

509-19-000231-Plan



Planning Department
231 NE Fifth Street o McMinnville, OR 97128
(503) 434-7311 Office o (503) 474-4955 Fax
www.ci.mcminnville.or.us

| | |
|-------------------------|---------|
| Office Use Only: | |
| File No. | MP3-19 |
| Date Received | 5-13-19 |
| Fee | 1381.00 |
| Receipt No. | 200579 |
| Received by | JA |

Partition Application

Applicant Information

Applicant is: Property Owner Contract Buyer Option Holder Agent Other _____

Applicant Name ARLEN BERKEY Phone 503-472-2205 office

Contact Name _____ Phone ~~503~~ 971-237-5968 (cell)

(If different than above)
Address P.O. Box 1545 2690 NE Destiny Dr.

City, State, Zip McMinnville, OR 97128

Contact Email (None)

Property Owner Information

Property Owner Name SAME AS ABOVE Phone _____
(If different than above)

Contact Name _____ Phone _____

Address _____

City, State, Zip _____

Contact Email _____

Site Location and Description

(If metes and bounds description, indicate on separate sheet)

Property Address 2690 NE Destiny Drive

Assessor Map No. R4 402 DC 00209 Total Site Area 34,487'

Subdivision Berkey Estate Block _____ Lot _____

Comprehensive Plan Designation R-1 Zoning Designation R-2PD

General Description of Subject Property

- 1. Proposed Parcel Size: #1 _____ #2 16,188 sq. ft #3 8208 sq. ft
- 2. Current Land Use: Residential
- 3. Purpose of the partition request: To have a Lot to Build House
- 4. Topography: Flat Ground
- 5. Method of Sewage Disposal: MAC WTL
(Note: If septic field, this application must be accompanied by a letter of approval from the County Sanitarian indicating their approval. The Sanitarian can be contacted through the Yamhill County Planning Department.)
- 6. Water Supply: MAC WTL

In addition to this completed application, the applicant must provide the following:

- A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), indicating all required information as listed in the information sheet and in [Section 17.53.060 \(Submission of Tentative Partition Plan\)](#) of the Zoning Ordinance, or, if applicable, [Section 17.53.080 \(Submission of Future Development Plan\)](#).
- A Title Report or Subdivision Guarantee prepared within 60 (sixty) days of the application date.
- Payment of the applicable review fee, which can be found on the [Planning Department](#) web page.

I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.

