEED
(continued)

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.

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

Dated: 4/20/21

Gerald L. Fuchs

Gerald L. Fuchs

Carol A. Fuchs

Carol A. Fuchs

State of OREGON

County of Clackamas

This instrument was acknowledged before me on April 20, 2021 by Gerald L. Fuchs and Carol A. Fuchs.

Lori L. Hattig

Notary Public - State of Oregon

My Commission Expires: 4-16-23



0-0-1-22

EXHIBIT "A"
Exceptions

Subject to:

The existence of roads, railroads, irrigation ditches and canals, telephone, telegraph and power transmission facilities.

Rights of the public and governmental agencies in and to any portion of said land lying within the boundaries of streets, roads, and highways.

Private road easement as shown on the Jefferson County Assessor's Map.

Dues, assessments and charges of Three Rivers Landowners Association, Inc.; and private road easements administered by said association, said easements being depicted on various surveys of Three Rivers Recreation Sites, produced by George J. Cook Engineering Associates in or about 1975 and revised thereafter, on file with the Office of the Jefferson County Surveyor and/or the records of the Jefferson County Clerk.

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 Warranty Deed

Recording Date: November 29, 1974
Recording No: 53-6

Corrected by Deed
Recording Date: February 7, 1978
Recording No: 12-564 Miscellaneous Records

Terms, provisions and conditions, including, but not limited to, maintenance provisions, and a covenant to share the costs of maintenance, contained in Common Areas and Roads Deeds,

Recording Date: July 13, 1977
Recording No.: 58-281

Corrected by instrument
Recording Date: January 28, 1985
Recording No: 153424

Corrected by instrument
Recording Date: December 8, 1989
Recording No: 892775

Easement as described in Minor Land Partition, including the terms and provisions thereof

Recording Date: June 25, 1986
Recording No.: 861594

Terms, provisions and conditions, including, but not limited to, maintenance provisions, and a covenant to share the costs of maintenance, contained in Warranty Deed

Recording Date: July 11, 1986
Recording No.: 861721

By-laws of Three Rivers Landowners Association, Inc.

Recording Date: April 2, 1998
Recording No.: 981356

22

EXHIBIT "A"
Exceptions

Amended by instrument
Recording Date: April 10, 2002
Recording No: 2002-1586

Amended by instrument
Recording Date: October 17, 2013
Recording No: 2013-3607

Amended by instrument
Recording Date: July 28, 2015
Recording No: 2015-2649

Amended by instrument
Recording Date: July 5, 2018
Recording No: 2018-2401

Liens and assessments, if any, by the Three Rivers Landowners Association, Inc. Homeowner's Association.

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: April 2, 1998
Recording No: 981357

Three Rivers Landowners Association Architectural Committee Resolution 1, including the terms and provisions thereof,

Recording Date: April 2, 1998
Recording No.: 981358

Terms, provisions and conditions, including, but not limited to, maintenance provisions, and a covenant to share the costs of maintenance, contained in Access Easement (Fuchs)

Recording Date: July 31, 2019
Recording No.: 2019-2655

Restrictions as set forth in Access Easement (Fuchs)

Recording Date: July 31, 2019
Recording No.: 2019-2655

Terms, provisions and conditions, including, but not limited to, maintenance provisions, and a covenant to share the costs of maintenance, contained in Access Easement

Recording Date: August 21, 2019
Recording No.: 2019-2924

3-9-20

EXHIBIT "A"
Exceptions

The policy when issued will include the following exception:

Unrecorded Exchange Agreement between Spencer Lakeview Drive Investments, LLC and Kevin Spencer
Dated: —

RECORDING REQUESTED BY:


Western Title & Escrow

220 S Pine Street, Suite 102
Sisters, OR 97759

AFTER RECORDING RETURN TO:

Kevin Spencer
63026 NE Lower Meadow Drive, Suite 200
Bend, OR 97701

SEND TAX STATEMENTS TO:

same as above

4003 and 111126D000300
4058 SW Lakeview Drive, Culver, OR 97734

Jefferson County Official Records
Katherine Zemke, County Clerk

2021-2920

06/07/2021 12:35:02 PM

D-WD Cnt=1 Str=8 GABRIELS
\$10.00 \$11.00 \$10.00 \$60.00 \$10.00

\$101.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SPECIAL WARRANTY DEED - STATUTORY FORM
(INDIVIDUAL or CORPORATION)

Spencer Lakeview Drive Investments, LLC, Grantor, conveys and specially warrants to Kevin Spencer, Grantee, the following described real property free and clear of encumbrances created or suffered by the grantor except as specifically set forth below:

A parcel of land lying in the Southeast Quarter of Section 26, Township 11 South, Range 11 East of the Willamette Meridian, Jefferson County, Oregon, more particularly described as follows:

Beginning at the South Quarter corner of said Section 26; thence North 00°31'50" East, 488.60 feet along the North-South centerline of said Section 26; thence South 88°42'12" East, 315.03 feet; thence North 00°31'50" East, 258.59 feet to a point on the Southerly right of way line of Lakeview Drive; thence around a 550 foot radius curve left 67.18 feet, long chord bears South 41°17'23" East 67.14 feet; thence South 44°47'20" East 83.33 feet; thence around a 350 foot radius curve left 59.91 feet, long chord bears South 49°41'33" East, 59.83 feet; thence South 00°31'50" West, 602.28 feet to an iron rod; thence North 88°42'12" West, 465.04 feet to the point of beginning.

The true consideration for this conveyance is Seven Hundred Fifty Thousand Three Hundred Eighty Three And 72/100 Dollars (\$757,383.72).

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.

Deed (Statutory Special Warranty)
ORD1286.doc / Updated: 04.26.19

Page 1

Printed: 06.03.21 @ 01:46 PM by TLV
OR-WTE-FFND-02785.470063-WT0214928

SPECIAL WARRANTY DEED - STATUTORY FORM
(continued)

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

Dated: 5/7/21

Spencer Lakeview Drive Investment, LLC,
an Oregon Limited Liability Company

BY: Reverse 1031 Corp., a Pennsylvania Corporation
its: Sole Member

BY: [Signature]
Danielle Brock, Vice President

State of OREGON
County of Deschutes

This instrument was acknowledged before me on 6/7/21 by Danielle Brock, Vice President of Reverse 1031 Corp., a Pennsylvania Corporation, Sole Member of Spencer Lakeview Drive Investment, LLC, an Oregon Limited Liability Company.

