

# Application for Permanent Water Right Transfer



Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 (503) 986-0900  
[www.oregon.gov/OWRD](http://www.oregon.gov/OWRD)

## Part 1 of 5 – Minimum Requirements Checklist

**This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.**  
 For questions, please call (503) 986-0900, and ask for Transfer Section.

Check all items included with this application. (N/A = Not Applicable)

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- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: [http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator).
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1** List them here: [Certificate 58401](#)  
 Please include a separate Part 5 for each water right. (See instructions on page 6)  
**NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.**

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**Attachments:**

- Completed Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- N/A Oregon Water Resources Department’s Land Use Information Form with approval and signature from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500’ from the surface water source and more than 1000’ upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

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**(For Staff Use Only)**

**WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):**

<input type="checkbox"/> Application fee not enclosed/insufficient	<input type="checkbox"/> Map not included or incomplete
<input type="checkbox"/> Land Use Form not enclosed or incomplete	<input type="checkbox"/> Evidence of Use Form not enclosed or incomplete
<input type="checkbox"/> Additional signature(s) required	<input type="checkbox"/> Part _____ is incomplete

Other/Explanation \_\_\_\_\_

Staff: \_\_\_\_\_ 503- \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

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## Part 2 of 5 – Transfer Application Map

Your transfer application will be returned if any of the map requirements listed below are not met.

Please be sure that the transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see [http://apps.wrd.state.or.us/apps/wr/cwre\\_license\\_view/](http://apps.wrd.state.or.us/apps/wr/cwre_license_view/). CWRE stamp and signature are not required for substitutions.
- N/A If **more than three** water rights are involved, separate maps are needed for each water right.
  - Permanent quality printed with dark ink on good quality paper.
  - The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
  - A north arrow, a legend, and scale.
  - The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
  - Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
  - Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
  - Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
  - Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
  - Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

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## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME <b>Jim King &amp; Betty Jo Colvin</b>		PHONE NO. <b>541-377-5718</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>P.O. Box 192</b>			FAX NO.
CITY <b>Ione</b>	STATE <b>OR</b>	ZIP <b>97843</b>	E-MAIL <b>jking012@centurytel.net</b>
<b>BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.</b>			

**Agent Information** – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME <b>William Porfily</b>		PHONE NO. <b>541-561-7259</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>P.O. Box 643</b>			FAX NO.
CITY <b>Stanfield</b>	STATE <b>OR</b>	ZIP <b>97875</b>	E-MAIL <b>wporfily@gmail.com</b>
<b>BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.</b>			

Explain in your own words what you propose to accomplish with this transfer application, and why:  
**Transfer a portion of his Certificate 58401 from acres of which the School District has purchased, the East side of TL 400, to his acres retained.**

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

### Check One Box

- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**
- I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**
- I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

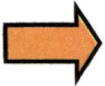
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**By my signature below, I confirm that I understand:**

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: \_\_\_\_\_.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).
- Refunds may only be granted upon request and, as set forth in ORS 536.050(4)(a), if the Director determines that a refund of all or part of a fee is appropriate in the interests of fairness to the public or necessary to correct an error of the Department.

I (we) affirm that the information contained in this application is true and accurate.

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James R. King  
Applicant signature

Betty Jo Colvin  
Applicant signature

Jim King  
Print Name (and Title if applicable)

Date 11-1-23

Betty Jo Colvin  
Print Name (and Title if applicable)

Date 11-01-2023

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located?  Yes  No\* I have attached documents showing I have retained the water rights in the proposed area to be transferred.

\*If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.

Check the following boxes that apply:

- The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer application in the process of being sold?  Yes  No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:

[https://www.oregon.gov/owrd/WRDFormsPDF/Transfer\\_Property\\_Transactions.pdf](https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf)

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	
Describe any special ownership circumstances:				
The confirming Certificate shall be issued in the name of: <input type="checkbox"/> Applicant <input type="checkbox"/> Receiving Landowner				

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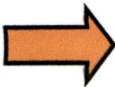
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Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.) N/A

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

Check here if water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity. N/A

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



To meet State Land Use Consistency Requirements, you must list all county, city, municipal corporation, or tribal governments within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME Morrow County	ADDRESS 100 Court St	
CITY Heppner	STATE OR	ZIP 97836

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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## Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

CERTIFICATE # 58401

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### Description of Water Delivery System

System capacity: .05 cubic feet per second (cfs) OR  
 \_\_\_\_\_ gallons per minute (gpm)

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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. 20 HP submersible pump that delivers water through a 4" mainline with a flowmeter, that runs East and West, to a 2" 12 sprinkler handline. The handline runs North and South from the well

**Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)**

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec		¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
<u>Well</u>	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	<u>MORR10</u>	<u>1</u>	<u>S</u>	<u>24</u>	<u>E</u>	<u>3</u>	<u>SW</u>	<u>SW</u>	<u>400</u>	<u>490' North and 870' East from SW corner of Sec 3</u>
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

**Check all type(s) of change(s) proposed below (change "CODES" are provided in parentheses):**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Place of Use (POU)                 | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE)                        | <input type="checkbox"/> Point of Appropriation/Well (POA)        |
| <input type="checkbox"/> Point of Diversion (POD)                      | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD)          | <input type="checkbox"/> Substitution (SUB)                       |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV)              |

**Will all of the proposed changes affect the entire water right?**

- Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- No Complete all of Table 2 to describe the portion of the water right to be changed.

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Please use and attach additional pages of Table 2 as needed.  
See page 6 for instructions.

Do you have questions about how to fill-out the tables?  
Contact the Department at 503-986-0900 and ask for Transfer Staff.

**Table 2. Description of Changes to Water Right Certificate # 58401**

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.  
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
1	S	24	E	3	SW	SW	400		2.8	Supp. IRR	Well	5/26/1977		1	S	24	E	3	SW	SW	400		4.2	Supp. IRR	Well	5/26/1977
1	S	24	E	3	SE	SW	400		1.4	Supp. IRR	Well	5/26/1977														
TOTAL ACRES:							4.2						TOTAL ACRES:							4.2						

Additional remarks: \_\_\_\_\_.

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**For Place of Use or Character of Use Changes**

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands?  Yes  No

If YES, list the certificate, water use permit, or ground water registration numbers: **Certificate 80902**



Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

**For Substitution** (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # \_\_\_\_\_;

Surface water primary Certificate # \_\_\_\_\_.

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**For a change from Supplemental Irrigation Use to Primary Irrigation Use**

Identify the primary certificate to be cancelled. Certificate # \_\_\_\_\_

**For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:**

- Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

**Tip:** You may search for well logs on the Department's web page at:

[http://apps.wrd.state.or.us/apps/gw/well\\_log/Default.aspx](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

**AND/OR**

- Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

**Table 3. Construction of Point(s) of Appropriation**

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right

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# Application for Water Right Transfer

## Evidence of Use Affidavit



Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 (503) 986-0900  
 www.wrd.state.or.us

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing. Supporting documentation must be attached.

