



**Coos County
Planning Department
Lawfully Established Parcel
Determination Application**

Official Use Only

Fee _____
Receipt No. 228661
Check No./Cash _____
Date 10/26/21
Received By JMB
File No. D-21-013

The following application must be completed in full. An application **will not** be processed for a land use request without this information. The County will use these answers in its analysis of the merits of the application. Please submit readable deeds. A signed consent form will be required if the applicant and owner are not the same.

A. PLEASE PRINT OR TYPE (please attach additional sheets, if necessary):

Owner(s): Jeremiah & Bridget Kasper Telephone: (916) 580-4416
Address: PO Box 2070
City: Bandon, OR Zip Code: 97411
Email: jeremiahkasper4@gmail.com

Applicant(s): Jeremiah & Bridget Kasper Telephone: (916) 580-4416
Address: PO Box 2070
City: Bandon, OR Zip Code: 97411
Email: jeremiahkasper4@gmail.com

B. PROPERTY INFORMATION:

Township: 29S Section: 14W
Range: 08 Tax Lot: 300/301/302/303
Tax Account: 1207601 / 1307603 Zoning District: EFU
1207604 / 1207605

C. SUBMISSION REQUIREMENTS:

- Completed application form with appropriate fee
- A copy of the current deed of record
- A copy of each deed being used as evidence to support the application
- A detailed map indicating the relation of the existing property boundary to the discrete parcel boundaries

SECTION 6.1.150 APPLICATIONS ESTABLISHING LAWFULLY CREATED LOTS OR PARCELS:

An application to establish a lawfully created unit of land shall be submitted in the case of Section 6.1.125.1.d, e and f and Section 6.1.125.2. This is an administrative land use decision. If County Counsel is required to review information to determine legal status of the unit of land additional fees may be charged.

All notices will be provided in accordance with LDO Section 5.0.

Once it is determined that a lawfully created unit of land exists it shall be separated out on its own deed prior to any reconfiguration such as a property line adjustment. A copy of that deed needs to be provided to the Planning Department showing the process has been completed. If there are more than two lawfully created units of land (discrete parcels) found to exist, a road may be required to provide access. The applicable road standards in Chapter VII will apply.

D. AUTHORIZATION: All areas must be initialed by all owners/applicant prior to the Planning Department accepting any application.

JK

I hereby attest that I am authorized to make the application for an administrative review and the statements within this application are true and correct to the best of my knowledge and belief. I affirm that this is a legally created tract, lot or parcel of land. I understand that I have the right to an attorney for verification as to the creation of the subject property. I understand that any action authorized by Coos County may be revoked if it is determined that the action was issued based upon false statements or misrepresentation.

JK

ORS 215.416 Permit application; fees; consolidated procedures; hearings; notice; approval criteria; decision without hearing.

(1) When required or authorized by the ordinances, rules and regulations of a county, an owner of land may apply in writing to such persons as the governing body designates, for a permit, in the manner prescribed by the governing body. The governing body shall establish fees charged for processing permits at an amount no more than the actual or average cost of providing that service.

The Coos County Board of Commissioners has adopted a schedule of fees which reflects the average review cost of processing and set-forth that the Planning Department shall charge the actual cost of processing an application. Therefore, upon completion of review of your submitted application/permit a cost evaluation will be done and any balance owed will be billed to the applicant(s) and is due at that time. By signing this form you acknowledge that you are responsible to pay any debt caused by the processing of this application. Furthermore, the Coos County Planning Department reserves the right to determine the appropriate amount of time required to thoroughly complete any type of request and, by signing this page as the applicant and/or owner of the subject property, you agree to pay the amount owed as a result of this review. If the amount is not paid within 30 days of the invoice, or other arrangements have not been made, the Planning Department may chose to revoke this permit or send this debt to a collection agency at your expense.

JK

I understand it is the function of the planning office to impartially review my application and to address all issues affecting it regardless of whether the issues promote or hinder the approval of my application. In the event a public hearing is required to consider my application, I agree I bear the burden of proof. I understand that approval is not guaranteed and the applicant(s) bear the burden of proof to demonstrate compliance with the applicable review criteria.

JK

As applicant(s) I/we acknowledge that is in my/our desire to submit this application and staff has not encouraged or discouraged the submittal of this application.

JK

As the applicant(s) I/we acknowledge, pursuant to CCZLDO Section 6.1.150, a deed describing any recognized lawfully created parcels must be recorded with the County Clerk within one year from the date of final approval from the Planning Department.

E. SIGNATURES:

Jeremiah Kasper
Applicant(s) Original Signature

10/23/21
Date

Bridget L Kasper
Applicant(s) Original Signature

10/28/21
Date

Applicant(s) Original Signature

Date

Applicant(s) Original Signature

Date

CCZLDO	§ 6.1.125	LAWFULLY CREATED LOTS OR PARCELS:
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SECTION 6.1.125 LAWFULLY CREATED LOTS OR PARCELS:

“Lawfully established unit of land” means:

1. The unit of land was created:
 - a. Through an approved or pre-ordinance plat;
 - b. Through a prior land use decision including a final decision from a higher court. A higher court includes the Land Use Board of Appeals;
 - c. In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations at the time it was created.
 - d. By a public dedicated road that was held in fee simple creating an interviewing ownership prior to January 1, 1986;
 - e. By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation.
 - f. By the claim of intervening state or federal ownership of navigable streams, meandered lakes or tidewaters. “Navigable-for-title” or “title-navigable” means that ownership of the waterway, including its bed, was passed from the federal government to the state at statehood. If a waterway is navigable-for-title, then it also is generally open to public use for navigation, commerce, recreation, and fisheries.
2. Creation of parcel previously approved but not acted upon (92.178).
 - a. The governing body of a county may approve an application requesting formation of one parcel if the county issued a land use decision approving the parcel prior to January 1, 1994, and:
 - b. A plat implementing the previous land use decision was not recorded; or
 - c. A condition of approval of the previously approved land use decision requiring consolidation of adjacent lots or parcels was not satisfied by a previous owner of the land.
 - d. An application under this section is not subject to ORS 215.780.
 - e. Approval of an application under this section does not affect the legal status of land that is not the subject of the application.

