

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR TILLAMOOK COUNTY, OREGON

In the Matter of Approving an	)	ORDER
Application for Real and Personal	)	#25- <u>015</u>
Property Tax Exemption for Maxwell	)	
Mountain Public Access Preservation	)	
Corp.	)	

This matter came before the Tillamook County Board of Commissioners on April 9, 2025 at the request of the Tillamook County Assessor. The Board of Commissioners, being fully apprised (of the records and files herein), finds as follows:

1. On March 3, 2025, the Maxwell Mountain Public Access Preservation Corp., a domestic nonprofit corporation, purchased three tax lots near the top of Maxwell Mountain Rd in the unincorporated community of Oceanside, Oregon.
2. On March 17, 2025, the Maxwell Mountain Public Access Preservation Corp. filed an Application for Real and Personal Property Tax Exemption with the Tillamook County Assessor for these parcels, attached hereto as Exhibit "A."
3. Maxwell Mountain Public Access Preservation Corp. states "The organization will maintain the three lots at issue in their current, undeveloped state and make them available to the public for recreational uses, including a viewpoint over the ocean, hiking, and a launch for hang gliding, paragliding, and related activities."
4. On April 9, 2025, in accordance with ORS 307.115, the Board reviewed the application at its regular Board meeting where the Board weighed the benefits to the general welfare of granting the proposed exemption to this parcel against the potential loss in revenue which will result from the granting of this application.
5. The Board finds that a ten (10) year tax exemption for this parcel is appropriate and should be granted at this time.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:


6. The Maxwell Mountain Public Access Preservation Corp.'s application for a real and personal property tax exemption is hereby approved for a period not to exceed ten (10) years.
7. A copy of this Order shall be forwarded to the Tillamook County Assessor.

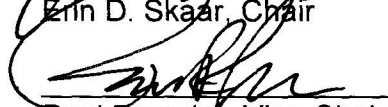
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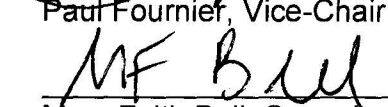
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DATED THIS 9th day of April, 2025.

THE BOARD OF COMMISSIONERS  
FOR TILLAMOOK COUNTY, OREGON


  
Erin D. Skaar, Chair

  
Paul Fournier, Vice-Chair

  
Mary Faith Bell, Commissioner

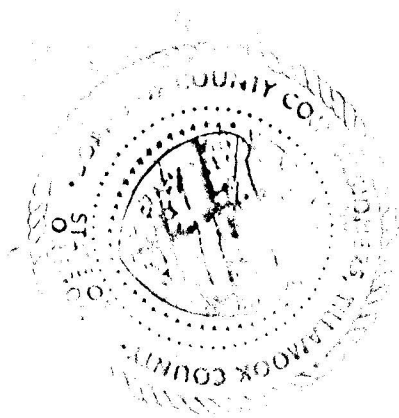
Aye	Nay	Abstain/Absent
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST: Christy Nyseth,  
County Clerk

By:   
Special Deputy

APPROVED AS TO FORM:

  
William K. Sargent,  
County Counsel



**Form**  
**OR-AP-RPTE**
**Application for Real and Personal Property Tax Exemption**

For property owned by specific institutions and organizations

[Oregon Revised Statute (ORS) 307.162]

- File this form with the **county assessor** on or before April 1 for the ensuing tax year. See page 4 of this form for late filing information.
- The applicant is obligated to prove the property meets the requirements for exemption. Include all documents or information that show the exemption is appropriate.
- See ORS 307.162 and OAR 150-307-0190 on pages 3 and 4 of this form.
- Complete both sides of this form.
- This form is available online on the Department of Revenue's website at: [www.oregon.gov/dor](http://www.oregon.gov/dor).

For assessor's use only	
Date received <b>3-17-25</b>	Account number
<input type="checkbox"/> Approved <input type="checkbox"/> Denied By _____	Late filing fee \$
Exemption applies to tax year :    20 _____ - _____	

Name of organization

Maxwell Mountain Public Access Preservation Corp.

Mailing address

10975 SW Avocet Court

Phone

503.464.6787

City

Beaverton

State

OR

ZIP code

97007

Email

jay.zollinger@gmail.com

A property tax exemption is requested under the following Oregon Revised Statute (mark **one** box):

**Note:** If applying for exemption for affordable housing owned by a religious organization under 307.140(4) use Form OR-A-PTE, *Application for Property Tax Exemption*, 150-303-006.

- |   |  |
|---|--|
| <input type="checkbox"/> 307.110 Government owned affordable housing  | <input type="checkbox"/> 307.147 Senior services centers*  |
| <input type="checkbox"/> 307.130 Literary, benevolent, charitable, scientific Institutions, volunteer fire departments* | <input type="checkbox"/> 307.150 Burial grounds, cemeteries, crematory, alternative disposition facilities |
| <input type="checkbox"/> 307.136 Fraternal organizations*   | <input type="checkbox"/> 307.160 Public libraries*   |
| <input type="checkbox"/> 307.140 Religious organizations*   | <input type="checkbox"/> 307.513 Vacant Land for Building Residences for Low Income Individuals*           |
| <input type="checkbox"/> 307.145 Child care facilities, schools, student housing*                                       | <input checked="" type="checkbox"/> Other (provide ORS number) <u>307.115 Property of nonprofit c</u>      |

\*You must attach current copies of your organization's Articles of Incorporation, By-Laws, and proof of your status as a non-profit corporation or other qualifying organization.

