

DECLARATION

KNOW ALL PERSONS BY THESE PRESENTS, that VESTA ENTERPRISES, INC., an Oregon corporation, and TELEPACIFIC CORPORATION, an Oregon corporation, hereinafter as Declarants, are the fee title owners of the real property depicted hereon as Tract #2 in Document Number 03-62818 of the Official Records of Jackson County, Oregon, included within the exterior boundary of this subdivision more particularly described in the "SURVEYOR'S CERTIFICATE" herewith, and do hereby dedicate to the City of Medford for public use, all streets, public utility easements, and 10-foot wide storm drain easements as shown hereon. Declarants hereby re-locate a portion of that certain 10-foot wide easement described in Volume 566, Page 342, Deed Records Jackson County, Oregon, for the use and benefit of the Medford Irrigation District, historically enjoyed in its present location, for right-of-way of laterals, located within the boundaries of Lots 5-7 inclusive as shown hereon, to the easterly 10-feet of said Lots 5-7 as shown hereon. If the Medford Irrigation District ever abandons the use of the irrigation lateral, five years or more without beneficial use, within said easterly 10-feet stated above, the easement shall be extinguished. Further Declarants hereby create a temporary turn-around easement for the use and benefit of the City of Medford, over and across Lots 5 and 6, to be extinguished upon the extension of Herrin Lane, and a 5-foot wide private storm drain easement over, across, under and through Lots 5 and 6, for the use of Lots 5 and 6 and the use and benefit of Lot 7, both as shown hereon. Further the Declarants hereby create a 12-foot wide vertical separation easement for the use and benefit of Lots 1-4 inclusive, over and across Lots 1-4 inclusive, for the purpose of an 8-foot tall vertical barrier between said Lots 1-4 and Columbus Avenue South, as shown hereon. Further, Declarants convey in fee simple, to the City of Medford, that area portrayed and designated hereon as a one-foot street plug. By the approval of this plat, the City of Medford declares that upon dedication of the extension of the affected streets, it thereby dedicates the street plugs for public street purposes, and will immediately extinguish and remove the temporary turn-around easement over and across Lot 5 and 6 hereon, if an additional turn-around is provided to the satisfaction of the City of Medford.

KNOW ALL PERSONS BY THESE PRESENTS, that Faith Evangelical Lutheran Church of Medford, Oregon, a non-profit Oregon corporation, hereinafter as Declarants, are the fee title owners of the real property depicted hereon as Tract #1 in Document Number 03-62819, Official Records of Jackson County, Oregon, included within the exterior boundary of this subdivision more particularly described in the "SURVEYOR'S CERTIFICATE" herewith.

Declarants have caused this tract of land to be surveyed and platted into lots, streets and public utility easements, as shown hereon, and the number of each lot and the course and length of all lines are plainly set forth hereon and this plat is a correct representation of the subdivision. Declarants hereby designate this subdivision as HERRIN ESTATES.

IN WITNESS WHEREOF, signed this 28 day of January, 2005.

Steven DeCarlow, President VESTA ENTERPRISES, INC.

IN WITNESS WHEREOF, signed this 28 day of January, 2005.

Sharon Swartsley, President-C.E.O. TELEPACIFIC CORPORATION

IN WITNESS WHEREOF, signed this 28 day of January, 2005.

Alfred W. Schoenauer, President Faith Evangelical Lutheran Church of Medford, Oregon.

IN WITNESS WHEREOF, signed this 28 day of January, 2005.

Rick Spicer, Jr., Secretary Faith Evangelical Lutheran Church of Medford, Oregon.

STATE OF OREGON } County of Jackson }

Personally appeared the above named Steven DeCarlow, known to me as the President of VESTA ENTERPRISES, INC, an Oregon Corporation, and by authority of its bylaws or by resolution of its board of directors, acknowledged the foregoing instrument, pursuant to the authority of the corporation's bylaws, to be his voluntary act and deed.

WITNESS my hand and seal this 28 day of January, 2005.

Tiffany L. Pool, NOTARY PUBLIC-OREGON, COMMISSION NO.: 369620, MY COMMISSION EXPIRES: June 15, 2007

STATE OF OREGON } County of Jackson }

Personally appeared the above named Sharon Swartsley, known to me as the President and C.E.O. of TELEPACIFIC CORPORATION, an Oregon Corporation, and by authority of its bylaws or by resolution of its board of directors, acknowledged the foregoing instrument, pursuant to the authority of the corporation's bylaws, to be her voluntary act and deed.