[Signature]
Notary Public - State of Oregon

My Commission Expires: 8-3-21



RECORDING REQUESTED BY:


Western Title & Escrow

330 W. Hood Ave
Sisters, OR 97759

AFTER RECORDING RETURN TO:

Order No.: WT0214617-TLV
Three Sisters Holdings LLC
63026 NW Lower Meadow Drive, Suite 200
Bend, OR 97701

SEND TAX STATEMENTS TO:

Three Sisters Holdings LLC
63026 NW Lower Meadow Drive, Suite 200
Bend, OR 97701

APN: 20604; 20605; 20606; 20607; 20608
20609; 20610; 20611; 20612; 3959

Map: 111135B000100
111135B000200
111135B000300
111135B000400
111135B000500
111135B000600
111135B000700
111135B000800
111135B000900
1111000002000

Jefferson County Official Records
Katherine Zemke, County Clerk

2022-1483

04/06/2022 02:58:02 PM

D-WD Cnt=1 SIn=20 KATES
\$35.00 \$11.00 \$10.00 \$60.00 \$10.00

\$126.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Rosalie Roy and Ralph E. De Monte, Successor Co-Trustees of the 1987 De Monte Family Revocable Trust dated May 13, 1987, Grantor, conveys and warrants to Three Sisters Holdings LLC, an Oregon limited liability company, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Jefferson, State of Oregon:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 of LAKE BILLY CHINOOK ESTATES, as recorded December 27, 2017 in Document No. 2017-4857, Jefferson County, Oregon

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS ONE MILLION FOUR HUNDRED THOUSAND AND NO/100 DOLLARS (\$1,400,000.00). (See ORS 93.030).

Subject to:

SEE EXHIBIT "A" 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

Deed (Statutory Warranty)
ORD1293.doc / Updated: 04.26.19

Page 1

OR-WTE-FFND-02785.470063-WT0214617

STATUTORY WARRANTY DEED
(continued)

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.

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

Dated: 4-5-2022

The 1987 De Monte Family Revocable Trust dated May 13, 1987

BY: Rosalie Roy
Rosalie Roy
Successor Co-Trustee

BY: _____
Ralph E. De Monte
Successor Co-Trustee

State of _____
County of _____

This instrument was acknowledged before me on _____ by Rosalie Roy, Successor Co-Trustee of the 1987 De Monte Family Trust dated May 13, 1987.

Notary Public - State of _____

My Commission Expires: _____

State of _____
County of _____

This instrument was acknowledged before me on _____ by Ralph E. De Monte, Successor Co-Trustee of the 1987 De Monte Family Trust dated May 13, 1987.

Notary Public - State of _____

My Commission Expires: _____

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

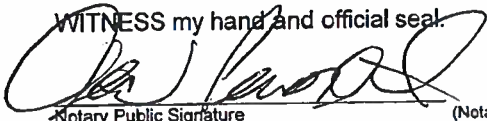
County of Santa Barbara }

On 4-5-22 before me, Gina Pimentel, Notary Public,
(Here insert name and title of the officer)

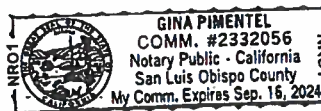
personally appeared Rosalie Roy
who proved to me on the basis of satisfactory evidence to be the person(s) whose
name(s) (s) are subscribed to the within instrument and acknowledged to me that
he (s) / she (s) / they executed the same in his (s) / her (s) / their authorized capacity(ies), and that by
his (s) / her (s) / their signature(s) on the instrument the person(s), or the entity upon behalf of
which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that
the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


Notary Public Signature

(Notary Public Seal)



ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

Statutory Warranty Deed

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages 4 Document Date 4-5-22

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)
☐ Corporate Officer

(Title)

- ☐ Partner(s)
☐ Attorney-in-Fact
☐ Trustee(s)
☐ Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they, is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.

STATUTORY WARRANTY DEED

(continued)

9-017-22

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.

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

Dated: _____

The 1987 De Monte Family Revocable Trust dated May 13, 1987

BY: _____
Rosalie Roy
Successor Co-Trustee

BY: Ralph E. De Monte
Ralph E. De Monte
Successor Co-Trustee

State of _____
County of _____

This instrument was acknowledged before me on _____ by Rosalie Roy, Successor Co-Trustee of the 1987 De Monte Family Trust dated May 13, 1987.

Notary Public - State of _____

My Commission Expires: _____

State of _____
County of _____

This instrument was acknowledged before me on _____ by Ralph E. De Monte, Successor Co-Trustee of the 1987 De Monte Family Trust dated May 13, 1987.

Notary Public - State of _____

My Commission Expires: _____

See CALIF ATTACHED

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of SAN DIEGO

On 4/4/2022 before me, PATRICK M. CLARK, Notary Public
(insert name and title of the officer)

personally appeared RALPH E. De MONTE
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Patrick M. Clark (Seal)

EXHIBIT "A"
Exceptions

0-11-22

Subject to:

As disclosed by the assessment and tax roll, the premises herein were once specially assessed for farmland, forestland or other special assessment status and later disqualified. Per ORS 308A.700 to 308A.733, additional taxes were imposed and remain as potential additional tax liability for the property. A check with the Assessor's office will be necessary to determine the effect and continuation of the additional tax liability.

