

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Conveying Certain County-)
Owned Real Property Known as Tax)
Account No. 01-10 4119-014-00500 to)
James E. Bennett and Dorothy Bennett)
_____)

ORDER NO. 26 - 2003

WHEREAS, certain real property in Columbia County, Oregon, which has been assigned Tax Account No. 01-10 4119-014-00500, was foreclosed upon for nonpayment of back taxes in *Columbia County v. Transition Support Services, Inc.*, et al, Case No. 00-2420, said property listed as Parcel No. 00-011 in said foreclosure proceeding, being more particularly described as:

Parcel 1:

Beginning at a point that is East 5,593.60' and South 26°11' West 446.80' from the Northwest corner of the Garner T. Foster Donation Land Claim, said point being in Section 19, Township 4 North, Range 1 West, Willamette Meridian, Columbia County, Oregon, and on the Easterly boundary of the Old Portland St. Helens County Road, and which point is the Southwest corner of that certain tract as described in Deed from Albert L. Larson, et ux, to E.E. Luce, recorded August 14, 1937, in Deed Book 61, page 94; thence from this place of beginning, South 70°49' East along the South line of said Luce tract and an extension thereof 831.61' to the East boundary of the said Foster Donation Land Claim; thence along the East boundary of Foster Donation Land Claim, South 30° West, (South 29°45' West by Deed) 107.01', thence North 70°49' West 824.91' to the East boundary of Old County Road; thence along the East boundary of said road North 26°11' East 105.99' to the place of beginning. EXCEPTING THEREFROM tract described to James T McElhaney, et ux, recorded November 25, 1975, in Deed Book 203, page 529.

Parcel 2:

Beginning at a point in the North line of the Garner T. Foster Donation Land Claim in Section 19, Township 4 North, Range 1 West, Willamette Meridian, Columbia County, Oregon, said point being East 5,671.6' from the Northwest corner of said Donation Land Claim and being also East 78.0' from the intersection of the North line of said Donation Land Claim with the Easterly right of

way line of the St. Helens - Warren County Road; thence from said point of beginning South 22°21' West 69.0'; thence North 69°37' West 75.0' to said Easterly right of way line of said road; thence along said Easterly right of way line South 26°11' West 202.4' to the true point of beginning, said point being the Northwest corner of the E.E. Luce tract as described in Deed Book 61, page 94; thence continuing along said Easterly right of way line 202.4', more or less, to the Southwest corner of that certain tract of land conveyed by C.O. Dahlgren and Mathilda Dahlgren, husband and wife, to H.O. Morris and A.L. Morris, by Deed recorded October 5, 1920, in Deed Book 30, page 140; thence South 70°49' East 800'; thence North 42°33' East 330'; thence North 19°06' East to a point which is South 82°21' East of said true point of beginning; thence North 82° 21' West 924.7' to said true point of beginning, and being situated in Sections 19 and 20, Township 4 North, Range 1 West, Willamette Meridian. EXCEPTING THEREFROM tract described in Deed to Richard L. Leamy, et ux, recorded January 18, 1977, in Deed Book 209, page 810.

Parcel 3:

Part of Section 20, Township 4 North, Range 1 West, Willamette Meridian, Columbia County, Oregon, described as follows: Beginning at a point which is East 5,593.6' and South 26°11' West 446.8' from the Northwest corner of the Garner T. Foster Donation Land Claim; thence South 70°49' East a distance of 800' to the true point of beginning of the following described tract; thence from said true point of beginning South 70°49' East a distance of 31.61' to the East line of the Garner T. Foster Donation Land Claim; thence North 30° East (North 29°45' East by Deed) along the East line of said Donation Land Claim, a distance of 130.975'; thence South 42°33' West a distance of 140.225' to the true point of beginning. EXCEPTING any portion which may fall within Parcel 2 above.

Together with all tidelands, and together with all water rights, easements, or privileges now or hereafter belonging to, derived from or in anyway appertaining to the above described premises.

WHEREAS, the records of the Columbia County Assessor's Office listed James E. and Dorothy Bennett as the record owners of Parcel No. 00-011 at the time of the foreclosure, and tax statements and notices of foreclosure were sent to the listed record owners; and,

WHEREAS, judgment was entered in *Columbia County v. Transition Support Services, Inc., et al*, Case No. 00-2420, on November 8, 2002, and ownership of said Parcel No. 00-011, along with four other parcels owned or being purchased by James E. and Dorothy Bennett, was thereafter conveyed to Columbia County, Oregon, by deed recorded in Deed Volume No. 02-14306; and,

WHEREAS, in early February, 2003, Dorothy Bennett contacted Columbia County and advised that she would like to make arrangements to pay off the taxes, penalties, interest and fees accrued on all property formerly owned by the Bennetts and conveyed to Columbia County, Oregon, by deed recorded in Deed Volume No. 02-14306, and to seek reconveyance of all such property to the Bennetts; and

