

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON
FOR THE COUNTY OF YAMHILL
SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Order Declaring Certain
Tax Foreclosed Property as Surplus,
Authorizing the Sale of the Property by
Private Sale, and Ordering Distribution of
Proceeds (Tax Lot No. R4414 03591)

BOARD ORDER 23-111

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (“the Board”) sat for the transaction of county business in formal session on March 23, 2023, commissioners Lindsay Berschauer, Kit Johnston, and Mary Starrett being present.

THE BOARD ADOPTS THE FOLLOWING FINDINGS:

WHEREAS, ORS Chapter 275 governs the sale of surplus county real properties. ORS 275.225 authorizes a private sale of county surplus property under the following conditions:

- a. The property has a real market value of less than \$15,000 on the tax assessment roll; and
- b. The property is unsuited for the construction or placement of a dwelling thereon under current zoning ordinances and building codes of the county.

WHEREAS, On October 7, 2011, the Circuit Court of the State of Oregon entered a General Judgment of Foreclosure for the Yamhill County (the “County”) via Case No. CV110322 (the “Judgment”).

WHEREAS, Pursuant to the Judgment, the County acquired certain foreclosed property (hereinafter referred to as the “Property”) more particularly described as:

TAX LOT NO. R4414 03591 TAX ACCOUNT NO. 536251

A TRACT OF LAND IN SECTION 14, TOWNSHIP 4 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN YAMHILL COUNTY, OREGON, DESCRIBED AS FOLLOWS:

ALL THE LAND BOUNDED TO ON THE NORTH BY THE PROPERTY DESCRIBED IN DOCUMENT #201102889, TRACT NO. 5 IN ST. JOSEPH SUBDIVISION NUMBER 1, ON THE EAST BY THE YAMHILL RIVER, AND ON THE WEST BY THE NORTH YAMHILL RIVER.

WHEREAS, On March 9, 2023, the County received a sealed bid from Mark Frey (the “Purchaser”) to purchase the Property, attached hereto as Exhibit A.

WHEREAS, The Property meets to provisions of ORS 275.225; and

WHEREAS, It is in the County’s best interest to sell the Property for \$ 5,175.00.

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE BOARD AS FOLLOWS:

1. DECLARATION OF SURPLUS PROPERTY.

The Property is not in use for any County purpose and is hereby declared to be surplus.

2. AUTHORIZATION OF SALE; PURCHASE PRICE.

The sale of Tax Lot No. R4414 03591 to Mark Frey as authorized by ORS 275.225 is hereby confirmed for the purchase price of \$ 5,175.00, plus the costs to record.

3. APPROVAL OF QUITCLAIM DEED.

Conveyance of the Property shall be done via the Quitclaim Deed provided in Exhibit B, attached hereto.

4. CONFIRMATION OF SUMS ALLOWED BY ORS 275.275(1).

➤ As permitted under ORS 275.275(1)(c), the following amount shall be deducted from the gross proceeds to reimburse the County for all the costs and expenses incurred by the County in the maintenance and supervision of such properties and in any suits by it to quiet title to property sold:

○ Attorney/staff time fee:	\$ <u>200.00</u>
○ Deed preparation fee:	\$ <u>100.00</u>
TOTAL	\$ <u>300.00</u>

5. DISTRIBUTION OF GROSS PURCHASE PRICE PROCEEDS.

The gross purchase price proceeds from the sale shall be distributed to as follows:

To County Counsel (10-25-351.01).....	\$ <u>300.00</u>
To unsegregated tax account.....	\$ <u>4,875.00</u>

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DONE at McMinnville, Oregon on March 23, 2023.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

KERI HINTON
County Clerk



Lindsay Berschauer

Chair LINDSAY BERSCHAUER

Kit Johnston

Commissioner KIT JOHNSTON

By: *Carolina Rook*
Deputy CAROLINA ROOK

FORM APPROVED BY:

Jodi Gollehon

JODI GOLLEHON
Assistant County Counsel

Mary Starrett

Commissioner MARY STARRETT

Accepted by Yamhill County
Board of Commissioners on
3.23.23 by Board Order
B.O. 23-111



SEALED OFFER FORM
Agreement to Purchase

NAME (as you want it to appear on the deed): Mark P Fery
MAILING ADDRESS (for tax statements): 3850 NE Arnold Ln, McMinnville OR 97128
PHONE NUMBER: 971-237-7211 EMAIL ADDRESS: Mark.Fery@gmail.com

The undersigned hereby offers to purchase real property described as:

TAX LOT NO. 124414 03591 TAX ACCOUNT NO. 536251

from Yamhill County, for \$ 5175.00 (cash).

10% of the offer price is enclosed with this offer by Cashier's Check or Money Order.

If this offer is accepted, I understand that the balance of the offer price is *due in full ten (10) business days* following the date the bid is accepted by the County. In addition, I understand that I will be responsible for the full \$86 recording fee. Please be advised, if the deed is longer than two pages, there is an additional charge of \$5.00 per page for recording.

