

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. R3216AB 01802)

BOARD ORDER 23-160

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 October 9, 2006, the Circuit Court of the State of Oregon entered a General Judgment of Foreclosure for the Yamhill County (the “County”) via Case No. CV060284 (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# 466882

Tax Lot: R3216AB 01802

REAL PROPERTY IN THE COUNTY OF YAMHILL, STATE OF OREGON,
DESCRIBED AS FOLLOWS:

A TRACT OF LAND IN SECTION 16, TOWNSHIP 3 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN IN YAMHILL, COUNTY, OREGON, BEING PART OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO OXBERG PROPERTIES, INC, RECORDED IN FILM VOLUME 50, PAGE 436, YAMHILL COUNTY DEED RECORDS AND BEING DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON ROD AT THE MOST EASTERLY SOUTHWEST CORNER OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO

GILMORE RECORDED IN FIIM VOLUME 87, PAGE 830, YAMHILL COUNTY DEED RECORDS; THENCE NORTH 37° 50' 30" WEST, 277.31 FEET ALONG THE SOUTHWESTERLY LINE OF SAID GILMORE TRACT TO THE MOST WESTERLY SOUTHWEST CORNER THEREOF; THENCE SOUTH 27° 58' 34" EAST, 125.49 FEET TO AN IRON ROD; THENCE SOUTH 45° 48' 1" EAST, 155.17 FEET TO THE POINT OF BEGINNING,

TOGETHER WITH AND SUBJECT TO AN ACCESS AND MAINTENANCE EASEMENT ON AND IN THAT PORTION OF THE HEREINABOVE DESCRIBED TRACT OCCUPIED BY AN EARTH FILL DAM, INCLUDING REASONABLE TURN-AROUND AREA AT THE EASTERLY END OF SAID DAM.

WHEREAS, On April 13, 2023, the County received a sealed bid from Stellwagen Family Trust (the "Purchaser") to purchase the Property, as provided in the attached Exhibit 1; and

WHEREAS, The Property meets to 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 \$ 250.00 for the Property is reasonable because the Property is a non-buildable lot adjacent to the Purchaser's 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. R3216AB 01802 to Stellwagen Family Trust as authorized by ORS 275.225 is hereby confirmed for the purchase price of \$ 250.00, 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 Attorney/staff time fee:\$ 100.00
 - o Deed preparation fee:\$ 100.00
- TOTAL\$ 200.00**

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).....\$ 200.00
- To unsegregated tax account.....\$ 50.00

DONE at McMinnville, Oregon on April 27, 2023.

ATTEST

KERI HINTON
County Clerk



YAMHILL COUNTY BOARD OF
COMMISSIONERS

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
4.27.23 by Board Order
BO 23-140



SEALED OFFER FORM
Agreement to Purchase

NAME (as you want it to appear on the deed): Stellwagen Family Trust
MAILING ADDRESS (for tax statements): 13735 NE Lake Shore Drive, Newberg OR 97132
PHONE NUMBER: (858) 945-8029 EMAIL ADDRESS: rickstell75@gmail.com

The undersigned hereby offers to purchase real property described as:

TAX LOT NO. R3216 AB 01802 TAX ACCOUNT NO. 466882

from Yamhill County, for \$ 250.00 (cash).

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

100%

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

Gina Stellwagen

Date: 3/28/23

