

W. G. B. I.

## AGENDA COVER MEMORANDUM

**Agenda Date: December 1, 2004**

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**DATE:** November 16, 2004

**TO:** Board of County Commissioners

**DEPARTMENT:** Management Services

**PRESENTED BY:** Jeff Turk, Property Management Officer 2

**SUBJECT:** ORDER/IN THE MATTER OF AUTHORIZING THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO MARY EVA HUGHES, FORMER OWNER OF RECORD (MAP #17-04-17-43-01200, 2145 MINNESOTA, EUGENE)

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1. **PROPOSED MOTION:** THE BOARD OF COUNTY COMMISSIONERS MOVES TO AUTHORIZE THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO MARY EVA HUGHES, FORMER OWNER OF RECORD (MAP #17-04-17-43-01200, 2145 MINNESOTA, EUGENE)
2. **ISSUE/PROBLEM:** Ms. Hughes is the former owner of record of the subject property. The subject property was acquired through tax foreclosure and Ms. Hughes wishes to repurchase the property pursuant to ORS 275.180. The proposed purchase price is \$11,835.00 which includes all delinquent taxes, including those which would have been due for the current year, interest and penalties that were owed on the property at the time the County acquired title plus an additional 10% thereon.
3. **DISCUSSION:**

3.1 Background

The County acquired title to the subject property in September 2004. The subject is a 100' x 182' lot improved with an 860 sq. ft. house built in 1947 that is in fair condition. It has a market value per the Assessor of \$83,000. The property was the residence of Ms. Hughes

at the time of foreclosure as noted in a letter submitted by her. Ms. Hughes has also remitted a 20% deposit of the purchase price in the form of a cashier's check.

### 3.2 Analysis

ORS 275.180 provides for selling foreclosed property back to the owner of record at any time but for not less than the amount of taxes, interest and penalties owing on the property at the time the County acquired title plus 6% interest thereon until the time the property is sold. Lane Manual 21.425(4) qualifies ORS 275.180 by requiring one of three conditions to exist for a sale to the former owner of record. Those conditions are that: (a) the property was the residence of the former owner at the time of the foreclosure; (b) an error was made by the Assessor in placing the property on the foreclosure list; (c) the former owner was physically or mentally incapacitated during the foreclosure period. As the subject property was the residence of Ms. Hughes she would qualify for a sale back to her per Lane Manual.

The county is not obligated to sell the property back to the former owner nor is it required to sell it for the minimum amount required by statute - the Board can sell it for any price it deems appropriate.

The proposed sales price includes taxes that would have been due for the current year had the property remained on the roll (\$1,200) plus an additional 10% of the entire delinquent amount. These items are not required by statute. Including them in the sales price ensures that the taxing districts receive the full amount owed to them and that the county's expenses for processing the sale are reimbursed.

### 3.3 Alternatives/Options

1. Sell the property to Ms. Hughes for the minimum amount pursuant to ORS. 275.180 plus taxes which would have been owed for the current year plus 10% thereon for a total of \$11,835.
2. Sell the property for an amount greater than #1 above.
3. Reject selling the property back to the former owners and offer the property at a Sheriff's sale which would yield greater consideration.

### 3.4 Recommendation

It is recommended that alternative #1 be implemented. This is consistent with past Board actions in similar circumstances.

### 3.5 Timing

None.

4. **IMPLEMENTATION/FOLLOW-UP:** Upon approval by the Board of County Commissioners, the Quitclaim Deed will be executed and the property sold.
5. **ATTACHMENTS:**
  - Board Order
  - Quitclaim Deed
  - Plat Map



# QUITCLAIM DEED

**LANE COUNTY**, a political subdivision of the State of Oregon, pursuant to Order No. \_\_\_\_\_ of the Board of County Commissioners of Lane County, releases and quitclaims to:

## Mary Eva Hughes

all its right, title and interest in that real property situated in Lane County, State of Oregon, described as:

*Lot 12, ALFRED'S PLAT, as platted and recorded in Book 13, Page 13, Lane County Plat Records, Lane County, Oregon (map # 17-04-17-43-01200)*

**THIS INSTRUMENT WILL 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 APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS. 30.930.**