TERMS OF SALE

If your bid is accepted, and you fail to pay the full balance of the purchase price within the time and in the manner set forth hereinabove, all rights in the said real property shall cease and all right, title, and interest in the property shall continue to remain vested in Yamhill County, free of any claim or equity, and all monies deposited hereunder shall be retained by the County.

Yamhill County properties are sold "as is". No warranties or guarantees are made concerning the condition of title, the ability to use a property for any particular purpose, the ability to develop a property pursuant to State and local land use law, location of boundary lines, environmental condition or any other matter concerning a property. Conveyance will be made by Quitclaim Deed. Title insurance shall be at the option and expense of the purchaser. It is the buyer's responsibility to thoroughly investigate a property prior to purchase.

The undersigned agrees to the terms set forth above and agrees to pay Yamhill County the sum indicated herein.

The undersigned further certifies that:

1. This offer to purchase is made based solely upon his or her personal knowledge and inspection of the property;
2. The form of deed to be used for conveyance, on file for inspection at the Yamhill County Counsel's Office, is satisfactory to the undersigned;
3. The undersigned knows and understands that Yamhill County, its officers or employees do not, in any way:
 - a. Warrant the title to be conveyed;
 - b. Guarantee the acreage or dimensions shown in county records, of the various properties; or
 - c. Provide any assurance that the property may be used for – or is suitable for – any particular purpose.


Signature

Date: 3/8/2023

After Recording, Return To:
Melinda Leaver Roy
Sherman, Sherman, Johnnie & Hoyt, LLP
693 Chemeketa St. NE
Salem OR 97308

Send Tax Statements to:
Mark P. Fery
3850 NE Arnold Ln.
McMinnville, OR 97128

Yamhill County Official Records	202013539
DMR-DDMR	08/06/2020 01:25:00 PM
Str=1031 SUTTONS	2Pgs \$10.00 \$11.00 \$5.00 \$60.00
	\$86.00

I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.
Brian Van Bergen - County Clerk

BARGAIN AND SALE DEED

Merrilee S. Johnson, Grantor, hereby conveys to Mark P. Fery, Grantee, all of Grantor's interest in the following described real property and improvements located in Yamhill County, Oregon:

See the attached Exhibit A.

Situs Address: 3850 NE Arnold Lane, McMinnville, Yamhill County, Oregon
Tax Account No. 127464

The true consideration for this conveyance is \$0.

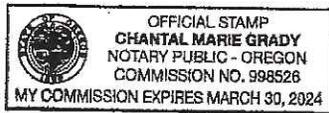
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 21st day of July, 2020.

Merrilee S. Johnson
Merrilee S. Johnson

STATE OF OREGON)
County of Yamhill) ss.

On this 21st day of July, 2020, personally appeared before me the above named Merrilee S. Johnson and acknowledged the foregoing instrument to be her voluntary act and deed.



Chantal Marie Grady
Notary Public for Oregon
My Commission expires: March 30, 2024

"Exhibit A"

After Recording Return to:

Mark P. Frey
3850 NE Arnold Ln
McMinnville, OR 97128

Send Tax Statements To:

Mark P. Frey
3850 NE Arnold Ln
McMinnville, OR 97128

STATUTORY QUITCLAIM DEED

YAMHILL COUNTY, a political subdivision of the State of Oregon, Grantor, releases and quitclaims to MARK P. FREY; Grantee, all right, title and interest in and to the following described real property situated in Yamhill County, Oregon:

Tax Lot No.: R4414 03591

Tax Account No. 536251

A TRACT OF LAND IN SECTION 14, TOWNSHIP 4 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN YAMHILL COUNTY, OREGON, DESCRIBED AS FOLLOWS:

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This conveyance is subject to any easements of record.

The true and actual consideration for this transfer is \$5,175.00.

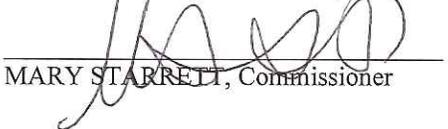
This conveyance is made pursuant to an Order of the Yamhill County Board of Commissioners Order No. 23-111, dated March 23, 2023.

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

IN WITNESS WHEREOF, YAMHILL COUNTY, OREGON, the Grantor above named, has caused this Deed to be executed by its Board of County Commissioners on this 23rd day of March, 2023.


LINDSAY BERSCHAUER, Chairperson

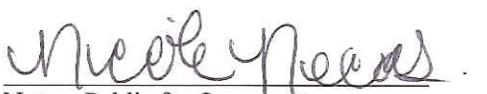

KIT JOHNSTON, Commissioner


MARY STARRETT, Commissioner



State of Oregon)
) ss.
County of Yamhill)

This instrument was acknowledged before me on March 30, 2023, by Lindsay Berschauer
Kit Johnston, Mary Starrett as Commissioners of the Board of County Commissioners for
Yamhill County.


Notary Public for Oregon
My Commission expires: 1-12-27

