



BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Order for the Sale of Certain Real
Property Acquired by Deschutes County

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ORDER NO. 2016-002

WHEREAS, Deschutes County has acquired title to certain real property, described in Exhibit "A," attached and incorporated by this reference, pursuant to real property tax foreclosure proceedings on file in the Circuit Court of the State of Oregon for Deschutes County and by other means, and

WHEREAS, foreclosure proceedings are completed, and tax deeds in the regular form have been executed by the Deschutes County Tax Collector and recorded in the Deed Records of Deschutes County pursuant to ORS 312.200 with respect to real properties acquired by tax foreclosure, and

WHEREAS, ORS 271.310 and 275.110 authorize the sale by the Board of County Commissioners of the real property acquired through real property tax foreclosure and other means, and

WHEREAS, the real property described in Exhibit "A," attached is not needed for County purposes and, thus, surplus, and

WHEREAS, it is in the best interests of the County to sell the real property described in Exhibit "A", and that the minimum price set forth after the description of each parcel be the minimum price for said sale; now, therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON,
HEREBY ORDERS as follows:

Section 1. That the Deschutes County Sheriff hereby is authorized and directed, pursuant to ORS 275.120, to offer for sale the property described in Exhibit "A", attached hereto and by this reference incorporated herein, to the highest and best bidders, for cash, cashier's check or terms, or combination thereof, as determined by the Board of County Commissioners pursuant to ORS 275.190, but not less than the minimum bid hereby fixed, plus recording fees.

Section 2. That said sale is to be made at the Barnes Hearing Room, 1300 NW Wall Street, Bend, Oregon, beginning at 10:00 a.m. on Friday, May 20, 2016, and remaining open until 2:00 p.m. to allow for bidders to submit the appropriate purchase payment.

Section 3. That on the sale date, Bidders with the provisionally accepted high bid may leave the premises to obtain cash or cashier's checks but must return to the Barnes Hearing Room prior to 2:00 p.m., with no Bidder admittance after 2:00 p.m. allowed.

Section 4. That all sales shall be deemed conditional until such time as the Board of County Commissioners formally accepts or rejects said sale.

Section 5. That, if the Sheriff is unsuccessful in selling any real property listed in Exhibit "A" at said sale, said real property may be sold at private sale pursuant to ORS 275.200.

Section 6. That the Deschutes County Property Manager is authorized to take those actions reasonably calculated to efficiently and successfully conduct the aforementioned land sale, including deviation from or modification of sale procedures, when, in the opinion of the Property Manager, said deviations or modifications are justified and in accordance with all laws.

Section 7. That the Deschutes County Property and Facilities Director or the County Administrator is authorized and ordered to sign the Seller's Disclosure Statements and Sales Agreements for the County owned property to be sold at the May 20, 2016, public auction.

Section 8. That the sample promissory note and trust deed attached as Exhibit "B", attached and incorporated by this reference, shall be the documents authorized for sale of the properties eligible for County financing, as identified in Exhibit "A".

Dated this 9th day of March, 2016

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON



ALAN UNGER, Chair



TAMMY BANEY, Vice Chair

ATTEST:



Recording Secretary



ANTHONY DEBONE, Commissioner

EXHIBIT "A"

NOTICE OF SALE

By virtue of Order No. 2016-002 adopted by the Board of County Commissioners of Deschutes County, Oregon, on March 9, 2016, authorizing the sale of real property under ORS 271.310 and 275.110, notice is hereby given that, on **May 20, 2016**, at 10:00 a.m. in the Barnes Hearing Room, 1300 NW Wall Street, Bend, Oregon, the Sheriff or his designee shall proceed to sell, at public auction to the highest and best bidder, for cash, cashier's check or terms, or combination thereof, the right and title to and interest in of Deschutes County in the real property listed below:

Parcel ID	2016-01
Assessor Account	257545
Assessor Market Value	\$1,254,770.00
Map and Taxlot	151214CD01300
Property Address	No Situs Address, (Eagle Crest) Redmond, OR 97756
Minimum Bid	\$40,000.00
Comments	Common area with parking, landscaping, etc., for benefit of Lots 1 through 5 of Commercial Village at Eagle Crest, Phase 1 only. Subject to CCR's for use, and maintenance agreement.