WITNESS my hand and seal this 28 day of January, 2005.

Tiffany L. Pool, NOTARY PUBLIC-OREGON, COMMISSION NO.: 369620, MY COMMISSION EXPIRES: June 15, 2007

STATE OF OREGON } County of Jackson }

Personally appeared the above named Alfred W. Schoenauer, known to me as the President of Faith Evangelical Lutheran Church of Medford, Oregon, to be his voluntary act and deed.

WITNESS my hand and seal this 28 day of January, 2005.

Tiffany L. Pool, NOTARY PUBLIC-OREGON, COMMISSION NO.: 369620, MY COMMISSION EXPIRES: June 15, 2007

STATE OF OREGON } County of Jackson }

Personally appeared the above named Rick Spicer, Jr. known to me as the Secretary of Faith Evangelical Lutheran Church of Medford, Oregon, to be his voluntary act and deed.

WITNESS my hand and seal this 28 day of January, 2005.

Tiffany L. Pool, NOTARY PUBLIC-OREGON, COMMISSION NO.: 369620, MY COMMISSION EXPIRES: June 15, 2007

SURVEYOR'S CERTIFICATE:

I, Cael E. Neathamer, a Registered Professional Land Surveyor of the State of Oregon, do hereby certify that I have correctly surveyed and marked with the proper monuments as provided by law, the tract of land shown hereon and that this plat is a correct representation of said tract and that the following is an accurate description of the boundary:

Commencing at the northwest corner of Donation Land Claim Number 82, Township 37 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon; thence South 00°05'58" East, along the east line of said DLC 81, a distance of 1271.04 feet to the True Point of Beginning and the Initial Point; thence North 89°50'33" West, a distance of 225.54 feet to the most westerly northwest corner of that tract of land described in Document Number 76-02648 of the Official Records of Jackson County, Oregon and the easterly right-of-way of Columbus Avenue South, a public road; thence along said right-of-way North 00°07'22" East, a distance of 21.50 feet; thence North 89°58'44" East a distance of 10.00 feet to the east line of that certain tract of land described in Document Number 85-19376 of the Official Records of Jackson County, Oregon; thence leaving said right-of-way, along last said east line North 00°07'22" East, a distance of 126.72 feet to the northwest corner of that certain tract of land described in Document Number 03-62819 of the Official Records of Jackson County, Oregon; thence along the north line of last said tract North 89°58'32" East, a distance of 210.64 feet to the northeast corner of last said tract and the east line of said DLC 81; thence along last said east line South 00°05'58" East, a distance of 748.93 feet to the True Point of Beginning.

EXCEPTING THEREFROM: all that certain real property dedicated for street purposes as described in Document Number 04-69795 of the Official Records of Jackson County, Oregon.

Cael E. Neathamer, Surveyor. I hereby certify that this is an exact copy of the original. Cael E. Neathamer, Surveyor

RECEIVED stamp: DATE 2-9-05 BY BB. This survey consists of 4 sheet(s) Map and 0 page(s) Narrative. JACKSON COUNTY SURVEYOR

HERRIN ESTATES (A Subdivision)

A Replat of Lots 5, 6 and 7 and a portion of Lot 4, Block 8, of the Orchard Home Association Tract, located within the DAVID N. HERRIN Donation Land Claim Number 81 ("DLC 81") in the Southwest One-quarter of Section 36, Township 37 South, Range 2 West of the Willamette Meridian, City of Medford, Jackson County, Oregon.

PREPARED FOR:

VESTA ENTERPRISES, INC. TELEPACIFIC CORPORATION P.O. Box 8600 Medford, Oregon 97504

APPROVALS:

I certify that, the Medford Irrigation District has examined and approved the relocation of said irrigation easement described in Volume 566, Page 342, lying within the boundaries Lots 5-7 inclusive as shown hereon, to that certain area shown as a relocated 10' Irrigation Easement within said Lots 5-7 hereon.

Carol Bradford, Manager, January 31, 2005

I certify that, pursuant to the authority granted in Ordinance Number 5785, this plat is hereby approved.

Rick O. Latta, Planning Director, January 31, 2005

Examined and approved this 28th day of January, 2005.

Lanman Beckow, City Engineer, Paul D. Linn, City Surveyor

Examined and approved as required by O.R.S. 92.100 this 11th day of FEBRUARY, 2005.