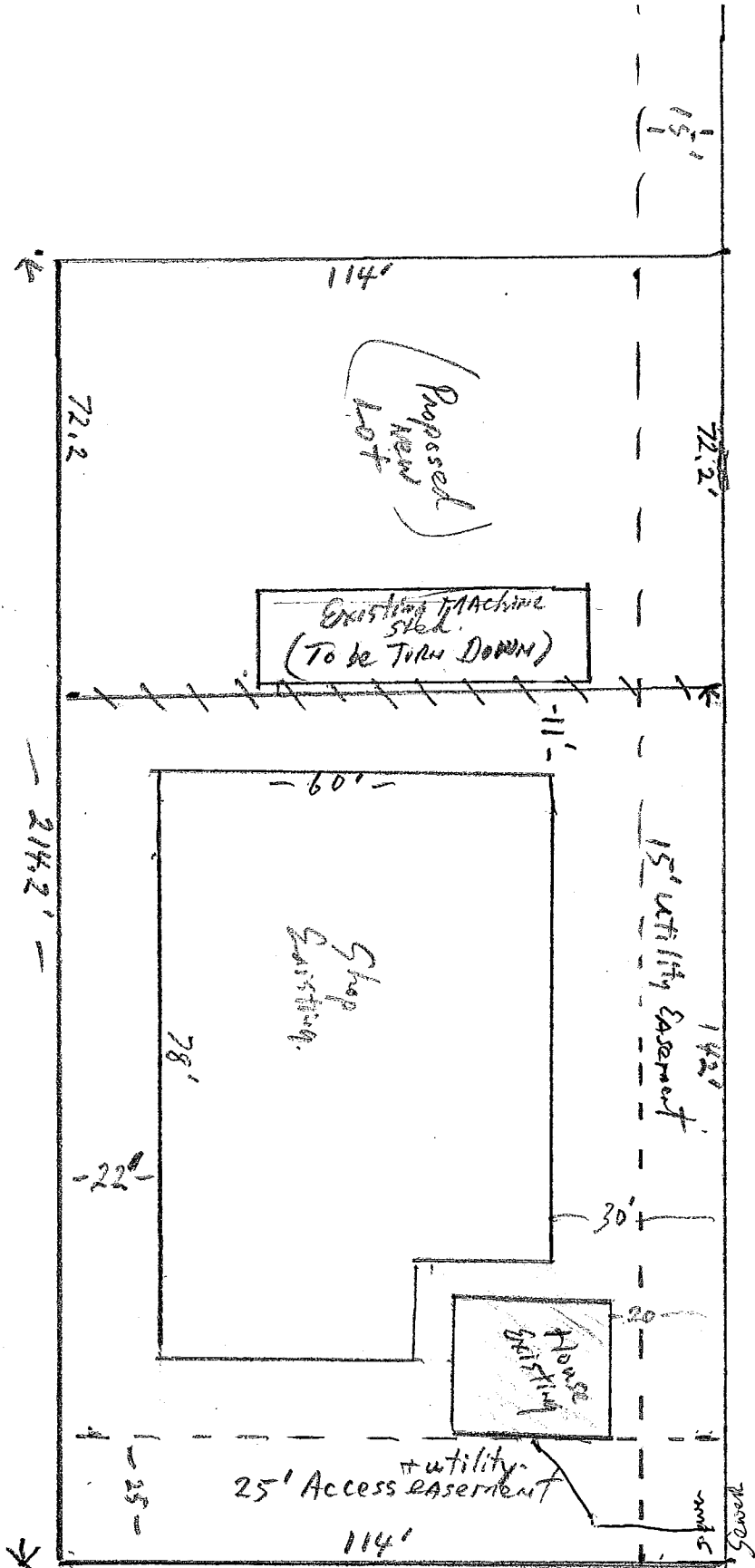
Al Babby
Applicant's Signature

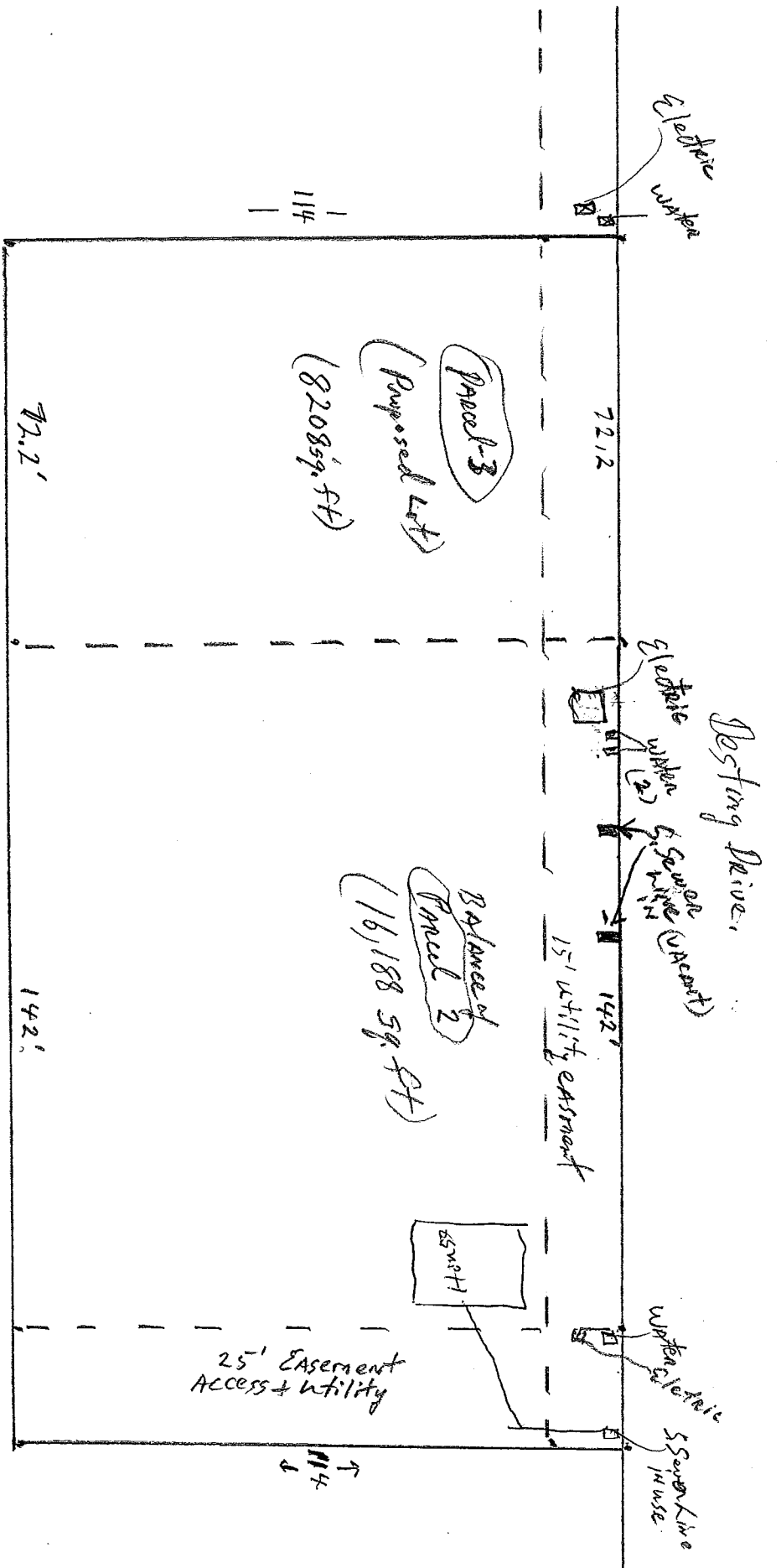
5-13-19
Date

Property Owner's Signature

Date

W
Destiny Drive





~~Order No. 2020052706ELI-TT-OR-26~~

EXHIBIT "A" 3 pages

Parcel 2, PARTITION PLAT NO. 2010-14, in the City of McMinnville, County of Yamhill, State of Oregon.

Attachment # 1

OFFICIAL YAMHILL COUNTY RECORDS
 REBEKAH STERN DOLL, COUNTY CLERK
 201012024
 \$81.00
 08/30/2010 03:25:27 PM
 PR-PRRPR Cnt=1 Stn=2 ANITA
 \$45.00 \$10.00 \$11.00 \$15.00

PARTITION 2010#1
FOR: ARLEN BERKEY

BOOK NO. 201012024
 LOCATION LOT 1 OF DESTINY DRIVE
 MAPS: 4000
 DATE: AUGUST 14, 2010

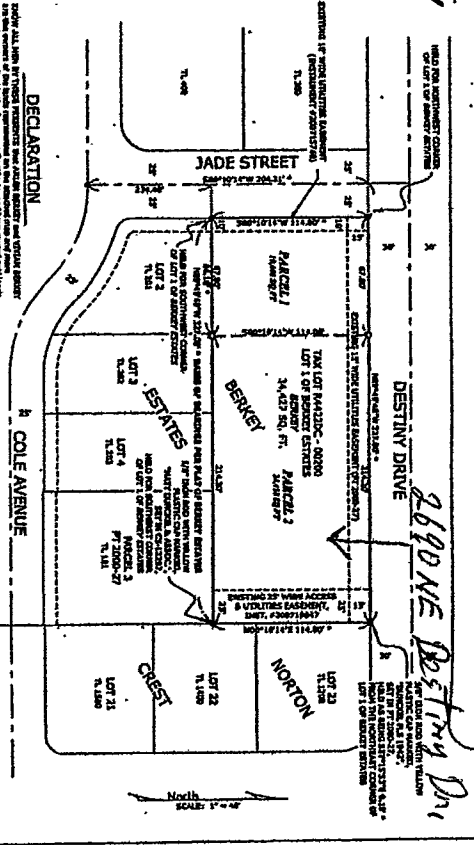
APPROVALS

[Signatures]
 J. B. ...
 ...
 ...

Presented to G.A.S. ...
 ...
 ...

LEGEND

- 1. PROPERTY LINE
- 2. EASEMENT
- 3. ...
- 4. ...
- 5. ...
- 6. ...
- 7. ...
- 8. ...
- 9. ...
- 10. ...
- 11. ...
- 12. ...
- 13. ...
- 14. ...
- 15. ...
- 16. ...
- 17. ...
- 18. ...
- 19. ...
- 20. ...



DECLARATION
 I, the undersigned, being a duly qualified and licensed Surveyor in the State of Oregon, do hereby certify that the foregoing is a true and correct copy of the original and correct plat as the same appears on the records of the County of Yamhill, Oregon, and that the same is a true and correct copy of the original and correct plat as the same appears on the records of the County of Yamhill, Oregon.

ACKNOWLEDGEMENT

[Signatures]
 ...
 ...

SURVEYOR'S CERTIFICATE

I, the undersigned, being a duly qualified and licensed Surveyor in the State of Oregon, do hereby certify that the foregoing is a true and correct copy of the original and correct plat as the same appears on the records of the County of Yamhill, Oregon, and that the same is a true and correct copy of the original and correct plat as the same appears on the records of the County of Yamhill, Oregon.



