

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Conveying Certain County-)
Owned Real Property Known as Tax Map)
ID No. 6N3W11-00-02000 and Tax Account)
No. 18807 to Bruce G. Wallace and Roxanne)
Wallace)
_____)

ORDER NO. 88 - 2008

WHEREAS, certain real property in Columbia County, Oregon, which has been assigned Tax Account No.18807 and Tax Map ID No. 6N3W11-00-02000, was foreclosed upon for non-payment of back taxes in *Columbia County v. Lowrey, David, et al.*, Case No. 06-2433, said property listed as Parcel No. 06-020 in said foreclosure proceeding, being more particularly described as:

The Southeast quarter of the Southeast quarter of Section 11, Township 6 North, Range 3 West of the Willamette Meridian, Columbia County, Oregon EXCEPTING THEREFROM that portion conveyed to Bruce G. Wallace by instrument recorded in Book 243, Page 102, Deed Records of Columbia County, Oregon; and EXCEPTING THEREFROM all that portion of said Southeast quarter of the Southeast quarter lying West of the Rainier-Vernonia Highway, sometimes called Fern Hill Road; and EXCEPTING THEREFROM rights of the Public in and to Public Roads and Highways.

WHEREAS, the records of the Columbia County Assessor's Office listed Bruce G. Wallace and Roxanne Wallace as the record owners of Parcel No. 06-020 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. Lowrey, David, et al*, Case No. 06-2433, October 11, 2006, and ownership of said Parcel No. 06-020 was thereafter conveyed to Columbia County, Oregon, by deed recorded in the deed records of the Columbia County Clerk as Instrument No. 2008-009839; and

WHEREAS, in December 2008, Bruce Wallace contacted Columbia County and advised that he would like to make arrangements to pay off the taxes, penalties, interest and fees accrued on this property formerly owned by the Wallaces and conveyed to Columbia County, Oregon, by deed recorded as Instrument No. 2008-009839, and to seek reconveyance of such property to the Wallaces; and

WHEREAS, on December 17, 2008, Columbia County forwarded Mr. Wallace, via facsimile, a letter enclosing the document entitled *Calculations for Reconveyance of Foreclosed Property Under ORS 275.180*, a copy of said documents being attached hereto as Exhibit 1 and by this reference incorporated herein; and

WHEREAS, thereafter, on December 23, 2008, Mr. Wallace tendered a certified check in the amount of \$22,452.03 to Columbia County to apply toward the back taxes, interest, penalties and fees on the subject property, said sum being the total amount owed in back taxes, interest, penalties and fees

assessed as of December 31, 2008; 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 Wallaces have made the payment required to be made under ORS 275.180 on Tax Map ID No. 6N3W11-00-02000;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

- (1) Bruce G. and Roxanne Wallace are authorized to repurchase the property referred to as Tax Map ID No. 6N3W11-00-02000 for the sum of \$22,452.03, payment of which is hereby acknowledged.
- (2) A quitclaim deed, a copy of which is attached hereto as Exhibit 2 and incorporated herein by this reference, reconveying the property to Bruce G. Wallace and Roxanne Wallace, husband and wife, shall be signed by this Board and recorded in the records of the County Clerk without cost.

DATED this 5th day of January, 2009.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: [Signature]
Chair

By: [Signature]
Commissioner

By: _____
Commissioner

Approved as to form

By: [Signature]
Office of County Counsel

S:\COUNSEL\LANDS\6N3W11 - 00 - 02000\ORD RECONVEY.wpd



OFFICE OF COUNTY COUNSEL

Columbia County Courthouse ♦ 230 Strand, Room 318 ♦ St. Helens, OR 97051-2096
503.397.3839 ♦ 503.366.3925 (Fax) ♦ www.co.columbia.or.us

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CYNTHIA ZEMAITIS
Paralegal/Natural Resources Administrator
cynthia.zemaitis@co.columbia.or.us

December 17, 2008

Via Facsimile -- 503.556.¹¹³⁶~~0908~~

Bruce Wallace
70462 Fernhill Road
Rainier, OR 97048

Re: Property located at 70148 Fernhill Road, Rainier, OR
Tax Map ID No. 6N3W11-00-02000; Tax Account No. 18807

Dear Mr. Wallace:

I am forwarding the calculations of the back taxes, penalties, fees and interest you would owe on the above-referenced property in order for it to be reconveyed to you.

As you know, the Board of Commissioners has given you until January 5, 2008, to either pay the monies owed or to vacate the premises. Once you have determined what you wish to do, please give me a call to let me know.

Given the inclement weather, the courthouse is closing. If there is no one here to answer your call, please leave a detailed message.

Sincerely,

A handwritten signature in black ink, appearing to read "Cynthia Zemaitis".