Additional Tax Liability Amount: \$336.00 (Lot 1)
Additional Tax Liability Amount: \$407.00 (Lot 2)
Additional Tax Liability Amount: \$477.00 (Lot 3)
Additional Tax Liability Amount: \$444.00 (Lot 7)
Additional Tax Liability Amount: \$417.00 (Lot 6)
Additional Tax Liability Amount: \$439.00 (Lot 5)
Additional Tax Liability Amount: \$436.00 (Lot 4)
Additional Tax Liability Amount: \$515.00 (Lot 9)
Additional Tax Liability Amount: \$462.00 (Lot 8)
Additional Tax Liability Amount: \$8,210.00 (Lot 10)

Reservation of easements as disclosed in Bargain and Sale Deed,

Recording Date: August 8, 1963
Recording No.: 36-295

Terms, provisions and conditions, including, but not limited to, maintenance provisions, and a covenant to share the costs of maintenance, contained in Easement Agreement

Recording Date: July 24, 2009
Recording No.: 2009-002610

Declaration of Use Restriction (Full Transfer), including the terms and provisions thereof,

Recording Date: December 31, 2013
Recording No.: 2013-4381

An encroachment of the concrete pad for windmill situated on land adjoining to the South into or onto said Land, as disclosed by Survey recorded May 13, 2015 in Document No. 2015-1623.

Terms, provisions and conditions, including, but not limited to, maintenance provisions, and a covenant to share the costs of maintenance, contained in Waiver of Remonstrance and Agreement

Recording Date: November 4, 2015
Recording No.: 2015-3907

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

Granted to: Jefferson County, a political subdivision of the State of Oregon
Purpose: Archaeological Conservation Easement
Recording Date: January 27, 2016
Recording No.: 2016-0242

EXHIBIT "A"
Exceptions

0-063-22

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

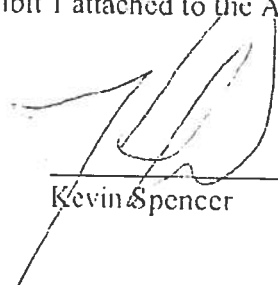
Granted to: Dennis Pontovich
Purpose: Windmill
Recording Date: March 8, 2016
Recording No: 2016-0727

Easement(s) for the purpose(s) shown below and rights incidental thereto, as delineated on or as offered for dedication on

Plat: Lake Billy Chinook Estates
Recording Date: December 27, 2017
Recording No: 2017-4857

APPROVAL OF ROAD VACATION


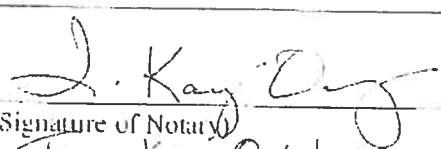
The undersigned owner of Jefferson County Tax Map parcel number 111126D000300 approves, consents to, and joins in the Amended Petition to Vacate a section of E.H. Sparks Road being filed with Jefferson County by Three Rivers Landowners Association on or about April 12, 2022. The portion of E.H Sparks Road to be vacated is the portion crossing or lying on the Kevin Spencer property (formerly owned by Carol and Gerald Fuchs), the Lennie and Charlotte Brant property, and, if it abuts or crosses it, the Allen Trust Company property, and that section of E.H. Sparks Road within TRRA common area shown of Exhibit 1 attached to the Association's Amended Petition to Vacate.


Kevin Spencer

STATE OF OREGON)
) SS.
COUNTY OF DESCHUTES)

This instrument was acknowledged before me on April 12 2022 by Kevin Spencer

DATED: 4/12/2022

<p>Notary Seal</p> <div><p>OFFICIAL STAMP TINA KAY OAKLEY NOTARY PUBLIC-OREGON COMMISSION NO. 992440 MY COMMISSION EXPIRES OCTOBER 7, 2023</p></div>	<p> (Signature of Notary) <u>Tina Kay Oakley</u> (Legibly Print or Stamp Name of Notary) Notary Public in and for the State of Oregon My appointment expires: <u>10/7/2023</u></p>
---	--

APPROVAL OF ROAD VACATION

The undersigned owner of Lots 1 through 10, Lake Billy Chinook Estates, Jefferson County, Oregon, hereby approves, consents to, and joins in the Amended Petition to Vacate a section of E.H. Sparks Road being filed with Jefferson County by Three Rivers Landowners Association on or about April 12, 2022. The portion of E.H Sparks Road to be vacated is the portion crossing or lying on the Kevin Spencer property (formerly owned by Carol and Gerald Fuchs), the Lennie and Charlotte Brant property, and, if it abuts or crosses it, the Allen Trust Company property and that section of E.H. Sparks Road within TRRA common area shown of Exhibit 1 attached to the Association's Amended Petition to Vacate.

Three Sisters Holdings LLC

By: _____

Kevin Spencer, Manager

STATE OF OREGON)

)

SS.

COUNTY OF DESCHUTES)

This instrument was acknowledged before me on April 12, 2022 by Kevin Spencer as Manager of Three Sisters Holdings LLC.

DATED: _____

4/12/2022

Notary Seal



OFFICIAL STAMP
TINA KAY OAKLEY
NOTARY PUBLIC-OREGON
COMMISSION NO 992440
MY COMMISSION EXPIRES OCTOBER 7, 2023

Tina Kay Oakley
(Signature of Notary)
Tina Kay Oakley
(Legibly Print or Stamp Name of Notary)

Notary Public in and for the State of Oregon

My appointment expires: 10/7/2023

APPROVAL OF ROAD VACATION

The undersigned approves, consents to, and joins in the Petition to Vacate a portion of E.H. Sparks Road, being filed with Jefferson County by Carol Fuchs, On or about September 30, 2020. The portion of E.H. Sparks Road to be vacated is the portion crossing or lying on the Carol and Jerry Fuchs property, the Lennie and Sharlotte Brant property, and, if it abuts or crosses it, the Allen Trust Company property.

ALLEN TRUST COMPANY,
TRUSTEE OF THE HERBERT H. ANDERSON AND
BARBARA B. ANDERSON REVOCABLE TRUST

By: Don Holman, T.O.
DON HOLMAN

Title: Trust Officer

STATE OF OREGON)
County of Mult) ss
)

This instrument was acknowledged before me on this 1st day of October, 2020 by DON HOLMAN, as Trust Real Estate Officer of Allen Trust Company, Trustee of The Herbert H. Anderson And Barbara B. Anderson Revocable Trust.