DAN ROSS, Assessor, William Johnson, Deputy

All taxes, fees, assessments, or other charges as required by O.R.S. 92.095 have been paid as of February 1st, 2005.

Janice Clark, Deputy Tax Collector

RECORDING:

FILED FOR RECORD THIS THE 9 DAY OF February, 2005 AT 8:00CLOCK A.M. AND RECORDED IN VOLUME 31 OF PLATS AT PAGE 9 OF THE RECORDS OF JACKSON COUNTY, OREGON.

FOR THE ORDER OF THE COUNTY COURT APPROVING THIS PLAT SEE COMMISSIONERS JOURNAL, VOLUME 212, PAGE 242.

Kathleen S. Beckett, County Clerk, Carmen D. Helman, Deputy

Lots 1 through 8 of Herrin Estates shall be subject to the Covenants, Conditions and Restrictions as contained in Document Number 2005-00721 recorded February 9, 2005, Official Records of Jackson County, Oregon.

REGISTERED PROFESSIONAL LAND SURVEYOR Cael E. Neathamer, OREGON JULY 08, 2001 CAEL E. NEATHAMER 56545, Renewal Date 12/31/06

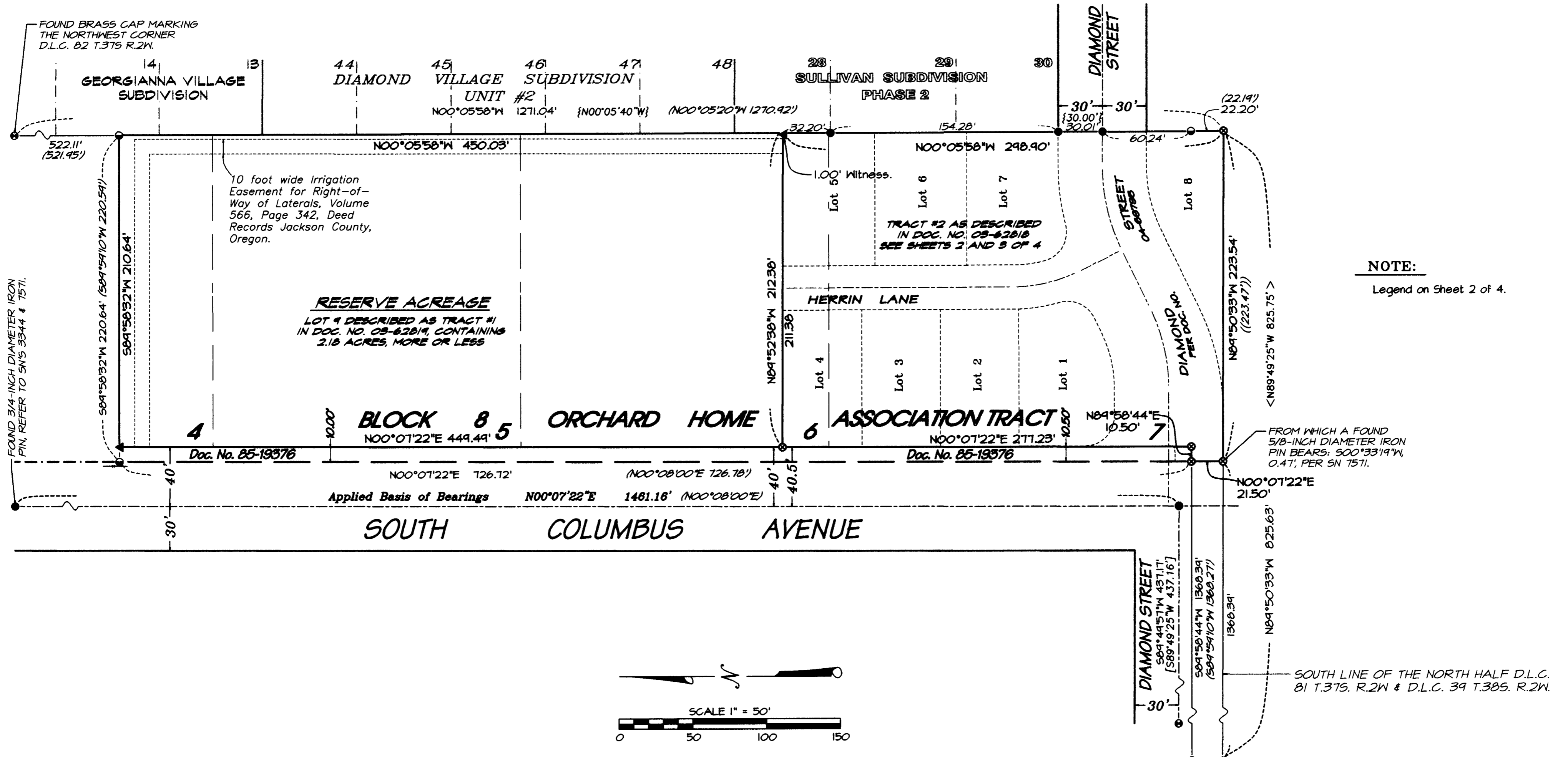
PREPARED BY: Neathamer Surveying, Inc. 3126 State Street, Suite 200 P.O. Box 1584 Medford, Oregon 97501-0120 Phone (541) 732-2869 FAX (541) 732-1382

