

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 Authorizing the Sale
of Tax Foreclosed Property by Private Sale
and Ordering Distribution of Proceeds (Tax
Lot No. R3204 00203)

BOARD ORDER 22-381

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (“the Board”) sat for the transaction of county business in formal session on December 15, 2022, Commissioners Lindsey Berschauer, Casey Kulla, Mary Starrett being present.

THE BOARD ADOPTS THE FOLLOWING FINDINGS:

- A. WHEREAS, On October 2, 2015, the Circuit Court of the State of Oregon entered a General Judgment of Foreclosure for the Yamhill County (the “County”) in Case No. 15CV23063 (the “Judgment”).
- B. Pursuant to the Judgment, the County acquired certain foreclosed property (hereinafter referred to as the “Property”) more particularly described as:

TAX LOT NO. R3204 00203

TAX ACCOUNT NO. 21568

A tract of land in Section 4, Township 3 South, Range 2 West of the Willamette Meridian, Yamhill County, Oregon and being a portion of that tract of land described by Deed from the Mortgage Exchange, Inc. to Terry G. Dietz and Judith A. Dietz and recorded in Film Volume 226, Page 35, Yamhill County Deed and Mortgage Records, and that tract of land described by Deed from Sherman E. Lee and Marilyn K. Lee to Terry G. Dietz and Judith A. Dietz and recorded in Film Volume 123, Page 1021, being more particularly described as follows:

BEGINNING at the Southwest corner of said Dietz tract recorded in film Volume 226, Page 35, said Southwest corner is on record as being marked by iron pipe that bears North 495.76 feet from the Southwest corner of the Northwest Quarter of Section 4, as shown in County Survey CSP-5968; thence South 89°53’22” East 1154.76 feet to an iron pipe at the Southeast corner of said Dietz tract recorded in Film Volume 226, Page 35; thence North 0°00’50” East 988.28 feet along the East line of said Dietz tract recorded in Film Volume 226, Page 35, to the True Point of Beginning; thence South 89°58’32” West 200.41 feet to an iron rod; thence South 89°26’11” West 377.53 feet to an iron

rod; thence South 78°16'32" West 13.22 feet to an iron rod; thence South 61°53'37" West 19.88 feet to an iron rod; thence South 46°08'15" West 41.72 feet to an iron rod; thence South 0°56'29" East 163.91 feet to an iron rod; thence North 89°56'54" East 45.23 feet to an iron rod; thence South 0°00'23" West 570.07 feet to an iron rod; thence South 89°56'54" West 482.54 feet to an iron rod; thence North 1°30'02" West 536.34 feet to an iron rod; thence North 75°35'06" East 136.66 feet to the Northwest corner of Parcel 1 of said Dietz tract recorded in Film Volume 123, Page 1021; thence South 295.16 feet to the Southwest corner of said Parcel 1; thence North 89°56'54" East 295.16 feet to the Southeast corner of said Parcel 1; thence North 295.16 feet to the Northeast corner of said Parcel 1; thence South 89°56'54" West 20.16 feet along the North line of said Parcel 1 to an iron rod; thence North 1°03'39" West 250.02 feet to an iron rod on the North line of Parcel 2 of said Dietz tract recorded in Film Volume 123, Page 1021; thence North 89°57'19" East 24.78 feet to the Northeast corner of said Parcel 2; thence North 89°57'19" East 659.72 feet to the Northeast corner of said Dietz tract recorded in Film Volume 226, Page 35; thence South 00°00'50" West 42.03 feet to the True Point of Beginning.