**Property description**

Account number (as shown on owner's property tax statement)

192963, 192981, and 412692 (from prior owners tax statements)

Physical address (street address, city)

Three unnumbered lots located between 2060 and 3020 Maxwell Mountain Road, Tillamook, OR 97141

List all real property for which an exemption is claimed. Is personal property owned by the organization at this location also being claimed? ☐ Yes ☒ No

Prior Tax Assessment Reports and Warranty Deeds with full legal descriptions of all three lots are attached.

**Complete both sides of this form.**

### Property use

If you change the stated use of the property to a use that wouldn't qualify for exemption, you must notify the county assessor of this change to a taxable use within 30 days of the change in use.

Describe the purpose of this organization:

This organization's purpose is to preserve open space for public use, including for hang gliding and paragliding, free flight education and training, and to promote accessibility of hang gliding and paragliding to people with disabilities.

Describe how you will use the property, such as, church services, offices, classrooms, student housing, etc.:

The organization will maintain the three lots at issue in their current, undeveloped state and make them available to the public for recreational uses, including a viewpoint over the Ocean, hiking, and a launch for hang gliding, paragliding, and related activities.

Does the property include a parking area?

☒ Yes ☐ No

What is the fee for using the parking area?

\$ 0

Is any portion of the property leased to or used by others?

☐ Yes ☒ No

If yes, what is the square footage of the area used by others:

\_\_\_\_\_ square feet

If yes, explain and identify the area that is used by others:

### Late fee

A form filed after April 1 preceding the tax year for which exemption is claimed, but on or before December 31 of the tax year must be accompanied by a late fee. See page 3 and 4 of this form for additional late filing information.

A late fee is attached: ☐ Yes ☐ No

Exemption requested for tax years:

2025 and subseque

### Declaration

I declare under the penalties for false swearing [ORS 305.990(4)] that I have examined this document (and attachments) and to the best of my knowledge they are true, correct, and complete.

**Must be signed by the president, proper officer, head official, or authorized delegate of the organization.**

Name (print or type)

Jay Zollinger

Title

Director/Secreta

Phone

5034646787

Signature

X

Date

March 13, 2025



**Tillamook County**  
**2024 Real Property Assessment Report**  
 Account 192963

**Map** 1S1124DD00203  
**Code - Tax ID** 0921 - 192963

**Tax Status** Assessable  
**Account Status** Active  
**Subtype** NORMAL

**Legal Descr** See Record

**Mailing** GLEASON, K REED  
 % K REED GLEASON  
 4685 E RED CLIFFS DR  
 KANAB UT 84741

**Deed Reference #** 2021-4208  
**Sales Date/Price** 05-04-2021 / \$800,000  
**Appraiser** ELIZABETH LOFTIS

**Property Class** 100 MA SA NH  
**RMV Class** 100 08 OV 805

<b>Site Situs Address</b>	<b>City</b>
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Value Summary					
Code Area		RMV	MAV	AV	RMV Exception CPR %
0921	Land	680,360		Land	0
	Impr	0		Impr	0
Code Area Total		680,360	292,290	292,290	0
Grand Total		680,360	292,290	292,290	0

Land Breakdown								
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class Trended RMV
0921	0	<input checked="" type="checkbox"/>		ROS	Market	123	0.52 AC	680,360
Code Area Total							0.52 AC	680,360

Improvement Breakdown								
Code Area	Year ID #	Stat Built	Class	Description	Trend %	Total Sqft	Ex% MS Acct	Trended RMV

**Comments** 2/17/12 Land re-appraisal, tabled land. Size change per cartographer. EJ.  
 03/17/20 Code change due to fire patrol removal.ef

**Tillamook County**  
**2024 Real Property Assessment Report**  
 Account 192981

**Map** 1S1124DD00204  
**Code - Tax ID** 0921 - 192981

**Tax Status** Assessable  
**Account Status** Active  
**Subtype** NORMAL

**Legal Descr** See Record

**Mailing** SARES LLC  
 % K REED GLEASON  
 4685 E RED CLIFFS DR  
 KANAB UT 84741

**Deed Reference #** 2005-10894  
**Sales Date/Price** 12-01-2005 / \$695,000  
**Appraiser** ELIZABETH LOFTIS

**Property Class** 100 MA SA NH  
**RMV Class** 100 08 OV 805

<b>Site Situs Address</b>	<b>City</b>
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		Value Summary			
Code Area		RMV	MAV	AV	RMV Exception CPR %
0921	Land	695,760		Land	0
	Impr	0		Impr	0
Code Area Total		695,760	292,290	292,290	0
Grand Total		695,760	292,290	292,290	0

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
0921	0	<input checked="" type="checkbox"/>		ROS	Market	123	0.47 AC		695,760
Code Area Total							0.47 AC		695,760

Improvement Breakdown									
Code Area	Year ID #	Stat Bult	Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV

**Comments** 2/10/12 Land re-appraisal, tabled land. EJ.

**Tillamook County**  
**2024 Real Property Assessment Report**  
 Account 412692

**Map** 1S1124DD00207  
**Code - Tax ID** 0921 - 412692

**Tax Status** Assessable  
**Account Status** Active  
**Subtype** NORMAL

**Legal Descr** Multiple Lots - See legal report for full description

**Mailing** SARES LLC  
 % K REED GLEASON  
 4685 E RED CLIFFS DR  
 KANAB UT 84741

**Deed Reference #** 2014-4468  
**Sales Date/Price** 08-15-2014 / \$399,000  
**Appraiser** ELIZABETH LOFTIS

**Property Class** 100 MA SA NH  
**RMV Class** 100 08 OV 805

<b>Site Situs Address</b>	<b>City</b>
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		Value Summary			
Code Area		RMV	MAV	AV	RMV Exception CPR %
0921	Land	721,410		Land	0
	Impr	0		Impr	0
<b>Code Area Total</b>		721,410	324,760	324,760	0
<b>Grand Total</b>		721,410	324,760	324,760	0

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
0921	1	<input checked="" type="checkbox"/>		ROS	Market	123	0.38 AC		721,410
<b>Code Area Total</b>							0.38 AC		721,410

Improvement Breakdown									
Code Area	ID #	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV

**Comments** 09/04/07 - Due to a partition plat a portion of 1S11 24DD 205 will now be carried into the new taxlots 206 & 207. Apportioned values, KL.  
 8/22/08 Brought land to market, applied exception, EJ.  
 2/9/12 Land re-appraisal, tabled land, EJ.  
 8/14/14 Due to a Lot Line Adjustment, a portion of taxlot 1S11 24DD 206 will now be carried in taxlot 207. No value changes, acreage change only. EJ.  
 03/17/20 Code change due to fire patrol removal.ef

Once recorded, return to:  
MAXWELL MOUNTAIN PUBLIC ACCESS  
PRESERVATION CORPORATION

c/o Jay Zollinger  
10975 SW Avocet Court  
Portland, OR 97007

Tillamook County, Oregon

03/07/2025 03:32:01 PM

2025-00835

DEED-DWARR

\$15.00 \$11.00 \$10.00 \$61.00 - Total = \$97.00

I hereby certify that the within instrument was received  
for record and recorded in the County of Tillamook,  
State of Oregon.

Christy Nyseth, Tillamook County Clerk

This Space for Recorder's Use Only

## Oregon Statutory Warranty Deed

State of Oregon, County of Tillamook

K. Reed Gleason ("Grantor") hereby conveys and warrants to Maxwell Mountain Public Access Preservation Corporation ("Grantee") the following described real property, free of encumbrances except as specifically set forth herein:

A complete legal description of the real property being conveyed by this instrument is attached hereto as **EXHIBIT A**.

The true consideration for this conveyance is \$1.00.


The only exceptions to the covenants and warranties made by Grantor are the encumbrances identified in the Title Report dated February 11, 2025, issued by Tigor Title of Oregon.

IN WITNESS WHEREOF, the Grantor has duly executed this Statutory Warranty Deed as of the date hereinafter.

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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

GRANTOR:

K. Reed Gleason

  
Date: 3/3/25

300924003691

## NOTARY ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of Utah )  
County of Kane )

On 3rd March 2025 before me, Cherice Snyder,

personally appeared K. Reed Gleason,

who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the state of Utah that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

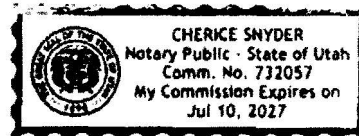


Printed Name

Cherice Snyder

My Commission Expires

July 10, 2027



(Seal)

## **EXHIBIT A**

A tract of land being a portion of that tract described in Book 351, Page 703 and in Book 313, Page 660, Tillamook County Records, situated in the Southeast one-quarter of the Southeast one-quarter of Section 24, Township 1 South, Range 11 West of the Willamette Meridian, County of Tillamook, State of Oregon, being more particularly described as follows:

Commencing at a 5/8" iron rebar with yellow plastic cap inscribed "Don Marx PLS 332" at an angle point in the Southwesterly right of way line of Maxwell Mountain Road that bears North 304.44 feet and West 502.58 feet from the Southeast corner of Section 24; thence the following courses and distances along said Southwesterly right of way line thereof: North 55° 09' 44" West 70.00 feet to an angle point; North 35° 09' 44" West 70.00 feet to the most Easterly corner of said Book 313, Page 660 and the Point of Beginning of the tract of land herein to be described; thence South 43° 56' 33" West along the Southeasterly line of said Book 313, Page 660, 199.15 feet to the most Southerly corner thereof; thence North 45° 09' 44" West along the Southwesterly line thereof 110.07 feet; thence North 46° 00' 45" East 139.44 feet; thence North 62° 15' 51" East 43.02 feet; thence North 57° 14' 18" East 64.82 feet to a point in said Southwesterly right of way line of Maxwell Mountain Road; thence South 15° 09' 44" East along said Southwesterly right of way line thereof 89.26 feet to the Point of Beginning..

Once recorded, return to:  
MAXWELL MOUNTAIN PUBLIC ACCESS  
PRESERVATION CORPORATION

c/o Jay Zollinger  
10975 SW Avocet Court  
Portland, OR 97007

Tillamook County, Oregon  
03/07/2025 03:32:01 PM  
DEED-DWARR  
\$18.00 \$11.00 \$10.00 \$61.00 - Total = \$97.00  
I hereby certify that the within instrument was received  
for record and recorded in the County of Tillamook,  
State of Oregon.  
Christy Nyseth, Tillamook County Clerk

2025-00836

This Space for Recorder's Use Only.