DESTINY

DR

2690 NE Destiny Dr

3

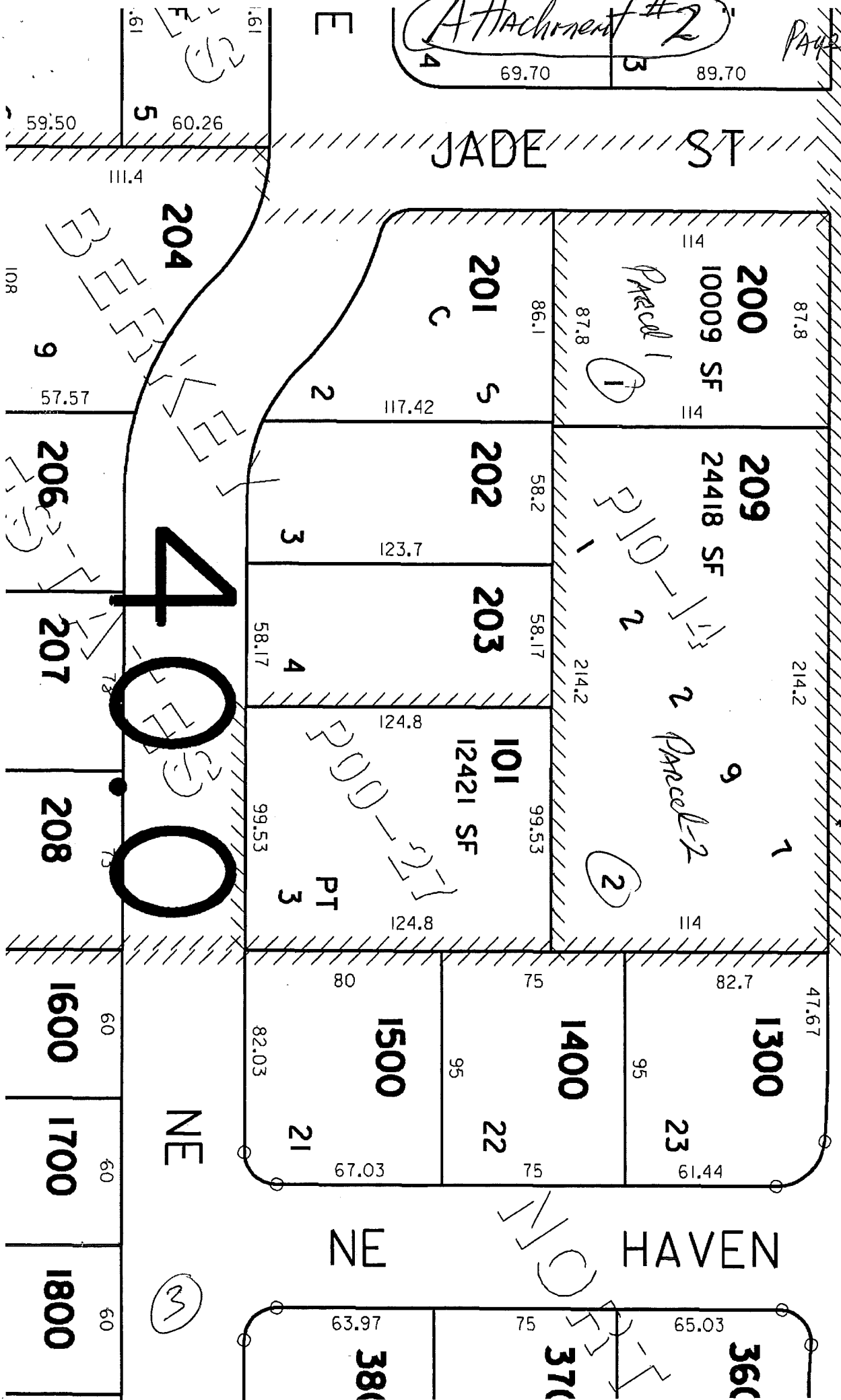
Attachment #2

Page

JADE ST

HAVEN

NE



204

201

200

10009 SF

202

209

2418 SF

203

101

12421 SF

206

207

208

1500

1400

1300

1600

1700

1800

23

22

21

360

370

380

3

2

1

2

3

4

PT 3

5

4

3

108

9

9

1

111.4

117.42

123.7

124.8

124.8

59.50

60.26

69.70

89.70

.61

1.61

57.57

86.1

87.8

87.8

58.2

123.7

58.17

58.17

214.2

214.2

99.53

99.53

75

80

82.7

47.67

95

95

60

60

60

67.03

75

61.44

63.97

75

65.03

Handwritten notes and symbols


Large handwritten '400' and other markings

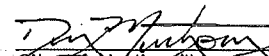
Handwritten notes and symbols at bottom


PARTITION 2010-14 for: ARLEN BERKEY

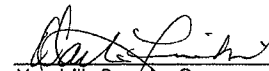
DOCKET NO. MP 2-10
 LOCATION: SW 1/4 SE 1/4 SEC. 22, T. 4 S., R. 4 W., W.M.
 LOT 1 OF BERKEY ESTATES
 CITY OF MCMINNVILLE, YAMHILL COUNTY, OREGON
 TAX LOT: R4422DC - 00200
 DATE: AUGUST 11, 2010

APPROVALS


 City of McMinnville
 Community Development Director
 Date: 8/26/10


 City of McMinnville
 Planning Director
 Date: 8/18/10



 City of McMinnville
 Water & Light Commission
 Date: 8.25.10


 Yamhill County Surveyor
 Date: 8/21/10







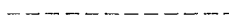

Pursuant to O.R.S. 92.095.
 Taxes have been paid or bond
 posted to this

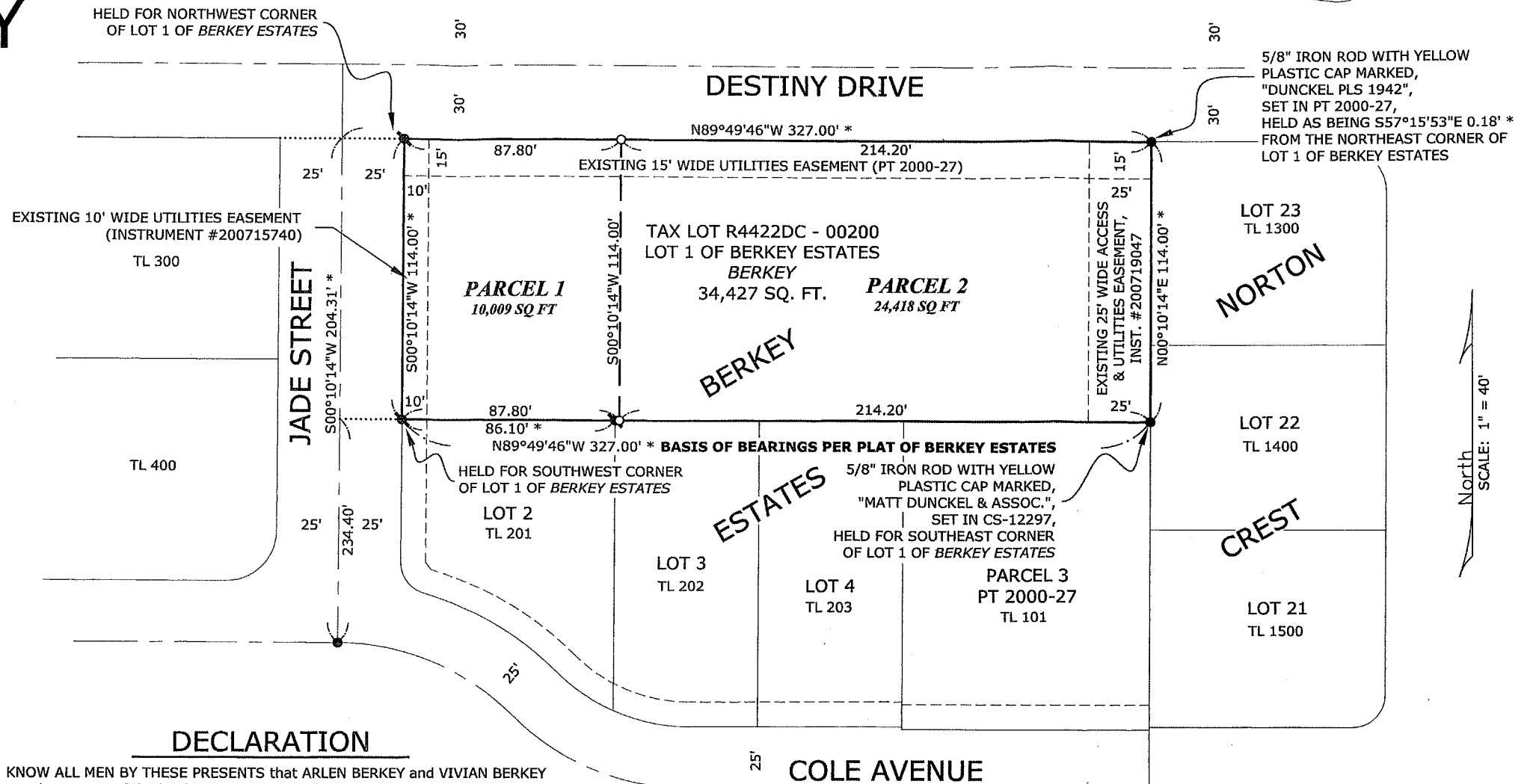
date: June 30, 2011


 Yamhill County Tax Collector

OFFICIAL YAMHILL COUNTY RECORDS
 REBEKAH STERN DOLL, COUNTY CLERK
 201012024
 \$81.00

 00355142201000120240010011
 08/30/2010 03:25:27 PM
 PR-PARPR Cnt=1 Stn=2 ANITA
 \$45.00 \$10.00 \$11.00 \$15.00

LEGEND

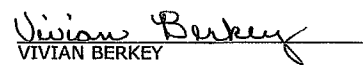
-  = FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "MATT DUNCKEL & ASSOC.", SET IN PLAT OF BERKEY ESTATES, IN GOOD CONDITION AND WITHIN 0.2' OF SURFACE
-  = FOUND MONUMENT, IN GOOD CONDITION AND WITHIN 0.2' OF SURFACE UNLESS OTHERWISE NOTED, ORIGIN STATED IF KNOWN
-  = SET 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "L. MACDONALD & ASSOC. LLC", SET FLUSH WITH SURFACE
-  = EXISTING PROPERTY LINE
-  = NEW PROPERTY LINE CREATED BY THIS PLAT
-  = CENTERLINE OF ROAD
-  = EXISTING EASEMENT
-  * = DENOTES THAT DATA OF THIS SURVEY MATCHES THAT OF THE PLAT OF BERKEY ESTATES



DECLARATION

KNOW ALL MEN BY THESE PRESENTS that ARLEN BERKEY and VIVIAN BERKEY are the owners of the lands represented on the attached map and more particularly described in the Surveyors Certificate, and have caused said lands to be partitioned into the 2 parcels as shown.


