

DECLARATION

KNOW ALL PERSONS BY THESE PRESENT, that MAHAR HOMES, INC., as to a 50% interest, and MAHAR BROTHERS CONSTRUCTION CO., LLC, and Oregon limited liability company, as to a 50% interest, as to Phase 12A, and Mahar Homes, Inc. and Robert H. Hutchins and Marilyn I. Hutchins as to Phase 13, hereinafter referred to as DECLARANTS, are the owners in fee simple of the lands as described in the "Surveyor's Certificate" herewith.

Randall D. Jones, Secretary of Mahar Homes, Inc.

Louis F. Mahar II, Member of Mahar Brothers Construction Co., LLC

Louis F. Mahar, as Grantee and Beneficiary under that certain Trust Deed recorded August 21, 2012, Instrument Number 2012-028108, also, that certain Trust Deed recorded December 06, 2012, Instrument Number 2012-042034, both of Official Records of Jackson County, Oregon, does hereby consent to release from lien of said Trust Deeds all property described and/or depicted hereon as being dedicated for public use.

Louis F. Mahar, Grantee and Beneficiary

STATE OF OREGON } ss County of Jackson

Signed or attested before me on May 23rd, 2013 by RANDALL D. JONES, LOUIS F. MAHAR and LOUIS F. MAHAR II.

Notary Public-Oregon signature and seal

STATE OF OREGON } ss County of Jackson

Signed or attested before me on May 31st, 2013 by ROBERT H. HUTCHINS and MARILYN I. HUTCHINS.

Notary Public-Oregon signature and seal

TITLE RELATED NOTES:

SUMMERFIELD AT SOUTH EAST PARK, PHASES 12A & 13 MAY BE SUBJECT TO THE FOLLOWING MATTERS OF RECORD PER THE RECEIVED TITLE REPORT:

City liens, if any, of the City of Medford.

These premises are situated in the Talent Irrigation District, and subject to the levies and assessments thereof, water and irrigation rights, easements for ditches and canals and regulations concerning the same. (Not assessable).

Easement, including terms and provisions contained therein, per Volume 453 at Page 94 of the Deed Records of Jackson County, Oregon, for a ditch. (Specific location not disclosed).

Easement, including terms and provisions contained therein, per Volume 474 at Page 67 of the Deed Records of Jackson County, Oregon, for the transmission and distribution of electricity. (Specific location not disclosed).

Storm drain and sanitary sewer easement per Instrument Number 2003-086175 of the Official Records of Jackson County, Oregon. (Depicted on Sheet 3 hereof).

Ingress and egress easement to inspect and maintain an existing sanitary sewer manhole per Instrument Number 2004-00917 of the Official Records of Jackson County, Oregon. (Depicted on Sheet 3 hereof).

Agreement for Provision of Public Facilities Agreement and the terms and conditions thereof per Instrument Number 2004-020762 of the Official Records of Jackson County, Oregon.

Restrictive Covenants, including the terms and provisions thereof, as imposed by City of Medford Department of Planning and Development, through the City of Medford Land Development condition of approval, per Instrument Number 2006-043546 of the Official Records of Jackson County, Oregon.

Easement, including the terms and provisions contained therein, per Instrument Number 2006-047406 of the Official Records of Jackson County, Oregon, to construct, reconstruct, operate, repair and maintain private sanitary sewer lines. Said improvements are now located within Tract A (refer to Sheet 2 hereof).

Easements, including terms and provisions contained therein per Instruments Numbered 2013-006147 and 2013-006148 (located within Tract A), and 2013-006149 (located within Tract B), of the Official Records of Jackson County, Oregon. (Depicted on Sheet 2 hereof).

Agreement for provisions of public facilities and the terms and conditions thereof per Instrument Number 2008-000271 of the Official Records of Jackson County, Oregon, being temporary in nature and extinguished and terminated pursuant to aforesaid Instruments Numbered 2013-006147 and 2013-006149.