## Oregon Statutory Warranty Deed

State of Oregon, County of Tillamook

SARES LLC (Oregon Secretary of State Registry Number 2317759-90) ("Grantor") hereby conveys and warrants to Maxwell Mountain Public Access Preservation Corporation ("Grantee") the following described real property, free of encumbrances except as specifically set forth herein:

A complete legal description of the real property being conveyed by this instrument is attached hereto as EXHIBIT A.

The true consideration for this conveyance is \$1.00.

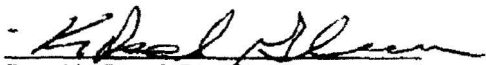
The only exceptions to the covenants and warranties made by Grantor are the encumbrances identified in the Title Report dated February 11, 2025, issued by Tigor Title of Oregon.

**IN WITNESS WHEREOF**, the Grantor has duly executed this Statutory Warranty Deed as of the date hereinunder.

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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

### GRANTOR:

SARES LLC



By: K. Reed Gleason, Manager and sole Member

Date: 3/3/25

Recorded by Tigor  
Title Ins. Co.  
360424003691

## NOTARY ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of Utah )  
County of Kane )

On 3<sup>rd</sup> March 2025 before me, Cherice Snyder,  
personally appeared K. Reed Gleason,

who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the state of Utah that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

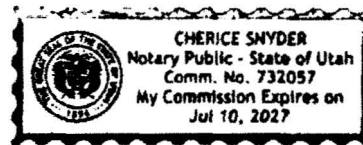
Cherice Snyder

Printed Name

Cherice Snyder

My Commission Expires

July 10, 2027



(Seal)



## **EXHIBIT A**

### **First Lot:**

A tract of land being a portion of that tract described in Book 351, Page 703 and in Book 313, Page 660, Tillamook County Records, situated in the Southeast one-quarter of the Southeast one-quarter of Section 24, Township 1 South, Range 11 West of the Willamette Meridian, County of Tillamook, State of Oregon, being more particularly described as follows:

Commencing at a 5/8" iron rebar with yellow plastic cap inscribed "Don Marx PLS 332" at an angle point in the Southwesterly right of way line of Maxwell Mountain Road that bears North 304.44 feet and West 502.58 feet from the Southeast corner of Section 24; thence the following courses and distances along said Southwesterly right of way line thereof: North 55° 09' 44" West 70.00 feet to an angle point; North 35° 09' 44" West 70.00 feet; thence North 15° 09' 44" West 89.26 feet to the Point of Beginning of the tract of land to be described; thence North 15° 09' 44" West 10.74 feet to an angle point; thence North 23° 09' 44" West 50.00 feet to the most Northerly corner of said Book 313, Page 660; thence South 62° 15' 51" West along the Northwesterly line thereof, 280.74 feet to the most Westerly corner thereof; thence South 45° 09' 44" East along the Southwesterly line thereof 110.07 feet to the most Southerly corner thereof; thence North 46° 00' 45" East 139.44 feet; thence North 62° 15' 51" East 43.02 feet; thence North 57° 14' 18" East 648.82 feet to a point in said Southwesterly right of way line of Maxwell Mountain Road and the Point of Beginning.

### **Second Lot:**

A tract of land in the Southeast quarter of the Southeast quarter of Section 24, Township 1 South, Range 11 West of the Willamette Meridian, Tillamook County, Oregon. said tract being Parcel 3 and a portion of Parcel 2 of PARTITION PLAT NO. 2007-19, and being more particularly described as follows:

Beginning at a 5/8" iron rod, with a plastic cap marked "C. WAYNE COOK PLS 1098", marking the Southeast corner of Parcel 2, also being the Northeast corner of Parcel 3, of PARTITION PLAT NO. 2007-19; thence South 80° 38' 03" West 35.48 feet; thence South 77° 48' 55" West 23.74 feet; thence South 79° 09' 12" West 37.75 feet; thence South 62° 23' 39" West 48.47 feet to a 5/8" iron rod with a plastic cap marked "C. WAYNE COOK PLS 1098", marking the Southwest corner of Parcel 2 of PARTITION PLAT NO. 2007-19; thence South 73° 43' 57" West 120.67 feet to Northwest corner of Parcel 3 of PARTITION PLAT NO. 2007-19; thence South 18° 53' 28" East 86.17 feet to the Southwest corner of Parcel 3 of PARTITION PLAT NO. 2007-19; thence North 62° 14' 01" East 280.63 feet to the Southeast corner of Parcel 3 of PARTITION PLAT NO. 2007-19; thence North 41° 35' 35" West 33.34 feet to the Point of Beginning.

# ARTICLES OF INCORPORATION



Corporation Division  
[www.filinginoregon.com](http://www.filinginoregon.com)

**E-FILED**  
Oct 27, 2023  
**OREGON SECRETARY OF STATE**

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**REGISTRY NUMBER**

218842995

**TYPE**

DOMESTIC NONPROFIT CORPORATION

**1. ENTITY NAME**

MAXWELL MOUNTAIN PUBLIC ACCESS PRESERVATION CORP.

