

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, Approving of an Access Easement over the Property, and Ordering Distribution of Proceeds (Tax Lot No. R3215AA 00400)

BOARD ORDER 25- 42

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (“the Board”) sat for the transaction of county business in formal session on February 13, 2025, commissioners Kit Johnston, Mary Starrett, and David “Bubba” King 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 9, 1984, the County took ownership over certain real property (hereinafter referred to as the “Property”) as a result of property tax foreclosure, as provided in the attached Exhibit 1; and

WHEREAS, The Property can be more particularly described as follows:

Tax Lot No. R3215AA 00400

Account No. 28428

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

THAT PORTION OF TRACT 13, CHEHALEM MOUNTAIN ORCHARDS, LYING SOUTHERLY OF VACATED QUARRY ROAD, AS VACATED IN BOARD ORDER 10-534, RECORDED SEPTEMBER 23, 2010 AS INSTRUMENT NO.201013258, BEING THE SAME PREMISES CONVEYED TO YAMHILL COUNTY IN DEED RECORDED APRIL 9, 1984, IN FILM VOLUME 185, PAGE 309, DEED AND MORTGAGE RECORDS, YAMHILL COUNTY, STATE OF OREGON.

TOGETHER WITH THAT PORTION OF QUARRY ROAD INURING
THERETO BY BOARD ORDER 10-534, RECORDED SEPTEMBER 23,
2010, AS INSTRUMENT NO. 201013258, DEED AND MORTGAGE
RECORDS.

WHEREAS, On December 19, 2024, the County received a sealed bid from the Geneva J.
Hoy Trust (the "Purchaser") to purchase the Property, as provided in the attached Exhibit 2; and

WHEREAS, The Property meets the provisions of ORS 275.225 because the assessed value
is \$293.00 and the Property is unsuitable for the construction or placement of structures thereon;
and

WHEREAS, It is in the County's best interest to sell the Property for \$16,119.00; and

WHEREAS, An easement is necessary over the Property to ensure the adjacent property
owner maintains lawful access to their parcel; 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. R3215AA 00400 to Geneva J. Hoy Trust as authorized by ORS
275.225 is hereby confirmed for the purchase price of \$16,119.00, plus the costs to record.

3. APPROVAL OF ACCESS EASEMENT.

The Access Easement provided in Exhibit 3, attached hereto, is hereby approved and shall be
recorded prior to conveying the Property to Geneva J. Hoy Trust.

4. APPROVAL OF QUITCLAIM DEED.

Conveyance of the Property shall be done via the Quitclaim Deed provided in Exhibit 4,
attached hereto.

5. 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:

o Penalty & Fee:\$ 267.52

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:\$ 300.00
 - o Deed preparation fee:\$ 100.00
- TOTAL\$ 400.00**

6. 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).....\$ 267.52
- To County Counsel (10-25-351.01).....\$ 400.00
- To unsegregated tax account.....\$ 15,451.48
- To Yamhill County Foreclosure Refund Proceeds Account \$ 667.52

DONE at McMinnville, Oregon on February 13, 2025.

ATTEST



KERI HINTON
County Clerk

By: Carolina Rook
Deputy CAROLINA ROOK

YAMHILL COUNTY BOARD OF
COMMISSIONERS

Kit Johnston
Chair KIT JOHNSTON

Mary Starrett
Commissioner MARY STARRETT

FORM APPROVED BY:

Christian F. Boenisch
CHRISTIAN F. BOENISCH
County Counsel

RECUSED FROM VOTE
David "Bubba" King
Commissioner DAVID "BUBBA" KING

Approved by the Yamhill County Board of
Commissioners on 02/13/2025
via Board Order 25-42

3215AA-400

DEED

STATE OF OREGON)
County of Yamhill) ss. YAMHILL COUNTY, OREGON

I hereby certify that the within was received and duly recorded by me in Yamhill County records:

V.O.L. 185 Page 309

VOL 185 PAGE 309
FILED
1984 APR -9 AM 10:55
YAMHILL COUNTY CLERK
STATE OF OREGON

STATE OF OREGON)
COUNTY OF YAMHILL) ss.

