

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. R4417DA 10200)

BOARD ORDER 23-161

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (“the Board”) sat for the transaction of county business in formal session on April 27, 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; and

WHEREAS, On April 6, 1983, the Circuit Court of the State of Oregon entered a General Judgment of Foreclosure for the Yamhill County (the “County”) via Case No. 830295 (the “Judgment”); and

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

Account# 143687 **Tax Lot: R4417DA 10200**
REAL PROPERTY IN THE COUNTY OF YAMHILL, STATE OF OREGON,
DESCRIBED AS FOLLOWS:

THAT PORTION OF LOT 9 IN BLOCK 2 OF THE AMENDED PLAT OF WITHYCOMBE ADDITION TO THE CITY OF MCMINNVILLE, YAMHILL COUNTY, OREGON, BEING THAT TRIANGULAR TRACT LYING SOUTHEASTERLY OF 18TH STREET, EXTENDED WEST OF BIRCH STREET AND NORTH OF DOTTED LINE RUNNING EAST AND WEST ALONG NORTH LINE OF SAID LOT 9, AS DISCLOSED BY PLAT OF SAID WITHYCOMBE ADDITION, RECORDED JULY 29, 1957, IN PLAT RECORDS OF YAMHILL COUNTY, OREGON, AS CONVEYED TO YAMHILL COUNTY IN BOOK 185 PAGE 314 RECORDED APRIL 9, 1984.

WHEREAS, On April 6, 2023, the County received a sealed bid from Victor and Kay Downs (the "Purchasers") to purchase the Property, as provided in the attached Exhibit 1; and

WHEREAS, The Property meets the provisions of ORS 275.225 because the assessed value is less than \$15,000 and the Property is unsuitable for the construction or placement of structures thereon; and

WHEREAS, A selling price of \$ 100.00 for the Property is reasonable because the Property is a non-buildable lot adjacent to the Purchasers' property; and 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. R4417DA 10200 to Victor and Kay Downs as authorized by ORS 275.225 is hereby confirmed for the purchase price of \$ 100.00, plus the costs to record.

3. APPROVAL OF QUITCLAIM DEED.

Conveyance of the Property shall be done via the Quitclaim Deed provided in Exhibit 2, 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:

o Deed preparation fee:\$ 100.00

TOTAL\$ 100.00

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).....\$ 100.00

//

DONE at McMinnville, Oregon on April 27, 2023.

ATTEST



YAMHILL COUNTY BOARD OF COMMISSIONERS

Lindsay Berschauer

KERI HINTON
County Clerk

Chair LINDSAY BERSCHAUER

Kit Johnston

By: *Carolina Rook*
Deputy CAROLINA ROOK

Commissioner KIT JOHNSTON

FORM APPROVED BY:

Jodi Gollehon

Mary Starrett

JODI GOLLEHON
Assistant County Counsel

Commissioner MARY STARRETT

Accepted by Yamhill County
Board of Commissioners on
4.27.23 by Board Order
BO 23-161



SEALED OFFER FORM
Agreement to Purchase

NAME (as you want it to appear on the deed): Victor & Kay Downs
MAILING ADDRESS (for tax statements): 1749 NW Birch St.
PHONE NUMBER: 503-560-1496 EMAIL ADDRESS: downsfamily2021@gmail.com

The undersigned hereby offers to purchase real property described as:

TAX LOT NO. R4417 DA 10200 TAX ACCOUNT NO. 143687
from Yamhill County, for \$ 100,000 (cash).

10% of the offer price is enclosed with this offer by [X] 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: [Handwritten Signature]
Date: 3/29/23

After Recording Return to:
Victor and Kay Downs
1749 NW Birch Street
McMinnville, OR 97128

OFFICIAL YAMHILL COUNTY RECORDS
KERIHINTON, COUNTY CLERK

202303629



\$81.00

04/28/2023 09:25:21 AM

DMR-DDMR Cnt=1 Stn=3 SUTTONS
\$5.00 \$5.00 \$11.00 \$60.00

Send Tax Statements To:
Victor and Kay Downs
1749 NW Birch Street
McMinnville, OR 97128

STATUTORY QUITCLAIM DEED

YAMHILL COUNTY, a political subdivision of the State of Oregon, Grantor, releases, and quitclaims to VICTOR AND KAY DOWNS, Grantees, all right, title, and interest in and to the following described real property situated in Yamhill County, Oregon:

Account# 143687 Tax Lot: R4417DA 10200
REAL PROPERTY IN THE COUNTY OF YAMHILL, STATE OF OREGON, DESCRIBED AS FOLLOWS:

THAT PORTION OF LOT 9 IN BLOCK 2 OF THE AMENDED PLAT OF WITHYCOMBE ADDITION TO THE CITY OF MCMINNVILLE, YAMHILL COUNTY, OREGON, BEING THAT TRIANGULAR TRACT LYING SOUTHEASTERLY OF 18TH STREET, EXTENDED WEST OF BIRCH STREET AND NORTH OF DOTTED LINE RUNNING EAST AND WEST ALONG NORTH LINE OF SAID LOT 9, AS DISCLOSED BY PLAT OF SAID WITHYCOMBE ADDITION, RECORDED JULY 29, 1957, IN PLAT RECORDS OF YAMHILL COUNTY, OREGON, AS CONVEYED TO YAMHILL COUNTY IN BOOK 185 PAGE 314 RECORDED APRIL 9, 1984.

[This legal description was written pursuant to, and under the authority granted by, ORS 308.240.]

This conveyance is subject to any easements of record.

The true and actual consideration for this transfer is \$100.00.

This conveyance is made pursuant to an Order of the Yamhill County Board of Commissioners Order No. 23-161 dated the 27th day of April, 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 27th day of April, 2023.

LINDSAY BERSCHAUER, Chairperson

KIT JOHNSTON, Commissioner

MARY STARRETT, Commissioner

State of Oregon)
) ss.
County of Yamhill)

This instrument was acknowledged before me on April 27th, 2023, by Mary Starrett, Lindsay Berschauer, Kit Johnston as Commissioners of the Board of County Commissioners for Yamhill County.

Notary Public for Oregon
My Commission expires: January 12, 2027