State of Oregon )  
 ) ss

County of MORROW

I, JIM KING, in my capacity as OWNER,

mailing address P.O. BOX 192 IONE, OR 97843

telephone number (541)377-5718, being first duly sworn depose and say:

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1. My knowledge of the exercise or status of the water right is based on (check one):

- Personal observation                       Professional expertise

2. I attest that:

Water was used during the previous five years on the **entire** place of use for Certificate #; **58401 OR**

My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township	Range	Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)

OR

- Confirming Certificate # \_\_\_\_\_ has been issued within the past five years; **OR**
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: \_\_\_\_\_ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # \_\_\_\_\_ (For Historic POD/POA Transfers)

(continues on reverse side)

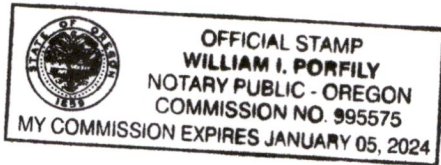
3. The water right was used for: (e.g., crops, pasture, etc.): IRRIGATION

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

James R. King  
Signature of Affiant

11-1-23  
Date

Signed and sworn to (or affirmed) before me this 1 day of NOV, 2023.



William I. Porfily  
Notary Public for Oregon

My Commission Expires: JAN 05, 2024

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of <b>confirming</b> water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> <li>● Power usage records for pumps associated with irrigation use</li> <li>● Fertilizer or seed bills related to irrigated crops</li> <li>● Farmers Co-op sales receipt</li> </ul>
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> <li>● District assessment records for water delivered</li> <li>● Crop reports submitted under a federal loan agreement</li> <li>● Beneficial use reports from district</li> <li>● IRS Farm Usage Deduction Report</li> <li>● Agricultural Stabilization Plan</li> <li>● CREP Report</li> </ul>
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph  <u>Attached is a Google Earth aerial photo from 2021</u>	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.  Sources for aerial photos: OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a> OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> Google Earth – <a href="http://earth.google.com">earth.google.com</a> TerraServer – <a href="http://www.terra-server.com">www.terra-server.com</a>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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# Evidence of use

01/2021  
Jim King

## Legend

- Feature 1
- Feature 2
- Feature 3
- Feature 4
- OR T1S R24E 1435E
- Pettys, Hammer and Howard Ditch

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Ella Rd

Shinn Canyon

Shinn

Google Earth

Image © 2023 Maxar Technologies



Willow Creek  
500 ft

74

Recording Requested By:  
OCWEN LOAN SERVICING, LLC

When Recorded Return To:

LIEN RELEASE  
OCWEN LOAN SERVICING, LLC  
1795 INTERNATIONAL WAY  
IDAHO FALLS, ID 83402

MORROW COUNTY, OREGON 2017-41259  
M-SUBT 11/02/2017 11:39:18 AM  
Cnt=2 Str=23 TC  
\$10.00 \$5.00 \$11.00 \$20.00 \$10.00 \$66.00



I, Bobbi Childers, County Clerk for Morrow County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Bobbi Childers - County Clerk



11/02/2017 11:39:18 AM

**SUBSTITUTION OF TRUSTEE & DEED OF RECONVEYANCE**

OCWEN LOAN SERVICING, L.L.C. #:0685431313 "KING" Lender ID:11560 Morrow, Oregon PIF:  
MIN #: 100037506854313138 SIS #: 1-888-679-6377

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS"), AS DESIGNATED NOMINEE FOR GMAC MORTGAGE CORPORATION, BENEFICIARY OF THE SECURITY INSTRUMENT, ITS SUCCESSORS AND/OR ASSIGNS is the present beneficiary of that certain Deed of Trust, Dated: 01/20/2005 made by JAMES RAYMOND KING as the original Grantor(s), to FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON, as the original Trustee, for the benefit of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS"), AS DESIGNATED NOMINEE FOR GMAC MORTGAGE CORPORATION, BENEFICIARY OF THE SECURITY INSTRUMENT, ITS SUCCESSORS AND/OR ASSIGNS, as the original beneficiary, which Deed of Trust was recorded on 02/02/2005 in Book/Reel/Liber: N/A Page/Folio: N/A as Instrument No.: 2005-13095, in the official records of Morrow County, Oregon

Property Address: 890 HWY 74, IONE, OR 97843

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS"), AS DESIGNATED NOMINEE FOR GMAC MORTGAGE CORPORATION, BENEFICIARY OF THE SECURITY INSTRUMENT, ITS SUCCESSORS AND/OR ASSIGNS HEREBY SUBSTITUTES FIRST AMERICAN TITLE INSURANCE COMPANY, Trustee in lieu of the above named Trustee under said Deed of Trust.

FIRST AMERICAN TITLE INSURANCE COMPANY hereby accepts said appointments as Trustee under said Deed of Trust and, as Successor Trustee, pursuant to the request of said present Beneficiary and in accordance with the provisions of said Deed of Trust does hereby reconvey, without any covenant or warranty express or implied, to the person or persons legally entitled thereto, all of the estate held by the undersigned under said Deed of Trust.

IN WITNESS WHEREOF, the present beneficiary and FIRST AMERICAN TITLE INSURANCE COMPANY have caused these presents to be executed by their duly authorized officers on the dates below written.

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS"), AS DESIGNATED NOMINEE FOR GMAC MORTGAGE CORPORATION, BENEFICIARY OF THE SECURITY INSTRUMENT, ITS SUCCESSORS AND/OR ASSIGNS

On OCT 12 2017  
By: [Signature]  
Alex Quintero, Assistant Secretary

By FIRST AMERICAN TITLE INSURANCE COMPANY as Trustee

On OCT 16 2017  
By: [Signature]  
CHRISTINA ROMINE /Assistant Secretary

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STATE OF Florida  
COUNTY OF Palm Beach

On 10/12/17, before me, SAMUEL E. MORENO, JR, a Notary Public in and for Palm Beach in the State of Florida, personally appeared Alex Quintero, Assistant Secretary, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal,

[Signature]  
SAMUEL E. MORENO, JR  
Notary Expires: 11/08/2020 #GG 045664



(This area for notarial seal)

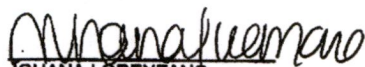
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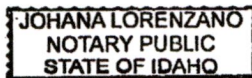
STATE OF Idaho  
COUNTY OF Bonneville

On OCT 16 2017, before me, JOHANA LORENZANO, a Notary Public in and for Bonneville in the State of Idaho, personally appeared CHRISTINA ROMINE, Assistant Secretary, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal,



JOHANA LORENZANO  
Notary Expires: 06/01/2022 #87832



(This area for notarial seal)

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**EXHIBIT "A"**  
**Legal Description**

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**PARCEL 1:**

**A parcel of land located in the Southwest Quarter of Section 3, Township 1 South, Range 24, East of the Willamette Meridian, in the City of Lone, County of Morrow and State of Oregon, described as follows:**

Beginning at a point on the North right of way line of the Oregon-Washington Railroad & Navigation Company, in Section 3, said Township and Range, said point being North 87°20' East 8.93 chains from the intersection of the East line of "H" Street, and the North right of way line of the said Oregon-Washington Railroad & Navigation Company; thence North 87°20' East 11.79 chains along said right of way line; thence North 04°20' East 6.38 chains to the South right of way line of the Oregon-Washington Highway, now known as Heppner Hwy 74; thence South 89°20' West 12.57 chains; thence South 02°40' East 6.74 chains to the Place of Beginning.