**2. MAILING ADDRESS**

10975 SW AVOCET COURT  
BEAVERTON OR 97007 USA

**3. NAME & ADDRESS OF REGISTERED AGENT**

JAY ZOLLINGER  
  
10975 SW AVOCET COURT  
BEAVERTON OR 97007 USA

**4. INCORPORATORS**

JAY ZOLLINGER  
  
10975 SW AVOCET CT  
BEAVERTON OR 97007 USA

**5. INITIAL PRESIDENT**

MARK SANZONE  
  
3149 NW MILLER RD  
PORTLAND OR 97229 USA

**6. INITIAL SECRETARY**

JAY ZOLLINGER  
  
10975 SW AVOCET CT  
BEAVERTON OR 97007 USA

**7. TYPE OF NONPROFIT CORPORATION**

Public Benefit

**8. MEMBERS?**

No



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#### 9. DISTRIBUTION OF ASSETS

Said corporation is organized exclusively for charitable, religious, educational, and scientific purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code.

No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in the purpose clause hereof. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provision of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or (b) by a corporation, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code, or the corresponding section of any future federal tax code.

Upon the dissolution of the corporation, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by a Court of Competent Jurisdiction of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said court shall determine, which are organized and operated exclusively for such purposes.

#### 8. OPTIONAL PROVISIONS

The corporation elects to indemnify its directors, officers, employees, agents for liability and related expenses under ORS 65.387 to 65.414.



---

I declare, under penalty of perjury, that this document does not fraudulently conceal, fraudulently obscure, fraudulently alter or otherwise misrepresent the identity of the person or any officers, directors, employees or agents of the corporation on behalf of which the person signs. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

By typing my name in the electronic signature field, I am agreeing to conduct business electronically with the State of Oregon. I understand that transactions and/or signatures in records may not be denied legal effect solely because they are conducted, executed, or prepared in electronic form and that if a law requires a record or signature to be in writing, an electronic record or signature satisfies that requirement.

**ELECTRONIC SIGNATURE**

**NAME**

JAY ZOLLINGER

**TITLE**

INCORPORATOR

**DATE**

10-26-2023

**Articles of Amendment - Nonprofit**Secretary of State - Corporation Division - 255 Capitol St. NE, Suite 151 - Salem, OR 97310-1327 - [sos.oregon.gov/business](http://sos.oregon.gov/business) - Phone: (503) 986-2200REGISTRY NUMBER: 2188429-95

In accordance with Oregon Revised Statute 192.410-192.490, the information on this application is public record.  
We must release this information to all parties upon request and it will be posted on our website.

For office use only

Please Type or Print Legibly in **Black Ink**.1) ENTITY NAME: MAXWELL MOUNTAIN PUBLIC ACCESS PRESERVATION CORP.

2) STATE THE ARTICLE NUMBER(S): and set forth the article(s) as it is amended to read. (Attach a separate sheet if necessary.)

9. Distribution of AssetsPlease see attached sheet for amended and restated article3) THE AMENDMENT WAS ADOPTED ON: January 30, 2025

(If more than one amendment was adopted, identify the date of adoption of each amendment.)

## 4) CHECK THE APPROPRIATE STATEMENT:

☒ Membership approval was not required. The amendment(s) was approved by a sufficient vote of the board of directors or incorporators.☐ Membership approval was required.

The membership vote was as follows:

Class(es) entitled to vote	Number of members entitled to vote	Number of votes entitled to be cast	Number of votes cast FOR	Number of votes cast AGAINST

## 5) EXECUTION: (Must be signed by at least one officer or director.)

I declare as an authorized signer, under penalty of perjury, that this document does not fraudulently conceal, obscure, alter, or otherwise misrepresent the identity of any person including officers, directors, employees, members, managers or agents. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

Signature:

Printed Name:

Title:

Jay ZollingerDirector/Secretary

CONTACT NAME: (To resolve questions with this filing.)

Jay Zollinger

PHONE NUMBER: (Include area code.)

503.464.6787**FEES**

Required Processing Fee \$50

Processing Fees are nonrefundable. Please make check payable to "Corporation Division." Free

copies are available at [sos.oregon.gov/business](http://sos.oregon.gov/business), using the Business Name Search program.

## **9. DISTRIBUTION OF ASSETS**

Said corporation is organized exclusively for charitable, religious, educational, and scientific purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code.

No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in the purpose clause hereof. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provision of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or (b) by a corporation, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code, or the corresponding section of any future federal tax code.

Upon the dissolution of the corporation, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose. Specifically, the assets of the corporation shall be applied first in payment of all outstanding obligations, and the balance remaining, if any, in cash and in kind, shall be distributed to the State of Oregon or to one or more of its political subdivisions for public parks or public recreation purposes. Any such assets not so disposed of shall be disposed of by a Court of Competent Jurisdiction of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said court shall determine, which are organized and operated exclusively for such purposes.

# **MAXWELL MOUNTAIN PUBLIC ACCESS PRESERVATION CORP BYLAWS**

## **ARTICLE I: Purpose**

This corporation shall be organized and operated exclusively for charitable and educational purposes. Subject to the limitations stated in the Articles of Incorporation, the purposes of this corporation shall be to engage in any lawful activities, none of which are for profit, for which corporations may be organized under Chapter 65 of the Oregon Revised Statutes (or its corresponding future provisions) and Section 501(c)(3) of the Internal Revenue Code (or its corresponding future provisions).