Jackson County Assessor's Map: 37 IN 27, Tax Lots 700, 702-703; 37 IN 27CA, Tax Lots 200 & 300

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 depicted hereon and that this plat is a correct representation of said tract and that the following is an accurate description of the boundary lines of the parent tract of land as set forth hereon:

PHASE 12A:

All that real property, being portions of those tracts of land as described in Instruments Numbered 95-017501 and 2002-017799 of the Official Records of Jackson County, Oregon, located within the Donation Land Claim Number 58, in the Northwest One-quarter and the Northeast One-quarter of the Southwest One-quarter of Section 27, Township 37 South, Range 1 West of the Willamette Meridian, in the City of Medford, Jackson County, Oregon, as now surveyed and more particularly described as follows:

Beginning at the Southeast corner of Lot 11, Summerfield At South East Park, Phase 1, as recorded December 6, 2002, in Volume 28 of Plats at Page 64 of the Records of Jackson County, Oregon (also filed as Survey Number 17588 in the office of the Jackson County Surveyor); thence North 00°00'00" East, along the east line of Lot 11, 17.25 feet (Record: 17.25 feet), to the Southwest corner of Lot 170, Summerfield At South East Park, Phase 5, as recorded February 28, 2007, in Volume 33 of Plats at Page 13 of the Records of Jackson County, Oregon (also filed as Survey Number 19538 in the office of the Jackson County Surveyor); thence North 90°00'00" East, along the southerly boundary of said Phase 5, 323.27 feet (Record: 323.30 feet), to the corner common to Lots 174, 175 and 196 of said Phase 5; thence South 00°00'00" West, along the westerly boundary of said Phase 5, 281.28 feet (Record: 281.25 feet), to the Southwest corner of Lot 197 of said Phase 5; thence along the southerly boundary of said Phase 5 the following courses and distances: South 87°02'14" East, 130.17 feet to the southeast corner of Lot 198 and being a point on the westerly right-of-way of Canterwood Drive; thence South 00°00'00" East, along said right-of-way, 2.77 feet; thence North 90°00'00" East, along the southerly boundary of Phase 5 and the northerly boundary of said Instrument Number 95-017501, 677.54 feet to an angle point of said instrument, being common with the westerly boundary of Instrument Number 2004-041947 of the Official Records of Jackson County, Oregon; thence along the common boundary of said Instruments the following courses and distances: South 00°04'56" West, 148.40 feet; thence North 89°46'44" West, 829.78 feet; thence leaving said Instrument Number 2004-041947 boundary and continuing along the southerly boundary of Instrument Number 95-017501, North 89°05'00" West, 296.96 feet to an angle point thereof, being common with the southeast corner of Instrument Number 92-016038 of the Official Records of Jackson County, Oregon; thence along the common boundary thereof, North 00°00'27" West, 413.98 feet; thence North 90°00'00" West, 3.85 feet to the Point of Beginning.

PHASE 13:

All that real property, being portions of those tracts of land as described in Instruments Numbered 92-016038 and 2002-017799 of the Official Records of Jackson County, Oregon, located within the Donation Land Claim Number 58, in the Northwest One-quarter and the Northeast One-quarter of the Southwest One-quarter of Section 27, Township 37 South, Range 1 West of the Willamette Meridian, in the City of Medford, Jackson County, Oregon, as now surveyed and more particularly described as follows:

Beginning at the Southeast corner of Lot 11, Summerfield At South East Park, Phase 1, as recorded December 6, 2002, in Volume 28 of Plats at Page 64 of the Records of Jackson County, Oregon (also filed as Survey Number 17588 in the office of the Jackson County Surveyor); thence along the common boundaries of said Instrument Number 92-016038 and Instrument Number 95-017501 of the Official Records of Jackson County, Oregon, the following courses and distances: North 90°00'00" East, 3.85 feet; thence South 00°00'27" East, 413.98 feet to the southeast corner of said Instrument Number 92-016038; thence leaving said common boundaries, and continuing along the southerly and westerly boundaries of said Instrument Number 92-016038, the following courses and distances: thence North 89°05'00" West, 413.63 feet; thence North 00°04'00" West, 217.37 feet to the southeast corner of said Instrument Number 2002-017799; thence along the southerly and westerly boundaries of last said instrument, the following courses and distances: North 89°12'00" West, 97.95 feet to the Southwest corner of Parcel 3 of that plat recorded September 13, 2004, as Partition Plat Number P-54-2004 of the Records of Partition Plats of Jackson County, Oregon, Index Volume 15 at Page 54 (also filed as Survey Number 18418 in the office of the Jackson County Surveyor); thence North 00°00'00" West, along the easterly boundary of Parcels 1, 2 and 3 of said Partition Plat Number P-54-2004, 188.63 feet to the northeast corner of said Parcel 1, also being a point on the southerly boundary of said Summerfield At South East Park, Phase 1; thence North 90°00'00" East, along the southerly boundary of said Phase and the northerly boundaries of Instruments Numbered 92-016038 and 2002-017799, 507.86 feet to the Point of Beginning.

