

DAVIS WRIGHT TREMAINE

LAW OFFICES

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JAMES D. ZUPANCIC

July 14, 1994

Ingrid Pentecost
18120 Delenka Lane
Lake Oswego, OR 97034

Re: Affidavit of Marjorie Emery

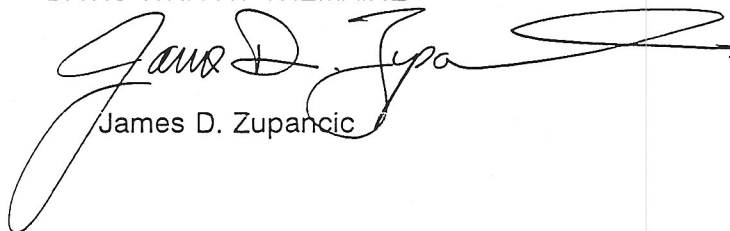
Dear Ingrid:

Enclosed is an original Affidavit of Marjorie H. Emery, modified to conform to your comments. Please have Mrs. Emery sign the Affidavit in the presence of a Notary. The notarized Affidavit should then be mailed to Jeff Condit, Lake Oswego City Attorney. Mr. Condit has agreed to place the Affidavit in the file and notify the City Council of its entry.

It has been a pleasure to be of assistance. Please feel free to call if you have any questions.

Cordially,

DAVIS WRIGHT TREMAINE



James D. Zupancic

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AFFIDAVIT OF MARJORIE H. EMERY

This Affidavit is submitted by Marjorie H. Emery to the City of Lake Oswego in connection with the real property known as Cook's Butte.

1. On April 3, 1975 John G. Emery and Marjorie H. Emery (the "Grantor") conveyed to the City of Lake Oswego, a municipal corporation, certain real property (the "Site") by Bargain and Sale Deed, a copy of which is attached hereto as Exhibit A (the "Deed").

2. The Deed contains certain restrictions regarding the permitted uses of the Site during the lifetimes of the Grantor and their three living children. Permitted uses include use for park purposes or public utilities.

3. Recently in the City of Lake Oswego it was proposed that the Site be used as the location for a cellular telephone transmission facility. In view of the public debate that ensued as a result of this proposal, the Grantor desires to enter this Affidavit into the public record to assure that the Grantor's intent regarding the use and operation of the Site is clearly understood.

4. Mr. John G. Emery is now deceased. On behalf of the Grantor, Marjorie H. Emery hereby declares under oath as follows:

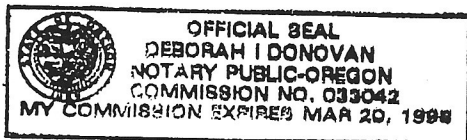
a. That the intent of the Grantors was and is that the Site be preserved in as close to a natural state as possible during the lifetimes of the Grantors and their three living children.

b. That the limited permitted use of the Site for "public utilities" was not intended to include public utilities which, following installation, would be visible above ground or which would significantly impair the natural state of the Site.

Marjorie H. Emery
Marjorie H. Emery

STATE OF OREGON)
County of Clackamas) ss.
)

On this 29th day of July, 1994, personally appeared MARJORIE H. EMERY, personally known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged that she executed the same freely and voluntarily.



Deborah I. Donovan
NOTARY PUBLIC FOR OREGON
My Commission Expires: March 20, 1998