Tara M. Hendison
Notary Public for Oregon
My commission expires: 10/18/2021

APPROVAL OF ROAD VACATION

The undersigned approves, consents to, and joins in the Petition to Vacate a portion of E.H. Sparks Road, being filed with Jefferson County by Carol Fuchs, On or about September 30, 2020. The portion of E.H. Sparks Road to be vacated is the portion crossing or lying on the Carol and Jerry Fuchs property, the Lennie and Sharlotte Brant property, and, if it abuts or crosses it, the Allen Trust Company property

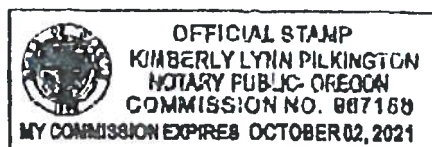

LENNIE BRANT


SHARLOTTE BRANT

STATE OF OREGON)

) ss

County of Deschutes)



This instrument was acknowledged before me on this 01 day of Oct 2020
by LENNIE BRANT

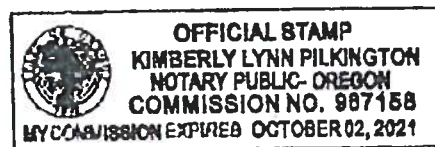
Notary Public for Oregon

My commission expires: 10-02-2021

STATE OF OREGON)

) ss

County of Deschutes)



This instrument was acknowledged before me on this 01 day of Oct 2020
by SHARLOTTE BRANT

Notary Public for Oregon

My commission expires: 10-02-2021

CONSENT TO VACATION OF COUNTY PROPERTY

We, Lennie and Charlotte Brant, are the owners of real property located at 3900 SW Lakeview Drive. Our property abuts or underlies E.H. Sparks Road also referred to as CR-577. We hereby consent to the vacation of E.H. Sparks Road as proposed in the Amended Petition for Vacation filed by the Three Rivers LOA on April 12, 2022. We believe vacation of the road as proposed is in the public interest and the road to be vacated serves no public purpose because Sparks Road is not Lakeview Drive, the surveyed roadway (see Exhibits 2 and 3 to amended petition) is impassible due to the steepness of the land, and the roadway if improved as a serviceable road would serve no public purpose because it does not join two public places and it does not terminate at a public place.

Further, we withdraw our approval and consent to the Fuchs' petition to vacate to clarify that we support the vacation of the road per the amended Three Rivers LOA petition. Further, we withdraw our joinder in the Fuchs' petition to vacate, again to clarify that our consent to the Fuchs' petition was in addition to our consent dated August 3, 2015, to a prior Three Rivers LOA vacation petition.

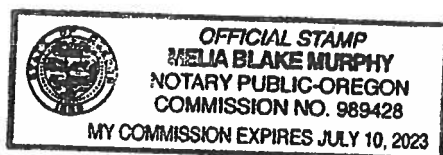
The portion of E.H Sparks Road to be vacated is the portion crossing or lying on the Kevin Spencer property (formerly owned by Carol and Gerald Fuchs), our property (the Lennie and Charlotte Brant property), if it abuts or crosses it, the Allen Trust Company property and that section of E.H. Sparks Road within the Three Rivers LOA common area shown on Exhibits 1, 2, and 3 attached to the Association's Amended Petition to Vacate.

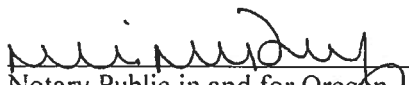

Lennie Brant

4/15/22
Date

STATE OF OREGON)
) ss.
County of Deschutes)

The foregoing instrument was acknowledged before me on April 15, 2022, by Lennie Brant.



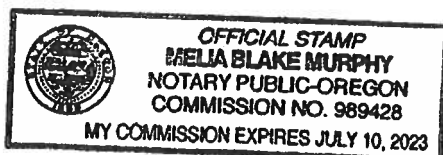

Notary Public in and for Oregon
My Commission Expires: 07/10/2023

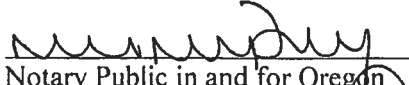

Charlotte Brant

4/15/22
Date

STATE OF OREGON)
) ss.
County of Deschutes)

The foregoing instrument was acknowledged before me on April 15, 2022, by Charlotte Brant.




Notary Public in and for Oregon
My Commission Expires: 07/10/2023

1111260000100
4002 1111260000200
4003 1111260000300
4004 1111260000400
4005 1111260000500

