

REQUEST FOR BOARD ACTION

HENDERSON COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: 3 October 2005

SUBJECT: Sale of tax-foreclosed property, Rocky Gorge subdivision

ATTACHMENT(S):

- 1) Excerpt from Board minutes of 6 June 2005
- 2) Listing of bids received and description of real property
- 3) Proposed quitclaim deed

SUMMARY OF REQUEST:

On 6 June 2005, this Board preliminarily accepted a bid to purchase certain tax-foreclosed lots located in Rocky Gorge subdivision for the sum of \$15,000.00. A copy of an excerpt from this Board's minutes of 6 June 2005 is attached.

The upset bid procedure for this property is now complete. A total of nine upset bids on this property were actually received. The last and highest upset bid for this property is for a total purchase price of \$60,000.00. The final bidder was J. Yorke Pharr, III.

Proposed below is a final acceptance of the (final) offer, and authorization to close the transaction upon payment in full.

COUNTY MANAGER RECOMMENDATION/BOARD ACTION REQUESTED:

The County manager supports this proposal.

SUGGESTED MOTION, if the Board is so inclined:

I move that the Board give final acceptance to the offer of J. Yorke Pharr, III, to purchase real property, upon payment in full of the offer price of \$60,000.00, and further, that the Chairman of the Board of Commissioners, County Manager and County Attorney take such steps, including the execution by the Chairman of the proposed quitclaim deed (attached to this agenda item), as necessary to close such transaction.

Excerpt from the Minutes of the Henderson County Board of Commissioners meeting of 6 June 2005:

CONSENT AGENDA

Commissioner McGrady made the motion to adopt the Consent Agenda. All voted in favor and the motion carried.

The Consent Agenda items were: . . .

Mullinax offer to purchase lots, Rocky Gorge Lodge Subdivision

Lloyd A. Mullinax and Mary G. Mullinax (together, "Mullinax") had made an offer to purchase certain parcels of real estate from Henderson County for the total price of \$15,000.00. Mullinax had deposited with the County as required by the General Statutes the sum of \$750.00, plus an additional \$120.00 to cover the cost of publication of his offer (if acceptance is proposed by the Board). This is the identical property which was the subject of a similar offer (for a lesser amount) made by Mullinax in 2003.

The real estate was the subject of a tax foreclosure in 1937. As was pointed out regarding the prior offer to the Board, and as Mullinax noted in this offer: "*...there may have been procedural irregularities in the foreclosure and subsequent sale of said properties...*"

Staff proposed the following motion: I move that the Board propose to accept the offer of Lloyd A. Mullinax and Mary G. Mullinax in the Board's agenda packet, subject to an upset bid. The Clerk is directed to cause legal notice thereof to be published one (1) time in the Times-News Hendersonville, N.C. In the event that an increased bid is filed, the Clerk is directed to re-advertise as required by law, and to repeat this procedure until ten (10) days have elapsed from the date of last publication without a qualifying upset bid having been received.

Bidding for the property proceeded as follows:

Rocky Gorge Property Bidding		
Date	Bidder	Amount
5/20/2005	Mullinax	\$ 15,000.00
6/21/2005	Teel	\$ 16,000.00
6/28/2005	Mullinax	\$ 16,850.00
7/11/2005	Pharr	\$ 20,000.00
7/20/2005	Mullinax	\$ 25,000.00
8/1/2005	Pharr	\$ 30,000.00
8/9/2005	Mullinax	\$ 35,000.00
8/18/2005	Pharr	\$ 40,000.00
8/23/2005	Mullinax	\$ 45,000.00
9/1/2005	Pharr	\$ 60,000.00

The real property is described as follows:

This instrument was prepared by:
Charles Russell Burrell, County Attorney for Henderson County

Return to: J. Yorke Pharr, III
58 Oak Creek Lane
Hendersonville, NC 28739



STATE OF NORTH CAROLINA

QUITCLAIM DEED

COUNTY OF HENDERSON

THIS DEED is made on the _____ day of October, 2005, by Henderson County, a political subdivision of the State of North Carolina, as "Grantor," having offices located at 100 North King Street, Hendersonville, North Carolina, 28792, and J. Yorke Pharr, III, as "Grantee", whose address is noted above;

WITNESSETH:

WHEREAS, Henderson County has accepted a bid to certain real property described herein from the Grantee, in the amount of \$60,000.00, after completing a process of upset bids for the sale of said real property;

WHEREAS, Henderson County had received title to the property conveyed to the Grantee's predecessor in title by means of a tax foreclosure sale, which conveyed the property by the same description to Henderson County; and

WHEREAS, the tax foreclosure and sale on the said property may have included certain procedural defects, which are waived by the Grantee.

NOW, THEREFORE, Grantor hereby does does remise, release and forever quitclaim unto the Grantee and its successors and assigns all right, title, claim and interest, if any, of the Grantor in and to all of that certain lot or parcel of land lying and being in the County of Henderson, and State of North Carolina, and more particularly described as follows:

BEING in Green River Township, formerly owned by Wilmont Smith and wife Fannie II. Smith, and described as the following lots located in Rocky Gorge Lodge Subdivision (recorded in Plat Book I. Page 151 of the Henderson County Registry): Block I, Lots 1, 2, 3, 4, 5, 6 and 7; Block 2, Lots 1, 2, 3, 4, 5, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22; Block 3, Lots 5, 24, 25, 26 and 27; Block 5, Lots 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15; Block 6, Lots 1, 2, 3, 4, 5, 6, 7 and 12; Block 9, Lots 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32.; Block 14, Lots 1, 2, 3, 4, 5, 6, 7 and 8; Block 15, Lots 7, 8, 9, 10, 11, 12, 13, 38, 44, 45, 46, 47, 48, 49, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 72, 73, 74 and 75.

THIS CONVEYANCE IS SUBJECT TO all matters of record.

TO HAVE AND TO HOLD the Tract together with all privileges, hereditaments and appurtenances thereunto belonging to it the said Grantee. The Grantor makes no warranty, express or implied, as to title to the property hereinabove described.

IN TESTIMONY WHEREOF, the said Grantor has caused this deed to be signed by the Chairman of the Henderson County Board of Commissioners and attested by the Clerk to the Board and sealed with its corporate seal, on the date first above written.

HENDERSON COUNTY



By: _____
William Moyer
Chairman of Board of Commissioners

ATTESTED BY:

[OFFICIAL SEAL]

Elizabeth W. Corn, Clerk to the Board

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

I, _____, Notary Public for said County and State, certify that Elizabeth W. Corn personally came before me this day and acknowledged that she is the Clerk to the Board of Commissioners of Henderson County, North Carolina, a body politic and corporate, and that by authority duly given and as the act of the corporation the foregoing instrument was signed in its name by its Chairman of the Board of Commissioners, sealed with its corporate seal, and attested by herself as its Clerk.

WITNESS my hand and official seal, this the ____ day of _____, 2005.

Notary Public

My Commission Expires: _____

[NOTARIAL SEAL]