CCZLDO	§ 6.1.150	APPLICATIONS ESTABLISHING LAWFULLY CREATED LOTS OR PARCELS
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Discrete Parcel Application

SECTION 6.1.125 LAWFULLY CREATED LOTS OR PARCELS:

“Lawfully established unit of land” means:

1. The unit of land was created:

- a. Through an approved or pre-ordinance plat;*
- b. Through a prior land use decision including a final decision from a higher court. A higher court includes the Land Use Board of Appeals;*
- c. In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations at the time it was created.*
- d. By a public dedicated road that was held in fee simple creating an interviewing ownership prior to January 1, 1986;*
- e. By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation.*
- f. By the claim of intervening state or federal ownership of navigable streams, meandered lakes or tidewaters. “Navigable-for-title” or “title-navigable” means that ownership of the waterway, including its bed, was passed from the federal government to the state at statehood. If a waterway is navigable-for-title, then it also is generally open to public use for navigation, commerce, recreation, and fisheries.*

Applicant’s Response: The applicant’s subject property consists of seven discrete parcels, that are identified as discrete parcels on Deed #69-5-38647. The historic tax lot numbers for these six parcels are #12082 (Parcel I), #12081 (Parcel II), #12083 (Parcel III), #12084 (Parcel III), #12080-1 (Parcel VI), #12076-1 (Parcel V), #12085-1 (Parcel IV), #12087-2 (Parcel VII).

Tax lot #12083 (BK 139, PG 278) and #12084 (BK 139, PG528) are identified as Parcel III on Deed #69-5-3847. These two taxes lots were found as a discrete parcel during the processing of ACU-96-012. This application was for placing a manufactured dwelling to be use as High Value Income Test dwelling. Please find the applicable findings for that parcel determination in the record for ACU-96-012.

Thus, the remaining parcels has not formally acknowledged thru a discrete parcel determination yet. This application is requesting that these discrete parcels be recognized at this time.

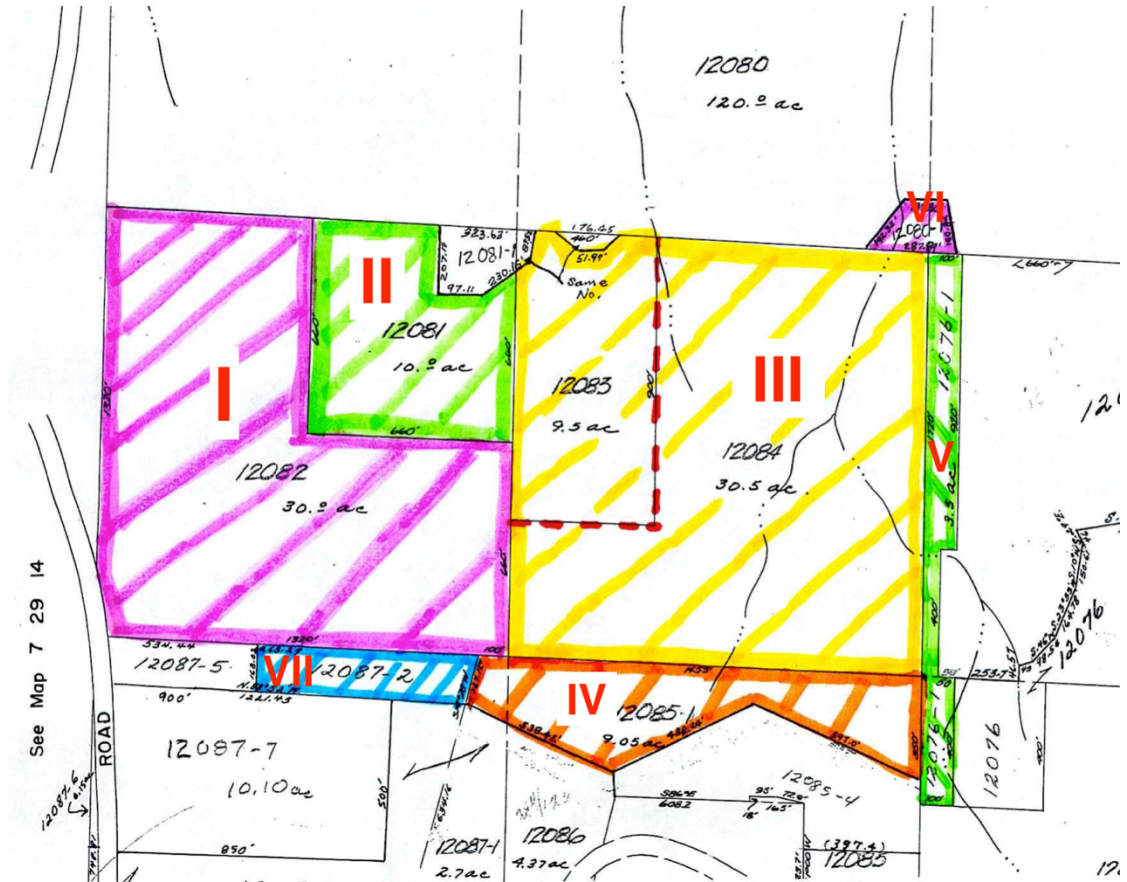


Figure 1: Approximate parcel configuration using 1970's era Assessor map

2. Creation of parcel previously approved but not acted upon (92.178).

- a. The governing body of a county may approve an application requesting formation of one parcel if the county issued a land use decision approving the parcel prior to January 1, 1994, and:
- b. A plat implementing the previous land use decision was not recorded; or
- c. A condition of approval of the previously approved land use decision requiring consolidation of adjacent lots or parcels was not satisfied by a previous owner of the land.
- d. An application under this section is not subject to ORS 215.780.
- e. Approval of an application under this section does not affect the legal status of land that is not the subject of the application.

Applicant's Response: Other than Parcel III, there has been no previous planning approvals on Parcel I, Parcel II, Parcel IV, Parcel V, Parcel VI, or Parcel VII. There have not been any previously approved plats on these parcels. There was no condition of approval on ACU-96-012 regarding combining the other parcels into a single consolidated parcel. In fact, the notification map for ACU-96-012 identified discrete portion per BK 147, PG 528. ORS 215.780 relates to the minimum lot size. All the parcels are zoned Exclusive

Farm Use, which has a minimum lot size of 80 acres. These lots all are currently non-conforming and all under 80 acres in size.