 ARLEN BERKEY


 VIVIAN BERKEY

ACKNOWLEDGEMENT

STATE OF OREGON)
)ss.
 COUNTY OF YAMHILL)

On this 16th day of August, 2010, did personally appear ARLEN BERKEY and VIVIAN BERKEY in the capacity shown in the above Declaration, who being duly sworn, did say that they are the identical persons named in the foregoing instrument and that they executed said instrument freely and voluntarily.


 Notary Public SIGNATURE


 Notary Public - Oregon (print name)

Commission Number: 429605

My Commission Expires: June 14, 2012

NOTE

Parcels 1 and 2 of this plat are subject to a Restrictive Covenant, dated August 16, 2010 and recorded in Instrument No. 201012023, Records of the Yamhill County Clerk.


NARRATIVE

The purpose of this survey is to partition LOT 1 of BERKEY ESTATES, a subdivision in the City of McMinnville, Yamhill County, Oregon. This partition is based entirely upon the monuments and measurements of the plat of said subdivision. The basis of bearings is North 89°49'46" West between the southeast and southwest corners of said LOT 1.

SURVEYOR'S CERTIFICATE


I, Leland MacDonald, do hereby certify that I have correctly surveyed and marked with proper monuments the land hereon shown as Parcels 1 and 2, being that tract of land more particularly described as follows:

LOT 1 of BERKEY ESTATES


 Leland MacDonald
 Leland MacDonald & Assoc., LLC
 formerly dba Matt Dunckel & Assoc.
 3765 Riverside Drive
 McMinnville, Oregon 97128
 Phone: 503-472-7904
 Fax: 503-472-0367
 Email: lee@macdonaldsurveying.com

THIS IS AN EXACT
 COPY OF THE
 ORIGINAL PLAT.

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR


 OREGON
 January 16, 2002
 LELAND A. MACDONALD
 53226

Expires 31 December 2010

North
 SCALE: 1" = 40'

BLK

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.



Arlen Berkeley *LISA SILVA* *90.27*
2690 NE Destiny Dr. *4155 NE Thayer Park Lane*
McMinnville, OR 97128 *McMinnville, OR 97128*
 Grantor's Name and Address

Arlen Berkeley
2690 NE Destiny Dr.
McMinnville, OR 97128
 Grantee's Name and Address

After recording, return to (Name and Address):
ARLEN BERKEY
P.O. Box 1545
McMinnville, OR 97128
 Until requested otherwise, send all tax statements to (Name and Address):
ARLEN BERKEY
P.O. Box 1545
McMinnville, OR 97128

OFFICIAL YAMHILL COUNTY RECORDS

BRIAN VAN BERGEN, COUNTY CLERK

201810518



\$96.00

00541468201800105180040048

07/24/2018 10:49:29 AM

DMR-JDMR Cnt=1 Str=3 SUTTONS
\$20.00 \$5.00 \$11.00 \$60.00

QUITCLAIM DEED

KNOW ALL BY THESE PRESENTS that *ARLEN BERKEY and Elizabeth (Lisa) Silva*

~~(Parties)~~ hereinafter called grantor, for the consideration hereinafter stated, does hereby remise, release and forever quitclaim unto *ARLEN BERKEY* hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of the grantor's right, title and interest in that certain real property, with the tenements, hereditaments and appurtenances therunto belonging or in any way appertaining, situated in *Yamhill* County, State of Oregon, described as follows (*legal description of property*):

Partition 2010-14, Parcel 2
Tax Lot# R442 DC 00209
Address: 2690 NE Destiny Drive
McMinnville, OR 97128

Attachments: *Exhibit A* - Page 1
MAP (Partition) - Page 2
MAP Tax Lot# - Page 3

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ *NONE*. ^① However, the actual consideration consists of ~~or includes other property or value given or promised which is~~ part of the the whole (indicate ~~which is~~ consideration. ^① (The sentence between the symbols ^①, if not applicable, should be deleted. See ORS 93.030.)

In construing this instrument, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this instrument shall apply equally to businesses, other entities and to individuals.

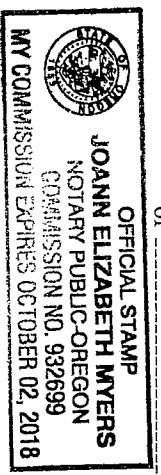
IN WITNESS WHEREOF, grantor has executed this instrument on *July 24, 2018*; any signature on behalf of a business or other entity is made with the authority of that entity.

Arlen Berkeley
Elizabeth Silva

STATE OF OREGON, County of *Yamhill*
 This instrument was acknowledged before me on *July 24, 2018* ^{SS}

by *Arlen Berkeley*
 This instrument was acknowledged before me on *July 24, 2018*

by *Elizabeth Silva*
 as _____
 of _____



Joann E. Myers
 Notary Public for Oregon
 My commission expires *10/22/18*



First American

First American Title Insurance Company

825 NE Evans Street
McMinnville, OR 97128
Phn - (503)376-7363
Fax - (866)800-7294

**PUBLIC RECORD REPORT
FOR NEW SUBDIVISION OR LAND PARTITION**

THIS REPORT IS ISSUED BY THE ABOVE-NAMED COMPANY ("THE COMPANY") FOR THE EXCLUSIVE USE OF:

Date Prepared : June 07, 2019
Effective Date : 8:00 A.M on June 05, 2019
Order No. : 1031-3202822
Reference :

The information contained in this report is furnished by First American Title Company of Oregon (the "Company") as an information service based on the records and indices maintained by the Company for the county identified below. This report is not title insurance, is not a preliminary title report for title insurance, and is not a commitment for title insurance. No examination has been made of the Company's records, other than as specifically set forth in this report. Liability for any loss arising from errors and/or omissions is limited to the lesser of the fee paid or the actual loss to the Customer, and the Company will have no greater liability by reason of this report. This report is subject to the Definitions, Conditions and Stipulations contained in it.

REPORT

- A. The Land referred to in this report is located in the County of Yamhill, State of Oregon, and is described as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

- B. As of the Effective Date, the tax account and map references pertinent to the Land are as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

- C. As of the Effective Date and according to the Public Records, we find title to the land apparently vested in:

As fully set forth on Exhibit "B" attached hereto and by this reference made a part hereof

- D. As of the Effective Date and according to the Public Records, the Land is subject to the following liens and encumbrances, which are not necessarily shown in the order of priority:

As fully set forth on Exhibit "C" attached hereto and by this reference made a part hereof.

RECEIVED

JUN 10 2019

**COMMUNITY DEVELOPMENT
CENTER**

EXHIBIT "A"
(Land Description Map Tax and Account)

Parcel 2 of Partition Plat 2010-14 recorded August 30, 2010 as Instrument No. 201012024, Deed and Mortgage Records, Yamhill County, State of Oregon.

Map No.: R4422DC 00209
Tax Account No.: 2690 NE Destiny Drive

EXHIBIT "B"
(Vesting)

Arlen Berkey

EXHIBIT "C"
(Liens and Encumbrances)

1. 15 foot Utility Easement as shown on the recorded plat/partition
For: Partition 2000-27

 2. Easement, including terms and provisions contained therein:
Recording Information: August 24, 2007 as Instrument No. 200719047, Deed and
Mortgage Records
For: 25 foot wide access and utilities

 3. Covenants, conditions, restrictions and/or easements; but deleting any covenant, condition or
restriction indicating a preference, limitation or discrimination based on race, color, religion, sex,
handicap, family status, or national origin to the extent such covenants, conditions or restrictions
violate Title 42, Section 3604(c), of the United States Codes:
Recording Information: December 18, 2007 as Instrument No. 200726591, Deed and
Mortgage Records

 4. Covenants, conditions, restrictions and/or easements; but deleting any covenant, condition or
restriction indicating a preference, limitation or discrimination based on race, color, religion, sex,
handicap, family status, or national origin to the extent such covenants, conditions or restrictions
violate Title 42, Section 3604(c), of the United States Codes:
Recording Information: August 30, 2010 as Instrument No. 201012023 Deed and
Mortgage Records
- Modification and/or amendment by instrument:
Recording Information: November 16, 2017 as Instrument No. 201718360, Deed and Mortgage
Records

DEFINITIONS, CONDITIONS AND STIPULATIONS

1. **Definitions.** The following terms have the stated meaning when used in this report:
 - (a) "Customer": The person or persons named or shown as the addressee of this report.
 - (b) "Effective Date": The effective date stated in this report.
 - (c) "Land": The land specifically described in this report and improvements affixed thereto which by law constitute real property.
 - (d) "Public Records": Those records which by the laws of the state of Oregon impart constructive notice of matters relating to the Land.