Cael E. Neathamer, Surveyor

SHEET INDEX table with 3 rows: SHEET 1: THIS SHEET, SHEET 2: EXTERIOR BOUNDARIES AND SURVEY NARRATIVE, SHEET 3: PLAT PAGE, LEGEND AND TABLES

RECEIVED stamp: DATE 6-18-13 BY OP, This survey consists of: 3 sheet(s) Map, 0 page(s) Narrative, JACKSON COUNTY SURVEYOR

REGISTERED PROFESSIONAL LAND SURVEYOR stamp

OREGON JULY 9, 2001 CAEL E. NEATHAMER 56545 stamp

SUMMERFIELD AT SOUTH EAST PARK PHASES 12A AND 13

Located within Donation Land Claim Number 58, in the Northwest and Northeast One-quarters of the Southwest One-quarter of Section 27, Township 37 South, Range 1 West of the Willamette Meridian, in the City of Medford, Jackson County, Oregon.

PREPARED FOR:

MAHAR HOMES, INC. MAHAR BROTHERS CONSTRUCTION CO. LLC ROBERT AND MARILYN HUTCHINS 815 Alder Creek Drive Medford, Oregon 97504

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

APPROVALS:

CITY OF MEDFORD PLANNING FILE NUMBER: LDS-12-031

I certify that, pursuant to the authority granted in Ordinance No. 5785, of the City of Medford Municipal Code, that this plat is hereby approved.

James E. Huber, Planning Director, 6/12/13 Date. Examined and approved this 12 day of JUNE, 2013. City Engineer and City Surveyor signatures.

All taxes, fees, assessments, or other charges as required by O.R.S. 92.095 have been paid as of June 18th, 2013.

Shannon Bell, Tax Collector, and Cynthia Deput, Deputy.

Examined and approved as required by O.R.S. 92.100 this 18th day of JUNE, 2013.

JOSHUA GIBSON, Assessor, and William Johnson, Deputy.

RECORDING

FILED FOR RECORD THIS 18th DAY OF June, 2013 AT 1:55 O'CLOCK P.M. AND RECORDED IN VOLUME 39 OF PLATS AT PAGE 4 OF THE RECORDS OF JACKSON COUNTY, OREGON.

Christie D. Walker, County Clerk, and Jean Shupe, Deputy.

APPROVED FOR RECORDING: County Commissioner/Administrator, 6/18/13 Date

PREPARED BY: Neathamer Surveying, Inc. 3126 State St., Suite 203 P.O. Box 1584 Medford, Oregon 97501 Phone (541) 732-2869 FAX (541) 732-1382

PLOT DATE: May 23, 2013 PROJECT NUMBER: 12034

Sheet 1 of 3 © CN

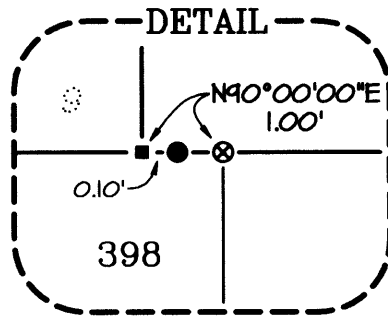
# SUMMERFIELD AT SOUTH EAST PARK PHASES 12A AND 13

PREPARED FOR:

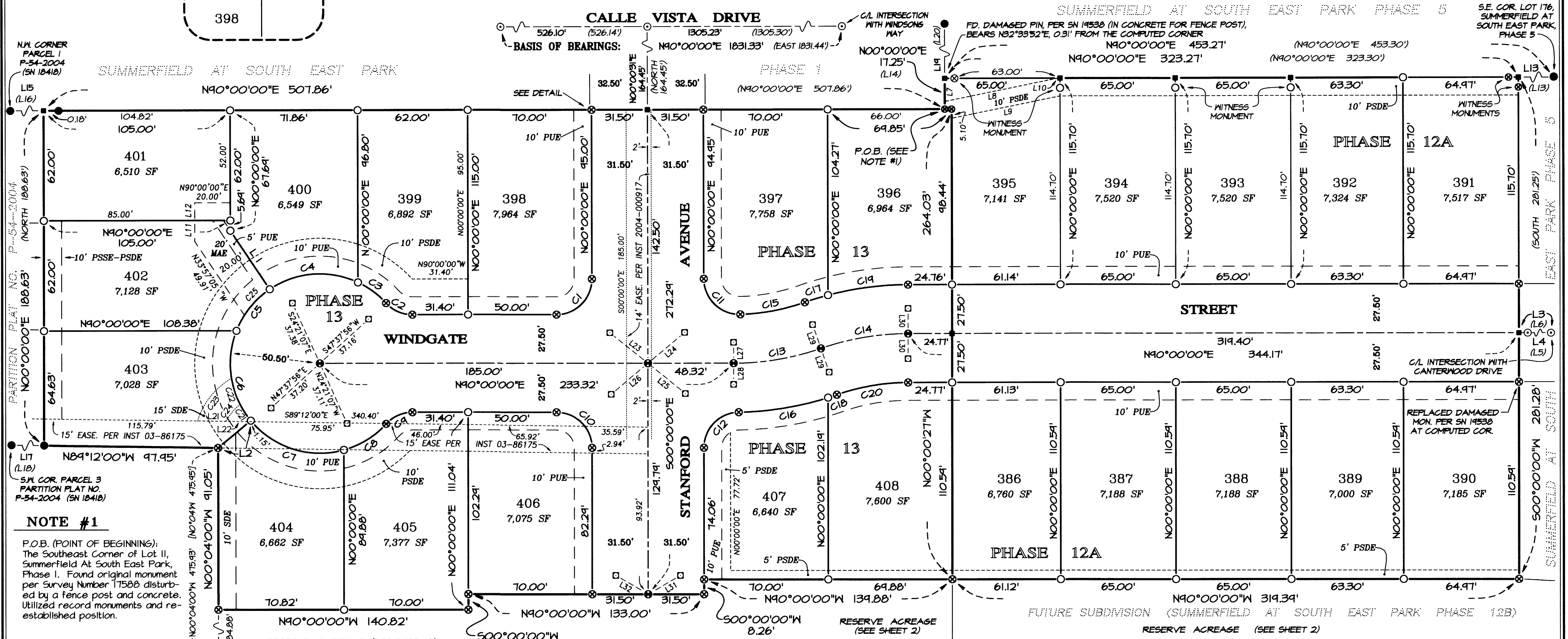
MAHAR HOMES, INC.  
MAHAR BROTHERS CONSTRUCTION CO. LLC  
ROBERT AND MARILYN HUTCHINS  
815 Alder Creek Drive  
Medford, Oregon 97504

I hereby certify that this is an exact copy of the original.

Carl E. Neethamer  
Surveyor



Located within Donation Land Claim Number 58, in the Northwest and Northeast One-quarters of the Southwest One-quarter of Section 27, Township 37 South, Range 1 West of the Willamette Meridian, in the City of Medford, Jackson County, Oregon.



**NOTE #1**

P.O.B. (POINT OF BEGINNING):  
The Southeast Corner of Lot II, Summerfield At South East Park, Phase I. Found original monument per Survey Number 17588 disturbed by a fence post and concrete. Utilized record monuments and re-established position.

**LEGEND:**

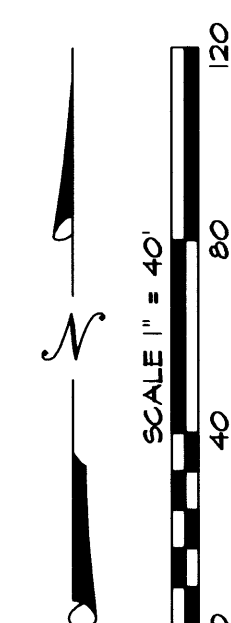
- Indicates a set 5/8-inch diameter by 24-inch long iron pin with an orange plastic cap marked "NEATHAMER SURVEYING".
- ⊗ Indicates a set 5/8-inch diameter by 30-inch long iron pin with an orange plastic cap marked "NEATHAMER SURVEYING".
- ⊕ Indicates a set 5/8-inch diameter by 30-inch long iron pin with an aluminum cap marked "NEATHAMER SURVEYING".
- Indicates a set 038 shell casing in concrete with a tack and brass washer marked "NEATHAMER SURVEYING".
- Indicates a found 5/8-inch diameter iron pin per SN 5123.
- Indicates a found 5/8-inch diameter iron pin with plastic cap marked "D. MINNECI LS 2344" per SN 17588, 18418 and/or 14538.
- Indicates a found aluminum cap marked "LS 2344" per SN 17588, 18418 or 14538.
- Indicates a computed position, nothing found or set.
- [ ] Indicates record information per SN 5123, or as otherwise noted.
- ( ) Indicates record information per SN 17588, 18418 or 14538.
- SF Indicates the number of square feet within a closed area.
- MAE Indicates a Minimum Access Easement, being created hereon.
- PSDE Indicates a Private Storm Drain Easement, being created hereon.
- PUE Indicates a Public Utility Easement, being created hereon.
- SSE Indicates a Public Sanitary Sewer Easement, being created hereon.
- SDE Indicates a Public Storm Drain Easement, being created hereon.

