

W 15. C.

AGENDA COVER MEMO

DATE: October 19, 2005

TO: BOARD OF COUNTY COMMISSIONERS

FROM: BILL VANVACTOR, COUNTY ADMINISTRATOR
KENT HOWE, PLANNING DIRECTOR

RE: In the Matter of Considering a Ballot Measure 37 Claim and Deciding Whether to Modify, Remove or Not Apply Restrictive Land Use Regulations in Lieu of Providing Just Compensation (PA 05-5708, Jon & Lynna Gay Bowers)

I. MOTION: Move to direct staff to prepare Order for Board adoption.

II. ISSUE OR PROBLEM

Shall the Board of County Commissioners compensate an applicant under Ballot Measure 37 and LC 2.700 through 2.770 for the reduction in fair market value of the affected property interest resulting from enactment or enforcement of restrictive land use regulations or modify, remove, or discontinue application of those land use regulations to the subject property to allow Jon & Lynna Gay Bowers to use the property for a use permitted at the time they acquired an interest in the property?

III. DISCUSSION

A. Background

Applicant/Owner:	Jon & Lynna Gay Bowers 94745 Love Lake Road Junction City, OR 97448
Agent:	Lès Roberts 3324 Bardell Ave. Eugene, OR 97401
Legal Description of Property:	Map 15-04-28 #402 & 403
Acreage:	9.25 acres
Current Zoning:	Exclusive Farm Use Zone (E30/RCP)
Date Property Acquired:	Bowers Distillery, Inc. – June 30, 1971 (Warranty Deed) Jon D. Bowers & Lynna Gay Bowers - Taxlot 402 – April 15, 1977 (Bargain and Sale Deed) Taxlot 403 - November 4, 1980 (Bargain and Sale Deed)
Land Use Regulations in Effect at Date of Acquisition:	
June 30, 1971:	Agriculture, Grazing and Timber Raising District (AGT), Ordinance 4 Sec. VI. originally adopted under Ordinance

No. 208 (February 28, 1966) and LC Revised Subdivision Ordinance

April 15, 1977: Agriculture, Grazing and Timber Raising District (AGT) Lane Code 10.110; Lane Code Chapter 13 Land Divisions

November 4, 1980: Exclusive Farm Use Zone (EFU) Lane Code 10.100; Lane Code Chapter 13 Land Divisions

County land use regulation which restricts the use and reduces the fair market value of claimant's property: LC 16.212 Exclusive Farm Use Zone

Specific Relief Sought: On May 26, 2005, Mr. Roberts submitted a Ballot Measure 37 claim to Lane County on behalf of the Bowers for waiver of any or all land use regulations that would prevent applicant from dividing said property into 5 lots as shown on the accompanying drawing. Lots 3, 4, and 5 are to be conveyed to the children of Jon & Lynna Gay Bowers

B. Lane Code Submittal Requirements

All of the Lane Code submittal requirements have been met.

C. Analysis

Application Review and Referral Determination

An application qualifies for compensation consideration if the applicant has shown that all of the following LC 2.740(1) criteria are met:

The County has either adopted, enforced or applied a land use regulation that restricts the use of private real property after the current owner of the property (the applicant) became the owner (LC 2.740(1)(a) and (c));

Jon & Lynna Gay Bowers are the current owners of the property. They desire to subdivide the 9.25 acre property into 5 lots. Bowers Distillery, Inc. was the previous owner of the property. The applicant, Jon Bowers has owned 25% of the corporation since 1967.

Ownership Chronology:

June 30, 1971: The property was purchased by the Bowers Distillery, Inc by a land sales contract with a Warranty Deed dated the same date.

April 18, 1977: Taxlot 402 was released to the Bowers Distillery, Inc. by recorded deed.

April 18, 1977: Taxlot 402 was conveyed to Jon & Lynna Gay Bowers from the Bowers Distillery, Inc. by a Bargain and Sale Deed

October 25, 1980: Taxlot 403 was released to the Bowers Distillery, Inc. by recorded deed.

November 4, 1980: Taxlot 403 was conveyed to Jon & Lynna Gay Bowers from the Bowers Distillery, Inc. by a Bargain and Sale Deed.

The applicant maintains that he purchased the property under a land sales contract on the date that the corporation acquired the property on June 30, 1971, but no contract was submitted for review. The only submitted document to support the existence of the contract is an April 1, 1980 letter written by the Secretary of the corporation, Judy Bowers, that references 4 payments made in 1972, 1973 and 1974 by Jon & Lynna Gay Bowers for 3.72 acres (Taxlot 402). No reference is made with regards to Taxlot 403 in the 1980 letter. Affidavits have been submitted by Jon and James Bowers stating that both taxlots were sold on land sale contract to Jon & Lynna Gay Bowers by Bowers Distillery, Inc. on June 30, 1971. No written contract has been submitted, however, as part of the application.

At the time that the Bowers Distillery, Inc. acquired an interest in the property in 1971, development was subject to the Agriculture, Grazing and Timber-Raising District requirements of Lane County Ordinance 4 Section VI(3) and development of 1 acre lots with a lot width of not less than 150 feet could occur.

At the time Jon & Lynna Gay Bowers acquired a deed for Taxlot 402 in 1977, development was subject to the Agriculture, Grazing and Timber-Raising District requirements of LC 10.110 and division of the property was restricted to 20 acre lot sizes.

At the time Jon & Lynna Gay Bowers acquired a deed for Taxlot 403 in 1980, development was subject to the Exclusive Farm Use Zone requirements of LC 10.100 and division of the property was restricted to 20 acre lot sizes.

Currently, the E30 zone division requirements (LC 16.212(9)(a)) would restrict the minimum area requirement for the creation of lots or parcels to 30 acres. The Board will need to conclude the E30 minimum area land division and restrictive dwelling regulations have been enforced against the applicant in order to give rise to a claim under Ballot Measure 37 against Lane County.

The restriction on use has the effect of reducing the fair market value of the property or any interest therein, upon which the restriction is imposed (LC 2.740(1)(b)); and

In order to conclude that there has been a reduction in fair market value of this property, the Board will need to determine that the market value of four small acreage buildable lots and one developed 1.63 acre lot is greater than one developed 9.25 acre parcel. The submitted appraisals assume current owner ability to do what might have been possible in 1971 and present credible evidence of value reduction if those assumptions are accurate. No independent review of the appraisals has been conducted. The applicant has provided 3 separate appraisals from a State licensed Appraiser, Norman Pohll which state:

1. The value of the existing 9.25 acre property and residence is \$500,000;
2. The value of the existing dwelling, garage, two outbuildings and 1.63 acres is \$470,000; and

3. The value of 4 potential buildable lots ranging in size from 1.17 acres to 2.91 acres is \$600,000 (4 x \$150,000).

No additional buildable lots are possible under the current E30 provisions. The alleged reduction in value from this analysis of property value as a result of the land use restriction is \$570,000 (600,000 + 470,000 – 500,000 = 570,000).

Ultimately, the Board will need to conclude the E40 regulations have the effect of reducing the fair market value of the applicants' property to conclude that Jon & Lynna Gay Bowers comply with this criteria and are entitled to just compensation under Ballot Measure 37.

The challenged regulation is not an exempt regulation as defined in LC 2.710 (LC 2.740(1)(d)).

The land division regulations of LC 16.212(9)(a) establish the minimum land division lot sizes in the E30 Zone. Those land division minimum lot size requirements are not part of the exempt regulations addressing public nuisances, public health and safety, federal law, or restrictions to prohibit use of the property for pornography or nude dancing. The parts of the E30 Zone and other sections of Lane Code that do not restrict the use of the property for home sites and reduce the value of the property should remain applicable until shown otherwise. Therefore, this criterion does appear to be met because the challenged minimum lot size regulations are not part of the exempt regulations defined in LC 2.710.

Final Conclusion: The application appears to meet the criteria in LC 2.740(1)(a) through (d). The applicant Jon Bowers qualifies for compensation consideration for the reduction in fair market value of the property since the time he acquired an interest in the property from the Bowers Distillery, Inc. perhaps as early as 1971. If the current owner only acquired an interest in the property in 1977, the analysis of value reduction would seem to preclude compensation. The County Administrator recommends referral to the Board to determine whether to provide the compensation or waive the land use regulations. The ability to waive land use restrictions under Ballot Measure 37, however, appears to be limited to allowing development to occur in conformance with the regulations in effect at the time that the current owners, Jon and Lynna Gay Bowers, acquired the property in 1977 and 1980. The waiver of current land use restrictions to allow development in a manner consistent with the AGT provisions of 1977 for Taxlot 402 and the EFU provisions of 1980 for Taxlot 403 would not allow the development proposed by the applicant.

D. Conclusion/County Administrator Recommendation

The amount of just compensation alleged to result from the restrictive land use regulations applied to the subject property has been determined by a professional appraiser to be \$570,000. Lane County has not appropriated funds for compensation for Ballot Measure 37 claims and has no funds available for this purpose. The public

benefit from application of the land use regulation to the applicant's property seems to be outweighed by the public burden of paying the claimed compensation.

As an alternative to the payment of compensation, the County Administrator recommends the Board "waive" the current EFU provisions to allow land divisions and development in a manner consistent with regulations in effect when the owners acquired the property. Dependent upon Board determination on the existence of a land sales contract between the applicants and Bowers Distillery, Inc., granting the waiver would allow development of the property in a manner consistent with the AGT Zone provisions in effect on June 30, 1971, or the AGT Zone provisions in effect for Taxlot 402 on April 15, 1977 and the EFU Zone provisions in effect for Taxlot 403 in effect on November 4, 1980. All other sections of Lane Code should remain applicable unless it can be shown they restrict the use and have the effect of reducing the fair market value of the Bowers property.

V. ALTERNATIVE/OPTIONS

1. The County Administrator concludes the application is not a valid claim and the Board should direct issuance of a final written decision denying the Claim.
2. Recommend the application appears valid and direct preparation of an order reflecting the Board of County Commissioners determination for final disposition of the Bowers' Measure 37 claim.

VI. RECOMMENDATION

Alternative 2.

VII. IMPLEMENTATION / FOLLOW-UP

Upon adoption of the final determination that either the claim should be denied or a "waiver" of restrictive land use regulations is necessary to avoid owner entitlement to compensation, the County Administrator will provide notice of the final decision pursuant to LC 2.760.

VIII. ATTACHMENTS:

1. Bowers Ballot Measure 37 Application and supplemental information.

Application for Claims Under LC 2.700 through 2.770

Due to Regulatory Reduction of Property Value Under Provisions Added to ORS Chapter 197 by BM37

Note: This completed form together with the referenced supporting documentation and application fee must be submitted to the Lane County Land Management Division, 125 East 8th Avenue, Eugene, Or., 97401 for all claims subject to the provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004), to be considered for compensation under LC 2.700 through 2.770. In all cases, the applicant has the burden of demonstrating, with competent evidence, that all applicable criteria are met and the applicant would be entitled to compensation if the land use regulation continues to apply. Use additional paper, if necessary.

1. Applicant/ Agent

<u>JON BOWERS</u>	<u>94745 LOVE LAKE ROAD</u>	<u>541-998-3000 (H)</u>
<u>LYNNA GAY BOWERS</u>	<u>JUNCTION CITY, OREGON 97448</u>	<u>541-914-6991 (C)</u>
Applicant Name (Please Print)	Mailing Address	Phone
<u>LES ROBERTS</u>	<u>3324 BARDELL AVE</u>	<u>541-686-0203 (H)</u>
<u>Agent Name (Please Print)</u>	<u>EUGENE, OREGON 97401</u>	<u>541-912-9513 (C)</u>
	Mailing Address	Phone

2. Property Owner & LIEN HOLDERS - SEE ATTACHED PAGE 1 OF 8

Please provide the Name, Mailing Address and telephone number of all property owners of record holding interest in the property that is the subject of this application. Include a complete listing of all lien holders, trustees, renters, lessees or anyone with an interest in the property and describe the ownership interest.

<u>JON BOWERS</u>	<u>94745 LOVE LAKE ROAD</u>	<u>541-998-3000(H)</u>
<u>Property Owner Name (Please Print)</u>	<u>JUNCTION CITY, OREGON 97448</u>	<u>541-914-6991 (C)</u>
	Mailing Address	Phone
<u>LYNNA GAY BOWERS</u>	<u>94745 LOVE LAKE ROAD</u>	<u>541-998-3000(H)</u>
<u>Property Owner Name (Please Print)</u>	<u>JUNCTION CITY, OREGON 97448</u>	<u>541-914-6991 (C)</u>
	Mailing Address	Phone

3. Legal Description

Please provide an accurate legal description, tax account number(s), map, street address and location of all private real properties that are the subject of this application.

Assessor Map & Tax Lot 15-09-28-00 TAX LOTS 402 & 403

Street Address 94745 LOVE LAKE ROAD, JUNCTION CITY Legal Description Attached YES
SEE ATTACHED PAGE 2 OF 8

4. Identification of Imposed Land Use Regulation

Please identify the Lane Code section or other land use regulation imposed on the private real property that is alleged to restrict the use of the subject property in a manner that reduces the fair market value. Include the date the regulation was first adopted, enforced or applied to the subject property and a written statement addressing all the criteria in LC 2.740(1).

SEE ATTACHED PAGES 3 OF 8, 4 OF 8, 5 OF 8, 6 OF 8 AND 7 OF 8

5. Title Report

Please attach a Preliminary Title Report showing title history and continuous ownership traced to the earliest family member ownership, the date of current owner(s) acquisition and all current interests of record for the subject property, issued within 30 days of the application submittal. Provide copies of relevant deeds.

A CURRENT TITLE REPORT IS ATTACHED HERETO ALONG WITH HISTORY OF PROPERTY AND RELEVANT DEEDS.

6. Appraisal/Regulatory Effect

Please provide one original, signed appraisal prepared by an appraiser licensed by the Appraiser Certification and Licensure Board of the State of Oregon addressing the requirements of provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004) and indicating the amount of the alleged reduction in fair market value by showing the difference in the fair market value of the property before and after the application of the challenged regulations as of the date the owner makes written demand for compensation. Include all of the supporting methodology, assumptions and calculations affecting the appraisal.

CERTIFIED APPRAISAL AND SUPPORTING DOCUMENT BY PDHLL AND ASSOCIATES ARE ATTACHED HERETO. SEE ATTACHED PAGE 7 OF 8

7. Leases, Covenants, Conditions and Restrictions

Please provide copies of any leases or covenants, conditions and restrictions applicable to the subject property.

NOT APPLICABLE

8. Identification of Relief Sought

Please specifically indicate what relief is being sought, either a monetary value of the claim describing the reduction in fair market value of the property or the specific use authorization sought in any waiver of the land use regulation.

WAIVER OF ANY OR ALL LAND USE REGULATIONS THAT WOULD PREVENT APPLICANT FROM DIVIDING SAID PROPERTY INTO 5 LOTS AS SHOWN ON THE ACCOMPANYING DRAWING. LOTS 3, 4 AND 5 ARE TO BE CONVEYED TO THE CHILDREN OF JON AND LYNNA GAY BOWERS. SEE ATTACHED PAGE 8 OF 8 FOR DRAWING

I (we) have completed all of the attached application requirements and certify that all statements are true and accurate to the best of my (our) knowledge and belief. I am (We are) authorized to submit this application on behalf of all those with an interest in the property and all the owner(s) agree to this claim as evidenced by the signature of those owner(s) below. Include additional signatures, as necessary.

Entry by County or its designee upon the subject property is authorized by the owner(s) and the owner(s) consent to the application for claims under provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004).

Jon Bowers
OWNER

Owner(s) Signature

5-24-05
Date

Lynna Gay Bowers
Les Roberts (LES ROBERTS) 05-25-05

Applicant/Agent Signature

5/24/05
Date

The following contacts are provided to assist you in finding the necessary information for this application.

For zoning and land use information, please contact the Land Management Division at 682-3577.

This phone contact is a message line. Please leave a message and a Planner will return your call.

For deeds and records information, please contact Lane County Deeds and Records at 682-3654.

SECTION 2 - LIEN HOLDERS
Application for Claims Under Measure 37

Applicant:

Jon and Lynna Gay Bowers
94745 Love Lake Road
Junction City, Oregon 97448

Financial Lien Holders in Subject Property:

Country Wide Home Loans
P.O. Box 650225
Dallas, Texas 75265-0225
Acct. # 002205156

Wells Fargo Home Mortgage
P.O. Box 10335
Des Moines, Iowa 50306-0336
Acct. # 0182378521

Chase Home Finance
P.O. Box 24696
Columbus, Ohio 43224-0696
Acct. # 1976716472

Trustees, Renters or Lessees in Subject Property:

None

SECTION 3 - LEGAL DESCRIPTION

Application for Claims Under Measure 37

Applicant:

Jon and Lynna Gay Bowers
94745 Love Lake Road
Junction City, Oregon 97448

Legal Description of Subject Property:

Beginning at the intersection of the North Line of the Hugh Love D.L.C. No. 58, in Section 28, Township 15 South, Range 4 West of the Willamette Meridian in Lane County, Oregon with the Easterly right-of-way line of Lane County Road No. 365 (also known as Love Lake Road which is 50.0 feet in width: said point of intersection being 435.11 feet, South 89°08'23" East of the West 1/4 Section Corner of said Section 28 and also being South 25°53'00" East, 0.37 feet from a 1 inch iron shaft; thence South 89°08'23" East, along the North Line of said D.L.C. No. 58, 162.37 feet to a 5/8 inch iron rod marking the TRUE POINT OF BEGINNING of this property description; thence continuing South 89°08'23" East, along the North Line of said D.L.C. No. 58, 1051.98 feet to a point; said point being referenced by a 1/2 inch iron rod bearing South 89°08'23" East, 0.32 feet; thence leaving the North Line of said D.L.C. No. 58 and travelling South 3°10'47" East, 305.74 feet to a point; said point being referenced by a 1/2 inch iron rod bearing South 77°00' East, 0.32 feet; thence South 84°56'38" West, 298.17 feet to a point marked by a 5/8 inch iron rod; thence South 53°03'51" West, 187.46 feet to a point marked by a 5/8 inch iron rod; thence South 84°43'38" West, 554.12 feet to a 5/8 inch iron rod set on the Easterly right-of-way line of Lane County Road No. 365 (Love Lake Road); thence North 15°45'00" West, along said Easterly right-of-way line, 46.57 feet to a point marked by a 5/8 inch iron rod; thence leaving said Easterly right-of-way line and travelling North 64°07'00" East, 151.69 feet to a point; said point being referenced by a 5/8 inch iron rod bearing North 23°00" East, 0.32 feet; thence North 25°53'00" West, 444.46 feet to the point of beginning, all in Lane County, Oregon and containing 9.25 acres, More or less. EXCEPT, that portion of Lane County Road No. 365 (Love Lake Road) as dedicated on Minor Partition M72-82.

SECTION 4 - IDENTIFICATION OF IMPOSED LAND USE REGULATION
APPLICATION For Claims Under Measure 37

Applicant:

Jon and Lynna Gay Bowers
94745 Love Lake Road
Junction City, Oregon 97448

Background:

On June 30, 1971 the subject property was zoned Agriculture, grazing, timber (AGT). See attachment #1 of James Mann's Lane County Land Use Regulations Report. At this time, the AGT Zone allowed said property to be divided into lots containing at least 1 acre and having width's of not less than 150.0 feet.

Lane Code 2.740 (1):

- a) Lane County has adopted land use regulations that restrict the use of the applicants property. See Ordinance No. 613 adopted by the Lane County Board of Commissioners on April 27, 1977 and referred to as Attachment #2 in James Mann's Lane County Land Use Regulations Report. ALSO see Ordinance No. 884 adopted by the Lane County Board of Commissioners on February 29, 1984 and referred to as Attachment #3 in said Mann Report.
- b) Lane County Ordinance No. 613 and No. 884 have reduced the fair market value of applicants property by \$570,000.00 to \$600,000.00. See enclosed appraisal from Pohl & Associates.
- c) The applicant has owned subject property since June 30, 1971 and Ordinance No. 613 was adopted on April 27, 1977 and Ordinance No. 884 was adopted on February 29, 1984.
- d) Ordinance No. 613 and No. 884 are not exempt regulations as defined by Lane Code 2.710.

