

DECLARATION:

KNOW ALL MEN BY THESE PRESENTS:

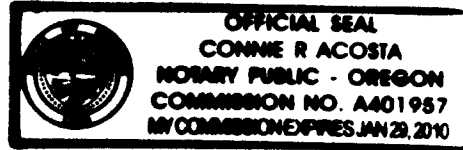
THAT SPUR RAIL LLC, AN OREGON LIMITED LIABILITY COMPANY, IS THE OWNER IN FEE TITLE OF THE LANDS HEREON DESCRIBED, AND DMB LLC IS THE BENEFICIARY OF A TRUST DEED RECORDED APRIL 1, 2005 AS DOCUMENT NO. 2005-018305, OFFICIAL RECORDS, JACKSON COUNTY, OREGON AND PEOPLE'S BANK OF COMMERCE IS THE BENEFICIARY OF A LINE OF CREDIT TRUST DEED RECORDED JULY 18, 2007 AS DOCUMENT NO. 2007-033186 OF SAID OFFICIAL RECORDS AND SAID OWNER AND OTHER PARTIES IN INTEREST HAVE CAUSED THIS TRACT OF LAND TO BE PLATTED INTO LOTS, COMMON AREA, AND EASEMENTS AS SHOWN HEREON AND THE NUMBER AND SIZE OF LOTS AND THE LENGTH OF ALL LINES ARE PLAINLY SET FORTH, AND SAID OWNERS DO HEREBY DEDICATE TO THE CITY OF ASHLAND AND PUBLIC UTILITY COMPANIES FOR THE INSTALLATION AND MAINTENANCE OF UTILITY LINES OR FIXTURES, THE PUBLIC UTILITY EASEMENT AS SHOWN HEREON, AND DO HEREBY DEDICATE TO THE CITY OF ASHLAND AND PUBLIC UTILITY COMPANIES FOR THE MAINTENANCE OF UTILITY FIXTURES, THE UTILITY ACCESS EASEMENT AS SHOWN HEREON, AND DO HEREBY DEDICATE FOR THE USE AS SPECIFIED ON SHEET 3 OF THIS PLAT, THE RESTRICTED ELECTRIC EASEMENTS AS SHOWN HEREON AND DO HEREBY DESIGNATE THE COMMON AREA AS SHOWN HEREON AS A PRIVATE UNDERGROUND UTILITY EASEMENT FOR THE USE OF THE OWNERS OF LOTS 1 THROUGH 6. SAID OWNERS HEREBY DESIGNATE THIS SUBDIVISION AS SPUR RAIL SUBDIVISION, A PLANNED COMMUNITY.



Jerome White
JEROME WHITE, FOR SPUR RAIL LLC
STATE OF OREGON)
COUNTY OF JACKSON) S.S.

BY: Connie R. Acosta
NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES: 01-29-2010

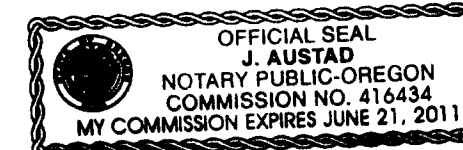
ON THIS, THE 15 DAY OF JANUARY, 2008, BEFORE ME APPEARED JEROME WHITE, TO ME PERSONALLY KNOWN, WHO BEING DULY SWORN, DID SAY THAT THE SAID INSTRUMENT WAS SIGNED BY AND TO BE HIS FREE ACT AND DEED.



Kerry Kencairn
KERRY KENCAIRN, FOR SPUR RAIL LLC
STATE OF OREGON)
COUNTY OF JACKSON) S.S.

BY: Connie R. Acosta
NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES: 01-29-2010

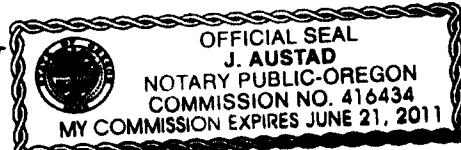
ON THIS, THE 15 DAY OF JANUARY, 2008, BEFORE ME APPEARED KERRY KENCAIRN, TO ME PERSONALLY KNOWN, WHO BEING DULY SWORN, DID SAY THAT THE SAID INSTRUMENT WAS SIGNED BY AND TO BE HER FREE ACT AND DEED.