**CURVE TABLE**

CURVE	DELTA	RADIUS	ARC	CHORD BEARING	CHORD
C1	90°00'00"	20.00'	31.42'	S45°00'00"W	28.28'
C2	47°38'32"	20.00'	16.63'	N66°10'44"W	16.16'
C3	22°26'40"	50.50'	19.78'	N53°34'48"W	19.66'
C4	59°08'51"	50.50'	52.13'	S85°37'23"W	49.85'
C5	34°33'31"	50.50'	30.46'	S38°46'09"W	30.00'
C6	61°04'59"	50.50'	53.84'	S09°03'06"E	51.32'
C7	65°54'44"	50.50'	58.09'	S72°32'51"E	54.94'
C8	32°08'13"	50.50'	28.33'	N58°25'35"E	27.96'
C9	47°38'32"	20.00'	16.63'	N66°10'44"E	16.16'
C10	90°00'00"	20.00'	31.42'	S45°00'00"E	28.28'
C11	91°46'42"	20.00'	32.04'	S45°53'21"E	28.72'
C12	89°04'38"	20.00'	31.09'	N44°32'19"E	28.06'
C13	19°07'21"	150.00'	50.06'	N80°26'19"E	49.83'
C14	19°07'21"	150.00'	50.06'	N80°26'19"E	49.83'
C15	17°20'40"	122.50'	37.00'	N79°32'58"E	36.94'
C16	16°30'41"	177.50'	51.15'	N80°49'17"E	50.97'
C17	04°24'16"	177.50'	13.64'	N73°04'47"E	13.64'
C18	01°41'18"	177.50'	5.23'	N71°43'18"E	5.23'
C19	14°43'05"	177.50'	45.60'	N82°38'27"E	45.47'
C20	19°07'21"	122.50'	40.88'	N80°26'19"E	40.70'
C21	12°25'25"	50.50'	10.95'	N33°22'53"W	10.93'
C22	17°40'36"	50.50'	15.58'	N18°19'53"W	15.52'
C23	42°22'04"	42.50'	31.43'	S38°36'26"W	30.72'
C24	26°04'55"	27.50'	12.52'	S40°04'49"W	12.41'
C25	23°19'51"	50.50'	20.56'	S44°22'59"W	20.42'

**BASIS OF BEARINGS:**

The centerline of Calle Vista Drive per Summerfield At South East Park, Phases 1 and 5, filed as Survey Number 14538 in the office of the Jackson County Surveyor.



**\*\* RECEIVED \*\***  
DATE 6-18-13 BY OR  
This survey consists of:  
3 sheet(s) Map  
0 page(s) Narrative  
JACKSON COUNTY SURVEYOR

REGISTERED PROFESSIONAL LAND SURVEYOR  
Carl E. Neethamer  
OREGON JULY 9, 2001  
CAEL E. NEATHAMER 56545  
Renewal Date 12/31/14