James A. Mann LLC

Land Use Planning & Development Permit Services

P.O. Box 51081

Eugene, Oregon 97405-0902

Telephone: (541) 514-3051

Email: jamannllc@comcast.net

May 25, 2005

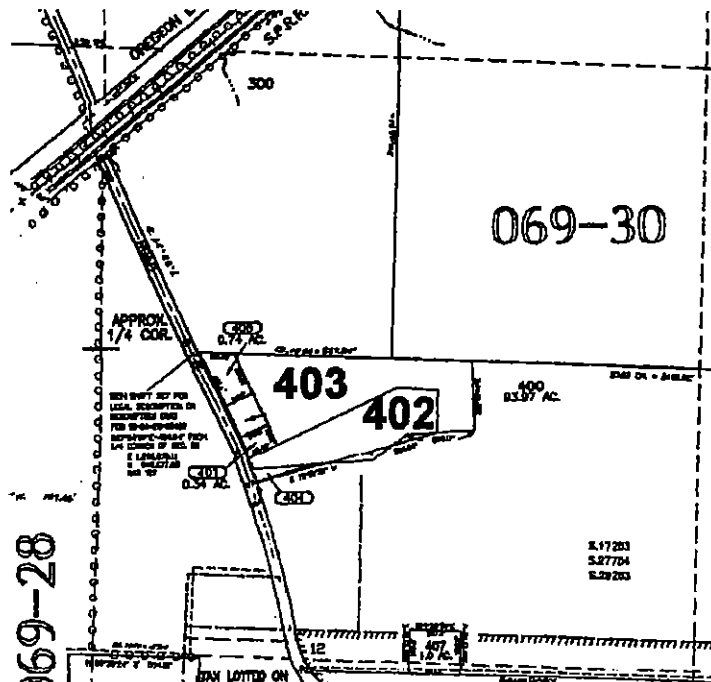
William R. Potter, Attorney
800 Willamette, Suite 800
Eugene, OR 97401

Subject: History of Lane County Land Use Regulations
Applicable to Map 15-04-28 Tax Lots 402 and 403
Beginning on June 30, 1971

Dear Bill,

This report identifies the Lane County land use regulations that were applicable to the subject property on June 30, 1971 and compares these regulations to the Lane County land use regulations that are now applicable to the subject property. Copies of the land use regulations discussed in this report are included with this report in Attachments 1-6.

Map Illustrating the Subject Property



I used "June 30, 1971" as the critical date for the analysis in this report based on the direction in your May 20, 2005 letter concerning this property.

The following information shows that subject property and other nearby areas were legislatively zoned three times by Lane County, that the zoning of the subject property on June 30, 1971 was Agriculture, Grazing and Timber, AGT and that the zoning of the subject property is now Exclusive Farm Use 30, E30.

1. On February 28, 1966, the Lane County Board of Commissioners approved Ordinance No. 208 (Attachment 1) that initially zoned the subject property and other nearby areas as Agriculture, Grazing Timber, AGT. I examined the legal description in this ordinance for the areas zoned AGT and confirmed that the AGT zone encompassed the subject property. The AGT zoning of the subject parcel remained in effect until the Lane County Board of Commissioners rezoned the subject property with the adoption of Ordinance No. 613.
2. On April 27, 1977, the Lane County Board of Commissioners adopted Ordinance No. 613 (Attachment 2) that legislatively rezoned the subject property to Exclusive Farm Use, EFU. (See Ord. No 613 in Attachment 2). The EFU zoning of the subject property is shown on a zoning map that was included as part of the zoning ordinance. The EFU zoning of the subject parcel remained in effect until the Lane County Board of Commissioners rezoned the subject property with the adoption of Ordinance No. 884.
3. On February 29, 1984, the Lane County Board of Commissioners adopted Ordinance No. 884 that rezoned the subject property to Exclusive Farm Use 30, E30. (See Ord. No. 884 in Attachment 3). The E30 zoning of the subject property is shown on a zoning map that was included as part of the zoning ordinance. The zoning of the subject is now E30.

On June 30, 1971, the Lane County land use regulations applicable to the AGT zone were contained in Ordinance No. 7-71 adopted by Lane County on April 14, 1971 (Attachment 4) and Ordinance No. 426 adopted by Lane County on April 14, 1971 (Attachment 5). These ordinances allowed the following uses of AGT zoned property:

- In Section VI(3), B. PERMITTED BUILDINGS AND USES, 3., "One single family dwelling or two family dwelling per lot or one mobile home per lot pursuant to a mobile home use permit approved in compliance with Section XVI-I (3)."; and
- In Section VI(3), E.AREA, 2., "The minimum area for the division of land for any property zoned AGT prior to the effective date of Ordinance 426 shall be one (1) acre and shall have a lot width of not less than one hundred fifty (150) feet."

Based on the information outlined above and attached to this report, it appears that on June 30, 1971, the applicable requirements of Lane Code for the AGT zone would have allowed the subject property to be divided into lots containing at least one acre apiece, with widths of not less than 150 feet, and would have allowed a single family dwelling, two family dwelling or mobile home on each new lot. Adherence to certain application approval and platting requirements of Lane Code in effect at that time may have been required to divide the subject property.

In comparison to the Lane County land use planning requirements in effect and applicable to the subject property on June 30, 1971, the land use planning requirements that are currently applicable to the subject property are much more restrictive. Lane Code 16.212 contains the land use regulations applicable to E30 zoned land (Attachment 6). LC 16.212(5)-(7) requires most new dwellings to meet commercial farm and gross farm income requirements from farming the property, such as \$80,000 per year on high value farm land. The minimum parcel size in LC 16.212(9)(a) for the division of E30 zoned land, with minor exceptions, is 30 acres. These restrictions make it impossible to divide the subject property and unlikely that the farm use and farm income requirements can be met to qualify new dwellings on the subject property.

Two paper copies of this report and the attachments are provided to you. This report and the attachments will be emailed to you in an Adobe file format. I hope that this information will be helpful and look forward to discussing it with you.

Sincerely,



James A. Mann LLC
P.O. Box 51081
Eugene, Oregon 97405-0902

- Attachment 1: Copy of applicable portions of Ordinance No. 208
- Attachment 2: Copy of applicable portions of Ordinance No. 613
- Attachment 3: Copy of applicable portions of Ordinance No. 884
- Attachment 4: Copy of applicable portions of Ordinance No. 7-71
- Attachment 5: Copy of applicable portions of Ordinance No. 426
- Attachment 6: Copy of applicable portions of Ordinance No. 10-04

POHLL & ASSOCIATES
1293 Lincoln
Eugene, Oregon 97401

May 3, 2005

Re: 94745 Love Lake Road
Junction City, OR 97448

Dear Mr. & Mrs. Jon D. Bowers,

Upon your request I have completed three appraisals on your property on Love Lake Road, Junction City, Oregon

The first appraisal was to estimate the Market Value of the entire property which includes a 2,770 square foot dwelling, a detached two-car garage, five outbuildings and 9.25 acres +/- of land including a lake.

The value reported in my appraisal is: \$500,000

(FIVE HUNDRED THOUSAND DOLLARS)

PLEASE NOTE: The other two appraisals are done under hypothetical conditions

The second appraisal was to estimate the Market Value of the 2,770 square foot dwelling, detached two-car garage, two outbuildings and 1.63 acres +/- of land.

The value reported in my appraisal is: \$470,000

(FOUR HUNDRED SEVENTY THOUSAND DOLLARS)

The third appraisal was to estimate the Market Value of lot numbers 1, 3, 4, 5 (see attached Survey Map and Survey by L. D. Roberts, dated April 20, 2005). Lots 3, 4 and 5 have ownership of the lake (approximately one third to each lot). Lot #1 has no lake ownership but does include 30 ft. X 90 ft. building and a 58 ft. X 70 ft. barn. Lots #3 and #5 each have existing manufactured homes which were given no value as you requested. +

The value of these tracts of land reported in my appraisal gives a
Market Value of \$150,000 for each parcel: $\$150,000 \times 4 =$ \$600,000

(SIX HUNDRED THOUSAND DOLLARS)

The Market Value of the entire property as proposed and divided per L.D.. Roberts Survey would be: \$1,070,000

(ONE MILLION SEVENTY THOUSAND DOLLARS)

At the present time, property can be sold ONLY as a single parcel (zoning is E-30).

Sincerely,

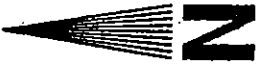

Norman D. Pohll, Lic. #L000211, State of Oregon

JON BOWERS PROPERTY
LOCATED IN

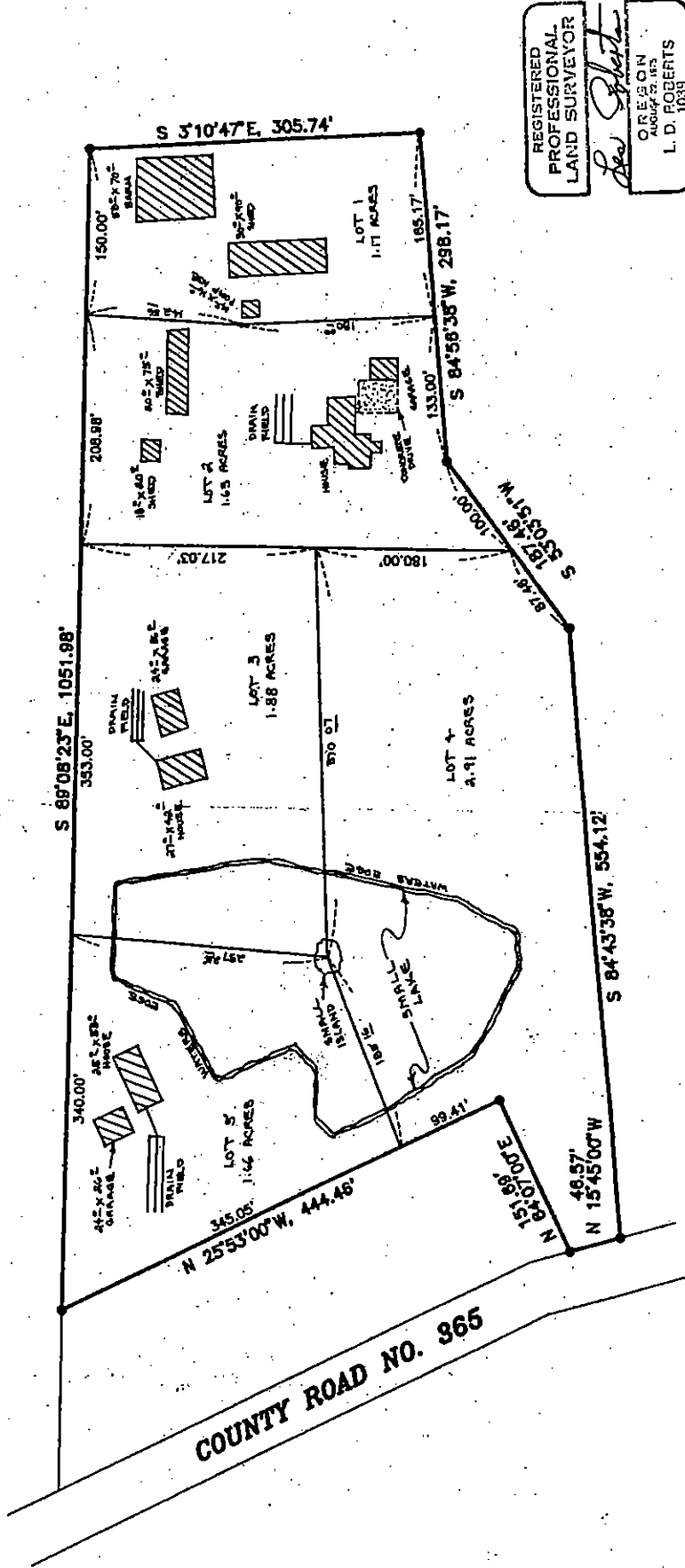
NW¼ SECTION 28, T15S, R4W, W. M.
(MAP # 15-04-28-00 T.L. 402 & 403)

ADDRESS: 94745 LOVE LAKE ROAD
JUNCTION CITY, OR. 97448

PHONE: 541-998-3000
DATE: APRIL 20, 2005



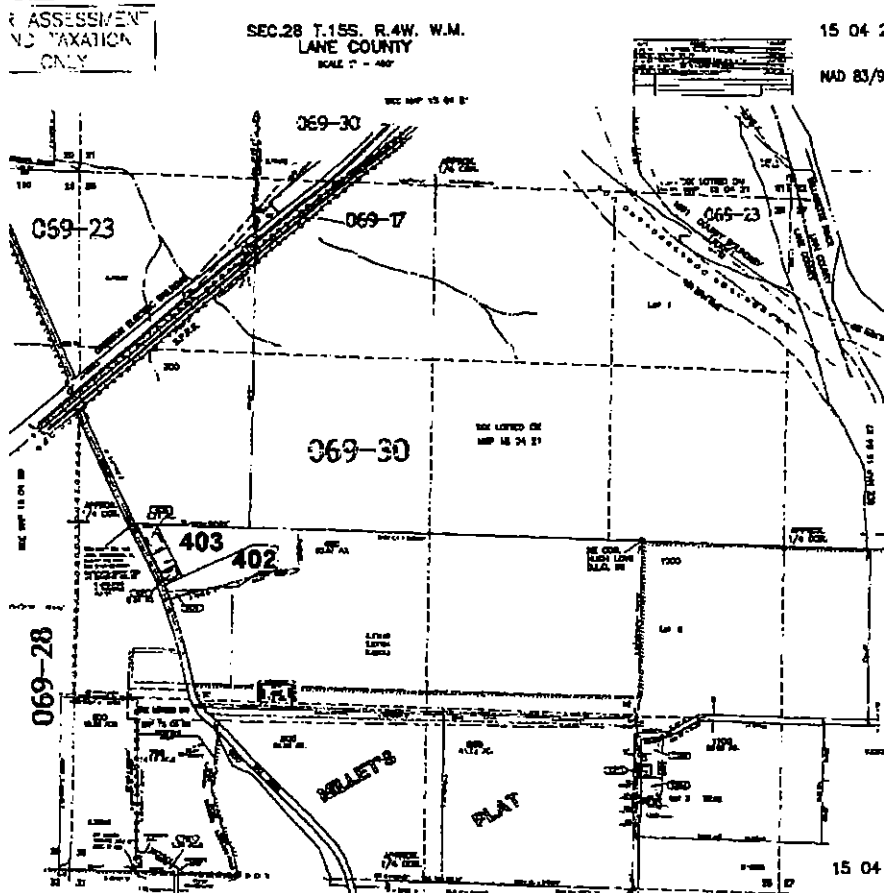
SCALE: 1" = 100'



Report

History of Lane County Land Use Regulations

Map 15-04-28 Tax Lots 402 & 403



Prepared By James A. Mann LLC
Land Use Planning & Development Permit Services
P.O. Box 51081 Eugene, OR 97405-0902
Phone: 541-514-3051
Email: jamannllc@comcast.net

APPROX. 1/4 COR.

406
0.74 AC.

403
5.85 AC.

405
0.48 AC.

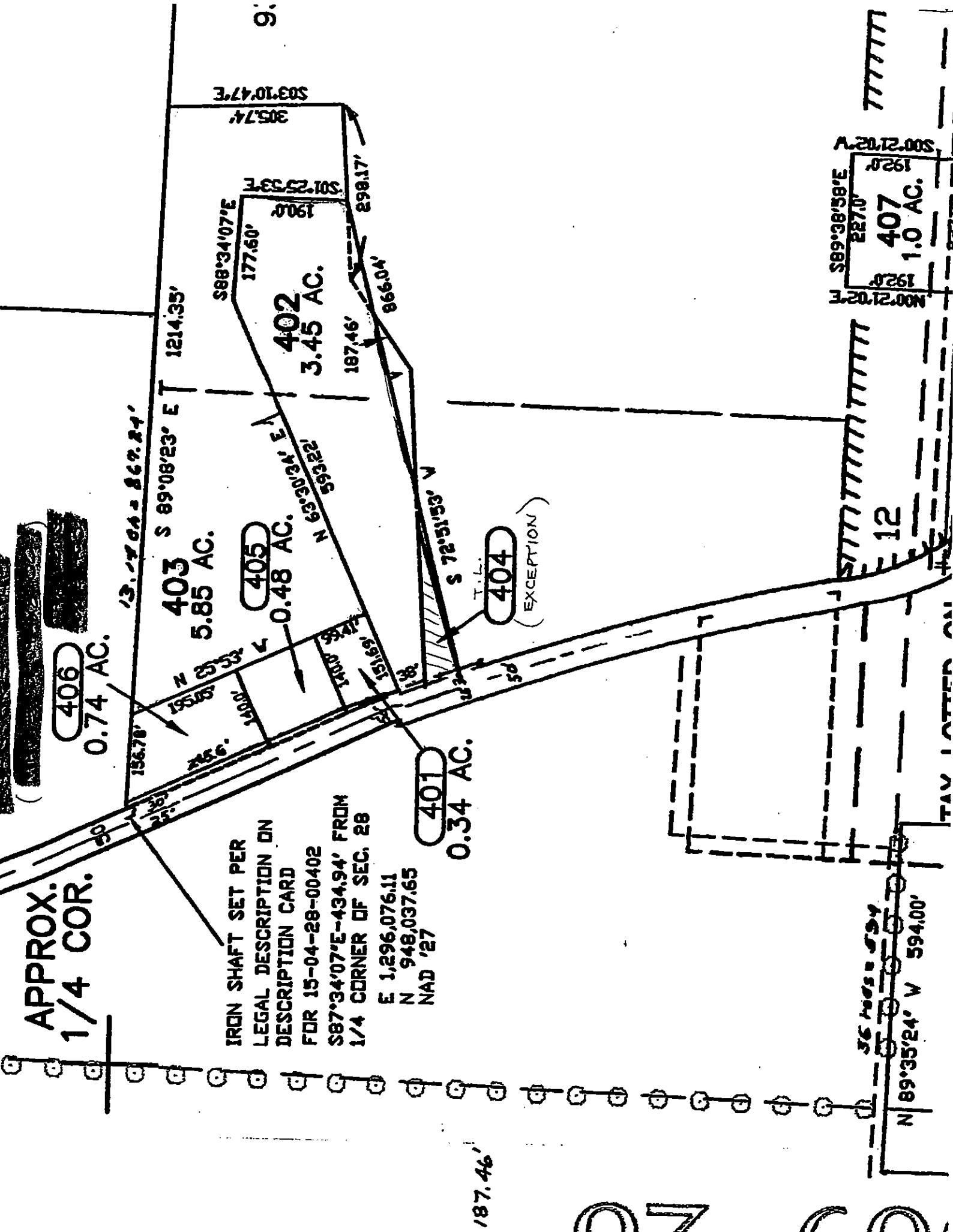
401
0.34 AC.

404
(EXCEPTION)

402
3.45 AC.

407
1.0 AC.