SECTION 6.1.150 APPLICATIONS ESTABLISHING LAWFULLY CREATED LOTS OR PARCELS:

An application to establish a lawfully created unit of land shall be submitted in the case of Section 6.1.125.1.d, e and f and Section 6.1.125.2. This is an administrative land use decision. If County Counsel is required to review information to determine legal status of the unit of land additional fees may be charged.

All notices will be provided in accordance with LDO Section 5.0.

Once it is determined that a lawfully created unit of land exists it shall be separated out on its own deed prior to any reconfiguration such as a property line adjustment. A copy of that deed needs to be provided to the Planning Department showing the process has been completed. If there are more than two lawfully created units of land (discrete parcels) found to exist a road may be required to provide access. The applicable road standards in Chapter VII will apply.

Applicant's Response: All these parcels were created under Section 6.1.25.1 (e) "By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation." This discrete parcel determination is being requested to be process the Coos County Planning Commission as a Hearing Body Conditional Use application. The applicants agreed to the application being process in accordance with the Section 5.0 notification requirements.

The applicants agree to record a new deed for each discrete parcel prior to any requested PLA. Each newly recorded deed will be presented to the Planning Department showing the process has been completed. Please see the attached easement #69-4-38148. This easement provides access to the two dwellings from Rosa County Road by the traveling over Circle City Lane and Barnekoff Lane, which are private roads. The manufactured home (permitted under ACU-96-012) required a driveway confirmation be completed prior to requesting the Zoning Compliance Letter. The 1974 dwelling on Parcel IV was built before road standards were required. The rest of the requested parcels are currently being utilized for resource uses (either timber or farm use) and the road access to these parcels comply with Section 7.1.450 Forestry, Mining, or Agricultural Access. Because of easement regulations relating to the 'doctrine of merger', easements cannot be recorded on the remaining discrete parcels until the parcels are transferred into a different name.

FORM No. 423—WARRANTY DEED.

69-5-38646

STOCKING 1975 LAW, PUF, CO., PORTLAND, ORE.

1967/50

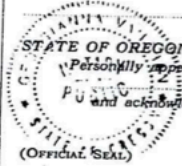
KNOW ALL MEN BY THESE PRESENTS, That GEORGE V. COX and VIOLA COX,
 husband and wife,
 hereinafter called the grantor, for the consideration hereinafter stated,
 to grantor paid by GEORGE FREDERICK COX and BARBARA JEAN COX,
 husband and wife
 , hereinafter called the grantee,
 does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that
 certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, sit-
 uated in the County of COOS and State of Oregon, described as follows, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF
 together with an easement for ingress and egress recorded
 April 28, 1969, in Book of Records 69-4-38148, Coos County

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.
 And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that
 grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances
 Except Reservation of minerals as set out in Deed 128/425 and 165/121,
 and Easements in Book of Records 68-7-29761 and 69-4-38148

and that
 grantor will warrant and forever defend the above granted premises and every part and parcel thereof against the law-
 ful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.
 The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 40,000.00
 of which the actual consideration is 40,000.00 and the balance is 0.00 of which the actual consideration is 0.00 and the balance is 0.00
 part of the consideration (indicate which) the whole

In construing this deed and where the context so requires, the singular includes the plural.
 WITNESS grantor's hand this 15th day of May, 1969.



STATE OF OREGON, County of COOS) ss. May 15th, 1969
 Personally appeared the above named George V. Cox and Viola Cox,
 husband and wife,
 and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me: [Signature]
 Notary Public for Oregon
 My commission expires 8-19-1971

NOTE—The sentence between the symbols () if not applicable, should be deleted. See Chapter 482, Oregon Laws 1967, as amended by the 1967 Special Session.

WARRANTY DEED

No. _____

TO _____

AFTER RECORDING RETURN TO _____

118
 69-5-38646
 State of Oregon
 County of Coos
 hereby certify that the within instrument
 was filed for record

MAY 16 8 34 AM '69

and recorded in Book of Records
 Microfilm Reel No. 69-5-38646-42
 of said County.
 WITNESS my hand and Seal of County
 affixed.
 Pay to [Signature] Coos County Clerk
 By [Signature] Deputy
 Return to [Signature]
 Fee 3.00

633

PARCEL I

The West half (W $\frac{1}{2}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) and the Southeast quarter (SE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section Eight (8), Township Twenty-nine (29) South, Range Fourteen (14) West of the Willamette Meridian, Coos County, Oregon. Except that part lying within public roads.

PARCEL II & III

The Northeast Quarter (NE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) and the Southeast quarter (SE $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) in Section Eight (8), Township Twenty-nine (29) South, Range Fourteen (14) West of the Willamette Meridian, Coos County, Oregon, less parcels A and B described as follows:

PARCEL A

Beginning at a 1" pipe located on the East-West 1/16 line through the center of the said Northwest quarter (NW $\frac{1}{4}$) of Section Eight (8), said pipe being located 27.18 feet South and 1080.52 feet East of the North 1/16 corner on the Section line between Sections Seven (7) and Eight (8); go South 05°55 $\frac{1}{2}$ ' East, 207.19 feet to a 1" pipe; thence East 97.11 feet to a 1" pipe; thence North 55°52' East, 230.16 feet to a 1" pipe; thence East 97.11 feet to a 1" pipe; thence North 39°47' East, 89.52 feet to a 1" pipe located on the said 1/16 line running East-West through the Northwest quarter (NW $\frac{1}{4}$) of Section Eight (8); thence North 88°33 $\frac{1}{2}$ ' West, 323.62 feet, along said 1/16 line through the Northwest quarter (NW $\frac{1}{4}$) of Section Eight (8), to the point of beginning.