2. **Liability of the Company.**
 - (a) This is not a commitment to issue title insurance and does not constitute a policy of title insurance.
 - (b) The liability of the Company for errors or omissions in this public record report is limited to the amount of the charge paid by the Customer, provided, however, that the Company has no liability in the event of no actual loss to the Customer.
 - (c) No costs (including, without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the Customer.
 - (d) In any event, the Company assumes no liability for loss or damage by reason of the following:
 - (1) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records.
 - (2) Any facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
 - (3) Easements, liens or encumbrances, or claims thereof, which are not shown by the Public Records.
 - (4) Discrepancies, encroachments, shortage in area, conflicts in boundary lines or any other facts which a survey would disclose.
 - (5) (i) Unpatented mining claims; (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof, (iii) water rights or claims or title to water.
 - (6) Any right, title, interest, estate or easement in land beyond the lines of the area specifically described or referred to in this report, or in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
 - (7) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use or enjoyment on the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
 - (8) Any governmental police power not excluded by 2(d)(7) above, except to the extent that notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
 - (9) Defects, liens, encumbrances, adverse claims or other matters created, suffered, assumed, agreed to or actually known by the Customer.

3. **Report Entire Contract.** Any right or action or right of action that the Customer may have or may bring against the Company arising out of the subject matter of this report must be based on the provisions of this report. No provision or condition of this report can be waived or changed except by a writing signed by an authorized officer of the Company. By accepting this form report, the Customer acknowledges and agrees that the Customer has elected to utilize this form of public record report and accepts the limitation of liability of the Company as set forth herein.

4. **Charge.** The charge for this report does not include supplemental reports, updates or other additional services of the Company.

OFFICIAL YAMHILL COUNTY RECORDS
JAN COLEMAN, COUNTY CLERK

200726591



\$26.00

12/18/2007 02:14:57 PM

PR-CRPR Cnt=1 Stn=2 ANITA
\$5.00 \$10.00 \$11.00

After recording, please return to:
Arlen Berkey
P.O. Box 1545
McMinnville, OR 97128

BERKEY ESTATES

**DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR BERKEY ESTATES
CITY OF MCMINNVILLE, YAMHILL COUNTY, OREGON**

Arlen and Vivian Berkey, hereafter referred to as the Declarants, hereby make the following covenants and conditions restrictions for Berkey Estates in the city of McMinnville, Yamhill County, Oregon, plat of which is recorded in the Yamhill County Book of Town Plats in Instrument # 200726591, Yamhill County, Oregon. Said property is hereafter referred to as "Berkey Estates Subdivision".

Declarants are owners of Berkey Estates Subdivision and is developing the lots contained therein for single family development an use. The following covenants and restrictions are for the benefit of present and future owners of said lots.

NOW, THEREFORE, Declarants hereby declares that Berkey Estates Subdivision and each of the lots platted therein, with the exception of lot 1, shall be held, sold and conveyed subject to the following conditions, restrictions and easements, which shall run with such property and shall be binding upon all parties having or acquiring any right, title or interest in such property or any part thereof, and shall inure to the benefit of each owner thereof.

**Articles
Development and Restrictions**

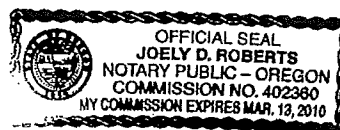
1. No Modular , Mobile Homes or Duplexes are permitted.
2. All dwellings and garages must be sided with lap type siding, excepting that which is applied under roof gables where shingles, composed either of cedar wood or concrete fiber, are permitted. T-111 is not allowed on any siding applications on any constructed buildings. No metal roofs allowed on any buildings.
3. Privacy fences must be constructed on or near all property boundary lines of each lot with the exception of that area in front of dwelling at which point fencing is optional. Back and side fences are to be no less than 6 ft nor more than 7 ft high from ground surrounding lot and proceeding from the back lot line along side lines to the front of dwelling but no further at that height. Any side fencing proceeding further than the front of dwelling must not exceed the height of 4 ft. Optional fencing in front of dwelling may be constructed by design and materials of owner's choosing with the exception that no metal fencing is to be used and must comply with city ordinances.
All Fences over 4 ft in height must be constructed with 4X6 or greater pressure treated posts anchored at a minimum depth of 2 feet in concrete, spaced no more than 8 feet apart. Cedar 1X6 boards are to be touching side by side and fastened vertically to at least three 2X6 boards attached horizontally to posts. All fences must be constructed in a good workmanship manner and blend in with surrounding properties.
All Privacy Fences must be completed by owner of said lot within 6 months after construction of dwelling on that particular lot.
4. All lots with street frontage have a ten foot easement parallel to street dedicated to the City of McMinnville for general utility use. Greenway between sidewalk and street of lots must be maintained to city standards by present owner/s of said lot.

IN WITNESS, WHEREOF, the undersigned has caused this instrument to be signed by the owners of Berkey Estates Subdivision on this 1st day of November, 2007.

STATE OF OREGON) Arlen Berkey Vivian L. Berkey
COUNTY OF YAMHILL)
ARLEN BERKEY VIVIAN L. BERKEY

On this 1 day of November, 2007, appeared before me Arlen and Vivian Berkey, owners of Berkey Estates Subdivision, who acknowledged and signed the forgoing instrument of Covenants, Restrictions and Easements contained herein as a voluntary act and deed.

Signed before me: [Signature]
Notary Public for Oregon
My Commissions Expires: 3/13/10



STATUTORY WARRANTY DEED

THIS SPACE RESERVED FOR RECORDER'S USE

Grantor: Arlen Berkey

Grantee: Italo Roller

Until a change is requested, all tax statements shall be sent to the following address:

Italo Roller
Tammy Porter-Roller
600 NE Norton Lane
McMinnville OR 97128

After Recording return to:

Italo Roller
Tammy Porter-Roller
600 NE Norton Lane
McMinnville OR 97128

Escrow No. 901313 JDR

Title No. 901313

OFFICIAL YAMHILL COUNTY RECORDS
JAN COLEMAN, COUNTY CLERK

200719047



\$31.00

08/24/2007 03:21:30 PM

DMR-DDMR Cnt=1 Stn=2 ANITA
\$10.00 \$10.00 \$11.00

ARLEN BERKEY AND VIVIAN L. BERKEY, AS TENANTS BY THE ENTIRETY, Grantor, conveys and warrants to ITALO ROLLERI AND TAMMY PORTER-ROLLERI, AS TENANTS BY THE ENTIRETY, Grantee, the following described real property free of encumbrances except as specifically set forth herein situated in Yamhill County, Oregon, to wit:

See Attached Legal Description.

The said property is free from encumbrances except:

2007/2008 taxes a lien due but not yet payable.

Rights of the public in and to that portion lying within streets, roads and highways.

Covenants and maintenance provisions, as contained in Easement, including the terms and provisions thereof,

From: Arlen Berkey and Vivian L. Berkey
To: City of McMinnville, a Municipal corporation of the State of Oregon
Recorded Date: April 25, 2003
Recording Number: 200309484

Easement, including the terms and provisions thereof,

From: Arlen Berkey
To: the City of McMinnville
Recorded Date: July 16, 2007
Recording Number: 200715740
For: Water distribution system right-of-way

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

The true consideration for this conveyance is \$245,000.00. (Here comply with the requirements of ORS 93.030).

