

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Conveying Certain Real Property)
in St. Helens, Oregon, to Alan Horton and)
Marilyn O’Leary, DVM) ORDER NO. 46-2019
Tax Map ID No. 4N1W04-CB-01600)
and Tax Account No. 10774)

WHEREAS, on November 1, 2016, *nunc pro tunc* October 10, 2016, the Circuit Court of the State of Oregon for the County of Columbia entered of record the General Judgment in *Columbia County v. Ross L. Bankston, Sr., et al.*, Case No. 16-CV29373; and

WHEREAS, on October 24, 2018, pursuant to that General Judgment, Seller acquired certain foreclosed real property, including a certain parcel of land situated in the City of St. Helens which was formerly owned by Alan Horton and Marilyn O’Leary (“Buyer”) and

WHEREAS, this foreclosed property is currently assigned Tax Map ID No. 4N1W04-CB-01600 and Tax Account No. 10774 (the “Property”), by deed recorded as document number 2018-009054 in the Columbia County deed records, and is legally described as:

A tract of land situated in the Northwest quarter of the Southwest quarter of Section 4, Township 4 North, Range 1 West of the Willamette Meridian, Columbia County, Oregon, being more particularly described as follows:

BEGINNING at a point on the West right of way line of the Columbia River Highway that is North 35°14’00” East a distance of 220.50 feet from the most Southerly corner of Block 1, LITTLE’S SUBDIVISION, Columbia County, Oregon;
Thence North 54°46’ West a distance of 100.00 feet;
Thence North 35°14’ East a distance of 117.94 feet to the Northeasterly line of LITTLE’S SUBDIVISION in the center of Milton Creek;
Thence South 48°28’ East a distance of 160.61 feet to the said Westerly right of way line of said highway;
Thence South 35°14’ West a distance of 106.90 feet to the Point of Beginning.

EXCEPTING THEREFROM that portion conveyed to the State of Oregon by and through Department of Transportation Highway division by document recorded May 24, 1995 under Columbia County Instrument No: 95-04454, Columbia County, Oregon.

WHEREAS, pursuant to ORS 275.180 the Seller may sell and convey by deed to the record owner any property acquired by the Seller through foreclosure for not less than the amount of taxes and interest accrued and charged against the Property at the time of purchase by the Seller with interest thereon at the rate of six percent per annum from the date of such purchase; and

WHEREAS, Buyer was the owner of record at the time of foreclosure; and

WHEREAS, the Columbia County Board of Commissioners has agreed to re-convey the Property to Buyer upon payment of the equivalent of all back taxes and interest foreclosed upon, plus all penalties, taxes and interest at the rate of six percent per annum assessed since the date of General Judgment due on the date of closing in the amount of \$35,108.25; and

Columbia County has this date entered into a Purchase and Sale Agreement with Alan Horton and Marilyn O'Leary;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. Pursuant to ORS 275.180, the Board of County Commissioners authorizes the re conveyance of the above-described Property to Alan Horton and Marilyn O'Leary, DVM.
2. The Board of County Commissioners will convey the Property by Quitclaim Deed in a form substantially the same as Exhibit 1.
3. The fully-executed Quitclaim Deed shall be recorded in the County Clerk deed records by Columbia County after funds have cleared.

DATED this 14th day of June, 2019.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: [Signature]
Henry Heimuller, Chair

By: [Signature]
Margaret Magruder, Vice Chair

By: [Signature]
Alex Tardif, Commissioner

Approved as to form:

By: [Signature]
Office of County Counsel

EXHIBIT 1**GRANTOR'S NAME AND ADDRESS:**

Board of County Commissioners
 for Columbia County, Oregon
 c/o County Counsel's Office 230 Strand, Room 20
 St. Helens, OR 97051

AFTER RECORDING, RETURN TO GRANTEE:

Robert Lucas
 PO Box 519
 Rainier, Oregon 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 Alan Horton and Marilyn O'Leary, DVM, 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. 4N1W04-CB-01600 and Tax Account No. 10774, and more specifically described in Exhibit A.

The true and actual consideration for this conveyance is \$35,108.25.

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, aggregate, 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. 46-2019 adopted on June 12, 2019, and filed in Commissioners Journal at Book ____, Page ____.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300,

ORDER-NO 46-2019 – HORTON – TAX ACCOUNT 10774

195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

IN WITNESS WHEREOF, the Grantor has executed this instrument this _____, day of _____, 2019.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: _____
Henry Heimuller, Chair

Approved as to form

By: _____
Office of County Counsel

STATE OF OREGON)
) ss. ACKNOWLEDGMENT
County of Columbia)

This instrument was acknowledged before me on the _____ day of _____, 2019, by Henry Heimuller, Chair, Board of County Commissioners of Columbia County, Oregon, on behalf of which the instrument was executed.

Notary Public for Oregon

LEGAL DESCRIPTION

A tract of land situated in the Northwest quarter of the Southwest quarter of Section 4, Township 4 North, Range 1 West of the Willamette Meridian, Columbia County, Oregon, being more particularly described as follows:

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