PROJECT NUMBER: 02065 DATE: January 28, 2005

HERRIN ESTATES (A Subdivision)

A Replat of Lots 5, 6 and 7 and a portion of Lot 4, Block 8, of the Orchard Home Association Tract, located within the DAVID N. HERRIN Donation Land Claim Number 81 ("DLC 81") in the Southwest One-quarter of Section 36, Township 37 South, Range 2 West of the Willamette Meridian, City of Medford, Jackson County, Oregon.

PREPARED FOR:
VESTA ENTERPRISES, INC.
TELEPACIFIC CORPORATION
 P.O. Box 8600
 Medford, Oregon 97504



DEFINITION:

RESERVE ACREAGE Pursuant to the City of Medford Land Development Code, Article I-General Provisions, Chapter 10.012, Definitions, Specific, the definition of Reserve Acreage is: "THAT PORTION OF THE LOT WHICH IS NOT INTENDED TO BE PART OF THE DEVELOPMENT AND CAN BE SEPARATELY DEVELOPED AT A LATER TIME".

I hereby certify that this is an exact copy of the original.
 Carl E. Neathamer
 Surveyor

**** RECEIVED ****
 DATE 2-9-05 BY *AB*
 This survey consists of:
 4 sheet(s) Map
 0 page(s) Narrative
 JACKSON COUNTY SURVEYOR

REGISTERED PROFESSIONAL LAND SURVEYOR

Carl E. Neathamer

OREGON
 JULY 08, 2001
 CAEL E. NEATHAMER
 58545

Renewal Date 12/31/06

BASIS OF BEARINGS:

Basis of Bearings is Geodetic North based on NGS 84 Datum, established by Global Positioning System Observations. Bearing applied to found monuments at the centerline of South Columbus Avenue, as depicted hereon.

PREPARED BY: Neathamer Surveying, Inc.
 3126 State Street, Suite 200
 P.O. Box 1584
 Medford, Oregon 97501-0120
 Phone (541) 732-2869
 FAX (541) 732-1382

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PREPARED FOR:
VESTA ENTERPRISES, INC.
TELEPACIFIC CORPORATION
 P.O. Box 8600
 Medford, Oregon 97504

LINE TABLE

LINE	BEARING	DISTANCE
L1	N84°58'44"E	10.50'
L2	N00°07'22"E	21.50'
L3	N84°50'33"W	33.04'
L4	N00°07'22"E	7.04'
L5	N84°57'09"W	23.24'
L6	S84°52'38"E	15.00'
L7	S63°54'27"W	11.26'
L8	N84°54'02"E	10.00'
L9	S00°05'58"E	10.00'
L10	S00°05'58"E	20.00'
L11	N84°57'09"W	23.16'
L12	S84°57'09"E	23.32'
L13	N00°04'27"E	26.47'
L14	N00°04'27"E	17.42'
L15	N26°00'33"W	22.30'
L16	N26°00'33"W	22.44'
L17	N26°00'33"W	22.40'
L18	N00°02'51"E	18.64'
L19	N00°02'51"E	18.24'
L20	N18°34'55"E	23.80'
L21	N54°16'21"W	24.10'
L22	N84°54'02"E	15.00'
L23	N84°54'02"E	9.93'
L24	S84°52'38"E	9.87'
L25	S72°35'04"W	67.02'
L26	N72°35'04"E	62.85'
L27	S75°42'56"E	81.44'
L28	N70°20'02"E	33.11'
L29	N75°36'01"E	32.95'

NARRATIVE TO COMPLY WITH O.R.S. 209.250

Purpose: To survey and monument Client's property pursuant to the conditionally approved Tentative Subdivision Plat with City of Medford Planning Department, File Number LDS-03-71, July 24, 2003.