**The true and actual consideration for this transfer is \$11,835.00**

**LANE COUNTY BOARD OF COMMISSIONERS**

**STATE OF OREGON            )**  
                                       ) **ss**  
**COUNTY OF LANE          )**

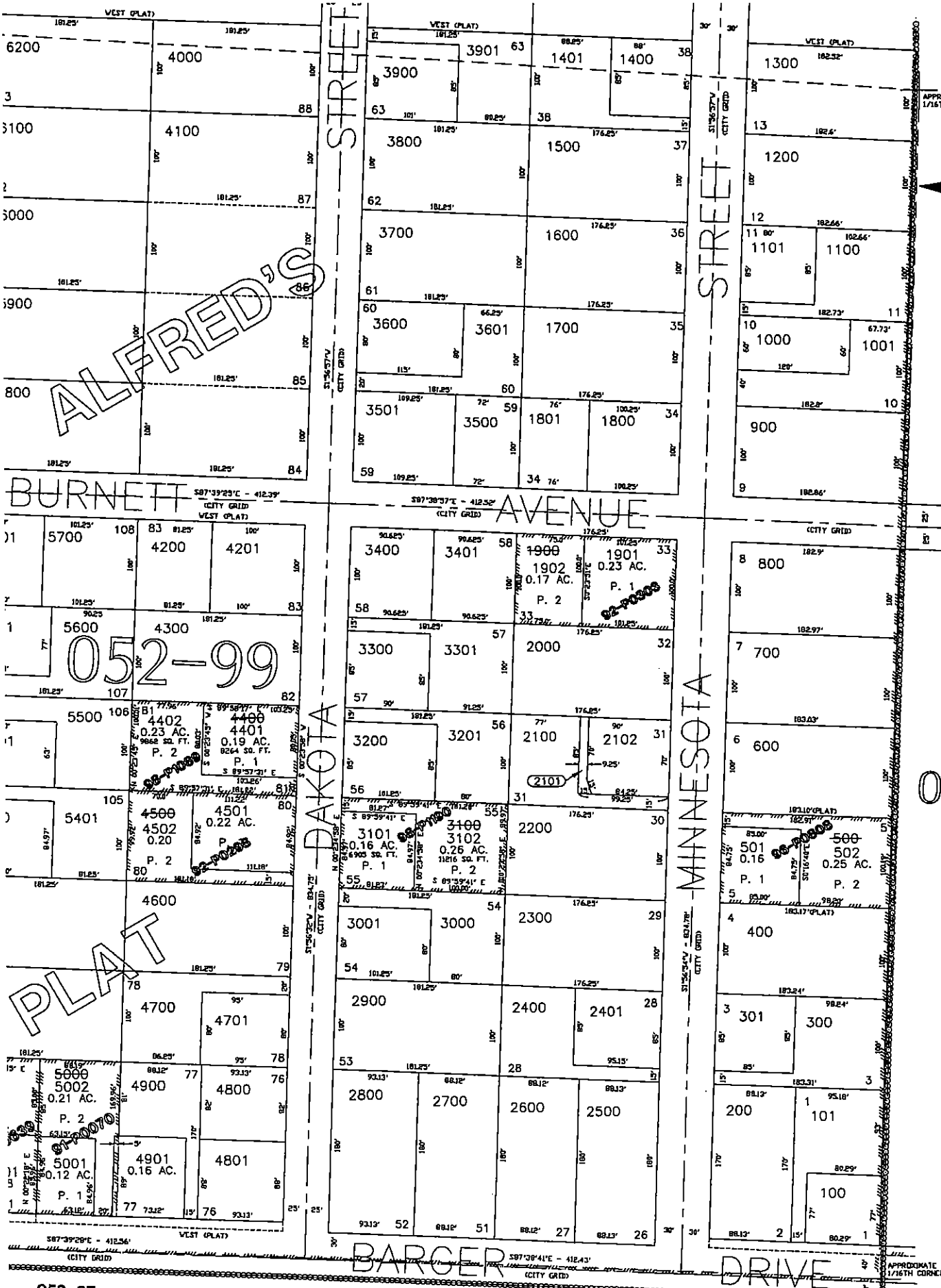
On \_\_\_\_\_, 2004 personally appeared \_\_\_\_\_,

\_\_\_\_\_, County Commissioners for Lane County, and acknowledged the foregoing instrument to be their voluntary act. Before me:

Notary Public for Oregon

My Commission Expires \_\_\_\_\_

After recording, return to/taxes to:  
Mary Eva Hughes  
2145 Minnesota St.  
Eugene, OR 97402



**◀SUBJECT▶**

052-12

17 04  
EUGENE

052-27

SEE MAP 17 04 20

052-12