Barbara Ciota
BARBARA CIOTA, FOR SPUR RAIL LLC
STATE OF OREGON)
COUNTY OF JACKSON) S.S.

BY: J. AUSTAD
NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES: 6-21-2011

ON THIS, THE 15 DAY OF JAN, 2008, BEFORE ME APPEARED BARBARA CIOTA, TO ME PERSONALLY KNOWN, WHO BEING DULY SWORN, DID SAY THAT THE SAID INSTRUMENT WAS SIGNED BY AND TO BE HER FREE ACT AND DEED.



Richard F. Alspach
RICHARD F. ALSPACH, FOR SPUR RAIL LLC
STATE OF OREGON)
COUNTY OF JACKSON) S.S.

BY: J. AUSTAD
NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES: 6-21-2011

ON THIS, THE 15 DAY OF JAN, 2008, BEFORE ME APPEARED RICHARD F. ALSPACH, TO ME PERSONALLY KNOWN, WHO BEING DULY SWORN, DID SAY THAT THE SAID INSTRUMENT WAS SIGNED BY AND TO BE HIS FREE ACT AND DEED.



Stuart M. Osmus
STUART M. OSMUS, FOR SPUR RAIL LLC
STATE OF OREGON)
COUNTY OF JACKSON) S.S.

BY: J. AUSTAD
NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES: 6-21-2011

ON THIS, THE DAY OF 2008, BEFORE ME APPEARED STUART M. OSMUS, TO ME PERSONALLY KNOWN, WHO BEING DULY SWORN, DID SAY THAT THE SAID INSTRUMENT WAS SIGNED BY AND TO BE HIS FREE ACT AND DEED.

DECLARATION OF BY-LAWS, COVENANTS AND RESTRICTIONS RECORDED AS DOCUMENT NO. 2008-006225
OFFICIAL RECORDS, JACKSON COUNTY, OREGON.

SPUR RAIL SUBDIVISION
A PLANNED COMMUNITY

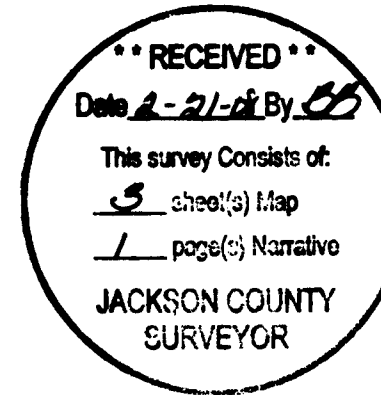
LOCATED IN:

PARCEL 5 OF PARTITION PLAT P-32-2000
IN THE SW 1/4 OF SECTION 4 AND THE NW 1/4 OF SECTION 9,
TOWNSHIP 39 SOUTH, RANGE 1 EAST, WILLAMETTE BASE AND MERIDIAN
CITY OF ASHLAND, JACKSON COUNTY, OREGON

SURVEY FOR
SPUR RAIL LLC
545 A STREET
ASHLAND, OREGON 97520

LOCATION
CLEAR CREEK DRIVE
ASHLAND, OREGON 97520

SURVEYOR
TERRASURVEY, INC.
PROFESSIONAL LAND SURVEYORS
274 FOURTH STREET
ASHLAND, OREGON 97520
(541) 482-6474
terra@tblsp.com



DATE OF SURVEY: DECEMBER 14, 2007

TERRASURVEY JOB NO. 493-05

APPROVAL:

B. Smith 2/12/2008
ASHLAND PLANNING DEPARTMENT DATE
PA # 2005-01833 PLANNED COMMUNITY

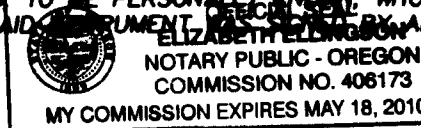
EXAMINED AND APPROVED THIS 5th DAY OF

February 2008
Jan H. Olson
CITY SURVEYOR

Doyle Brightenburg
DOYLE BRIGHTENBURG FOR DMB LLC

STATE OF OREGON)
COUNTY OF JACKSON) S.S.

