

FOR SALE

VALLEY VIEW PLAZA

821 – 909 S Main Street,
Myrtle Creek, OR 97457

**High-Yield Grocery-Anchored Center
Investment Opportunity**

PRESENTED BY CAPACITY COMMERCIAL GROUP



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VALLEY VIEW PLAZA

821 – 909 S Main Street,
Myrtle Creek, OR 97457



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DISCLAIMER

Capacity Commercial Group, LLC ("Agent") have been engaged as the exclusive agent for the sale of **821 – 909 S Main Street, Myrtle Creek, OR 97457** (the "Property").

The Property is being offered for sale in its "as-is, where-is" condition, and Seller and Agent make no representations or warranties as to the accuracy of the information contained in this Offering Memorandum. The enclosed materials include highly confidential information and are being furnished solely for the purpose of review by prospective purchasers of the interest described herein. Neither the enclosed materials nor any information contained herein is to be used for any other purpose or made available to any other person without the express written consent of Seller.

The enclosed materials are being provided solely to facilitate the Prospective Purchaser's own due diligence for which it shall be fully and solely responsible. The material contained herein is based on information and sources deemed to be reliable, but no representation or warranty, express or implied, is being made by Agent or Seller or any of their respective representatives, affiliates, officers, employees, shareholders, partners, and directors, as to the accuracy or completeness of the information contained herein. Summaries contained herein of any legal or other documents are not intended to be comprehensive statements of the terms of such documents, but rather only outlines of some of the principal provisions contained therein. Neither Agent nor Seller shall have any liability whatsoever for the accuracy or completeness of the information contained herein or any other written or oral communication or information transmitted or made available, or any action taken, or decision made by the recipient with respect to the Property. Interested parties are to make their own investigations, projections, and conclusions without reliance upon the material contained herein.

Seller reserves the right, at its sole and absolute discretion, to withdraw the Property from being marketed for sale at any time and for any reason. Seller and Agent each expressly reserves the right, at its sole and absolute discretion, to reject any and all expressions of interest or offers regarding the Property and/or to terminate discussions with any entity at any time, with or without notice. This Offering Memorandum is made subject to omissions, correction of errors, change of price or other terms, prior sale or withdrawal from the market without notice. Agent is not authorized to make any representations or agreements on behalf of Seller.

Seller shall have no legal commitment or obligation to any interested party reviewing the enclosed materials, performing additional investigation and/or making an offer to purchase the Property unless and until a binding written agreement for the purchase of the Property has been fully executed, delivered and approved by Seller, and any conditions to Seller's obligations thereunder have been satisfied or waived.

By taking possession of and reviewing the information contained herein, the recipient agrees that (a) the enclosed materials and their contents are of a highly confidential nature and will be held and treated in the strictest confidence and shall be returned to Agent or Seller promptly upon request; (b) the recipient shall not contact employees or tenants of the Property directly or indirectly regarding any aspect of the enclosed materials or the Property without the prior written approval of Seller or Agent and (c) no portion of the enclosed materials may be copied or otherwise reproduced without the prior written authorization of Seller or Agent.

If you have no interest in the Property at this time, please destroy or return this Offering Memorandum immediately to the exclusive listing brokers.



8.22%
In-Place Cap Rate

97.52%
Occupancy

\$81
Price/SF

THE OFFERING

Capacity Commercial Group is pleased to offer the opportunity to acquire the fee simple interest in Valley View Plaza, the market dominant grocery anchored retail center of the Myrtle Creek trade area.

The property is anchored by Ray's Food Place who has been in operation at the property since 1984. Ray's recently reaffirmed their commitment to Valley View Plaza by signing a 10-year lease extension, and they added two additional 5-year fair market value lease extension options. Valley View Plaza is only one of two grocery options within a 5-mile radius, and it has been in operation the longest.

The property is offered at an attractive \$81 per square foot and offers an 8.22% in-place yield. Investors may increase the cash flows of the asset through marking pending lease expirations to market and leasing the existing vacancies. The current owner has maintained the asset in excellent condition with significant capital improvements in recent years, resulting in a high yielding, protected cash flow investment property.

OFFER SUMMARY

Address	821 – 909 S Main Street, Myrtle Creek, OR 97457
Sale Price	\$5,400,000
Cap Rate	8.22%
Rentable SF	67,036 SF
Price per SF	\$81
Year Built Renovated	1984 2018

Offering Details

PROPERTY SUMMARY

Property	Valley View Plaza
Address	821- 909 S Main Street, Myrtle Creek, OR 97457
Region	Douglas County
Site Area	±6.37 Acres (277,477 SF)
Parking	3.74 / 1,000 SF (251 surface stalls)
Year Built Renovated	1984 2018
Zoning	General Commercial (C-3)

FINANCING SUMMARY

Sale Price	\$5,400,000
Price PSF	\$81 (building) \$19 (land)
Current NOI Proforma NOI	\$443,892 \$489,562
Cap Rate: In-Place Proforma	8.22% 8.64%
Net Rentable Area	67,036 SF
Occupancy	97.52%
All Cash or Cash to New Financing Contact Capacity Commercial Group for Further Details	