IRON SHAFT SET PER
LEGAL DESCRIPTION ON
DESCRIPTION CARD
FOR 15-04-28-00402
S87°34'07"E-434.94' FROM
1/4 CORNER OF SEC. 28
E 1,296,076.11
N 948,037.65
NAD '27



36 7005 = 594

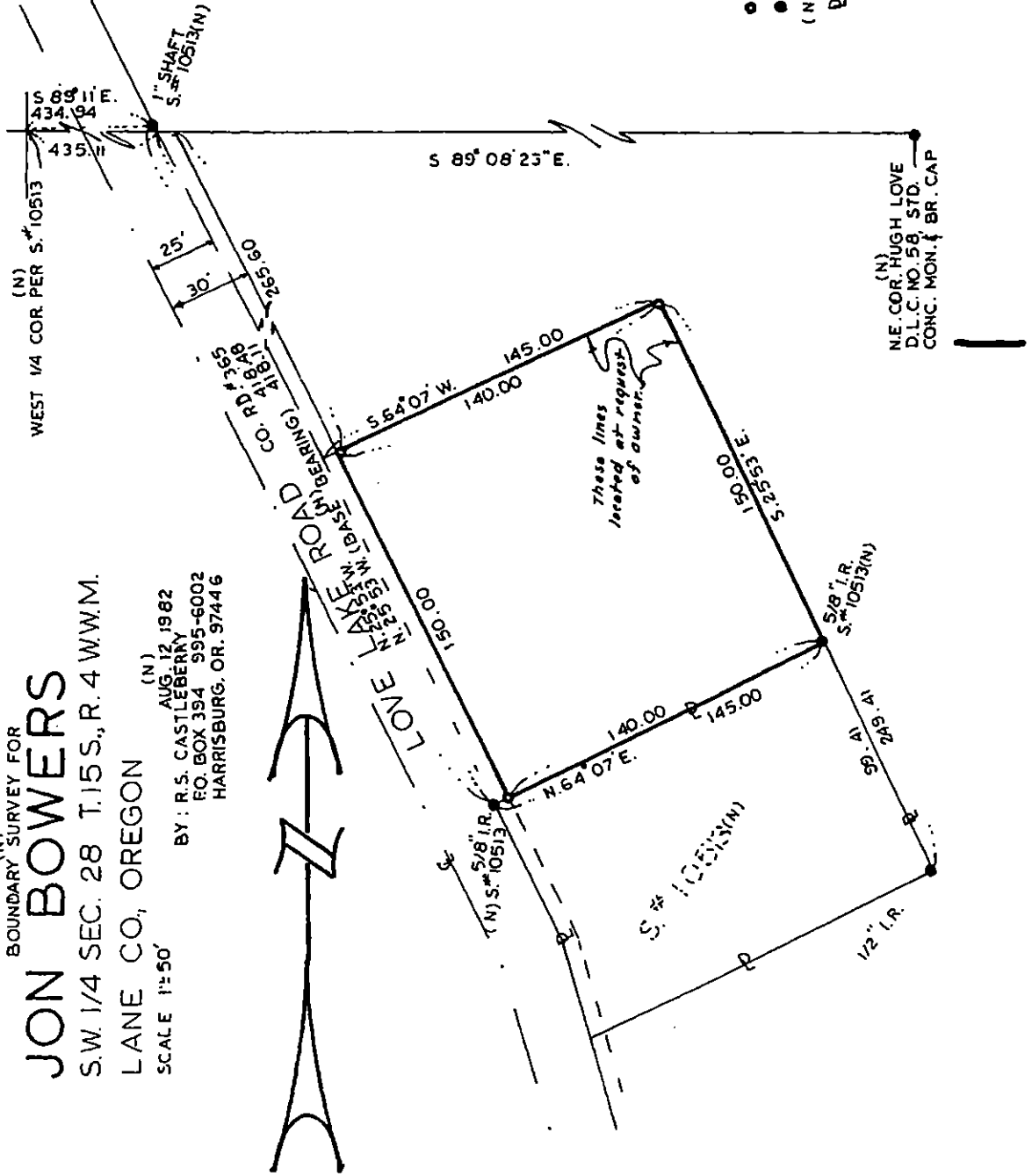
N 89°35'24" W 594.00'

187.46'

97

(N) COUNTY SURVEYORS OFFICE
 25786
 10-7-82 A

(N) BOUNDARY SURVEY FOR
JON BOWERS
 S.W. 1/4 SEC. 28 T.15S., R.4 W.W.M.
 LANE CO., OREGON
 SCALE 1"=50'
 BY: R.S. CASTLEBERRY
 P.O. BOX 394 995-6002
 HARRISBURG, OR. 97446



- (N)
- LEGEND**
- 1/2" x 24" IRON ROD SET
 - MONUMENT FOUND
 - (N) NARRATIVE DATA
 - P DEED LINES

RECORDED
 PUBLIC RECORDS
 LANE COUNTY, OREGON
 R.S. Castleberry
 COUNTY SURVEYOR

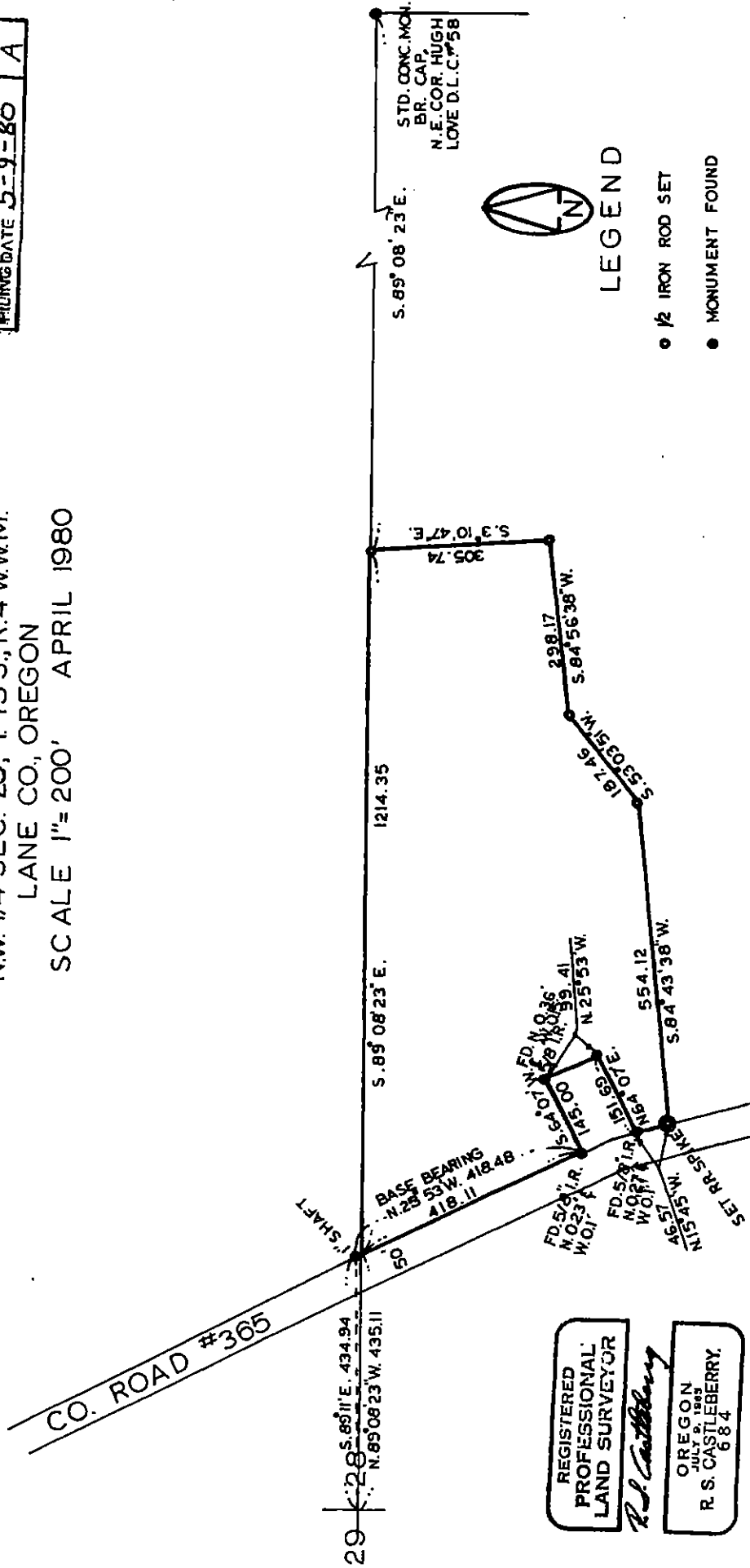
S27022

JON BOWERS

N.W. 1/4 SEC. 28, T. 15 S., R. 4 W.W.M.
LANE CO., OREGON

SCALE 1"=200' APRIL 1980

LANE COUNTY SURVEYORS OFFICE
C.S. FILE NO. 23969
PLUMBING DATE 5-9-80
A



S23077

HISTORY OF PROPERTY & CHAIN OF TITLE

- 1) October 11, 1967 - Bowers Distillery, Inc. Registry Date:
See business records from State of Oregon Corporation Division for date of incorporation of Bowers Distillery, Inc. and marked herein as Exhibit "A". ALSO see business records from Bowers Distillery, Inc. that show Jon D. Bowers as having a 25% ownership of said Corporation and marked herein as Exhibit "B".
- 2) June 30, 1971 - Warranty Deed:
See Warranty Deed from Owen K. Petersen and Bonnie Petersen, husband and wife, to Bowers Distillery, Inc. as signed, dated and notarized on June 30, 1971. Said Warranty Deed was recorded December 31, 1980 on Reel 1112R, Reception No. 80-65611, Lane County Oregon Official Records and marked herein as Exhibit "C".
- 3) December 1, 1972 - Documented Payments:
See April 1, 1980 letter from Bowers Distillery, Inc. documenting payments received from Jon D. Bowers and Lynna Gay Bowers for the purchase of property described as tax lot 402 and marked herein as Exhibit "D". ALSO see Bargain and Sale Deed from Bowers Distillery, Inc. to Jon D. Bowers and Lynna Gay Bowers, husband and wife, for property described as tax lot 402. Said Bargain and Sale Deed was signed, dated and notarized on April 15, 1977 and recorded on April 18, 1977 on Reel 843R, Reception No. 77-22348, Lane County Oregon Official Records and marked herein as Exhibit "E". ALSO see Deed and Release from the family of Owen K. Petersen to Bowers Distillery, Inc. for property described as tax lot 402. Said Deed and Release signed, dated and notarized on April 14 and 15, 1977 and recorded on April 18, 1977 on Reel 843R, Reception No. 77-22349, Lane County Oregon Official Records and marked herein as Exhibit "F".
- 4) October 23, 1980 - Deed and Release:
See Deed and Release from the family of Owen K. Petersen to Bowers Distillery, Inc. for property described as tax lots 402, 403, 405 and 406. Said Deed and Release was recorded on October 23, 1980 on Reel 1101R, Reception No. 80-53840, Lane County Oregon Official Records and marked herein as Exhibit "G".
- 5) November 4, 1980 - Bargain and Sale Deed:
See Bargain and Sale Deed from Bowers Distillery, Inc. to Jon D. Bowers and Lynna Gay Bowers, husband and wife, for property described as tax lots 403, 405 and 406. Said Bargain and Sale Deed was signed, dated and notarized on November 4, 1980 and recorded on November 5, 1980 on Reel 1103R, Reception No. 80-56158, Lane County Oregon Official Records and marked herein as Exhibit "H". ALSO see Bargain and Sale Deed from Jon D. Bowers and Lynna Gay Bowers, husband and wife, to Bowers Distillery, Inc. for property described as tax lot 404. Said Bargain and Sale Deed was signed, dated and notarized on November 4, 1980 and recorded on November 5, 1980 on Reel 1103R, Reception No. 80-56159, Lane County Oregon Official Records and marked herein as Exhibit "J".

6) January 12, 1983 - Lane County Partition M72-82:

See Lane County Partition M72-82 that includes tax lots 402, 403, 405 and 406. Said partition was recorded on January 12, 1983 on Reel 1127R, Reception No. 83-01081, Lane County Oregon Official Records and marked herein as Exhibit "K".

7) January 13, 1983 - Warranty Deed:

See Warranty Deed from Jon and Lynna Gay Bowers to John and Chris Moody as signed, dated and notarized on January 13, 1983. Said Warranty Deed describes tax lot 405 and was recorded January 17, 1983 on Reel 1228R, Reception No. 83-01489, Lane County Oregon Official Records and marked herein as Exhibit "L".

8) February 18, 1987 - Conveyance Deed:

See Conveyance Deed from Jon Bowers and Lynna Gay Bowers, husband and wife, to John Moody III and Chris Moody, husband and wife, as signed, dated and notarized on February 18, 1987. Said Conveyance Deed describes tax lot 406 and was recorded on March 27, 1987 on Reel 1452R, Reception No. 87-13031, Lane County Oregon Official Records and marked herein as Exhibit "M".

9) May 20, 2005 Letter from Attorney William Potter:

See letter dated May 20, 2005 from attorney William Potter, legal council for Bowers Distillery, Inc. and Jon Bowers, regarding the Warranty Deed dated June 30, 1971 and recorded December 31, 1980 on Reel 1112R, Reception No. 80-65611, Lane County Oregon Official Records and marked herein as Exhibit "N".



STATUS OF RECORD TITLE REPORT

LES ROBERTS
3324 BARDELL AVENUE
EUGENE, OR 97401

Our No: CT-0245406
Date: MAY 20, 2005
Charge: \$200.00
Government Service Fee: \$25.00
Additional Chain Fee: \$100.00

As requested, Cascade Title Co. has searched our tract indices as to the following described real property:

(A T T A C H E D)

and as of: MAY 16, 2005, at 8:00 A.M. we find the following:

Vestee:

JON D. BOWERS AND LYNNA GAY BOWERS
as tenants by the entirety
as to Parcel 1, and
JON BOWERS AND LYNNA GAY BOWERS
as to Parcel 2

Said property is subject to the following on record matters:

1. As disclosed by the tax rolls, the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest. (Parcels 1 and 2)
2. Any improvement located upon the insured property which is described or defined as a mobile home under the provisions of Chapters 803 and 820, Oregon Revised Statutes and is subject to registration as provided therein. (Parcel 1)
3. Easement, including the terms and provisions thereof, granted to Mountain States Power Co., by instrument recorded May 10, 1946, in Book 319, Page 475, Lane County Oregon Deed Records. (Parcels 1 and 2)
4. Easement in favor of the United States of America for bank protection and/or channel improvement as set forth by instrument recorded October 1, 1948, in Book 411, Page 566, Lane County Oregon Deed Records. (Parcels 1 and 2)
5. Easement in favor of Pacific Power & Light Company, as set forth by instrument recorded November 17, 1967, Reception No. 5290, Lane County Official Records. (Parcels 1 and 2)

continued-

MAIN OFFICE * 811 WILLAMETTE ST. * EUGENE, OREGON 97401 * PH: (541) 687-2233
FLORENCE * 1234 RHODODENDRON DR. * FLORENCE, OREGON 97439 * PH: (541) 997-8417
EUGENE FAX: 485-0307 * E-MAIL: info@cascadetitle.com * FLORENCE FAX: 997-8246

6. Rights of the public in and to the Westerly 5 feet, being that portion of County Road No. 365 dedicated to the public, by instrument recorded December 7, 1982, Reception No. 8236536, Lane County Official Records. (Parcels 1 and 2)
7. Deed of Trust, including the terms and provisions thereof, executed by Jon D. Bowers and Lynna Gay Bowers, Grantor, to Oregon Title, Trustee, for the benefit of Key Bank of Oregon, Beneficiary, dated November 04, 1994, recorded November 07, 1994, Reel No. 2010, Reception No. 9478785, Lane County Official Records, to secure payment of a note in the amount of \$87,750.00. (Parcel 1)
8. Deed of Trust, including the terms and provisions thereof, executed by Jon D. Bowers and Lynna Gay Bowers, Grantor, to American Title Group, Trustee, for the benefit of Mortgage Electronic Registration Systems, Inc., (MERS) acting solely as a nominee for SIB Mortgage Corp., Beneficiary, dated June 23, 2003, recorded June 26, 2003, Reception No. 2003-058483, Lane County Official Records, to secure payment of a note in the amount of \$125,000.00. (Parcel 1)
9. Deed of Trust (Line of Credit), including the terms and provisions thereof, executed by Jon D. Bowers, and Lynna Gay Bowers, husband and wife, Grantor, to Fidelity National Title Company, Trustee, for the benefit of America's Wholesale Lender, Beneficiary, dated January 14, 1998, recorded January 22, 1998, Reel No. 2377, Reception No. 9803984, Lane County Official Records, to secure payment of a note in the amount of \$100,000.00. (Parcel 2)
An Agreement dated August 28, 2002, purporting to subordinate the Deed of Trust recorded January 22, 1998, Reel No. 2377, Reception No. 9803984, to the Deed of Trust recorded September 11, 2002, Reception No. 2002-070504, was recorded September 11, 2002, Reception No. 2002-070505, Lane County Official Records.
10. Deed of Trust, including the terms and provisions thereof, executed by Jon D. Bowers and Lynna G. Bowers, as tenants by the entirety, Grantor, to Western Pioneer Title Company of Lane County, Trustee, for the benefit of Mortgage Electronic Registration Systems, Inc., (MERS) acting solely as a nominee for Capitol Commerce Mortgage Co., a California corporation, Beneficiary, dated September 06, 2002, recorded September 11, 2002, Reception No. 2002-070504, Lane County Official Records, to secure payment of a note in the amount of \$183,500.00. (Parcel 2)

NOTE: Taxes, Account No. 1180163, Assessor's Map No. 15 04 28, #402, Code 69-30, 2004-2005, in the amount of \$1,502.50, PAID IN FULL. (Potential Tax Liability)

Taxes, Account No. 1348687, Assessor's Map No. 15 04 28, #403, Code 69-30, 2004-2005, in the amount of \$423.43, PAID IN FULL. (Potential Tax Liability)

Mobile Home Taxes, Account No. 4166953, Code 69-30, 2004-2005, in the amount of \$235.30, PAID IN FULL.

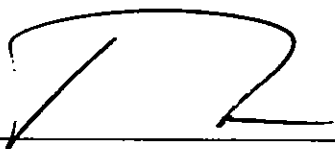
Mobile Home Taxes, Account No. 4177224, Code 69-30, 2004-2005, in the amount of \$277.36, PAID IN FULL.

continued-

This report is to be utilized for information only. Any use of this report as a basis for transferring, encumbering or foreclosing the real property described will require prior notification to the undersigned and payment in an amount equivalent to applicable title insurance premiums as required by the rating schedule on file with the Oregon Insurance Division.

The liability of Cascade Title Co. is limited to the addressee and shall not exceed the premium paid hereunder.

CASCADE TITLE CO., by:



A handwritten signature in black ink, appearing to be 'Kurt Beaty', is written over a horizontal line. The signature is stylized with a large, sweeping 'K' and 'B'.

ar/Title Officer: KURT BEATY

PROPERTY DESCRIPTION

PARCEL 1:

Beginning at the intersection of the North line of the Hugh Love Donation Land Claim No. 58, in Section 28, Township 15 South, Range 4 West of the Willamette Meridian, in Lane County, Oregon, with the Easterly right of way line of County Road No. 365, from which intersection of the West quarter corner of said Section 28 bears North 89' 08' 23" West, 435.11 feet and a 1 inch iron shaft bears North 25' 53' West, 0.37 feet respectively therefrom; thence South 89' 08' 23" East along said North line 1214.35 feet to a 1/2 inch iron rod; thence South 3' 10' 47" East, 305.74 feet to a 1/2 inch iron rod; thence South 84' 56' 38" West, 298.17 feet to a 1/2 inch iron rod; thence South 53' 03' 51" West, 187.46 feet to a 1/2 inch iron rod; thence South 84' 43' 38" West, 269.71 feet; thence North 68' 15' East, 584.82 feet; thence North 6' 02' 46" West, 190.00 feet; thence South 86' 49' West, 177.60 feet; thence South 58' 23' 41" West, 593.22 feet to the Southeasterly corner of the tract of land described by deed filed in 1966 on Reel No. 295, Reception No. 60756, Lane County Oregon Deed Records; thence North 25' 53' West, 99.41 feet and South 64' 07' West, 145.00 feet along the Easterly and Northerly lines of said tract of land to the Northwesterly corner thereof; thence North 25' 53' West, 418.11 feet to the Place of Beginning, in Lane County, Oregon;

SAVE AND EXCEPT THEREFROM that portion conveyed to John and Chris Moody by deed recorded January 17, 1983, Reception No. 8301489, Lane County Official Records, Lane County, Oregon, more particularly described as follows: Commencing at the intersection of the North line of the Hugh Love Donation Land Claim No. 58 in Section 28, Township 15 South, Range 4 West of the Willamette Meridian in Lane County, Oregon, with the Easterly right of way line of County Road No. 365 (known as Love Lake Road), from which intersection the West quarter corner of said Section 28 bears North 89' 08' 23" West, 435.11 feet and a 1 inch iron shaft bears North 25' 53' West, 0.37 feet respectively therefrom; thence South 25' 53' East 418.11 feet along said right of way line; thence North 64' 07' East, 5.00 feet for the Place of Beginning; thence North 64' 07' East, 140.00 feet; thence North 25' 53' West, 150.00 feet to a 1/2 inch iron rod; thence South 64' 07' West, 140.00 feet to a 1/2 inch iron rod set 5.00 feet Easterly, by normal measurement, from the aforesaid right of way line; thence South 25' 53' East 150.00 feet to the Place of Beginning, in Lane County, Oregon;

ALSO SAVE AND EXCEPT that portion conveyed to John Moody III, et ux, by deed recorded March 27, 1987, Reception No. 8713031, Lane County Official Records, more particularly described as follows: Commencing at the intersection of the North line of the Hugh Love Donation Land Claim No. 58, in Section 28, Township 15 South, Range 4 West of the Willamette Meridian in Lane County, Oregon, with the Easterly right of way line of County Road No. 365, (known as Love Lake Road), from which intersection the West quarter corner of said Section 28 bears North 89' 08' 23" West, 435.11 feet and a 1 inch iron shaft bears North 25' 53' West, 0.37 feet respectively therefrom; thence South 25' 53' East, along a line normal to and 25 feet Easterly from the centerline of said County Road, a distance of 268.11 feet; thence North 64' 07' East, 5.00 feet to a 1/2 inch iron rod for the Place of Beginning; thence North 64' 07' East, 140.00 feet to a 1/2 inch iron rod; thence North 25' 53' West, 195.05 feet to the North line of said Love Donation Land Claim; thence North 89' 08' 23" West, along said North line 156.78 feet to a point bearing North 64' 07' East 30.00 feet from the centerline of said County Road; thence South 25' 53' East, 265.60 feet to the Place of Beginning, in Lane County, Oregon;

continued-

Property Description continued- (PARCEL 1)

ALSO SAVE AND EXCEPT any portion lying within that parcel described as follows: Commencing at an iron shaft set at the intersection of the Easterly line of County Road No. 365 with the North line of the Hugh Love Donation Land Claim No. 58 in Township 15 South, Range 4 West of the Willamette Meridian, in Lane County, Oregon, the coordinates of said iron shaft referred to the Oregon State Coordinate System, South Zone, are North 948,037.65 and East 1,296,076.11, per Lane County River Traverse, 1971 adjustment, which shaft bears South 87° 34' 07" East, 434.94 feet from the quarter corner on the West line of Section 28, said Township and Range; thence South 21° 16' 07" East, 480.48 feet; thence South 11° 08' 07" East, 38.00 feet to the Southwest corner of that certain tract of land recorded in 1966 on Reel No. 295, Reception No. 60756, Lane County Oregon Deed Records for the Place of Beginning; thence North 68° 43' 53" East along the South line of said tract 151.69 feet to the Southeast corner thereof; thence North 63° 00' 34" East, 593.22 feet; thence South 88° 34' 07" East, 177.60 feet; thence South 1° 25' 53" East, 190.00 feet; thence South 72° 51' 53" West, 866.04 feet; thence North 11° 08' 07" West, 127.69 feet to the Place of Beginning, in Lane County, Oregon.