This corporation's primary purpose shall be to preserve open space for public use, including for hang gliding and paragliding, free flight education and training, and to promote accessibility of hang gliding and paragliding to people with disabilities.

## **ARTICLE II: Nonmembership**

This corporation shall have no members.

## **ARTICLE III: Board of Directors**

*Section 1. Duties.* The affairs of the corporation shall be managed by the Board of Directors.

*Section 2. Number.* The number of Directors may vary between a minimum of three and maximum of fifteen.

*Section 3. Term and Election.* The term of office for Directors shall be three years; provided that the terms of office for the initial three directors shall be one, two, and three years, such that a new Director will be appointed every year. A Director may be reelected without limitation on the number of terms she or he may serve. The Board shall elect its own members, except that a Director shall not vote on that member's own position.

*Section 4. Removal.* Any Director may be removed, with or without cause, by a vote of two-thirds of the Directors then in office.

*Section 5. Vacancies.* Vacancies on the Board of Directors and newly created Board positions shall be filled by a majority vote of the Directors then on the Board of Directors.

*Section 6. Quorum and Action.* A quorum at a Board meeting shall be a majority of the number of Directors in office immediately before the meeting begins. If a quorum is present, action is taken by a majority vote of the Directors present, except as otherwise provided by these Bylaws. Where the law requires a majority vote of the Directors in office to establish committees, to exercise Board functions, to amend the Articles of Incorporation, to sell assets not in the regular course of business, to merge, or to dissolve, or for other matters, such action may be taken only by that majority.

*Section 7. Regular Meetings.* Regular annual meetings of the Board of Directors shall be held at a time and place to be determined by a majority of the Board of Directors. No other notice of the date, time, place, or purpose of the meetings is required.

**Section 8. *Special Meetings.*** Special meetings of the Board of Directors shall be held at the time and place to be determined by a majority of the Board of Directors. Notice of such meetings, describing the date, time, place, and purpose of the meeting, shall be delivered to each Director personally or by telephone or by regular or electronic mail not less than two days prior to the special meeting. Written notice, if mailed postpaid and correctly addressed to the Director at the address shown in the corporation records, is effective when mailed.

**Section 9. *Meeting by Telecommunication or Computer.*** Any regular or special meetings of the Board of Directors may be held by telephone, telecommunications, or electronic means as long as all Directors can hear or read each other's communications during the meeting or all communications during the meeting are immediately transmitted to each participating Director, and each participating Director is able to immediately send messages to all other participating Directors. All participating Directors shall be informed that a meeting is taking place at which official business may be transacted.

**Section 10. *Action by Consent.*** Any action required or permitted by law to be taken at a meeting of the Board may be taken without a meeting if a consent in writing, setting forth the action to be taken or so taken, shall be signed by all the Directors. A written communication includes a communication that is transmitted or received by electronic means. Signing includes an electronic signature that is executed or adopted by Director with an intent to sign.

**Section 11. *Electronic Voting.*** The Board of Directors may, without a meeting, use electronic mail or other electronic means to take action. In order to conduct a valid vote by electronic means, the Board must meet all the following requirements:

- All Directors have provided an electronic address and be sent a notice of the electronic action;
- Electronic notice of the action being considered shall clearly state the action being voted on and when it will be effective;
- The electronic notice shall specify a deadline not less than 48 hours after the electronic notice is sent to vote;
- A Director can change their vote any time during the voting period;
- A Director must submit an electronic or scanned signature verifying their vote;
- An affirmative vote of a majority of Directors in office (not just the ones responding to the electronic notice) is needed to pass the action; and

The Board shall file the electronic action in its minutes book or a document book of Board actions. **Section 12. *Compensation.*** The Directors shall not receive any salary for their services.

## **ARTICLE IV: Committees**

**Section 1. *Executive Committee.*** The Board of Directors may elect an Executive Committee. The Executive Committee shall have the authority to make on-going decisions between Board meetings and shall have authority to make financial and budgetary decisions.

**Section 2. *Other Committees.*** The Board of Directors may establish such other committees as it deems necessary and desirable. Such committees may exercise the authority of the Board of Directors or may be advisory committees.



**Section 3. *Composition of Committees Exercising Board Authority.*** Any committee authorized by the Board of Directors to act on its behalf shall be composed of two or more Directors, elected by a majority vote of all Directors in office at that time.

**Section 4. *Quorum and Action.*** A quorum at a Committee meeting exercising Board authority shall be a majority of all Committee members in office immediately before the meeting begins. If a quorum is present, authorized action on behalf of the Board of Directors is taken by a majority vote of the Directors present.

**Section 5. *Limitations on the Powers of Committees.*** No committee may authorize payment of a dividend or any part of the income or profit of the corporation to its directors or officers; may approve dissolution, merger, or the sale, pledge, or transfer of all or substantially all of the corporation's assets; may elect, appoint, or remove directors or fill vacancies on the Board or on any of its committees; nor may adopt, amend, or repeal the corporation's Articles or Bylaws, or any resolution by the Board of Directors.

