

- W. 3. D. 1.

AGENDA COVER MEMORANDUM

Memorandum Date: May 9, 2007

Agenda Date: May 23, 2007

TO: Board of County Commissioners

DEPARTMENT: Management Services

PRESENTED BY: Jeff Turk, Property Management Officer 2

SUBJECT: ORDER/IN THE MATTER OF AUTHORIZING THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY FOR \$5,920 TO BETTY K. TAYLOR, FORMER OWNER OF RECORD, (MAP NO. 15-04-32-43-09600, 230 CEDAR ST., JUNCTION CITY)

1. **PROPOSED MOTION:** THE BOARD MOVES TO AUTHORIZE THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY FOR \$5,920 TO BETTY K. TAYLOR, FORMER OWNER OF RECORD, (MAP NO. 15-04-32-43-09600, 230 CEDAR ST., JUNCTION CITY)

2. **AGENDA ITEM SUMMARY:**

The County foreclosed on the subject parcel in September, 2006. Ms. Taylor, as former owner and resident of the property wishes to purchase it back from the County pursuant to ORS 275.180 and Lane Manual 21.425(4). The purchase price of \$5,920 represents all delinquent taxes owing, interest and penalties thereon and taxes which would have been due for the current tax year.

3. **BACKGROUND/IMPLICATIONS OF ACTION:**

A. Board Action and Other History

The property consists of a 500 sq. ft. house built in 1943 residing on a 50' x 100' lot. The house is in fair condition. The assessed value of the property is \$71,500.

The purchase will be for cash and Ms. Taylor has submitted the entire amount as a deposit.

B. Policy Issues

ORS 275.180 provides for selling foreclosed property back to the owner of record at any time but for not less than the amount of taxes, interest and penalties owing on the property

at the time the County acquired title plus 6% interest thereon until the time the property is sold.

Lane Manual 21.425(4) qualifies ORS 275.180 by requiring one of three conditions to exist for a sale to the former owner of record. Those conditions are that: (a) the property was the residence of the former owner at the time of the foreclosure; (b) an error was made by the Assessor in placing the property on the foreclosure list; (c) the former owner was physically or mentally incapacitated during the foreclosure period.

C. Board Goals

The transfer of the property will be consistent with the Board's goals of returning tax foreclosed property to the tax roll.

Financial and/or Resource Considerations

The \$5,920 purchase price includes an additional 10% above the statutorily required minimum to cover the county's cost for processing the sale as well as an amount equal to taxes which would have been due for the current tax year.

Revenue from the sale of foreclosed property is disbursed to all the taxing districts in a manner similar to the disbursement of property taxes.

E. Analysis

The Board is not obligated to sell a foreclosed property back to the former owner. Additionally, the Board is not obligated to sell the property for the minimum required by statute but can sell for any amount above the required minimum. In the past, the Board has sold property back to the former owner when the requirements of Lane Manual have been met and has done so for the minimum required by statute plus an additional 10% plus taxes which should have been paid for the current tax year.

F. Alternatives/Options

1. Sell the property for the minimum amount pursuant to ORS. 275.180 plus taxes which would have been owed for the current year plus 10% thereon. A total of \$5,920.
2. Sell the property for an amount greater than #1 above.
3. Reject selling the property back to the former owner and offer the property at a Sheriff's sale which would yield greater consideration (\$100,000 +). Pursuing this option would require either evicting Ms. Taylor or entering into a rental agreement with her until such time the property is sold (with it then being the responsibility of the new owner to address the situation).

V. TIMING/IMPLEMENTATION

If approved by the Board, the sale will occur prior to July 1 to insure the property will be on the tax roll for the ensuing tax year.

VI. RECOMMENDATION

It is recommended that option 1 be pursued.

VII. FOLLOW-UP

Upon the Board's approval, the Property Management Officer will close the transaction and have the Quitclaim Deed recorded.

VII. ATTACHMENTS

Board Order
Quitclaim Deed
Plat Map

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

IN THE MATTER OF AUTHORIZING THE SALE OF
SURPLUS COUNTY OWNED REAL PROPERTY FOR
\$5,920 TO BETTY K. TAYLOR, FORMER OWNER OF
RECORD, (MAP NO. 15-04-32-43-09600, 230 CEDAR
ST., JUNCTION CITY)

WHEREAS this matter now coming before the Lane County Board of Commissioners and said Board deeming it in the best interest of Lane County to sell the following real property which was acquired through tax foreclosure, to wit:

Lot 7, Block 11, ORIGINAL PLAT OF JUNCTION CITY, as platted and recorded in Book H, Page 749, Lane County Oregon Plat Records, in Lane County, Oregon.

WHEREAS said real property is owned by Lane County and not in use for County purposes, and sale of said property would benefit Lane County by its return to the tax roll, and

WHEREAS Betty K. Taylor is the former owner of record of said real property and said property was her residence prior to the tax foreclosure

IT IS HEREBY ORDERED that pursuant to Lane Manual 21.425(4), ORS 275.180 and ORS 275.275 the above described real property be sold to Betty K. Taylor for \$5,920, that the Quitclaim Deed be executed by the Board and that the proceeds be disbursed as follows:

Foreclosure Fund	(268-5570270-446120)	\$5,585
General Fund	(124-5570260-436521)	335

IT IS FURTHER ORDERED, that this Order shall be entered into the records of the Board of Commissioners of the County.

DATED this _____ day of _____, 2007.

Faye Stewart, Chair, Board of County Commissioners

IN THE MATTER OF AUTHORIZING THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY FOR
\$5,920 TO BETTY K. TAYLOR, FORMER OWNER OF RECORD, (MAP NO. 15-04-32-43-09600, 230 CEDAR
ST., JUNCTION CITY)

APPROVED AS TO FORM

Date 5-11-07 lane county


OFFICE OF LEGAL COUNSEL

QUITCLAIM DEED

LANE COUNTY, a political subdivision of the State of Oregon, pursuant to Order No. _____ of the Board of County Commissioners of Lane County, releases and quitclaims to:

BETTY K. TAYLOR

all its right, title and interest in that real property situated in Lane County, State of Oregon, described as:

Lot 7, Block 11, ORIGINAL PLAT OF JUNCTION CITY, as platted and recorded in Book H, Page 749, Lane County Oregon Plat Records, in Lane County, Oregon. (15-04-32-43-09600)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). THIS INSTRUMENT WILL/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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS. 30.930 AND INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).

The true and actual consideration for this transfer is \$5,920.00

LANE COUNTY BOARD OF COMMISSIONERS

STATE OF OREGON)
) ss
COUNTY OF LANE)

On _____, 2007 personally appeared _____,

_____, _____, _____, _____,

_____, County Commissioners for Lane County, and acknowledged the foregoing instrument to be their voluntary act. Before me:

After recording, return to/taxes to:

Notary Public for Oregon

My Commission Expires _____