**LINE TABLE**

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	N33°51'05"W	39.68'	L17	N89°12'00"W	181.05'
L2	N50°24'25"E	24.02'	L18	N89°12'00"W	181.02'
L3	N90°00'00"E	151.50'	L19	N00°00'00"E	114.70'
L4	N90°00'00"E	152.48'	L20	NORTH	114.75'
L5	EAST	152.50'	L21	S89°12'00"E	16.06'
L6	EAST	151.50'	L22	S89°12'00"E	13.33'
L7	N00°00'00"E	12.93'	L23	S51°11'29"E	27.50'
L8	N78°34'45"E	62.39'	L24	S49°56'57"W	21.06'
L9	N78°34'45"E	62.39'	L25	N51°11'29"W	27.11'
L10	N90°00'00"E	1.00'	L26	N49°56'57"E	27.06'
L11	N00°00'00"E	11.80'	L27	S00°00'00"E	11.75'
L12	N00°00'00"E	10.00'	L28	N00°00'00"E	11.88'
L13	N90°00'00"E	130.00'	L29	S19°07'21"E	14.23'
L14	NORTH	17.20'	L30	N00°00'00"E	14.17'
L15	N90°00'00"W	124.86'	L31	N54°54'39"E	21.06'
L16	WEST	125.00'	L32	N60°00'21"W	21.04'

**PREPARED BY:**

Neethamer Surveying, Inc.  
3126 State St, Suite 203  
P.O. Box 1584  
Medford, Oregon 97501  
Phone (541) 732-2869  
FAX (541) 732-1382

PLOT DATE: May 23, 2013

PROJECT NUMBER: 12034

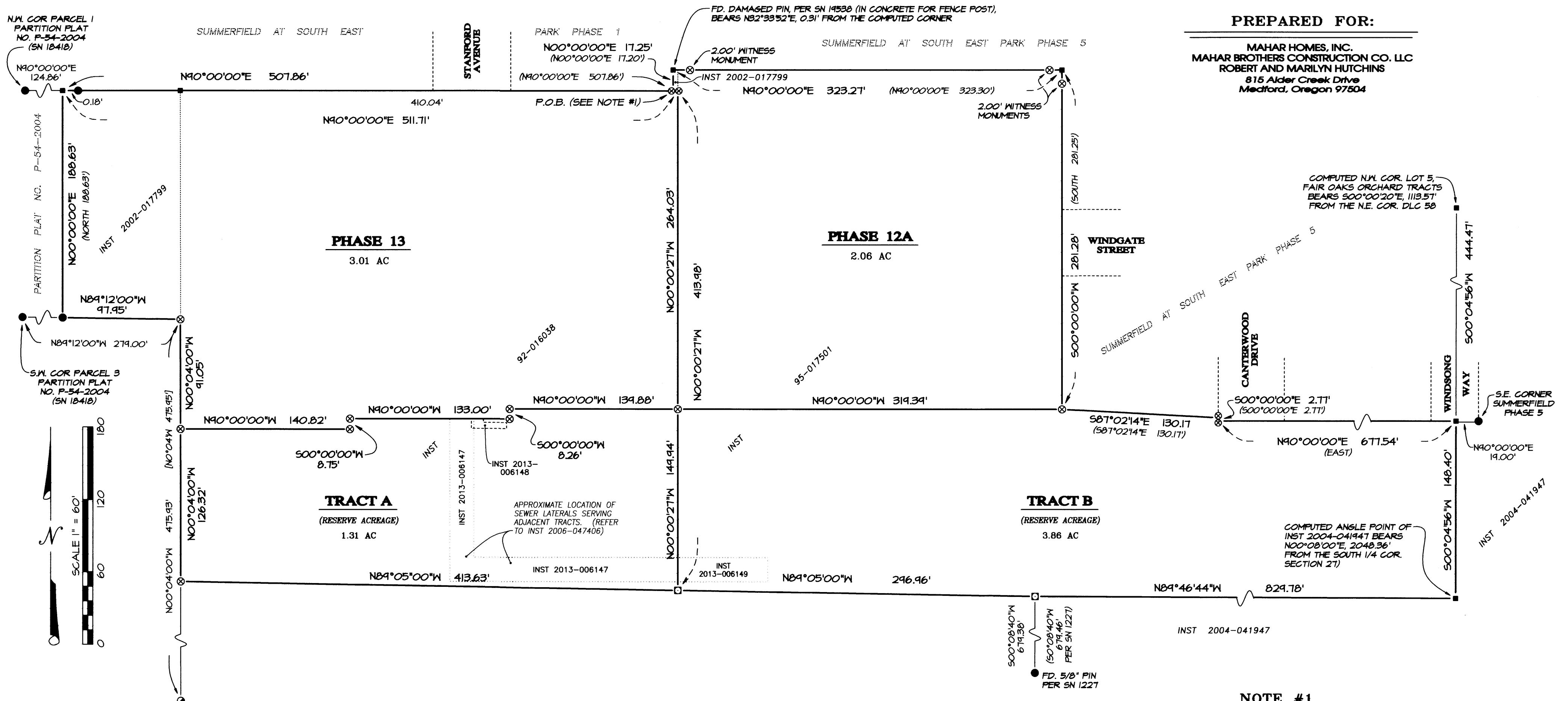


# SUMMERFIELD AT SOUTH EAST PARK PHASES 12A AND 13

Located within Donation Land Claim Number 58, in the Northwest and Northeast One-quarters of the Southwest One-quarter of Section 27, Township 37 South, Range 1 West of the Willamette Meridian, in the City of Medford, Jackson County, Oregon.