PARCEL 2:

Commencing at an iron shaft set at the intersection of the Easterly line of County Road No. 365 with the North line of the Hugh Love Donation Land Claim No. 58 in Township 15 South, Range 4 West of the Willamette Meridian, in Lane County, Oregon, the coordinates of said iron shaft referred to the Oregon State Coordinate System, South Zone, are North 948,037.65 and East 1,296,076.11, per Lane County River Traverse, 1971 adjustment, which shaft bears South 87° 34' 07" East, 434.94 feet from the quarter corner on the West line of Section 28, said Township and Range; thence South 21° 16' 07" East, 480.48 feet; thence South 11° 08' 07" East, 38.00 feet to the Southwest corner of that certain tract of land recorded in 1966, Reel No. 295, Reception No. 60756, Lane County Oregon Deed Records, for the place of beginning; thence North 68° 43' 53" East along the South line of said tract 151.69 feet to the Southeast corner thereof; thence North 63° 00' 34" East, 593.22 feet; thence South 88° 34' 07" East, 177.60 feet; thence South 1° 25' 53" East, 190.00 feet; thence South 72° 51' 53" West, 866.04 feet; thence North 11° 08' 07" West, 127.69 feet to the place of beginning, in Lane County, Oregon;

EXCEPT that portion described in deed to Bowers Distillery, Inc., recorded November 5, 1980, Reception No. 8056159, Lane County Official Records, in Lane County, Oregon.

15-04-28

THIS MAP IS TO ASSIST LOCATING PROPERTY. THE COMPANY ASSUMES NO LIABILITY FOR INACCURACIES.

APPROX. /4 COR.

IRON SHAFT SET PER LEGAL DESCRIPTION ON DESCRIPTION CARD OR 15-04-28-00402
87°34'07"E-434.94' FROM /4 CORNER OF SEC. 28
E 1,296,076.11
N 948,037.65
NAD '27

406
0.74 AC.

403
5.85 AC.
S 89°08'23" E 1214.35'

405
0.48 AC.

402
3.45 AC.
S 88°34'07" E 177.60'
S 01°25'53" E 190.0'
S 03°10'47" E 305.74'

400
93.97 AC.

401
0.34 AC.

404

S.1
S.2
S.2'

16 rods = 594
24' W 594.00'

600
B.00 AC±

TAX LOTTED ON

MAP 15 04 29

S 89°35'24" E 462.00'

700
14.16 AC±

211.20'
S 37°21'24" E

S 89°38'58" E 227.0'
407
1.0 AC.
S 00°21'02" E 192.0'
S 00°21'02" E 192.0'

BOUNDARY

800
35.96 AC.

80 rods = 1320.00'
N 00°21'24" W 1320.00'
N 00°21'24" W 1056.00'

S 16°21'24" E 335.28'
S 06°38'30" E 231.00'

800
NO. 365

MILLET

3.36988

S.V. COOPER

NEARBY...

OREGON SECRETARY OF STATE
► Corporation Division



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Business Name Search

Business Entity Names returned for:

Name: BOWERS DISTILLERY, INC.

Using: Exact Words in Any Word Order

05-26-2005
08:34

[New Search](#) [Printer Friendly](#)

Record No	Entity Type	Entity Status	Registry Number	Name Status	Name	Assoc Search
1	DBC	INA	[REDACTED]	CUR	[REDACTED]	

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Business Name Search

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Business Entity Data

05-26-2005
 08:38

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Duration Date	Renewal Date
27167818	DBC	INA	OREGON	10/11/07		
Entity Name BOWERS DISTILLERY, INC.						
Foreign Name						

New Search Printer Friendly

Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS				
Addr 1	611 N VAN BUREN					
Addr 2						
CSZ	PIERRE	SD	57501	Country	UNITED STATES OF AMERICA	

Type	AGT	REGISTERED AGENT	Start Date	Resign Date		
Name	JON	D	BOWERS			
Addr 1	94745 LOVELAKE RD					
Addr 2						
CSZ	JUNCTION CITY	OR	97448	Country	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS				
Addr 1	611 N VAN BUREN					
Addr 2						
CSZ	PIERRE	SD	57501	Country	UNITED STATES OF AMERICA	

Type	PRE	PRESIDENT				
Name	JAMES	H	BOWERS			
Addr 1	611 N VAN BUREN					
Addr 2						
CSZ	PIERRE	SD	57501	Country	UNITED STATES OF AMERICA	

Type	SEC	SECRETARY			
Name	JUDY	L	BOWERS		
Addr 1	611 N VAN BUREN				
Addr 2					
CSZ	PIERRE	SD	57501	Country	UNITED STATES OF AMERICA

New Search [Printer Friendly](#) **Name History**

Business Entity Name	Name Type	Name Status	Start Date	End Date
BOWERS DISTILLERY, INC.	EN	CUR	10-11-1967	

Please read before ordering Copies.

New Search [Printer Friendly](#) **Summary History**

Image Date	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
12-22-1995	<u>MERGER</u>	12-22-1995		FI		
10-11-1995	STRAIGHT RENEWAL	10-11-1995		FI		
09-27-1994	STRAIGHT RENEWAL	09-21-1994		FI		
10-15-1993	NOTICE	10-19-1993		SYS		
10-20-1993	STRAIGHT RENEWAL	10-12-1993		FI		
10-08-1992	STRAIGHT RENEWAL	10-06-1992		FI		
10-08-1991	STRAIGHT RENEWAL	10-08-1991		FI		
09-27-1990	STRAIGHT RENEWAL	09-24-1990		FI		
09-07-1989	STRAIGHT RENEWAL	09-05-1989		FI		
09-14-1988	AMENDED RENEWAL	09-12-1988		FI		
09-18-1987	STRAIGHT RENEWAL	09-11-1987		FI		
10-07-1986	STRAIGHT RENEWAL	09-30-1986		FI		
10-19-1985	AMENDED RENEWAL	09-23-1985		FI		
10-09-1984	STRAIGHT RENEWAL	10-04-1984		FI		

10-09-1984	REINSTATEMENT	03-06-1984		FI		
10-09-1984	REINSTATEMENT	03-06-1984		FI		

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BOWERS DISTILLERY, INC.

PLAN OF RECAPITALIZATION

1. BACKGROUND. On October 11, 1957, Articles of Incorporation for Bowers Distillery, Inc. (herein the Corporation) were filed with the Corporation Commissioner of the State of Oregon. The Corporation was and is authorized to issue five hundred (500) shares of common stock without a par value. No other class of stock is authorized. The stock of the Corporation was issued equally to Howard Bowers and his sons, James B. Bowers, Jr. and Mark B. Bowers. Since the time the stock was issued it has been owned as follows:

Howard	50 shares
James	50 shares
 	
Mark	50 shares
<hr/>	
Total	200 shares

Since the formation of the Corporation, it has been engaged in the business of growing, distilling, buying and selling mint and mint oil. Until 1980, the activities of the Corporation were primarily centered in the Southern Willamette Valley. In 1980, it was decided to move a substantial part of the activities of the Corporation to South Dakota.

All of the shareholders are officers and members of the Board of Directors of the Corporation and are active in its business and affairs. The dates of birth of the shareholders are:

Howard	March 4, 1915
James	June 13, 1940
Jon	December 7, 1942
Mark	November 22, 1945

James, Jon and Mark have assumed increasing responsibilities with regard to the management of the business and affairs of the Corporation. In some instances, they have demonstrated a more aggressive business philosophy than that of Howard. Howard is willing to give his sons further responsibilities if he is better assured of the protection of the present value of his equity position in the Corporation and has prior, but limited, rights to distributions from the Corporation. Therefore, the Corporation and its shareholders are adopting this Plan of Recapitalization.

2. SUMMARY OF PLAN. The Articles of Incorporation of this Corporation will be amended to create one hundred (100) shares of a class of preferred stock with the following attributes:

- a. A par value of Five Thousand Dollars (\$5,000) per share.

CT-149088

WARRANTY DEED

FOR VALUE RECEIVED

1000

OWEN K. PETERSEN, aka O. K. PETERSEN, aka KENT PETERSEN and BONNIE PETERSEN, husband and wife,

herein referred to as grantors, hereby grant, bargain, sell and convey unto BOWERS DISTILLERY, INC., an Oregon corporation,

herein referred to as grantee, the following described real property, with tenements, hereditaments, and appurtenances, to wit:

Lot 8 and the Southeast 1/4 of the Southwest 1/4 of Section 21, Lot 10 of Section 27 the East 1/2 of the Northwest 1/4, the West 1/2 of the Northeast 1/4, the Southeast 1/4 of the Northeast 1/4, and Lot 1 of Section 28, all in Township 15 South, Range 4 West of the Willamette Meridian, [REDACTED]

THIS DESCRIPTION INCLUDES CURRENT TAX LOTS 402, 403, 404, 405 & 406

N/A

EXCEPTING therefrom the following described tracts of land: excepting therefrom that certain tract conveyed to Oregon and California Railroad Company recorded January 21, 1893 in Book 1 of Deeds at page 267, also except that certain tract conveyed to Oregon Electric Railway Company by deed recorded February 17, 1912 in book 94, of deeds at page 283, both records of Lane County, Oregon, all in Lane County, Oregon.

TAX LOT 401

EXCEPTING: Beginning at an iron shaft set in a former Survey at the intersection of the Easterly line of County Road No. 365 with the North line of the Hugh Love Donation Land Claim No. 58 in Township 15 South, Range 4 West of the Willamette Meridian, South 89°11' East 434.94 feet from the one-quarter section corner between Sections 28 and 29, and run thence South 25°53' East 818.48 feet to the true point of beginning of the following described tract of land, thence North 64°07' East 145.0 feet; thence South 25°53' East 99.41 feet; thence South 64°07' West 151.69 feet to the easterly line of said road; thence North 15°45' West along said line 38.0 feet and North 25°53' West 62.0 feet to the place of beginning in Lane County, Oregon

TO HAVE AND TO HOLD: the said premises unto said Grantee, its heirs, assigns and assigns forever. And the said Grantors hereby covenant that they are lawfully seized in fee simple of said premises; that they are free from all incumbrances, except the following:

1. The rights of the public in and to that portion of the above property lying within the limits of County Road #365.
2. Power line easement, including terms and provisions thereof, as granted to Pacific Telephone and Telegraph Company by instrument recorded October 28, 1908 at page 220 of volume 79, Lane County, Oregon Deed Records.
3. Easement, including terms and provisions thereof, as granted to Mountain States Power Company by instrument recorded May 10, 1946 in Volume 319 page 473, clerk's filing No. 11425, Lane County Oregon Deed Records.

8055611

4. Easement, including terms and provisions thereof, granted to United States of America by P. H. Petersen and Marie Petersen, recorded March 3, 1950 in volume 411, page 566, Clerk's filing No. 45189, Lane County Oregon Deed Records.

5. Easement, including terms and provisions thereof, granted to United States of America by P. H. Petersen and Marie Petersen, recorded August 6, 1947, in volume 352, page 116, Clerk's filing No. 45719, Lane County Oregon Deed Records.

6. Easement, including terms and provisions thereof, granted to Pacific Telephone and Telegraph Company, recorded May 5, 1938 in volume 195 page 232, Clerk's filing No. 60089, Lane County Oregon Deed Records.

7. Perpetual easement, including terms and provisions thereof, as acquired by the United States of America through condemnation proceedings, the record of which is found in instrument recorded October 5, 1939, clerk's filing No. 75605, Lane County Oregon Deed Records.

8. Perpetual easement, including terms and provisions thereof, as acquired by the United States of America by condemnation proceedings, the record of which is found in instrument recorded July 16, 1940, clerk's filing No. 85562, Lane County Oregon Deed Records.

9. Easement, including terms and provisions thereof, as granted to United States of America by instrument recorded September 19, 1952, clerk's filing No. 85530, Lane county Oregon Deed Records.

10. Access Road easement, including terms and provisions thereof, granted to United States of America by instrument recorded December 11, 1956, clerk's filing No. 1165, Lane County Oregon Deed Records.

~~11. Easement, including terms and provisions thereof, granted to United States of America by instrument recorded October 16, 1964, clerk's filing No. 78291, Lane County Oregon Deed Records.~~

12. An easement created by instrument, including the terms and provisions thereof, dated June 23, 1967, recorded November 17, 1967, Recorder's Reception No. 5290, in favor of Pacific Power & Light Company for right of way for an electric transmission and distribution line.

13. The rights of the public and of governmental bodies in and to any portion of the above property lying below the ordinary high water mark of the Willamette River and in and to said water.

and that they will warrant and defend the above granted premises against all lawful claims whatsoever, except as above stated.

The true and actual consideration for this transfer is \$267,500.00.

[Redacted]

Owen K. Petersen
Owen K. Petersen

Bonnie Petersen
Bonnie Petersen

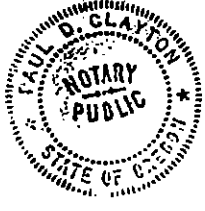
[Redacted]

8065611

STATE OF OREGON)
County of Lane) ss.

Personally appeared the above named OWEN E. PETERSEN and BONNIE PETERSEN and acknowledged the foregoing instrument to be their voluntary act and deed. Before me:

DATED this 30 day of June 1971.



Paul D. Clayton
Notary Public for Oregon
My Commission expires: 1-19-75

8065611

State of Oregon,
County of Lane—ss.
I, D.M. Prefeld, Director of Records and Elections Division, in and for the said County, do hereby certify that the within instrument was received for record at

JUN 30 01:55

1112R

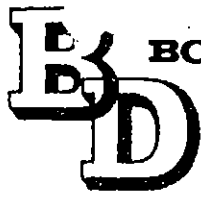
Lane County OFFICIAL RECORDS.

D.M. Prefeld, Director of Records and Elections Division.

D. M. Prefeld
By

CR-51

Warranty Deed - 3



BOWERS DISTILLERY, INC
Essential Oils

21300 Coburg Road
Harrisburg, Oregon 97446
Phone (503) 995-6356—995-6469

Dear Sir:

Bowers Distillery, Inc. sold to Jon D. Bowers and Lynna Gay Bowers 3.72 (more or less) acres, description attached. The sale price was \$12,500.

~~10-4-73 3,370.00~~
10-4-73 3,370.00
12-27-73 1,810.31
11-21-74 5,319.69 Final Payment.

Enclosed are copies of ledger pages showing these payments.

Please contact us if you need more information.

Thank you.

Judy Bowers

Judy Bowers

Sec.

Enc.

ASSOCIATED SURVEYORS

April 11, 1972

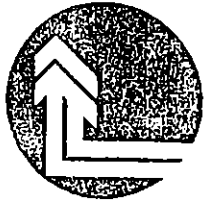
P. O. BOX 394

HARRISBURG, OREGON 97446

(503) 995-6002

TAX LOT 402
DESCRIPTION AROUND HOUSE, CONT. 3.72 ACRES M/L

Commencing at an iron shaft set at the intersection of the easterly line of County Road No. 365 with the north line of the Hugh Love D.L.C. No. 58 in Township 15 South, Range 4 West of the Willamette Meridian in Lane County, Oregon, the Coordinates of said iron shaft referred to the Oregon State Coordinate System, South Zone, are N. 948,037.65 and E. 1,296,076.11, per Lane County River Traverse, 1971 adjustment, which shaft bears South $87^{\circ}34'07''$ East 434.94 feet from the Quarter Corner on the west line of Section 28, said township and range, thence South $21^{\circ}16'07''$ East 480.48 feet; thence South $11^{\circ}08'07''$ East 38.00 feet to the southwest corner of that certain tract of land recorded in 1966 on Reel 295, Reception No. 60756 Lane County Oregon Deed Records for the PLACE OF BEGINNING; thence North $68^{\circ}43'53''$ East along the south line of said tract 151.69 feet to the southeast corner thereof; thence North $63^{\circ}00'34''$ East 593.22 feet; thence South $88^{\circ}34'07''$ East 177.60 feet; thence South $1^{\circ}25'53''$ East 190.00 feet; thence South $72^{\circ}51'53''$ West 866.04 feet; thence North $11^{\circ}08'07''$ West 127.69 feet to the place of beginning.



[REDACTED]

Jon Bowers
94745 Love Lake Ln.
Junction City, OR 97448

[REDACTED]

M 72-82 P1

[REDACTED]

This information is returned, attached, with a copy of your cover letter and legal description of the property retained for our files.

Expansion of this parcel may occur through a lot line adjustment that does not require a partitioning through the County Land Division regulations.