Dated this 23 day of August, 2007.

Arlen Berkey
Arlen Berkey

Vivian L. Berkey
Vivian L. Berkey

State: OR
County: Yamhill

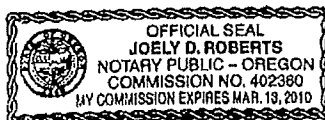
The foregoing instrument was acknowledged before me this 23 day of August, 2007 by:

Arlen Berkey and Vivian L. Berkey

Joely D. Roberts
Notary Public

My Commission Expires: 3/13/10

TICOR TITLE INSURANCE COMPANY
STATUTORY WARRANTY DEED (CL04)



Ticor Title Insurance Company

YAMHILL TITLE PLANT

829 N. Hwy 99 West
P.O. Box 267 • McMinnville OR 971280267
(503) 472-6101 • FAX: (503) 434-5311

REFERENCE ORDER NUMBER: 901313

A tract of land in Section 22, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, being part of Parcel 3 of Yamhill County Partition Plat No. 2000-27, and being more particularly described as follows:

Beginning at the northeast corner of said Parcel 3; thence South 00°10'14" West 114.00 feet along the east line of said Parcel 3 to an iron rod at the TRUE POINT OF BEGINNING; thence North 89°49'46" West 99.53 feet to an iron rod; thence South 00°10'14" West 124.80 feet to an iron rod; thence South 89°49'46" East 99.53 feet to an iron rod on the east line of said Parcel 3; thence North 00°10'14" East 124.80 feet along said east line to the TRUE POINT OF BEGINNING.

TOGETHER WITH A 25 FOOT WIDE ACCESS AND UTILITIES EASEMENT the perimeter of which is described as follows:

Beginning at the northeast corner of said Parcel 3; thence South 00°10'14" West 114.00 feet along the east line of said Parcel 3 to an iron rod; thence North 89°49'46" West 25.00 feet; thence North 00°10'14" East 114.00 feet parallel with the east line of said Parcel 3 to the north line of said Parcel 3; thence South 89°49'46" East 25.00 feet to the point of beginning.

Restrictive Covenant for Minor Partition -Lot 1, Berkey Estates-

This Restrictive Covenant is for Parcels one and two of Minor Partition 2-10 (Lot one of Berkey Estates), City of McMinnville, Oregon

In accordance with condition three of the approval letter from the City of McMinnville Planning Department dated June 10, 2010 to Arlen Berkey (applicant), the following restrictive covenant is made:

"Parcel two (the eastern proposed parcel of existing lot one, Berkey Estates) shall not be transferred to any other ownership separately from parcel one (which includes the residence) as long as there remains outbuildings on parcel two with no legal residence. It is understood that the property owner may sell both partitioned parcels as a single unit at any time without the consent of the city. The covenant shall not otherwise restrict the property owner's ability to construct a single-family residence on parcel two. This covenant shall remain in place until such time as a final occupancy permit is issued for a future residence on parcel two.

Owners also understand that a building permit for a dwelling on parcel two will be issued upon owners meeting all necessary conditions (plans, etc.) for such permit."

| | | |
|-----------------------------|-----------------------------|----------------|
| Owner: <u>Arlen Berkey</u> | <u><i>Arlen Berkey</i></u> | <u>8/16/10</u> |
| (Print Name) | (Signed) | (Date) |
| Owner: <u>Vivian Berkey</u> | <u><i>Vivian Berkey</i></u> | <u>8/16/10</u> |
| (Print Name) | (Signed) | (Date) |

Notary Public:



AFTER RECORDING
RETURN TO:

ARLEN BERKEY
P.O. Box 1545
McMinnville, OR
97128

Mollie Dunchel
expire June 11, 2012
MOLLIE DUNCKEL
COMMISSION # 429605

OFFICIAL YAMHILL COUNTY RECORDS
REBEKAH STERN DOLL, COUNTY CLERK

201012023



\$41.00

08/30/2010 03:25:13 PM

PR-CRPR Cnt=1 Stn=2 ANITA
\$5.00 \$10.00 \$11.00 \$15.00

AFTER RECORDING

RETURN TO:

ARLEN BERKEY
P.O. Box 1545
McMinnville, OR 97128

Restrictive Covenant Ammendment

OFFICIAL YAMHILL COUNTY RECORDS
BRIAN VAN BERGEN, COUNTY CLERK

201718360



\$81.00

11/16/2017 09:09:15 AM

PR-CRPR Cnt=1 Str=2 MILLSA
\$25.00 \$5.00 \$11.00 \$20.00

Restrictive Covenant Ammendment

Corrective and Amended Version of
Restrictive Covenant for Minor Partition
Parcels one and two of Partition 2010-14
Recorded 08/30/2010 in Yamhill County Records, Number 201012023
(copy attached)
This document supercedes the former restrictive document as recorded.
(copy attached)

There are no restrictions for the sale of Parcel one 2010-14 (present residence) acknowledging owner of Parcel two will construct a new dwelling on same parcel. Parcel one may be sold without encumbrances from former restrictions.

Owner of Parcel two agrees to fully comply with building permit requirements necessary for construction of new dwelling on same parcel. Once dwelling has been completed and approved for occupation on Parcel two this covenant becomes fulfilled.

Owner Elizabeth Silva (Elizabeth) 11/15/17 who took title as Lisa (Elizabeth) Silva
(Print Name) (Signature) (Date)
Owner Arlen Berkey Arlen Berkey 11/15/17
(Print Name) (Signature) (Date)

STATE OF Oregon)
)ss.
County of Yamhill)

This instrument was acknowledged before me on this 15 day of Nov, 2017
by Lisa (Elizabeth) Silva + Arlen Berkey.

Donna Marie Befus
Notary Public for Oregon

My commission expires: 2/16/2020



Acknowledged and Approved by the City of McMinnville
Don Pomroy
(by)
Title Principal Planner

Restrictive Covenant for Minor Partition -Lot 1, Berkey Estates-

This Restrictive Covenant is for Parcels one and two of Minor Partition 2-10 (Lot one of Berkey Estates), City of McMinnville, Oregon

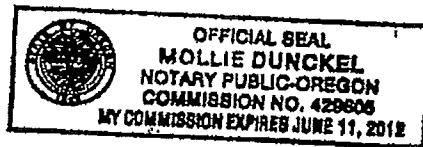
In accordance with condition three of the approval letter from the City of McMinnville Planning Department dated June 10, 2010 to Arlen Berkey (applicant), the following restrictive covenant is made:

"Parcel two (the eastern proposed parcel of existing lot one, Berkey Estates) shall not be transferred to any other ownership separately from parcel one (which includes the residence) as long as there remains outbuildings on parcel two with no legal residence. It is understood that the property owner may sell both partitioned parcels as a single unit at any time without the consent of the city. The covenant shall not otherwise restrict the property owner's ability to construct a single-family residence on parcel two. This covenant shall remain in place until such time as a final occupancy permit is issued for a future residence on parcel two.

Owners also understand that a building permit for a dwelling on parcel two will be issued upon owners meeting all necessary conditions (plans, etc.) for such permit."

| | | |
|---|---|--------------------------|
| Owner: <u>Arlen Berkey</u> (Print Name) | <u><i>Arlen Berkey</i></u> (Signed) | <u>8/16/10</u> (Date) |
| Owner: <u>Vivian Berkey</u> (Print Name) | <u><i>Vivian Berkey</i></u> (Signed) | <u>8/16/10</u> (Date) |

Notary Public:



AFTER RECORDING
RETURN TO:

ARLEN BERKEY
P.O. Box 1545
McMinnville, OR
97128

Mollie Dunckel
expire June 11, 2012
MOLLIE DUNCKEL
COMMISSION # 429605

OFFICIAL YAMHILL COUNTY RECORDS
REBEKAH STERN DOLL, COUNTY CLERK

201012023



\$41.00

08/30/2010 03:25:13 PM

PR-CRPR Cnt=1 Stn=2 ANITA
\$5.00 \$10.00 \$11.00 \$15.00



230 NE Second Street • McMinnville, Oregon 97128 • www.ci.mcminnville.or.us

June 10, 2010

Arlen Berkey
598 NE Jade St.
McMinnville, OR 97128

Re: MP 2-10

Dear Mr. Berkey:

This is to advise you that the McMinnville Planning Department has received and carefully studied your application (MP 2-10) to partition a parcel of land into two (2) parcels. The subject property is located at 598 NE Jade Street, McMinnville, and is further described as Tax Lot 200, Section 22DC, T. 4 S, R. 4 W., W.M.