- C. WHEREAS, On November 1, 2022 the Yamhill County Sheriff and the Office of County Counsel jointly conducted a public auction in accordance with ORS 275.090 to 275.290 and Board Order 22-304, including as amended; and
- D. WHEREAS, The Property was offered for sale at the November 1, 2022 public auction, with a minimum bid price of \$101,329.50; and
- E. WHEREAS, The Property failed to sell at the public auction; and
- F. WHEREAS, ORS 275.200 authorizes the Board to sell tax foreclosed property that failed to sell at public auction through a private sale process without further notice for an amount not less than 15 percent of the minimum bid set at auction; and
- G. WHEREAS, On May 6, 2022, the County received an unsolicited sealed bid from Roy Kenneth MacMillen to purchase the Property for \$15,200 (see Exhibit A, attached hereto); and
- H. WHEREAS, It is in the County's best interest to sell the Property for \$15,200; and now, therefore

IT IS HEREBY ORDERED BY THE BOARD AS FOLLOWS:

1. AUTHORIZATION OF SALE; PURCHASE PRICE.

The sale of Tax Lot No. R3204 00203 to Roy Kenneth MacMillen as authorized by ORS 275.200 is hereby confirmed for the purchase price of \$15,200.00, plus the costs to record.

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2. APPROVAL OF QUITCLAIM DEED.

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

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

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

➤ As permitted under ORS 275.275(1)(b), the following amount shall be deducted from the proceeds to cover the penalty and fee described in ORS 312.120:

○ Penalty & Fee:\$ 2,500

➤ 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:\$ 400

○ Advertising fee:.....\$ 485

TOTAL\$ 885

4. DISTRIBUTION OF GROSS PURCHASE PRICE PROCEEDS.

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

To Tax Collector (10-12-350.07).....\$ 2,500.00

To County Counsel (10-25-351.01).....\$ 885.00

To unsegregated tax account.....\$ 11,809.85

11,815

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DONE at McMinnville, Oregon on December 15, 2022.

ATTEST

KERRI HINTON
County Clerk



By: *Carolina Rook*
Deputy CAROLINA ROOK

FORM APPROVED BY:

Jodi Gollehon
JODI GOLLEHON
Assistant County Counsel

YAMHILL COUNTY BOARD OF
COMMISSIONERS

Lindsay Berschauer
Chair LINDSAY BERSCHAUER

Casey Kulla
Commissioner CASEY KULLA

Mary Starrett
Commissioner MARY STARRETT

Accepted by Yamhill County
Board of Commissioners on
12/15/22 by Board Order
B.O. 22-381



SEALED OFFER FORM
Agreement to Purchase

RECEIVED
NOV 21 2022
YAMHILL COUNTY COUNSEL

NAME (as you want it to appear on the deed): Roy Kenneth Mae Miller
MAILING ADDRESS (for tax statements): 17815 Courtney Rd Newberg OR 97132
PHONE NUMBER: 503 628 0277 EMAIL ADDRESS: Yamhill@Macmillan.com
geop.com

The undersigned hereby offers to purchase real property described as:

TAX LOT NO. R 3204 00203 TAX ACCOUNT NO. _____

from Yamhill County, for \$ 16,700.00 (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]
Signature

Date: Nov 21 / 2022



SEALED OFFER FORM
Agreement to Purchase

RECEIVED
NOV 15 2022
YAMHILL COUNTY COUNSEL

NAME (as you want it to appear on the deed): Boy Kenneth Macmillan
MAILING ADDRESS (for tax statements): 17815 Courtney Rd. Newburg OR 97132
PHONE NUMBER: 503 628 0277 EMAIL ADDRESS: Yamhill@Macmillan-group.com

The undersigned hereby offers to purchase real property described as:

TAX LOT NO. R 3204 00203 TAX ACCOUNT NO. _____

from Yamhill County, for \$ 115,000 (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.

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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.

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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.

