



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.

REVIEWED
LEGAL COUNSEL

For Recording Stamp Only

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: _____