Investment Highlights

Grocery Anchored Center | Longstanding Anchor | Market Dominance

- Valley View Plaza is the dominant grocery anchored center supporting the Myrtle Creek and Tri-City areas
- Ray's Food Place has been in continuous operation at the property for over four decades (est. 1984)
- The anchor recently renewed its community commitment by agreeing to lease until 2036 with two additional five-year lease extension options
- Valley View Plaza is only one of two grocery options available within a 5-mile radius of the property

High-Yield Investment | Low Basis | Value Add Upside

- Valley View Plaza is the only grocery anchored investment opportunity available above an in-place 8.00% yield in the Pacific Northwest
- The property is offered for sale at \$81 per square foot of building and \$19 per square foot of land
- Many leases are signed at below market, as-is leases, creating a value add opportunity for savvy investors
- One existing vacancy create an immediate income upside opportunity

Excellent Maintenance History | Protected Cash Flows

- The property has been maintained in excellent condition since the owner originally constructed the property
- All HVAC units servicing the property are less than five years old
- The flat roof was also replaced in 2003 with an additional membrane installed in 2019
- Other recent improvements include new metal roofing, new exterior paint, and new fascia



Anchor Overview



Ray's Food Place

Ray's Food Place is the flagship retail banner of C&K Market, Inc., a private, employee-owned grocery retailer

headquartered in Medford, Oregon. Founded in 1956 when Ray Nidiffer purchased a half-interest in a small market in Brookings, the company has grown into a regional grocery retailer with nearly seven decades of continuous operation, comprising approximately 38 to 39 stores across southern and central Oregon and northern California. The majority of locations operate under the Ray's Food Place banner, with additional stores operating under the Shop Smart and C&K Market names.

Stores function as full-service neighborhood grocers, offering fresh-cut meats, produce, bulk and organic foods, in-store bakery and deli departments, and a curated selection of regional wines and Pacific Northwest craft beers. Select locations also feature pharmacies, espresso bars, banking services, and other community-oriented amenities. The company's stores are strategically concentrated in smaller regional and rural communities where limited grocery competition often positions Ray's Food Place as a primary daily-needs retailer. C&K describes its operating philosophy as "a chain of independent stores rather than an independent chain," with each location tailored to its local market.

In December 2020, the company transitioned to 100% employee ownership through an Employee Stock Ownership Plan (ESOP), providing employees with retirement benefits tied to the company's long-term performance. The company employs more than 1,200 people system-wide.

ANCHOR OVERVIEW

Organization Name	Ray's Food Place (C&K Market, Inc.)
Tenant Type	Full-Service Grocery Retailer
Parent Company	C&K Market, Inc.
Ownership Structure	100% Employee-Owned (ESOP)
Founded	1956
Headquarters	Medford, Oregon
No. of Stores (System-Wide)	~39 (OR & N. CA)
Ray's Food Place Locations	~32
No. of Employees	1,200+
Annual Revenue	~\$296 Million
Website	www.gorays.com
Parent Company Website	www.ckmarket.com

