

Jeffrey B. Downie
1764 HWY. 201
PO BOX #246
Adrian, OR 97901

FOR THE PLANNING & ZONNING DEPARTMENT,
OF THE GREAT STATE OF OREGON, IN & FOR THE COUNTY OF MALHEUR.

JEFFREY B. DOWNIE
Petitioner,

AFFIDAVIT #2 OF JEFFREY B.
DOWNIE IN SUPPORT OF EASTMAN
HOMESTEAD SITE AT 1764 HWY. 201
ADRIAN, OR 97901

STATE OF OREGON)
 :ss
County of Malheur)

JEFFREY B. DOWNIE, after being first duly sworn on oath, deposes and states as follows:

1. On 3/2/20, I, Jeffrey B. Downie, the petitioner visited with James Eastman at the assisted living facility where he is living in Homedale, ID.
2. James Eastman cannot legally testify, he has dementia.
3. At the urging of the assisted living facility staff, I, Jeffrey B. Downie, the petitioner verified that the original affidavit of Jeffrey B. Downie, the petitioner was correct, with regards to recounting Jim Eastman's homesteading experiences and house on the property in question (1764 HWY. 201, Adrian, OR).
4. Although James Eastman did not remember meeting and walking the property in question (1764 HWY. 201, Adrian, OR) in the past with me, Jeffrey B. Downie, the petitioner; he did strongly indicate that: "We must have met, because my recollection of his homesteading experiences was exact and correct."
5. All interaction with James Eastman on 3/2/20 were witnessed and supervised by assisted care facility employee, Chris Beebee.
6. Assisted care facility employee, Chris Beebee obtained from his supervisor contact information for Jim Eastman's Daughter and Power of Attorney, Cindy Neal.

7. As of 3/20/20 Cindy Neal has agreed to help me, Jeffrey B. Downie, the petitioner and is in the process of signing an affidavit in support (Please see **Exhibit #1**: unsigned Affidavit of Cindy Neal).
8. As of 3/19/20, Keith Spiers has reaffirmed that he is ready to testify at a hearing in support of the county providing me, Jeffrey B. Downie, the petitioner with a second building permit via a Deferred Replacement Dwelling Permit. Keith Spiers will be testifying on the validity of the Eastman Homestead, and Keith Spiers will also be testifying that the building permit issued by the county to Keith Smith in 1978 to build the current house located on the property in question (1764 HWY. 201, Adrian, OR), was a normal building permit; it was not a Deferred Replacement Dwelling Permit based on the second Eastman Homestead.
9. There is no record indicating that the building permit obtained in 1978 by Keith Smith to construct the current home on the property in question (1764 HWY. 201, Adrian, OR) was a Deferred Replacement Dwelling Permit; it was instead a normal building permit! It is legally irresponsible and incorrect to "assume" (as Eric Evan stated in his denial letter) that the normal building permit Keith Smith obtained in 1978 was a Deferred Replacement Dwelling Permit! The Deferred Replacement Dwelling Permit did not exist in 1978; it was created much later to allow property owners (like me, Jeffrey B. Downie, the petitioner) to smoothly and simply obtain a second building permit in situations like this!
10. It is correct for the Planning & Zoning Department of Malheur County to immediately provide me, Jeffrey B. Downie, the petitioner with a second building permit for the property in question (1764 Hwy 201, Adrian, OR) based on the fact there was a second home there in the form of the Eastman Family Homesteading Site.
11. I am willing to testify with reasonable certainty on the facts stated herein.

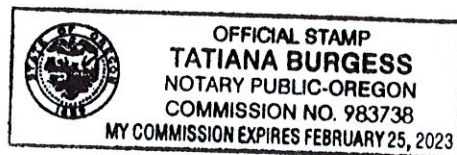
Further your affiant sayeth naught.

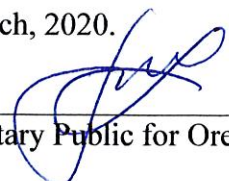
Dated this 20th day of March, 2020.



 JEFFREY B. DOWNIE

SUBSCRIBED & SWORN TO before me this 20th day of March, 2020.





 Notary Public for Oregon
 Residing at 251 B St W, Vale OR 97918
 Commission Expires 02-25-2023

Exhibit #1: For Affidavit
#2 of Jeffrey B. Downie

Cindy Neal
Salem, OR

FOR THE PLANNING & ZONNING DEPARTMENT,
OF THE GREAT STATE OF OREGON, IN & FOR THE COUNTY OF MALHEUR.

JEFFREY B. DOWNIE
Petitioner,

AFFIDAVIT OF CINDY NEAL
IN SUPPORT OF EASTMAN
HOMESTEAD SITE AT 1764 HWY. 201
ADRIAN, OR 97901

STATE OF OREGON)
 :SS
County of Malheur)

CINDY NEAL, after being first duly sworn on oath, deposes and states as follows:

1. I am not related to Jeffrey B. Downie, the petitioner; I am not being compensated by Jeffrey B. Downie, the petitioner, or anyone else on his behalf for my testimony.
2. James Eastman is my dad, and he is currently living in an assisted living facility in Homedale, ID. James Eastman is unfortunately unable to testify legally because he has dementia. I have the Power of Attorney for James Eastman.
3. James Eastman lived in a house that his parents constructed on the southern part of the property in question (1764 HWY. 201, Adrian, OR) from 1936 through the late 1950's. This house was located roughly 100' east from the concrete bridge still currently in existence that was constructed by the Oregon Shortline Railroad.
4. The Eastman Family Homestead had walls and a roof, as required to be considered a second dwelling on the property in question (1764 HWY. 201, Adrian, OR).

5. The Eastman Family Homestead had plumbing, (servicing a sink, bathing area, and waste disposal system) as required to be considered a second dwelling on the property in question (1764 HWY. 201, Adrian, OR).
6. The Eastman Family Homestead had electricity as required to be considered a second dwelling on the property in question (1764 HWY. 201, Adrian, OR).
7. The Eastman Family Homestead used a wood burning stove for heat and cooking purposes, as required to be considered a second dwelling on the property in question (1764 HWY. 201, Adrian, OR).
8. I have read the Affidavit of Jeffrey B. Downie in Support {Please see **Exhibit #1**} of Eastman Homestead Site at 1764 HWY. 201, Adrian, OR; and I concur with the sworn statement he provided. Jeffrey B. Downie's, the petitioner's accounts of his conversations with my dad, James Eastman, regarding the homestead that my dad lived in as a child and young adult are true and factual.
9. I support the Planning & Zoning Department of Malheur County providing Jeffrey B. Downie, the petitioner with a second building permit for his property based on the simple and undeniable fact there was a second dwelling on his property in the form of the Eastman Family Homesteading Site, of which my dad, James Eastman was a direct descendent.
10. I am willing to testify with reasonable certainty on the facts stated herein.

Further your affiant sayeth naught.

Dated this ____ day of March, 2020.

CINDY NEAL

SUBSCRIBED & SWORN TO before me this ____ day of March, 2020.

Notary Public for Oregon

Residing at _____

Commission Expires _____