Parcel ID	2016-02
Assessor Account	130302
Assessor Market Value	\$45,000.00
Map and Taxlot	151330BA01500
Property Address	3251 SW 45 th Street, Redmond, OR 97756
Minimum Bid	\$36,000.00
Comments	Platted, vacant, residential lot within City of Redmond. Adjacent street right of way is not paved. Unsure about the availability of utilities to the lot.

Parcel ID	2016-03
Assessor Account	115525
Assessor Market Value	\$56,540.00
Map and Taxlot	201012A006400
Property Address	17109 Azusa Rd., Bend, OR 97707
Minimum Bid	\$10,400.00
Comments	SOLD AS IS. Platted residential lot (legal lot of record). Unpermitted structure on property – not allowed as a residence. Past code enforcement. Fire fuel reduction will be required. A new septic site evaluation will be required – area of high ground water and septic may not be allowed.

Parcel ID	2016-04
Assessor Account	117319
Assessor Market Value	\$63,430.00
Map and Taxlot	201012D008200
Property Address	17035 Glendale Rd., Bend, OR 97707
Minimum Bid	\$9,600.00

EXHIBIT "A"

Comments SOLD AS IS. Platted residential lot (legal lot of record). Older manufactured home in very poor condition – most likely uninhabitable. In an area of high ground water where septic may not be available. Septic feasibility will be required in order to determine the ability of re-establishing previous septic system. Fire fuel reduction will be required.

Parcel ID 2016-05
Assessor Account 116312
Assessor Market Value \$33,000.00
Map and Taxlot 201013A002100
Property Address 17040 Kingsburg Rd., Bend, OR 97707
Minimum Bid \$8,800.00
Comments Vacant platted residential lot (legal lot of record). In an area of high groundwater – septic may not be available. Fire fuel reduction will be required.

Parcel ID 2016-06
Assessor Account 116419
Assessor Market Value \$33,000.00
Map and Taxlot 201013A014100
Property Address 17059 Merced Rd., Bend, OR 97707
Minimum Bid \$10,000.00
Comments Vacant, platted residential lo (legal lot of record). In an area of high ground water where septic may not be available. Fire fuel reduction will be required.

Parcel ID 2016-07
Assessor Account 116418
Assessor Market Value \$33,000.00
Map and Taxlot 201013A014200
Property Address 17067 Merced Rd., Bend, OR 97707
Minimum Bid \$10,000.00
Comments Vacant platted residential lot. Area of high groundwater and septic denial. Buyer must treat wildfire fuels. Property may not be developable due to inability to place an on-site sanitary wastewater system.

Parcel ID 2016-08
Assessor Account 116430
Assessor Market Value \$33,000.00
Map and Taxlot 201013A015100
Property Address 17060 Merced Rd., Bend, OR 97707
Minimum Bid \$10,000.00
Comments Vacant platted residential lot. Area of high groundwater and septic denial. Buyer must treat wildfire fuels. Property may not be developable due to inability to place an on-site sanitary wastewater system.

Parcel ID 2016-09
Assessor Account 116429

EXHIBIT "A"

Assessor Market Value \$33,000.00
Map and Taxlot 201013A015200
Property Address 17054 Merced Rd., Bend, OR 97707
Minimum Bid \$10,000.00
Comments Vacant platted residential lot. Area of high groundwater and septic denial. Buyer must treat wildfire fuels. Property may not be developable due to inability to place an on-site sanitary wastewater system.