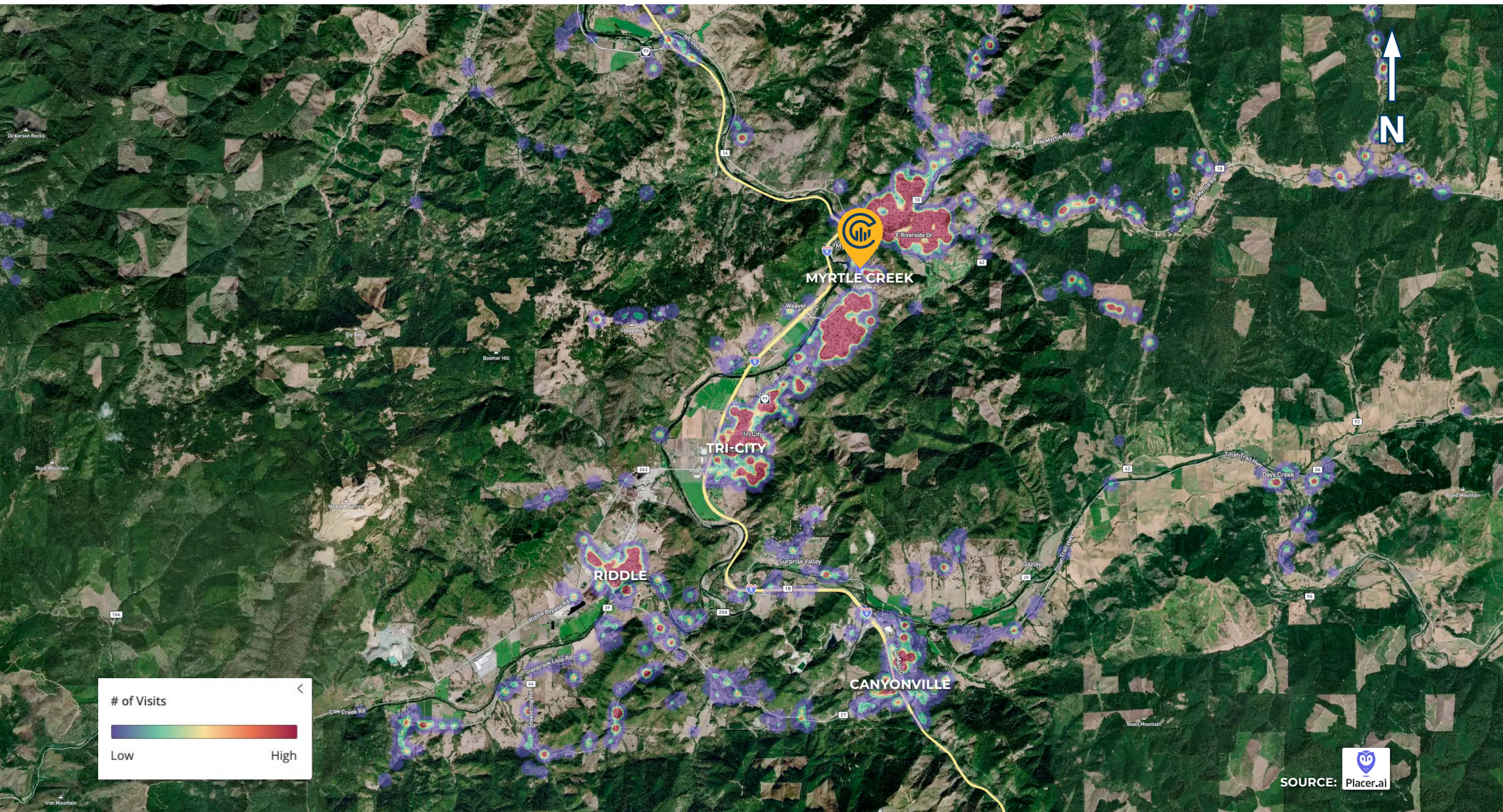
1956
Year Founded

\$296M
Annual Revenue

1,200+
Employees

32
Locations

Market Landscape



Site Overview

Address

821-909 S Main St, Myrtle Creek, OR 97457

Year Built | Renovation

1984 | 2018

Building Size

67,036 SF

Parcel Size

6.37 Acres (277,477 SF)

Parking

3.74 per 1,000 SF (251 Stalls)

Parcel Number

R137049



Financial Summary: Valuation – Current

FINANCIAL ANALYSIS - CURRENT

REVENUES	\$/SF/YR	ANNUAL DATA
Scheduled Base Rent	\$ 7.61	\$ 510,067.36
Expense Recoveries [1]	\$ 1.88	\$ 126,083.58
Total Gross Revenue	\$ 9.49	\$ 636,150.94
Vacancy Loss	\$ (0.47)	\$ (31,807.55)
Effective Gross Income	\$ 9.02	\$ 604,343.39
OPERATING EXPENSES		
Property Taxes	\$ (0.77)	\$ (51,854.99)
Insurance	\$ (0.37)	\$ (25,101.00)
Repairs & Maintenance [2]	\$ (0.19)	\$ (12,562.00)
Utilities	\$ (0.36)	\$ (24,404.00)
Facilities Engineer [3]	\$ (0.25)	\$ (16,529.00)
Management Fee [3]	\$ (0.45)	\$ (30,000.00)
Total Operating Expenses	\$ (2.39)	\$ (160,450.99)
Net Operating Income	\$ 6.62	\$ 443,892.40
Monthly NOI	\$ 0.55	\$ 36,991.03

[1] Calculated using tenant lease data compared to Operating Expense data shown above.

[2] Excludes 1x HVAC unit at \$11,000.

[3] Component of 2025 Contract Labor.

EQUITY METRICS	
Sale Price	\$5,400,000
Capitalization Rap	8.22%
Price PSF	\$ 80.55
Price PSF Lot	\$ 19.46

DEBT METRICS	
Annual Debt Service	\$ (320,599.32)
DSCR	1.38
Loan Constant	7.92%
Annual Cash Flow	\$ 123,293
Monthly Cash Flow	\$ 10,274
Cash on Cash	9.13%

DEBT ASSUMPTIONS	
Loan Amount	\$ 4,050,000.00
Down Payment	\$ 1,350,000.00
Loan to Value	75.00%
Interest Rate	6.25%
Amort. Period	25 Years
Fixed Term	5 Years

Valuation – Proforma

FINANCIAL ANALYSIS - PROFORMA

REVENUES	\$/SF/YR	ANNUAL DATA
Scheduled Base Rent	\$ 7.91	\$ 529,987.36
Expense Recoveries [1]	\$ 1.94	\$ 130,050.98
Total Gross Revenue	\$ 9.85	\$ 660,038.34
Vacancy Loss	\$ (0.49)	\$ (33,001.92)
Effective Gross Income	\$ 9.35	\$ 627,036.42
OPERATING EXPENSES		
Property Taxes	\$ (0.77)	\$ (51,854.99)
Insurance	\$ (0.37)	\$ (25,101.00)
Repairs & Maintenance [2]	\$ (0.19)	\$ (12,562.00)
Utilities	\$ (0.36)	\$ (24,404.00)
Facilities Engineer [3]	\$ (0.25)	\$ (16,529.00)
Management Fee [3]	\$ (0.45)	\$ (30,000.00)
Total Operating Expenses	\$ (2.39)	\$ (160,450.99)
Net Operating Income	\$ 6.96	\$ 466,585.43
Monthly NOI	\$ 0.58	\$ 38,882.12

[1] Calculated using tenant lease data compared to Operating Expense data shown above.

[2] Excludes 1x HVAC unit at \$11,000.

[3] Component of 2025 Contract Labor.