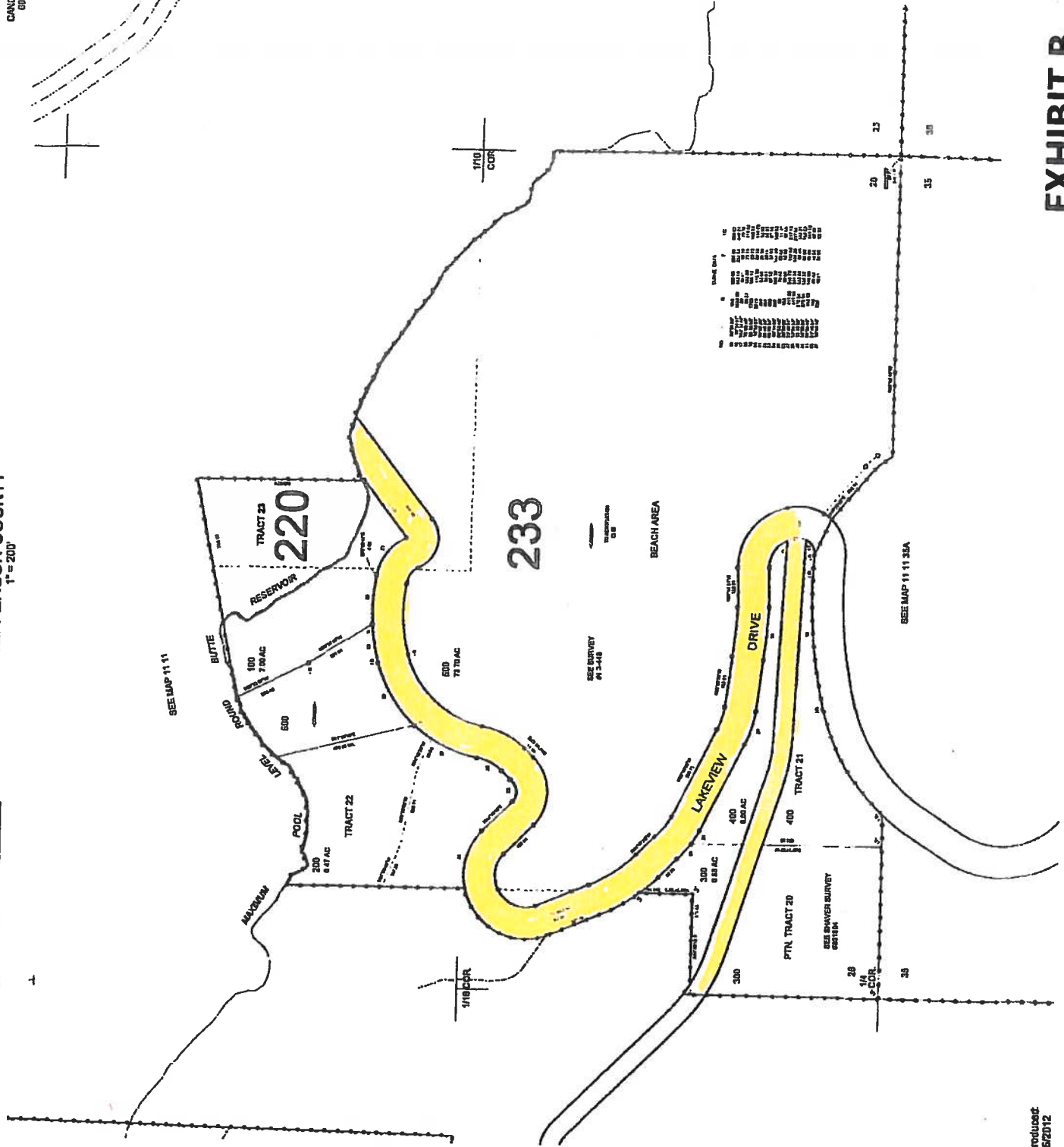
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

0 100 200 300 400 Feet

S.E. 1/4 SEC. 26 T.11S. R.11E. W.M.
JEFFERSON COUNTY
1" = 200'

11.11.26D

CANCELLED:
000



Map Produced
07/25/2012

EXHIBIT B

EXHIBIT C

E. H. Sparks Road.

ROAD NOTICE.

Notice is hereby given that the undersigned residents and householders of Crook county, Oregon, residing in the vicinity of the hereinafter proposed road, will, at the July, 1896 term of the county court of said county present a petition for the location and establishment of a county road as follows:

Commencing at the north west corner of section 26, in township 13 south, of range 11 east, of Willamette Meridian; thence due north on the most practicable route to the north west corner of section 21, in township 13 south, of range 11 east; thence northeasterly on the most practicable route to the Matolas river at a point where the same crosses the section line between sections 25 and 26, in township 13 south, of range 11 east, of Willamette Meridian, which point is at or near the northwest corner of the southwest quarter of section 25, in township 13 south, of range 11 east, of Willamette Meridian.

Names.
E. H. Sparks
H. J. Lambert
Loren E. Allingham
Lou Riggs
D. F. Counsel
David Riggs
Ira Allen
H. L. Parry
Pat Smith
Robert H. Krug
W. S. Fullerton
R. P. Buchanan
W. R. Booth
J. B. Claypool
J. B. Fryrear

Names.
Jerry Young
Joe A. Graham
W. F. Edmanson
O. D. Allingham
E. H. Booth
John Allen
Henry Allen
S. C. Johnson
George Scott
D. W. Allingham
E. H. Post
J. G. Wilson
Joe Glaze
H. A. Melvin
J. W. Wilt

W. T. E. Wilson

State of Oregon)
 : ss.
County of Crook)

I, L. E. Allingham, being first duly sworn, say, that I posted three notices (a copy of which is hereunto attached) of the proposed road in the following places on the 14 day of May 1896, to wit:

One at each end of said proposed road and one at the court house door in Prineville, Oregon, and along the line of said road; and that all of said petitioners are householders residing in the vicinity of said proposed road in said Crook county, Oregon.

L. E. Allingham

Subscribed and sworn to before me this 1 day of July 1896.

J. J. Smith
Notary Public.

Bond.

Know All Men by These Presents, That we, H. J. Lambert of the County of Crook and State of Oregon, are held and firmly bound unto the said County of Crook in the sum of Two Hundred Dollars, the payment of which, well and truly to be made, we bind ourselves, our heirs, executors and administrators firmly by these presents.

Signed this 3d day of April A.D. 1896.

Now, the Condition of the Above Obligation is Such, That, whereas the above named H. J. Lambert and E. H. Sparks and others, have petitioned the County Court of said County of Crook at the March Term, 1896, thereof for a County Road, commencing at the north west (description identical with that in Notice.)

Now, If the above named N. J. Lambert shall well and truly pay, or cause to be paid, all costs and expenses that may be incurred by reason of the view or review of said Road, in case the prayer of said petitioners be not granted or allowed, then that this obligation shall be void, otherwise to remain in full force and virtue.

N. J. Lambert (Seal)

E. H. Sparks (Seal)

State of Oregon, Crook County, ss:

I, N. J. Lambert each for myself, say that I am worth the sum of Two Hundred Hundred Dollars over and above all debts and liabilities and property exempt from execution; that I am a resident and householder in said County and State.

E. H. Sparks
N. J. Lambert.

Subscribed and sworn to before me, this 3d day of April A.D. 1896

Arthur Hodges,
Clerk.

Hond.

Know All Men by These Presents, That we David N. Riggs and Joseph B. Claypool of the County of Crook and State of Oregon, are held and firmly bound unto the said County of Crook in the sum of Two Hundred Dollars, the payment of which, well and truly to be made we bind ourselves, our heirs, executors and administrators firmly by these presents.

Signed this 9th day of September A.D. 1896.