Parcel ID 2016-10
Assessor Account 116588
Assessor Market Value \$33,000.00
Map and Taxlot 201013C007200
Property Address 16963 Torrance Rd., Bend, OR 97707
Minimum Bid \$8,000.00
Comments Vacant platted residential lot. Area of high groundwater and septic denial. Buyer must treat wildfire fuels. Property may not be developable due to inability to place an on-site sanitary wastewater system.

Parcel ID 2016-11
Assessor Account 116596
Assessor Market Value \$33,000.00
Map and Taxlot 201013C008400
Property Address 16972 Upland Rd., Bend, OR 97707
Minimum Bid \$9,600.00
Comments Vacant platted residential lot. Area of high groundwater and septic denial. Buyer must treat wildfire fuels. Property may not be developable due to inability to place an on-site sanitary wastewater system.

Parcel ID 2016-012
Assessor Account 137536
Assessor Market Value \$57,250.00
Map and Taxlot 201025B003400
Property Address 16861 Brenda Dr., Bend, OR 97707
Minimum Bid \$37,600.00
Comments Vacant platted lot (legal lot of record). In area of high groundwater and septic denial. Buyer must treat wildfire fuels. Property may not be developable due to inability to place an on-site sanitary wastewater system. Community sewer may be available from Home Owners Association.

Parcel ID 2016-13
Assessor Account 125500
Assessor Market Value \$33,000.00
Map and Taxlot 201118B015000
Property Address 56299 Bufflehead Ct., Bend, OR 97707
Minimum Bid \$36,000.00

EXHIBIT "A"

Comments Vacant platted lot (legal lot of record). In area of high groundwater and septic denial. Buyer must treat wildfire fuels. Property may not be developable due to inability to place an on-site sanitary wastewater system. Community sewer may be available from Home Owners Association.

Parcel ID 2016-14
Assessor Account 125771
Assessor Market Value \$33,000.00
Map and Taxlot 201118D010000
Property Address 17465 Snow Goose Rd., Bend, OR 97707
Minimum Bid \$28,000.00
Comments Vacant platted lot (legal lot of record). In area of high groundwater and septic denial. Buyer must treat wildfire fuels. Property may not be developable due to inability to place an on-site sanitary wastewater system. Community sewer may be available from Home Owners Association.

Parcel ID 2016-15
Assessor Account 108620
Assessor Market Value \$8,060.00
Map and Taxlot 2015090004300
Property Address No Situs Address – Millican Area
Minimum Bid \$4,000.00
Comments Unsure about legal lot of record status. Property does not abut/front any dedicated road right of way. Unsure if there is legal access.

Parcel ID 2016-16
Assessor Account 126491
Assessor Market Value \$15,510.00
Map and Taxlot 211002B004400
Property Address No Situs Address, Bend, OR 97707
Minimum Bid \$4,000.00
Comments Vacant platted lot (legal lot of record). In area of high groundwater and septic denial. Buyer must treat wildfire fuels. Property may not be developable due to inability to place an on-site sanitary wastewater system.

Parcel ID 2016-17
Assessor Account 126490
Assessor Market Value \$12,920.00
Map and Taxlot 211002B004500
Property Address 54688 Silver Fox Dr., Bend, OR 97739
Minimum Bid \$4,000.00

EXHIBIT "A"

Comments Vacant platted lot (legal lot of record). In area of high groundwater and septic denial. Portions of the property may include jurisdictional wetlands. Buyer will have to treat wildfire fuels on the non-wetland portions of the site. Property may not be developable due to inability to place an on-site sanitary wastewater system.

Parcel ID 2016-18
Assessor Account 114435
Assessor Market Value \$40,255.00
Map and Taxlot 221003B008100
Property Address 16158 Arctic Dr., La Pine, OR 97739
Minimum Bid \$13,600.00
Comments SOLD AS IS. Platted residential lot (legal lot of record). Older home in very poor condition with illegal attached structures – most likely uninhabitable. In an area where standard septic has been permitted – however, an alternative treatment septic system may be required. Fire fuel reduction will be required.