THIS DEED, made this 9TH day of APRIL, 1984, between State of Oregon, "Grantor", and Yamhill County, a political subdivision of the State of Oregon, "Grantee".

WHEREAS, pursuant to a Judgment Decree and Order of the Circuit Court of the State of Oregon, in and for the County of Yamhill, duly made and entered on the 6TH day of APRIL, 1983, in a suit wherein the said Yamhill County, Oregon, was Plaintiff, and JOE & ALLIE SHADDON, et al, were Defendants, the hereinafter described real properties were, by said Judgment Decree and Order, sold subject to redemption to Yamhill County, Oregon, and

WHEREAS, the said real properties have been held by said Yamhill County, Oregon, for the period of one (1) year from and after the date of said Judgment and Decree of Foreclosure, and no redemption has been made; and notice of expiration of redemption period has been given in the duly designated newspaper of general circulation and published in Yamhill County, Oregon, to wit; the NEWS REGISTER, in two (2) weekly issues of said newspaper, not more than 30 days and not less than ten days prior to the date of expiration of the redemption period; proof of which notice is attached hereto as Exhibit "A", and by this reference made a part hereof, and

WHEREAS, in pursuance of the laws of the State of Oregon and for and in consideration of the Judgment Decree and Order and Sale as aforesaid, I have this day executed this deed conveying to Yamhill County, a political subdivision of the State of Oregon, the following described real properties, to wit:

Foreclosure List No.	Account No.	Judgment Amount	Name
945	3215AA-00400	\$23,911	SCHAAD CLARENCE

Description:

Said described parcels of real property were formerly owned by the said defendant indicated, bearing the tax foreclosure list number as indicated and for the amount of Judgment as indicated, all respectively, for each parcel sold by said foreclosure to the said Yamhill County, Oregon, and not redeemed as provided by law.

NOW, THEREFOR, I, STATE OF OREGON, Grantor as aforesaid, in consideration of the premises, and by virtue of the statutes of the State of Oregon, in such cases made and provided, do hereby grant, bargain, sell, and convey unto Yamhill County, Oregon, as Grantee aforesaid, and its assigns forever, the parcels of real property herein before described as fully and completely as Grantor can by virtue of the premises convey the same.

GIVEN UNDER MY HAND OFFICIALLY this 9TH day of APRIL, 1984.

Marilyn Smith
Tax Collector, Yamhill County, Oregon

STATE OF OREGON)
County of Yamhill) ss.

On this, the 9th day of April, 1984, before me, as County Clerk in and for Yamhill County, State of Oregon, personally came the within named Marilyn Smith, Tax Collector of said County and State, who claims to be the individual described in, and who, as such Tax Collector executed the above deed, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year in this certificate first above-written.

Charles Olson
County Clerk

YAMHILL COUNTY CLERK
STATE OF OREGON



SEALED OFFER FORM
Agreement to Purchase

NAME (as you want it to appear on the deed): Geneva J. Hoy Trust

MAILING ADDRESS (for tax statements): 1958 Westlake Loop Newberg, OR 97132

PHONE NUMBER: ~~503~~ 971-832-0832 EMAIL ADDRESS: janhoy3@gmail.com

OR 541-915-2335 hoyjean475@gmail.com

The undersigned hereby offers to purchase real property described as:

TAX LOT NO. R 321500304 TAX ACCOUNT NO. 276748

from Yamhill County, for \$ 16,119.⁰⁰ (cash).

10% of the offer price is enclosed with this offer by Cashier's Check or Money Order.
(\$ 1,611.90)

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.

Jerisa Lynn Mashaply
Signature

Date: 12-12-2024

After Recording Return to:
Yamhill County
535 NE Fifth Street.
McMinnville, OR 97128

OFFICIAL YAMHILL COUNTY RECORDS KERI HINTON, COUNTY CLERK	202501506
 00684021202500015060040043	NO FEE
DMR-EDMR Cnt=1 Stn=3 SUTTONS This is a no fee document	02/20/2025 11:20:48 AM

ACCESS EASEMENT

Recitals:

WHEREAS, Yamhill County, a political subdivision of the State of Oregon ("Grantor") owns fee title to the parcel of land more particularly described as follows ("Grantor Tract"):

Tax Lot No. R3215AA-00400

Account No. 28428

Real Property in the County of Yamhill, State of Oregon, described as follows:

That portion of Tract 13, CHEHALEM MOUNTAIN ORCHARDS, lying SOUTHERLY of vacated Quarry Road, as vacated in Board Order 10-534, recorded September 23, 2010 as Instrument No.201013258, being the same premises conveyed to Yamhill County in Deed recorded April 9, 1984, in Film Volume 185, Page 309, Deed and Mortgage Records, Yamhill County, State of Oregon.