Now, the Condition of the Above Obligation is Such, That whereas the above named E. H. Sparks, David N. Riggs and L. E. Allingham Joseph B. Claypool and others, have petitioned the County Court of said County of Crook at the July Term, 1896, thereof, for a County Road, commencing (description identical with that in Notice)

Now, If the above named E. H. Sparks, David N. Riggs and Joseph B. Claypool shall well and truly pay, or cause to be paid, all costs and expenses that may be incurred by reason of the view or review of said road, in case the prayer of said petitioners be not granted or allowed, then that this obligation shall be void, otherwise to remain in full force and virtue.

David N. Riggs (Seal).

Joseph B. Claypool (Seal).

State of Oregon)
: ss.
County of Crook)

I, David N. Riggs and Joseph B. Claypool each for myself, say that I am worth the sum of Two Hundred Hundred Dollars over and above all debts and liabilities and property exempt from execution; that I am a resident and householder in said County and State.

David N. Riggs
Joseph B. Claypool.

Subscribed and sworn to before me, this 9th day of September, A.D. 1896.

J. E. Smith
Notary Public.

ROAD PETITION.

To the County Court of Crook County, Oregon.

We, the undersigned, residents and householders residing in Crook county, Oregon, and in the vicinity of the hereinafter described road, would most respectfully petition your honorable body to cause to be viewed, located and established a county road as follows, to-wit:

(description identical with that in Notice).

(names identical with those in Notice).

Be it remembered, that at a term of the County Court of Crook County, Oregon, begun and held at the Court House in Prineville, Oregon, on the 9th day of September, 1896, and from day to day thereafter during the continuance of said term, when were present: Hon. M. E. Brink, Judge, Presiding; T. S. Hamilton and C. M. Ekins, Commissioners; Arthur Hodges, Clerk; and J. M. Gray Sheriff. The following, among other proceedings, were had, to-wit: IN THE MATTER OF THE PETITION OF E. H. SPARKS AND OTHERS FOR A COUNTY ROAD.

On this day came E. H. Sparks, who presents to the court the petition of himself and more than twelve others, praying for the location and establishment of a county road as follows, to-wit:

(description identical with that in Notice.)

And it satisfactorily appearing to the court from proof filed herein that due notice of the pendency of this proceeding has been given as by law required; that more than twelve of said petitioners are legal householders of this county residing in the vicinity of said road, and that a good and sufficient bond has been filed.

It is therefore ordered by the court that E. P. Buchanan, H. W. Carlin, and D. M. Hurst be appointed viewers and W. R. McFarland surveyor, to view, survey, locate and report upon a proposed road, and that they meet at the place of beginning, on the 23d day of September, 1896, at 8 o'clock A.M., and enter upon the discharge of their duties in this behalf, and that they duly qualify before entering upon the discharge of their said duties.

M. E. Brink,
County Judge.

Attest:

Arthur Hodges,
Clerk.

State of Oregon)
 : ss.
County of Crook)

I, Arthur Hodges, County Clerk of the above named County and State, and Clerk of the County Court in and for said Crook county do hereby certify that the foregoing copy of order of court has been by me compared with the original, and that it is a true transcript therefrom and the whole thereof of such original order of court, as the same appears on record in my office and care and custody.

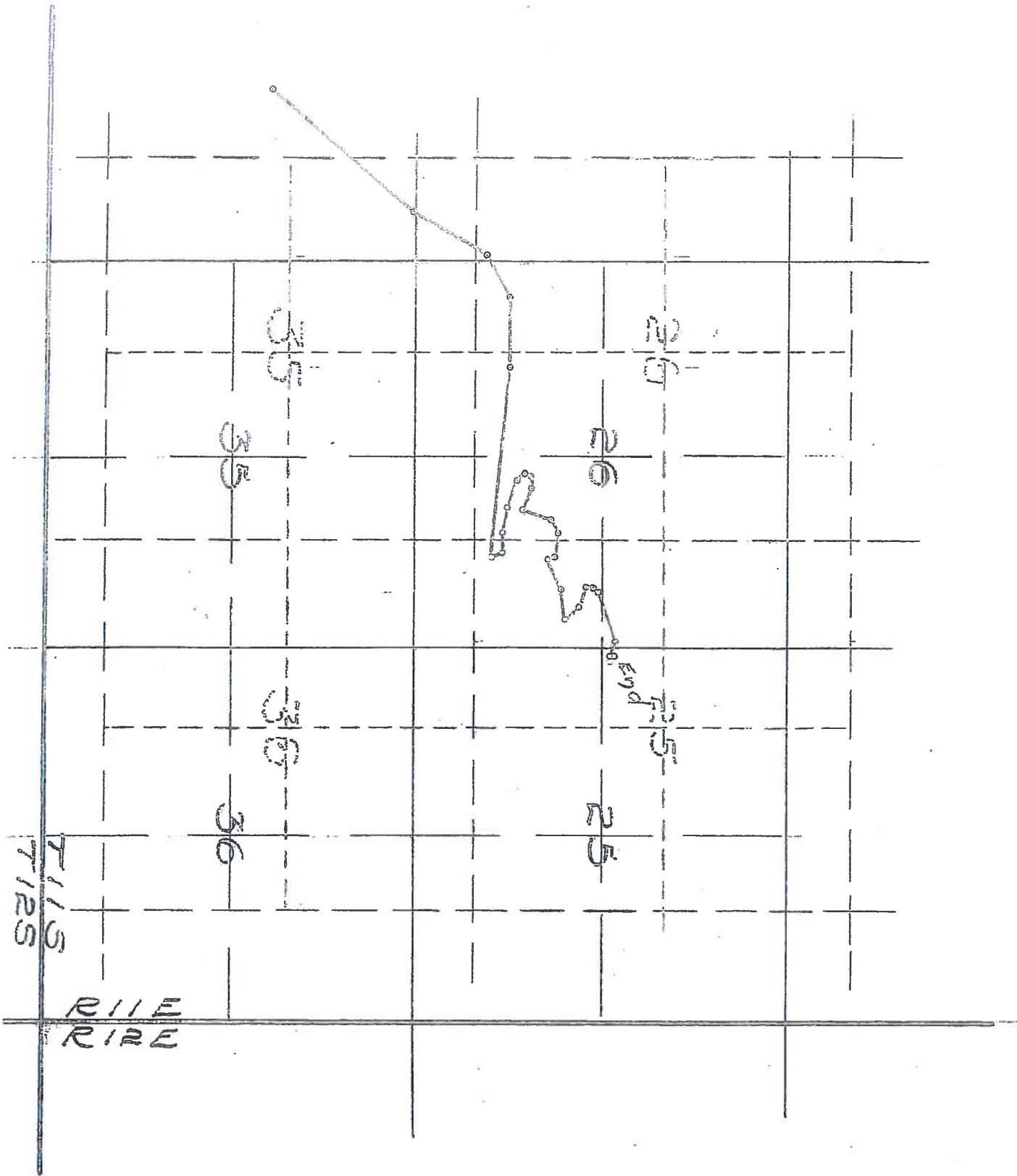
Witness my hand and official seal this 15th day of Sept., 1896.