ON THIS, THE 5th DAY OF JANUARY, 2008, BEFORE ME APPEARED DOYLE BRIGHTENBURG, TO ME PERSONALLY KNOWN, WHO BEING DULY SWORN, DID SAY THAT THE SAID INSTRUMENT WAS SIGNED BY AND TO BE HIS FREE ACT AND DEED.



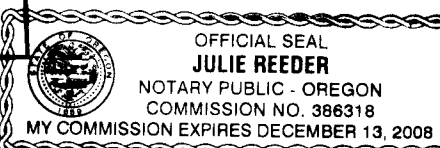
Robert Rasmussen
ROBERT RASMUSSEN,
REPRESENTING PEOPLE'S BANK OF COMMERCE

STATE OF OREGON)
COUNTY OF JACKSON) S.S.

ON THIS, THE 10th DAY OF JANUARY, 2008, BEFORE ME APPEARED ROBERT RASMUSSEN, TO ME PERSONALLY KNOWN, WHO BEING DULY SWORN, DID SAY THAT THE SAID INSTRUMENT WAS SIGNED BY AND TO BE HIS FREE ACT AND DEED.

BY: Elizabeth Elley
NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES: 5-18-2010

BY: Julie Reeder
NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES: Dec. 13, 2008



RECORDING:

FILED FOR RECORD THIS 21st DAY OF FEBRUARY
2008, AT 2:24 O'CLOCK, P.M. AND RECORDED IN
VOLUME 34, PAGE B
OF THE PLAT RECORDS OF JACKSON COUNTY, OREGON.

Christine D. Walker
COUNTY CLERK

Cheryl Augeris
DEPUTY

SURVEYOR'S CERTIFICATE

I, STUART M. OSMUS, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON, NO. 2464, DO HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS, AS PROVIDED BY LAW, THE TRACT OF LAND SHOWN HEREON AND THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE SAME, THE FOLLOWING BEING AN ACCURATE DESCRIPTION OF THE TRACT BOUNDARY:

PARCEL NO. 5 OF PARTITION PLAT RECORDED MAY 26, 2000, AS PARTITION PLAT NO. P-32-2000 OF "RECORD OF PARTITION PLATS" IN JACKSON COUNTY, OREGON, AND FILED AS SURVEY NO. 16528 IN THE OFFICE OF THE JACKSON COUNTY SURVEYOR.

Stuart M. Osmus 1/08/08
STUART M. OSMUS PLS 2464 DATE

I CERTIFY THAT THIS SURVEY WAS PREPARED WITH ARCHIVAL QUALITY MATERIALS AS REQUIRED BY ORS 209.250. SPECIFIC PRODUCTS USED ARE HEWLETT PACKARD INK #51640A ON COMSTOCK 130444 POLYESTER FILM.

Stuart M. Osmus
STUART M. OSMUS, PLS 2464

EXAMINED AND APPROVED AS REQUIRED BY O.R.S 92.100

AS OF February 21, 2008

Nathan McAlvay, deputy
ASSESSOR, DEPARTMENT OF ASSESSMENT

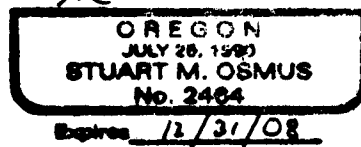
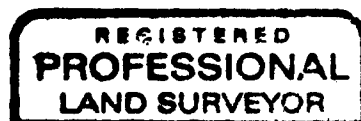
ALL TAXES, FEES, ASSESSMENTS OR OTHER CHARGES AS REQUIRED BY

ORS 92.095 AND ORS 311.280 HAVE BEEN PAID AS OF February 21, 2008.