## PREPARED FOR:

**MAHAR HOMES, INC.**  
**MAHAR BROTHERS CONSTRUCTION CO. LLC**  
**ROBERT AND MARILYN HUTCHINS**  
 815 Alder Creek Drive  
 Medford, Oregon 97504



### SURVEY NARRATIVE TO COMPLY WITH PARAGRAPH 209.250, OREGON REVISED STATUTES

**PURPOSE:** Perform a boundary survey and prepare a Final Plat pursuant to Client's Instructions and as approved by the City of Medford Planning Commission (File No. LDS-12-031).

**PROCEDURE:** Utilizing a Trimble S6 robotic instrument, Trimble 5700 GPS Equipment and Trimble Data Collectors with Trimble Survey Controller Software, all found monuments were tied via closed traverses or by redundant ties. Records utilized: Instruments Numbered 92-016038, 95-017501 and 2004-041947 of the Official Records of Jackson County, Oregon; Summerfield At South East Park, Phase 1, recorded December 11, 2002, in Volume 28 of Plats at Page 64 of the Records of Jackson County, Oregon (also filed as Survey Number 17588 in the office of the Jackson County Surveyor); Summerfield At South East Park, Phase 5, recorded February 28, 2007, in Volume 33 of Plats at Page 13 of the Records of Jackson County, Oregon (also filed as Survey Number 19538 in the office of the Jackson County Surveyor); and, the plat recorded September 13, 2004, as Partition Plat Number P-54-2004 of the Records of Partition Plats, Jackson County, Oregon, in Index Volume 15 at Page 54 (also filed as Survey Number 18418 in the office of the Jackson County Surveyor); and, Surveys Numbered 1227 and 7521, as filed in the office of the Jackson County Surveyor.

Utilizing said robotic and GPS equipment, tied the monuments marking the centerline of Calle Vista Drive per said Phases 1 and 5 (Surveys Numbered 17588 and 19538 respectively), to establish the Basis of Bearings hereon.

From which, found and tied controlling corners of said Phases 1 and 5, Partition Plat Number P-54-2004 (Survey Number 18418), and Surveys Numbered 1227 and 7521, together with instruments Numbered 92-016038, 95-017501 and 2004-041947 to establish the exterior boundaries of Phases 12A and 13 hereon.

Monuments depicted hereon, were established between February 14, 2013, through March 4, 2013.

**SEE SHEET 3  
FOR LEGEND**

### NOTE #1

P.O.B. (POINT OF BEGINNING): The Southeast Corner of Lot 11, Summerfield At South East Park, Phase 1. Found original monument per Survey Number 17588 disturbed by a fence post and concrete. Utilized record monuments and re-established position.

### BASIS OF BEARINGS:

The centerline of Calle Vista Drive per Summerfield At South East Park, Phases 1 and 5, filed as Survey Number 19538 in the office of the Jackson County Surveyor.

I hereby certify that this is an exact copy of the original.

*Carl E. Neathamer*  
 Surveyor

**REGISTERED PROFESSIONAL LAND SURVEYOR**

*Carl E. Neathamer*  
 OREGON  
 JULY 9, 2001  
 CAEL E. NEATHAMER  
 56545

Renewal Date 12/31/14

**\*\* RECEIVED \*\***  
 DATE 6-18-13 BY CR  
 This survey consists of:  
 3 sheet(s) Map  
 0 page(s) Narrative  
 JACKSON COUNTY SURVEYOR

**PREPARED BY:** Neathamer Surveying, Inc.  
 3126 State St, Suite 203  
 P.O. Box 1584  
 Medford, Oregon 97501  
 Phone (541) 732-2869  
 FAX (541) 732-1382

**PLOT DATE:** May 23, 2013 **PROJECT NUMBER:** 12034

Sheet 2 of 3 © CN