Procedure: Utilizing a Nikon DTM-520 Total Station and a Ranger 200-R Data Collector with TDS software, and a Trimble 5700 GPS receiver, with a TSCE Data Collector all found monuments, as depicted hereon, were tied in a closed loop traverse or with redundant ties.

Based on said traverse and ties, Orchard Home Association Tract, according to the official plat thereof, now of record, Sullivan Subdivision Phase 2, as recorded in Volume 21 of Plats at Page 40 of Records of Jackson County, Oregon, and filed as Survey Number 15110 in the office of the Jackson County Surveyor, South Columbus Estates Subdivision Unit No. 2, as recorded in Volume 22 of Plats at Page 15 of Records of Jackson County, Oregon, and filed as Survey Number 15416 in the office of the Jackson County Surveyor, and Surveys Numbered 118, 3344, 7571 and 7860, and Documents Numbered 03-62818, 03-62819, 03-62822, and 04-64795, of the Official Records of Jackson County, Oregon, the resultant boundaries were monumented as depicted hereon.

CURVE TABLE

CURVE #	DELTA	RADIUS	ARC	CHORD BEARING	CHORD
C1	26°10'00"	123.00'	56.17'	S77°04'27"W	55.64'
C2	26°03'24"	130.00'	54.12'	S77°01'09"W	58.61'
C3	25°54'35"	100.00'	45.22'	N13°03'13"W	44.84'
C4	84°57'55"	20.00'	31.40'	N44°51'36"W	28.28'
C5	26°10'00"	86.00'	34.28'	S77°04'27"W	38.94'
C6	74°54'31"	20.00'	27.84'	S24°02'12"W	25.64'
C7	14°01'34"	115.00'	28.15'	S08°54'10"E	28.08'
C8	01°47'26"	115.00'	3.54'	S00°54'41"E	3.54'
C9	90°00'00"	25.00'	34.27'	S45°05'58"E	35.36'
C10	90°00'00"	25.00'	34.27'	S44°54'02"W	35.36'
C11	14°25'15"	160.00'	40.27'	S82°50'14"W	40.16'
C12	84°51'51"	20.00'	31.57'	N54°26'28"W	28.25'
C13	14°24'34"	85.00'	21.38'	N07°18'13"W	21.32'
C14	26°03'24"	100.00'	45.48'	N77°01'04"E	45.04'
C15	26°10'00"	160.00'	73.07'	N77°04'27"E	72.44'

NOTES:

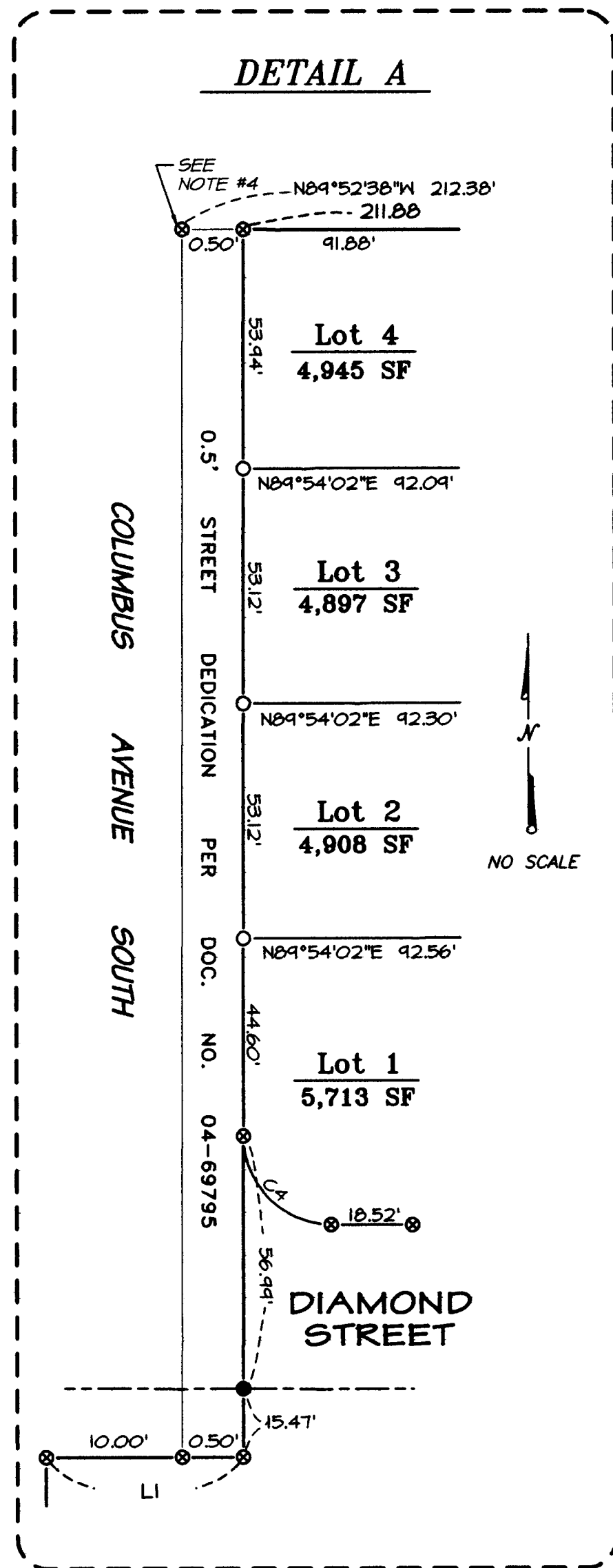
The hereon described property is subject to the following matters of record and land use restrictions:

The effect of said property, or any part thereof, lying within the Medford Irrigation District, and subject to all water and irrigation rights, easements for ditches and canals, and all regulations of said District, including any and all assessments, liens and charges assessed, and to be assessed.

Rights-of-Way for the transmission and distribution of electricity, and for other purposes, granted to PacifiCorp, an Oregon corporation, or its predecessor in interest, by instruments recorded as Volume 467, Page 139, Volume 440, Page 277 and Volume 441, Page 455 all of the Deed records of Jackson County, Oregon. These easements are blanket in nature and cannot be depicted hereon.

Deferred Improvement Agreement, subject to the terms and provisions thereof, recorded September 20, 1984 as Document Number 84-15557, of the Official Records of Jackson County Oregon.

"Utilities shall have the right to install, maintain, and operate their equipment above and below ground and all other related facilities within the Public Utility Easements identified on this plat map as may be necessary or desirable in providing utility services within and without the lots identified herein, including the right of access to such facilities and the right to require removal of any obstructions including structures, trees and vegetation that may be placed within the PUE. The utility may require the lot owner to remove all structures within the PUE at the lot owner's expense, or the utility may remove such structures at the lot owner's expense. At no time may any permanent structures be placed within the PUE or any other obstruction which interferes with the use of the PUE without the prior written approval of the utilities with facilities in the PUE."



I hereby certify that this is an exact copy of the original.
 Carl E. Neathamer
 Surveyor

BASIS OF BEARINGS:

Basis of Bearings is Geodetic North based on WGS 84 Datum, established by Global Positioning System Observations. Bearing applied to found monuments at the centerline of South Columbus Avenue, as depicted hereon.

**** RECEIVED ****
 DATE 2-9-05 BY *BB*
 This survey consists of:
 4 sheet(s) Map
 0 page(s) Narrative
 JACKSON COUNTY SURVEYOR

REGISTERED PROFESSIONAL LAND SURVEYOR

Carl E. Neathamer

OREGON
 JULY 08, 2001
 CAEL E. NEATHAMER
 58545

Renewal Date 12/31/06

PREPARED BY: Neathamer Surveying, Inc.
 3126 State Street, Suite 200
 P.O. Box 1584
 Medford, Oregon 97501-0120
 Phone (541) 732-2869
 FAX (541) 732-1382

PROJECT NUMBER: 02065 DATE: January 28, 2005

PREPARED FOR:

VESTA ENTERPRISES, INC. & TELEPACIFIC CORPORATION
P.O. BOX 8600
MEDFORD, OREGON 97504

HERRIN ESTATES
(A Subdivision)