EQUITY METRICS	
Sale Price	\$5,400,000
Capitalization Rap	8.64%
Price PSF	\$ 80.55
Price PSF Lot	\$ 19.46

DEBT METRICS	
Annual Debt Service	\$ (320,599.32)
DSCR	1.46
Loan Constant	7.92%
Annual Cash Flow	\$ 145,986
Monthly Cash Flow	\$ 12,166
Cash on Cash	10.81%

DEBT ASSUMPTIONS	
Loan Amount	\$ 4,050,000.00
Down Payment	\$ 1,350,000.00
Loan to Value	75.00%
Interest Rate	6.25%
Amort. Period	25 Years
Fixed Term	5 Years

Current Rent Roll

Unit	Tenant	Square Feet	% of Property	Lease Term		Current Income		Lease		Lease Rates				Reimbursements			
				Begin	End	Annual Rent	Annual NNN	Structure	Period	Begin	Monthly	PSF	Annually	PSF	Increase	Annual NNN	PSF
909	Ray's Food Place	30,720	45.83%	3/1/10	2/29/36	\$ 232,188	\$ 74,431.88	Modified NNN	Base	Current	\$ 19,349	\$ 0.63	\$232,188	\$ 7.56		\$ 74,431.88	\$ 2.42
									Option 1	3/1/36	FMV		FMV				
									Option 2	3/1/41	FMV		FMV				
885	Sunrise Enterprises	8,845	13.19%	7/1/18	1/31/27	\$ 86,400	\$ 3,311.93	Modified NNN	Base	Current	\$ 7,200	\$ 0.81	\$ 86,400	\$ 9.77		\$ 3,311.93	\$ 0.37
875	Antique Market Stuff N Things	8,000	11.93%	11/1/25	10/30/26	\$ 48,000	\$ 11,583.84	Modified NNN	Base	Current	\$ 4,000	\$ 0.50	\$ 48,000	\$ 6.00		\$ 11,583.84	\$ 1.45
865	Sheer Perfection	1,100	1.64%	5/1/22	4/30/27	\$ 12,300	\$ 2,727.67	Modified NNN	Base	Current	\$ 1,025	\$ 0.93	\$ 12,300	\$ 11.18		\$ 2,727.67	\$ 2.48
863	Mercy Medical Center	1,100	1.64%	9/1/20	8/31/29	\$ 18,523	\$ 2,632.86	NNN	Base	Current	\$ 1,544	\$ 1.40	\$ 18,523	\$ 16.84		\$ 2,632.86	\$ 2.39
853	Figaro's Pizza	1,375	2.05%	5/1/24	4/30/27	\$ 14,850	\$ 3,291.07	Modified NNN	Base	Current	\$ 1,238	\$ 0.90	\$ 14,850	\$ 10.80		\$ 3,291.07	\$ 2.39
									Option 2	5/1/27	FMV		FMV				
									Option 3	5/1/32	FMV		FMV				
845	Subway	1,925	2.87%	4/1/25	4/14/31	\$ 20,054	\$ 4,607.50	NNN	Base	Current	\$ 1,671	\$ 0.87	\$ 20,054	\$ 10.42		\$ 4,607.50	\$ 2.39
									Base	4/15/28	\$ 1,733	\$ 1.58	\$ 20,790	\$ 18.90	4%		
									Option 1	4/15/31	FMV		FMV				
									Option 2	4/15/36	FMV		FMV				
841	South County E-Cycler	1,100	1.64%	8/1/26	7/31/27	\$ 10,560	\$ 2,629.00	NNN	Base	Current	\$ 880	\$ 0.80	\$ 10,560	\$ 9.60		\$ 2,629.00	\$ 2.39
837	Vacant	1,660	2.48%	9/1/26	8/31/31	\$ -	\$ -	NNN	Base	Current	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -
825	Open Arms Christian church	5,700	8.50%	5/1/26	4/30/27	\$ 14,400	\$ 9,233.80	NNN	Base	Current	\$ 1,200	\$ 0.21	\$ 14,400	\$ 2.53		\$ 9,233.80	\$ 1.62
823	Techtron Electronics	2,100	3.13%	6/1/26	5/31/27	\$ 18,000	\$ 3,369.47	NNN	Base	Current	\$ 1,500	\$ 0.71	\$ 18,000	\$ 8.57		\$ 3,369.47	\$ 1.60
821	C & K Pharmacy	3,411	5.09%	3/1/10	2/29/36	\$ 34,792	\$ 8,264.56	NNN	Base	Current	\$ 2,899	\$ 0.85	\$ 34,792	\$ 10.20		\$ 8,264.56	\$ 2.42
									Option 1	3/1/36	FMV		FMV				
									Option 2	3/1/41	FMV		FMV				
Totals		67,036	100.00%			\$510,067	\$126,083.58				\$ 42,506	\$ 0.63	\$510,067	\$ 7.61		\$ 126,083.58	\$ 1.88

THIS PROFORMA IS BASED ON ASSUMPTIONS AND OWNERS AND CAPACITY COMMERCIAL GROUP DO NOT GUARANTEE THESE NUMBERS AN BUYER TO DO THEIR OWN DUE DILIGENCE

