

# REQUEST FOR BOARD ACTION

## HENDERSON COUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** 3 February 2014

**SUBJECT:** Offer to purchase tax-foreclosed property

**ATTACHMENT(S):** Offer to purchase tax foreclosed property; supporting documents

**PRESENTER:** Charles Russell Burrell

### SUMMARY OF REQUEST:

Donald K. Henderson has revised his initially rejected offer to purchase a parcel of real estate which was subject to a tax foreclosure by the County.

The property is described as 22 Rice Road, in Fletcher, Henderson County, with parcel identification number 9926669 (PIN 9653845717), with a tax value of \$16,900.00. The offered price is the sum of Two Thousand Dollars (\$2,000.00), plus the buyer will within thirty (30) days of closing demolish and remove all existing structures on the premises, and abandon and close the existing open well under the supervision of the Department of Public Health within thirty (30) days.

It is believed that this lot was originally foreclosed by the County in 1970. No taxes have been received on the property since that time.

If the Board agrees to provisionally accept this offer, it would be subject to advertisement in *The Hendersonville Tribune* and ten-day period for upset bids pursuant to your policy. Although not required, as a courtesy it is the custom of the County to also give regular mail notice to adjoining property owners.

County staff will be present and prepared if requested to give further information on this matter.

### PROPOSED BOARD ACTION:

If the Board is so inclined, the following motion is suggested:

***I move that the Board provisionally accept the offer of Donald K. Henderson to purchase the parcel described in this agenda item, subject to the procedures required by this Board for tax foreclosure sales and subject to the condition stated in this agenda item.***

NORTH CAROLINA  
COUNTY OF HENDERSON

INITIAL OFFER TO PURCHASE  
TAX FORECLOSED PROPERTY

THE REAL PROPERTY DESCRIBED in Attachment A (hereafter, "the real property"), having been foreclosed and bid in by Henderson County for nonpayment of *ad valorem* real property taxes, the undersigned hereby offers(s) to purchase the real property from the County for the sum of Two thousand + 00/100\* Dollars (\$2,000) cash, plus the cost of any advertisement caused as a result of this offer, plus the execution of a Release releasing Henderson County, its officers, employees, insurers, and assigns from any liability associated with the tax collection process, the advertisement and/or sale of tax lien or tax certificate process, the foreclosure process, and the sale processes associated with the below described property, both the cash and signing of the release being in consideration of the purchase of the real property.

IT IS UNDERSTOOD AND AGREED that the County must advertise the real property for upset bid (pursuant to N.C. Gen. Stat. §160A-269), and that any quitclaim deed to the purchaser will convey only such interest, if any, as the County may have in the real property by virtue of unpaid taxes and the foreclosure for non-payment thereof, and there will be no refund of the purchase price in the event of a failure of title. The undersigned is/are aware that there may have been procedural irregularities in the foreclosure and subsequent sale of said real property, and are aware that Henderson County has advised me to obtain legal counsel to perform a title search for the said property. The undersigned further understand(s) that there may be other irregularities not yet discovered and agree to accept the property (if this offer is approved by the Henderson County Board of Commissioners) subject to such irregularities, whether known or unknown.

The undersigned understand(s) that the Board of Commissioners may reject this Offer to Purchase at any time, even after a proposed acceptance and advertisement for upset bids.

The real property is described on Attachment A hereto, which is incorporated herein by reference. And the real property includes property foreclosed in the name of Henderson County described in such foreclosure as 22 Rice Rd. Lot # SR1628, Parcel #99266889, PIN:#9653845717

If the Board of Commissioners offers proposed acceptance of this Offer to Purchase, the undersigned will deposit with the Clerk to the Board of Commissioners a bid deposit in the amount of one hundred fifty Dollars (\$150.00), said bid deposit being five percent (5%) of the cash price portion of the consideration of the purchase or \$500.00, whichever is greater. The undersigned will also pay to the Clerk the sum of Two Hundred Dollars (\$200.00) as an advance to defray the cost of advertising this Offer to Purchase for upset bids in a newspaper of general circulation in Henderson County, with actual cost to be debited or credited after publication.

This the 17 day of February, 2014.

Donald Henderson (Seal)  
Signature

Print Name: Donald Henderson

\_\_\_\_\_  
(Seal)

Signature

Print Name: \_\_\_\_\_:

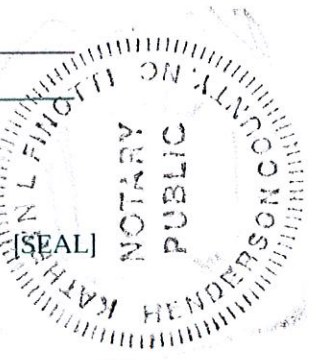
Address: \_\_\_\_\_

\*See attachment "B"

Sworn to and subscribed before me this the 17th day of February, 2014.

Kathryn J. Finotti  
Notary Public

My Commission Expires: 3-23-18



## ATTACHMENT "B"

### INITIAL OFFER TO PURCHASE TAX FORECLOSED PROPERTY

It is agreed upon by both parties that if the offer to purchase is accepted the buyer will, at his own expense, (1)demolish and clean-up the existing structures on said property and (2) abandon/close-up the existing open well under the supervision and approval of the Henderson County Health Department. It is also agreed that all work will be completed within thirty (30) days after purchase and is subject to inspection by Henderson County to insure compliance of same.

Donald K. Henderson (Seal)

Signature

Print Name: Donald K. Henderson

Address:

30 Rice Road  
Fletcher, N.C. 28732

Sworn to me and subscribed before me this the 2 day of January;  
2014.

Kathryn J. Fioth My Commission Expires: 3-23-18 (Seal)  
Notary Public