Karen W. Meade, Deputy
TAX COLLECTOR

APPROVED FOR RECORDING:

Stuart M. Osmus 2/21/08
COUNTY COMMISSIONER / ADMINISTRATOR DATE



THIS IS TO CERTIFY THAT THIS IS A CADD GENERATED COPY OF THE ORIGINAL DRAWING

Stuart M. Osmus
STUART M. OSMUS, PLS 2464

SURVEY NARRATIVE
TO COMPLY WITH PARAGRAPH 209.250, OREGON REVISED STATUTES
SPUR RAIL SUBDIVISION, A PLANNED COMMUNITY

DATE OF SURVEY:

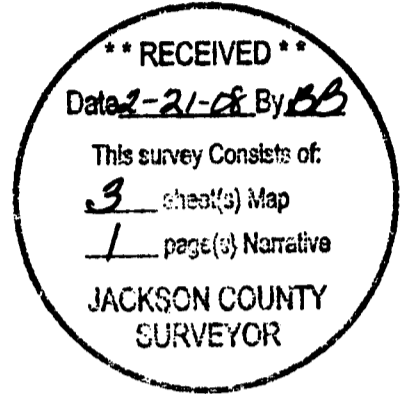
December 14, 2007

SURVEYED BY:

Terrasurvey, Inc.
274 Fourth Street
Ashland, Oregon 97520

SURVEY FOR:

Spur Rail LLC
545 'A' Street
Ashland, Oregon 97520



LOCATION:

Parcel 5 of Partition Plat P-32-2000 in the Southwest Quarter of Section 4 and the Northwest Quarter of Section 9, Township 39 South, Range 1 East, Willamette Meridian, City of Ashland, Jackson County, Oregon.

PURPOSE:

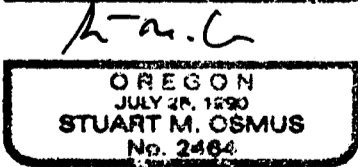
To subdivide the existing parcel into six building lots and common area as tentatively approved by City of Ashland Planning Action No. 2005-01833.

BASIS OF BEARINGS:

True meridian at the north-south centerline of Section 9 as derived from the N.O.A.A. survey net on file in the Office of the Jackson County Surveyor. The reference line for bearing control for this survey was taken from monuments found along the centerline of Clear Creek Drive as shown on Filed Survey No. 16528.

PROCEDURE:

An error of closure of approximately 0.5' was found in the boundary of Parcel 5 of Partition Plat P-32 2000 (Survey No. 16528). Most of the monuments set around Parcel 5 were destroyed by construction of sidewalks and a paved alley. Using street centerline monuments and the two recovered pins from Parcel 5, I determined that the closure error probably occurred in the long curve on the south side of the parcel. I held the position of the found pin at the west end of the parcel and fit the curve to this point which lengthened the adjoining line by 0.24 feet. Although this is a railroad curve which conventionally would be described by chord definition, the curve length for this railroad right of way line on Survey No. 16528 was shown by arc definition and I have followed this example. Record bearings and distances were generally held for the remaining lines.



Expires 12/31/08

January 16, 2008

Stuart M. Osmus, PLS 2464
Terrasurvey, Inc.
274 Fourth Street
Ashland, Oregon 97520

SPUR RAIL SUBDIVISION A PLANNED COMMUNITY

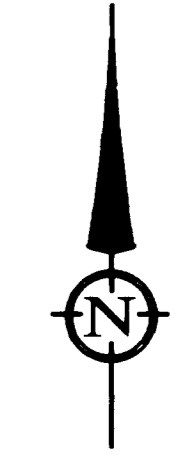
LOCATED IN:
 PARCEL 5 OF PARTITION PLAT P-32-2000
 IN THE NW 1/4 OF SECTION 9 AND THE SW 1/4 OF SECTION 4,
 TOWNSHIP 39 SOUTH, RANGE 1 EAST,
 WILLAMETTE BASE AND MERIDIAN
 CITY OF ASHLAND, JACKSON COUNTY, OREGON

**** RECEIVED ****
 Date 2-21-08 By RS
 This survey consists of:
3 sheet(s) Map
1 page(s) Narrative
**JACKSON COUNTY
 SURVEYOR**