## **ARTICLE V: Officers**

**Section 1. *Titles.*** The officers of the corporation shall initially be the President and Secretary/Treasurer.

**Section 2. *Election.*** The Board of Directors shall elect the officers to serve one-year terms. An officer may be reelected without limitation on the number of terms the officer may serve.

**Section 3. *Vacancy.*** A vacancy in any office shall be filled not later than the first regular meeting of the Board of Directors following the vacancy.

**Section 4. *Other Officers.*** The Board of Directors may elect or appoint other officers, agents, and employees as it shall deem necessary and desirable. They shall hold their offices for such terms and have such authority and perform such duties as shall be determined by the Board of Directors.

**Section 5. *President.*** The President shall be the chief officer of the corporation and shall act as the Chair of the Board. The President shall have any other powers and duties as may be prescribed by the Board of Directors.

**Section 6. *Secretary/Treasurer.*** The Secretary/Treasurer shall have the overall responsibility for recordkeeping and corporate funds. The Secretary/Treasurer shall perform, or cause to be performed, the following duties: (a) official recording of the minutes of all proceedings of the Board of Directors meetings and actions; (b) provision for notice of all meetings of the Board of Directors; (c) authentication of the records of the corporation; (d) maintenance of full and accurate accounts of all financial records of the corporation; (e) deposit of all monies and other valuable effects in the name and to the credit of the corporation in such depositories as may be designated by the Board of Directors; (f) disbursement of all funds when proper to do so; (g) presentation of financial reports as to the financial condition of the corporation to the Board of Directors; and (h) any other duties as may be prescribed by the Board of Directors.

## **ARTICLE VI: Corporate Indemnity**

This corporation will indemnify to the fullest extent not prohibited by law any person who is made, or threatened to be made, a party to an action, suit, or other proceeding, by reason of the fact that the person is or was a Director, officer, employee, or volunteer of the corporation. No amendment to this

Article that limits the corporation's obligation to indemnify any person shall have any effect on such obligation for any act or omission that occurred prior to the later effective date of the amendment or date notice of the amendment is given to the person. The corporation shall interpret this indemnification provision to extend to all persons covered by its provisions the most liberal possible indemnification – substantively, procedurally, and otherwise.

#### **ARTICLE VII: Amendments to Bylaws**

These Bylaws may be amended or repealed, and new Bylaws adopted, by a majority of the Board of Directors. Prior to the adoption of the amendment each Director shall be given at least two days' notice of the date, time, and place of the meeting at which the proposed amendment is to be considered, and the notice shall state that one of the purposes of the meeting is to consider a proposed amendment to the Bylaws and shall contain a copy of the proposed amendment.

DATE ADOPTED: 2-1-24

I certify that these Bylaws are a true copy of the Bylaws of this corporation.

SIGNED:

TITLE:

Mark Ferguson  
President

ELLEN F. ROSENBLUM  
Attorney General

LISA M. UDLAND  
Deputy Attorney General



DEPARTMENT OF JUSTICE  
PORTLAND OFFICE

100 SW Market Street  
Portland, Oregon 97201  
FAX: (971) 673-1882  
Telephone: (971) 673-1880  
TTY (800) 735-2900  
charitable@doj.state.or.us  
www.doj.state.or.us

March 28, 2024

Maxwell Mountain Public Access Preservation Corp.  
10975 SW Avocet Ct  
Beaverton, OR 97007

**Registration #65782**

Re: Registration under the Charitable Trust and Corporation Act  
and Required Annual Reports

Dear Officers/Directors:

This will acknowledge registration of your organization under the Charitable Trust and Corporation Act. Your registration number with this office is **65782**.

According to the above mentioned Act, annual reports (form CT-12, CT-12F or CT-12S) will be due no later than four months and 15 days after the close of your accounting period. Our records indicate that your accounting period ends on December 31st. Your annual reports will be due by May 15th of each year. Reporting forms will automatically be sent to you. If you do not receive forms within 60 days prior to the due date for filing your report, you can contact this office to obtain the prescribed forms or find them at [www.doj.state.or.us/charitable-activities/annual-reporting-for-charities/file-your-annual-report](http://www.doj.state.or.us/charitable-activities/annual-reporting-for-charities/file-your-annual-report). Depending on the date of your organization's registration, the due date for its initial annual report may be different than the usual due date described above.

Questions about annual reports should be directed to the Annual Report Specialist at (971) 673-1880. Please note that our annual reports are in addition to and different from the annual reports that nonprofit corporations must file with the Oregon Corporation Division, Office of the Secretary of State.

**Please keep this letter with your permanent records as it contains your registration number.**

Sincerely,

*Wendy Lambo*

Wendy Lambo  
Charities Registrar  
Charitable Activities Section



Department of the Treasury  
Internal Revenue Service  
Tax Exempt and Government Entities  
P.O. Box 2508  
Cincinnati, OH 45201

MAXWELL MOUNTAIN PUBLIC ACCESS  
PRESERVATION CORP  
C/O JAY ZOLLINGER  
10975 SW AVOCET COURT  
BEAVERTON, OR 97007

Date:  
02/23/2024  
Employer ID number:  
93-4207400  
Person to contact:  
Name: Customer Service  
ID number: 31954  
Telephone: 877-829-5500  
Accounting period ending:  
December 31  
Public charity status:  
170(b)(1)(A)(vi)  
Form 990 / 990-EZ / 990-N required:  
Yes  
Effective date of exemption:  
October 27, 2023  
Contribution deductibility:  
Yes  
Addendum applies:  
No  
DLN:  
26053443010294

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a public charity under the IRC Section listed at the top of this letter.

