

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. R2325 01600)

BOARD ORDER 22-388

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (“the Board”) sat for the transaction of county business in formal session on December 22, 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. R2325 01600

TAX ACCOUNT NO. 3542

PARCEL 1: real property in the county of Yamhill, State of Oregon, described as follows:

The West half of the Northeast Quarter of Section 25, Township 2 South, Range 3 West of the Willamette Meridian, Yamhill County, State of Oregon.

SAVE AND EXCEPT those portions conveyed in Warranty Deed recorded March 10, 1953 in Volume 169, Page 047; and Warranty Deed recorded April 30, 1971 in Film Volume 83, Page 1690, all in the Deed and Mortgage Records of Yamhill County, Oregon.

- 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 \$183,362.50; 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 Zephaniah & Lindsay Emmons to purchase the Property for \$100,100 (see Exhibit A, attached hereto); and
- H. WHEREAS, It is in the County's best interest to sell the Property for \$100,100; and now, therefore

IT IS HEREBY ORDERED BY THE BOARD AS FOLLOWS:

1. AUTHORIZATION OF SALE; PURCHASE PRICE.

The sale of Tax Lot No. R2325 01600 to Zephaniah & Lindsay Emmons as authorized by ORS 275.200 is hereby confirmed for the purchase price of \$100,100.00, plus the costs to record.

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).

➤ 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:\$ 200

○ Advertising fee:.....\$ 486

TOTAL\$ **686**

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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).....	\$ <u>2,500.00</u>
To County Counsel (10-25-351.01).....	\$ <u>686.00</u>
To unsegregated tax account.....	\$ <u>96,914.00</u>

DONE at McMinnville, Oregon on _____, 2022.

ATTEST



KERRI HINTON
County Clerk

YAMHILL COUNTY BOARD OF
COMMISSIONERS

Lindsay Berschauer

Chair

LINDSAY BERSCHAUER

By: *Carolina Rook*
Deputy CAROLINA ROOK

Casey Kulla

Commissioner

CASEY KULLA

FORM APPROVED BY:

Jodi Gollehon

JODI GOLLEHON
Assistant County Counsel

Mary Starrett

Commissioner

MARY STARRETT

Accepted by Yamhill County
Board of Commissioners on
12/22/22 by Board Order
22-388



SEALED OFFER FORM
Agreement to Purchase

RECEIVED
NOV 21 2022
YAMHILL COUNTY COUNSEL

NAME (as you want it to appear on the deed): Zephaniah and Lindsay Emmons
MAILING ADDRESS (for tax statements): 941 NW 1st Pl, Hillsboro, OR 97124
PHONE NUMBER: 9712274677 EMAIL ADDRESS: linzykay6@gmail.com

The undersigned hereby offers to purchase real property described as:

TAX LOT NO. R232501600 TAX ACCOUNT NO. 3542

from Yamhill County, for \$ 60,000 (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.

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.

Zeph Emmons Lindsay Emmons
Signature

Date: Nov. 16, 2022



SEALED OFFER FORM
Agreement to Purchase

RECEIVED
NOV 30 2022
YAMHILL COUNTY COUNSEL

NAME (as you want it to appear on the deed): Zephaniah and Lindsay Emmons
MAILING ADDRESS (for tax statements): 941 NW 1st Pl. Hillsboro, OR 97124
PHONE NUMBER: 971.227.4677 EMAIL ADDRESS: linzykay6@gmail.com

The undersigned hereby offers to purchase real property described as:

TAX LOT NO. R232501600 TAX ACCOUNT NO. 3542

from Yamhill County, for \$ 100,100.00 (cash).

10% of the offer price is enclosed with this offer by Cashier's Check or Money Order.
(plus \$6,000 check)

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

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 - 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.

Zephaniah and Lindsay Emmons
Signature

Date: 11/30/2022

After Recording Return to:
Zephaniah & Lindsay Emmons
941 NW 1st Pl
Hillsboro, OR 97124

OFFICIAL YAMHILL COUNTY RECORDS
KERI HINTON, COUNTY CLERK

202300015

Send Tax Statements To:
Zephaniah & Lindsay Emmons
941 NW 1st Pl
Hillsboro, OR 97124



\$81.00

01/03/2023 11:37:45 AM

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

STATUTORY QUITCLAIM DEED

YAMHILL COUNTY, a political subdivision of the State of Oregon, Grantor, releases, and quitclaims to ZEPHANIAH & LINDSAY EMMONS, Grantees, all right, title and interest in and to the following described real property situated in Yamhill County, Oregon:

Tax Lot No.: R2325 01600

Tax Account No. 3542

PARCEL 1: Real property in the County of Yamhill, State of Oregon, described as follows:

The West half of the Northeast Quarter of Section 25, Township 2 South, Range 3 West of the Willamette Meridian, Yamhill County, State of Oregon.

SAVE AND EXCEPT those portions conveyed in Warranty Deed recorded March 10, 1953 in Volume 169, Page 047; and Warranty Deed recorded April 30, 1971 in Film Volume 83, Page 1690, all in the Deed and Mortgage Records of Yamhill County, Oregon.

This conveyance is subject to any easements of record.

The true and actual consideration for this transfer is \$100,100.00.

This conveyance is made pursuant to an Order of the Yamhill County Board of Commissioners Order No. 22-388, dated December 22, 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 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 22 day of December, 2022.

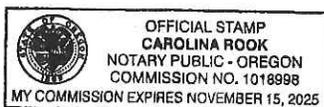
LINDSAY BERSCHAUER, Chairperson

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

B.O. 22-388