Parcel ID 2016-19
Assessor Account 141978
Assessor Market Value \$39,950.00
Map and Taxlot 221009B004900
Property Address 51906 Kiwa Lane, La Pine, OR 97739
Minimum Bid \$15,200.00
Comments Platted residential lot (legal lot of record). In an area where standard septic has been permitted – however, an alternative septic system may be required. Fire fuel reduction will be required.

Parcel ID 2016-20
Assessor Account 115298
Assessor Market Value \$38,570.00
Map and Taxlot 221016B000414
Property Address 15656 6th St., La Pine, OR 97739
Minimum Bid \$18,400.00
Comments Vacant land. Recognized as a legal lot of record. Had septic feasibility for sand filter approved in 2006 – however, an alternative septic system may now be required. Fire fuel reduction will be required.

Parcel ID 2016-21
Assessor Account 257049
Assessor Market Value \$5,000.00
Map and Taxlot 2210270000099
Property Address No Situs Address, La Pine, OR 97739
Minimum Bid \$1,100.00
Comments Vacant rural land. May not have legal access. Irregular triangular shape, bounded by private property on all sides. Legal lot of record status unconfirmed. Portions of the property may include jurisdictional wetlands.

EXHIBIT "A"

Parcel ID	2016-22
Assessor Account	152289
Assessor Market Value	\$53,960.00
Map and Taxlot	2219000001200
Property Address	No Situs Address – Brothers/Hampton Area (Frederick Butte)
Minimum Bid	\$5,000.00
Comments	Vacant rural land. May not have legal access. Surrounded by USA/BLM. Adjoins lake County boundary on south. Legal lot of record status unconfirmed.

All prospective bidders shall register the day of the sale, or in person with the Deschutes County Property Manager any business day between May 11, 2016 and May 17, 2016 at 14 NW Kearney Avenue, Bend, Oregon, between the hours of 9:00 a.m. and 2:00 p.m.; by fax at (541) 317-3168; or by E-mail to james.lewis@deschutes.org, by providing a completed bidders registration form that includes bidder's legal name, physical address, mailing address and telephone number. Bidders must provide an acceptable picture I.D. on the day of the auction prior to bidding.

Prior to 2:00 p.m. May 20, 2016, the highest bidder will pay the full balance of bidder's provisionally accepted high bid in cash or cashier's check or, for properties on which financing is available per the above list, the following terms: either equal payments over 10 years with a fixed interest rate of 4.5%; or, down payment and second/final payment in 30 days; both with a nonrefundable cash down payment of not less than 20% of the purchase price, secured by a promissory note and trust deed. Copies of the complete contract terms may be found at www.deschutes.org or a copy will be provided at \$.25 per page upon request to the County Property Manager listed above.

On the sale date, Bidders with the provisionally accepted high bid may leave the premises to obtain cash or cashier's checks but must return to the Barnes Hearing Room prior to 2:00 p.m. No admittance after 2:00 p.m. will be allowed.

Cash is defined as all legal U.S. currency. Cashier's checks must be payable to Deschutes County Sheriff's Office. Cashier's checks must be drawn on a financial institution that is authorized to do business under the laws of Oregon or the United States. If any part of the purchase price is paid with a cashier's check the purchaser will be given a receipt in lieu of a certificate of sale until verification from the financial institution that final settlement has been made on the cashier's check. Upon receiving such verification, the purchaser will receive a certificate of sale. If any part of the purchase price is paid through the contract for terms, the purchaser will be given a certificate of sale that includes the terms and will be required to sign a promissory note for which a trust deed will be recorded.

The highest offer for any parcel that is equal to or exceeds the minimum bid price shall be conditionally accepted as of the close of bidding for that parcel. Upon conditional acceptance of an offer at the time of the sale, the sale as to that parcel shall be deemed closed. The Board of County Commissioners may authorize the sale of any real property not sold at this auction to be sold by private sale pursuant to ORS 275.200. Additionally, Deschutes County reserves the right to remove any property from the auction list at or before the auction.