**ALSO** Commencing at a point North 54°37' East 10.36 chains from the corner of Sections 3, 4, 9, and 10, said Township and Range, the said point also being South 47°30' East 1.22 chains from the Southeast corner of Lot 8, Block 7, CLUFF'S SEVENTH ADDITION; thence around the tract as follows, to-wit: North 89°20' East 8.93 chains, along the North side of the Oregon-Washington Railroad & Navigation Company right of way; thence North 02°40' West 6.74 chains across the field to the County Road, now known as "H" Street; thence South 89°15' West 8.59 chains, along the South side of said County Road, now known as "H" Street; thence South 7.00 chains to the Place of Beginning.

**EXCEPTING THEREFROM** Beginning at a point on the North right of way line of the Oregon-Washington Railroad & Navigation Company, in Section 3, said Township and Range, said point being North 87°20' East 20.72 chains from the intersection of the East line of "H" Street, and the North right of way line of the Oregon-Washington Railroad & Navigation Company; thence North 04°20' East 6.38 chains to the South right of way line of the Oregon-Washington Highway, now known as Heppner Hwy 74; thence along the said right of way line South 89°20' West 3.12 chains; thence South 04°20' West 6.50 chains to the North right of way line of said Oregon-Washington Railroad & Navigation Company; thence North 87°20' East 3.12 chains along the North right of way line of said Oregon-Washington Railroad & Navigation Company to the Place of Beginning.

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**PARCEL 2:**

**A parcel of land located in the Southwest Quarter of Section 3, Township 1 South, Range 24, East of the Willamette Meridian, in the County of Morrow and State of Oregon, described as follows:**

All that portion of the "Heppner Branch" right of way of the Union Pacific Railroad Company, successor in interest to the Oregon Railway & Navigation Company and the Oregon-Washington Railroad & Navigation Company, situated in the Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter, Easterly of the East right of way line of "H" Street of Section 3, said Township and Range, portions of the afore-described tracts being situated within the limits of the City of Lone, Morrow County, Oregon and portions being situated within the unincorporated portion of said Morrow County.

OWRD

11-40123  
WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That CAPTAIN H.L. GILMORE

After Recording Return To:  
Marion County Abstract  
and Title Company, Inc.

Grantor  
in consideration of ONE HUNDRED TWENTY THOUSAND (120000.00) Dollars,  
to him paid by the Grantee herein; do hereby grant, bargain, sell and convey unto  
JAMES R. KING AND BETTY JO COLVIN, NOT AS TENANTS IN COMMON, BUT WITH THE RIGHT OF  
SURVIVORSHIP

Grantee is the following described real property, situate in the County of MORROW  
State of Oregon, to wit:

"SEE LEGAL DESCRIPTION ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF"

TAX REFERENCE NO. 15 24 3 CD 400, 15 24 3 CC 400

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To Have and to Hold the granted premises unto the said Grantee and their Heirs and Assigns forever.  
And the Grantor do covenant that he is lawfully seized in fee simple of the above granted  
premises free from all encumbrances, EXCEPT EASEMENT RECORDED OCTOBER 12, 1971 BOOK "M", PAGE  
3985, AN AGREEMENT FOR PURCHASES OF POWER RECORDED SEPTEMBER 27, 1977 BOOK "M",  
PAGE 12025, AN EASEMENT RECORDED JANUARY 26, 1979 BOOK "M", PAGE 14852.

and that he will and his heirs, executors and administrators, shall warrant and forever defend the granted  
premises, against the lawful claims and demands of all persons, except as above stated.

Witness my hand and seal this 6 day of May, 1993

Capt. H.L. Gilmore (SEAL)  
CAPTAIN H.L. GILMORE

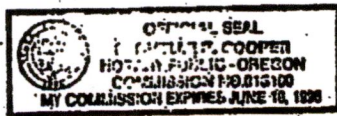
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY  
DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE  
LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR  
ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE  
TITLE TO THE PROPERTY SHOULD CHECK WITH THE  
APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT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

STATE OF OREGON  
County of UNATILLA ) ss.

BE IT REMEMBERED, That on this 06 day of May, 1993, before me, the  
undersigned, a Notary Public in and for said County and State, personally appeared the within named  
CAPTAIN H.L. GILMORE

known to me to be the identical individual described in and who executed the within instrument and acknowledged to  
me that HE executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above  
written.



Michelle E. Cooper  
Notary Public for Oregon  
My Commission expires 06/18/96

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UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL  
BE SENT TO THE FOLLOWING ADDRESS:

JAMES R. KING  
890 HIGHWAY 7A  
IONE, OR 97843  
Return to:  
JAMES R. KING  
890 HIGHWAY 7A  
IONE, OR 97843

STATE OF OREGON  
County of \_\_\_\_\_ ) ss.

I certify that the within instrument was received for  
record on \_\_\_\_\_ o'clock \_\_\_\_\_, and was recorded  
in Book \_\_\_\_\_ Page \_\_\_\_\_ Record  
of Deeds of said county.

Recorder of Conveyances

Parcel 1  
Attesting Deed



LEGAL DESCRIPTION.