If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e-Postcard). If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to [www.irs.gov/charities](http://www.irs.gov/charities). Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Sincerely,

Stephen A. Martin  
Director, Exempt Organizations  
Rulings and Agreements



## **ORS 307.115**

### **Property of nonprofit corporations held for public parks or recreation purposes**

- **Text**
- **Annotations**

**(1)**

Subject to approval by the appropriate granting authority under subsection (4) of this section, the following real or personal property owned or being purchased under contract by any nonprofit corporation meeting the requirements of subsection (2) of this section shall be exempt from taxation:

**(a)**

The real or personal property, or proportion thereof, as is actually and exclusively occupied or used for public park or public recreation purposes.

**(b)**

The real or personal property, or proportion thereof, as is held for public parks or public recreation purposes if the property is not used for the production of income, for investment, or for any trade or business or commercial purpose, or for the benefit or enjoyment of any private stockholder or individual, but only if the articles of incorporation of the nonprofit corporation prohibit use of property owned or otherwise held by the corporation, or of proceeds derived from the sale of that property, except for public park or public recreation purposes.

**(2)**

Any nonprofit corporation shall meet the following requirements:

**(a)**

The corporation shall be organized for the principal purpose of maintaining and operating a public park and public recreation facility or acquiring interest in land for development for public parks or public recreation purposes;

**(b)**

No part of the net earnings of the corporation shall inure to the benefit of any private stockholder or individual; and

**(c)**

Upon liquidation, the assets of the corporation shall be applied first in payment of all outstanding obligations, and the balance remaining, if any, in cash and in kind, shall be distributed to the State of Oregon or to one or more of its political subdivisions for public parks or public recreation purposes.

**(3)**

If any property which is exempt under this section subsequently becomes disqualified for such exemption or the exemption is not renewed as provided in subsection (4) of this section, it shall be added to the next general property tax roll for assessment and taxation in the manner provided by law.

**(4)**

**Intentionally left blank —Ed.**

**(a)**

**Real or personal property shall not be exempt under this section except upon approval of the appropriate granting authority obtained in the manner provided under this subsection.**

**(b)**

**Before any property shall be exempt under this section, on or before April 1 of any year the corporation owning or purchasing such property shall file an application for exemption with the county assessor. The provisions of ORS 307.162 (Claiming exemption) shall apply as to the form, time and manner of application. Within 10 days of filing in the office of the assessor, the assessor shall refer each application for classification to the granting authority, which shall be the governing body of a county for property located outside the boundaries of a city and the governing body of the city for property located within the boundaries of the city. Within 60 days thereafter, the application shall be granted or denied and written notice given to the applicant and to the county assessor. In determining whether an application made for exemption under this section should be approved or disapproved, the granting authority shall weigh the benefits to the general welfare of granting the proposed exemption to the property which is the subject of the application against the potential loss in revenue which may result from granting the application.**

**(c)**

**The granting authority shall not deny the application solely because of the potential loss in revenue if the granting authority determines that granting the exemption to the property will:**

**(A)**

**Conserve or enhance natural or scenic resources;**

**(B)**

**Protect air or streams or water supplies;**

**(C)**

**Promote conservation of soils, wetlands, beaches or tidal marshes;**

**(D)**

**Conserve landscaped areas which enhance the value of abutting or neighboring property;**

**(E)**

**Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, natural reservations, sanctuaries or other open spaces;**

**(F)**

**Enhance recreation opportunities;**

**(G)**

**Preserve historic sites;**

**(H)**

**Promote orderly urban or suburban development;**

**(I)**

**Promote the reservation of land for public parks, recreation or wildlife refuge purposes; or**

**(J)**

**Affect any other factors relevant to the general welfare of preserving the current use of the property.**

**(d)**

**The granting authority may approve the application for exemption with respect to only part of the property which is the subject of the application. However, if any part of the application is denied, the applicant may withdraw the entire application.**

**(e)**

**The exemption shall be granted for a 10-year period and may be renewed by the granting authority for additional periods of 10 years each at the expiration of the preceding period, upon the filing of a new application by the corporation with the county assessor on or before April 1 of the year following the 10th year of exemption. The assessor shall refer the application to the governing body as provided in paragraph (b) of this subsection, and within 30 days thereafter, the governing body shall determine if renewing the exemption will continue to serve one of the purposes of paragraph (c) of this subsection. Within 30 days after referral, written notice shall be given to the applicant and to the county assessor of the determination made by the governing body.**

**(5)**

**Any nonprofit corporation aggrieved by the refusal of the granting authority to grant or renew an exemption under subsection (4) of this section may, within 60 days after written notice has been sent to the corporation, appeal from the determination of the granting authority to the Oregon Tax Court. The appeal should be perfected in the manner provided in ORS 305.560 (Appeals procedure generally). The provisions of ORS 305.405 (Oregon Tax Court) to 305.494 (When shareholder may represent corporation in tax court proceedings) shall apply to the appeals. [1971 c.584 §1; 1973 c.214 §1; 1979 c.689 §5; 1987 c.416 §1; 1995 c.79 §118; 1997 c.325 §18]**