ALL PARCELS ARE SOLD AS IS. Potential bidders should thoroughly investigate all aspects of a property prior to bidding. Deschutes County has not surveyed the aforementioned real properties and makes no representation as to boundaries, encroachments or encumbrances.

EXHIBIT "A"

Deschutes County does not guarantee or warrant that any parcel is buildable, suitable for septic system, has legal access, is vacant or is usable for any particular purpose. The County shall not warrant or defend the fee simple title of real property offered for sale to be free of defects or encumbrances, but will only sell and convey such interest as the County acquired by foreclosure or other means and holds at the time of sale. Furthermore, conveyance is subject to all valid, recorded easements, road right of way dedications and the right of any municipal corporation to purchase such property pursuant to State law and subject to the right of the Board of County Commissioners to reject any and all bids.

SOME PROPERTY WILL BE SOLD SUBJECT TO BUYER AGREEING TO ELIMINATE THE WILDFIRE FUELS.

SOME PROPERTY MAY BE SOLD SUBJECT TO BUYER AGREEING THAT SUCH PROPERTY IS UNDEVELOPABLE DUE TO THE INABILITY FOR AN ON-SITE SANITARY WASTEWATER DISPOSAL SYSTEM TO BE CONSTRUCTED, AND/OR THAT THE SUBJECT PROPERTY IS NOT A LEGAL LOT OF RECORD.

An example of the Fuels Management Agreement is available for review on the Deschutes County website (www.deschutes.org) and at the office of Deschutes County Property Management, 14 NW Kearney Avenue, Bend, Oregon. Packets of tax lot maps may be viewed through the website address above or purchased from the Deschutes County Property Management Department at the above address. ***For information on the land sale auction, contact Deschutes County Property Management at (541) 330-4656.***

The sale location is wheelchair accessible. Materials are available in alternative formats. For the deaf or hard of hearing, an interpreter or assistive listening system will also be provided with 48 hours notice. To arrange for these services, please contact Risk Management at (541) 330-4631.

SHANE NELSON
Deschutes County Sheriff

By _____,
_____, Civil Technician

Published in Bend Bulletin
Date of First and Successive Publications: April 13, April 20, April 27, 2016
Date of Last Publication: May 4, 2016

EXHIBIT "B"

NOTE

REVIEWED

LEGAL COUNSEL

PARTIES:

Promisor: «BUYERFIRSTNAME» «BUYERMIDDLENAME» «BUYERLASTNAME»
«BuyerAddress1»
«BuyerCityStateZip»

Promisee: **DESCHUTES COUNTY**, a political subdivision of the State of Oregon
Finance Department
PO Box 6605
Bend, Oregon 97708-6005

FOR VALUE RECEIVED, Promisor promises to pay Promisee, at Promisee's order, the purchase price, which consists of the principal sum of this note plus the twenty percent (20%) previously paid to Promisee as a down payment, for the real property commonly known as («SitusAddress») and legally described as:

«LegalDescription»

in the principal sum of «AmountFinanced» with interest on the unpaid principal balance from _____, until paid, at the rate of four and one-half per cent (4.5%) per annum. Principal and interest shall be payable to Deschutes County Treasurer, Finance Department, PO Box 6005, Bend, Oregon 97708-6005, or such other place as Promisee may designate, in consecutive monthly installments of _____/100 DOLLARS (\$_____), on the 1st day of each month beginning _____. Such monthly installments shall continue until the entire indebtedness evidenced by this Note is fully paid, except that any remaining indebtedness, if not sooner paid, shall be due and payable on _____. Promisee acknowledges receipt of a down payment in the amount of «DownPayment».