Harry Sickler

Harry Sickler, Planner
Zoning & Land Division Section

HAS/jj
Attachment

specific Prop file

C-602

() DATA OF RECORD

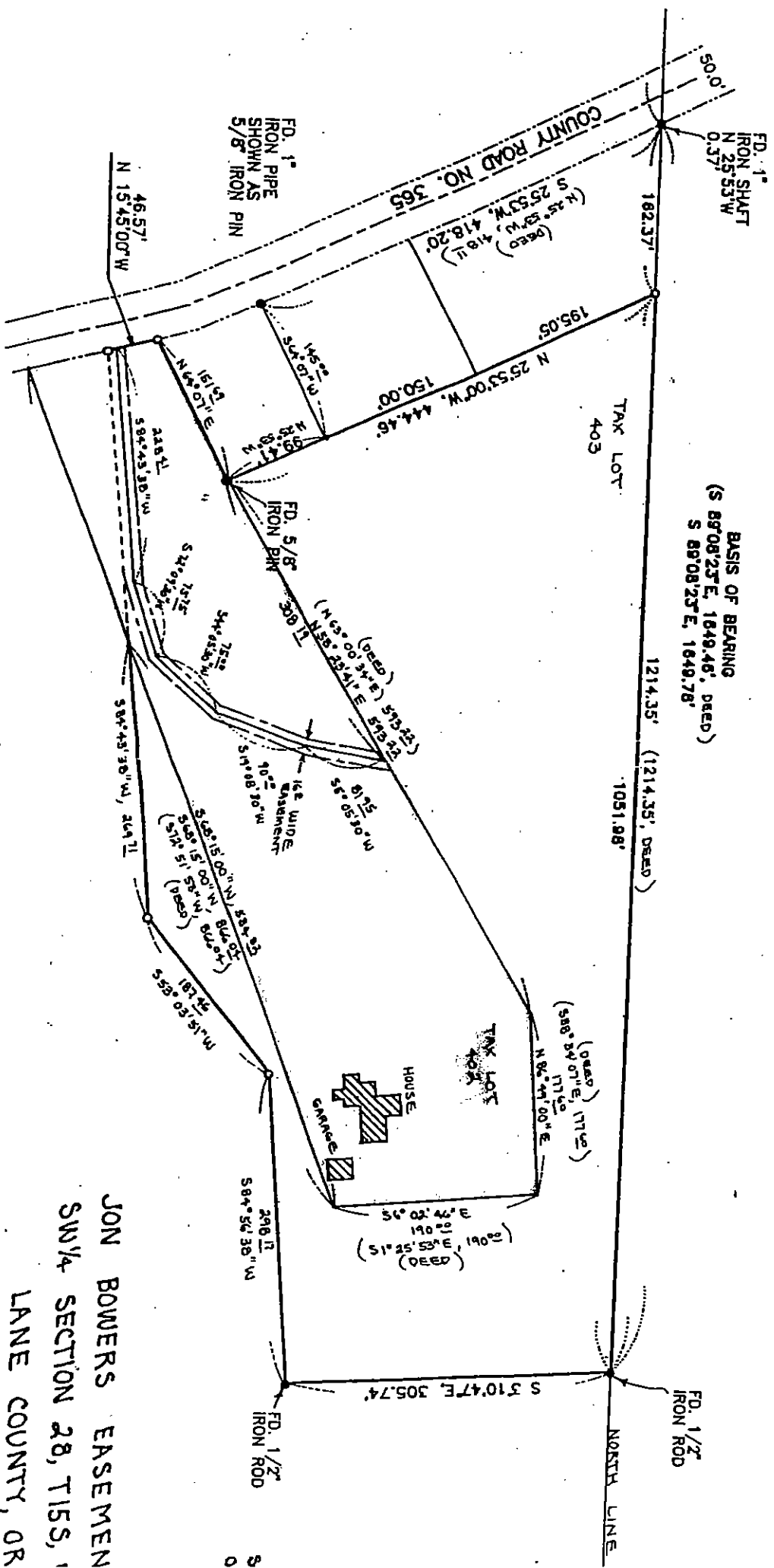
REFERENCES

- 1) C.S.F. 23969 BY CASTLEBERRY, FILING DATE 5-9-80
- 2) C.S.F. 25786 BY CASTLEBERRY, FILING DATE 10-7-82

SCALE: 1" = 100'



ROBERTS SURVEYING
 P.O. BOX 7155
 EUGENE, OREGON 97
 PHONE (541)345-1
 FEBRUARY 1, 200



JON BOWERS EASEMEN
 SW 1/4 SECTION 28, T15S, 1
 LANE COUNTY, OR

31
PURCHASE OF
TAX LOT # 402
IN 04-18-1977

CT-131552
(30)28-15-4W

BARGAIN AND SALE DEED

FOR VALUE RECEIVED, [REDACTED], an Oregon corporation, herein referred to as grantor, hereby grants, bargains, sells, and [REDACTED] [REDACTED], herein referred to as grantees, the following described real property, with tenements, hereditaments, and appurtenances, to wit:

Commencing at an iron shaft set at the intersection of the easterly line of County Road No. 365 with the north line of the Hugh Love D.L.C. No. 58 in Township 15 South, Range 4 West of the Willamette Meridian in Lane County, Oregon, the Coordinates of said iron shaft referred to the Oregon State Coordinate System, South Zone, are N. 948,037.65 and E. 1,296,076.11, per Lane County River Traverse, 1971 Adjustment, which shaft bears South 87°34'07" East 434.94 feet from the Quarter Corner on the West line of Section 28, said township and range; thence South 21°16'07" East 480.48 feet; thence South 11°08'07" East 38.00 feet to the southwest corner of that certain tract of land recorded in 1966 on Reel 295, Reception No. 60756, Lane County Oregon Deed Records for the PLACE OF BEGINNING; thence North 68°43'53" East along the south line of said tract 151.69 feet to the southeast corner thereof; thence North 63°00'34" East 593.22 feet; thence South 88°34'07" East 177.60 feet; thence South 1°25'53" East 190.00 feet; thence South 72°51'53" West 866.04 feet; thence North 11°08'07" West 127.69 feet to the place of beginning.

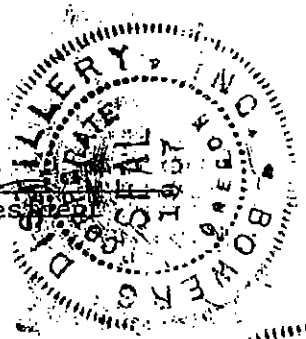
The true consideration for this conveyance is \$12,500.

Until a change is requested, mail all tax statements to:
1606 Love Lake Road, Junction City, Oregon, 97448.

DATED this 15 day of April, 1977.

BOWERS DISTILLERY, INC.

By James H. Bowers
Its President

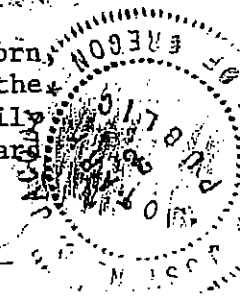


STATE OF OREGON)
 : ss.
County of Lane)

Personally appeared James H. Bowers, who, being sworn, stated that he is the president of said corporation and that the seal affixed hereto is its seal and that this instrument was voluntarily signed and sealed in behalf of the corporation by authority of its Board of Directors. Before me:

DATED: April 15, 1977

Justin C. Jacob
Notary Public for Oregon
My commission expires: 8/7/79



L 9 * 82775401 000306

Bargain and Sale Deed

LUVVAA, COBB, RICHARDS & FRASER
ATTORNEYS AT LAW
777 HIGH STREET
P. O. BOX 10747

() DATA OF RECORD

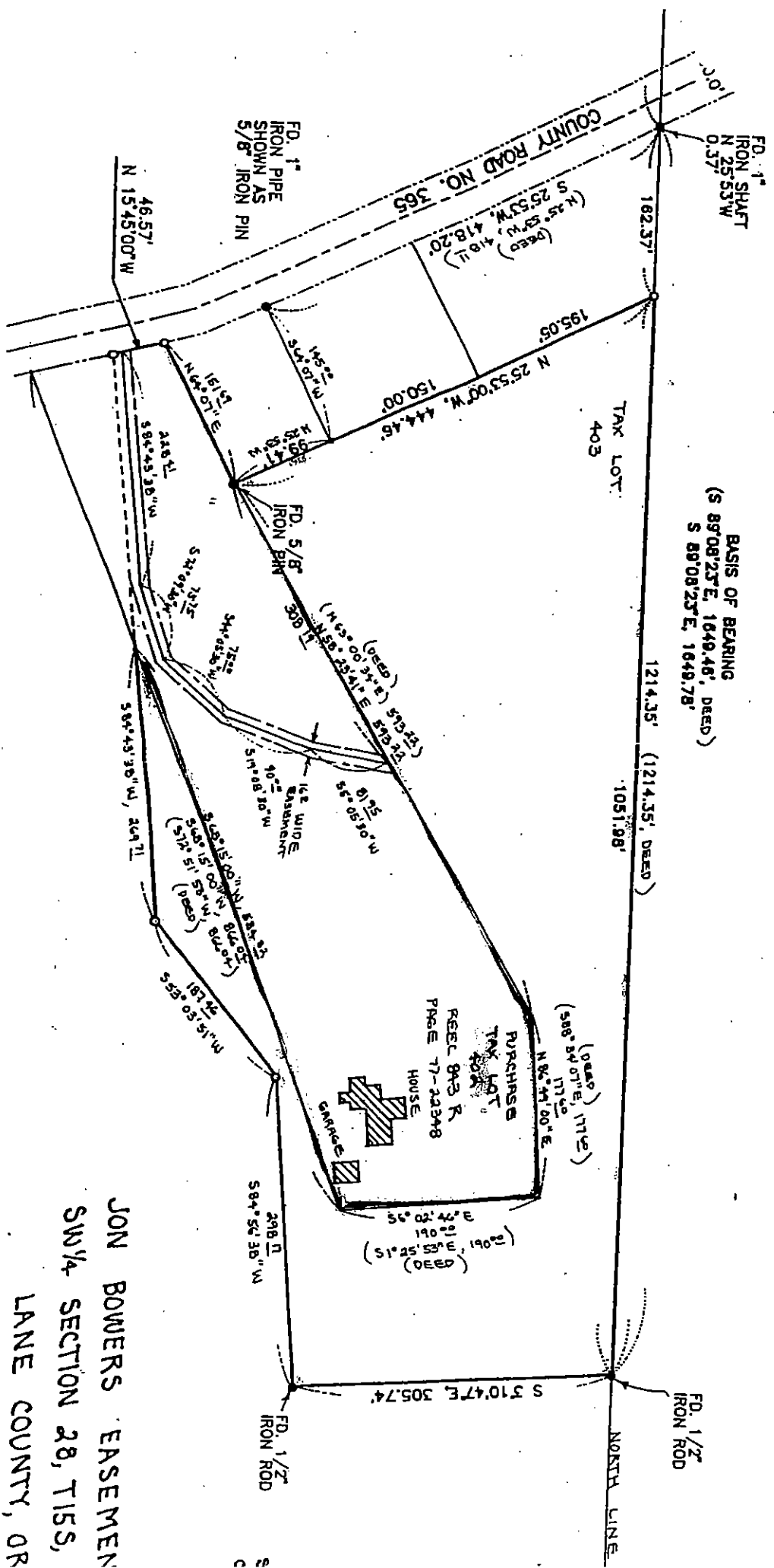
REFERENCES

- 1) C.S.F. 23969 BY CASTLEBERRY, FILING DATE 5-9-80
- 2) C.S.F. 25786 BY CASTLEBERRY, FILING DATE 10-7-82

SCALE: 1" = 100'



ROBERTS SURVEYING
 P.O. BOX 7155
 EUGENE, OREGON 97
 PHONE (541)345-1
 FEBRUARY 1, 200



JON BOWERS EASEMENT
 SW 1/4 SECTION 28, T15S,
 LANE COUNTY, OR

9
RELEASE OF
TAX LOT # 402
IN 04-18-1977

REC-843R

7722849

CT-131552
(30) 28-15-4W

DEED AND RELEASE

EX-106

FOR VALUE RECEIVED, BONNIE J. BROWN, formerly Bonnie Petersen; ALAN K. PETERSEN; ANN GARRIOTT; SARA KEEFER, formerly Sara J. Petersen; and BONNIE J. BROWN, conservator of the Estate of Mark Owen Petersen, a minor, herein referred to as grantors, hereby grant, bargain, sell, and convey unto ~~LOWERS 0167711111111111~~, an Oregon corporation, herein referred to as grantee, the following described real property, with tenements, hereditaments, and appurtenances, to wit:

Commencing at an iron shaft set at the intersection of the easterly line of County Road No. 365 with the north line of the Hugh Love D.L.C. No. 58 in Township 15 South, Range 4 West of the Willamette Meridian in Lane County, Oregon, the Coordinates of said iron shaft referred to the Oregon State Coordinate System, South Zone, are N. 948,037.65 and E. 1,296,076.11, per Lane County River Traverse, 1971 Adjustment, which shaft bears South 87°34'07" East 434.94 feet from the Quarter Corner on the West line of Section 28, said township and range; thence South 21°16'07" East 480.48 feet; thence South 11°08'07" East 38.00 feet to the southwest corner of that certain tract of land recorded in 1966 on Reel 295, Reception No. 60756, Lane County Oregon Deed Records for the PLACE OF BEGINNING: thence North 68°43'53" East along the south line of said tract 151.69 feet to the southeast corner thereof; thence North 63°00'34" East 593.22 feet; thence South 88°34'07" East 177.60 feet; thence South 1°25'53" East 190.00 feet; thence South 72°51'53" West 866.04 feet; thence North 11°08'07" West 127.69 feet to the place of beginning.

This conveyance is and shall constitute the release of the described property from the effect of the unrecorded Land Sale Contract dated June 30, 1971 between the predecessors of the grantors and the grantee but shall not be deemed a consent or release of any other property or rights under said contract.

L 9 • 8 2 7 5 1 0 1 0 0 0 0 9 . 0 0

The true consideration for this conveyance is \$1,000.

Until a change is requested, mail all tax statements to:
Route 1, Box 176, Harrisburg, Oregon, 97446.

DATED: April 15, 1977
Bonnie J. Brown
Bonnie J. Brown, formerly Bonnie Petersen

DATED: April 14, 1977
Alan K. Petersen
Alan K. Petersen

DATED: April 15, 1977
Ann Garriott
Ann Garriott

DATED: April 15, 1977
Sara Keefer
Sara Keefer, formerly Sara J. Petersen

DATED: April 15, 1977
Bonnie J. Brown
Bonnie J. Brown, Conservator of the
Estate of Mark Owen Petersen, a minor

LUVAAAS, COBB, RICHARDS & FRASER
ATTORNEYS AT LAW
777 HIGH STREET
EUGENE, OREGON

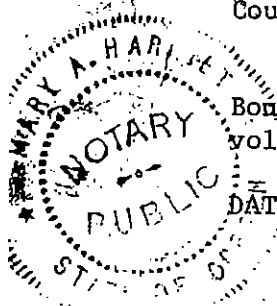
7722349

STATE OF OREGON)
: ss.
County of Lane)

Personally appeared the above named BONNIE J. BROWN, formerly Bonnie Petersen, and acknowledged the foregoing instrument to be her voluntary act and deed. Before me:

DATED: April 15, 1977

Mary A. Harriet
Notary Public for Oregon
My commission expires: March 14, 1980

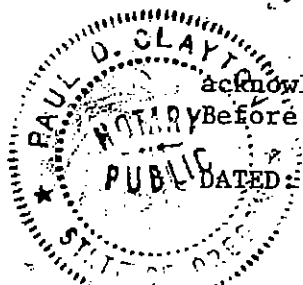


STATE OF OREGON)
: ss.
County of Lane)

Personally appeared the above named ALAN K. PETERSEN and acknowledged the foregoing instrument to be his voluntary act and deed. Before me:

DATED: April 14, 1977

Paul D. Clapp
Notary Public for Oregon
My commission expires: 1-27-81

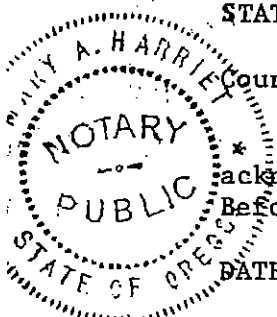


STATE OF OREGON)
: ss.
County of Lane)

Personally appeared the above named ANN GARRIOTT and acknowledged the foregoing instrument to be her voluntary act and deed. Before me:

DATED: April 15, 1977

Mary A. Harriet
Notary Public for Oregon
My commission expires: 3-14-1980

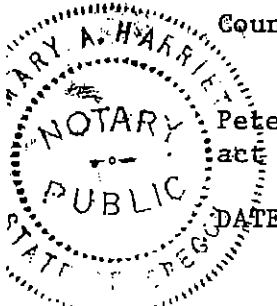


STATE OF OREGON)
: ss.
County of Lane)

Personally appeared the above named SARA KEEFER, formerly Sara J. Petersen, and acknowledged the foregoing instrument to be her voluntary act and deed. Before me:

DATED: April 15, 1977

Mary A. Harriet
Notary Public for Oregon
My commission expires: 3-14-1980



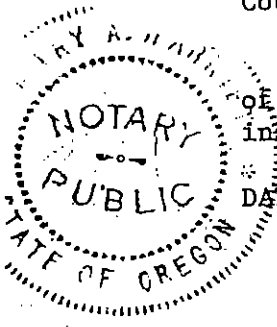
7722349

STATE OF OREGON }
 : ss.
County of Lane }

Personally appeared the above named BONNIE J. BROWN, Conservator of the Estate of Mark Owen Petersen, a minor, and acknowledged the foregoing instrument to be her voluntary act and deed. Before me:

DATED: April 15, 1977

Mary J. Harrell
Notary Public for Oregon
My commission expires: 3-14-1980



7722349

State of Oregon,
County of Lane--ss.

I, D.M. Penfold, Director of the Department of General Services, in and for the said County, do hereby certify that the within instrument was received for record at

1977 APR 18 PM 1 38

Reel 843 R
Lane County OFFICIAL Records.

D.M. Penfold, Director of the Department of General Services.

By D. Schaefer
Deputy
C30-53

() DATA OF RECORD

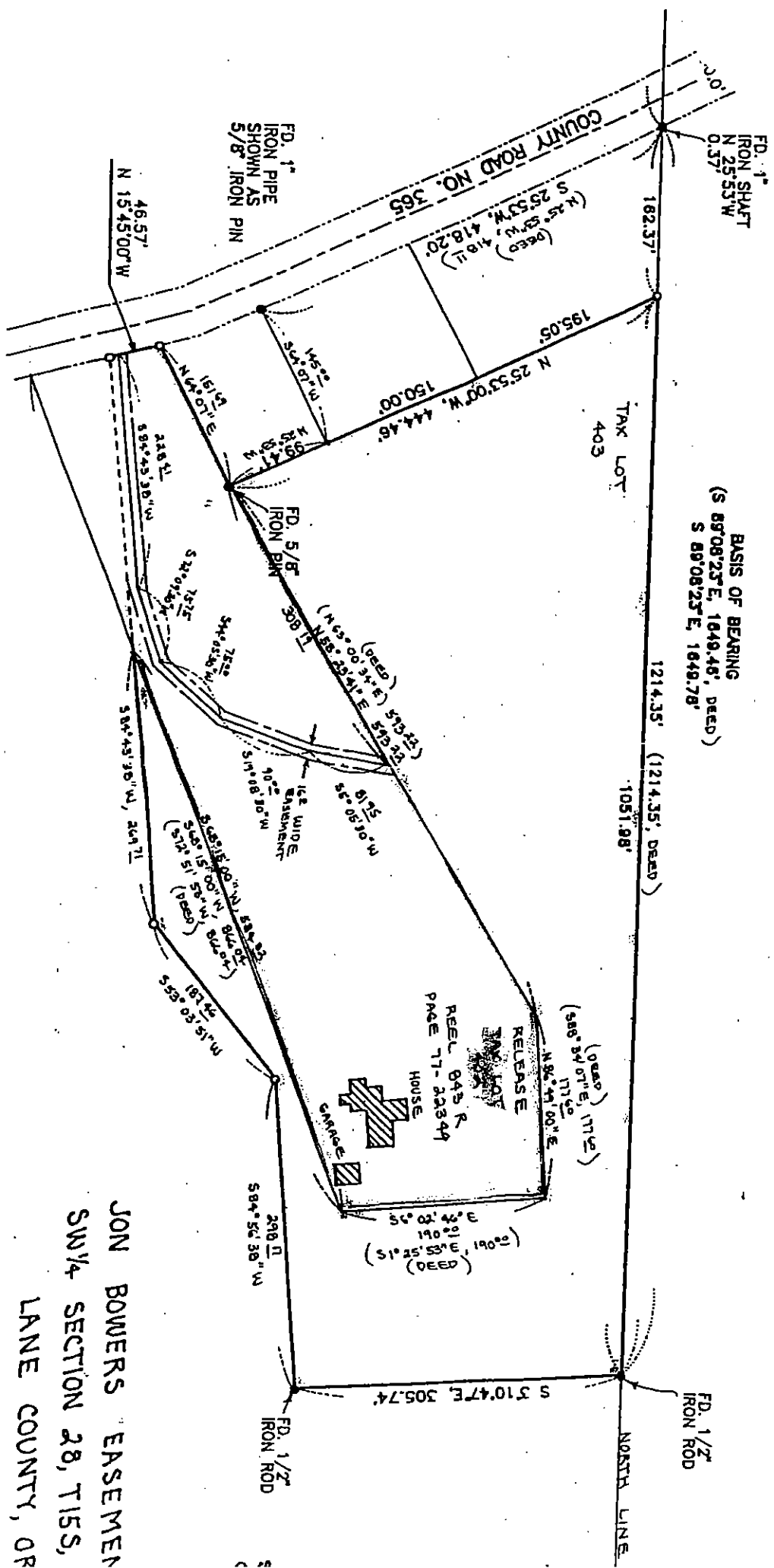
REFERENCES

- 1) C.S.F. 23969 BY CASTLEBERRY, FILING DATE 5-9-80
- 2) C.S.F. 25786 BY CASTLEBERRY, FILING DATE 10-7-82

SCALE: 1" = 100'



ROBERTS SURVEYING
 P.O. BOX 7155
 EUGENE, OREGON 97
 PHONE (541)345-1
 FEBRUARY 1, 200



JON BOWERS EASEMENT
 SW 1/4 SECTION 28, T15S,
 LANE COUNTY, OR

10.45 ± ACRES FROM
PETERSON TO
BOWERS DISTILLERY
INCLUDES TAX LOTS
402, 403, 405 & 406

8053840

DEED AND RELEASE

FOR VALUE RECEIVED, BONNIE J. BROWN, formerly Bonnie Petersen; ALAN K. PETERSEN; ANN GARRIOTT, formerly Ann Petersen; SARA KEEFER, formerly Sara J. Petersen; and MARK OWEN PETERSEN, herein referred to as grantors, hereby grant, bargain, sell, and convey unto BOWERS DISTILLERY, INC., an Oregon corporation, herein referred to as grantee, the following described real property, with tenements, hereditaments, and appurtenances, to wit:

Beginning at the intersection of the North line of the Hugh Love D.L.C. No. 58 in Section 28, Township 15 South, Range 4 West of the Willamette Meridian in Lane County, Oregon with the Easterly right of way line of County Road No. 365, from which intersection the West Quarter corner of said Section 28 bears North 89°08'23" West 435.11 feet and a 1" iron shaft bears North 25°53' West 0.37 feet respectively therefrom; thence South 89°08'23" East along said North line 1214.35 feet to a 1/2" iron rod, thence South 3°10' 47" East 305.74 feet to a 1/2" iron rod; thence South 84°56'38" West 298.17 feet to a 1/2" iron rod; thence South 53°03'51" West 187.46 feet to a 1/2" iron rod; thence South 84°43'38" West 554.12 feet to a 1/2" iron rod in the aforesaid Easterly right of way line; thence North 15°45' West along said right of way line 46.57 feet to the Southwest corner of the tract of land described by deed filed in 1966 on Reel 295, reception No. 60756, Lane County Oregon Deed Records; thence along said tract North 64°07' East 151.69 feet, North 25°53' West 99.41 feet and South 64°07' West 145.00 feet to the aforesaid Easterly right of way line; thence North 25°53' West 418.11 feet to the place of beginning.