Beginning at a point on the North right of way line of the O.W.R. & N. Co., in Section 3, Township 1 South, Range 24, East of the Willamette Meridian, said point being North 87°20' East 8.93 chains from the intersection of the East line of "H" Street of the Town of Ione, Oregon, and the North right of way line of the said O.W.R. & N. Co.;

Thence South 87°20' East 11.79 chains along said right of way line;

Thence North 04°20' East 6.38 chains to the south right of way line of the Oregon-Washington Highway, thence South 89°20' West 12.57 chains, thence South 02°40' East 6.74 chains to the place of beginning, containing 7.99 acres, more or less, and commencing at a point North 54°37' East 10.36 chains from the corner of Section 3, 4, 9 and 10, Township 1 South, Range 24, East of the Willamette Meridian, the said point also being South 47°30' East 1.22 chains from the Southeast corner of Lot 8, Block 7, Cluff's 7th Addition to Ione,

Thence around the tract as follows, to-wit: North 89°20' East 8.93 chains, along the North side of the O.W.R. & N. Co., right of way, Thence North 02°40' West 6.74 chains across the field to the County Road. Thence South 89°15' West 8.59 chains, along the South side of said County Road, Thence South 7.00 chains to the place of beginning, containing 6 acres, more

or less, together with such water rights as are now granted and allotted by the State of Oregon, and covering part of the acreage of the above described premises. EXCEPTING THEREFROM, beginning at a point on the North right of way line of the O.W.R. & N. Co., in Section 3, Township 1 South, Range 24, East of Willamette Meridian, said point being North 87°20' East 20.72 chains from the intersection of the East line of "H" Street to the Town of Ione, Oregon, and the North right of way line of the O.W.R. & N. Co.;

Thence North 04°20' East 6.38 chains to the South right of way line of the Oregon-Washington Highway;

Thence along the said right of way line South 89°20' West 3.12 chains;

Thence South 04°20' West 6.50 chains to the North right of way line of said O.W.R. & N. Co.;

Thence North 87°20' East 3.12 chains along the North right of way line of said O.W.R. & N. Co., to the place of beginning, containing 2 acres, more or less.

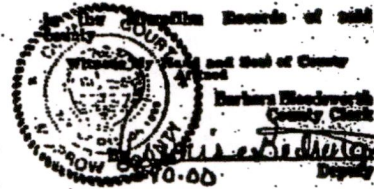
STATE OF OREGON }  
County of Morrow

145527

I hereby certify that the within instrument was received for record.

on May 11, 1993 at 11:30 AM

and assigned 40423



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14359 -

MCTC - Arcam

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


James King  
PO Box 192  
Ione, OR 97843

After Recording Please Return to:  
James King  
PO Box 192  
Ione, OR 97843

MORROW COUNTY, OREGON	<b>2022-52423</b>
D-BS	12/29/2022 10:13:01 AM
Cnt=1 Stn=23 TC	\$96.00
\$15.00 \$11.00 \$10.00 \$60.00	

I, Bobbi Childers, County Clerk for Morrow County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Bobbi Childers - County Clerk



### BARGAIN AND SALE DEED

JAMES R. KING AND BETTY JO COLVIN FORMERLY KNOWN AS BETTY JO COLVIN-KING, Grantors, do hereby grant, bargain, sell and convey unto JAMES R. KING AND BETTY JO COLVIN, AS TENANTS IN COMMON, Grantee, the following described tract of land in the County of Morrow, and State of Oregon, more particularly described as follows:

**SEE EXHIBIT "A" FOR LEGAL DESCRIPTION ATTACHED HERETO:**

**THE TRUE AND ACTUAL CONSIDERATION IS: NONE - TO COMPLETE A LOT LINE ADJUSTMENT.**

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.

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MCTC - #CCAM

Until a change is requested all tax statements should be sent to the following address:  
James King  
PO Box 192  
Ione, OR 97843

After Recording Please Return to:  
James King  
PO Box 192  
Ione, OR 97843

**E-RECORDED** simplifile®

ID: 2022-52423

County: Morrow

Date: 12/29/2022 Time: 10:13:01 am

### BARGAIN AND SALE DEED

JAMES R. KING AND BETTY JO COLVIN FORMERLY KNOWN AS BETTY JO COLVIN-KING, Grantors, do hereby grant, bargain, sell and convey unto JAMES R. KING AND BETTY JO COLVIN, AS TENANTS IN COMMON, Grantee, the following described tract of land in the County of Morrow, and State of Oregon, more particularly described as follows:

**SEE EXHIBIT "A" FOR LEGAL DESCRIPTION ATTACHED HERETO:**

**THE TRUE AND ACTUAL CONSIDERATION IS: NONE - TO COMPLETE A LOT LINE ADJUSTMENT.**

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.

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Dated: 12/28/2022

James R King  
JAMES R. KING

Betty Jo Colvin  
BETTY JO COLVIN

STATE OF OREGON  
COUNTY OF MORROW

This instrument was acknowledged before me this 28 day of December, 2022 by JAMES R. KING.

Krista Anne Price  
Notary Public for the State of OREGON  
My Commission Expires: May 11, 2026



STATE OF OREGON  
COUNTY OF MORROW

This instrument was acknowledged before me this 28 day of December, 2022 by BETTY JO COLVIN.

Krista Anne Price  
Notary Public for the State of OREGON  
My Commission Expires: May 11, 2026



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**EXHIBIT "A"**

**King – King Resultant Legal Description after Lot Line Adjustment**

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 1 SOUTH, RANGE 24 EAST, WILLAMETTE MERIDIAN DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST LINE OF "H" STREET AND THE NORTH RIGHT OF WAY LINE OF THE "HEPPNER BRANCH" OF THE UNION PACIFIC RAILROAD COMPANY, SUCCESSOR IN INTEREST TO THE OREGON RAILWAY & NAVIGATION COMPANY AND THE OREGON-WASHINGTON RAILROAD & NAVIGATION COMPANY; THENCE SOUTH 0°28'54" EAST 48.05 FEET ALONG SAID EAST LINE TO A POINT LYING 48.00 FEET SOUTHERLY OF SAID NORTH RIGHT OF WAY LINE WHEN MEASURED AT RIGHT ANGLES; THENCE NORTH 86°48'06" EAST 449.48 FEET ALONG A LINE 48.00 FEET SOUTHERLY OF AND PARALLEL WITH SAID NORTH RIGHT OF WAY LINE OF THE "HEPPNER BRANCH"; THENCE NORTH 2°10'06" WEST 500.03 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF THE HEPPNER HIGHWAY; SAID POINT BEING ON A 1402.39 FEET RADIUS CURVE CONCAVE TO THE SOUTH (THE LONG CHORD OF WHICH BEARS SOUTH 80°15'16" WEST 351.61 FEET); THENCE WESTERLY 352.54 FEET ALONG THE ARC OF SAID CURVE AND SAID SOUTHERLY RIGHT OF WAY LINE THROUGH A CENTRAL ANGLE OF 14°24'11"; THENCE SOUTH 73°38'10" WEST 90.12 FEET ALONG SAID SOUTHERLY RIGHT OF WAY LINE TO THE INTERSECTION WITH THE EAST LINE OF SAID "H" STREET; THENCE SOUTH 0°28'54" EAST 395.34 FEET ALONG SAID EAST LINE TO THE INTERSECTION WITH THE NORTH RIGHT OF WAY LINE OF SAID "HEPPNER BRANCH" AND THE POINT OF BEGINNING. CONTAINING 4.89 ACRES, MORE OR LESS.