PARCEL B

Beginning at a 1" pipe located on the East-West 1/16 line through the center of the said Northwest quarter (NW $\frac{1}{4}$) of Section Eight (8), said pipe being located 36.55 feet South and 1453.35 feet East of the North 1/16 corner on the Section line between Sections Seven (7) and Eight (8); go South 56°45' East, 80.39 feet to a 1" pipe; thence North 87°48' East, 51.99 feet to a 1" pipe; thence North 56°39' East, 68.49 feet to a 2" pipe located on the said 1/16 line running East-West through the Northwest quarter (NW $\frac{1}{4}$) of Section Eight (8); thence North 88°33 $\frac{1}{2}$ ' West, 176.45 feet, along said 1/16 line through the Northwest quarter (NW $\frac{1}{4}$) of Section Eight (8), to the point of beginning.

PARCEL IV

A parcel of land located in the Northwest quarter (NW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) and the Northeast quarter (NE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$), all in Section Eight (8), Township Twenty nine (29) South, Range Fourteen (14) West of the Willamette Meridian, Coos County, Oregon, described as follows, according to a survey made in December, 1965: Beginning at the Northeast corner of the said NW $\frac{1}{4}$ of the Southwest quarter of Section 8; run thence North 88°52 $\frac{1}{2}$ ' West 100 feet along the North boundary of the said NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 8; thence South 14°00 $\frac{1}{2}$ ' West 167.16 feet; thence South 67°38 $\frac{1}{2}$ ' East a distance of 538.42 feet along the North boundary of the Loris A. Willett and wife bog and the South boundary of the George V. Cox and wife bog; thence North 64°55' East a distance of 488.24 feet; thence South 71°25 $\frac{1}{2}$ ' East a distance of 597.01 feet to the North-South quarter section line through the center of said Section 8; thence North 00°28' West a distance of 320.96 feet, along said North-South Quarter Section line to the center of said Section 8; thence North 88°52 $\frac{1}{2}$ ' West a distance of 1363.28 feet along the North boundary of said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 8 to the point of beginning.

PARCEL V

Beginning at a point 400 feet South of the Southwest corner of the Southwest quarter (SW $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) of Section Eight (8), Township Twenty nine (29) South, Range Fourteen (14) West of the Willamette Meridian, Coos County, Oregon; thence 100 feet East; thence 400 feet North; thence West 50 feet; thence North 400 feet; thence East 50 feet; thence North 920 feet; thence West 100 feet; thence South 1720 feet to place of beginning; all being in the East half (E $\frac{1}{2}$) of Section Eight (8), Township Twenty nine (29) South Range Fourteen (14) West of the Willamette Meridian, Coos County, Oregon.

PARCEL VI

A parcel of land lying in the North half (N $\frac{1}{2}$) of Section Eight (8), Township Twenty nine (29) South, Range Fourteen (14) West of the Willamette Meridian, Coos County, Oregon, described as follows: Beginning at a 1 $\frac{1}{2}$ " pipe located on the East-West 1/16 line through the Northwest quarter (NW $\frac{1}{4}$) of said Section Eight (8), said pipe being located 61.94 feet South and 2462.30 feet East of the North 1/16 corner on the Section line between Sections Seven (7) and Eight (8); go North 38°20' East, 192.32 feet to a 3/4" pipe; thence East, 138.31 feet to a 2" pipe; thence South 10°41' East, 160.82 feet to a 3/4" pipe located on the said 1/16 line running East-West through the Northwest quarter (NW $\frac{1}{4}$) of Section Eight (8); thence North 88°33 $\frac{1}{2}$ ' West, 287.87 feet along said 1/16 line through the Northwest quarter (NW $\frac{1}{4}$) of Section Eight (8), to the point of beginning.

69-5-38648

NOTE AND MORTGAGE

THE MORTGAGOR, GEORGE FREDERICK COX and BARBARA JEAN COX,
Husband and Wife

mortgages to the STATE OF OREGON, represented and acting by the Director of Veterans' Affairs, pursuant to ORS 407.030, the following described real property located in the State of Oregon and County of COOS
SEE ATTACHED EXHIBIT "A"

together with the tenements, hereditaments, rights, privileges, and appurtenances including roads and easements used in connection with the premises; electric wiring and fixtures; furnace and heating system, water heaters, fuel storage receptacles; plumbing, ventilating, water and irrigating systems; screens, doors, window shades and blinds, shutters; cabinets, built-ins, linoleums and floor coverings, built-in stoves, ovens, electric sinks, air conditioners, refrigerators, freezers, dishwashers; and all fixtures now or hereafter installed in or on the premises; and any shrubbery, flora, or timber now growing or hereafter planted or growing thereon; and any replacements of any one or more of the foregoing items, in whole or in part, all of which are hereby declared to be appurtenant to the land, and all of the rents, issues, and profits of the mortgaged property;

to secure the payment of Thirty Nine Thousand Five Hundred and No/100 ----- Dollars

\$39,500.00 -----, and interest thereon, evidenced by the following promissory note:

I promise to pay to the STATE OF OREGON Thirty Nine Thousand Five Hundred and No/100 ----- Dollars \$39,500.00 ----- with interest from the date of initial disbursement by the State of Oregon, at the rate of four percent per annum, principal and interest to be paid in lawful money of the United States at the office of the Director of Veterans' Affairs in Salem, Oregon, as follows:

\$ 2,326.00 ----- on or before December 1, 1969 ----- and \$ 2,326.00 on each December 1st ----- thereafter, plus ----- the ad valorem taxes for each successive year on the premises described in the mortgage, and continuing until the full amount of the principal, interest and advances shall be fully paid, such payments to be applied first as interest on the unpaid principal, the remainder on the principal.

The due date of the last payment shall be on or before December 1, 1998.

In the event of transfer of ownership of the premises or any part thereof, to anyone other than a qualified veteran under ORS 407.010 to 407.210 who assumes the indebtedness in his own right, I will continue to be liable for payment and from date of such transfer.

This note is secured by a mortgage, the terms of which are made a part hereof.

Dated at Bandon, Oregon
May 15th 19 69

George Frederick Cox
Barbara Jean Cox

The mortgagor or subsequent owner may pay all or any part of the loan at any time without penalty.

The mortgagor covenants that he owns the premises in fee simple, has good right to mortgage same, that the premises are free from encumbrance, that he will warrant and defend same forever against the claims and demands of all persons whomsoever, and this covenant shall not be extinguished by foreclosure, but shall run with the land.