L 5 2 0 7 4 8 7 0 0 0 7 6 0

... in the predecessors of the grantors and the grantee but shall not be deemed a consent or release of any other property or rights under said contract.

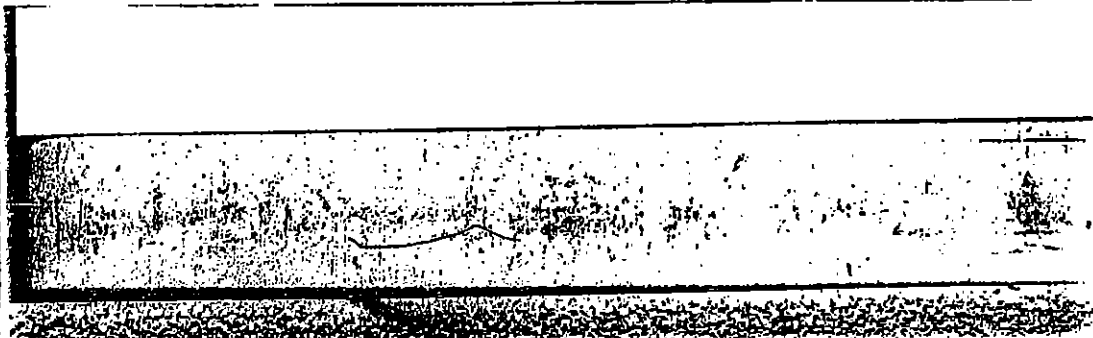
The true consideration for this conveyance is none.

Until a change is requested, mail all tax statements to Route 1, Box 176, Harrisburg, OR 97446.

Bonnie J. Brown, formerly Bonnie Petersen
Alan K. Petersen
Ann Garrriott, formerly Ann Petersen
Sara Keefer, formerly Sara J. Petersen
Mark Owen Petersen

Deed and Release - 1

LUVAAE, COSE RICHARDS & FRASER, P.C.
ATTORNEYS AT LAW
117 1/2 MAIN STREET
EUGENE, OREGON 97401
464-9222



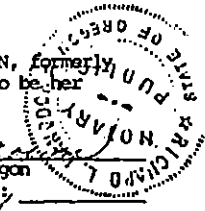
8053840

STATE OF OREGON)
 : ss.
County of Lane)

Personally appeared the above named BONNIE J. BROWN, formerly Bonnie Petersen, and acknowledged the foregoing instrument to be her voluntary act and deed. Before me:

DATED: 7-30-80, 1980

Bonnie J. Brown
Notary Public for Oregon
My commission expires: 4-24-84

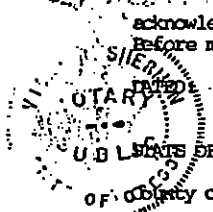


STATE OF OREGON)
 : ss.
County of Lane)

Personally appeared the above named ALAN K. PETERSEN, and acknowledged the foregoing instrument to be his voluntary act and deed. Before me:

DATED: 8-4-80, 1980

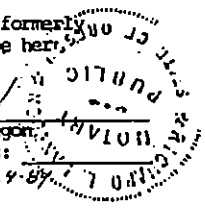
Sue Y. Sherman
Notary Public for Oregon
My commission expires: 4-14-1980



Personally appeared the above named ANN GARRIOTT, formerly Ann Petersen, and acknowledged the foregoing instrument to be her voluntary act and deed. Before me:

DATED: 7-31-80, 1980

Sue Y. Sherman
Notary Public for Oregon
My commission expires: 4-14-1980

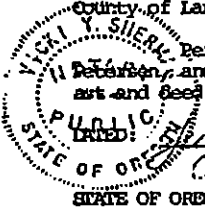


STATE OF OREGON)
 : ss.
County of Lane)

Personally appeared the above named SARA KEEFER, formerly Sara J. Petersen, and acknowledged the foregoing instrument to be her voluntary act and deed. Before me:

DATED: July 31, 1980

Sue Y. Sherman
Notary Public for Oregon
My commission expires: 4-14-1980

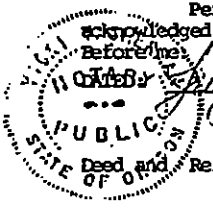


STATE OF OREGON)
 : ss.
County of Lane)

Personally appeared the above named MARK OWEN PETERSEN, and acknowledged the foregoing instrument to be his voluntary act and deed. Before me:

DATED: July 31, 1980

Sue Y. Sherman
Notary Public for Oregon
My commission expires: 4-14-1980



Deed and Release - 2

WYNN & COLE, RICHARDS & PRAGER, P.C.
ATTORNEYS AT LAW
171 BIRD BUILDING
EUGENE, OREGON 97401
424-9221

8053840

State of Oregon,
County of Lane--st.
I, D.M. Penfold, Director of Records and
Elections Division, in and for the said County,
do hereby certify that the within instrument was
received for record at

23 OCT 80 15: 42

Ref : 1101R

Law County OFFICIAL RECORDS.

D.M. Penfold, Director of Records and Elec-
tions Division.

Saewada
Deputy

C3833

() DATA OF RECORD

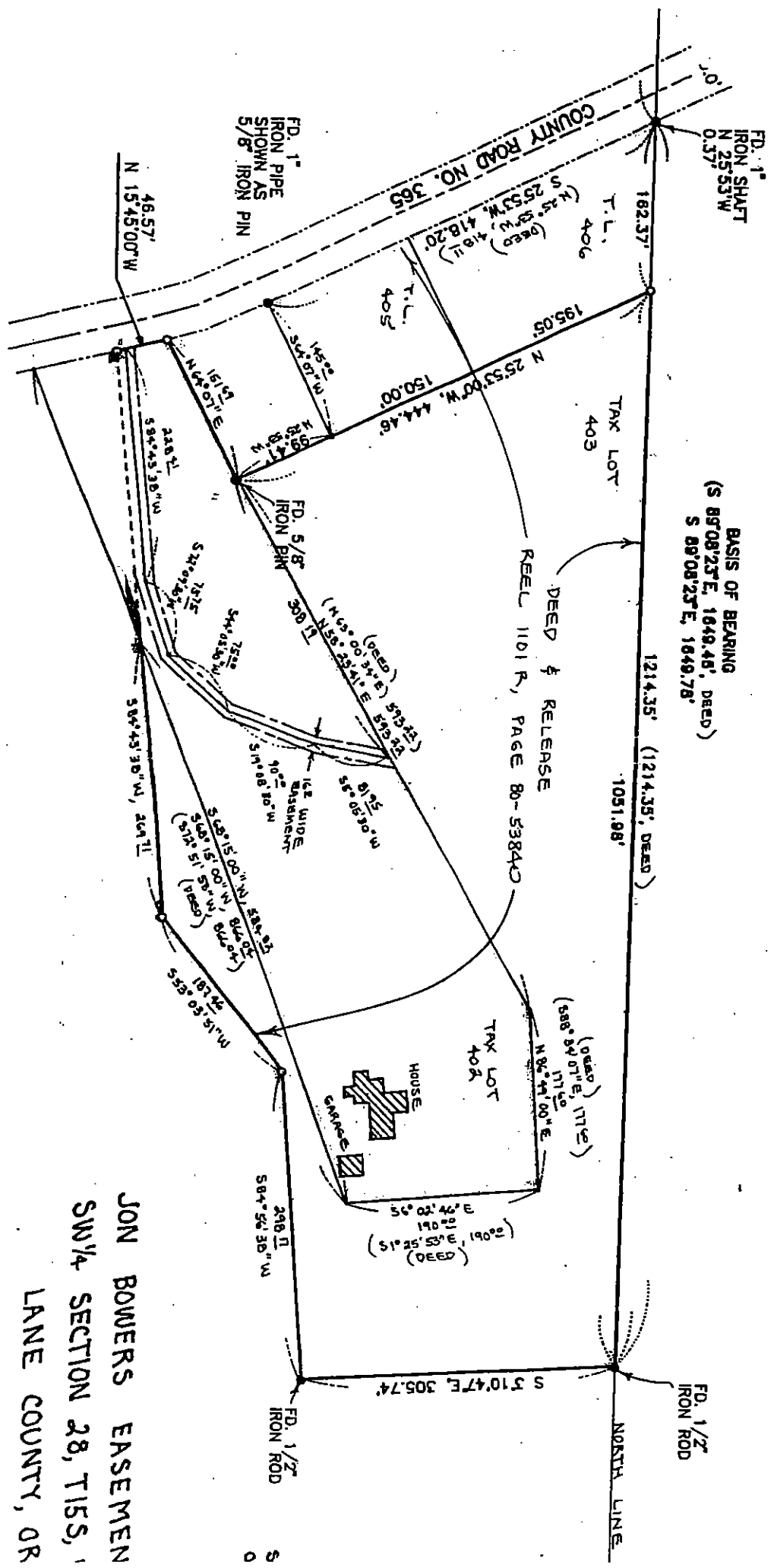
REFERENCES

- 1) C.S.F. 23969 BY CASTLEBERRY, FILING DATE 5-9-80
- 2) C.S.F. 25786 BY CASTLEBERRY, FILING DATE 10-7-82

SCALE: 1" = 100'



ROBERTS SURVEYING
 P.O. BOX 7155
 EUGENE, OREGON 97
 PHONE (541)345-11
 FEBRUARY 1, 2000



JON BOWERS EASEMEN
 SW 1/4 SECTION 28, T15S,
 LANE COUNTY, OR

8056158

BARGAIN AND SALE DEED

After recording return to: Hershner, Hunter,
Miller, Moulton & Andrews
260 E. 11th Avenue
Eugene, Oregon 97401
NAME, ADDRESS, ZIP

Until a change is requested, mail all tax statements to:
Jon D. & Lynna Gay Bowers
94745 Love Lake Road
Junction City, Oregon
NAME, ADDRESS, ZIP

BOWERS: DISTILLERY
 JON & LYNNA GAY BOWERS
 ONE NOV. 5, 1980
 TAX LOTS 403, 405
 & 406 (7.05 ACRES)

BARGAIN AND SALE DEED-STATUTORY FORM-CORPORATION

Bowers Distillery, Inc.
 an Oregon corporation, Grantor, conveys to Jon D. Bowers and Lynna Gay Bowers, husband
and wife

Grantee, the following described real property:

See attached Exhibit A

D 3 • 5=0 1170 00007.00

LAW OFFICES
260 E. ELEVENTH AVENUE - P.O. Box 1475
EUGENE, OREGON 97440

The true consideration for this conveyance is other property rights

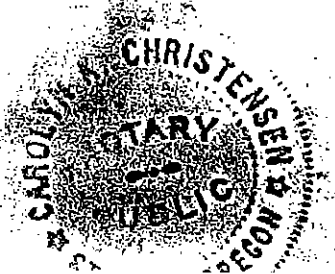
Howard J. Bowers (Vice) President

Dated Nov. 4th 19 80 _____ (Ass't) Secretary

State of Oregon
 County of Lane

The foregoing instrument was acknowledged before me this 4th day of Nov.
 1980, by Howard J. Bowers
 of Grantor, on behalf of Grantor.

Carolyn K. Christensen
 Notary Public for Oregon
 My Commission Expires: 11-7-83



Beginning at the intersection of the North line of the Hugh Love D.L.C. No. 58 in Section 28, Township 15 South, Range 4 West of the Willamette Meridian in Lane County, Oregon with the Easterly right of way line of County Road No. 365, from which intersection the West Quarter corner of said Section 28 bears North 89°08'23" West 435.11 feet and a 1" iron shaft bears North 25°53' West 0.37 feet respectively therefrom; thence South 89°08'23" East along said North line 1214.35 feet to a 1/2" iron rod, thence South 3° 10' 47" East 305.74 feet to a 1/2" iron rod; thence South 84°56' 38" West 298.17 feet to a 1/2" iron rod; thence South 53°03'51" West 187.46 feet to a 1/2" iron rod; thence South 84°43'38" West 269.71 feet; thence North 68°15' East 584.82 feet, thence North 6°02'46" West 190.00 feet; thence South 86°49' West 177.60 feet; thence South 58°23'41" West 593.22 feet to the Southeasterly corner of the tract of land described by deed filed in 1966 on Reel No. 295, Reception No. 60756, Lane County Oregon Deed Records; thence North 25°53' West 99.41 feet and South 64°07' West 145.00 feet along the Easterly and Northerly lines of said tract of land to the Northwesterly corner thereof; thence North 25°53' West 418.11 feet to the place of beginning.

State of Oregon,
County of Lane—ss.

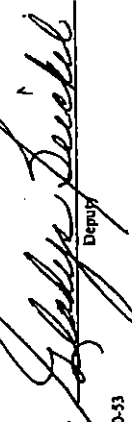
I, D.M. Penfold, Director of Records and Elections Division, in and for the said County, do hereby certify that the within instrument was received for record at

5 NOV 80 11:00

Reel 1103R

Lane County OFFICIAL Records.

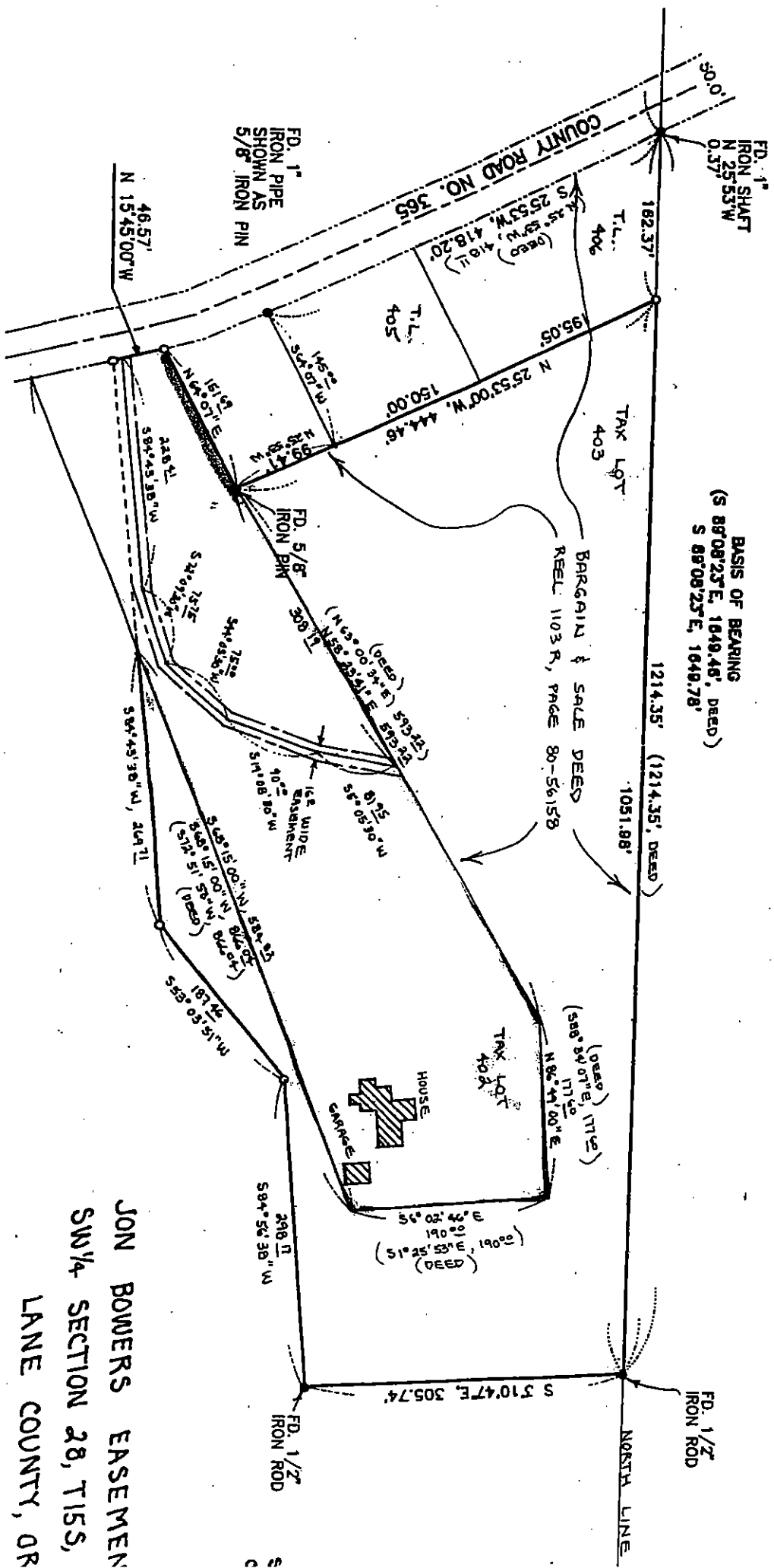
D.M. Penfold, Director of Records and Elections Division

By  Deputy
C30-53

- REFERENCES
- 1) C.S.F. 23869 BY CASTLEBERRY, FILING DATE 5-9-80
 - 2) C.S.F. 25786 BY CASTLEBERRY, FILING DATE 10-7-82

SCALE: 1" = 100'

ROBERTS SURVEYING
 P.O. BOX 7155
 EUGENE, OREGON 97
 PHONE (541)345-1
 FEBRUARY 1, 2001



JON BOWERS EASEMENT
 SW 1/4 SECTION 28, T15S,
 LANE COUNTY, OR

8056159

EXHIBIT 5

After recording return to: Hershner, Hunter,
Miller, Moulton & Andrews
260 E. 11th Avenue
Eugene, Oregon 97401
NAME, ADDRESS, ZIP

JON & LYNNA GAY BOWERS
TO
BOWERS DISTILLERY
TAX LOT # 409

Until a change is requested, mail all tax statements to:
Bowers Distillery, Inc.
P. O. Box 16
Harrisburg, Oregon 97446
NAME, ADDRESS, ZIP

BARGAIN AND SALE DEED-STATUTORY FORM

Jon D. Bowers and Lynna Gay Bowers, husband and wife, Grantor,
conveys to Bowers Distillery, Inc., an Oregon corporation

Grantee, the following described real property:

See attached Exhibit A.