TOGETHER WITH that portion of Quarry Road inuring thereto by Board Order 10-534, recorded September 23, 2010, as Instrument No. 201013258, Deed and Mortgage Records.

WHEREAS, a portion of the Grantor Tract will be used to provide Legal Access to the following parcel ("Grantee Tract"), because without said Legal Access provided by reason of this Ingress/Egress Easement, Grantee Tract will be "landlocked" with no Legal Access:

Grantee Tract is Tax Lots R3215-00100 and R3215-00300, more particularly described as follows:

Beginning at a point which is 237.25 feet South 89° 38' West and 1082.6 feet West and 74.9 feet North 0° 53' East and 185 feet West and 395.0 feet South 0° 53' West and 237.60 feet South 50° 14' East and 73.67 feet South 0° 53' West to the Northerly right of way line of the Southern Pacific Railroad and 55.32 feet South 83° 40' 38" West and 235.97 feet South 79° 41' 36" West from the Southeast corner of Section 10, Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon; thence (from said Point of Beginning) North 45° 33' 38" West 294.77 feet to an iron pipe; thence South 88° 59' 53" West 413.84 feet to an iron pipe; thence South 5° 25' West 515.22 feet to an iron pipe; thence in a Northeasterly direction along the Northerly right of way line of the Southern Pacific Railroad to the Point of Beginning.

Grant of Easement:

Grantor hereby grants to the lawful owner of Grantee Tract a private, perpetual, nonexclusive ingress/egress easement (the "Easement") over and across that portion of Grantor Tract more particularly described on attached Exhibit "A" and set forth in the Easement Exhibit Map on attached Exhibit "B" as the boundary lines and center line of the Easement are set forth in the Legend of Exhibit "B".

The Easement shall be used solely for the purpose of providing vehicular and pedestrian access to and from the Grantee Tract by Grantee (s) and their tenants, invitees, agents, and employees. The grant of the Easement is made subject to all exceptions to title on file of record in the Official Records of Yamhill County, Oregon.

Nature of Easement:

The Easement granted herein shall be appurtenant to, and for the benefit of the Grantee Tract. Any conveyance of fee title to the Grantee Tract (or any portion that is a legal lot within the Grantee Tract) shall include conveyance of the Easement, regardless of whether the Easement is specifically identified in the instrument of conveyance.

Maintenance, Repairs, and Improvements to Easement:

All necessary and reasonable maintenance, repairs, and improvements to the Easement are governed by the provisions of ORS 105.170-ORS 105.185, and at the time of the creation of the Easement, the use made of the said Easement is allocated 100% to Grantee Tract.



Successors:

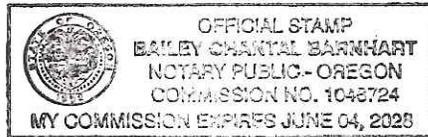
This Easement shall be binding on, and inure to the benefit of, the owners of the Grantor Tract and the Grantee Tract and their respective heirs, successors, and assigns.

IN WITNESS WHEREOF, YAMHILL COUNTY, OREGON, the Grantor above named, has caused this Access Easement to be executed by its Board of County Commissioners on this 13 day of FEBRUARY, 2025 pursuant to Yamhill County Board Order No. 25- 42.

Kit Johnston
KIT JOHNSTON, Chairperson

Mary Starrett
MARY STARRETT, Commissioner

RECUSED FROM VOTE
DAVID "BUBBA" KING, Commissioner

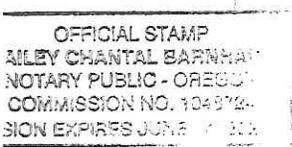


State of Oregon)
) ss.
County of Yamhill)

This instrument was acknowledged before me on FEBRUARY 20, 2025, by KIT

JOHNSTON AND MARY STARRETT as Commissioners of the Board of County Commissioners for Yamhill County.

