

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. R3223 01600)

BOARD ORDER 24-22

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (“the Board”) sat for the transaction of county business in formal session on February 1, 2024, 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 more particularly described as Tax Lot No. R3223 01600, Tax Account No. 64469 (hereinafter referred to as the “Property”); and

WHEREAS, On October 26, 2023, the County received a sealed bid from Ryan Hildebrand (the “Purchaser”) 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 that is landlocked by the Purchasers’ property; and now, therefore

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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. R3223 01600 to Ryan Hildebrand 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

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DONE at McMinnville, Oregon on February 1, 2024.

ATTEST: AYE - 3
NAY - 0



YAMHILL COUNTY BOARD OF COMMISSIONERS

KERI HINTON
County Clerk

Lindsay Berschauer

Chair LINDSAY BERSCHAUER

By: *Carolina Rook*
Deputy CAROLINA ROOK

Kit Johnston

Commissioner KIT JOHNSTON

FORM APPROVED BY:

Jodi Gollehon

JODI GOLLEHON
Assistant County Counsel

Mary Starrett

Commissioner MARY STARRETT

Board of Commissioners
Yamhill County
525 NE Evans
McMinnville, OR 97128

Dear Board of Commissioners

I'm writing concerning what might be identified as tax lot R3223 01600. The piece of property is a 1-foot-wide by 30-foot length right in the middle of two parcels of land I own. The tax assessment value on the lot is \$1,400. The property is landlocked. There is not a road that goes to this. It seems to be a parcel of land that was assumed by the county after a local bank went out of business in the 1930's. I'm not sure what the use of this thin strip was in the first place, with part of it running off a 100-foot cliff.

I'm in the middle of finalizing a private survey of the land, and I'm being told that this would hold up any sale of both properties due to what appears to be a title defect. I've spoken with a title company, and they said I should get something from the county to allow this to be cleaned up.

I'm offering \$0 as getting anything done here has been a hardship. The county is also at risk for liability on this strip. I'd like to clean this up for future parcel owners and clarify that this has been a burden to me. I'm happy to pay all administrative costs to clean up this defect on the title.

I appreciate your consideration.



Ryan Hildebrand
Newberg
503-319-8708



SEALED OFFER FORM
Agreement to Purchase

NAME (as you want it to appear on the deed): Ryan Hildebrand

MAILING ADDRESS (for tax statements): 32520 NE Corral Creek Road, Newberg OR 97132

PHONE NUMBER: 503-319-8708 EMAIL ADDRESS: mrryanhildebrand@gmail.com

The undersigned hereby offers to purchase real property described as:

TAX LOT NO. R3223 01600 TAX ACCOUNT NO. _____

from Yamhill County, for \$ 0 I'm happy to pay all administrative costs (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: October 6th, 2023

B.O. 24-22
Exhibit 1

After Recording Return to:
Ryan Hildebrand
32520 NE Coral Creek Rd
Newberg, OR 97132

Send Tax Statements To:
Ryan Hildebrand
32520 NE Coral Creek Rd
Newberg, OR 97132

OFFICIAL YAMHILL COUNTY RECORDS
KERI HINTON, COUNTY CLERK

202400981



\$81.00

02/07/2024 10:38:44 AM

DMR-DDMR Cnt=1 Stn=1036 DAVISM
\$5.00 \$5.00 \$11.00 \$80.00

STATUTORY QUITCLAIM DEED

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

Account# 143687 Tax Lot: R3223 01600
REAL PROPERTY IN THE COUNTY OF YAMHILL, STATE OF OREGON, DESCRIBED AS FOLLOWS:

That tract of land described in Sherriff's Deed recorded December 31, 1948, in Deed Book 151 pages 659 thru 668, known as Item No. 111-- Pauline Bieloh, V.93, P87, Chehalem Uplands #2, Fc Tract 30, 30/100 A., Sec 22 & 23, T. 3, R. 2. Together with any inuring rights identified with Yamhill County Roadway Vacation Ordinance 83-239.

[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. 24- 22, dated the 1st day of February, 2024.

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 1st day of February, 2024.

LINDSAY BERSCHAUER, Chairperson

KIT JOHNSTON, Commissioner

MARY STARRETT, Commissioner

State of Oregon)
) ss.
County of Yamhill)

This instrument was acknowledged before me on February 6, 2024, by Lindsay Berschauer, Kit Johnston and Mary Starrett as Commissioners of the Board of County Commissioners for Yamhill County.

Carolina Rook
Notary Public for Oregon
My Commission expires: November 15, 2025

