

**RETURN TO:**

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Tax Lot # \_\_\_\_\_

**Agreement and Affidavit of Partition for Collateral**

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(Type or print all property owner names and addresses)

I/we the undersigned do hereby affirm:

THAT I/we are the owners(s) or contract purchaser(s) of the property described as follows, to-wit:

That I/we have requested consent from Yamhill County, 525 NE 4<sup>th</sup> St, McMinnville, OR 97128, to permit separate financing of a \_\_\_\_\_acre portion of the above described real property, without subjecting the same to a formal partitioning process.

That Yamhill County, acting by and through the Yamhill County Department of Planning and Development, has indicated acceptance of our proposed financing arrangement upon the execution of this Affidavit.

That the conditions and understandings by which the permission is granted are as follows:

- a) The tracts shall not be sold separately except in accordance with the provisions of ORS 92 and any Ordinance adopted pursuant thereto;
- b) If the tracts are zoned for commercial forestry, exclusive farm or agriculture/forestry uses, then the placement of any residential dwellings are subject to the provisions of Sections 401, 402 or 403 of the Yamhill County Zoning Ordinance No. 310, 1982 or any amendments adopted thereto as applicable.
- c) Once the loan is satisfied, this agreement shall become null and void.

That by execution and recording of this Affidavit, I/we agree to be bound by the terms and conditions contained herein, and by such other terms and conditions as may be found in the ordinances and enactments of Yamhill County.

The true and actual consideration paid for this Agreement, stated in terms of dollars, is none. (The other property or value was the whole consideration, namely the Yamhill County Department of Planning and Development acceptance indicated above.)

In Witness Whereof, the parties have executed this agreement on the days stated adjacent to their respective names.

Property Owner Signatures:

County Planning Director:

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
\_\_\_\_\_

**STATE OF OREGON**

COUNTY OF \_\_\_\_\_

The foregoing instrument was affirmed before me this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_, by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

# **Instructions for Filing Mortgage Partition Agreement and Affidavit**

1. This Agreement and Affidavit is required when the County permits a Mortgage Partition of a parcel for the purpose of obtaining financing (guaranteeing collateral to a financial institution).
2. The attached Agreement and Affidavit must be filled out and signed before a Notary Public. Documents must be typewritten or printed legibly. Documents cannot be accepted until complete and accurate.
3. Names of **ALL** current property owners who appear on the property deed or contract shall be shown in the appropriate space at the top of the document, and each property owner must sign the form in the presence of a Notary Public. The names on the agreement must match the names of property owners on the property deed or contract.
4. Property description: the property description must be **IDENTICAL** to what has been recorded in the Yamhill County Deed Records or as proposed to be recorded (in the case of partitioning or lot line adjustment).
5. Please note the facilities on an attached site plan, drawn to scale, to support the future homesite. These items shall include the dwelling, septic system, access road, well, easements and existing buildings.
6. Please provide a copy of the loan documents from your lending institution.
7. The notarized Agreement shall be returned to the Planning Department for the Planning Director's signature. The Agreement must then be recorded in the deed records of the county, along with the other loan documents being recorded by the lending institution. This is done at the County Clerk's office at 414 NE Evans St., McMinnville, OR. A copy of the recorded affidavit must be returned to the Planning Department.
8. If you have any questions about this Agreement, or the recording procedure, please contact the Planning Department at (503) 434-7516.