4. County to provide all notices sent to lien holders and other documentation on the foreclosure action.

Signature _____

Date: Nov 15 / 22

After Recording Return to:
Roy Kenneth MacMillan
17815 Courtney Rd
Newberg, OR 97132

OFFICIAL YAMHILL COUNTY RECORDS
KERI HINTON, COUNTY CLERK

202300016

Send Tax Statements To:
Roy Kenneth MacMillan
17815 Courtney Rd
Newberg, OR 97132



\$86.00

01/03/2023 11:39:17 AM

DMR-DDMR Cnt=1 Stn=3 SUTTONS
\$10.00 \$5.00 \$11.00 \$60.00

STATUTORY QUITCLAIM DEED

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

Tax Lot No.: R3204 00203

Tax Account No. 21568

A tract of land in Section 4, Township 3 South, Range 2 West of the Willamette Meridian, Yamhill County, Oregon and being a portion of that tract of land described by Deed from the Mortgage Exchange, Inc. to Terry G. Dietz and Judith A. Dietz and recorded in Film Volume 226, Page 35, Yamhill County Deed and Mortgage Records, and that tract of land described by Deed from Sherman E. Lee and Marilyn K. Lee to Terry G. Dietz and Judith A. Dietz and recorded in Film Volume 123, Page 1021, being more particularly described as follows:

BEGINNING at the Southwest corner of said Dietz tract recorded in film Volume 226, Page 35, said Southwest corner is on record as being marked by iron pipe that bears North 495.76 feet from the Southwest corner of the Northwest Quarter of Section 4, as shown in County Survey CSP-5968; thence South 89°53'22" East 1154.76 feet to an iron pipe at the Southeast corner of said Dietz tract recorded in Film Volume 226, Page 35; thence North 0°00'50" East 988.28 feet along the East line of said Dietz tract recorded in Film Volume 226, Page 35, to the True Point of Beginning; thence South 89°58'32" West 200.41 feet to an iron rod; thence South 89°26'11" West 377.53 feet to an iron rod; thence South 78°16'32" West 13.22 feet to an iron rod; thence South 61°53'37" West 19.88 feet to an iron rod; thence South 46°08'15" West 41.72 feet to an iron rod; thence South 0°56'29" East 163.91 feet to an iron rod; thence North 89°56'54" East 45.23 feet to an iron rod; thence South 0°00'23" West 570.07 feet to an iron rod; thence South 89°56'54" West 482.54 feet to an iron rod; thence North 1°30'02" West 536.34 feet to an iron rod; thence North 75°35'06" East 136.66 feet to the Northwest corner of Parcel 1 of said Dietz tract recorded in Film Volume 123, Page 1021; thence South 295.16 feet to the Southwest corner of said Parcel 1; thence North 89°56'54" East 295.16 feet to the Southeast corner of said Parcel 1; thence North 295.16 feet to the Northeast corner of said Parcel 1; thence South 89°56'54" West 20.16 feet along the North line of said Parcel 1 to an iron rod; thence North 1°03'39" West 250.02 feet to an iron rod on the North line of Parcel 2 of said Dietz tract recorded in Film Volume 123, Page 1021; thence North 89°57'19" East 24.78 feet to the Northeast corner of said Parcel 2; thence North 89°57'19" East 659.72 feet to the Northeast corner of said Dietz tract recorded in Film Volume 226, Page 35; thence South 00°00'50" West 42.03 feet to the True Point of Beginning.



This conveyance is subject to any easements of record.

The true and actual consideration for this transfer is \$15,200.

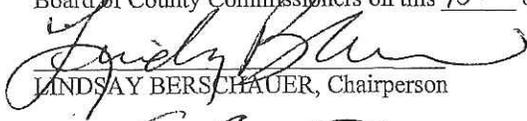
This conveyance is made pursuant to an Order of the Yamhill County Board of Commissioners Order No. 22-381, dated December 15, 2022.

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

B.O. 22-381

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 15th day of December, 2022.

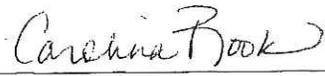

LINDSAY BERSCHAUER, Chairperson


CASEY KULLA, Commissioner


MARY STARRETT, Commissioner

State of Oregon)
) ss.
County of Yamhill)

This instrument was acknowledged before me on December 29, 2022, by Lindsay Berschauer,
Casey Kulla, Mary Starrett as Commissioners of the Board of County Commissioners for
Yamhill County.


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

COMMISSION NO. 1018998
MY COMMISSION EXPIRES NOVEMBER 15, 2025

