

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Conveying Certain County-
Owned Real Property Known as Tax Account
Nos. 01-10 4119-014-00900 and 4119-014-01200
to James E. Bennett and Dorothy Bennett

ORDER NO. 62 - 2003

WHEREAS, certain real property in Columbia County, Oregon, which have been assigned Tax Account Nos. 01-10 4119-014-00900 and 4119-014-01200 were foreclosed upon for nonpayment of back taxes in *Columbia County v. Transition Support Services, Inc., et al*, Case No. 00-2420, said properties listed as Parcel Nos. 00-013 and 00-015, respectively, in said foreclosure proceeding, and being more particularly described as:

Tax Account No. 01-10 4119-014-00900

Commencing at the Northeast corner of the Garner T. Foster Donation Land Claim in Section 20, Township 4 North, Range 1 West, Willamette Meridian, Columbia County, Oregon; thence South 37 degrees 15 minutes West, crossing the West line of said Section 20 and running into Section 19, 20.60 chains to a post set in the East line of said Donation Land Claim, which post is the point of beginning for the tract of land hereinafter described; thence South 29 degrees 45 minutes West along said Donation Land Claim line 4.01 chains to a post, said point being on the North line of tract of land conveyed by M. Fisk to N. F. Baker by deed recorded in Book M, page 52, Deed Records; thence North 73 degrees 15 minutes West along the North line of land conveyed in Book M, page 52, Deed Records, to a point which is South 73 degrees 15 minutes East 280 feet from the Southwest corner of land conveyed by William J. Fullerton to James S. Bacon in deed recorded in Book M, page 56, Deed Records, thence North 20 degrees 06 minutes East a distance of 150 feet to the Southerly line of the lane mentioned in the last will of James S. Bacon, deceased; thence continuing North 20 degrees 06 minutes East to the North line of said lane; thence in a Northwesterly direction following the North line of said lane to a point of intersection with the East line of the second parcel of land described in deed from John Schmidli to L. E. Tedrow, et al., recorded September 27, 1951, in Book 112, page 277, Deed Records; thence North following the Easterly line of Parcel 2 and Parcel 1 in said deed recorded in Book 112, page 277, Deed Records, to a point of intersection with the North line of land conveyed by William J. Fullerton to James S. Bacon in deed recorded in Book M, page 56, Deed Records; thence South 73 degrees 15 minutes East along North line of land conveyed by Book M, page 56, to the true point of beginning. EXCEPT that portion conveyed to James E. Bennett and Dorothy B. Bennet, husband and wife, by deed recorded

August 5, 1965 in Book 159, page 131, Deed Records of Columbia County, Oregon.

Tax Account No. 01-10 411901401200

Beginning at a point which is on the Easterly right of way line of the Old Portland - St. Helens County Road and North 26 degrees 11 minutes East a distance of 50.00 feet, and South 73 degrees 15 minutes East a distance of 30.00 feet, from the Northwest corner of a tract of land conveyed to Lucinda Blanchard by James Bacon, November 6, 1891, (the deed of which is duly recorded in Book M, page 270, Records of Deeds, Columbia County, Oregon) said tract of land also being in Section 19, Township 4 North, Range 1 West of the Willamette Meridian, Columbia County, Oregon, and a portion of the Garner T. Foster Donation Land Claim; Thence South 73 degrees 15 minutes East a distance of 100.00 feet; thence South 26 degrees 11 minutes West a distance of 50.00 feet; thence South 73 degrees 15 minutes East a distance of 100.00 feet; thence South 26 degrees 11 minutes West a distance of 25.00 feet; thence South 73 degrees 15 minutes East a distance of 50.00 feet; thence North 20 degrees 06 minutes East a distance of 150.00 feet to the Southerly line of the land (lane) mentioned in the last will of James S. Bacon; thence along the Southerly line of said lane to the intersection of said lane with the Easterly right of way line of the Old Portland - St. Helens County Road; thence South 26 degrees 11 minutes West along said Easterly right of way line of said County Road to the point of beginning. SUBJECT To Easements and rights of way of record AND rights of the public and others to roads, easements and right of ways.

WHEREAS, the records of the Columbia County Assessor's Office listed Jarthur J. And Ruth Hallberg as owners and James E. Bennett as the buyer of Parcel No. 00-013, and James and Dorothy Bennett as the record owners of Parcel No. 00-015 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 Nos. 00-013 and 00-015, along with other parcels owned or being purchased by James E. and Dorothy Bennett, was thereafter conveyed to Columbia County, Oregon, by deed recorded at Instrument 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, and to seek reconveyance of all such property to the Bennetts; and

WHEREAS, at approximately the same time Dorothy Bennett brought in an original Warranty Deed indicating that Arthur J. and Ruth Hallberg had conveyed the property known as Tax Account No. 01-10 4119-014-00900 to James E. and Dorothy Bennett on or about August 26, 1965, said deed being subsequently recorded in the County Clerk deed records; and

WHEREAS, thereafter, on September 11, 2003, Mr. James Bennett tendered a certified check in the amount of \$19,266.33 to Columbia County to apply toward the total back taxes, interest, penalties and fees assessed as of September 15, 2003, on the properties known as Tax Account Nos. 4119-014-00900 and 1200; 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, the Bennetts have made the payments required to be made under ORS 275.180 on Tax Account Nos. 4119-014-00900 and 1200; and

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 Nos. 4119-014-00900 and 1200 for the sum of \$19,266.33, receipt of which is hereby acknowledged.
- (2) A quitclaim deed, a copy of which is attached hereto as Exhibit A and incorporated herein by this reference, conveying the subject properties 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.