Proforma Rent Roll

Unit	Tenant	Square Feet	% of Property	Lease Term		Current Income		Lease		Lease Rates					Reimbursements		
				Begin	End	Annual Rent	Annual NNN	Structure	Period	Begin	Monthly	PSF	Annually	PSF	Increase	Annual NNN	PSF
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									Option 2	5/1/27	FMV		FMV				
									Option 3	5/1/32	FMV		FMV				
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									Option 1	4/15/31	FMV		FMV				
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841	South County E-Cycler	1,100	1.64%	8/1/26	7/31/27	\$ 10,560	\$ 2,629.00	NNN	Base	Current	\$ 880	\$ 0.80	\$ 10,560	\$ 9.60		\$ 2,629.00	\$ 2.39
837	Collaboration - prospect	1,660	2.48%	9/1/26	8/31/31	\$ 19,920	\$ 3,967.40	NNN	Base	Current	\$ 1,660	\$ 1.00	\$ 19,920	\$ 12.00		\$ 3,967.40	\$ 2.39
825	Open Arms Christian church	5,700	8.50%	5/1/26	4/30/27	\$ 14,400	\$ 9,233.80	NNN	Base	Current	\$ 1,200	\$ 0.21	\$ 14,400	\$ 2.53		\$ 9,233.80	\$ 1.62
823	Techtron Electronics	2,100	3.13%	6/1/26	5/31/27	\$ 18,000	\$ 3,369.47	NNN	Base	Current	\$ 1,500	\$ 0.71	\$ 18,000	\$ 8.57		\$ 3,369.47	\$ 1.60
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									Option 1	3/1/36	FMV		FMV				
									Option 2	3/1/41	FMV		FMV				
Totals		67,036	100.00%			\$529,987	\$130,050.98				\$ 44,166	\$ 0.66	\$529,987	\$ 7.91		\$ 130,050.98	\$ 1.94

THIS PROFORMA IS BASED ON ASSUMPTIONS AND OWNERS AND CAPACITY COMMERCIAL GROUP DO NOT GUARANTEE THESE NUMBERS AN BUYER TO DO THEIR OWN DUE DILIGENCE



AERIAL



Map data ©2025 Google Imagery ©2025, Airbus, CNES / Airbus, Maxar Technologies, Metro, Portland Oregon, Public Laboratory, State of Oregon, U.S. Geological Survey, USDA/FPAC/GEO

*Average Daily Traffic Volume | Traffic Counts and *Average Monthly Visits are Provided by REGIS Online at SitesUSA.com ©2025



WHY MYRTLE CREEK



Situated along the South Umpqua River in southern Douglas County, Myrtle Creek is a small city with deep roots in Oregon's timber and agricultural heritage. Its position on Interstate 5, roughly 21 miles south of Roseburg, makes it a practical node along one of the West Coast's primary freight and travel corridors and an affordable entry point for investors looking at southern Oregon's underserved commercial markets.

Geography & Setting

Myrtle Creek occupies 2.5 square miles where North and South Myrtle Creeks converge before joining the South Umpqua River. The surrounding landscape of forested hillsides, river bottomland, and proximity to the Umpqua National Forest shapes both the character of the community and its outdoor recreation economy. The mild, warm-summer Mediterranean climate supports agriculture, including the Umpqua Valley wine region, which has vineyards operating within and immediately adjacent to the city.

History & Economy

The area's first post office was established in 1854, and the city incorporated in 1893 after growing as a supply stop along the Scott-Applegate Trail. Gold, prunes, and timber each drove prosperity in different eras; the postwar timber boom made Douglas County one of the most productive mill regions in the country, with Roseburg Forest Products operating a facility in the city among the industry's survivors. When Interstate 5 bypassed the downtown corridor in 1965, Myrtle Creek transitioned away from through-traffic commerce and toward a smaller, service-oriented local economy.

Today the primary employment sectors are healthcare and social assistance, retail trade, and accommodation and food services, with roughly 1,600 jobs in the local workforce as of 2024 — a 4.5% year-over-year increase.

Infrastructure & Accessibility

Direct I-5 access at two interchanges provides straightforward freight and commuter connectivity north to Roseburg and Eugene, and south toward Medford and the California border. Regional bus service connects to Roseburg, where Greyhound service and the Douglas County regional transit network operate. Rogue Valley International-Medford Airport, approximately 65 miles south, serves the region's air travel needs.

Housing & Cost of Living

Myrtle Creek's cost-of-living index sits at 87.7 against a U.S. baseline of 100, reflecting the market's affordability relative to statewide and national averages. Median home values are approximately \$263,000–\$280,000, with median gross rent around \$937–\$1,100 per month, well below comparable figures in the Portland metro or the Rogue Valley. The homeownership rate is approximately 66%. Property values have seen roughly 7%