D 5 • 5208170 00007.00

260 E. ELEVENTH AVENUE - P.O. BOX 1475
EUGENE, OREGON 97440

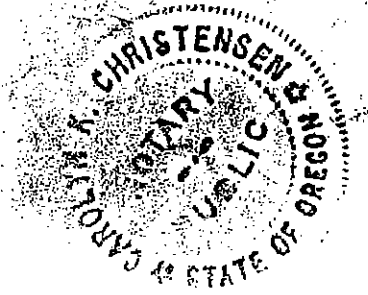
The true consideration for this conveyance is other property rights

Dated Nov. 4, 19 80

Jon D. Bowers
Jon D. Bowers
Lynna Gay Bowers
Lynna Gay Bowers

State of Oregon
County of Lane

The foregoing instrument was acknowledged before me this 4th day of Nov. 19 80, by Jon D. Bowers and Lynna Gay Bowers



Carol A. Christensen
Notary Public for Oregon
My Commission Expires: 11-7-83

8056159

Commencing at the intersection of the North line of the Hugh Love D.L.C. No. 58 in Section 28, Township 15 South, Range 4 West of the Willamette Meridian in Lane County, Oregon with the Easterly right of way line of County Road No. 365, from which intersection the West Quarter corner of said Section 28 bears North 89°08'23" West 435.11 feet and a 1" iron shaft bears North 25°53' West 0.37 feet respectively therefrom; thence South 25°53' East 480.11 feet to an angle in the westerly line of the tract of land described by deed filed in 1966 on Reel 295, Reception No. 60756, Lane County Oregon Deed Records; thence South 15°45' East along said Westerly line and a Southerly prolongation thereof, 84.57 feet to a 1/2" iron rod for the PLACE OF BEGINNING; thence North 84°43'38" East 284.41 feet; thence South 68°15' West 281.22 feet; thence North 15°45' West 81.12 feet to the place of beginning.

8056159

State of Oregon,
County of Lane—ss.

I, D.M. Penfold, Director of Records and Elections Division, in and for the said County, do hereby certify that the within instrument was received for record at

5 NOV 80 11: 01

Reel **1103R**

Lane County OFFICIAL Records.

D.M. Penfold, Director of Records and Elections Division

By

C-6-53
Deputy

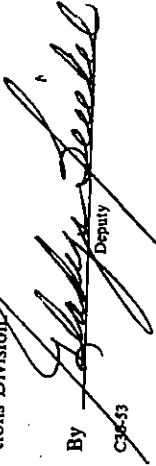


EXHIBIT A

() DATA OF RECORD

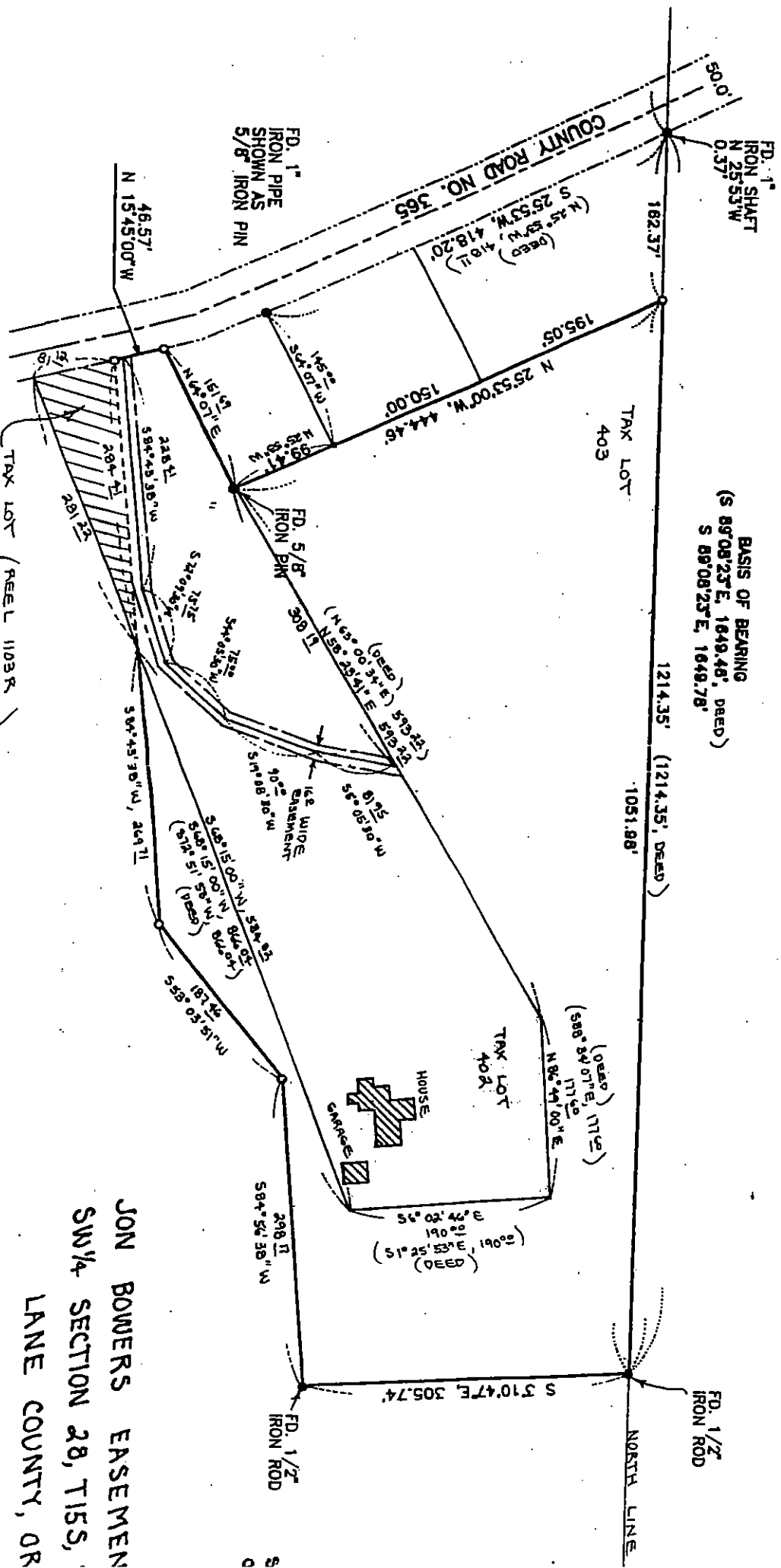
REFERENCES

- 1) C.S.F. 23989 BY CASTLEBERRY, FILING DATE 5-9-80
- 2) C.S.F. 25786 BY CASTLEBERRY, FILING DATE 10-7-82

SCALE: 1" = 100'



ROBERTS SURVEYING
 P.O. BOX 7155
 EUGENE, OREGON 97
 PHONE (541)345-1
 FEBRUARY 1, 2001



JON BOWERS EASEMENT
 SW 1/4 SECTION 28, T15S,
 LANE COUNTY, OR

TAX LOT (REEL 1103R,
 PAGE 80-56159)
 404
 JON BOWERS TO
 SURVIVORS

PARTITIONER: *W 107*

NAME: JON BOWERS

ADDRESS: 94745 LOVE LAKE RD.

JUNCTION CITY, OR. 97448

PHONE: 998-3000

INTEREST IN PROPERTY: OWNER OF PORTION
(Indicate one: owner, contract purchaser, option holder, other)

OWNER OF RECORD:

PARCELS 1&2 JON BOWERS (ABOVE)

NAME: PARCEL 3, ROD KRAGNESS

ADDRESS: 92834 N. COBURG ROAD

COBURG, ORE. 97401

PHONE: 686-0997

TAX LOT: TL 400 15-04-21
TL 1000 15-04-28
MAP #: 15-04-28

lane county



WATER SUPPLY: WELLS
PERMIT #: _____
SEWAGE DISPOSAL: SEPTIC SYSTEMS
S.I. #: #82-204
ELECTRIC SERVICE: P.P.E.L.
ZONING: ETU

DATE SUBMITTED: 8-3-82
RECEIVED BY: JSDAC
FEE PAID: 237.⁰⁰
HEARING DATE: Sept 22, 1982
for office use only

approval

BY: George M. Curran
Acting Chairman, Land Development Review Committee

JANUARY 12, 1983
Date

Lane County Surveyor

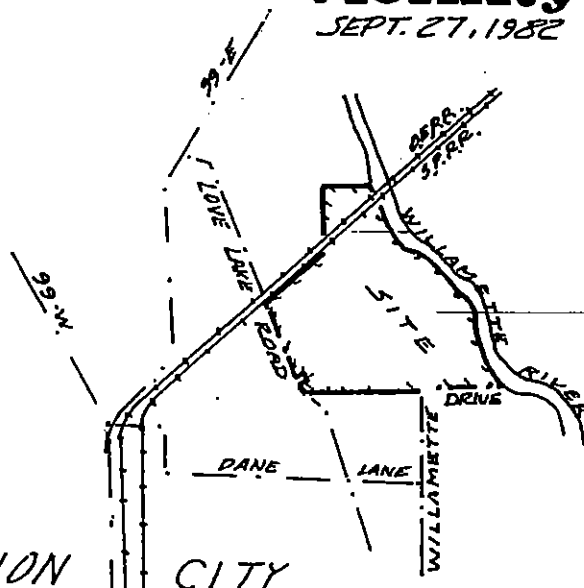
Date

Chairman, Board of County Commissioners

Date

vicinity map

SEPT. 27, 1982



SCALE 1" = 1 MILE

REGISTERED
PROFESSIONAL
LAND SURVEYOR

R. S. Castleberry
OREGON
JULY 9, 1965
R. S. CASTLEBERRY
684

FILE NO: 42.82

MAP PREPARED BY: R. S. CASTLEBERRY

83JUL1081

☒ MINOR
☐ MAJOR

partition

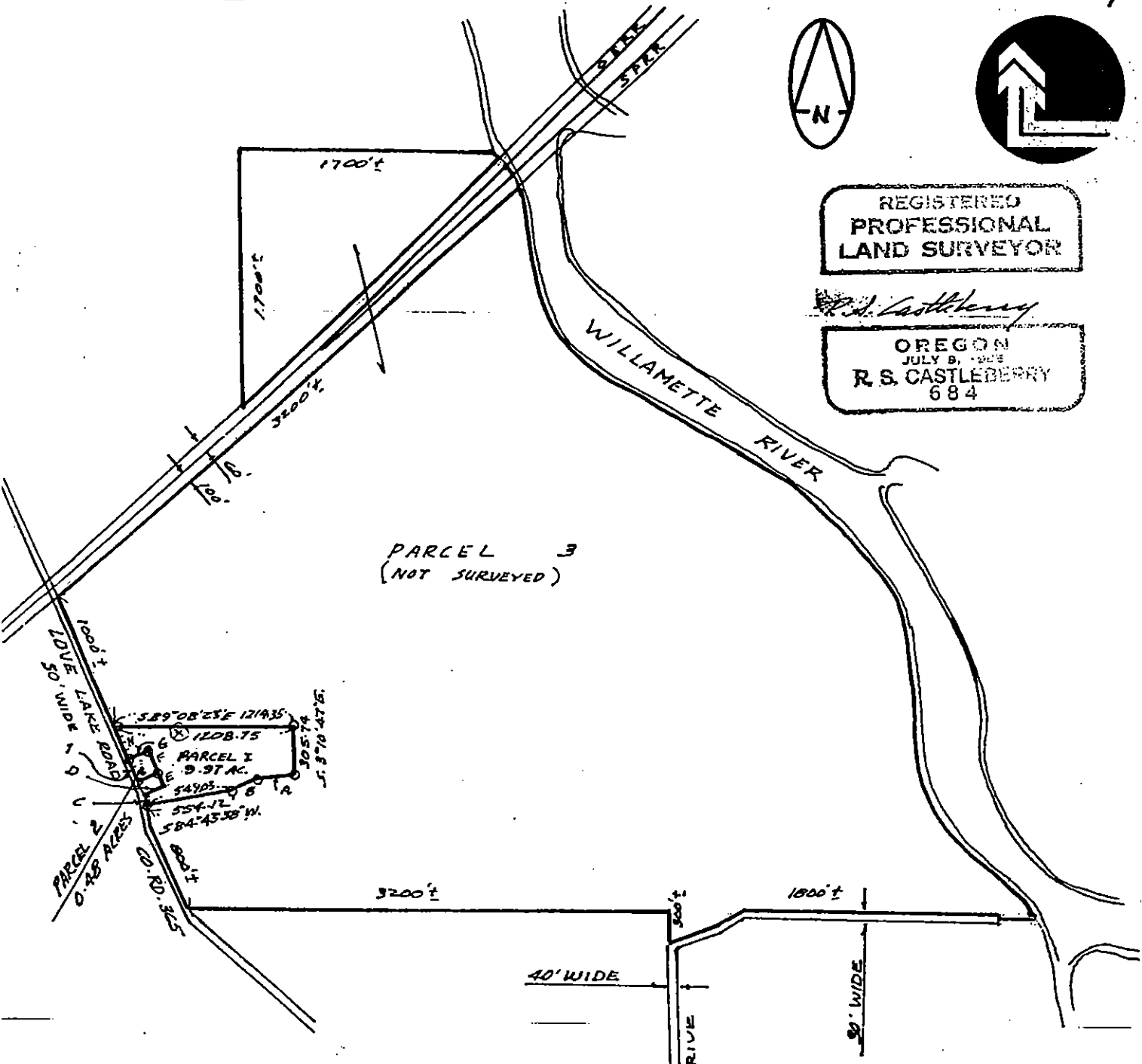
lane county



REGISTERED
PROFESSIONAL
LAND SURVEYOR

R. S. Castleberry

OREGON
JULY 9, 1983
R. S. CASTLEBERRY
684



PARCEL 3
(NOT SURVEYED)

1208.75
589°08'25"E 1214.35
5490.00
554.12
584°45'38"W
305.74
5.8°10'47"E

LEGEND

--- 5' to be dedicated for Co. Rd. #365 (30' from E).

- O Iron corner rod set or found.
- A S. 56° 56' 38" W. 298.17
- B S. 53° 03' 51" W. 187.46
- C N. 15° 45' W. (46.51' 25' from E) † (48.39' 30' from E)
- D N. 64° 07' E. (151.69' from 25' R/W) † (146.61' from 30' R/W)
- E N. 25° 53' W. 99.41
- F N. 25° 53' W. 150.00
- G N. 64° 07' E. (145.00' from 25' R/W) † (140.00' from 30' R/W)

H N. 25° 53' W. 265.60 ALONG 30' R/W
I S. 25° 53' E. 150.00

SCALE: 1" = 1000'

FILE NO: 177982

FILE NO: _____

SCALE: 1" = 100'

WATER FROM 52' R/W TO 40' FROM 52' W

LEGEND

0	1700 CORNER TO 25'
1	25' WIDE ROAD
2	25' WIDE ROAD
3	25' WIDE ROAD
4	25' WIDE ROAD
5	25' WIDE ROAD
6	25' WIDE ROAD
7	25' WIDE ROAD
8	25' WIDE ROAD
9	25' WIDE ROAD

C 30-53

Deputy

By *BKB*

Steven J. Ickes, County Clerk

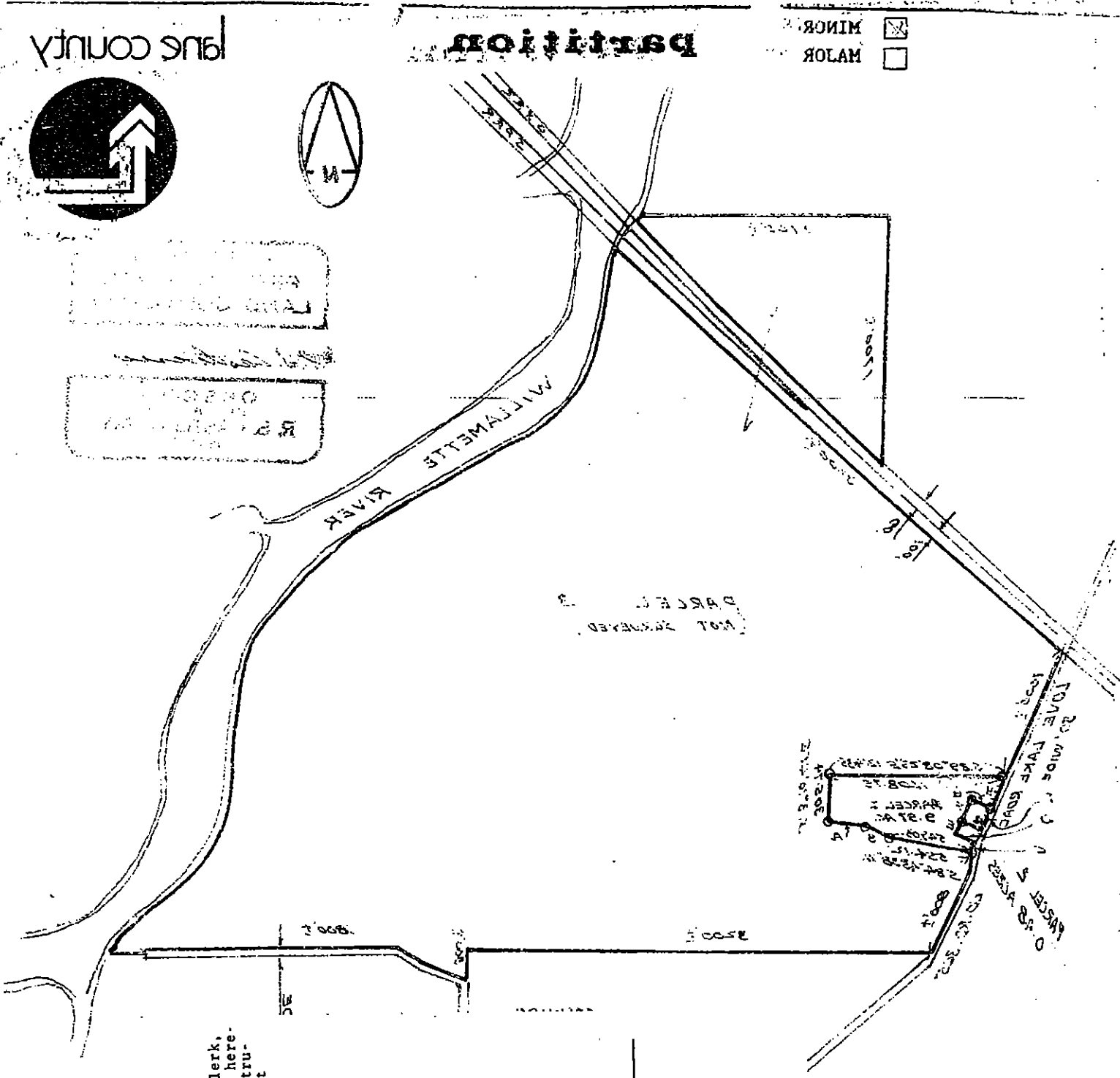
Lane County OFFICIAL RECORDS.