CURVE TABLE					
NUMBER	LENGTH	RADIUS	DELTA	CHORD BEARING	CH LENGTH
C1	167.60	2784.93	3°26'54"	N 70°42'15" W	167.58

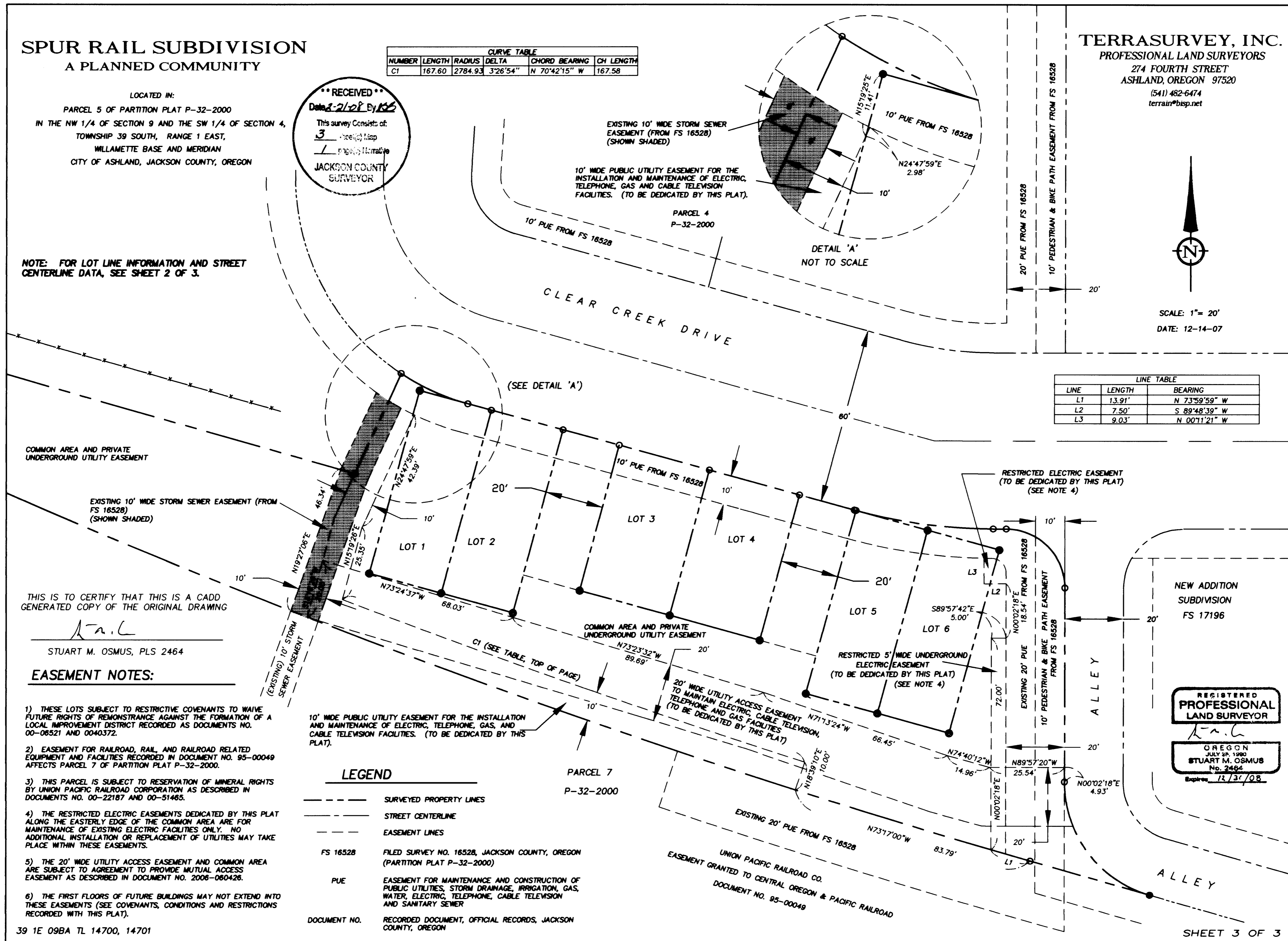
TERRASURVEY, INC.
 PROFESSIONAL LAND SURVEYORS
 274 FOURTH STREET
 ASHLAND, OREGON 97520
 (541) 482-6474
 terrain@bisp.net

NOTE: FOR LOT LINE INFORMATION AND STREET CENTERLINE DATA, SEE SHEET 2 OF 3.



