



Deschutes County Board of Commissioners
1300 NW Wall St., Suite 200, Bend, OR 97701-1960
(541) 388-6570 - Fax (541) 385-3202 - www.deschutes.org

AGENDA REQUEST & STAFF REPORT

For Board Business Meeting of August 24, 2016

DATE: August 15, 2016

FROM: James Lewis Property & Facilities 541-385-1414

TITLE OF AGENDA ITEM:

Consideration of Signature by the Board of Document 2016-564, an Appointment of Successor Trustee; and authorization of County Legal Counsel for Signature of Document 2016-565, a Deed of Reconveyance.

Consideration of Signature by the Board of Document 2016-566, a Quitclaim Deed to remove Fire Fuels Treatment restriction on Bargain and Sale Deed.

PUBLIC HEARING ON THIS DATE? No

BACKGROUND AND POLICY IMPLICATIONS:

At public auction May 16, 2012, Sonnie Grossman-Cook, was declared successful bidder for property legally described as Lot 16, BEND CASCADE VIEW ESTATES Tract 2, Unit 1, Deschutes County, Oregon. Deschutes County offered financing for the transaction and Sonnie Grossman-Cook signed a Promissory Note and Trust Deed. On January 13, 2016, the County Finance Department advised us that Sonnie Grossman-Cook had paid the balance owing in full as of January 11, 2016 and have requested a Deed of Reconveyance.

At the time the original Promissory Note and Trust Deed were signed by Sonnie Grossman-Cook, the Trustee on behalf of Deschutes County as the Beneficiary was Mark Pilliod, Deschutes County Legal Counsel (who has since left that position). As a result, in order to complete the Reconveyance, the Board must appoint a Successor Trustee. The attached documents include a standardized form which appoints current Deschutes County Legal Counsel, David Doyle, as the Successor Trustee. Upon appointing Mr. Doyle, as Deschutes County Legal Counsel, as the Successor Trustee, the Board can then authorize Mr. Doyle to sign the Deed of Reconveyance.

A Fire Fuels Treatment agreement was part of the original Bargain & Sale Deed (document 2012-32). A completion notice was received from the County Forester, Ed Keith, on August 9, 2016, and a Quitclaim Deed (Document 2016-566) is required to remove the restriction.

FISCAL IMPLICATIONS:

Total received is \$41,597.21. (Sales Price of \$37,000, plus interest of \$4,597.21)

RECOMMENDATION & ACTION REQUESTED:

Staff recommends Board appoint David Doyle, Deschutes County Legal Counsel, as the Successor Trustee, and then authorize County Counsel to sign the Deed of Reconveyance as Trustee.
Staff recommends Board sign the Quitclaim Deed.

ATTENDANCE: James Lewis

DISTRIBUTION OF DOCUMENTS:

Original to James Lewis for recording with the County Clerk and transmittal to Sonnie Grossman-Cook.

BA

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.



APPOINTMENT OF SUCCESSOR TRUSTEE

~~Sonnie L. Grossman-Cook~~
~~65345 85th Place~~
~~Bend, OR 97701~~

Grantor's Name and Address

Mark Pilliod, Des. Co. Legal Counsel
P.O. Box 6005
Bend, OR 97708-6005

Trustee's Name and Address

Deschutes County (Prop/Fac.)
P.O. Box
Bend, OR 97708-6005

Beneficiary's Name and Address

After recording, return to (Name and Address):

~~Deschutes County Prop. & Fac. Dept.~~
~~P.O. Box 6005~~
~~Bend, OR 97708-6005~~

SPACE RESERVED
FOR
RECORDER'S USE

KNOW ALL BY THESE PRESENTS that Sonnie L. Grossman-Cook, an Individual,
is the grantor, Mark Pilliod, Deschutes County Legal Counsel
is the trustee, and Deschutes County, a Political Subdivision of
the State of Oregon is the beneficiary under that certain trust deed dated June 19, 2012
recorded on June 19, 2012 in book reel volume No. 2012 on page 23713
and/or as fee file instrument microfilm reception No. _____ of the Records of Deschutes
County, Oregon.

The undersigned, who is the present beneficiary under the trust deed, desires to appoint a new trustee in the place and stead of the original trustee named above.