If any monthly installment under this Note is not paid when due and remains unpaid after a date specified by a notice to Promisor, the entire principal amount outstanding and accrued interest thereon shall at once become due and payable at the option of Promisee. The date specified shall not be less than thirty days from the date such notice is mailed. Promisee may exercise this option to accelerate during any default by Promisor regardless of any prior forbearance.

Promisor shall pay to Promisee a late charge of five per cent (5%) of any monthly installment not received by Promisee within ten (10) days after the installment is due. Such late charge shall be paid on demand and Promisee may add such late charge to the principal balance of the Note.

Promisor may prepay the principal amount outstanding in whole or in part. Promisee may require that any partial prepayments (i) be made on the date monthly installments are due and (ii) be in the amount of that part of one or more monthly installments which would be applicable to principal. Any partial prepayment shall be applied against the principal amount outstanding and shall not postpone the due date of any subsequent monthly installments or change the amount of such installments, unless Promisee shall otherwise agree in writing.

EXHIBIT "B"

All persons liable either now or hereafter for payment of this Note severally waive presentment, demand for payment and notice of nonpayment. This Note shall be the joint and several obligation of all persons liable for payment of this Note, and shall be binding upon them and their successors and assigns.

Any notice to Promisor provided for in this Note shall be given by mailing such notice by certified mail addressed to Promisor at the address set forth under Promisor's name, or to such other address as Promisor may designate by notice to Promisee. Any notice to Promisee shall be given by mailing such notice by certified mail, return receipt requested, to Promisee at the address set forth under Promisee's name, or at such other address as may have been designated by notice to Promisor.

This obligation is secured by a real estate Trust Deed, Deschutes County Document _____, with power of sale, of even date herewith, and is subject to all of the terms and conditions of such Trust Deed.

If this Note is placed in the hands of an attorney, Promisor agrees to pay the reasonable fee and expenses of such attorney even though no suit or action is instituted or no sale of the property has been directed under the terms of the real estate Trust Deed securing this obligation. Such fees, expenses and costs may, at Promisee's option, be added to the principal balance of this Note.

Failure to exercise any option to declare default or accelerate the balance due hereon shall not constitute a waiver of the right to exercise the same in the event of any subsequent default. Modification of the terms of payment of this Note made at the request of any person liable thereof shall not impair such person's liability or the liability of any other person now or hereafter liable for the payment hereof.

In the event that a building permit or a manufactured home placement permit is issued on the premises identified in the Trust Deed, this Note immediately becomes due and payable.

Promisor acknowledges that based upon Promisor's own inspection and investigation, Promisor is satisfied that the premises identified in the Trust Deed do not now contain any amounts of hazardous, toxic, radioactive or other substances for which a property owner or operator may be liable under state or federal environmental pollution or health and safety laws.

Accordingly, Promisor agrees that, as between Promisee and Promisor, Promisor will assume responsibility and liability and shall indemnify Promisee for any release or discharge of hazardous, toxic, radioactive or other dangerous substances regulated under state or federal pollution control laws found hereafter on, in or about the premises identified in the Trust Deed.

NOTICE TO THE PROMISOR

DO NOT SIGN THIS NOTE BEFORE YOU READ IT. THIS NOTE AUTHORIZES THE PROMISEE TO REFUSE TO ACCEPT PARTIAL PREPAYMENTS WHICH ARE NOT TENDERED ON THE DATE MONTHLY INSTALLMENTS ARE DUE AND WHICH ARE NOT IN THE AMOUNT OF THAT PART OF ONE OR MORE INSTALLMENTS WHICH WOULD BE APPLICABLE TO PRINCIPAL. CAUTION: READ BEFORE SIGNING.

EXHIBIT "B"

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.

PROMISOR:

Date: _____

PROMISEE:

DATED this _____ day of _____, 2016

**BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON**

ALAN UNGER, Chair

ATTEST:

TAMMY BANEY, Vice Chair

Recording Secretary

ANTHONY DEBONE, Commissioner