

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

In the Matter of Conveying Certain Real )  
 Property on N. Vernonia Road, St. Helens, )  
 Oregon, to Richard Smith and Ron Kaplan ) **ORDER NO. 57 - 2008**  
 )  
 [Tax Map ID No. 4N1W05-DA-01500] )  
 \_\_\_\_\_ )

WHEREAS, on October 25, 2005, the Circuit Court of the State of Oregon for the County of Columbia entered of record the General Judgment in *Columbia County v. Hecker, Michael R., et al.*, Case No. 05-2398; and

WHEREAS, on October 27, 2007, pursuant to that General Judgment, Columbia County, a political subdivision of the state of Oregon, acquired certain foreclosed real property, including a certain parcel of land situated in the City of St. Helens which was formerly owned by Joseph B. Stephens and Doris E. Stephens; and

WHEREAS, this property is referred to as Tax Map ID No. 4N1W05-DA-01500 and is more particularly described as:

A parcel of land lying in Section 5, Township 4 North, Range 1 West of the Willamette Meridian, Columbia County, Oregon, described as follows: All that portion of Parcels 1 and 2 as described in deed conveyed to Vaughn W. Larsen Jr. And Linda S. Larsen, Husband and Wife, recorded June 5, 1991 as Columbia County Clerks Fee Number 1991-3335 lying Northerly of a line which is 12 feet Southerly of and parallel to the following described line: beginning at the Northwesterly corner of the aforesaid Parcel 1; thence Easterly, along the North line of said Parcel 1, to the most Westerly point of the aforesaid Parcel 2; thence continuing Easterly, along the Northerly line of said Parcel 2, to the most Northerly corner of said Parcel 2 and the terminus of said line.

WHEREAS, the Board of County Commissioners deemed this property surplus to the County's needs, that the highest and best use would be to an adjoining property owner, and directed that letters be sent to the adjoining property owner(s) advising that the property would be placed for auction; and

WHEREAS, Ron Kaplan and Richard Smith, adjacent property owners, submitted an offer to purchase this parcel to the County; and

WHEREAS, ORS 275.225 permits the County to sell county land by private sale, provided that the property is assessed at less than \$15,000 on the most recent assessment roll prepared for the County, and is unsuited for construction or placement of a dwelling under current zoning ordinances and building codes of the County; and

WHEREAS, the property has been assessed at \$1,040, and is unsuited for construction or placement of a dwelling; and

WHEREAS, pursuant to ORS 275.225, notice of private sale was published in a newspaper of general circulation on May 8, 2008, and more than 15 days has elapsed since publication of said notice; and

WHEREAS, no further offers have been received by the County pursuant to this notice; and

WHEREAS, on April 11, 2008, Richard Smith and Ron Kaplan submitted a check to Columbia County in the amount of \$545, the sum of \$500 to purchase this parcel and the sum of \$45.00 to cover recording and handling fees;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. Pursuant to ORS 275.225, the Board authorizes the sale of the above-described property to Richard Smith and Ron Kaplan for \$500.
2. The Board of County Commissioners shall execute the Quitclaim Deed for Tax Map ID No. 4N1W05-DA-01500 to Richard Smith and Ron Kaplan, a copy of which is attached hereto as Exhibit 1 and by this reference incorporated herein, for the sum of \$500, receipt of which is hereby acknowledged.

DATED this 9<sup>th</sup> day of July, 2008.

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

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**GRANTOR'S NAME AND ADDRESS:**

Board of County Commissioners  
for Columbia County, Oregon  
Columbia County Courthouse  
230 Strand, Room 331  
St. Helens, OR 97051

**AFTER RECORDING, RETURN TO GRANTEE:**

Edward Smith and Ron Kaplan  
Diversified Investments, Inc.  
419 Main Street, Suite 136  
Huntington Beach, CA 92648

**QUITCLAIM DEED**

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 **RICHARD SMITH and RON KAPLAN**, hereinafter called Grantee, and unto their heirs, successors and assigns, all its 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 Map ID No. 4N1W05-DA-01500 and Tax Account No. 7063**. The property is more specifically described on the attached Exhibit A.

The true and actual consideration for this conveyance is \$500

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

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. 57 - 2008 adopted on July 9, 2008, and filed in Commissioners Journal at Book \_\_, Page \_\_.

IN WITNESS WHEREOF, the Grantor has executed this instrument this \_\_\_ day of July, 2008.

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 July, 2008, by Anthony Hyde, Joe Corsiglia, and Rita Bernhard as Commissioners of Columbia County, Oregon, on behalf of which the instrument was executed.

\_\_\_\_\_  
Notary Public for Oregon

**EXHIBIT A**  
to Quitclaim Deed

sheet 104 of 299

Tax Map ID No. 4N1W05-DB-01500

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