DATED this 17th day of September, 2003.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: not present
Chair

By: [Signature]
Commissioner

By: [Signature]
Commissioner

Approved as to form

By: [Signature]
Office of County Counsel

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EXHIBIT A
QUITCLAIM DEED

BOOK 064 PAGE 327

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 Nos. 01-10 4119-014-00900 and 4119-014-01200.

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

The true and actual consideration for this conveyance is \$19,266.33 and other valuable consideration.

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. 62 - 2003 adopted on September 17, 2003, and filed in Commissioners Journal at Book __, Page __.

IN WITNESS WHEREOF, the Grantor has executed this instrument this __ day of September, 2003.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: _____
Chair

Approved as to form

By: _____
Commissioner

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 September 2003, by Joe Corsiglia, Rita Bernhard and Tony 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 E. 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
to quitclaim deed to James E. and Dorothy Bennett

[Tax Account Nos. 01-10 4119-014-00900 and 01200]

Tax Account No. 01-10 4119-014-00900

Commencing at the Northeast corner of the Garner T. Foster Donation Land Claim in Section 20, Township 4 North, Range 1 West, Willamette Meridian, Columbia County, Oregon; thence South 37 degrees 15 minutes West, crossing the West line of said Section 20 and running into Section 19, 20.60 chains to a post set in the East line of said Donation Land Claim, which post is the point of beginning for the tract of land hereinafter described; thence South 29 degrees 45 minutes West along said Donation Land Claim line 4.01 chains to a post, said point being on the North line of tract of land conveyed by M. Fisk to N. F. Baker by deed recorded in Book M, page 52, Deed Records; thence North 73 degrees 15 minutes West along the North line of land conveyed in Book M, page 52, Deed Records, to a point which is South 73 degrees 15 minutes East 280 feet from the Southwest corner of land conveyed by William J. Fullerton to James S. Bacon in deed recorded in Book M, page 56, Deed Records, thence North 20 degrees 06 minutes East a distance of 150 feet to the Southerly line of the lane mentioned in the last will of James S. Bacon, deceased; thence continuing North 20 degrees 06 minutes East to the North line of said lane; thence in a Northwesterly direction following the North line of said lane to a point of intersection with the East line of the second parcel of land described in deed from John Schmidli to L. E. Tedrow, et al., recorded September 27, 1951, in Book 112, page 277, Deed Records; thence North following the Easterly line of Parcel 2 and Parcel 1 in said deed recorded in Book 112, page 277, Deed Records, to a point of intersection with the North line of land conveyed by William J. Fullerton to James S. Bacon in deed recorded in Book M, page 56, Deed Records; thence South 73 degrees 15 minutes East along North line of land conveyed by Book M, page 56, to the true point of beginning. EXCEPT that portion conveyed to James E. Bennett and Dorothy B. Bennet, husband and wife, by deed recorded August 5, 1965 in Book 159, page 131, Deed Records of Columbia County, Oregon.

Tax Account No. 01-10 4119-014-01200

Beginning at a point which is on the Easterly right of way line of the Old Portland - St. Helens County Road and North 26 degrees 11 minutes East a distance of 50.00 feet, and South 73 degrees 15 minutes East a distance of 30.00 feet, from the Northwest corner of a tract of land conveyed to Lucinda Blanchard by James Bacon, November 6, 1891, (the deed of which is duly recorded in Book M, page 270, Records of Deeds, Columbia County, Oregon) said tract of land also being in Section 19, Township 4 North, Range 1 West of the Willamette Meridian, Columbia County, Oregon, and a portion of the Garner T. Foster Donation Land Claim; Thence South 73 degrees 15 minutes East a distance of 100.00 feet; thence South 26 degrees 11 minutes West a distance of 50.00 feet; thence South 73 degrees 15 minutes East a distance of 100.00 feet; thence South 26 degrees 11 minutes West a distance of 25.00 feet; thence South 73 degrees 15 minutes East a distance of 50.00 feet; thence North 20 degrees 06 minutes East a distance of 150.00 feet to the Southerly line of the land (lane) mentioned in the last will of James S. Bacon; thence along the Southerly line of said lane to the intersection of said lane with the Easterly right of way line of the Old Portland - St. Helens County Road; thence South 26 degrees 11 minutes West along said Easterly right of way line of said County Road to the point of beginning. SUBJECT To Easements and rights of way of record AND rights of the public and others to roads, easements and right of ways.

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