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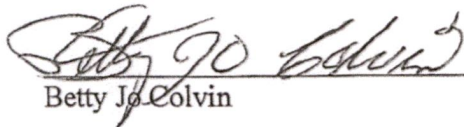
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**SPECIAL INSTRUCTIONS**  
**TO**  
**MID-COLUMBIA TITLE COMPANY**  
**AS ESCROW AGENT**  
**FILE NO. 12047**

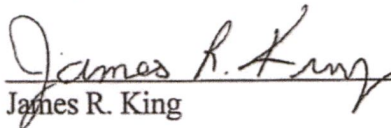
The undersigned is signing a Warranty Deed for the sale of property described on Exhibit A attached hereto and depicted in yellow on the attached map to Ione School District for the sum of \$220,000.00. Betty Jo Colvin is to receive 50% of the sale proceeds from the sale of this property and will be responsible for 50% of the IRS reporting. James R. King is to receive 50% of the sale proceeds from the sale of this property and will be responsible for 50% of the IRS reporting

We understand that we have full responsibility for the contents of said documents and have had the opportunity to review and approve the contents prior to their execution. We have been informed by Mid-Columbia Title Company that we should seek legal counsel if we have any questions regarding the forms that escrow has been directed to prepare or the legal consequences of executing these documents.

**It is understood by the parties signing the above Escrow instructions or those Escrow Instructions which are attached hereto that such instructions constitute the whole agreement between this firm as an Escrow Agent and you as Principal to the Escrow transaction. These Instructions may not include all the terms of the agreement which is the subject of this Escrow. Read these Instructions carefully and do not sign them unless they are acceptable to you.**

  
Betty Jo Colvin

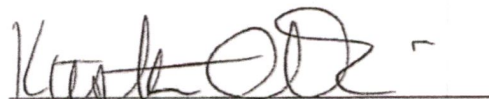
Date 12-28-2022

  
James R. King

Date 12.28.22

State of Oregon  
County of Morrow

Acknowledged before me this 28<sup>th</sup> day of December, 2022 by Betty Jo Colvin.

  
Notary Public for Oregon  
My Commission Expires: May 11, 2026



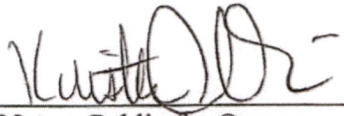
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State of Oregon  
County of Morrow

Acknowledged before me this 28 day of December, 2022 by James R. King.

  
\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: May 11, 2026



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**EXHIBIT "A"**  
**Legal Description**

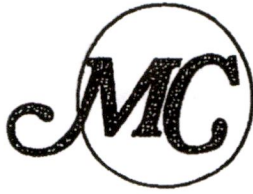
**A parcel of land located in the Southwest Quarter of Section 3, Township 1 South, Range 24, East of the Willamette Meridian, in the County of Morrow and State of Oregon, described as follows:**

Commencing at the intersection of the East line of "H" Street and the North right of way line of the "Heppner Branch" of the Union Pacific Railroad Company, successor in interest to the Oregon Railway & Navigation Company and the Oregon-Washington Railroad & Navigation Company; thence South 0°28'54" East 100.11 feet along said East line to the intersection of said East line with the South right of way line of said "Heppner Branch", said intersection being the Northwest corner of that property described in Statutory Warranty Deed conveyed to Christman recorded June 25, 2009 under Instrument number 2009-24234 and the Point of Beginning; thence North 86°48'06" East 1154.25 feet along said South right of way line to the intersection of the Southwesterly projection of the West line of that property described in Deed conveyed to Robin Krebs recorded November 9, 2007 under Instrument number 2007-20757 and the South right of way line of said "Heppner Branch"; thence North 3°22'48" East 530.79 feet, more or less along the West line of said Krebs description and the Southwesterly projection thereof to the Southerly right of way line of the Heppner Highway; thence South 88°40'51" West 738.83 feet along said Southerly right of way to the beginning of a curve concave to the South (the long chord of which bears South 88°21'36" West 15.70 feet); thence Westerly 15.70 feet along the arc of said curve through a central angle of 0°38'29"; thence South 2°10'06" East 500.03 feet to a point lying 48.00 feet Southerly of the North right of way line of said "Heppner Branch" when measured at right angles; thence South 86°48'06" West 449.48 feet along a line 48.00 feet Southerly of and parallel with said North right of way line of the "Heppner Branch" to the East line of said "H" Street; thence South 0°28'54" East 52.06 feet along said East line to the South right of way line of the "Heppner Branch" and the Point of Beginning.

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# Mid-Columbia Title Company

205 E. BOARDMAN AVE. / P.O. BOX 280 • BOARDMAN, OR 97818  
(541) 481-2280 • FAX (541) 481-3280

## 3<sup>rd</sup> Supplemental PRELIMINARY TITLE REPORT

READ AND APPROVED

X SB  
X ERK

Sykes Real Estate  
David Sykes  
david@rapidsolve.net

1. **DATE:** December 20, 2022

**FILE NUMBER:** 12047

2. **POLICY OR POLICIES TO BE ISSUED:**

- |     |  |   |
|-----|--|---|
| (a) | Owner's Policy (ALTA Owner's Policy (2006))<br>Proposed Insured:<br><b>IONE SCHOOL DISTRICT—</b> | Policy Amount <b>\$220,000.00</b><br>Premium: <b>\$750.00</b> ✓ |
| (b) | Government Search Fee  | Premium: <b>\$10.00</b>   |

3. This is a preliminary billing only; a consolidated statement of all charges, credits, and advances, if any, in connection with this order will be provided at closing.

**MID-COLUMBIA TITLE COMPANY** is prepared to issue on request and on recording of any appropriate documents, a policy or policies as applied for, with coverages as indicated, based on this title report. The policy(s) of title insurance to be issued hereunder will be policy(s) of First American Title Insurance Company, a Nebraska company.

As of December 19, 2022 at 8:00 A.M., Fee Title to the property described herein is vested in:


**JAMES R. KING and BETTY JO COLVIN, also known as BETTY JO COLVIN-KING, as tenants in common—**

subject only to the exceptions shown herein and to the terms, conditions, and exceptions contained in the policy form. No liability is assumed until a full premium has been paid.

4. The land referred to in this title report is described as follows:

**SEE EXHIBIT "A" ATTACHED HERETO—**

**MID-COLUMBIA TITLE COMPANY**

By: Renee J. Grace by   
**RENEE J. GRACE**

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**EXCEPTIONS:**

- 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; proceedings by a public agency which may result in taxes or assessments; or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
- ② 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, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.