Bailey Chantal Barnhart
Notary Public for Oregon
My Commission expires: 06/04/28



RENEWS 31 DECEMBER 2026

Leland MacDonald & Assoc.
3885 Riverside Drive
McMinnville, OR 97128
Phone: (503) 472-7904
Fax: (503) 472-0367

REGISTERED
PROFESSIONAL
LAND SURVEYOR


OREGON
JANUARY 16, 2002
Leland A. MacDonald
53226

13 January 2025

EXHIBIT " A "

Description of Real property for: YAMHILL COUNTY - 30' Wide access easement over a portion of Tax Lot 3215AA - 00400.

An easement, 30 feet in width, lying 15 feet each side of the centerline thereof, located in Section 15, Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, in a portion of Lot 13 of CHEHALEM MOUNTAIN ORCHARDS, said easement centerline being more particularly described as follows:

Commencing at the southwest corner of said Lot 13, being the intersection of the west line of said lot and the northerly right of way line of the former Southern Pacific Transportation Company (now Union Pacific) main track, and from which point a stone with a chiseled "x" marking the Initial Point of said CHEHALEM MOUNTAIN ORCHARDS plat bears North 00°31'00" East 541.38 feet and South 89°38'00" East 1060.91 feet; thence North 73°49'41" East 383.41 feet to a point on the centerline of and existing driveway, said point being on the westerly margin of Quarry Road (County Road No. 49) that is 30.00 feet from, when measured at right angles to, the re-located centerline of said road, as said road was legalized by the Yamhill County Board of Commissioners per Board Order #08-65, recorded February 7, 2008 as Instrument No. 200802061, Deed Records of Yamhill County, Oregon and the POINT OF BEGINNING; thence along said driveway centerline the following courses: South 74°13'27" West 37.27 feet; thence South 78°22'32" West 36.18 feet; thence South 80°51'42" West 48.87 feet; thence South 77°15'18" West 97.38 feet; thence South 75°47'19" West 158.35 feet, more or less to the west line of said Lot 13 and the terminus of said centerline, the side lines of said easement to be extended and shortened with the west line of said Lot 13, the north line of said Railroad right of way and the centerline of the vacated county road in said Lot 13 per the BOARD OF COMMISSIONERS Order No. 10-534, recorded September 23, 2010 as Instrument No. 201013258, Deed Records of Yamhill County, Oregon, as shown on Exhibit "B", a map attached hereto and made a part thereof.

The Basis of Bearings for this description is CS-12015 & CHEHALEM MOUNTAIN ORCHARDS plat.END DESCRIPTION

Easement Exhibit Map for: Mike Gunn

Location: Section 15, T. 3 S., R. 2 W., W.M., in a portion of
CHEHALEM MOUNTAIN ORCHARDS, Yamhill County, Oregon.

Tax Lot: 3215AA - 00400

Date: 13 January 2025

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Leland A. Macdonald
OREGON
January 15, 2002
LELAND A. MACDONALD

Renews 356266 member 2026

By: Leland Macdonald & Assoc., LLC
Formerly dba Matt Duncel & Assoc.
3885 Riverside Drive
McMinnville, Oregon 97128
Phone: 503-472-7904
Fax: 503-472-0367
Email: lee@macdonaldsurveying.com

EXHIBIT "B"

Legend

- = PROPERTY LINE
- - - = EXISTING EASEMENT
- - - = DRIVEWAY CENTERLINE
- - - = 30' EASEMENT IN TL 400
- - - = LOT LINES CHEHALEM MTN. ORCHARDS