MORTGAGOR FURTHER COVENANTS AND AGREES:

- To pay all debts and moneys secured hereby;
- Not to permit the buildings to become vacant or unoccupied; not to permit the removal or demolition of any buildings or improvements now or hereafter existing; to keep same in good repair; to complete all construction within a reasonable time in accordance with any agreement made between the parties hereto;
- Not to permit the cutting or removal of any timber except for his own domestic use; not to commit or suffer any waste;
- Not to permit the use of the premises for any objectionable or unlawful purpose;
- Not to permit any tax, assessment, lien, or encumbrance to exist at any time;
- Mortgagee is authorized to pay all real property taxes assessed against the premises and add same to the principal, each of the advances to bear interest as provided in the note;
- To keep all buildings unceasingly insured during the term of the mortgage, against loss by fire and such other hazards in such company or companies and in such an amount as shall be satisfactory to the mortgagee; to deposit with the mortgagee all such policies with receipts showing payment in full of all premiums; all such insurance shall be made payable to the mortgagee; if the mortgagor fails to effect the insurance, the mortgagee may secure the insurance and the cost shall be added to the principal, deemed a debt due and shall be secured by this mortgage; insurance shall be kept in force by the mortgagor in case of foreclosure until the period of redemption expires;

69-5-38649

8. Mortgagee shall be entitled to all compensation and damages received under right of eminent domain, or for any security voluntarily released, same to be applied upon the indebtedness;

9. Not to lease or rent the premises, or any part of same, without written consent of the mortgagee;

10. To promptly notify mortgagee in writing of a transfer of ownership of the premises or any part or interest in same, and to furnish a copy of the instrument of transfer to the mortgagee; any purchaser shall assume the indebtedness, and purchaser not entitled to a loan or 4% interest rate under ORS 407.010 to 407.016 shall pay interest as prescribed by ORS 408.070 on all payments due from the date of transfer; in all other respects this mortgage shall remain in full force and effect, no instrument of transfer shall be valid unless same contains a covenant of the grantee whereby the grantee assumes the covenants of this mortgage and agrees to pay the indebtedness secured by same.

The mortgagee may, at his option, in case of default of the mortgagor, perform same in whole or in part and all expenditures made in so doing (including the employment of an attorney to secure compliance with the terms of the mortgage or the note shall draw interest at the rate provided in the note and all such expenditures shall be immediately repayable by the mortgagor without demand and shall be secured by this mortgage.

Default in any of the covenants or agreements herein contained or the expenditure of any portion of the loan for purposes other than those specified in the application, except by written permission of the mortgagee given before the expenditure is made, shall cause the entire indebtedness at the option of the mortgagee to become immediately due and payable without notice and this mortgage subject to foreclosure.

The failure of the mortgagee to exercise any options herein set forth will not constitute a waiver of any right arising from a breach of the covenants.

In case foreclosure is commenced, the mortgagor shall be liable for the cost of a title search, attorney fees, and all other costs incurred in connection with such foreclosure.

Upon the breach of any covenant of the mortgage, the mortgagee shall have the right to enter the premises, take possession, collect the rents, issues and profits and apply same, less reasonable costs of collection, upon the indebtedness and the mortgagee shall have the right to the appointment of a receiver to collect same.

The covenants and agreements herein shall extend to and be binding upon the heirs, executors, administrators, successors and assigns of the respective parties hereto.

It is distinctly understood and agreed that this mortgage is subject to the provisions of Article XI-A of the Oregon Constitution, ORS 407.018 to 407.019 and any subsequent amendments thereto and to all rules and regulations which have been issued or may hereafter be issued by the Director of Veterans' Affairs pursuant to the provisions of ORS 407.020.

WORDS: The masculine shall be deemed to include the feminine, and the singular the plural where such connotations are applicable herein.

IN WITNESS WHEREOF, The mortgagors have set their hands and seals this 15th day of May, 1969.

George Frederick Cox (Seal)
Barbara Jean Cox (Seal)

ACKNOWLEDGMENT

STATE OF OREGON, County of Coos } ss.
 Before me, a Notary Public, personally appeared the within named George Frederick Cox and Barbara Jean Cox, his wife, and acknowledged the foregoing instrument to be their voluntary



WITNESS my hand and official seal the day and year last above written.
[Signature]
 Notary Public for Oregon
 My Commission expires August 19, 1971

MORTGAGE

FROM _____ TO Department of Veterans' Affairs L-67617
 STATE OF OREGON, County of _____ } ss.
 I certify that the within was received and duly recorded by me in _____ County Records, Book of Mortgages, No. _____ Page _____ on the _____ day of _____ County _____
 By _____ Deputy.
 Filed _____ at o'clock _____ M.
 County _____ By _____ Deputy.

After recording return to:
 DEPARTMENT OF VETERANS' AFFAIRS
 General Services Building
 Salem, Oregon 97310
 Form L-4 (7-65)
 27-68867-71

EXHIBIT #69-5-38650

PARCEL I

The West half (W $\frac{1}{2}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) and the Southeast quarter (SE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section Eight (8), Township Twenty-nine (29) South, Range Fourteen (14) West of the Willamette Meridian, Coos County, Oregon. Except that part lying within public roads.

PARCEL II & III

The Northeast Quarter (NE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) and the Southeast quarter (SE $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) in Section Eight (8), Township Twenty-nine (29) South, Range Fourteen (14) West of the Willamette Meridian, Coos County, Oregon, less parcels A and B described as follows:

PARCEL A

Beginning at a 1" pipe located on the East-West 1/16 line through the center of the said Northwest quarter (NW $\frac{1}{4}$) of Section Eight (8), said pipe being located 27.18 feet South and 1080.52 feet East of the North 1/16 corner on the Section line between Sections Seven (7) and Eight (8); go South 05°55' West, 207.19 feet to a 1" pipe; thence East 97°11' feet to a 1" pipe; thence North 55°52' East, 230.16 feet to a 1" pipe; thence North 39°47' East, 89.52 feet to a 1" pipe located on the said 1/16 line running East-West through the Northwest quarter (NW $\frac{1}{4}$) of Section Eight (8); thence North 88°33' West, 323.62 feet, along said 1/16 line through the Northwest quarter (NW $\frac{1}{4}$) of Section Eight (8), to the point of beginning.