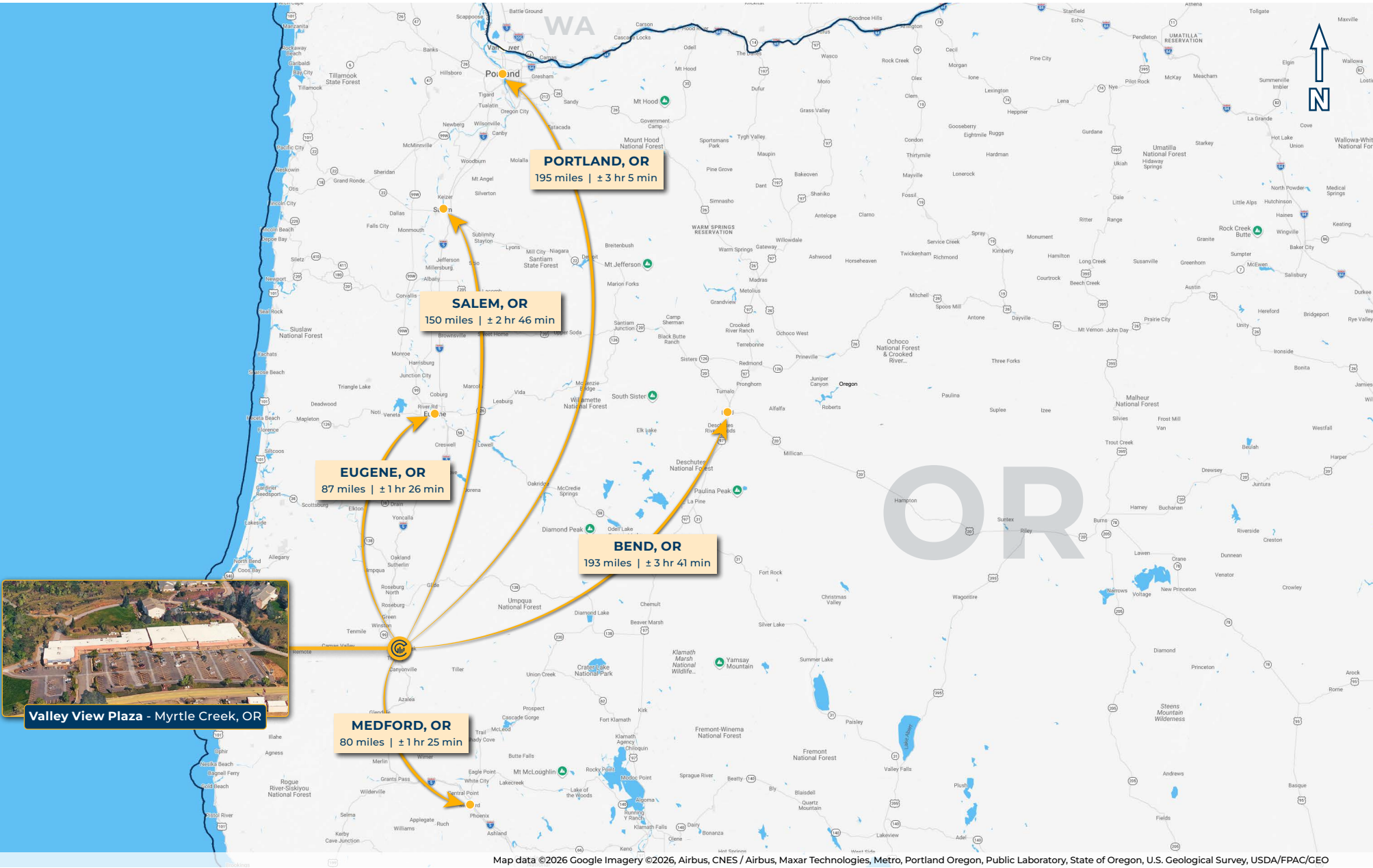
year-over-year appreciation, and median household income has roughly doubled since 2000, indicating sustained if modest economic momentum.

Life & Community

The city's population of approximately 3,500 skews toward middle age (median ~46), with a notable share of veterans and retirees alongside working families. The South Umpqua School District serves the area's K-12 students, with Umpqua Community College accessible in Roseburg. Mill Site Park, anchored by the historic Horse Creek Covered Bridge, serves as the cultural and recreational center of the downtown. The South Umpqua River supports fishing, swimming, and rockhounding, while the broader watershed — one of the largest BLM-managed blocks in western Oregon — draws outdoor visitors year-round. Pyrenees Vineyard & Cellars operates within the city limits, and the Umpqua Valley wine region offers additional draw for agritourism.