WHEREAS, Dorothy Bennett has made a written request to purchase back all the property formerly owned by the Bennetts, a copy of said request being attached hereto as Exhibit A and by this reference incorporated herein,

WHEREAS, thereafter, on March 31, 2003, Mrs. Bennett tendered a certified check in the amount of \$40,000 to Columbia County to apply toward the back taxes, interest, penalties and fees assessed as of March 31, 2003, on the Bennett properties; and,

WHEREAS, as of March 31, 2003, the total amount due for back taxes, interest, penalties and fees on the Bennett properties were as follows:

<u>TAX ACCOUNT NUMBER</u>	<u>TOTAL OWED</u>
01-10 2 4119-014-00500	\$35,301.14
01-10 2 4119-014-00800	\$9,586.89
01-10 2 4119-014-00900	\$11,272.49
01-10 2 4119-014-01000	\$135.49
01-10 2 4119-014-01200	\$8,467.21
GRAND TOTAL	\$64,763.22

and

WHEREAS, ORS 275.180 provides that the County, in its discretion, may, without public notice, sell and convey by deed signed by the Board of County Commissioners to the record owner any property acquired by the county for delinquent taxes for not less than the amount of taxes and interest accrued and charged against such property at the time of purchase by the county with interest thereon at the rate of six percent per annum from the date of such purchase; and,

WHEREAS, after discussions with, and confirmation by, Dorothy Bennett, the decision was made to apply \$35,301.14 of the \$40,000 tendered to pay the balance owed on Tax

WHEREAS, the Bennetts have made the payment required to be made under ORS 275.180 on Tax Account No. 4119-014-00500; and

WHEREAS, a question remains as to the ownership interest of the Bennetts in Tax Account No. 4119-014-01000, and the remaining balance of \$4,698.86 is insufficient to cover the payment required under ORS 275.180 on any of the remaining Bennett properties;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

- (1) James E. and Dorothy Bennett are authorized to repurchase the property referred to as Tax Account No. 4119-014-00500 for the sum of \$35,301.14, payment of which is hereby acknowledged; and,
- (2) A quitclaim deed, a copy of which is attached hereto as Exhibit B and incorporated herein by this reference, reconveying the property to James E. Bennett and Dorothy Bennett, husband and wife, shall be signed by this Board and recorded in the records of the County Clerk without cost.
- (3) The balance of \$4,698.86 remaining from the sum tendered by the Bennetts shall be refunded.

DATED this 9th day of April, 2003.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: [Signature]
Chair

By: [Signature]
Commissioner

By: [Signature]
Commissioner

Approved as to form

By: [Signature]
Office of County Counsel

February 12, 2003

Office of County Council
Columbia County Court
Attn: Cynthia Zemaitis

Re: Jim and Dorothy Bennett Properties

Dear County Council,

Please allow us to remedy the following accounts including, past due taxes, penalties and interest for:

- 34776 Adaptive Court, Warren, OR
- 34777/34779 Adaptive Court, Warren, OR
- 34792 Adaptive Court, Warren, OR
- 56680 Old Portland Road, Warren, OR
- 56560 Old Portland Road, Warren, OR
- 56566 Old Portland Road, Warren, OR
- 56574 Old Portland Road, Warren, OR

to convey property back to owners.

Contact information:

Jim and Dorothy Bennett
56574 Old Portland Road
Warren, OR 97051
503-397-6549

Columbia Property Services
Attn: Jamie Tafoya
1870 St. Helens Street
St. Helens, OR 97051
503-397-2140

Thank you for your immediate attention and consideration.

Sincerely,


Dorothy Bennett

FAXED 
2-12-03

10:30 am
366-3925

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that the COUNTY OF COLUMBIA, a political subdivision of the State of Oregon, hereinafter called Grantor, for the consideration hereinafter stated, does hereby release and quitclaim unto JAMES E. BENNETT and DOROTHY BENNETT, husband and wife, hereinafter called Grantees, and unto their heirs, successors and assigns, all their right, title and interest in and to the following described parcel of real property situated in the County of Columbia, State of Oregon, described as follows, to wit: Tax Account No. 01-10 4119-014-00500.

The property is more specifically described as: see Exhibit A, attached.

The true and actual consideration for this conveyance is \$35,301.14.

THIS INSTRUMENT WILL 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.

This conveyance is subject to the following exceptions, reservations and conditions:

- 1) This property is conveyed AS-IS without covenants or warranties, subject to any municipal liens, easements and encumbrances of record.
- 2) All rights to any County, public, forest or C.C.C. roads are hereby reserved for the benefit of Columbia County, Oregon.
- 3) All rights to any minerals, mineral rights, ore, metals, metallic clay, oil, gas or hydrocarbon substances in, on or under said property, if any, including underground storage rights, and also including the use of such water from springs, creeks, lakes or wells to be drilled or dug upon the premises as may be necessary or convenient for such exploration or mining operations, as well as the conducting of operations related to underground storage and production of gaseous substances on the property, are specifically excepted, reserved and retained for the benefit of Columbia County, Oregon, together with the right of ingress and egress thereto for the purpose of exercising the rights hereby excepted, reserved and retained.