Reel **1227R**

12 JAN 83 10: 33

State of Oregon,
County of Lane—ss.
I, Steven J. Ickes, County Clerk,
in and for the said County, do here-
by certify that the within instru-
ment was received for record at

8301081



Lane County

Partition

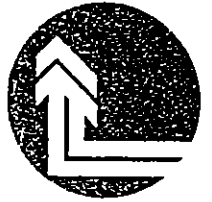
MINOR
MAJOR

- MINOR
- MAJOR

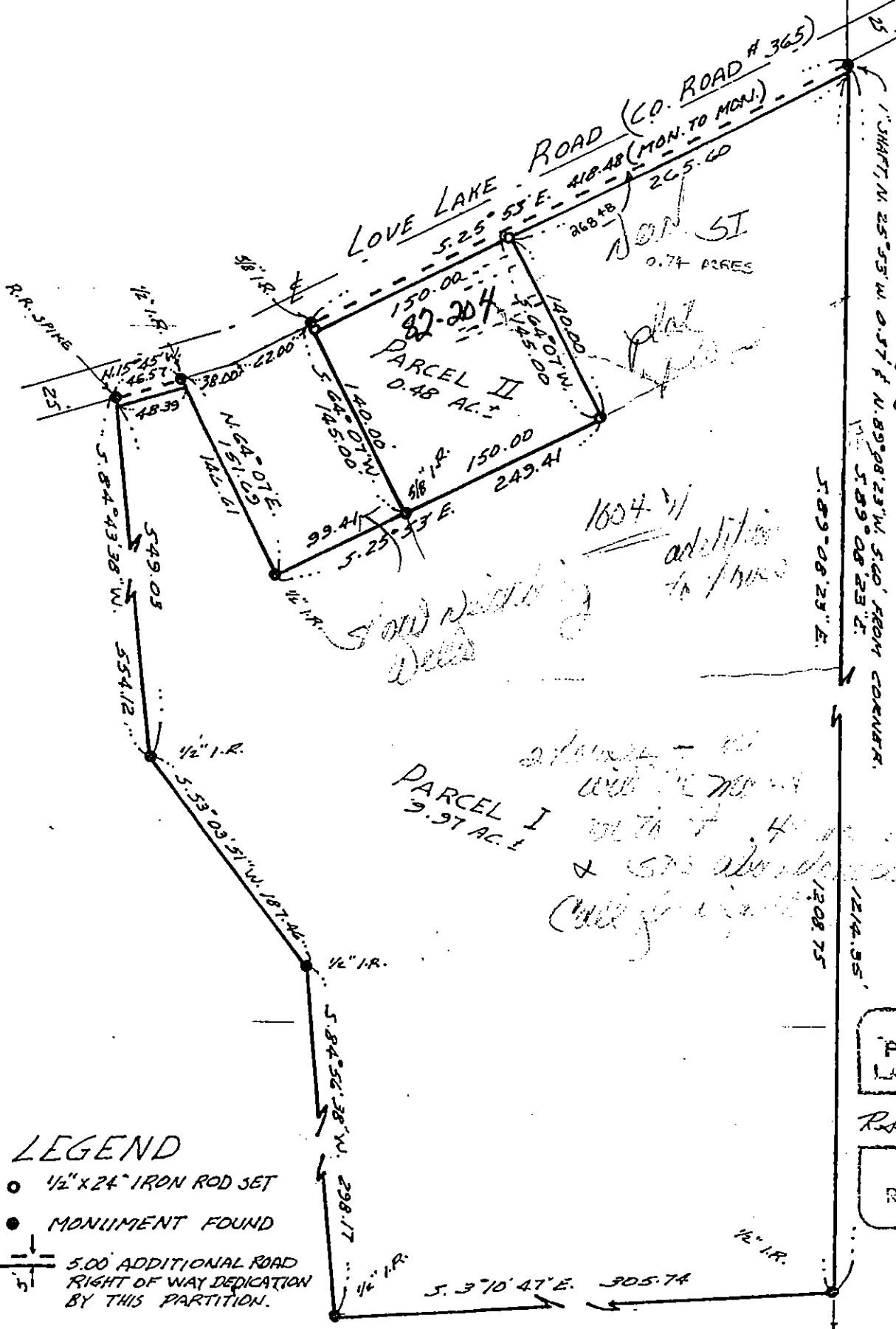
partition

435.11' TO WEST
1/4 COR.

lane county



Parcel #1 has
an existing
dwelling.



LEGEND

- 1/2" x 24" IRON ROD SET
 - MONUMENT FOUND
- 5.00 ADDITIONAL ROAD RIGHT OF WAY DEDICATION BY THIS PARTITION.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

R. S. Castleberry
 OREGON
 JULY 9, 1935
 R. S. CASTLEBERRY
 684

SCALE: 1" = 50'

FILE NO: _____

8301489

WARRANTY DEED

WARRANTY DEED
WARRANTY DEED
JON BOWERS & LYNNA GAY BOWERS

KNOW ALL MEN BY THESE PRESENTS, That J. and Lynn Gay Bowers

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by
JOHN & CHRIS MOODY
the grantee, does hereby grant, bargain, sell and convey unto the said grantor and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Lane and State of Oregon, described as follows, to-wit:
Description of the 150' wide tract on Love Lake Road, containing 0.48 acres, M/L.

Commencing at the intersection of the North line of the Hugh Love D.L.C. No. 58 in Section 28, Township 15 South, Range 4 West of the Willamette Meridian in Lane County, Oregon with the Easterly right of way line of County Road No. 365, (known as Love Lake Road), from which intersection the West Quarter corner of said Section 28 bears North 89°08'23" West 435.11 feet and a 1" iron shaft bears North 25°53' West 0.37 feet respectively therefrom; thence South 25°53' East 418.11 feet along said right of way line; thence North 64°07' East 5.00 feet for the place of beginning; thence North 64°07' East 140.00 feet; thence North 25°53' West 150.00 feet to a 1/2" iron rod; thence South 64°07' West 140.00 feet to a 1/2" iron rod set 5.00 feet Easterly, by normal measurement, from the aforesaid right of way line; thence South 25°53' East 150.00 feet to the place of beginning.

IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE

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

4541A001 01/17/83 RE and that

grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful 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 \$30,000.

However, the actual consideration consists of or includes other property or value given or promised which is the whole or part of the consideration (indicate which). (The sentence between the symbols ©, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this _____ day of January, 19 83; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized therefor by order of its board of directors.

Jon Bowers

Lynna Gay Bowers

STATE OF OREGON,
County of Lane
January 13, 19 83

STATE OF OREGON, Country of _____, 19 _____
Personally appeared _____, who, being duly sworn

Personally appeared the above named Jon and Lynna Gay Bowers

each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of _____ a corporation

acknowledged the foregoing instrument as their voluntary act and deed.

and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed on behalf of said corporation by authority of its board of directors, and that they acknowledged said instrument to be its voluntary act and deed.

NOTARY PUBLIC
KENNETH C. CLARK
Notary Public for Oregon
My commission expires: 6/26/84

Notary Public for Oregon
My commission expires:

Jon and Lynna Gay Bowers
94745 Love Lake Rd,
Junction City, OR 97448
GRANTOR'S NAME AND ADDRESS

GRANTEE'S NAME AND ADDRESS

NAME, ADDRESS, ZIP

Until a change is requested all tax statements shall be sent to the

State of Oregon,
County of Lane--ss.
I, Steven J. Ickes, County Clerk,
in and for the said County, do hereby certify that the within instrument was received for record at

123333

Lane County OFFICIAL RECORDS.

Steven J. Ickes, County Clerk

By [Signature]

C 30-57

Deputy

8301489

() DATA OF RECORD

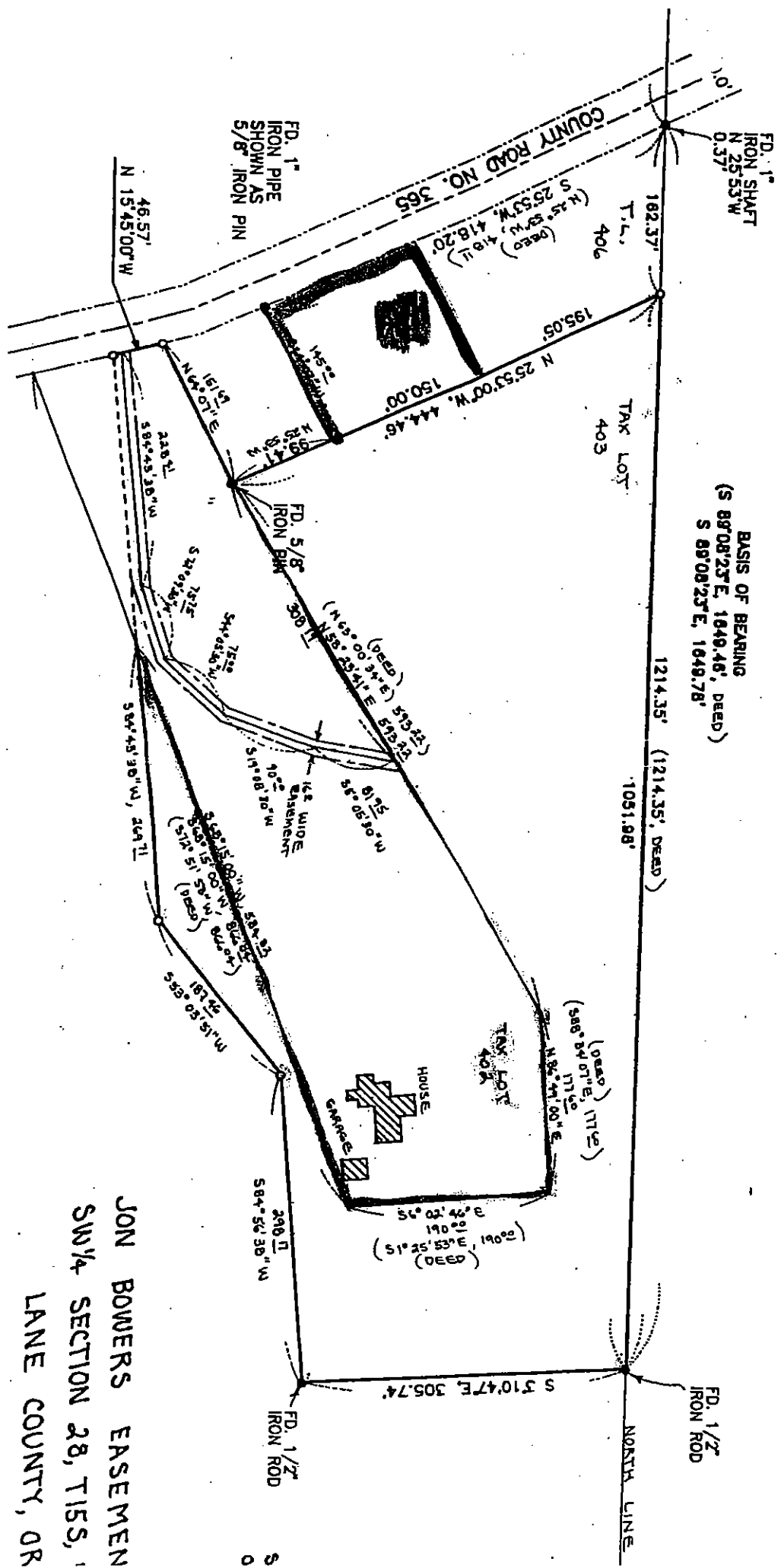
REFERENCES

- 1) C.S.F. 23989 BY CASTLEBERRY, FILING DATE 5-9-80
- 2) C.S.F. 25788 BY CASTLEBERRY, FILING DATE 10-7-82



SCALE: 1" = 100'

ROBERTS SURVEYING
 P.O. BOX 7155
 EUGENE, OREGON 97
 PHONE (541)345-11
 FEBRUARY 1, 2000



JON BOWERS EASEMEN
 SW 1/4 SECTION 28, T15S, 1
 LANE COUNTY, OR

TAX LOT 406

70-1

8713031

Deed

JON BOWERS and LYNNA GAY BOWERS, husband and wife, Grantors, convey and warrant to JOHN MOODY III and CHRIS MOODY, husband and wife, Grantees, all that real property situated in Lane County, Oregon, described as follows, to-wit:

Commencing at the intersection of the north line of the Hugh Love D.L.C. No. 58, in Section 28, Township 15 South, Range 4 West of the Willamette Meridian in Lane County, Oregon with the easterly right of way line of County Road No. 365, (known as Love Lake Road), from which intersection the West Quarter Corner of said Section 28 bears North 89°08'23" West 435.11 feet and a 1" iron shaft bears North 25°53' West 0.37 feet respectively therefrom; thence South 25°53' East, along a line normal to and 25 feet Easterly from the centerline of said County Road, a distance of 268.11 feet; thence North 64°07' East 5.00 feet to a 1/2" iron rod for THE PLACE OF BEGINNING; thence North 64°07' East 140.00 feet to a 1/2" iron rod; thence North 25°53' West 195.05 feet to the north line of said Love D.L.C.; thence North 89°08'23" West, along said north line, 156.78 feet to a point bearing North 64°07' East 30.00 feet from the centerline of said county road; thence South 25°53' East 265.60 feet to the place of beginning.

5706A001 03/27/87 REC 7:00
0003

and covenant that grantors are the owners of the above described property free of all encumbrances, except for easements, conditions and restrictions of record.

The true and actual consideration for this transfer is \$ 5,000.00 .

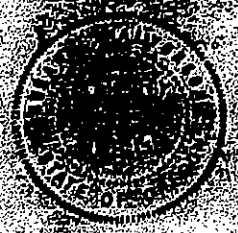
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

DATED this 18 day of February, 1987 5706A001 03/27/87PFD 10:00
0003

Jon Bowers
Jon Bowers
Lynna Gay Bowers
Lynna Gay Bowers

STATE OF OREGON)
) ss. February 18, 1987
COUNTY OF LANE)

Personally appeared before me the above named Jon Bowers and Lynna Gay Bowers and acknowledged the foregoing instrument to be their voluntary act and deed.



Susan E. Halverson
Notary Public for Oregon
My Commission Expires: 1/23/91

Until a change is requested mail tax statements to:

John and Chris Moody
94767 Lovelake Road
Junction City, Oregon 97448

8713031

8713031

State of Oregon,
County of Lane--ss.
I, the County Clerk, in and for the said
County, do hereby certify that the within
instrument was received for record at

27 MAR 30 3 07

Recd 1452R

Lane County OFFICIAL Records.
Lane County Clerk

By *[Signature]*
Clerk Deput

After recording return to:

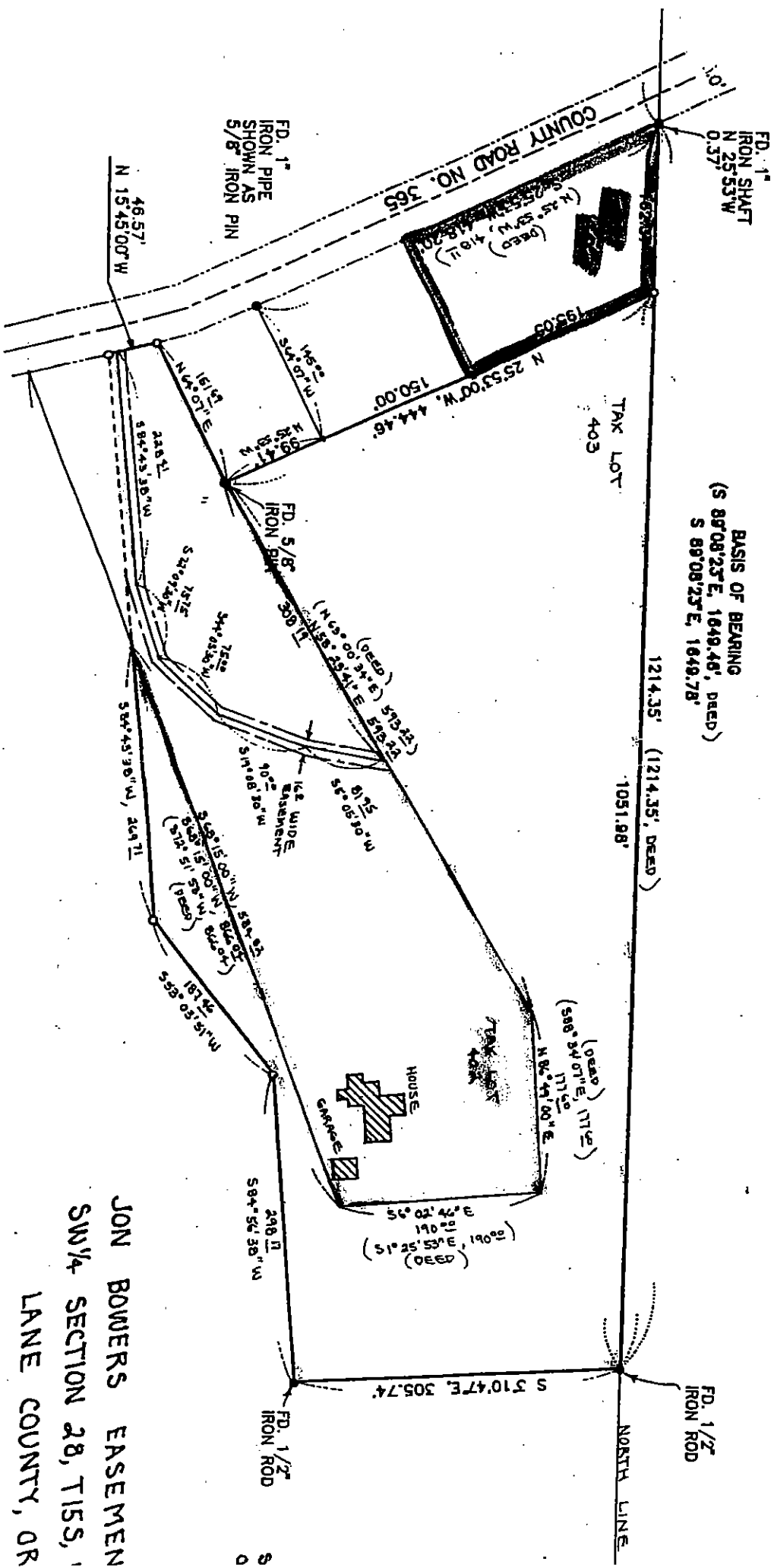
KRITH W. THOMPSON
ATTORNEY AT LAW
P.O. BOX 58
702 GREENWOOD ST.
JUNCTION CITY, OREGON 97448
(503) 468-3578

- REFERENCES
- 1) C.S.F. 23989 BY CASTLEBERRY, FILING DATE 5-9-80
 - 2) C.S.F. 25788 BY CASTLEBERRY, FILING DATE 10-7-82

SCALE: 1" = 100'



ROBERTS SURVEYING
 P.O. BOX 7155
 EUGENE, OREGON 97
 PHONE (541)345-11
 FEBRUARY 1, 2000



BASIS OF BEARING
 (S 89°08'25"E, 1649.46', DEED)
 S 89°08'25"E, 1649.78'

JON BOWERS EASEMEN
 SW 1/4 SECTION 28, T15S, R10E
 LANE COUNTY, OR

**ARNOLD GALLAGHER SAYLOR & COMPANY
PERCELL ROBERTS & POTTER**A Professional Corporation

ATTORNEYS AT LAW

800 U.S. Bank Center
800 Willamette Street
Eugene, OR 97401Telephone: (541) 484-0188
Facsimile: (541) 484-0536
E-Mail: wpotter@agsprp.com
www.agsprp.comCorrespondence:
P.O. Box 1758
Eugene, OR 97440-1758

WILLIAM R. POTTER

May 20, 2005

To Whom It May Concern:

I am Jon Bowers' attorney. In the past, the law firm with which I was previously associated represented the entire Bowers family including Jon's parents, brothers and Bowers Distillery, Inc., a corporation owned by Jon Bowers, his brothers and his parents.

I have been asked to submit this letter in support of Jon Bowers' Measure 37 claim. I have been requested to briefly recount in this letter the history of Jon Bowers' ownership of the Love Lake Road property at issue in the Measure 37 claim.

Bowers Distillery, Inc. purchased the property in question as part of a larger parcel of property under the provisions of a land sale contract dated June 30, 1971. Land sale contracts are essentially no longer used and are rather unique legal instruments. Under the provisions of a land sale contract, legal title is retained by the seller as security until the contract has been paid off. Accordingly, the land sale contract sellers did not deliver a deed to Bowers Distillery, Inc. until the unpaid balance of the land sale contract was paid in full. Despite this, however, and this is an important point, for all purposes of the law, Bowers Distillery, Inc. became the owner of the property effective June 30, 1971. In that sense, a land sale contract is similar to a mortgage or trust deed granting a lien to the seller to secure payment of the unpaid balance of the purchase price.

Immediately upon the closing of that purchase, on June 30, 1971, Bowers Distillery, Inc. sold to Jon and Lynna Gay Bowers a portion of the Love Lake Road property in question which is referred to as Tax Lot 402. Jon and Lynna Gay Bowers made payments to Bowers Distillery, Inc. with the first payment being paid December 1, 1972, and the final payment being paid November 21, 1974. However, because of the legal complexities of the land sale contract as described above, Bowers Distillery, Inc. could not do a deed to Jon and Lynna Gay Bowers until the deed dated April 30, 1977, and recorded April 18, 1977, at Reel 833R, Reception No. 7722348, Lane County Oregon Records. Notwithstanding the date of the deed, Jon and Lynna Gay Bowers have owned Tax Lot 402 since June 30, 1971.