PARCEL B

Beginning at a 1" pipe located on the East-West 1/16 line through the center of the said Northwest quarter (NW $\frac{1}{4}$) of Section Eight (8), said pipe being located 36.55 feet South and 1453.35 feet East of the North 1/16 corner on the Section line between Sections Seven (7) and Eight (8); go South 56°45' East, 80.39 feet to a 1" pipe; thence North 87°48' East, 51.99 feet to a 1" pipe; thence North 56°39' East, 68.49 feet to a 2 1/2" pipe located on the said 1/16 line running East-West through the Northwest quarter (NW $\frac{1}{4}$) of Section Eight (8); thence North 88°33' West, 176.45 feet, along said 1/16 line through the Northwest quarter (NW $\frac{1}{4}$) of Section Eight (8), to the point of beginning.

PARCEL IV

A parcel of land located in the Northwest quarter (NW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) and the Northeast quarter (NE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$), all in Section Eight (8), Township Twenty nine (29) South, Range Fourteen (14) West of the Willamette Meridian, Coos County, Oregon, described as follows, according to a survey made in December, 1965: Beginning at the Northeast corner of the said NW $\frac{1}{4}$ of the Southwest quarter of Section 8; run thence North 88°52' West 100 feet along the North boundary of the said NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 8; thence South 14°00' West 167.16 feet; thence South 67°38' East a distance of 538.42 feet along the North boundary of the Loris A. Willett and wife bog and the South boundary of the George V. Cox and wife bog; thence North 64°55' East a distance of 488.24 feet; thence South 71°25' East a distance of 597.01 feet to the North-South quarter section line through the center of said Section 8; thence North 00°28' West a distance of 320.96 feet, along said North-South Quarter Section line to the center of said Section 8; thence North 88°52' West a distance of 1363.28 feet along the North boundary of said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 8 to the point of beginning.

PARCEL V

Beginning at a point 400 feet South of the Southwest corner of the Southwest quarter (SW $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) of Section Eight (8), Township Twenty nine (29) South, Range Fourteen (14) West of the Willamette Meridian, Coos County, Oregon; thence 100 feet East; thence 400 feet North; thence West 50 feet; thence North 400 feet; thence East 50 feet; thence North 920 feet; thence West 100 feet; thence South 1720 feet to place of beginning; all being in the East half (E $\frac{1}{2}$) of Section Eight (8), Township Twenty nine (29) South Range Fourteen (14) West of the Willamette Meridian, Coos County, Oregon.

PARCEL VI

A parcel of land lying in the North half (N $\frac{1}{2}$) of Section Eight (8), Township Twenty nine (29) South, Range Fourteen (14) West of the Willamette Meridian, Coos County, Oregon, described as follows: Beginning at a 1 1/2" pipe located on the East-West 1/16 line through the Northwest quarter (NW $\frac{1}{4}$) of said Section Eight (8), said pipe being located 61.94 feet South and 2462.30 feet East of the North 1/16 corner on the Section line between Sections Seven (7) and Eight (8); go North 38°20' East, 192.32 feet to a 3/4" pipe; thence East, 138.31 feet to a 2" pipe; thence South 10°41' East, 160.82 feet to a 3/4" pipe located on the said 1/16 line running East-West through the Northwest quarter (NW $\frac{1}{4}$) of Section Eight (8); thence North 88°33' West, 287.87 feet along said 1/16 line through the Northwest quarter (NW $\frac{1}{4}$) of Section Eight (8), to the point of beginning. Also an easement for ingress and egress recorded April 28, 1969, in Book of Records 69-4-38148, Coos County.

PARCEL VII

Lots One (1) and Four (4), Block Thirty-four (34) Woodland Addition to the City of Bandon, Coos County, Oregon.

2 69-5-38648-50
State of Oregon } ss 118
County of Coos }
I hereby certify that the within instrument
was filed for record

MAY 16 8 34 AM '69

and recorded in Book of Records
Microfilm Reel No. 69-5-38648-50
of said County
WITNESS my hand and Seal of County

69-4-38148

EASEMENT

THIS INSTRUMENT, Made this 22 day of April, 1969, by and between L. A. Willet and Irene Willet, husband and wife, Robert H. Stolz and Barbara L. Stolz, husband and wife, as Grantors, George Fredrick Cox and Barbara J. Cox, husband and wife, as Grantees;

WITNESSETH: That the Grantors, for and in consideration of the sum of Ten Dollars to them hand paid by the Grantees, the receipt of which is hereby acknowledged, do by these presents grant, bargain, sell and convey unto the Grantees, their heirs and assigns, a perpetual right-of-way and easement for roadway purposes through, over and across a roadway as presently located of the following described real property, to-wit:

The North half of the Northeast quarter of the Southwest quarter, the South half of the Northeast quarter of the Southwest quarter, the South half of the Northwest quarter of the Southwest quarter, all in Section 8, Township 29 South, Range 14 West of the Willamette Meridian, in Coos County, Oregon.

for ingress and egress to the lands of the Grantees located in the Southeast quarter of the Northwest quarter of Section 8, Township 29 South, Range 14, West of the Willamette Meridian, as the ingress and egress to the lands of the Grantees.

The privileges of this easement shall extend to and bind the parties hereto, their heirs, executors, administrators, and assigns.

To Have and Hold the above mentioned and described rights for the purposes hereinabove described unto the Grantees, their heirs and assigns forever.

u. 307.8

69-4-38149

IN WITNESS WHEREOF, the said Grantors hereunto set their hands and seals for the day and year herein written.

Robert H. Stolz (SEAL)

Barbara L. Stolz (SEAL)

Louis A. Willett (SEAL)

Irene E. Willett (SEAL)

STATE OF OREGON,)
County of Coos)

BE IT REMEMBERED, that on this 23 day of April, 1969, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named L. A. Willett and Irene Willett, husband and wife, Robert H. Stolz and Barbara L. Stolz, husband and wife, who are known to me to be the identical individuals described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and Notarial Seal the day and year last above written.