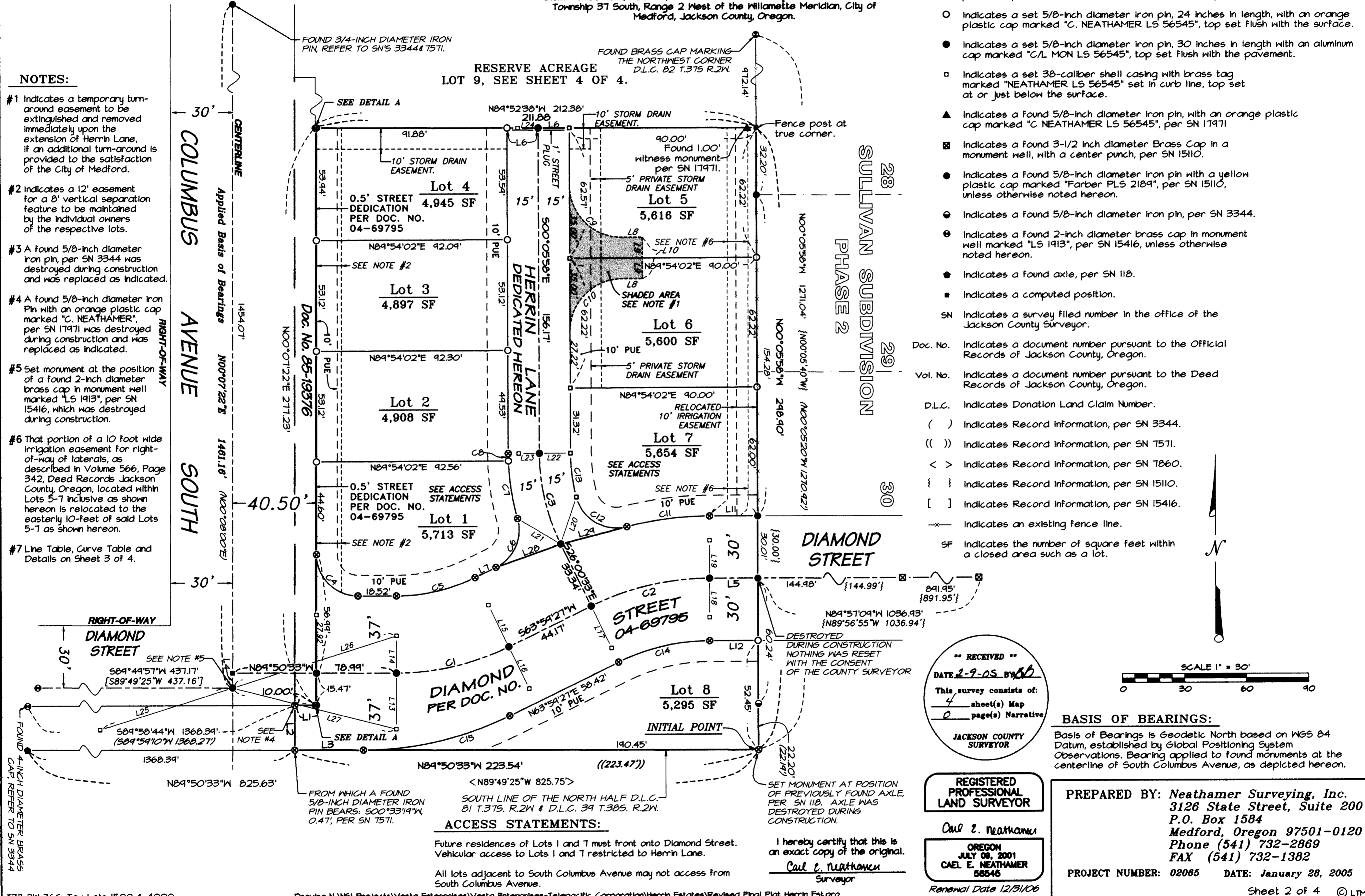
A Replat of Lots 5, 6 and 7 and a portion of Lot 4, of the Orchard Home Association Tract, located within the DAVID N. HERRIN Donation Land Claim Number 81 ("DLC 81") in the Southwest One-quarter of Section 36, Township 37 South, Range 2 West of the Willamette Meridian, City of Medford, Jackson County, Oregon.