SCALE: 1" = 20'
 DATE: 12-14-07

LINE TABLE		
LINE	LENGTH	BEARING
L1	13.91'	N 73°59'59" W
L2	7.50'	S 89°48'39" W
L3	9.03'	N 00°11'21" W



THIS IS TO CERTIFY THAT THIS IS A CADD GENERATED COPY OF THE ORIGINAL DRAWING

Stuart M. Osmus
 STUART M. OSMUS, PLS 2464

EASEMENT NOTES:

- 1) THESE LOTS SUBJECT TO RESTRICTIVE COVENANTS TO WAIVE FUTURE RIGHTS OF REMONSTRANCE AGAINST THE FORMATION OF A LOCAL IMPROVEMENT DISTRICT RECORDED AS DOCUMENTS NO. 00-06521 AND 0040372.
- 2) EASEMENT FOR RAILROAD, RAIL, AND RAILROAD RELATED EQUIPMENT AND FACILITIES RECORDED IN DOCUMENT NO. 95-00049 AFFECTS PARCEL 7 OF PARTITION PLAT P-32-2000.
- 3) THIS PARCEL IS SUBJECT TO RESERVATION OF MINERAL RIGHTS BY UNION PACIFIC RAILROAD CORPORATION AS DESCRIBED IN DOCUMENTS NO. 00-22187 AND 00-51465.
- 4) THE RESTRICTED ELECTRIC EASEMENTS DEDICATED BY THIS PLAT ALONG THE EASTERLY EDGE OF THE COMMON AREA ARE FOR MAINTENANCE OF EXISTING ELECTRIC FACILITIES ONLY. NO ADDITIONAL INSTALLATION OR REPLACEMENT OF UTILITIES MAY TAKE PLACE WITHIN THESE EASEMENTS.
- 5) THE 20' WIDE UTILITY ACCESS EASEMENT AND COMMON AREA ARE SUBJECT TO AGREEMENT TO PROVIDE MUTUAL ACCESS EASEMENT AS DESCRIBED IN DOCUMENT NO. 2006-080426.
- 6) THE FIRST FLOORS OF FUTURE BUILDINGS MAY NOT EXTEND INTO THESE EASEMENTS (SEE COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED WITH THIS PLAT).

LEGEND

- SURVEYED PROPERTY LINES
- STREET CENTERLINE
- EASEMENT LINES
- FS 16528 FILED SURVEY NO. 16528, JACKSON COUNTY, OREGON (PARTITION PLAT P-32-2000)
- PUE EASEMENT FOR MAINTENANCE AND CONSTRUCTION OF PUBLIC UTILITIES, STORM DRAINAGE, IRRIGATION, GAS, WATER, ELECTRIC, TELEPHONE, CABLE TELEVISION AND SANITARY SEWER
- DOCUMENT NO. RECORDED DOCUMENT, OFFICIAL RECORDS, JACKSON COUNTY, OREGON

REGISTERED
**PROFESSIONAL
 LAND SURVEYOR**

OREGON
 JULY 28, 1990
STUART M. OSMUS
 No. 2464
 Expires 7/31/08

SPUR RAIL SUBDIVISION A PLANNED COMMUNITY

LOCATED IN:
 PARCEL 5 OF PARTITION PLAT P-32-2000
 IN THE NW 1/4 OF SECTION 9 AND THE SW 1/4 OF SECTION 4
 TOWNSHIP 39 SOUTH, RANGE 1 EAST,
 WILLAMETTE BASE AND MERIDIAN
 CITY OF ASHLAND, JACKSON COUNTY, OREGON