NOW, THEREFORE, the undersigned hereby appoints David Doyle, Deschutes County Legal Counsel
1300 N.W. Wall Street, Suite 205, Bend, OR 97701, Oregon, as successor trustee under the trust deed, to have all the power of the original trustee, effective immediately.*

In construing this instrument, where the context so requires, the singular includes the plural, the words "trustee," "grantor" and "beneficiary" include their respective successors in interest, if any, and all grammatical changes shall be made so that this instrument shall apply equally to businesses, other entities and to individuals.

IN WITNESS WHEREOF, the undersigned beneficiary has executed this instrument on _____; any signature on behalf of a business or other entity is made with the authority of that entity.

Alan Unger, Chair _____

Tammy Baney, Vice Chair _____

Anthony DeBone, Commissioner _____

STATE OF OREGON, County of Deschutes) ss.
This instrument was acknowledged before me on _____
by _____
This instrument was acknowledged before me on _____
by _____
as _____
of _____

Notary Public for Oregon
My commission expires _____

* See ORS 86.705(6) and 86.790 for trustee qualifications.

DC 2016-565

REVIEWED
LEGAL COUNSEL

For Recording Stamp Only

AFTER RECORDING MAIL TO:

Sonnie L. Grossman-Cook
65345 85th Place
Bend, OR 97701

DEED OF RECONVEYANCE

KNOW ALL MEN BY THESE PRESENTS: that the undersigned Trustee under that certain Trust Deed:

Dated: June 12, 2012
Recorded: June 19, 2012
Instrument No.: 2012-23713
Official Records of: Deschutes County
Grantor: Sonnie L. Grossman-Cook
Original Trustee: Mark Pilliod, as Deschutes County Legal Counsel
Successor Trustee: David Doyle, as Deschutes County Legal Counsel
Beneficiary: Deschutes County, Oregon

having received from the beneficiary under said Trust Deed a written request to reconvey said premises, reciting that the obligation secured by said Trust Deed has been fully paid and performed, does hereby grant, bargain, sell and convey, but without any covenant or warranty, express or implied, to the person or persons legally entitled thereto, all of the estate held by the undersigned in and to that described premises by virtue of said Trust Deed.

Dated this _____ of _____, 2016 DESCHUTES COUNTY, OREGON

David Doyle, Deschutes County Legal Counsel

STATE OF OREGON)
) ss.
County of Deschutes)

This instrument was acknowledged before me on _____, 2016 by David Doyle, County Legal Counsel, Deschutes County, Oregon.

Notary Public for Oregon
My Commission Expires: _____

REVIEWED
LEGAL COUNSEL

For Recording Stamp Only

After Recording, Return To:
Sonnie L. Grossman-Cook
65345 85th Place
Bend, OR 97701

After Recording, Forward All Tax Statements To:
Same as above

QUITCLAIM DEED

DESCHUTES COUNTY, OREGON, a political subdivision of the State of Oregon, Grantor, releases and quitclaims to **Sonnie L. Grossman-Cook**, Grantee, all of Grantor's right, title and interest in and to the following described real property:

Lot 16, BEND CASCADE VIEW ESTATES Tract 2, Unit 1, Deschutes County, Oregon.

The purpose of this conveyance is to remove a deed restriction for a Wildland Fire Fuel Treatment Agreement attached as Exhibit "A" to a Bargain and Sale Deed recorded as document 2015-32984 in the Deschutes County Official Records. The true consideration for this conveyance is \$0.00.

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, 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.

Dated this _____ of _____, 2016

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

ALAN UNGER, CHAIR

TAMMY BANEY, VICE CHAIR

ATTEST:

Recording Secretary

ANTHONY DEBONE, COMMISSIONER

STATE OF OREGON)
) ss.
County of Deschutes)

Before me, a Notary Public, personally appeared ALAN UNGER, TAMMY BANEY, and ANTHONY DEBONE, the above-named Board of County Commissioners of Deschutes County, Oregon, and acknowledged the foregoing instrument on behalf of Deschutes County, Oregon.

DATED this _____ day of _____, 2016.

Notary Public for Oregon

My Commission Expires: _____