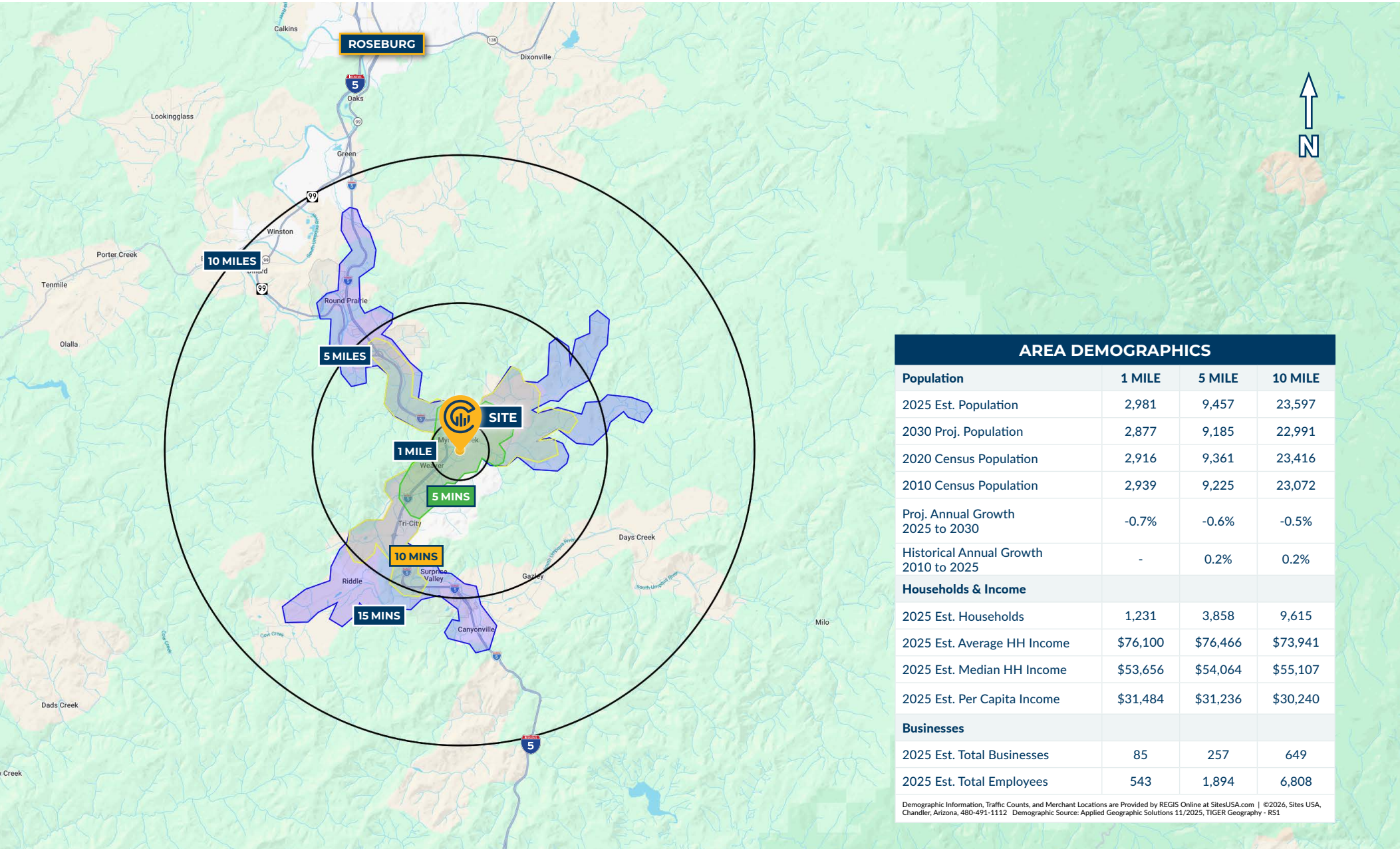
Myrtle Creek presents an affordable, infrastructure-connected market with stable community anchors, a recovering commercial core, and land costs that remain well below those of Oregon's larger metros. For investors seeking exposure to southern Oregon's I-5 corridor at a value basis, it merits consideration alongside its larger neighbors.

Location Map



Map data ©2026 Google Imagery ©2026, Airbus, CNES / Airbus, Maxar Technologies, Metro, Portland Oregon, Public Laboratory, State of Oregon, U.S. Geological Survey, USDA/FPAC/GEO

Property Drive-Time & Demographics



Oregon Initial Agency Disclosure Pamphlet



Consumers: This pamphlet describes the legal obligations of Oregon real estate licensees to consumers. Real estate brokers and principal real estate brokers are required to provide this information to you when they first contact you. A licensed real estate broker or principal broker need not provide the pamphlet to a party who has, or may be reasonably assumed to have, received a copy of the pamphlet from another broker.

This pamphlet is informational only. Neither the pamphlet nor its delivery to you may be interpreted as evidence of intent to create an agency relationship between you and a broker or a principal broker.

Real Estate Agency Relationships

An “agency” relationship is a voluntary legal relationship in which a licensed real estate broker or principal broker (the “agent”) agrees to act on behalf of a buyer or a seller (the “client”) in a real estate transaction. Oregon law provides for three types of agency relationships between real estate agents and their clients:

- **Seller’s Agent** – Represents the seller only.
- **Buyer’s Agent** – Represents the buyer only.
- **Disclosed Limited Agent** – Represents both the buyer and seller, or multiple buyers who want to purchase the same property. This can be done only with the written permission of all clients.

The actual agency relationships between the seller, buyer and their agents in a real estate transaction must be acknowledged at the time an offer to purchase is made. Please read this pamphlet carefully before entering into an agency relationship with a real estate agent.

Definition of “Confidential Information”

Generally, licensees must maintain confidential information about their clients.

“Confidential information” is information communicated to a real estate licensee or the licensee’s agent by the buyer or seller of one to four residential units regarding the real property transaction, including but not limited to price, terms, financial qualifications or motivation to buy or sell. “Confidential information” does not mean information that:

1. The buyer instructs the licensee or the licensee’s agent to disclose about the buyer to the seller, or the seller instructs the licensee or the licensee’s agent to disclose about the seller to the buyer; and
2. The licensee or the licensee’s agent knows or should know failure to disclose would constitute fraudulent representation.

Duties and Responsibilities of a Seller’s Agent

Under a written listing agreement to sell property, an agent represents only the seller unless the seller agrees in writing to allow the agent to also represent the buyer.

An agent who represents only the seller owes the following affirmative duties to the seller, the other parties and the other parties’ agents involved in a real estate transaction:

1. To deal honestly and in good faith;
2. To present all written offers, notices and other communications to and from the parties in a timely manner without regard to whether the property is subject to a contract for sale or the buyer is already a party to a contract to purchase; and
3. To disclose material facts known by the agent and not apparent or readily ascertainable to a party.