This conveyance is made pursuant to Board of County Commissioners Order No. 26 - 2003 adopted on April 9, 2003, and filed in Commissioners Journal at Book ___, Page ___.

IN WITNESS WHEREOF, the Grantor has executed this instrument this ___ day of April, 2003.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: _____
Chair

By: _____
Commissioner

Approved as to form

By: _____
Office of County Counsel

By: _____
Commissioner

STATE OF OREGON)
County of Columbia } ss.

ACKNOWLEDGMENT

This instrument was acknowledged before me on the ___ day of April, 2003, by Joe Corsiglia, Rita Bernhard and Anthony Hyde, as Commissioners of Columbia County, Oregon, on behalf of whom the instrument was executed.

Notary Public for Oregon
My Commission Expires: _____

GRANTOR'S NAME AND ADDRESS:
Board of County Commissioners
for Columbia County, Oregon
Columbia County Courthouse, Room 331
230 Strand
St. Helens, OR 97051

AFTER RECORDING RETURN TO GRANTEE:
James and Dorothy Bennett
56574 Old Portland Road
Warren, OR 97051

[Until a change is requested, send all tax statements to
Grantee at above address].

EXHIBIT A

Tax Account No. 01-10 4119-014-00500

Parcel 1:

Beginning at a point that is East 5,593.60' and South 26°11' West 446.80' from the Northwest corner of the Garner T. Foster Donation Land Claim, said point being in Section 19, Township 4 North, Range 1 West, Willamette Meridian, Columbia County, Oregon, and on the Easterly boundary of the Old Portland St. Helens County Road, and which point is the Southwest corner of that certain tract as described in Deed from Albert L. Larson, et ux, to E.E. Luce, recorded August 14, 1937, in Deed Book 61, page 94; thence from this place of beginning, South 70°49' East along the South line of said Luce tract and an extension thereof 831.61' to the East boundary of the said Foster Donation Land Claim; thence along the East boundary of Foster Donation Land Claim, South 30° West, (South 29°45' West by Deed) 107.01', thence North 70°49' West 824.91' to the East boundary of Old County Road; thence along the East boundary of said road North 26°11' East 105.99' to the place of beginning. EXCEPTING THEREFROM tract described to James T McElhaney, et ux, recorded November 25, 1975, in Deed Book 203, page 529.

Parcel 2:

Beginning at a point in the North line of the Garner T. Foster Donation Land Claim in Section 19, Township 4 North, Range 1 West, Willamette Meridian, Columbia County, Oregon, said point being East 5,671.6' from the Northwest corner of said Donation Land Claim and being also East 78.0' from the intersection of the North line of said Donation Land Claim with the Easterly right of way line of the St. Helens - Warren County Road; thence from said point of beginning South 22°21' West 69.0'; thence North 69°37' West 75.0' to said Easterly right of way line of said road; thence along said Easterly right of way line South 26°11' West 202.4' to the true point of beginning, said point being the Northwest corner of the E.E. Luce tract as described in Deed Book 61, page 94; thence continuing along said Easterly right of way line 202.4', more or less, to the Southwest corner of that certain tract of land conveyed by C.O. Dahlgren and Mathilda Dahlgren, husband and wife, to H.O. Morris and A.L. Morris, by Deed recorded October 5, 1920, in Deed Book 30, page 140; thence South 70°49' East 800'; thence North 42°33' East 330'; thence North 19°06' East to a point which is South 82°21' East of said true point of beginning; thence North 82° 21' West 924.7' to said true point of beginning, and being situated in Sections 19 and 20, Township 4 North, Range 1 West, Willamette Meridian. EXCEPTING THEREFROM tract described in Deed to Richard L. Leamy, et ux, recorded January 18, 1977, in Deed Book 209, page 810.

Parcel 3:

Part of Section 20, Township 4 North, Range 1 West, Willamette Meridian, Columbia County, Oregon, described as follows: Beginning at a point which is East 5,593.6' and South 26°11' West 446.8' from the Northwest corner of the Garner T. Foster Donation Land Claim; thence South 70°49' East a distance of 800' to the true point of beginning of the following described tract; thence from said true point of beginning South 70°49' East a distance of 31.61' to the East line of the Garner T. Foster Donation Land Claim; thence North 30° East (North 29°45' East by Deed) along the East line of said Donation Land Claim, a distance of 130.975'; thence South 42°33' West a distance of 140.225' to the true point of beginning. EXCEPTING any portion which may fall within Parcel 2 above.

Together with all tidelands, and together with all water rights, easements, or privileges now or hereafter belonging to, derived from or in anyway appertaining to the above described premises.