Thomas C. Saint
Notary Public for Oregon
My commission expires 1/9/73



118 69-4-38148 4452
6247

State of Oregon ss
County of Coos
I hereby certify that the within instrument was filed for record

APR 28 2 34 PM '69

and recorded in Book of Records
Microfilm Reel No. 69-4-38148-9
of said County.

WITNESS my hand and Seal of County affixed.
Fay F. Crabtree, Coos County Clerk
By Fay F. Crabtree Deputy

Return to TAT

Fee 3.00

Discrete Parcel Application

Attached below is supplemental information regarding Parcel III originally identified on D-21-03 application.

SECTION 6.1.125 LAWFULLY CREATED LOTS OR PARCELS:

“Lawfully established unit of land” means:

1. *The unit of land was created:*
 - a. *Through an approved or pre-ordinance plat;*
 - b. *Through a prior land use decision including a final decision from a higher court. A higher court includes the Land Use Board of Appeals;*
 - c. *In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations at the time it was created.*
 - d. *By a public dedicated road that was held in fee simple creating an intervening ownership prior to January 1, 1986;*
 - e. *By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation.*
 - f. *By the claim of intervening state or federal ownership of navigable streams, meandered lakes or tidewaters. “Navigable-for-title” or “title-navigable” means that ownership of the waterway, including its bed, was passed from the federal government to the state at statehood. If a waterway is navigable-for-title, then it also is generally open to public use for navigation, commerce, recreation, and fisheries.*

Applicant Response: The applicant’s original application identified two discrete parcels combined as one single parcel identified as Parcel III. The following supplemental information is also being submitted. Parcel III while identified as one parcel on Deed #69-5-38647 is really two separate discrete parcels. One parcel is described by Book 139, Page 273 and the second parcel is described as Book 147, Page 528.

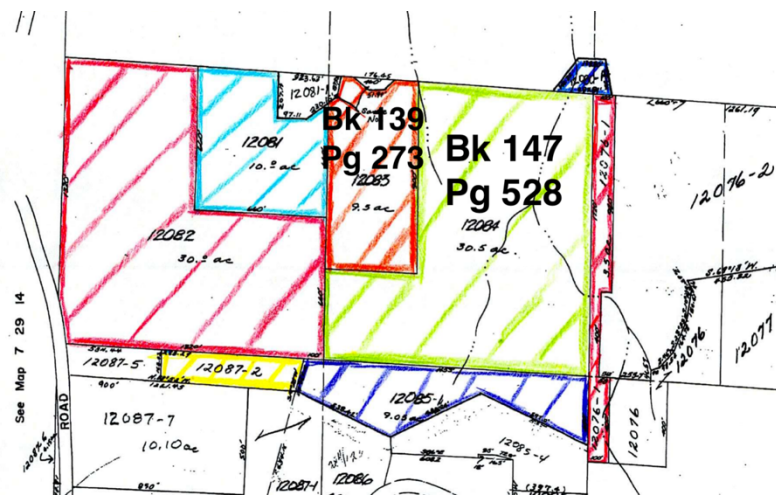


Figure 1: 1970's era Assessor tax lot map

The following additional assessor information and recorded deeds are also submitted.

4. A BLANK ENTRY INDICATES THE PRIOR YEAR'S FIGURES HAVE BEEN CARRIED FORWARD. 8-29-14

CONTINUING ASSESSMENT ROLL OF TAXABLE REAL PROPERTIES OF COOS COUNTY, OREGON

NORMAL RECORDS		DESCRIPTION OF PROPERTY										SPECIAL ASSESSMENTS				
YEAR	DEED BOOK	SUBDIVISION	TILE LOT NUMBER	SECTION	TOWNSHIP SOUTH	RANGE WEST W. 4.	DISTRICT	ACRES	DISTRICT	ACRES	PAY PUNISH ACT'S	EXEMPTION	ACRES			
12083			8	8	29	14										
ACREAGE AND VALUES																
YEAR	DEED BOOK	NAME OF OWNER	TOTAL ACRES	TAXABLE ACRES	1956	NON-TIMBER ACRES	VALUE	TIMBER ACRES	VALUE	STRUCTURAL IMPROVEMENTS	APPROX. MACHINERY AND EQUIPMENT	TOTAL VALUE	EXEMPTION	VALUE AS EQUALIZED BY COUNTY BOARD	GRASS PASTURE	
1943	139 273	J. J. Damron	9.5			9.5	30					30			00	
1947	162 369	George V. & Viola Cox													50	
1948							32					32		2		
1956							25	05				30				
1958							30	10				40				
1961							30	10				40				
1962							30	10				40				
1962							30					30				
1966	66-2-5784		9.28				60					60				
1966							120					120				
1967																
1968																
1968	69-5-38646	George Frederick & Barbara Jean Cox					490					490			54.01	
1970							490					490				
1971							1,390					1,390				
1971							190					190				
1972		over for 1973					240					240				

Book 139, Page 273

489- KNOW ALL MEN BY THESE PRESENTS, That Mabel C. Howard, an unmarried woman, of Bendon, Coos County, Oregon, in consideration of Ten 00/100 Dollars, to her paid by J. J. Damron and Mae Damron, husband and wife, do hereby grant, bargain, sell and convey unto said J. J. Damron and Mae Damron, their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Coos and State of Oregon, bounded and described as follows, to-wit:

Beginning at the northwest corner of the southeast $\frac{1}{4}$ of the northwest $\frac{1}{4}$ of Section 8, Township 29 South, Range 14 West of the Willamette meridian in Coos County, Oregon, and running thence south 900 feet; thence east 460 feet; thence north 900 feet; thence west 460 feet to place of beginning, containing approximately $9\frac{1}{2}$ acres of land, more or less.

TO HAVE AND TO HOLD, the above described and granted premises unto the said J. J. Damron and Mae Damron, their heirs and assigns forever.

IN WITNESS WHEREOF, the grantor above named hereunto set her hand and seal this

22nd day of May A. D. 1941.

Executed in the presence of:
John Nielson

Mabel C. Howard

(seal)

139-274

STATE OF OREGON
 COUNTY OF COOS SS: BE IT REMEMBERED, That on this 22nd day of May, A. D. 1941, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Mabel C. Howard, an unmarried woman, who is known to me to be the identical individual described in and who executed the within instrument, and acknowledged to me that she executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.