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- 4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
- 5. Any lien or right to a lien, for services, labor, material, equipment rental, or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.
- 6. Unpatented mining claims whether or not shown by the Public Records.
- 7. Water rights, claims to water or title to water, whether or not such rights are a matter of public record.
- ~~8. INTENTIONALLY DELETED. (2022-2023 Morrow County taxes are now paid in full, see below).~~
- 9. The assessment roll and the tax roll disclose that the within described premises were specially assessed as Farm Use Land. If the land has become disqualified for the special assessment under the statute, an additional tax, interest and penalties thereon may be levied for the years in which the land was subject to the special land use assessment.
- 10. The rights of the public in roads and highways.
- ~~11. City liens, for the City of Ione, if any.~~
- 12. Grant of Easement, including the terms and provisions thereof, in favor of Pacific Northwest Bell Telephone Company, recorded October 12, 1971, as Microfilm No. M-3985, Morrow County Microfilm Records.
- 13. Right of Way for Electric Transmission and Distributing Lines, including the terms and provisions thereof, in favor of Columbia Basin Electric Cooperative, Inc., dated January 25, 1979, recorded January 26, 1979, as Microfilm No. M-14852, Morrow County Microfilm Records.
- 14. Easement Deed & Agreement, including the terms and provisions thereof, by and between James R. King and Betty Jo Colvin-King, as Grantors, and Union Pacific Railroad Company, a Utah corporation, as Grantee, dated September 5, 1995, recorded September 22, 1995, as Microfilm No. M-46071, Morrow County Microfilm Records.
- 15. Right-of-way Easement, including the terms and provisions thereof, in favor of City of Ione, a municipal corporation and subdivision of the State of Oregon, recorded August 7, 2000, as Microfilm No. 2000-1740, Morrow County Microfilm Records.

*out w/ Betty Jo Signing Deed*

16. Terms and Conditions as contained in Section 10 of Stipulated Decree of Dissolution and Money Judgment between James Raymond King, as Petitioner, and Betty Jo Colvin King, as Respondent, in Circuit Court Case No. 01CV075 filed August 23, 2001, Morrow County Circuit Court Records.

NOTE: Taxes for 2022-23	\$4,188.76 Paid in Full <b>**Affects other property also</b> (Map and Tax Lot No. 1S-24-03CC / 400) (Account No. 4673) *Map No, Tax Lot No, and Acct No are subject to change due to Lot Line Adjustment
NOTE: Taxes for 2022-23	\$141.16 Paid in Full <b>**Affects other property also</b> (Map and Tax Lot No. 1S-24-03CD / 400) (Account No. 4685) *Map No, Tax Lot No, and Acct No are subject to change due to Lot Line Adjustment
NOTE: Taxes for 2022-23	\$2.19 Paid in Full <b>**Affects other property also</b> (Map and Tax Lot No. 1S-24-03C / 400) (Account No. 8938) *Map No, Tax Lot No, and Acct No are subject to change due to Lot Line Adjustment
NOTE: Taxes for 2022-23	\$0.76 Paid in Full <b>**Affects other property also</b> (Split Code for 1S-24-03C / 400) (Account No. 11609) *Map No, Tax Lot No, and Acct No are subject to change due to Lot Line Adjustment

*2.24 acres from this parcel = \$29.87*  
*24,088/acre taken = \$171.03 to private owner subject 2 parcels*

NOTE: We have been advised that the addresses of said premises are:  
**890 Hwy 74, Ione, OR 97843 (Subject to change due to Lot Line Adjustment)**  
 AND  
**910 Hwy 74, Ione, OR 97843 (Subject to change due to Lot Line Adjustment)**

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**NOTE:** Any map or sketch enclosed or attached hereto is furnished for information purposes only to assist in property location. No representation is made as to accuracy of the map and Mid-Columbia Title Company assumes no liability for any loss occurring by reason of reliance thereon.

**CC:**

Mid-Columbia Title Company  
Krista Price, Escrow Officer  
kprice@midcotitle.com

James King  
PO Box 192  
Ione, OR 97843

Ione School District  
Jerry Rietmann  
ellaresources@zimbracloud.com

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# Mid-Columbia Title Company

P.O. Box 290 ~ 205 E. Boardman Ave., Boardman, OR 97818

Phone: (541) 481-2280 ~ Fax: (541) 481-3280

## DISBURSEMENT ESCROW INSTRUCTIONS

To: Mid-Columbia Title Company

Escrow #12048 ~~£~~ 12047

I/we hereby authorize and instruct Mid-Columbia Title Company to disburse the net proceeds in the following manner:

I/we will PICK UP our proceeds check in your office.  
Please call when the check is ready: Phone Number \_\_\_\_\_

DEPOSIT THE FUNDS in my/our bank account: (Only banks located in Boardman, OR, ie. Bank of Eastern Oregon or Banner Bank) Attach Deposit Slip.  
Name of Bank \_\_\_\_\_, Branch \_\_\_\_\_  
Account No. \_\_\_\_\_

WIRE the funds to the following account:  
Name of Bank \_\_\_\_\_, Phone No. \_\_\_\_\_  
Address of Branch Location \_\_\_\_\_  
ABA Number/Routing Number for wires \_\_\_\_\_  
Account Number \_\_\_\_\_

Account must be in the name of the undersigned.

**NOTE: UP TO TWO ATTEMPTS WILL BE MADE TO WIRE FUNDS. IF INFORMATION PROVIDED IS INSUFFICIENT FOR THE COMPLETION OF WIRING, FUNDS WILL BE MAILED TO CUSTOMER AT THE ADDRESS OF RECORD.**

MAIL the funds to the undersigned at the following address:

\_\_\_\_\_  
Send by regular mail unless indicated below:

Overnight express. By checking this box, I/we authorize you to deduct a charge of up to \$30.00 to cover the mailing fee.

Special Instructions: \_\_\_\_\_

IT IS UNDERSTOOD BY THE PARTIES SIGNING THE ABOVE OR ATTACHED INSTRUCTIONS THAT THE INSTRUCTIONS ARE THE COMPLETE INSTRUCTIONS BETWEEN THIS FIRM AS AN ESCROW AGENT AND YOU AS A PRINCIPAL TO THE ESCROW TRANSACTION. THESE INSTRUCTIONS MAY NOT INCLUDE ALL THE TERMS OF THE AGREEMENT WHICH IS THE SUBJECT OF THE ESCROW. READ THESE INSTRUCTIONS CAREFULLY, AND DO NOT SIGN THEM UNLESS THEY ARE ACCEPTABLE TO YOU.