LEGEND:

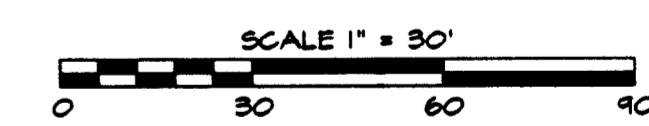
- ⊙ Indicates a set 5/8-inch diameter iron pin, 30 inches in length, with an orange plastic cap marked "C. NEATHAMER LS 56545", top set flush with the surface.
- Indicates a set 5/8-inch diameter iron pin, 24 inches in length, with an orange plastic cap marked "C. NEATHAMER LS 56545", top set flush with the surface.
- Indicates a set 5/8-inch diameter iron pin, 30 inches in length with an aluminum cap marked "C/L MON LS 56545", top set flush with the pavement.
- Indicates a set 38-caliber shell casing with brass tag marked "NEATHAMER LS 56545" set in curb line, top set at or just below the surface.
- ▲ Indicates a Found 5/8-inch diameter iron pin, with an orange plastic cap marked "C NEATHAMER LS 56545", per SN 17971
- Indicates a found 3-1/2 inch diameter Brass Cap in a monument well, with a center punch, per SN 15110.
- Indicates a found 5/8-inch diameter iron pin with a yellow plastic cap marked "Farber PLS 2189", per SN 15110, unless otherwise noted hereon.
- ⊙ Indicates a Found 5/8-inch diameter iron pin, per SN 3344.
- ⊙ Indicates a Found 2-inch diameter brass cap in monument well marked "LS 1913", per SN 15416, unless otherwise noted hereon.
- Indicates a found axle, per SN 118.
- Indicates a computed position.
- SN Indicates a survey filed number in the office of the Jackson County Surveyor.
- Doc. No. Indicates a document number pursuant to the Official Records of Jackson County, Oregon.
- Vol. No. Indicates a document number pursuant to the Deed Records of Jackson County, Oregon.
- D.L.C. Indicates Donation Land Claim Number.
- () Indicates Record Information, per SN 3344.
- (()) Indicates Record Information, per SN 7571.
- < > Indicates Record Information, per SN 7860.
- { } Indicates Record Information, per SN 15110.
- [] Indicates Record Information, per SN 15416.
- x- Indicates an existing fence line.
- SF Indicates the number of square feet within a closed area such as a lot.

NOTES:

- #1 Indicates a temporary turn-around easement to be extinguished and removed immediately upon the extension of Herrin Lane, if an additional turn-around is provided to the satisfaction of the City of Medford.
- #2 Indicates a 12' easement for a 8' vertical separation feature to be maintained by the individual owners of the respective lots.
- #3 A found 5/8-inch diameter iron pin, per SN 3344 was destroyed during construction and was replaced as indicated.
- #4 A found 5/8-inch diameter iron pin with an orange plastic cap marked "C. NEATHAMER", per SN 17971 was destroyed during construction and was replaced as indicated.
- #5 Set monument at the position of a found 2-inch diameter brass cap in monument well marked "LS 1913", per SN 15416, which was destroyed during construction.
- #6 That portion of a 10 foot wide irrigation easement for right-of-way of laterals, as described in Volume 566, Page 342, Deed Records Jackson County, Oregon, located within Lots 5-7 inclusive as shown hereon is relocated to the easterly 10-feet of said Lots 5-7 as shown hereon.
- #7 Line Table, Curve Table and Details on Sheet 3 of 4.



**** RECEIVED ****
 DATE 2-9-05 BY *EB*
 This survey consists of:
 4 sheet(s) Map
 2 page(s) Narrative
 JACKSON COUNTY SURVEYOR



BASIS OF BEARINGS:
 Basis of Bearings is Geodetic North based on NGS 84 Datum, established by Global Positioning System Observations. Bearing applied to found monuments at the centerline of South Columbus Avenue, as depicted hereon.

REGISTERED PROFESSIONAL LAND SURVEYOR
 Carl E. Neathamer
 OREGON
 JULY 08, 2001
 CAEL E. NEATHAMER
 56545
 Renewal Date 12/31/06

PREPARED BY: Neathamer Surveying, Inc.
 3126 State Street, Suite 200
 P.O. Box 1584
 Medford, Oregon 97501-0120
 Phone (541) 732-2869
 FAX (541) 732-1382
 PROJECT NUMBER: 02065 DATE: January 28, 2005
 Sheet 2 of 4 © LTM

ACCESS STATEMENTS:
 Future residences of Lots 1 and 7 must front onto Diamond Street. Vehicular access to Lots 1 and 7 restricted to Herrin Lane.
 All lots adjacent to South Columbus Avenue may not access from South Columbus Avenue.

I hereby certify that this is an exact copy of the original.
 Carl E. Neathamer
 Surveyor