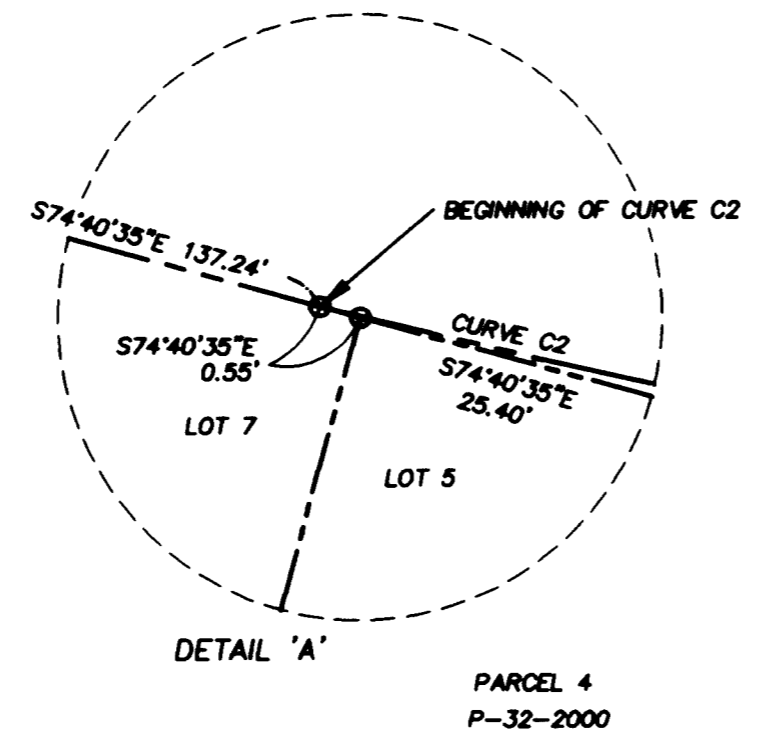
LINE TABLE		
LINE	LENGTH	BEARING
L1	17.01'	S 74°40'35" E

CURVE TABLE					
NUMBER	LENGTH	RADIUS	DELTA	CHORD BEARING	CH LENGTH
C1	25.00	80.00	17°54'18"	S 65°43'26" E	24.90
C2	48.02	180.00	15°17'07"	S 82°19'08" E	47.88
C3	31.42	20.00	90°00'00"	S 44°57'42" E	28.28
C4	51.79	40.00	74°10'50"	S 37°03'07" E	48.25
C5	598.50	2794.93	12°16'09"	N 68°00'28" W	597.36
C6	68.24	50.00	78°11'35"	S 35°34'47" E	63.06



SCALE: 1" = 30'
 DATE: 12-14-07

RECEIVED
 Date: 2-1-08 By: [Signature]
 This survey consists of:
 3 sheet(s) Map
 1 page(s) Narrative
 JACKSON COUNTY SURVEYOR



- LEGEND**
- SURVEYED PROPERTY LINE
 - STREET CENTERLINE
 - EASEMENT LINES (SEE SHEET 3)
 - P-32-2000 PARTITION PLAT P-32-2000 (FS 18528)
 - SET 5/8" X 30" IRON PIN W/CAP MARKED OSMUS PLS 2464
 - SET 5/8" X 24" IRON PIN W/CAP MARKED OSMUS PLS 2464 UNLESS OTHERWISE NOTED
 - ⊙ FD STREET CENTERLINE MONUMENT MARKED CITY OF ASHLAND SURVEY MARKER LS 2464 (UNLESS OTHERWISE NOTED)
 - FOUND 5/8" IRON PIN W/CAP MARKED D. HUCK LS 2023 (FROM FS 16528) UNLESS OTHERWISE NOTED
 - (R) RECORD DATA FROM FILED SURVEY NO. 18528
 - F.S. FILED SURVEY, OFFICE OF THE COUNTY SURVEYOR, JACKSON COUNTY, OREGON
 - FD FOUND

THIS IS TO CERTIFY THAT THIS IS A CADD GENERATED COPY OF THE ORIGINAL DRAWING

[Signature]
 STUART M. OSMUS, PLS 2464

BASIS OF BEARING
 TRUE MERIDIAN AT THE N-S CENTERLINE OF SECTION 9 AS DERIVED FROM THE N.O.A.A. SURVEY NET ON FILE IN THE OFFICE OF THE JACKSON COUNTY SURVEYOR. THE REFERENCE LINE FOR BEARING CONTROL FOR THIS SURVEY WAS TAKEN FROM MONUMENTS FOUND ALONG THE CENTERLINE OF CLEAR CREEK DRIVE AS SHOWN ON FILED SURVEY NO. 18528.

REGISTERED
**PROFESSIONAL
 LAND SURVEYOR**
 [Signature]
 OREGON
 JULY 25, 1990
 STUART M. OSMUS
 No. 2464
 Expires 12/31/08

TERRASURVEY, INC.
 PROFESSIONAL LAND SURVEYORS
 274 FOURTH STREET
 ASHLAND, OREGON 97520
 (541) 482-6474
 terrain@bisp.net