AGENDA REQUEST & STAFF REPORT
For Board Business Meeting of June 8, 2016

DATE: May 31, 2016

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

TITLE OF AGENDA ITEM:
Consideration of Signature by the Board of Document 2016-2016-344, an Appointment of Successor Trustee, to authorize County Legal Counsel for Signature of Document 2016-343, a Deed of Reconveyance; Consideration of Signature by the Board of Document 2016-342, a Quitclaim Deed for completion of Fire Fuels Treatment agreement.

PUBLIC HEARING ON THIS DATE? No

BACKGROUND AND POLICY IMPLICATIONS:
At public auction March 20, 2008, Eugene A. McNally, was declared the successful bidder for property legally described in that Bargain and Sale Deed recorded in the official records of the Deschutes County Clerk at 2009-26374. Deschutes County offered financing for the transaction and Eugene A. McNally signed a Promissory Note and Trust Deed. On May 24, 2016, the County Finance Department advised us that Eugene A. McNally has paid the balance owing in full as of May 20, 2016.

At the time the original Promissory Note and Trust Deed were signed by Eugene A. McNally, 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 Appointment of Successor Trustee form 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 Quitclaim Deed releases the Fire Fuels Treatment agreement on the Bargain and Sale Deed because the County Forester approved the work as complete.

FISCAL IMPLICATIONS: $52,028.25
Total sale price was $44,000, with a down payment received for $8,800, and balance financed at 4.25% interest. Total interest paid was $7,028.25.

RECOMMENDATION & ACTION REQUESTED:
Staff recommends Board appoint David Doyle, Deschutes County Legal Counsel, as the Successor Trustee, and authorize County Counsel to sign the Deed of Reconveyance as Trustee; staff recommends Board signature of the Quitclaim Deed.

ATTENDANCE: James Lewis

DISTRIBUTION OF DOCUMENTS: Originals to Property Management for property records and distribution to Eugene A. McNally.
AFTER RECORDING MAIL TO:

Eugene A. McNally
30 Tierra Montanosa
Rancho Santa Margarita, CA 92688

DEED OF RECONVEYANCE

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

Dated: June 5, 2009
Recorded: June 5, 2009
Instrument No.: 2009-26374
Official Records of: Deschutes County
Grantor: Eugene A. McNally, an Individual
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: ___________
QUITCLAIM DEED

DESCHUTES COUNTY, OREGON, a political subdivision of the State of Oregon, Grantor, releases and quitclaims to Eugene A. McNally as an Individual, Grantee, all of Grantor's right, title and interest in and to the following described real property:

Lots Eight (8), and Nine (9), Block Ten (10) C.L. & D. Ranch Tract, 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 2009-26374 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 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

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Recording Secretary

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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.

_______________________________ My Commission Expires: ___________
Notary Public for Oregon