A seller’s agent owes the seller the following affirmative duties:

1. To exercise reasonable care and diligence;

2. To account in a timely manner for money and property received from or on behalf of the seller;
3. To be loyal to the seller by not taking action that is adverse or detrimental to the seller’s interest in a transaction;
4. To disclose in a timely manner to the seller any conflict of interest, existing or contemplated;
5. To advise the seller to seek expert advice on matters related to the transaction that are beyond the agent’s expertise;
6. To maintain confidential information from or about the seller except under subpoena or court order, even after termination of the agency relationship; and
7. Unless agreed otherwise in writing, to make a continuous, good faith effort to find a buyer for the property, except that a seller’s agent is not required to seek additional offers to purchase the property while the property is subject to a contract for sale.

None of these affirmative duties of an agent may be waived, except (7). The affirmative duty listed in (7) can only be waived by written agreement between seller and agent.

Under Oregon law, a seller’s agent may show properties owned by another seller to a prospective buyer and may list competing properties for sale without breaching any affirmative duty to the seller.

Unless agreed to in writing, an agent has no duty to investigate matters that are outside the scope of the agent’s expertise, including but not limited to investigation of the condition of property, the legal status of the title or the seller’s past conformance with law.

Duties and Responsibilities of a Buyer’s Agent

An agent, other than the seller’s agent, may agree to act as the buyer’s agent only. The buyer’s agent is not representing the seller, even if the buyer’s agent is receiving compensation for services rendered, either in full or in part, from the seller or through the seller’s agent.

An agent who represents only the buyer owes the following affirmative duties to the buyer, the other parties and the other parties’ agents involved in a real estate transaction:

1. To deal honestly and in good faith;
2. To present all written offers, notices and other communications to and from the parties in a timely manner without regard to whether the property is subject to a contract for sale or the buyer is already a party to a contract to purchase; and
3. To disclose material facts known by the agent and not apparent or readily ascertainable to a party.

A buyer’s agent owes the buyer the following affirmative duties:

1. To exercise reasonable care and diligence;
2. To account in a timely manner for money and property received from or on behalf of the buyer;
3. To be loyal to the buyer by not taking action that is adverse or detrimental to the buyer’s interest in a transaction;
4. To disclose in a timely manner to the buyer any conflict of interest, existing or contemplated;
5. To advise the buyer to seek expert advice on matters related to the transaction that are beyond the agent’s expertise;
6. To maintain confidential information from or about the buyer except under subpoena or court order, even after termination of the agency relationship; and
7. Unless agreed otherwise in writing, to make a continuous, good faith effort to find property for the buyer, except that a buyer’s agent is not required to seek additional properties for the buyer while the buyer is subject to a contract for purchase.

None of these affirmative duties of an agent may be waived, except (7). The affirmative duty listed in (7) can only be waived by written agreement between buyer and agent.

Under Oregon law, a buyer’s agent may show properties in which the buyer is interested to other prospective buyers without breaching an affirmative duty to the buyer.

Unless agreed to in writing, an agent has no duty to investigate matters that are outside the scope of the agent’s expertise, including but not limited to investigation of the condition of property, the legal status of the title or the seller’s past conformance with law.

Duties and Responsibilities of an Agent Who Represents More Than One Client in a Transaction

One agent may represent both the seller and the buyer in the same transaction, or multiple buyers who want to purchase the same property, only under a written “Disclosed Limited Agency Agreement” signed by the seller and buyer(s).

Disclosed Limited Agents have the following duties to their clients:

1. To the seller, the duties listed above for a seller’s agent;
2. To the buyer, the duties listed above for a buyer’s agent; and
3. To both buyer and seller, except with express written permission of the respective person, the duty not to disclose to the other person:
 - a. That the seller will accept a price lower or terms less favorable than the listing price or terms;
 - b. That the buyer will pay a price greater or terms more favorable than the offering price or terms; or
 - c. Confidential information as defined above.

Unless agreed to in writing, an agent has no duty to investigate matters that are outside the scope of the agent’s expertise.

When different agents associated with the same principal broker (a real estate licensee who supervises other agents) establish agency relationships with different parties to the same transaction, only the principal broker will act as a Disclosed Limited Agent for both the buyer and seller. The other agents continue to represent only the party with whom the agents have already established an agency relationship unless all parties agree otherwise in writing. The principal real estate broker and the real estate licensees representing either seller or buyer shall owe the following duties to the seller and buyer:

1. To disclose a conflict of interest in writing to all parties;
2. To take no action that is adverse or detrimental to either party’s interest in the transaction; and
3. To obey the lawful instructions of both parties.

No matter whom they represent, an agent must disclose information the agent knows or should know that failure to disclose would constitute fraudulent misrepresentation.

You are encouraged to discuss the above information with the licensee delivering this pamphlet to you. If you intend for that licensee, or any other Oregon real estate licensee, to represent you as a Seller’s Agent, Buyer’s Agent, or Disclosed Limited Agent, you should have a specific discussion with the agent about the nature and scope of the agency relationship. Whether you are a buyer or seller, you cannot make a licensee your agent without the licensee’s knowledge and consent, and an agent cannot make you a client without your knowledge and consent.

VALLEY VIEW PLAZA

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