Based on the material submitted and testimony received, the Planning Director has approved your request subject to the following conditions:

1. That the final plat shall conform to the requirements of McMinnville Ordinance No. 3702 and ORS Chapters 92 and 209.
2. That the applicant shall have a survey prepared and submitted illustrating the location of existing structures, utilities, and associated easements, and the proposed property lines. The proposed partition shall provide adequate setbacks to all existing structures to be retained.
3. That the property owner shall complete and record a restrictive covenant which states that parcel two (eastern parcel) shall not be transferred to any other ownership separately from parcel one (which includes the residence) as long as there remain outbuildings on parcel two with no legal residence. It is understood that the property owner may sell both partitioned parcels as a single unit at any time without the consent of the City. The covenant shall not otherwise restrict the property owner's ability to construct a single-family residence on parcel two. The covenant shall remain in place until such time as a final occupancy permit is issued for a future residence on parcel two. /The applicant shall submit a draft covenant to the Planning Director for review and approval prior to recording, and shall return a copy of the recorded document to the Planning Department within 15 (fifteen) days of recording the document and/or plat.

Planning Department
(503) 434-7311 FAX (503) 474-4955

Mr. Arlen Berkey
June 10, 2010

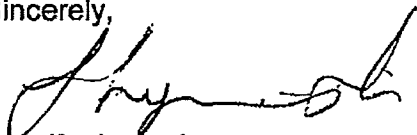
Page 2

4. That prior to filing of the final plat the applicant shall submit to the City Engineer, for review and approval, a scaled utility plan for the subject site. At a minimum, the plan shall indicate the manner in which separate sanitary sewer, storm sewer and water services will be provided to each of the proposed parcels. Easements and maintenance agreements as may be required by the City Engineer for the provision, extension and maintenance of these utilities shall be submitted to the City Engineer for review and approval prior to filing of the final plat. All required utilities shall be installed to the satisfaction of the responsible agency prior to the City's approval of the final plat.
5. That the property owner shall be responsible for providing separate water and electric service to each of the proposed parcels, consistent with the requirements of McMinnville Water and Light. Easements as may be required, and those that currently exist that are to provide such services to the parcels shall be indicated on the face of the final partition plat. The property owner is encouraged to contact McMinnville Water and Light at (503) 472-6158 to confirm the location of existing electric service lines and to obtain information regarding costs associated with providing separate water and electricity to the subject parcels.
6. That approval of this tentative plat will expire 12 (twelve) months after the date of issuance of this letter. If the final plat has not been submitted prior to expiration of the tentative plat, or a written request for an extension of this approval has not been submitted and approved within that same time period, the applicant must resubmit a tentative plat for further consideration, and comply with regulations and conditions applicable at that time.

Please note that the construction of utilities to serve the partitioned parcels will be at the owner's expense. If you have any questions concerning this matter, you may contact the Planning Department at (503) 434-7311.

Pursuant to the Zoning Ordinance of the City of McMinnville, an application approved by the Planning Director may be appealed within 15 (fifteen) days of the date of this letter to the McMinnville Planning Commission. If no appeal is filed with the Planning Department on or before June 23, 2010, the decision of the Planning Director will be final.

Sincerely,



Jennifer Lynagh
Associate Planner

JL:pja

c: Mike Bisset, Community Development Director

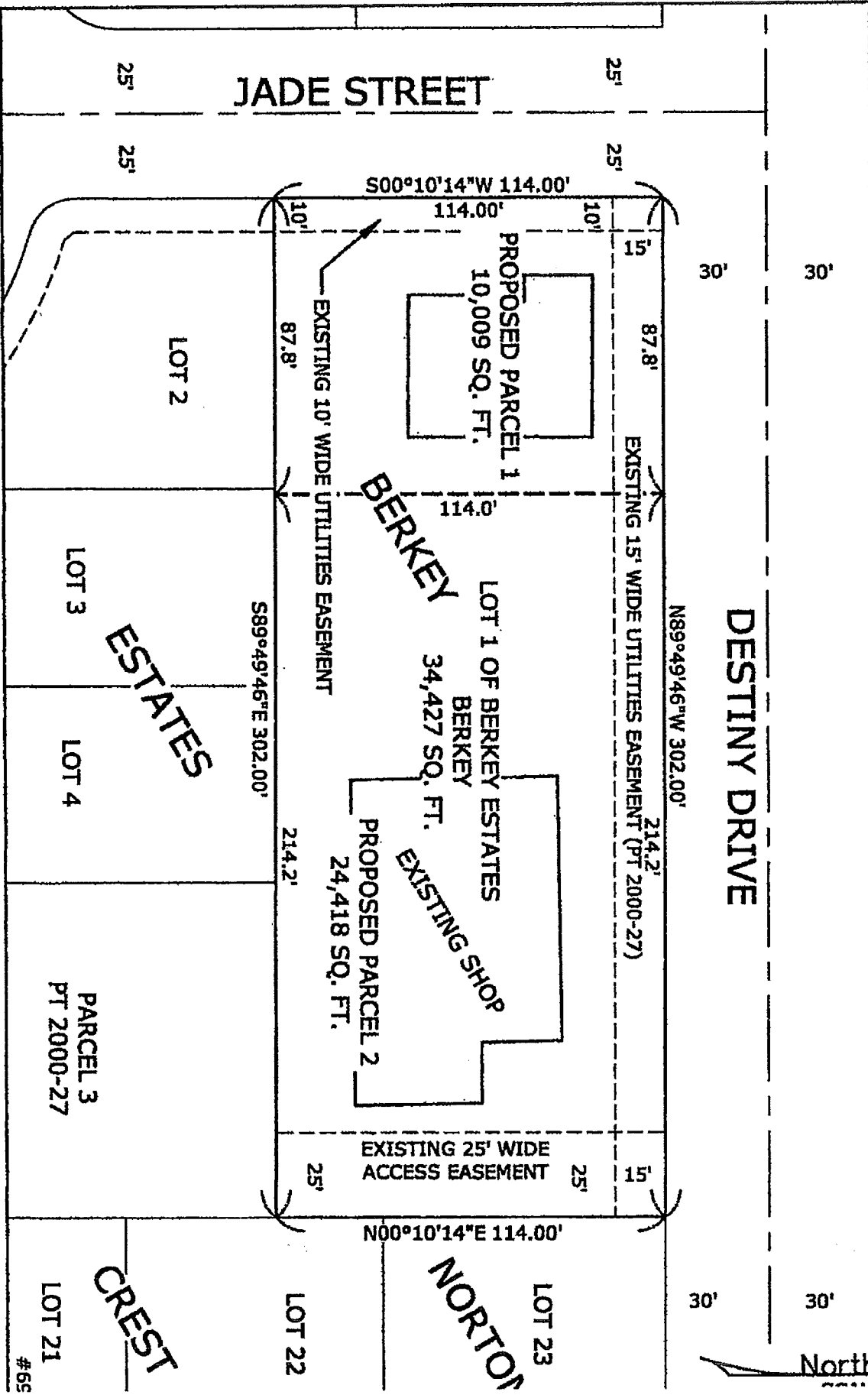
PROPOSED PARTITION MAP FOR:

ARLEN BERKEY

LOCATION: SW 1/4 SE 1/4 SEC. 22, T. 4 S., R. 4 W., W.M.
LOT 1 OF BERKEY ESTATES
CITY OF MCMINNVILLE, YAMHILL COUNTY, OREGON

TAX LOT: R4422DC - 00200

DATE: MAY 6, 2010



BLK

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.