John Nielson
 Notary Public for Oregon
 My Commission expires May 2, 1943
 (Notarial Seal)

Recorded May 23, 1941, 10:15 A. M.
 L. W. Oddy, County Clerk

CONTINUING ASSESSMENT ROLL OF TAXABLE REAL PROPERTIES OF COOS COUNTY, OREGON

DEED RECORD		NAME OF OWNER	TOTAL ACRES	ACREAGE AND VALUES										TAXING DISTRICTS									
YEAR OF ASSESSMENT	VOL. PAGE			TOTAL ACRES	TAXABLE ACRES	1939*	NON-TAXABLE ACRES	VALUE	TIMBER ACRES	VALUE	STRUCTURAL IMPROVEMENTS	APPROVED MACHINERY AND EQUIPMENT	TOTAL VALUE	EXEMPTION	VALUE AS ADJUSTED BY COUNTY BOARD	SCHOOL	WATER	ROAD	CITY	PORT	OTHER	TOTAL	CODE NUMBER
12084		Mabel C. Howard	30.5	30.5	0.30	0.30	24.76	75	200		400			29	NR	1	Ban				29		
1944	147 528	Warren Albertson	30.5	30.5	5.74	715	24.76	75	200		1680			34		1	Ban				34a		
1947	165 83	George V. & Viola Cox	30.5	30.5	5.74	1400	24.76	75	255		1730												
1955						1190		.75		255	1520												
1956						980		.80		273	1333												
1957						931																	
1957						782																	
1958							410		10	180	600												
1981							500		10	220	730												
1961							500		15	220	735												
1962		(Carried Forward)					500		10	220	730												

147-528

8276- KNOW ALL MEN BY THESE PRESENTS, That Mabel C. Howard, an unmarried woman, of Bandon, Coos County, Oregon, in consideration of Ten 00/100 Dollars, to her paid by Warren Albertson does hereby grant, bargain, sell and convey unto said Warren Albertson, his heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Coos and State of Oregon, bounded and described as follows, to-wit:

The Southeast $\frac{1}{4}$ of the northwest $\frac{1}{4}$ of Section 8, Township 29 South, Range 14 West of the Willamette meridian less approximately 9 $\frac{1}{2}$ acres sold out of the northwest corner thereof to J. J. Damron and Mae Damron, the deed to them being the same date as this deed, and containing approximately 30 $\frac{1}{2}$ acres of land more or less, conveyed herein to said Warren Albertson.

TO HAVE AND TO HOLD, the above described and granted premises unto the said Warren Albertson, his heirs and assigns forever.

IN WITNESS WHEREOF, the grantor above named hereunto set her hand and seal this 21 day of June, A. D. 1943.

Executed in the Presence of
John Nielson

Mabel C. Howard

(Seal)

STATE OF OREGON
County of Coos :ss. BE IT REMEMBERED, That on this 21st day of June, A.D. 1943 before me, the undersigned, a notary public in and for said County and State, personally appeared the within named Mabel C. Howard, an unmarried woman, who is known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that her executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

Recorded Sept. 1, 1943, 10:30 A.M.
L. W. Oddy, County Clerk
Gtee's Address: Reedsport, Oreg.

John Nielson
Notary Public for Oregon
My Commission expires April 21, 1947
(Notarial Seal)

2. *Creation of parcel previously approved but not acted upon (92.178).*
 - a. *The governing body of a county may approve an application requesting formation of one parcel if the county issued a land use decision approving the parcel prior to January 1, 1994, and:*
 - b. *A plat implementing the previous land use decision was not recorded; or*
 - c. *A condition of approval of the previously approved land use decision requiring consolidation of adjacent lots or parcels was not satisfied by a previous owner of the land.*
 - d. *An application under this section is not subject to ORS 215.780.*
 - e. *Approval of an application under this section does not affect the legal status of land that is not the subject of the application.*

Applicant's Response: There have not been any previously approved plats on these parcels. There was no condition of approval on ACU-96-012 regarding combining the other parcels into a single consolidated parcel. In fact, the notification map for ACU-96-012 identified discrete portion per BK 147, PG 528. ORS 215.780 relates to the minimum lot size. All the parcels are zoned Exclusive Farm Use, which has a minimum lot size of 80 acres. These lots all are currently non-conforming and all under 80 acres in size.

SECTION 6.1.150 APPLICATIONS ESTABLISHING LAWFULLY CREATED LOTS OR PARCELS:

An application to establish a lawfully created unit of land shall be submitted in the case of Section 6.1.125.1.d, e and f and Section 6.1.125.2. This is an administrative land use decision. If County Counsel is required to review information to determine legal status of the unit of land additional fees may be charged.

All notices will be provided in accordance with LDO Section 5.0.

Once it is determined that a lawfully created unit of land exists it shall be separated out on its own deed prior to any reconfiguration such as a property line adjustment. A copy of that deed needs to be provided to the Planning Department showing the process has been completed. If there are more than two lawfully created units of land (discrete parcels) found to exist a road may be required to provide access. The applicable road standards in Chapter VII will apply.

Applicant's Response: All these parcels were created under Section 6.1.25.1 (e) "By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation." The applicants agreed to the application being process in accordance with the Section 5.0 notification requirements.

The applicants agree to record a new deed for each discrete parcel prior to any requested PLA. Each newly recorded deed will be presented to the Planning Department showing the process has been completed. Please see the attached easement #69-4-38148. This easement provides access to the two dwellings from Rosa County Road by the traveling over Circle City Lane and Barnekoff Lane, which are private roads. The manufactured home (permitted under ACU-96-012) required a driveway confirmation be completed prior to requesting the Zoning Compliance Letter. The 1974 dwelling on Parcel IV was built before road standards were required. The rest of the requested parcels are currently being utilized for resource uses (either timber or farm use) and the road access to these parcels comply with Section 7.1.450 Forestry, Mining, or Agricultural Access. Because of easement regulations relating to the 'doctrine of merger', easements cannot be recorded on the remaining discrete parcels until the parcels are transferred into a different name.