Arthur Hodges.
County Clerk of Crook County, Oregon.

In the County Court of the State of Oregon for the County of Crook.

In the matter of the Pet-
ition of E. H. Sparks and
others for a County road.

State of Oregon)
 : ss.
County of Crook)



Sheet 3

E. H. SPARKS ROAD

Scale 1" = 30 ch.

35 sheets

To the Honorable County court of the State of Oregon for the County of Crook.

The undersigned, who were duly appointed at the September term in the year 1896, of the above entitled court, as viewers of the road prayed for in above petition of E. H. Sparks and others, hereby report.

That we met at the place of commencement, on the 23 day of September, 1896, that being the time and place prescribed for such meeting by the court, and after taking an oath faithfully and impartially to discharge the duties of our appointment, which oath is herewith filed, we took to our assistance Chas. Buchanan and W. A. Wilt, as chainbearers, and Lew Riggs as marker, and proceeded to view, survey and lay out said road as prayed for in said petition, as near as in our opinion, a good road can be made at a reasonable expense, taking into consideration the utility, convenience and inconvenience and expense which will result to individuals as well as to the public, if such road shall be established and opened.

We also caused W. R. McFarland, the surveyor appointed for that purpose, to survey the proposed road under our direction, and caused the proposed road to be conspicuously marked throughout, and the corners and distances thereon noted, all in the manner required by law.

Reference for particulars of said survey is hereby made to the plat and survey of said proposed road, made by W. R. McFarland and herewith filed.

We are of the opinion that said proposed road should be established as described in said plat and survey, for the following reason, viz:

1st- We have no county road, which would be a great convenience not only to the settlers of this immediate vicinity, but to the travelling public, including the settlement on Squaw Creek and the settlers south of this. It would also shorten the route to The Dalles by thirty miles from this part of the County.
Dated September 26, 1896.

D. E. Hurst
E. P. Buchanan Viewers.
H. W. Carlin

SURVEYOR'S REPORT.

Field notes of survey of road petitioned for by E. H. Sparks and others, at the September term of Court held in Prineville, Crook Co., Or., in the year 1896.

Commencing at the NW Corner of Sec. 28, in Twp. 13.S. of Range 11.E. of W.M.

thence E	34	rods.	
" N60°E	20	rods	
" N30°E	44	"	
" due N	2	"	
" N40°W	46	"	
" N10°W	38	"	
" N30°E	60	"	
" N25°E	36	"	
" N55°W	14	"	to a stone marked 1 mile.
" N55°W	10	"	
" N45°W	116	"	
" N	194	"	to a stone marked 2 miles.
" N	320	"	to a stone marked 3 miles.
" N	320	"	to a stone marked 4 miles.
" N	66	"	
" N40°E	30	"	
" N20°E	50	"	
" N50°E	30	"	
" N25°E	58	"	
" N20°E	24	"	
" N10°E	62	"	to a stone marked 5 miles.
" N10°E	174	"	
" N	42	"	
" N10°W	104	"	to a stone marked 6 miles.
" N10°W	78	"	
" N12°W	50	"	
" N	192	"	to a stone marked 7 miles.

E. H. Sparks Road, Cont.

Thence	N10°W	108	rods	
"	N	114	"	
"	N45°E	100	"	to a stone marked 3 miles.
"	N45°E	106	"	
"	N10°E	54	"	
"	N 5°E	114	"	
"	N10°E	46	"	to a stone marked 9 miles.
"	N10°E	86	"	
"	N40°E	88	"	
"	N38°E	116	"	
"	E	20	"	
"	N70°E	10	"	to a stone marked 10 miles.
"	N70°E	20	"	
"	N10°E	6	"	
"	N20°W	36	"	
"	N10°W	13	"	
"	N10°E	20	"	
"	N20°E	18	"	
"	N30°E	42	"	
"	N50°E	48	"	
"	W	66	"	
"	N	38	"	
"	N10°E	38	"	to a stone marked 11 miles.
"	N45°E	42	"	
"	N60°E	166	"	
"	N40°E	12	"	to a stone marked 12 miles.
"	N40°E	160	"	
"	N30°E	72	"	
"	N60°E	40	"	
"	E	48	"	to a stone marked 13 miles.
"	E	10	"	
"	S85°E	162	"	
"	N20°W	9	"	
"	W	17	"	
"	N80°W	22	"	
"	N70°W	24	"	
"	N30°W	8	"	
"	N20°E	12	"	
"	E	10	"	
"	S70°E	20	"	
"	N20°E	26	"	to a stone marked 14 miles.
"	N60°E	14	"	
"	S80°E	20	"	
"	S30°E	6	"	
"	N65°E	28	"	
"	N80°E	26	"	
"	N40°W	16	"	
"	N70°W	18	"	
"	N	6	"	
"	N45°E	6	"	
"	N70°E	44	"	
"	S70°E	12	"	
"	N	4	"	to a stone marked 14 5/8 miles, it being the

terminus of said road, at a point 12 rods N50°E from the NW Corner of the SW quarter of Sec. 25, in Tp. 11 S. of Range 11 E.W.M.

I do hereby certify that the following are the true and correct field notes and plat of the road petitioned for by E. H. Sparks and others.