~~ARLEN BERKEY~~ ~~LISA SILVA~~ 20.27
2690 NE DESTINY DR. 4155 NE Three Mile Lane
McMinnville, OR 97128 McMinnville, OR 97128

ARLEN BERKEY
2690 NE DESTINY DR.
McMinnville, OR 97128
Grantor's Name and Address

After recording, return to (Name and Address):
ARLEN BERKEY
P.O. Box 1545
McMinnville, OR 97128

Until requested otherwise, send all tax statements to (Name and Address):
ARLEN BERKEY
P.O. Box 1545
McMinnville, OR 97128

OFFICIAL YAMHILL COUNTY RECORDS
BRIAN VAN BERGEN, COUNTY CLERK

201810518



\$96.00

00541468201800105180040048

07/24/2018 10:49:29 AM

DMR-DDMR Cnt=1 Stn=3 SUTTONS
\$20.00 \$5.00 \$11.00 \$60.00

QUITCLAIM DEED

KNOW ALL BY THESE PRESENTS that ARLEN BERKEY and Elizabeth (Lisa) SILVA
(Daughter)
hereinafter called grantor, for the consideration hereinafter stated, does hereby remise, release and forever quitclaim unto
ARLEN BERKEY
hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of the grantor's right, title and interest in that certain
real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in
Yamhill County, State of Oregon, described as follows (legal description of property):

Partition 2010-14, Parcel 2
Tax Lot# R4422 DC 00209
Address: 2690 NE. Destiny Drive
McMinnville, OR 97128

Attachments: Exhibit "A" - Page 1
MAP (Partition) - Page 2
MAP & Tax Lot# - Page 3

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ NONE. © However, the actual consideration consists of or includes other property or value given or promised which is part of the the whole (indicate which) consideration. © (The sentence between the symbols ©, if not applicable, should be deleted. See ORS 93.030.)

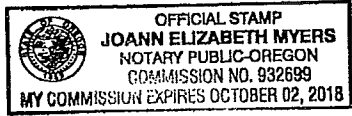
In construing this instrument, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this instrument shall apply equally to businesses, other entities and to individuals.

IN WITNESS WHEREOF, grantor has executed this instrument on July 24, 2018; any signature on behalf of a business or other entity is made with the authority of that entity.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Arlen Berkey
Elizabeth Silva

STATE OF OREGON, County of Yamhill ss.
This instrument was acknowledged before me on July 24, 2018,
by ARLEN BERKEY
This instrument was acknowledged before me on July 24, 2018,
by Elizabeth SILVA
as _____
of _____



Joann E. Myers
Notary Public for Oregon
My commission expires 10/02/18

PUBLISHER'S NOTE: If using this form to convey real property subject to ORS 92.027, include the required reference.

~~Order No. 2020032700117-11-01-16~~

EXHIBIT "A" 3 pages

Parcel 2, PARTITION PLAT NO. 2010-14, in the City of McMinnville, County of Yamhill, State of Oregon.

FDOR0553.rdw

①

10/10

Attachment #1

OFFICIAL YAMHILL COUNTY RECORDS
REBECCA STERN DOLL, COUNTY CLERK

201012024

\$81.00

PR-PROP Crit1 Strc2 SIXTH
\$03.00 \$10.00 \$11.00 \$15.00

Page (2)

PARTITION 2010124
for: ARLEN BERKEY

APPROVALS
 [Signatures and stamps for approvals]

DECLARATION
 [Signature and text for declaration]

ACKNOWLEDGEMENT
 [Signature and text for acknowledgment]

LEGEND
 [List of symbols and their meanings]

DECLARATION
 I, the undersigned, being the owner of the above described premises, do hereby certify that the same are not subject to any lien, mortgage, or other encumbrance, and that the same are not subject to any other claim or demand of any person, and that the same are not subject to any other claim or demand of any person, and that the same are not subject to any other claim or demand of any person.

NOTE
 [Additional notes regarding the partition]

NARRATIVE
 [Detailed description of the lots and boundaries]

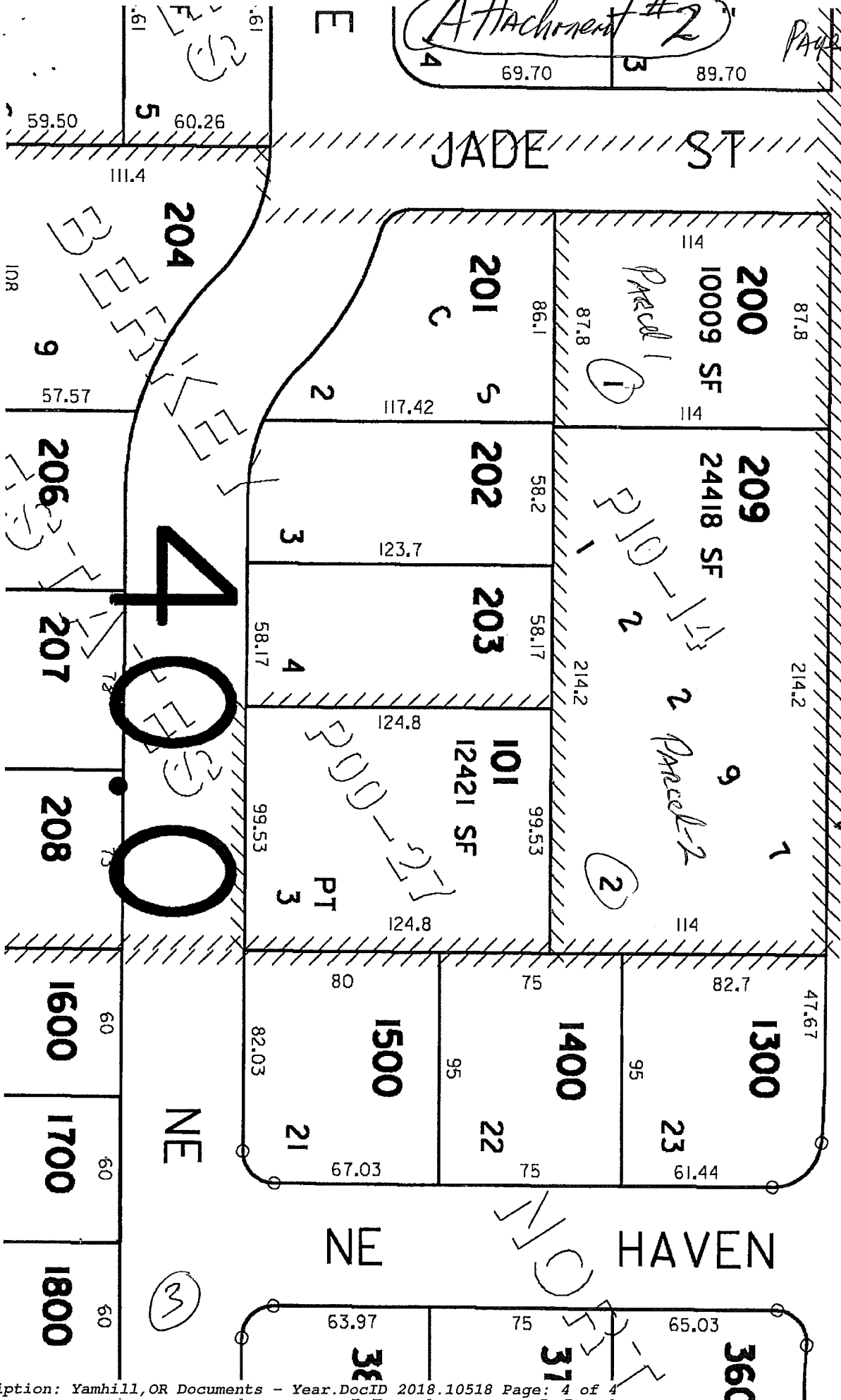
SURVEYOR'S CERTIFICATE
 [Surveyor's name and signature]

DEED
 [Recording information]

2

Attachment #2

Page 3



DESTINY

DR

2690 NE Destiny Dr

JADE ST

NE HAVEN