James R. King  
James R. King

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# Mid-Columbia Title Company

P.O. Box 290 ~ 205 E. Boardman Ave., Boardman, OR 97818

Phone: (541) 481-2280 ~ Fax: (541) 481-3280

Escrow No. 12047

Transferor's/Seller Name: James R. King

Property Address: NKA, Ione, OR 97843

## Preliminary Statement regarding Exempt Status Tax Withholding for Certain Transfers of Oregon Real Property Interests Oregon Revised Statutes 314.258

Please read over and complete this form: it will be used to help determine whether or not escrow needs to withhold tax which may be due to the State of Oregon because of the sale of this property. Generally speaking, if you are a resident of the State of Oregon, or are a "C" corporation doing business in this State, escrow does not need to withhold tax. Please read through the attached list and mark any and all that apply: if you are one of these entities (with some exceptions for trusts) then we will not have to withhold tax if you return this form to us. If you do not return this form to us, or check "None of the Above", then we will need additional information and/or forms to be completed, and you may be subject to withholding. For additional information on withholding you may wish to check out the Department of Revenue's website at: [http://www.oregon.gov/DOR/PERTAX/nonresident\\_withholding.shtml](http://www.oregon.gov/DOR/PERTAX/nonresident_withholding.shtml) & <http://www.oregon.gov/DOR/PERTAX/docs/2008Forms/101-183-08.pdf>

The undersigned transferor hereby affirms that, as of the date of closing with respect to the sale of the above described property closed through the above referenced escrow, the undersigned transferor is (check the box that applies):

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> A resident of the State of Oregon as of the date of closing.<br>Please provide resident address:<br><u>910 E. Hwy 74</u><br><u>Ione, OR 97843</u> | <input type="checkbox"/> An Estate   |
| <input type="checkbox"/> A "C" Corporation formed in the State of Oregon or registered and qualified to do business in the State of Oregon.   | <input type="checkbox"/> A General Partnership   |
| <input type="checkbox"/> A Trust; if the Seller is a Trust:   | <input type="checkbox"/> An "S" Corporation  |
| • Does it have a separate tax ID number, or does it use the tax ID number of a party to the trust?<br>____ Separate Tax ID<br>____ Same as another Party                              | <input type="checkbox"/> A Limited Partnership   |
| • Is the Trust Irrevocable? ____ Yes ____ No  | <input type="checkbox"/> A Non-profit Corporation  |
| • Is the Grantor/Trustor currently using the property for his/her benefit? ____ Yes ____ No   | <input type="checkbox"/> A Limited Liability Corporation (L.L.C.) with more than one member.       |
| (If the Seller is a Trust, we may need additional information in order to determine if withholding of tax is required.)   | <input type="checkbox"/> An Agency or instrumentality of the United States or the State of Oregon. |
|   | <input type="checkbox"/> A City, County or other Municipal or Public Corporation.                  |
|   | <input type="checkbox"/> None of the above.  |

James R. King  
James R. King

Date: 12-28-22

**IF YOU CHECK ANY BOX OTHER THAN "NONE OF THE ABOVE", SUBMIT THE SIGNED AND DATED FORM TO YOUR ESCROW OFFICER.**

**IF YOU CHECK "NONE OF THE ABOVE", YOU MUST COMPLETE OREGON DEPARTMENT OF REVENUE (DOR) FORM WC AND SUBMIT IT TO THE CLOSING AGENT BEFORE CLOSING. CONTACT YOUR CLOSING AGENT TO OBTAIN THIS FORM.**

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**SELLER'S CERTIFICATION OF NON-FOREIGN STATUS UNDER  
FOREIGN INVESTMENT IN REAL PROPERTY TAX ACT ("FIRPTA") (26 U.S.C. 1445)**

All items in this form must be completed by each seller. All sellers must have a taxpayer identification number (TIN) even if sellers CANNOT provide this certification and FIRPTA withholding must be done.

ATIN is not an indication that the seller is a resident alien or U.S. Citizen.

Section 1445 of the Internal Revenue Code provides that a transferee (buyer) of a U.S. real property interest must withhold tax if the transferor (seller) is a foreign person.

**THIS SECTION FOR INDIVIDUAL TRANSFEROR: EACH SELLER MUST COMPLETE AND SIGN. ADD SIGNATURE LINES OR MAKE COPIES FOR EACH SELLER TO COMPLETE:**

To inform the transferee (buyer) that withholding of tax is not required upon my disposition of a U.S. real property interest, the undersigned seller hereby certifies the following:

1. I AM ( ) AM NOT (  ) a nonresident alien for purposes of U.S. income taxation (if you are a nonresident alien, withholding will be done unless another exemption applies) <sup>10</sup>
2. My U.S. Taxpayer Identification (Social Security) Number is, #543-70-2462
3. My home address is PO Box 192 - 910 E. Hwy 74  
lone, OR 97843

I understand that this certification may be disclosed to the Internal Revenue Service by the transferee and that any false statement I have made here could be punished by fine, imprisonment, or both. Under penalties of perjury I declare that I have examined this certification and to the best of my knowledge and belief it is true, correct, and complete.

12.28.22  
Date

James R. King  
Printed Name: James R. King

**THIS SECTION FOR ENTITY TRANSFEROR:**

For U.S. tax purposes (including Section 1445), the owner of a disregarded entity (which has legal title to a U.S. real property interest under local law) will be the transferor of the property and not the disregarded entity. To inform the transferee that withholding of tax is not required upon the disposition of a U.S. real property interest by the undersigned, the undersigned hereby certifies the following on behalf of Transferor:

1. Transferor IS ( ) IS NOT ( ) a foreign corporation, foreign partnership, foreign trust, or foreign estate (as those terms are defined in the Internal Revenue Code and Income Tax Regulations) (if you are a foreign entity, withholding will be done unless another exemption applies);
2. Transferor IS ( ) IS NOT ( ) a disregarded entity as defined in Section 1.1445-2(b)(2)(iii);
3. Transferor's U.S. employer identification number is \_\_\_\_\_
4. Transferor's office address \_\_\_\_\_

Transferor understands that this certification may be disclosed to the Internal Revenue Service by transferee and that any false statement contained herein could be punished by fine, imprisonment, or both.

Under penalties of perjury I declare that I have examined this certification and to the best of my knowledge and belief it is true, correct, and complete, and I further declare that I have authority to sign this document on behalf of Transferor.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name:

\_\_\_\_\_  
Printed Name:

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(12047.PFD/12047/21)

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Until a change is requested all tax statements should be sent to Grantee at the following address:

Ione School District  
PO Box 167  
Ione, OR 97843

After Recording Please Return to:

Ione School District  
PO Box 167  
Ione, OR 97843

## STATUTORY WARRANTY DEED

JAMES R. KING AND BETTY JO COLVIN FORMERLY KNOWN AS BETTY JO COLVIN-KING, Grantors herein, do hereby grant, bargain, sell, convey and warrant unto IONE SCHOOL DISTRICT, a duly organized School District of the State of Oregon, Grantee, the following described tract of land in the County of Morrow, and State of Oregon, more particularly described as follows:

FOR LEGAL DESCRIPTION SEE EXHIBIT "A" ATTACHED HERETO:

The Grantors do covenant that they are lawfully seized in fee simple of the above granted premises free from all encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any, and that they will, and their successors heirs, executors and administrators shall warrant and forever defend the granted premises, against the lawful claims and demands of all persons, except as stated below: Those items shown on Exhibit B.