W. R. McFarland,
Surveyor.

In the matter of §
E.H.Sparks Road. § Com. Jour. Vol.2, P.562, Nov.7, 1896.

Now on this day is presented and read in open Court the report of the Viewers heretofore appointed to view, lay out, locate and report upon a proposed County road (description identical with that in Notice

And it appearing to the Court from said report that said Viewers, to-wit: E. P. Buchanan, H. W. Carlin and D. P. Hurst, and W. R. McFarland, the surveyor, met at the time and place designated in the order appointing them; that they were duly qualified before entering upon the discharge of their duties; that W. R. McFarland, the Surveyor, took to his assistance 3 suitable persons as chainmen and marker, who were also duly qualified and under the immediate supervision and direction of the said Viewers proceeded to survey said road; that the beginning and termination points, each mile post and each angle and all trees along said road, were marked and indicated as the law directs; that said Surveyor has filed herein a certified copy of the field notes and the plat of said road as surveyed by him and that said report has been read publicly in open Court on two different days of this term of Court and that no remonstrance or objection or claim for damages has been filed or made herein.

Therefore it is ordered by the Court that the prayer of the petitioners be granted and the said road as viewed, surveyed and reported be and the same is hereby declared a public highway and County Road; and it is further ordered that all papers, plats and matter pertaining to this road be entered in full on the Record of Roads.

And it is further ordered by the Court that the Supervisor of Roads through whose district this road runs immediately open the same to the use of the public.

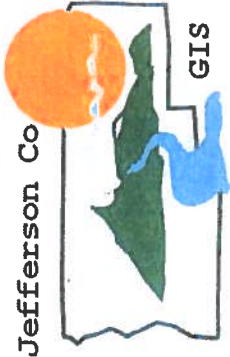
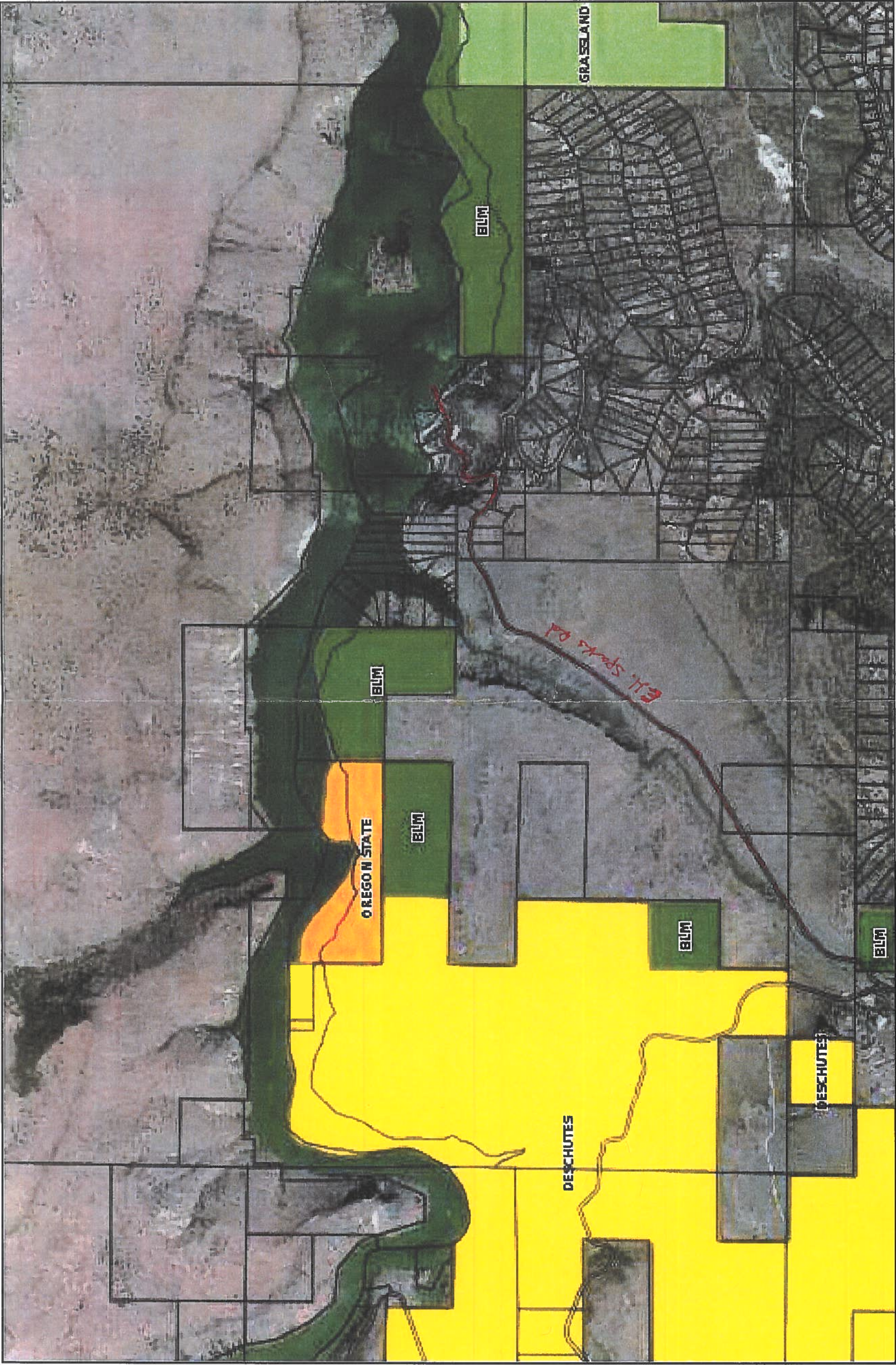


EXHIBIT D



Jefferson County uses GIS data in support of its internal business functions and the public services it provides. This GIS data, which Jefferson County distributes, may not be suitable for other purposes or uses. It is the requestor's responsibility to verify any information derived from the GIS data before making any decisions or taking any actions based on the information. Jefferson County shall not be held liable for any errors in the GIS data. This includes errors of omission, commission, errors concerning the content of the data, and relative and positional accuracy of the data. Jefferson County assumes no legal responsibility for this information.

Jefferson County GIS