Cynthia Zemaitis, Paralegal /
Natural Resources Administrator

enclosure

**CALCULATIONS FOR RECONVEYANCE OF
FORECLOSED PROPERTY UNDER ORS 275.180**

Computation of Amount Required for Reconveyance: (cash or certified check only)

Name: **BRUCE & ROXANNE WALLACE**
 Account: 18807
 Map ID 6N3W11 - 00 - 02000

Date Calculation: 10 Dec 2008
 Date of General Judgment 03 Oct 2006
 Proposed date of Reconveyance 31 Dec 2008

1	Principal delinquent taxes as of 10/03/06 (see Ex. 1 to General Judgment, Case No. 06-2433)	\$5,521.64		
2	Interest through 10/03/06 (see Ex. 1 to General Judgment)	\$1,817.69		
3	TOTAL (Judgment & Decree)	\$7,339.33		
4	Penalty (5% of line 3)	\$366.97	# of days in foreclosure	
5	Number of days in foreclosure x Interest at 9% per annum	\$1,482.14	819	2007
6	Title Search Fee	\$250.00	89	2006
7	Total Amount Due on Foreclosed Taxes	\$16,777.77	<u>819</u>	

8	Subsequent Years of Unpaid Taxes			
	Year: 2006 / 2007	\$1,481.29		
	Interest on taxes	\$454.25		
	Year: 2007 / 2008	\$1,524.24		
	Interest on taxes	\$196.45		
	Year: 2008 / 2009	\$1,603.77		
	Interest on taxes	\$14.26		
	Total Amount Taxes Due and Owning	\$5,274.26		
9	Administration Fee	\$400.00		
10	GRAND TOTAL NEEDED FOR RECONVEYANCE	\$22,452.03		

*** TX REPORT ***

BOOK 105 PAGE 792

TRANSMISSION OK

TX/RX NO 2163
CONNECTION TEL 95035561136
CONNECTION ID
ST. TIME 12/23 11:06
USAGE T 00'40
PGS. SENT 2
RESULT OK

COLUMBIA COUNTY



OFFICE OF COUNTY COUNSEL

Columbia County Courthouse ♦ 230 Strand, Room 318 ♦ St. Helens, OR 97051-2096
503.397.3839 ♦ 503.366.3925 (Fax) ♦ www.co.columbia.or.us

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CYNTHIA ZEMAITIS
Paralegal/Natural Resources Administrator
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December 17, 2008

Via Facsimile -- 503.556.¹¹³⁶~~0908~~

Bruce Wallace
70462 Fernhill Road
Rainier, OR 97048

Re: Property located at 70148 Fernhill Road, Rainier, OR
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Given the inclement weather, the courthouse is closing. If there is no one here to answer your call, please leave a detailed message.

Sincerely,

GRANTOR'S NAME AND ADDRESS:

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

EXHIBIT 2

BOOK 105 PAGE 793

TER RECORDING, RETURN TO GRANTEE:

Bruce G. and Roxanne Wallace
70148 Fernhill Road
Rainier, OR 97048

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 **BRUCE G. WALLACE and ROXANNE WALLACE**, husband and wife, hereinafter called Grantees, 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. 6n3w11-00-02000 and Tax Account No. 18807. The property is more specifically described on the attached Exhibit A.

The true and actual consideration for this conveyance is \$22,452.03

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 Civilian Conservation Corps 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. 88 2008 adopted on January 5, 2009, and filed in Commissioners Journal at Book __, Page __.

IN WITNESS WHEREOF, the Grantor has executed this instrument this ___ day of January, 2009.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: _____
Chair

By: _____
Commissioner

By: _____
Commissioner

Approved as to form

By: _____
Office of County Counsel

STATE OF OREGON)
County of Columbia) ss.

ACKNOWLEDGMENT

This instrument was acknowledged before me on the ____ day of January, 2009, by Anthony Hyde, Rita Bernhard and Earl Fisher Commissioners of Columbia County, Oregon, on behalf of which the instrument was executed.

Notary Public for Oregon

EXHIBIT A
to Quitclaim Deed

BOOK 105 PAGE 794

Tax Map ID No. 6N3W11-00-02000

The Southeast quarter of the Southeast quarter of Section 11, Township 6 North, Range 3 West of the Willamette Meridian, Columbia County, Oregon EXCEPTING THEREFROM that portion conveyed to Bruce G. Wallace by instrument recorded in Book 243, Page 102, Deed Records of Columbia County, Oregon; and EXCEPTING THEREFROM all that portion of said Southeast quarter of the Southeast quarter lying West of the Rainier-Vernonia Highway, sometimes called Fern Hill Road; and EXCEPTING THEREFROM rights of the Public in and to Public Roads and Highways.