**THE TRUE AND ACTUAL CONSIDERATION IS \$220,000.00.**

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.

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Dated this 28 day of December, 2022.

James R. King  
JAMES R. KING

Betty Jo Colvin  
BETTY JO COLVIN

STATE OF OREGON

COUNTY OF MORROW

This record was acknowledged before me this 28 day of December, 2022 by JAMES R. KING.

Krista Anne Price  
Notary Public for the State of OREGON  
My Commission Expires: may 11, 2026



STATE OF OREGON

COUNTY OF MORROW

This record was acknowledged before me this 28 day of December, 2022 by BETTY JO COLVIN.

Krista Anne Price  
Notary Public for the State of OREGON  
My Commission Expires: may 11, 2026



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**EXHIBIT "A"**  
**Legal Description**

**A parcel of land located in the Southwest Quarter of Section 3, Township 1 South, Range 24, East of the Willamette Meridian, in the County of Morrow and State of Oregon, described as follows:**

Commencing at the intersection of the East line of "H" Street and the North right of way line of the "Heppner Branch" of the Union Pacific Railroad Company, successor in interest to the Oregon Railway & Navigation Company and the Oregon-Washington Railroad & Navigation Company; thence South 0°28'54" East 100.11 feet along said East line to the intersection of said East line with the South right of way line of said "Heppner Branch", said intersection being the Northwest corner of that property described in Statutory Warranty Deed conveyed to Christman recorded June 25, 2009 under Instrument number 2009-24234 and the Point of Beginning; thence North 86°48'06" East 1154.25 feet along said South right of way line to the intersection of the Southwesterly projection of the West line of that property described in Deed conveyed to Robin Baker Krebs recorded November 9, 2007 under Instrument number 2007-20757 and the South right of way line of said "Heppner Branch"; thence North 3°22'48" East 530.79 feet, more or less along the West line of said Krebs description and the Southwesterly projection thereof to the Southerly right of way line of the Heppner Highway; thence South 88°40'51" West 738.83 feet along said Southerly right of way to the beginning of a curve concave to the South (the long chord of which bears South 88°21'36" West 15.70 feet); thence Westerly 15.70 feet along the arc of said curve through a central angle of 0°38'29"; thence South 2°10'06" East 500.03 feet to a point lying 48.00 feet Southerly of the North right of way line of said "Heppner Branch" when measured at right angles; thence South 86°48'06" West 449.48 feet along a line 48.00 feet Southerly of and parallel with said North right of way line of the "Heppner Branch" to the East line of said "H" Street; thence South 0°28'54" East 52.06 feet along said East line to the South right of way line of the "Heppner Branch" and the Point of Beginning.

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Statutory Warranty Deed  
King - Ione School District

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**EXHIBIT "B"**

1. Unpatented mining claims whether or not shown by the Public Records.
2. Water rights, claims to water or title to water, whether or not such rights are a matter of public record.
3. The assessment roll and the tax roll disclose that the within described premises were specially assessed as Farm Use Land. If the land has become disqualified for the special assessment under the statute, an additional tax, interest and penalties thereon may be levied for the years in which the land was subject to the special land use assessment.
4. The rights of the public in roads and highways.
5. Grant of Easement, including the terms and provisions thereof, in favor of Pacific Northwest Bell Telephone Company, recorded October 12, 1971, as Microfilm No. M-3985, Morrow County Microfilm Records. *(Affects Parcel 1)*
6. Right of Way for Electric Transmission and Distributing Lines, including the terms and provisions thereof, in favor of Columbia Basin Electric Cooperative, Inc., dated January 25, 1979, recorded January 26, 1979, as Microfilm No. M-14852, Morrow County Microfilm Records. *(Affects Parcel 1)*
7. Easement Deed & Agreement, including the terms and provisions thereof, by and between James R. King and Betty Jo Colvin-King, as Grantors, and Union Pacific Railroad Company, a Utah corporation, as Grantee, dated September 5, 1995, recorded September 22, 1995, as Microfilm No. M-46071, Morrow County Microfilm Records. *(Affects Parcel 2)*
8. Right-of-way Easement, including the terms and provisions thereof, in favor of City of Ione, a municipal corporation and subdivision of the State of Oregon, recorded August 7, 2000, as Microfilm No. 2000-1740, Morrow County Microfilm Records. *(Affects Parcels 1 and 2)*
9. **Reservation unto James R. King and Betty Jo Colvin, Grantors, in and to all of the ownership of Water Rights described in Water Right Certificate No. 80902 and Water Right Certificate No. 58401.**

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**Mid-Columbia Title Company  
 ALTA Universal ID  
 205 NE Boardman Ave.  
 Boardman, OR 97818**

**File No./Escrow No.:** 12047  
**Print Date & Time:** December 28, 2022 at 11:44 AM  
**Officer/Escrow Officer:** Krista A. Price  
**Settlement Location:** 205 NE Boardman Ave.  
 Boardman, OR 97818

**Property Address:** Portion of 890 & 910 Hwy 74  
 Ione, OR 97843

**Buyer:** Ione School District  
**Seller:** James R. King and Betty Jo Colvin

**Lender:**  
**Settlement Date:** December 29, 2022  
**Disbursement Date:** December 29, 2022

Description	Debit	Seller	Credit
<b>Financial</b>			
Sale Price of Property			\$ 220,000.00
<b>Prorations/Adjustments</b>			
County Tax Prorate 12/29/22 to 07/01/23			\$ 86.78
<b>Loan Charges to</b>			
<b>Other Loan Charges</b>			
<b>Impounds</b>			
<b>Title Charges &amp; Escrow / Settlement Charges</b>			
<b>Commission</b>			
<b>Government Recording and Transfer Charges</b>			
<b>Payoffs</b>			
<b>Miscellaneous</b>			
50% net sale proceeds to James R. King			\$ 110,043.39
50% net sale proceeds to Betty Jo Colvin			\$ 110,043.39
<b>Subtotals</b>			<b>\$ 220,086.78</b>
			<b>\$ 220,086.78</b>

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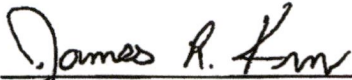
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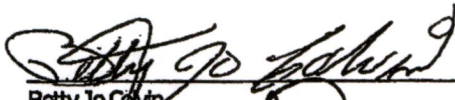
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	Debit	Credit
<b>TOTALS</b>	\$ 220,086.78	\$ 220,086.78

**Acknowledgement**

We/I have carefully reviewed the ALTA Settlement Statement and find it to be a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction and further certify that I have received a copy of the ALTA Settlement Statement. We/I authorize Mid-Columbia Title Company to cause the funds to be disbursed in accordance with this statement.

  
James R. King

  
Betty Jo Cravin

  
Krista A. Price, Escrow Officer

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