19

13

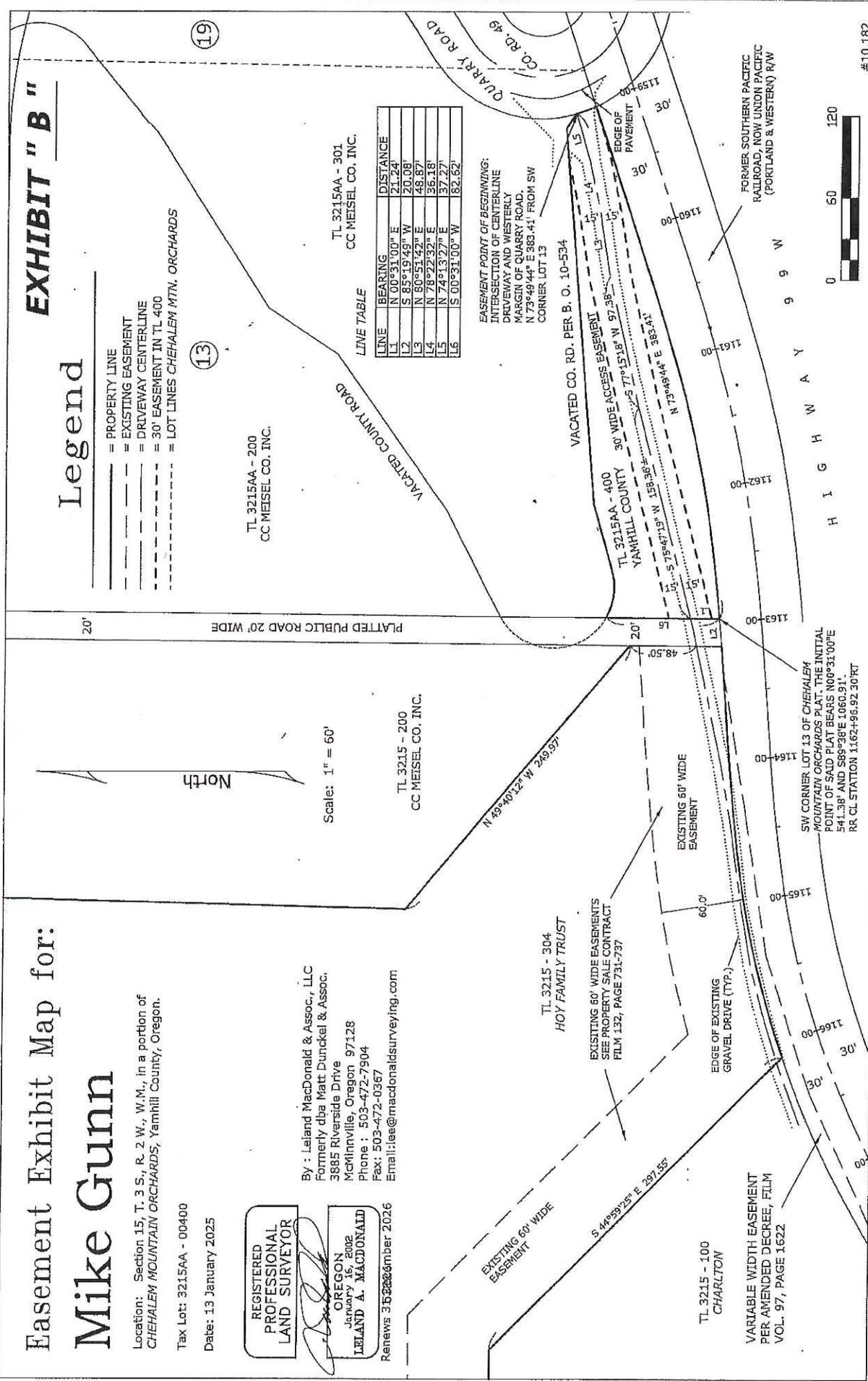
TL 3215AA - 200
CC MEISEL CO. INC.

TL 3215AA - 301
CC MEISEL CO. INC.

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 00°31'00" E	21.24'
L2	S 85°19'49" W	20.08'
L3	N 60°51'42" E	48.87'
L4	N 78°22'32" E	36.18'
L5	N 74°13'27" E	37.27'
L6	S 00°31'00" W	82.82'

EASEMENT POINT OF BEGINNING:
INTERSECTION OF CENTERLINE
DRIVEWAY AND WESTERLY
MARGIN OF QUARRY ROAD.
N 73°49'44" E 383.41' FROM SW
CORNER LOT 13



#10,182

